VIBRANT

22.2025

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Black Brazilian Anthropology

Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

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Editorial policy: inclusion, equity, and open science

Política editorial: inclusão, equidade e ciência aberta

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This number of *Vibrant* that is now in your virtual hands is the result of the first year's work of our new editorial team, which began their labors in January 2025. During this period, in which we established new routines and perspectives for our journal, we have been made ever-more aware of the challenges of our time and increasingly confident of *Vibrant's* place in both the contemporary academic and political landscape.

Our Editorial Board has followed the scientific policy adopted by the previous administration, reinforcing and expanding our commitment to inclusion and the promotion of diversity in accordance with the principles of IDEIA (Impact, Diversity, Equity, Inclusion and Accessibility) espoused by the SciELO Platform. This has been - and continues to be - a collective and continuous effort to transform into editorial practice the fundamental values of anthropology and of the Brazilian Anthropological Association (ABA), of which *Vibrant* is a

e00100
https://doi.org/10.1590/1809-4341.2025v22e00100

constitutive voice. As is well known, this commitment it is part of the *ethos* of anthropology at large and of Brazilian anthropology in particular. However, as every Brazilian anthropologist is well aware, these principles do not automatically translate into anthropological *practices*, particularly in scientific publications.

This question was forcefully raised in 2020 by the *#ShutDownAcademia* movement, also known as *#ShutDownSTEM* and/or *#Strike4BlackLives*. The movement coalesced as part of the political actions following the murder of George Floyd in Minnesota in May of that year and had concrete demands upon the academic publishing sector. It was proposed that all scientific publications be interrupted for a day to reflect on and plan anti-racist action in this arena. The journal *Nature* published a forceful editorial on the subject (Moutinho, 2021).

Following this path and this commitment, we have sought to broaden the participation of historically underrepresented groups in science (women, Black people, Indigenous peoples, LGBTQIAP+ populations, researchers from the Global South). We have also worked to strengthen our editorial policy of equity, inclusion, diversity, and accessibility.

In 2025, then, we created and implemented a robust science outreach project, which will begin in January 2026, ensuring wider public circulation and accessible language, in line with the work previously carried out by *Vibrant* 's science communication co-editorial team. To promote such a policy, we need to address demands generated by open calls, securing funding from public agencies and scientific foundations whose programs support science communication, accessibility, and editorial innovation, while ensuring that our initiatives remain aligned with broader public debates on science, equity, and democratic access to knowledge.

In the current issue, we publish a collection of texts with significant potential social, scientific, and political impact, reinforcing the relevance of contemporary anthropology in interpreting a world undergoing profound reconfiguration.

This dossier showcasing *Black Brazilian Anthropology* aims to strengthen the visibility and international circulation of young Black Brazilian anthropologists. The project, conceived by *Vibrant's* previous Editorial Committee (2017-2024), focuses on addressing the significant barriers faced by Black and Indigenous populations in securing resources, particularly those related to scientific dissemination and the publication of research by doctoral students and recent PhD graduates.

Our initiative, funded by the Wenner-Gren Foundation through a Global Initiative Grant, seeks to address a historical inequality: the scarcity and asymmetrical distribution of funding for the translation into English and international circulation of articles written by Black and Indigenous researchers. When available, such resources tend to be concentrated in certain academic centers and primarily benefit already established scholars, thereby exacerbating regional and racial disparities in the anthropological field.

The current dossier aims to contribute to a structural transformation in access to the global circulation of knowledge produced in Brazil, broadening recognition of the critical and innovative contributions of young Black and Indigenous researchers (the latter to be published

in 2026) to the theoretical, methodological, and political renewal of contemporary anthropology (Cruz, 2017; Dias, 2021; Pinho, 2019). At the same time, we seek to foster networks of transnational dialogue, connecting researchers from the Global South and strengthening editorial practices committed to diversity, equity, and inclusion in science.

The *Black Brazilian Anthropology* dossier, produced by *Vibrant* editors Vinícius Venancio and Andréa Lobo, contains ten contributions (including a photoethnographic essay for our Audiovisuals section) and an introduction. The themes addressed are as varied as the plurality of positions of the Black Brazilian anthropologists. Topics encompass issues such as police violence in large Brazilian cities; religious issues that include both Black Catholic movements and Afro-Brazilian religions; perspectives on experiences with the death of interlocutors in the field; focuses on artistic practices such as *Makua* dance in Mozambique and Rio de Janeiro funk and the epistemological contribution of capoeira. It concludes with a section of productions examining environmental transformations from the perspective of the Anthropocene.

Following the same policy of inclusion and international distribution, this issue of *Vibrant* also contains texts from the dossier *Anthropological Reports: Theoretical-methodological, ethical and power issues in Latin America today,* organized by Alexandra Barbosa da Silva (UFPB), Eliane Cantarino O'Dwyer (UFF), Luís Ajeandro Pérez Ortiz (UNAM) and Sebastián Valverde (UBA). The dossier, which represents the *Global Anthropological Dialogues* section incorporated into *Vibrant* over the last decade in order to diversify the dialogues presented in the journal, is composed of 15 articles focusing on Latin American countries such as Brazil, Argentina, and Mexico.

Anthropological reports - whether intended for public administration, the defense of rights in civil matters, or used as evidence in legal proceedings - are increasingly recognized as legitimate scientific contributions in the field of anthropology. This process stems from recent constitutional frameworks recognizing of ethnic and cultural diversity as a structuring principle of nation-states, which have an obligation to protect it. In this context, anthropological work has increasingly been demanded as a form of mediation through expert knowledge, helping guarantee the territorial, cultural, and socio-political rights of indigenous peoples, quilombola communities, and other historically vulnerable groups.

Our dossier also aligns directly with the IDEIA agenda by promoting underrepresented voices and knowledge, emphasizing socially engaged anthropological practices, and making accessible, through wider circulation, a field of knowledge crucial to confronting structural inequalities in Latin America. The originality of our proposal lies precisely in recognizing expert reports as instruments of political dispute, whose effects reverberate on ways of life, territories, and processes of self-determination, while also challenging the role of the anthropologist and the ethical and methodological limits of the discipline, following years of attempts to criminalize our scientific practice in the production of these reports (Dalla Costa, 2023).

More than simply cataloging experiences, this dossier seeks to systematize a field that is still poorly documented (Leite, 2005; Oliveira, Mura and Silva, 2015), offering a compara-

tive perspective involving multiple Latin American countries. We hope that the contributions gathered in this issue be able to highlight the heterogeneity of situations in this region, ranging from from different stages of institutionalization of expert reports to the distinct ways in which anthropologists act in relation to the State, economic and judicial pressures.

As we delve deeper into these dimensions of our anthropological practices and publications, we hope that this collection of texts will become established as a fundamental reference for both academic advancement and the construction of more democratic, equitable, and accessible practices in legal and public anthropology, contributing to the consolidation of an open science committed to social impact and epistemic justice.

In terms of social impact, it is worth highlighting the final texts of the dossier -- *Neo-extractivism, climate crisis, and disasters: Perspectives from Argentina, Brazil and Chile* -- which demonstrate how extractive projects reorganize territories, deepen inequalities and generate persistent social conflicts. By following the experiences of affected communities, these contributions highlight the political responses and forms of resistance emerging "from below." Together, the articles contribute to a critical understanding of the contemporary frontiers of mining, socio-environmental crisis, and agribusiness in the Global South, linking environment, gender and social justice in a holistic perspective.

Vibrant is publishing a substantial set of articles addressing diverse and timely themes: the intellectual history of anthropology in Brazil; collective strategies developed by residents of Cidade de Deus to cope with violence; reflections on the creation of collaborative spaces for ayahuasca care; among other contributions highly relevant to contemporary debates.

Vibrant's publication standard, with all texts published in English, Spanish, or French, has been expanding significantly since 2021, representing the journal's longstanding commitment to the internationalization of Portuguese-language anthropology within the Brazilian Anthropology Association.

Translated by Thaddeus Blanchette

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ARTICLE

Debt, Power, and Time: The Case of a Brazilian Debt Fair

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Abstract

Far from being linear and regular, the time of debt is characterized by the alternating sequences and contrasting rhythms of repayment. This is examined in this article, which analyses the concept of "government through debt" (Lazzarato, 2012) based on an ethnography of the debt fairs organized in many Brazilian cities. These events bring together debt collectors from banks, credit institutions, large service companies (electricity, telephone, water, etc.), and their debtor customers. The article analyses the debt negotiations that take place in the booth of a major consumer credit institution during one of these events. It shows that, although their debts are not cancelled by their creditors, debtors manage to obtain a temporary respite and further time to pay.

Keywords: Credit; over-indebtedness; time; debt fair.

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e00500
https://doi.org/10.1590/1809-4341.2025v22e00500

Dívida, Poder e Tempo: o caso de um *feirão* brasileiro da dívida

Resumo:

Longe de ser linear e regular, o tempo da dívida é caracterizado por sequências alternadas e ritmos de pagamento contrastantes. Este artigo analisa o conceito de "governo por dívida" (Lazzarato, 2012) com base em uma etnografia do feirão de dívidas organizadas em várias cidades do território nacional. Esses eventos reúnem agentes de cobrança dos bancos, das financeiras e grandes empresas de serviços (eletricidade, telefone, água, etc.) e seus clientes devedores. A etnografia foca nas negociações de dívidas que ocorrem no estande de uma financeira durante o feirão de Vitória (Espírito Santo). Ele mostra que, embora os devedores não consigam cancelar suas dívidas, eles conseguem obter de seus credores um suspiro e um prazo maior para pagar.

Palavras-chave: Crédito; superendividamento; tempo; feirão das dívidas.

Debt, Power, and Time: The Case of a Brazilian Debt Fair

Timo Narring; Hélène Ducourant

The philosopher Maurizio Lazzarato has argued that debt -- whether social, public or private -- is a mechanism of power that governs human societies and individuals (Lazzarato 2011). Financial arrangements create situations where debtors' futures are "disposed of in advance" and "any possibility of choice and decision that the future may hold is subordinate to the reproduction of capitalist power relations" (Lazzarato 2011: 39). The domination thus produced is made possible by the dismantling of the social state. Since the early 1980s, the weakening of the welfare state has led to the gradual disappearance of the social rights-endowed citizen and the rise of *homo oeconomicus*, an "entrepreneur of himself, being his own capital, his own producer, the only source of [his] earnings' (Foucault et al. [2004] 2008: 226]). Lazzarato maintains that this figure has now been rendered obsolete by a succession of financial crises and the amplification of austerity policies: since the late 1990s, *homo oeconomius* has been giving way to *homo debitor.* The latter is an ideal type describing an individual who bears costs and risks that were previously collectively borne. This individual has to contract debt with banks, work to repay said debts, and also pay the taxes needed to pay the public debt. Lazzarato sees debt as permeating all social relations, arguing that it does so because it is based on the internalization of principles of responsibility and guilt that enable promises of payment to be kept. The author's perspective sheds light on relations of domination by combining the analysis of the pre-emption of time with that of the reconfiguration of subjectivities. It is thus part of a critical approach to debt, the leading figure of which is the anthropologist David Graeber, author of *Debt: The First 5,000 Years* (Graeber 2012). Lazzarato's political philosophy and the long-term history proposed by Graeber share a common goal: denouncing the violence of debt and creditors. Graeber argues that debts are inherently violent. His analysis shows that, throughout the long history of financial exploitation, "debt jubilees" have punctuated human history. During these rare occasions, debts are written off, allowing sovereigns to re-legitimize their power and reduce the risk of popular insurrection. Lazzarato's approach does not allow for this.

Lazzarato's book has been celebrated in academia. Many researchers have tested the empirical scope of the concept of "government through debt". Based on an ethnography of Palestinian families, Christopher Harker shows that "the debt economy is characterized by

a growing exploitation of subjectivity – both extensively, in that it covers all sectors of society, and intensively, in that it encompasses the relationship to the self" (Harker, 2020: 99). Isabelle Guérin describes how, in southern India, women's "debt work" involves the issues of pre-emption of time and subjectivity analysed by Lazzarato (Guérin, Santosh Kumar, and Venkatasubramanian 2023). Mental arithmetic, budget juggling, the need for continuous planning, intense relational activity, and work activities are all time-consuming and subjectively exhausting. While these researchers apply Lazzarato's concepts, they also draw on their own ethnographies to criticize the overarching nature of his theory and its universalist ambition.

There are three main critiques they put forward. The first relates to the Eurocentric focus of Lazzarato's theory, based on an analysis of the attacks on the social state in western Europe. Alberto Toscano (2007) points out that many countries, particularly in the global South, have not had strong welfare states, yet have also experienced public problems stemming from massive family indebtedness. This is the case of Brazil, where "government through debt" emerged not from the State's withdrawal, but from the amplification of social policies and their interconnectedness with credit policies, as Lena Lavinas' (2017) analysis has shown. An example of this is consigned credit where repayments through direct withdrawals by the State or social security service from pensions or social welfare benefits are a sure source of profit for banks (Lavinas, 2018).

The second critique is that Lazzarato's conceptual framework does not allow one to consider the gendered dimension of debt management, which is nonetheless very important. Debt is inextricably linked to patriarchal and sexual norms which, depending on the context, period, and social group, tend to shift the burden onto women. This is either because of the deployment of gendered ideologies relating to solvency (women are said to be more docile and inclined to pay debts (Schuster 2014; Saiag 2020), or because women are responsible for managing family budgets (Guérin, Kumar, and Venkatasubramanian 2023; Perrin-Heredia 2009). The third and perhaps most important, critique relates to the concept of time at the heart of Lazzarato's work. Here, debtors are deprived of their future in such a way that they experience "the strange sensation of living without time" (Lazzarato 2011: 47). By contrast, many ethnographies highlight the intense workload of women debtors who have to take multiple steps, obtain loans, and work overtime to repay debts and maintain their credibility (Villarreal et al. 2015). Far from a feeling of emptiness, this creates a feeling of living at an accelerated pace (Coleman, 2016). Once theorized, this critique of the over-indebteds' time – whether it relates to the pre-emption of the future, its present perception, or its uses dedicated to repayment – undermines the linear and regular conception of time defended by Lazzarato. It opposes Lazzarato's conception with a more dynamic one in which past, present and future are not dissociated, but interdependent and constantly redefined in relation to one another. Lisa Adkins thus argues that debt should not be thought of as a closure of possibilities (Adkins 2017), as Lazzarato does, but rather as a producer of diverse sequences and rhythms.

This article also examines the concept of "debt government" and, in particular, the temporal conceptions associated with it. We look at the way in which debt government is exercised over Brazilian working-class households that have defaulted on their debts through an ethnography of debt negotiations that take place at a "debt fair". This ethnographic work captures manifestations of the temporal implications of debt among both debtors and their creditors.

President Lula and the Workers' Party introduced a credit policy for the working classes in Brazil in 2003 with the introduction of consigned credit (Lavinas 2017; Brandão 2021) and credit lines for access to housing and vehicle purchases. This was designed to support the financial inclusion of "low-income populations", a category that refers to households earning less than the equivalent of three minimum wages (20% of Brazil's adult population). Data from the Brazilian Central Bank (2015) show that the total debt of these households rose steeply between 2003 and 2013, from 20% to 46% of their income. With 34 million potential customers, "low-income populations" accounted for almost 60% of Brazil's consumer credit holders in 2014: three times their share relative to population size (Banco Central do Brasil, 2015).

The Lula government and the working classes saw this credit policy as both a source of material well-being that gave the poor some purchasing power and as a means of access to citizenship through consumption (Pinheiro-Machado and Scalco, 2023). Brazilian economists and banks saw it as the opening of the largest credit market in Latin America (Carneiro and Belluzzo, 2006; Dowbor, 2015). However, the lack of a stable interest rate framework led to the rapid acceleration of debt and numerous defaults (Grün, 2007; Fernandes, 2019; Narring, 2022). After a decade of strong growth and redistributive policies (2003-2013), the Brazilian financial situation deteriorated swiftly during an economic recession in 2014-2015. A sharp rise in unemployment, the erosion and volatility of household incomes, and the return of inflation led to a surge in both outstanding debt and defaults. In 2021, the National Debt Protection Service (Serviço de Proteção ao Crédito - SPC), Brazil`s consumer registry, counted 64 million defaulted debtors: more than 40% of the adult population (Lavinas and Gonçalves, 2022). Consumer protection associations were alerting public authorities to this explosion in over-indebtedness. In 2018, it was estimated that over-indebtedness – defined as a situation where debt threatens the satisfaction of the debtor's basic needs – affected 30 million consumers, or 20% of Brazil's adult population (IDEC, 2019).

It is against this backdrop of economic and financial deterioration that "debt fairs" – also known as "debt recovery fairs" (*feirão de recuperação do crédito)* – have proliferated over the last decade. These are regularly organized meetings between debtors and creditors that take place once a year, generally over the course of a week. In Vitória (the focus of our study), as in Brazil's other main and secondary cities, a municipal gymnasium is rented out by the major locally operating companies, banks and credit institutions, with the help of an agency responsible for registering delinquent debtors (SPC). Over the course of a week, the creditors' collection agents receive debtors who turn up, offering them solutions for settling their debts and sometimes reducing or waiving late payment fees and penalties, or even the

capital originally lent. For the debtors – most of whom are women – one of the reasons for visiting the fair is to have their name "cleared"; that is, to have it removed from the national database of delinquent debtors. Since these people's quotidian consumption is often based on staggered spending, regaining access to credit is a key concern. It is important for them to no longer be listed as delinquent debtors in order to be able to borrow again. For creditors, the debt fair is an opportunity to mitigate financial losses by getting debtors back on some sort of payment track and to renew customer relationships.

The interactions taking place at the stand of one of the fair's credit institutions afford insight into the severe budgetary constraints of working-class households in Brazil, the usurious terms of the loans (with annual consumer credit rates in excess of 200%), and the coercive nature of the contracts (high fees and extreme late payment penalties) that are imposed on households. Many customers who come to the stand complain about the interest rates that are weighing down their daily lives. "Government through debt" thus seems to have an obvious empirical translation in this context. But there is more to it: the reduction guidelines and the settings of the debt collection agents' software clearly outline creditors' policies for reducing outstanding debts, fees, and interest rates. The intermittent payment or non-payment practices adopted by debtors can also be seen in different ways: as data on the debt collector's screen, or in the life stories told by debtors at the stand to justify their past, present, and (sometimes) future unpaid debts. At the debt fair, the relative and negotiable nature of contractual commitments and their associated temporalities are revealed in concrete terms. The fair is an ideal place to observe the malleable nature of "government through debt". Debtors negotiate extra time to repay their debts (or not), while creditors often recognize the impossibility of the repayment of certain debts and the need to make payment conditions more flexible. Below, we analyse the ways in which financial pressures imposed by creditors on over-indebted consumers in Brazil can be eased. We describe the social mediations debt relief and develop an embedded conception of the power relations shaped by debt over time.

Our analysis is based on observations conducted in December 2019 at a debt fair in Vitória, a provincial capital located 520 km north of Rio de Janeiro. We focused on the interactions that took place at the Da Casa Financiera stand, the largest credit company in the state of Espírito Santo. Here, 15 to 20 female debt collectors had face-to-face interactions with debtors – often Black and older female debtors. Our observations were supplemented by others conducted at the water and electricity companies' stands, and in the reception and waiting areas. We also conducted formal interviews with the event organizers and had informal discussions with the consumers present at the fair. Finally, one of the authors of this article studied the financial trajectories of around thirty families from a favela in Vitória. He lived in the favela for a total of 14 months between 2016 and 2021, while conducting research (Narring, 2022). This immersion allowed us to place the debt fair event within a set of sequences and rhythms composing government through debt in Vitória.

A FAIR THAT FOSTERS HOPE FOR DEBT CANCELLATION

Over the past decade, some Brazilian associations and municipalities have taken steps, on their own initiative, to build programmes to combat over-indebtedness (Fernandes 2019; Leal 2016). The most popular of these -- debt fairs -- have primarily from the financial sector itself, however. In Vitória, the first fair dates to 2011, while the municipal programme to combat over-indebtedness began only in 2020. The fair's long history, its ability to establish itself the years, and its high profile in the local media all contribute to making it a popular and well-known event in the city's favelas and outskirts.

The Vitória debt fair is organized by several economic players: the debt protection service (SPC)[1] which manages the files on delinquent debtors, credit institutions, banks, and the water and electricity companies. In the event of non-payment, these companies all resort to out-of-court settlements via e-mails, letters and telephone calls. Legal remedies are rarely employed as they generally cost too much. In out-of-court settlements, two types of pressure on debtors are prominent. The first is based on the threat of cutting company services (access to credit, water, electricity, telephone service, and etc.), which would cause the debtor to lose their status as a legitimate customer. The second, which is more frequently employed, consists in registering the debtor's name in the main national files of delinquent debtors. "Having one's name dirtied" (*sujar o nome*) or "washing one's name clean" (*limpar o nome* or "clear one's name") are popular expressions referring to this registration system, often heard not only at the fair but also in the favelas. Having one's name registered in the national files has several consequences, the most serious of which is the inability to access further credit. In the absence of any legal contentious proceedings[2], when customers stop paying, they generally do not expose themselves to any further consequences. Debts can thus "run" for years in the accounts of creditors and "disappear" under the effect of late payment penalties. A debt fair is an opportunity created by creditors to renew contacts with present or former customers.

The fair that we attended took place in an inner-city gymnasium, easily accessible by public transport. Its capacity is estimated at 1,000 people. Over 300 chairs were set out in the central area on the basketball court, while the bleachers provided additional seating for about 150 people. Around the central waiting area, glass-partitioned modular offices – stands -- had been installed. The largest of these, the Da Casa stand, faced the bleachers.

1 There are other companies that also register defaulting debtors. Serasa, for example, was set up on the initiative of the banking sector. By contrast, the SPC was set up by department stores.

2 Under current legislation, debts become 'time-barred' after five years, meaning that creditors are no longer formally entitled to claim payment from the debtor. However, our field observations show that even for debts of less than 5 years, creditors do not appeal to the courts.

DA CASA FINANCEIRA: A CONSUMER CREDIT INSTITUTION FOR WORKING-CLASS HOUSEHOLDS

Da Casa Financeira is a consumer credit company that was set up in 1988 in Vitória, the capital of Espírito Santo state, by the Dadalto group, whose initial business was based on a network of electrical goods stores. Like Cetelem in France (Ducourant, 2009), Da Casa Financeira developed a "point-of-sale" credit busines aimed at facilitating sales, first for its own shops and then for many of the region's other major retailers. In practice, credit initially took the physical form of a booklet given to the debtor, in which each page corresponded to a voucher to be turned in along with monthly payments at dedicated branch stores. Later, credit cards were added to the range of products. These are stamped with the name of either the financial institution or one of the partner stores. Finally, around 2000, DCF set up local consumer credit agencies in the state of Espírito Santo and neighbouring states (Rio, Mina Gerais, Bahia) to support customers in all their shopping activities. At the time of our investigation, Da Casa presented itself as the leading credit institution in the state of Espírito Santo. It boasted of having 2 million customers, 21,000 partner merchants, and more than 700,000 credit cards in circulation. Having developed from a small loan business, Da Casa has come to specialize in individuals from working-class backgrounds. These are charged high interest rates: in the region of 120% to 200% per annum.

The Da Casa stand contained 20 reception desks separated by low partitions to ensure a degree of confidentiality for debtors. Each desk had a debt collection agent equipped with a computer connected to her company's information system. The agent also had charts glued to her desk so she could easily find her way around the discounts and reductions that she could offer debtors. A small chair for the debtors completed the ensemble. The other stands of the fair were similarly organized but were smaller. For example, the electricity company, EDP, rented a stand with eight workstations and took the liberty of adding four more in front of its modular space as the number of visitors increased during the fair. The municipal water company, CESAM, had four booths. Other banks and credit institutions were also present at the fair, of course. A credit institution that had gone bankrupt occupied a stand containing three workstations. Its banners advertised huge discounts.

Debtors were given tickets with numbers on them when they arrived at the fair. In the central area of the gymnasium, telescreens displayed these numbers as these were called. A '"repositioning desk", in great demand, enabled the rescheduling of multi-debtors who had missed their turn with one creditor while they were negotiating with another. Elevator music wafted through the gym and, every five seconds or so, this was ounctuated by a small ringtone indicating that a new number had popped up on the boards. Balloons in the colours of the main credit institution decorated the room and were handed out to children accompanying their debtor parents. The professional, organized, and well-equipped nature of the event was quite striking.

This was the 9th year of the Vitória fair, and the two main organizers – the director of Da Casa's debt collection department and the regional director of the regional chamber of commerce – had been running things since the very first event. They pointed out to us the advantages of using the fair as an opportunity to renew contacts with customers they had lost sight of for months of even years.

The organizers often reminisced about previous fairs. One of these memories was that every year, debtors slept in the street in front of the entrance gates to make sure they could attend. Television reports from previous years attested to the fact that by 5 AM., local residents were already forming a line outside the venue. In 2019, we ourselves saw this queue forming up outside the premises in the early morning hours. The women who largely made up the line were sometimes accompanied by parents, children, friends, or spouses. When the gate opened at 9 a.m. they lined up again in the courtyard of the gymnasium in front of the SPC stand, where ten employees consulted the databases of defaulting customers. They gave each debtor a ticket listing their creditors, on which they circled in pen the names of those present and invited the debtors to contact the others directly without delay. They attached numbered tickets to this initial document so that the debtors could take their turn in the waiting area opposite the creditor counters. Disappointment or incomprehension were sometimes expressed at this first stand, as some debtors discovered that their creditors were not present or that they had debts of which they had been were unaware. The debtors then filed into to the waiting area in the gymnasium.

Our observations of the waiting area revealed several things. First, as noted above, most of the debtors were female. At 2.30 p.m. on the first day (the fair's least busy day), we counted 98 women and 46 men, the majority of whom were quite elderly and black or brown (2/3). Of those who held their tickets where we could see them, it was clear that many had several tickets and therefore debts with several creditors. In the waiting area, people often recognized neighbours or friends and started chatting to them. The atmosphere was calm, with some people walking around, going outside, and then coming back in to look at the numbers that had been called.

The employees at the SPC intake stand were good humoured. This was a special occasion for all of them. During the rest of the year, they worked in different departments of the organization. Here, they found themselves relocated together for the event, assigned to the same task of receiving debtors. Snacks were provided by the management and employees joked with some debtors when their ticket took a long time to print out – meaning that the list of creditors was correspondingly long – or when several debtors arrived together and insisted on letting their friends receive their ticket before them. At the inside stands, the debt collectors also enjoyed the fair, which contrasted with their usual call-centre work. Normally, they had little leverage to encourage the individuals whom they cold-called to settle their debts. They told us that they appreciated the fact that, at the fair, it was the debtors who looking for them in search of a solution. The ability to provide debtors with a "face-to-face" explanation was also presented by the employees to us as a positive aspect of the event. Some companies even

offered a bonus for employees attending the fair. In the days, weeks, and months following the event, employees would post photos of themselves at the fair on social media, adding a few words about the good times they had had. During training before the event, some of them had expressed fears of being physically confronted by disgruntled or even aggressive customers. After the fair, however, they almost universally reported having been reassured by the fair's friendly atmosphere, feeling stimulated by their performance during the event. As in the previous year, Da Casa was the company that received the largest number of debtors.

Logistical, connectivity, and ambient temperature issues took up a substantial amount of the event organizers' time. They were also absorbed by the collection and analysis of reporting data (attendance, type of renegotiation, promises of outstanding debts to be paid, etc.) and their comparison of this with the data from previous years. Taking part in the fair involved costs that must be justified. When the 1,000-person mark was reached on the first day, there was palpable relief among organizers. A significant proportion of their time was also devoted to receiving journalists from the various local media who had come to cover the event. These filmed the debtors waiting and interviewed them about their hopes and their financial situations, while always keeping a sharp eye out for debtors who had had their debts substantially reduced.

An example of a report broadcast by Tribuna channel on the Vitória debt fair (December 2018)

Situation: It is raining outside. Dozens of people are waiting with umbrellas. The journalist (J) has moved up and down the queue interviewing debtors (D) waiting their turn. He is sometimes joined by a voice-over (VO) explaining the aims and rules of the fair.

J: *Is the queue long? Very long. To make matters worse, the rain won't stop. Rule of the day: anything to clear one's name!*

[He then addresses a Black woman under an umbrella]:

J: *To get out of the red, are you ready to face the rain*?

D: *Yes! It's worth everything, it's worth everything!*

J: *Are you in a little or a lot of debt, ma'am*?

D: *Boy, I'm really, really deep in it!*

VO: *In Vitória's Alvares Cabral Gymnasium, each "beep" marks a number called. Each number on the screen represents the hope of getting out of debt.*

J: [inside the gymnasium] *Today, Saturday, is the last day of the fair to renegotiate one's debts. And there's no shortage of people here! Summing up: at this fair, anyone who's in the red has a chance to renegotiate and get a reduction* [desconto] *or* [the camera immediately focuses on the face of a Black woman waiting; greying hair, wearing red polka-dot T-shirt]...

Debtor 1: *Yes, a good discount! Because without a discount, you can't afford to pay!*

VO: *And this is because Dona Maria Santos doesn't even know how much she owes any more.*

Reporter [sitting in front of Dona Maria]: *Dona Maria Santos, you've been in the red for six months now?*

D1: *Yes, six months late.*

J: *The colour of your shirt?*

D1 (laughs): *Yes*

VO: *If today is the day of the Marias, then it must be the day [of the Marias] of the "Graces"* [the camera switches to the face of another woman, Black with greying hair], *because Maria has an outstanding water bill of 4,000 reais. Her mother died this year and the bills have been piling up.*

J: *Do you have any idea how much you owe?*

D2: *I think it's 2,000 for water and 1,000 for electricity.*

VO: *In her case, Maria Garludo has accumulated a debt of 7,000 reais [1,555 euros] in outstanding payments.* [The camera focuses on a third woman, with long white hair and a pink T-shirt, who is slightly biting her ;ower lip].

D3: *It's been two years and a bit. I had a job, I was made redundant and I couldn't afford to pay.*

VO [concluding tone]: *May the rain, light or heavy, bring its Grace and may the Marias, consumers and company calculators....*

J: (back in line) *Let them go ahead and clear their name!*

[Women interviewed from the queue, shouting]: *Amen!*

As this television report shows, the main objective stated by the people who come to the *feir*ão is to "clear their name" (*limpar o nome*). In Brazil, an individual is said to have a "dirty name" (*nome sujo*) when they are registered in a file of defaulting debtors. This expression goes hand in hand with other popular sayings mentioned by some of the debtors present at the fair: "God gave us two things: life and a name"; or "the poor have only one thing: a name". "Name" refers to the principles of righteousness and honour. It has a religious connotation and converges with Ariel Wilkis' idea of the moral capital (Wilkis 2020) that poor/working--class households must maintain in order to be worthy of living. In addition to representing a moral problem, a "dirty name" implies material difficulties in the daily lives of working-class people. It prevents people from taking examinations for civil service jobs; it may limit access to employment (although employers do not have the right to discriminate based on this criterion); it restricts access to the rental market. Above all else, it hampers consumption.

The report highlights the success of the *feirão*, suggesting that it was worth it to queue up for hours on end, even in adverse weather conditions. Other news reports highlighted the exceptional discounts obtained by debtors at the fair. In one report, for example, a woman identified as Dona Lucileia had her debt was reduced from 2,000 to 100 reais through the negotiations, which enabled her to be removed from the delinquent debtor file. An elderly Black woman, D. Lucileia expressed her relief to reporters in tears. From the organizers' point of view, these reports help to highlight successful debt negotiations:

> The media talk positively about *feirão* because it's good for them to say that a person can consume again. They show the positive cases. They want a good story about a person who comes out of the *feirão* with a huge discount. (Collection manager, Da Casa, December 5th 2019).

The organizers are cautious in their dealings with local television, however. The director of the collection agency avoids the customer waiting area so as not to be taken to task by disgruntled customers in the presence of the media. We witnessed one such scene: a debtor publicly called out an organizer who was escorting a television journalist into the event. The debtor questioned the usefulness of the fair and asked the organizer if suicide was not the only solution to her debt problems. It is thus necessary for the organizers to maintain some control over the images captured by the media during the fair. Their organizational experience, dating back to the first fair, and the system of separating the waiting areas from the negotiating areas, has helped to channel debtors' discontent and improve the fair's image.

This situation is exemplified by televised images of customers waiting their turn. Standing in the queue, we observed many informal discussions about the exceptional reductions seen on television, which debtors were hoping to obtain. "I saw one man who said his debt was 1,500. It's down to 700 and he's now able to pay", a woman assured her neighbour in line. "I saw that on TV too!", the neighbour agreed. "A woman said she owed 1,700 and she paid 700!", a third woman chimed in. The first woman then confirmed that "They said it was up to 90% off!" Clearly, many customers believe in such extreme examples of debt relief thanks to local television reports.

The debt fair is known to most of the residents of the Garrincha and Da Paz favelas, where one of the authors of the present article lived for fourteen months. Many heard about it via television. Some of favela residents have already been to the fair or know neighbours who have. The *feirão* is seen as a regular and accessible means of finding a solution to excessive debt and lack of access to credit. By assimilating and reproducing the message conveyed by the event's organizers to the local media, the debtors present at the fair and the residents of these favelas express the hope that the fair will wipe out their debts and restore their access to credit and consumption. The organizational and media arrangements therefore appear to be particularly effective in attracting large crowds. Every year, more than 10,000 people flock to the collective waiting area and are then funnelled to face-to-face meetings in the booths.

NEGOTIATING TIME

At the trade fair, face-to-face meetings between debt collectors and debtors are called "negotiations". The term suggests discussions and exchanges of information, room to manoeuvre and for compromise. In practice, said "negotiations" are based on criteria that have been predefined by the creditor and which depend mainly on how long the debt has been outstanding. At the Da Casa stand, these rules give rise to four types of "negotiations", although debtors sometimes manage to bend the rules slightly by obtaining additional time to repay. In this section, we present and illustrate these types of negotiations. In so doing, we seek to give substance to the concept of "government through debt", but also to anchor debt and over-indebtedness in the families and social networks of women debtors, to consider debtors' control over their time and budgets, and to return to the gendered dimension of the management of popular debt.

PAYING OLD DEBTS IN CASH: THE EXCEPTION

The Brazilian media often highlight the exceptional discounts on outstanding amounts, interest rates, and late payment penalties granted to debtors who are happy to have renegotiated their debts to such advantage. This type of "negotiation" is possible when the outstanding debts are more than five years old, but on one condition: that the debtors pay cash. This was the case of Maria, whose conversation with debt collector Alicia described below.

Maria sits down at Alicia's counter. Her face is tense. She looks stressed and shy, in contrast to the laughter or anger she often expresses in her home favela. Maria shows her ID to the debt collector. After a few searches, her file appears on Alicia's screen. Maria's delinquency dates to 2012 and nothing has been paid for seven years. Two loans are involved: the first had an initial capital of 512 reais and the second amounted to 500 reais. The debts' age and their accumulation of penalties and late payment fees explain the amount quoted by Tatiana, the debt collector:

A: *Your debt is 11,225 reais.*

M: [Frightened]: *I'm not going to pay that!*

A: *But that's with interest. I'm going to look at the amount of the debt and remove all the interest.*

M: *I need my name!* [Maria wants her name removed from the file – i.e. to "clear her name" – in order to regain access to credit].

Alicia deducts the interest and the penalties for late payment. She consults the scale available to her for old debts and finds that she can deduct 55% of the outstanding amount because the unpaid debts have been outstanding for more than 1,800 days.

A: *So, your debt is 11,225 reais. But all you have to do is pay 940 in cash!*

M: *That's too much for me!*

A: *How much can you pay per month?*

Maria remains silent, upset at the idea of staggering the payment. She hopes to reach a better agreement.

M: *I take heart medication because of these debts!*

Alicia, sensing both a deadlock in the situation and also Maria's desire to pay her debts, calls her supervisor, Marcia, who has discretionary powers. Marcia offers to reduce the amount owed to 600 reais.

Ma: *So, if you pay just 600 reais in one go, ma'am, you can clear your name.*

M: *My boss is going to give me 500. I can bring it here tomorrow, because she's also helping me with my heart medication.*

Ma: *Is she going to give you the 500 tomorrow?*

M: *Yes.*

Ma: *Can you go to the Reta da Penha* [name of the central avenue in the city where there a Da Casa agency is located] *with the money?*

M: *I think I'll go to her place and then pay this. Or, if it's simpler, I'll go there today and go to the agency tomorrow. So then I don't owe anyone anything?*

Ma: *Yes, ma'am!*

M: *Thank God! I'll never do anything like that again!*

In twelve minutes, Maria was offered a solution that would make her debt repayable. The total amount of the debt was unknown to the debtor, so the interaction became tense when it was revealed. But the announcement of the final reduction, prompted by the longstanding nature of the debt, suddenly opened up the possibility of settling and getting out of the delinquent debtors' file. This example illustrates the criteria that need to be met for a "negotiation" to be successful. First and foremost, the debt must have been in arrears for more than 1,800 days. A manager must also be involved, however, and the debt collector must have a good working relationship with said manager as well as certain negotiating skills.

As noted above, negotiations of this kind attract a lot of media attention. They are, however, the exception rather than the rule. They involve less than 8% of the debtors in our sample. In general, even when the debts have been outstanding for a long time (which allows access to drastic reductions in the amounts owed), debtors do not have sufficient liquidity to settle them. In another instance, for example, we observed the negotiation of a debt similar to Maria's in terms of age and amount. The 71-year-old debtor, Luziane, remarked to one of us when the agent suggested that she pay in cash:

> Nobody pays in one go, my dear! Only someone who earns more than five thousand reais [a thousand euros, the equivalent of five Brazilian minimum monthly wages] could do that. I earn the minimum wage. What am I going to eat if I pay cash?

In the next two sections, we report on negotiations that lead to the staggering of debts over the medium term. Based on the instructions that guide debt collectors' practices, we distinguish between the "staggering" outstanding debts that are six or more months old (2), and the practice of "refinancing" more recent debts (3).

RESCHEDULING OLD DEBTS

More than half of the "negotiations" in our sample took the form of rescheduling outstanding debts, accompanied by a partial discount on charges and the amount owed when these debts were six or more months old, but less than five years old. If a debtor's delinquency was at least three years old, they could obtain a 35% reduction in what they owed, provided they paid in cash, or a 15% reduction if they choose to pay in instalments. In the case related below, the arrears dated back three years.

We sat next to Tatiana, a debt collector who lived in an outlying district of Cariacica where some of the debtors came from and observed a "negotiation". A woman in her forties approached the desk, accompanied by her two children and her mother. Without saying a word, the

older woman handed over identity documents. The debts to be negotiated were registered in her name – she had signed the contracts – but her daughter was leading the discussion.

Tatiana accessed the customer's file and discovered two debts in default: one related to a personal loan taken out directly with the credit institution, and the other to a purchase financed using a credit card stamped with the name of a shop that was a partner of the institution. While Tatiana calculated the amount of debt due, mother and daughter waited silently. We could tell from the back and forth between the screen and the scale on the desk that these were old debts, with reductions in capital, interest, and penalties. Two minutes later, Tatiana enthusiastically declared:

> Your total debt is 20,000 reais. I've deducted all the penalties for late payment, which brings it down to 4,800 reais. Then I discounted it, so it comes to only 3,160 reais if you pay in one go!

Three amounts are presented in just a few seconds: a high initial debt amount unknown to the debtor, an intermediate amount at a much lower level (the debt was in fact divided by four) and then a final amount – the icing on a cake -- which was even lower, but with one condition: payment in cash.

The mother and daughter, no doubt surprised by these numbers, remained silent. The daughter finally spoke up and announced that neither she nor her mother had that kind of money. Tatiana then proposed an instalment plan. After an initial monthly instalment of 10% of the amount owed, the monthly repayment plan would begin. In accordance with the rules, Tatiana suggested an initial payment of 300 reais, known as the "down payment" (*entrada)*. But, once again, the two women suggested that this was too high. After some hesitation, Tatiana agreed to lower the payment to 200.

> T: *I'm offering you a 200+215.35*18 plan. You pay the 200 reais down payment in the next seven days and the plan will become active next month [and run for 18 months].*
>
> The daughter: *Is that the best you can do?*
>
> T: *Yes*
>
> The mother: *If I pay 200, do I get out of the SPC's file?*
>
> T: *Yes, you have seven days to pay at the agency.*
>
> The debt collector printed out the agreement. The instalment plan would cost a total of 4,076.30 reais, 876 reais more than if the customer paid in cash. While the mother signed the new contract, the daughter reacted with excitement and relief:
>
> The daughter: *Ah, that was quick!*
>
> T: *Now comes the best part: paying!* [Laughter on both sides.] *But the deal is good, it's good for your mother.*
>
> The daughter: *Good for me too!*

As in the previous case, the numbers quoted impressed the debtors. This time the reductions were not as big, both because the debts were not as old and because the debtors were not in a position to pay cash. The mother and daughter "joined forces" over debt repayment (Weber 2005). As a pensioner, the mother had easier access to credit, which she probably made available to her daughter (Müller 2014; Saiag 2020); hence, the daughter's involvement in the negotiations. This pooling of credit use is widespread among working-class families and is evidenced at the *feirão*, where many younger people accompany their mothers or grandmothers.

Finally, in many "negotiations" of this type, the only elements negotiated are the amount of the down payment and the amount of the monthly instalments – and therefore the duration of the instalment plan. This type of negotiation allows debtors to buy time from creditors (Han 2012; Langley et al. 2019). The relief associated with having one's name removed from the national debt registry, and the complicity between mothers and families regarding the possibility of being able to consume again, shows that the *feirão* strongly reinforces or even creates patterns of future consumption. As they left the gym, several fair participants talked about their plans to buy a sofa on credit or Christmas presents for their children. The "getting out from [under] the SPC" is based on the payment of the *entrada*, which makes the prospect of going further into debt and becoming an active member of the "government through debt" paradigm. (Lazzarato 2011).

For other customers, the negotiation process is an opportunity to be reminded of their limited budgetary leeway but also of their willingness to find a solution. This was the case of Miguel, an elderly man who sat down in front of Milena's counter. We noticed that Miguel had no teeth, which complicated conversation the discussion. The debt collector opened her file and discovered an invoice and three defaulted loans. The total debt was 13,119. When the late payment penalties were deducted, the debt fell to 9,200. Then, applying the 30% seniority discount, it fell further to 6,440. The debt collector suggested that the debtor should *"combine everything"* into a single debt plan and pay it off in instalments. In view of the debtor's appearance, cash payment was not even discussed. A down payment of 640 reais was proposed, along with a rescheduling plan of 18 monthly instalments. The debtor suggested an *entrada* of 200 reais. Taking his proposal into consideration, Milena accepted and announced 25 monthly instalments of 236 reais. Miguel again refused. The monthly payment was still too high for his budget. In the end, debtor and creditor agreed on a down payment of 200 reais, followed by a plan for 30 monthly payments of 197 reais. The agent emphasized the importance of paying the first instalment within seven days. She printed out the contract and reminded him that he had received a substantial discount. The customer said he was satisfied.

This second example shows, once again, what can be negotiated by debtors: not the total amount owed, but the level of the monthly payment so that these can match their limited budget. In this way, debtors obtain time from their creditors: time to live without

being crushed by debt; time to repay. This type of negotiation is preferred on the part of the credit institution. According to the head of Da Casa's debt collection department, it is not so much a question of recovering the amounts owed, as getting back in touch with former customers to offer them new loans in the future. The key is not only to rebuild customer relationships, but also to turn today's over-indebted, credit-excluded consumer into tomorrow's solvent customer.

Issues	Age of default	Number of cases
Cash payment	More than 4 years	3
Debt rescheduling	6 months or more	37
Debt refinancing	Less than six months	9
Prolonged waiting	Less than a year	8

Table 1. The main outcomes of debt negotiations at Da Casa: A sample of 57 cases

REFINANCING DEBTS THAT ARE LESS THAN SIX MONTHS OLD

The rules governing the negotiation of debts that are less than six months old mean that debt collectors do not offer repayment in instalments, but instead offer a new loan, or "refinancing". "Debt repurchase" is probably the most appropriate term for this type of situation.

João, an old Black man, stepped up to the counter. Milena's computer screen showed a credit debt of 8,912 reais with173 days overdue: less than 6 months. This (relatively) recent delinquency did not entitle the borrower to a reduction of the capital they had borrowed; only part of the additional interest linked to the delinquency could be waived. Once this had been deducted, the debt amounted to 8,099 reais. Milena offered a refinancing plan. The initial credit agreement was therefore cancelled and replaced by a second one. As with the instalment plan, the debtor had to pay a down payment of 10% of the debt to start the new loan. He would then have to pay 31 monthly instalments of 529.60 reais each. The debtor was visibly relieved when he heard this solution and especially the monthly payment, which was within his budget. Nonetheless, the proposed refinancing ultimately led to a doubling of the total amount to be paid to the creditor at the end of the 31 months[3]. In the end, the negotiation resulted in the renewal of the payment of most of the interest accrued on the initial debt, with this being spread over a longer period of time, which in turn generated new interest. This type of "negotiation", which is less favourable to debtors than the ones described above, is also relatively common (16% of our sample). Some of these cases, like the one of João, accept the new repayment schedule. We are unable to tell from the survey whether these debtors actually paid the *entrada* and went on to cover their other monthly instalments.

3 To be precise, the *entrada* of 900 reais added to the 31 monthly installments of 529,60 reais gave a final total of 17,317 reais on an original debt of 8,912 reais.

SCALE AND AGE OF DEBT: A FEW CLARIFICATIONS

The repayment scale is taped to the collection agent's side of the negotiating table, where the customers cannot read it. The first column refers to the number of days the debt is overdue, the second to the rate of reduction for late payment penalties, and the third to the rate of debt reduction. A general rule applies to these negotiations: for a payment default of less than six months (180 days), the debt is not reduced and late payment penalties apply; for a payment default of more than six months, debt is reduced on a sliding scale according to age and there are no late payment penalties.

There are two types of negotiation scales. The main scale, called "refinancing" (*novação)*, covers situations where debt is rescheduled or refinanced. Rescheduling occurs for payment defaults of six months or more. When a debt has been in arrears for more than 1,800 days (that is, for at least five years), late payment penalties are waived in full (100%) and the debt is reduced by 30%.

No. of days of late payment	Rebate on penalty fees	Debt reduction
0 – 60	0.56	0
61–90	0.26	0
91–120	0.21	0
121–150	0.16	0
151–180	0.11	0
181–360	100	5
361–720	100	10
721–1080	100	15
1081 – 1800	100	20
> 1800	100	30

Table 2. Renegotiation scale for rescheduled or refinanced debt (Narring; Da Casa)

No. of days of late payment	Rebate on penalty fees	Debt reduction
0 – 60	0.3	0
61–90	0.2	0
91–120	0.1	0
121–150	0.05	0
151–180	0.02	0
181–360	100	15
361–720	100	25
721–1080	100	35
1081 – 1800	100	45
> 1800	100	55

Table 3. Renegotiation scale for debts paid in cash (Narring: Da Casa)

The second scale, known as "settlement" (*quitaçao)*, applies to debts that have been renegotiated and paid for in a single instalment. The maximum reduction occurs after 1,800 days. All late payment penalties are waived, and the debt is reduced by 55%. This scale is therefore much more advantageous than the "refinancing" scale, which only applies a 30% reduction. However, the customer still has to be able to pay the debt in a single instalment, which is rarely possibke.

These debt reductions result from the Basel III agreements, by virtue of which the Brazilian Central Bank requires financial institutions to set aside provisions to cover a portion of outstanding loans. This Provision for Doubtful Debts (PDD) increases according to the age of the default, being 3% for a default between 30 and 60 days and 10% for a default between 60 and 90 days, for example. After 180 days, the financial institution must set aside 100% of the amount lent (BCB, 2020). At that point, the debt disappears from the institution's accounts and is considered lost.

CONTINUING TO WAIT

The rigorous application of refinancing conditions to recent debts makes any substantial reduction of these impossible in many cases. Since there is little or nothing to negotiate, and since many customers do not have the money to pay monthly instalments, debt collectors sometimes agree that these debts are unsustainable. It is better to wait so that the debt can later be reduced in terms of its capital, interest, and penalties in accordance with the scales. Waiting as a solution was mentioned to us during the training received by the debt collection agents shortly before the fair.

> *At the fair, for example, you will undoubtedly have before you the case of an old lady, over 60, with a mile-long debt [i.e. with a long list of debts]*, who earns the minimum wage. Refinancing is not good for her! If you ask her she's "all right" with a monthly payment of 500 reais, you'll see that she isn't! (Ricardo, trainer)

Ricardo goes on to say that there is no point in wasting time spreading out the debts of an elderly person who is "upright and honest with their obligations", but who has no financial room to manoeuvre. They should be advised to spend time with their grandchildren and "come back later to get a better debt reduction". Here, again, the incentive to let the debt run is explained by the fact that systematic refinancing will not necessarily produce payment. It would be better to gain a substantial reduction in the amount owed that would then make the debt repayable – a reduction that is only obtained through time. It is also important, however, for the financial institutions' employees to not to waste time and to make the best use of it during the seven days of the fair by drawing up instalment plans for debtors who are willing and able to pay.

Time and time again, we checked that the "don't refinance everything" rule was being applied during the course of the *feirao*. For example, an elderly woman who displayed difficulty in walking came up to the counter accompanied by her disabled son. She flashed us a smile. We recognized Dona Maria, a retired 80-year-old woman we had met at a Da Casa branch office a few months earlier. The collection agents would later refer to her as a "VIP customer": in

other words, a regular and "good payer". Jessica's computer screen did indeed show that Dona Maria had already taken out and repaid almost twenty loans since 2002. She currently had three outstanding loans: two were up to date, but she had accumulated seven unpaid monthly instalments on the third loan, which had already been refinanced. Jessica warned Dona Maria that she would not be able to pay a refinancing plan:"If I refinance this loan, you're going to pay even more. If you refinance, you'll have to pay new interest. Refinancing always means new interest". Jessica nevertheless showed Dona Maria a refinancing simulation with the application of a new interest rate, spread over 36 months. This tripled D. Maria's total outstanding payments.

> M: *If I refinance, that comes to 400+36*245.82, or 9,249.52 reais! That means more instalment interest. That's going to extend the number of monthly payments to three years.*
>
> Dona Maria: *Isn't there a way of just paying the monthly instalments in arrears, to bring them up to date?*
>
> Jessica: *That would give you 5,077 with interest for late payment. But I can remove it, so it becomes 2,912 and I can give you a reduction: that makes it 2,475 reais to bring your credit up to date from the fifth monthly payment to the twelfth monthly payment.*
>
> DM: *I can't afford it, I receive a rent of only 660 and another of 800. And I pay for the water, lights [electricity] and telephone at home.*
>
> Jessica [with a caring but firm tone]: *Finish paying the two loans that are up to date. Then call us back about the third, ma'am.*
>
> The customer nodded agreement.

For both the debt collector and the customer, it is therefore better to wait, as it is by waiting that the debt, relieved of part of the capital, interest, and penalties, becomes manageable again. This stage is necessary so that customers who are suffocated by their debts have time to recover some financial leeway and so that late payment penalties and interest can be reduced. Such relaxation of "government through debt" is accepted by the creditors themselves, who seek to keep their customers over the long term.

Waiting is not synonymous, however, with encouraging non-payment. The agents encourage debtors to pay a monthly instalment here or there, when they can. This suspension of the obligation to repay an agreed upon sum each month in favour of waiting and paying as one can is recognized as appropriate by both parties, even though it is not written into the contract. The practice demonstrates the effective limits of financial exploitation. In this case, the debt collectors do not make the debtors feel guilty or encourage them to hurry up and pay. Instead, they advise them to wait so that the amount of the debt decreases. This respite, granted by the financial institutions, influences the strategies deployed by debtors. Our observations at the fair and in our interviews in the favela show that many delinquent debtors allow their debts to increase, keeping in mind the fair and its promise of debt alleviation. In this way, the "work of debt" is postponed to a later date, with the only obstacles to further

consumption being in the form of the files that are kept on delinquent debtors. For financial institutions, pushing debtor customers to wait is a recognition that their indebtedness has reached a point beyond which monetary extortion is (temporarily) no longer possible.

CONCLUSION

In Brazil, "government through debt" has been built not on the collapse of social policies, but by their amplification during the first terms of the Workers' Party government (2003-2010) (Lavinas, 2017). Despite this different genealogy from other countries, the concept still aptly reflects how the time of working-class people is increasingly governed by the demands of credit repayments and exorbitant interest rates. This power relationship has been consolidated since the 2014-2015 recession. Using credit as a means of coping with unemployment, falling earned incomes and other problems such as health-related issues, debtors often experience feelings of financial suffocation in their attempts to repay creditors.

The analysis of debt fairs provides a counterpoint to the analysis of the financial domination of working-class people proposed by M. Lazzarato. At these fairs, the contractual commitments associated with debts are suspended, lightened, and sometimes cancelled. The temporalities associated with debts are disrupted and redefined. Many households in arrears wait for months or even years for a fair to be held before considering resuming payment. At the fairs, the reassessment of amounts and repayment schedules leads to payment plans over extended periods, which will no doubt later be suspended or renegotiated. A large proportion of working-class households thus takes advantage of the possibility of defaulting and rescheduling their debts in order to obtain respite and briefly regain control over their time (Han 2012; Langley et al. 2019).

Far from being a departure from "government through debt", the sequences of easing creditor pressure and rescheduling debts facilitated by the fair are an integral part of this government. By analysing these key moments when the temporal repayment sequences are made visible, the present article shows the ways in which creditors wield power over debtors. As the fairs raise hopes of debt cancellation, supported by local media reports, and grant debtors more time to repay, they also help to maintain debtors' solvency and their appetite for credit. By favouring face-to-face negotiation and fostering warm, close relations with debtors, they limit the scope for debtors to challenge the terms of their loans. Rather than calling "government through debt" into question, our article contributes to the refining of this concept, rethinking its temporal conception, and making its scope more complex through its empirical testing (Neiburg and Guyer 2017).

Translated by Liz Carey Libbrecht.
Revised by Thaddeus Gregory Blanchette.
Received: November 2, 2024.
Approved: November 14, 2024.

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ARTICLE

Becoming a project beneficiary in a mining region: Work, Negotiations and Development Programs in Northern Peru

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Abstract:

In the northern Peruvian Andes, a large mining project assumes unique characteristics when a single company becomes an agent of development and accountability programs, contracts the workers and promotes local entrepreneurship. Based on ethnographic field research conducted between 2013 and 2014, this article explores the relationship between the mining company and the population of Hualgayoc, in the Cajamarca region. Mining enterprises generate all kinds of desires in people, including getting a job or financial compensation for land sales. Once the mine is constructed, direct employment becomes rare and environmental problems appear, development programs thus emerge as strategic actions, offering scenarios for conflicts and negotiations. While the company occupies a delicate boundary between assuming a state-like role or merely encouraging self-sufficiency in the local economy, the population seek to perpetuate ties with the corporation. Consequently, becoming a beneficiary of a project or compensation may represent one of the few available options.

Keywords: mining; development; mine workers; projects; Peruvian economy.

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e00501
https://doi.org/10.1590/1809-4341.2025v22e00501

Tornando-se um beneficiário de projeto em uma região mineira: trabalho, negociações e programas de desenvolvimento no norte do Peru

Resumo:

Nos Andes do norte do Peru, um grande projeto mineiro assume características singulares quando uma companhia se torna agente do desenvolvimento e de programas de responsabilidade, contrata trabalhadores e também promove o empreendedorismo local. Fundamentado em pesquisa etnográfica realizada entre 2013 e 2014, o artigo explora a relação entre a empresa mineradora e a população de Hualgayoc (Cajamarca). As empresas mineradoras geram todo o tipo de desejos nas pessoas, incluindo obter emprego ou compensação financeira pela venda das terras. Assim que a mina tem sua construção finalizada, os empregos diretos se tornam raros e problemas ambientais aparecem, desse modo programas de desenvolvimento emergem como ações estratégicas, criando cenários tanto para conflitos como negociações. Enquanto a companhia ocupa uma delicada fronteira entre assumir um papel de Estado ou meramente encorajar a autossuficiência econômica local, a população procura perpetuar os laços com a corporação. Consequentemente, tornar-se um beneficiário de projeto ou de compensação pode representar uma das poucas opções possíveis.

Palavras-chave: mineração; desenvolvimento; trabalhadores mineiros; projetos; economia peruana.

Becoming a project beneficiary in a mining region: Work, Negotiations and Development Programs in Northern Peru

Adriana Paola Paredes Peñafiel;
Guilherme Francisco Waterloo Radomsky

INTRODUCTION

Every year in September, Hualgayoc, a city in the northern Peruvian Andes, celebrates the Feast of Virgen del Carmen. This is a traditional festival in a territory known to have been inhabited by pre-Columbian populations, which also has a long history following Iberian colonization.

Hualgayoc is proud of being a mining town, representing mining not only in its daily life, but also economically. However, recent history shows significant differences in this trajectory: with the boom in mining companies in Peru under post-1990 neoliberal governments, one of the most important companies is required to sponsor this festival and transfer funds to local government. Interestingly, researchers' fascination with these *campesina* mining communities that involve construction projects (De Vries, 2007) takes on a special meaning in this case. Part of the money transferred by the mining company to the municipality through the *Canon Minero*[1] was invested in the town's infrastructure for the annual festival: the renovation of the *Plaza de Toros* [Bullring] and constructions, including a gymnasium, a hotel, and the new *Plaza de Armas* [Parade Square].

It is worth noting, however, that the company's development agents did not concur with this insistence on investing resources in a bullfighting arena, suggesting instead that the money would be better invested in education, healthcare, and programs to encourage

1 The *Canon Minero* consists of the share that local and regional governments receive from the income earned by the Peruvian state from the commercial exploitation of metallic and non-metallic mineral resources.

self-sufficiency. Goldfields, which began its operations in Cerro Corona – with a mine of the same name – considered that resources resulting from mining, compulsorily transferred to local public administrations, could easily be diverted for other purposes. Rather than the resources resulting from mining being used to generate economic autonomy, more ties were articulated to extend the benefits and incentives provided by the company.

As we argue below, certain disagreements arose in the area evoking deeper conflicts over the nature of mining activity – conflicts also presented in Bebbington (2011) –, including the generation of jobs and the community's ability to survive in a scenario of recurring economic and environmental crises.

We should note that relevant changes have been observed in the political, economic and social context of Latin American countries since the beginning of the 21st century. Extractivism has become vital for these economies, but also as a more expressive form of integration with international capital. Several nations on the continent invested in the intensification of extractive strategies as a way of guaranteeing economic resources and designing social programs. In this scenario, environmental problems worsened (Ellner, 2021) and gave way to the emergence of neo-extractivist criticism. As pointed out by Ellner (2021), neo-extrativism writers show plenty of empirical evidence to prove that extrativism is related to violation of indigenous rights, to ecological damages and attack to democracy in Latin America. Nonetheless, the author also considers that these same writers commit a mistake in downplaying local interpretation about current extrativism, how it appears differently depending on which country we analyze, and the way class alliances can be arranged in order to sustain it.

In this regard, Hualgayoc's urban center has been abandoned and occupied successively by different generations according to the peaks and crises of mining. In the most recent narrative, many of the residents left in the 1990s due to a severe crisis in small businesses, while the legal framework of mineral exploitation was reformed, guided by criteria that focused on making the country attractive for capital-intensive mining during the first Alberto Fujimori government (1990-1995). Some returned to the city of Hualgayoc years later, following the implementation of modern open-pit mining.

The few who remained in Hualgayoc for many years criticized the newcomers, calling them opportunists and claimed that they knew about the "easy" opportunities for social mobility that had been created by the Yanacocha mine established a few kilometers north of the city of Cajamarca in 1992. This new scenario, where mining and development seem to produce alliances and – as shown by De Vries (2007) in the central Peruvian Andes – the image of a cohesive, united community, which in practice is never fulfilled, remains a powerful sign of the will to solve the problems of litigation, envy and exclusion. Following the work of De Vries (2007, 2013), our argument is that development generates desires, but such desires are differentiated in people and when both the mining project and its local effects come to fruition, frustrations emerge. The community sees itself as fractured, compromised, and development processes can be a means of attempting to gain something or obtain some

benefit. However, for those who have been miners for a long time or understand their lives in this manner, getting a job is what really matters.

Unlike Cajamarca, where mining activities are recent, Hualgayoc has been a mining center since 1771. In this paper, we examine a case in which the relationships between the population and a large mining company become strained by the constant need for job generation in modern mining, in which labor-saving is significant. When jobs become scarce, legitimizing the mining activity through various development programs and projects becomes strategic, while the company constantly walks a fine line between merely acting as expected in a capitalist environment and offering benefits that are invariably demanded and negotiated, which then become a source of social conflict.

Our goal is to demonstrate that in addition to issues involving hired labor, benefits for the *Área de Influencia Directa* (AID) [Area of Direct Influence] of mining and dilemmas caused by environmental effects, this scenario also comprises frequent political negotiations in which a large mining company can sometimes play the role of the state. Hence, our argument is situated not only within the desire for development or mining because, as Taussig (1992) has discussed regarding the fetishism of the state, in relation to large mining companies, people express ambivalent feelings; they desire and are repulsed, they are attracted and repelled. It is worth highlighting that under these conditions, an important portion of the population of Hualgayoc is averse to losing their relationship with the mining company, however frustrating its effects may be. Thus, if for the mining company, there exists the potential for dependence on that which it fosters and promotes, for the people, it is a matter of maintaining relationships in the present and potentially into the future.

For the purposes of this research, the work of Blanco (2022) on niobium mining in the Brazilian state of Minas Gerais seems relevant: the desire is itself ambiguous, mining is a source of health risks and simultaneously a potential field of well-paid work. However, Blanco (2022) also shows that desire works as an excess, it is never fulfilled and yet it enables the continued promise of development that is never achieved (see also Kapoor, 2014; Radomsky, 2020).

This article is the result of nine months of ethnographic research conducted by one of the authors between 2013 and 2014, in the Cajamarca region. During this period, we attended some of the monthly round tables for dialogue and consultation in Hualgayoc, when the majority of the development projects were approved. In these sessions, we met some community members and residents of Hualgayoc who we interviewed at a later date.

We always asked for permission to participate in these dialogues. Negotiations between the company and the communities that sold land to the mine occurred behind closed doors. As such, it was not possible to participate in these sessions, with the exception of negotiations with the La Cuadratura community (discussed below), which was beginning its relationship as an AID and where someone in authority allowed us to be present. We managed to schedule interviews with the mining engineers.

The mine in question is located in the district of Hualgayoc. Nowadays, the mine's AID includes the town of Hualgayoc and six rural villages. Around 6,000 people lived within the AID in 2011 according to the company website. Although the research included visits to different places, the focus here is on the particularities of Hualgayoc. In the next section, we examine the profound changes involved when switching from being a mine worker to a project beneficiary. We then analyze the relationship between mining and labor, focusing on how water crises in the region are implicated in the emergence of fear and aversion, and how strategies for mitigating this problem are also related to possibilities for labor. Finally, we explore the negotiations and modes of governing through development projects and programs.

MINING AND WORKERS IN THE HISTORY OF HUALGAYOC

Hualgayoc and Cerro de Pasco, the latter in central Peru, were the most prominent silver mining centers in the Andean country in colonial times. The history of Hualgayoc dates back to the end of the eighteenth century, when explorers found ore. Since then, its trajectory as a mining region has not ceased – not since the country's independence in the nineteenth century, nor throughout the diversification of the Peruvian economy in the twentieth century as shown by O'Phelan Godoy (1992), Contreras et al. (2010) and Pérez Mundaca (2010). One striking aspect in the history of Hualgayoc is how the possibility of social mobility through mining work became a crucial factor in attracting labor. Even though rapid social mobility was possible in given periods, mineral reserves could be exhausted and, until the discovery of another area for exploration nearby, massive population exoduses were constant and turned the mining center into a ghost town.

A similar situation has been reported in other studies. Mnwana and Bowman (2022) show the case of Limpopo province in northeastern South Africa, where the expansion of industrial mining could be seen as welcomed by rural people in areas affected by mining who are dealing with a lack of employment.

At the end of the twentieth century, a crucial transformation took place. Between the late 1980s and early 1990s, small mines – many of which were formed by underground tunnels – ceased operations and the owners declared bankruptcy, leaving behind around 1,200 environmental liabilities. Between 2004 and 2005, the South African company Goldfields negotiated with landowners to implement the Cerro Corona project, beginning in 2008. The old techniques for extracting ore from underground mines could no longer be used to obtain the gold and copper scattered throughout the mineral-rich mountains. Open-pit mining is the way metals are extracted, which requires a different type of installation, usually involving a massive pit, with different equipment, waste areas and separation systems.

Open-pit mining has two phases of labor hiring: the first, during construction, in which the company hires a significant number of people, employing a large manual labor force. The second is that of operations, when the demand for workers decreases because the system

operates mainly with machinery and equipment and less-complex jobs are scarce, so fewer people are hired. Thus, within a few years of the company beginning operations, workers can easily find themselves excluded from mining activities.

Cerro Corona, operated by Goldfields, is a gold and copper mine that applies conventional open-pit mining methods and sulfide mineral treatment through concentrate flotation extraction. Every day, this concentrate is transported approximately 236 miles (380 km) by trucks to the port of Salaverry (in La Libertad, on Peru's northern coast) for shipment to Asia and Europe. It is located in the district of Hualgayoc, six miles (10 km) northwest of the urban center, also called Hualgayoc, at an altitude of 3,500 meters (11,480 feet).

In 2014, the project area comprised the upper reaches of the Tingo/Maygasbamba and Hualgayoc/Arascorgue river basins. The mining operation and installations occupy both the Hualgayoc and Tingo river basins. The pit is located in the first basin, including two deposits of organic material, two sedimentation pools, a maintenance workshop for mining trucks, and the office. The other basin contains the *relaves* [tailings] deposit, the *botadero* [scrap heap], the mineralized oxide pile, the *chancadora* [concentrator plant], and four *botaderos* of organic soil unsuitable for use. The whole area was initially estimated at 570 hectares, with the possibility of expansion. In 2014, the mine was considered a medium-sized enterprise, compared with the Yanacocha mine, which is located an hour and 15 minutes away by road.

Characterized by modern mining techniques, the Goldfields pit design in Cerro Corona is achieved by drilling, blasting and loading (Knight Piesold Consultores, 2005). This can only be done using heavy machinery (drills, excavators, dump trucks). In this scenario, traditional underground mining skills lose their effectiveness, and this social transformation is one of the most dramatic. Miners who had worked in underground mining until the late 1980s reported that when they sought employment in the modern mining industry. They were told they were no longer miners, given the current context of advanced mining technologies and new formats of mineral extraction in Peru and many places worldwide (Salazar-Soler (2006), for instance, explores in detail the life of workers in underground mines in the Peruvian region of Huancavelica).

It was hard to believe that former miners could express nostalgia for a Hualgayoc whose history was marked by frequent deaths in the mines. However, people complained that Hualgayoc, which formed part of the AID of the Cerro Corona operations, did not benefit from offers employment despite feeling the impacts of a mine nearby. Since job posts generally required qualifications, it was mainly outsiders who profited from the economic benefits and the labor market created by the construction and implementation of the mine.

Thus, in the case of Hualgayoc, the category of those directly affected by mining included everyone who felt the impacts of the Corona project, though as Blaser (2010) argues, we suggest it "tamed" the way the residents related to the company. It was not always possible to enjoy the economic benefits of employment and social position, because from the moment that someone is part of the AID, they become project beneficiaries and, therefore, mere clients of development proposals that are not always well evaluated (see Hobart, 1993; Walsh, 2010; Lie, 2022).

One way the company began to encourage alternative work options was through incentives to develop transportation services for people. It is striking how the design of open-pit mining destroys old routes between locations, such that the distances become too far to travel. Workers, development agents, instructors and other professionals move between locations using the van system, which consists of a system of road transport involving small and medium-sized vehicles. Since the implementation of the mine, this system has been considered a job market fostered by the company, that is, when planning the format of the operation, particularly regarding how to organize relationships with local communities, the company had anticipated economic dynamization that involved jobs in daily transportation services. However, this type of work depends exclusively on the investment capacity of local actors. It is worth emphasizing that this capacity for investment only applied to those who had money from selling land to the mine. However, not all of those living within the AID had sold their land, only those inside the area where the open pit was planned.

This approach of stimulating an economy through the formation of markets involving companies and their workers is not only a local story. Studies on work, precarization and development in different countries have shown how capitalist dynamics impose the need for entrepreneurship, the individualization of initiatives and local competition with large companies or the state, inciting initiatives and offering few direct jobs (Rosenfield, 2018; Jakimov and Harahap, 2016; Forbes-Mewett et al., 2020). Noy (2023) has remarked that precarization and informal jobs form part of mining in the Global South; however, here we witness a different but related aspect: few well-paid jobs in the mining company and an important system of work in services that support the mine that do not always fit the ideal formal job people are looking for. In Hualgayoc, the very mining that destroys aspects of the landscape and the social world – with new legal frameworks for open-pit mining replacing the old underground mines – implies a reorganization that includes new activities in the hope of contributing to local development.

However, this emerging labor market only exists because the open-pit mining design has created problems, here adopting Escobar's (2018) notion of the designs of the world. Notwithstanding, the company's department for social responsibility deemed the case successful. Drawing on Escobar's (1995) best-known work, the state and companies act strategically towards populations that are considered vulnerable, by organizing a consortium of enterprises and state bureaus (Ribeiro, 2002). Particularly in the Hualgayoc case, there seems to be a dual relationship: while projects and resources are channeled into resolving problems, the expectation is that economic dynamism will stimulate social actors to be proactive. A recent work by Lewis (2019) on interactions between the dynamics of capitalism and intentional means of improving the conditions of a population, called "little D" and "Big D," sheds light on such problems. According to Lewis (2019), different research contributions show a dual possibility of understanding development

> [...] as something that *is done* (and therefore involves intention and choice) and development as something *that happens* (occurring according to some kind of largely predetermined *ex ante* logic). Confusion arises because the word "development" is sometimes used to refer to change and its consequences, while other times it refers to the intentions of institutional actors to bring change about (Lewis, 2019: 1957).[2]

Up to this point, we have deliberately not defined development, and the relationship described above by Lewis (2019) is crucial to what we seek to demonstrate. It may well be conceptualized as Rist (2008) argues,

> 'Development' consists of a set of practices, sometimes appearing to conflict with one another, which require – for the reproduction of society – the general transformation and destruction of the natural environment and of social relations. Its aim is to increase the production of commodities (goods and services) geared, by way of exchange, to effective demand (Rist, 2008: 13).

As we seek to clarify, the case of Hualgayoc may well be an illustrative example of Rist's concept of development.

LESS WATER, MORE JOBS?

Noé Zúñiga, a writer born in Hualgayoc, is the author of *El socavón compactado* [The compacted sinkhole] (1990). The novel tells the story of a treasure hidden in the depths of the mines in which the owner creates the means for the mineral to remain untouched. The tale informs us that the fortune left by Don Josef Casanova, the first miner of Hualgayoc, was obtained through a pact with the Devil in exchange for his soul. The novel's fictional plot draws from historiographical narratives. When we asked the author about the historical data of the region during our field research, he told us that he had researched the "discovery" of Hualgayoc ore:

> At the time of the colony, manufactured products that came from Spain were traded for produce from the rain forest [tobacco, coca, among others] by *trueque* [bartering] through a route that linked the city of Cajamarca [the Andean part] and the town of Chachapoyas [in the highlands of the Peruvian Amazon]. Once, the leader of the expedition, the Spaniard Rodrigo Torres de Ocaña, was traveling along the trading route. This journey was made in five *pascanas* [stages], and the first one ended in Mesa de Plata, which is very close to the urban center of Hualgayoc. The group of traders camped at Mesa de Plata and, since there was plenty of pasture because it was summer, the mules went looking for food and got lost. So, those accompanying Don Rodrigo, who aren't named in the story, prepared a fire to look for the mules. However, at dawn, they noticed that where the bonfire had been built, a glowing metal fluid had appeared. At first, they claimed it was mercury and called the expedition leader. However, as the liquid solidified during dawn, Rodrigo de Ocaña claimed it was silver and they immediately abandoned the mission to return to Cajamarca and make arrangements to extract the silver. The place where they had found the metal was named "*Nuestra Señora*

2 Reflections on this can also be found in Li (2007).

de la Aurora" [Our Lady of the Dawn] because it was at dawn that that liquid "became" silver and [later, in this location] a temple was built (interview, Noé Zúñiga, April 2014).

The story is intriguing because it reflects on one of the most coveted minerals, both then and now, at the founding of the city, thus connecting past and present with the challenging economic alternatives in the region. This is a narrative inherent to the future history that unfolded in Peru, since it is set in a moment prior to Independence, when native-born offspring of Spaniards, based on deep knowledge of the potential of such mineral resources, were conceiving the idea of a Peruvian homeland and distancing themselves from the country's Indigenous past. Thus, what is at stake is the struggle for control of the historical narrative, in which the *cerros* [mountains] of Hualgayoc are emporiums of wealth.

At some point during our field research, an interlocutor, recognizing the vicissitudes of the region's mining vocation, proudly stated that "the mineral for the ransom to free Atahualpa came from Hualgayoc."[3] Fabiola is a teacher who has lived all her life in the city of Hualgayoc. Her father, now deceased, had worked in the Los Mantos mine (which went out of business in 1990). He had been the head of the mining plant and had a deep knowledge of the processes of separating and recovering the mineral, despite having no university degree; he learned everything by working with engineers. When interviewed, Fabiola was astonished at the effects of mining in the region. What most drew her attention was how the activity generated jobs for those outside Hualgayoc and how the city suffered from the resulting environmental damage. One of the most dramatic problems observed in the research was the crisis related to the lack of water, ironically perceived as an opportunity to generate work in the region without being directly linked to the mining company. For this reason, we argue that the environmental issue is important in that it evokes actions to connect more jobs to the processes of development. Along similar lines, our analysis perceives that the ambivalence towards mining and development emerges in these interstices, since attraction and desire coexist with aversion and fear (see also Radomsky, 2015).

Not only Fabiola, but several other people in the city have also stated that, even though the old mines generated environmental impacts, there was no issue with water supply. Moreover, even if contamination of the rivers occurred, the headwaters still flowed. However, with the advent of modern mining, water scarcity was of considerable concern, given the constant need for water tankers to supply drinking water. Since the installation of the Goldfields mine, the landscape has changed, and water is a crucial element to understanding this transformation (Paredes Peñafiel, 2019). During the summer (May to October), according to Fabiola, there was less water in the wellsprings that supplied the city, but there were always the *puquios* [springs] that never ran dry, and families brought water from these *puquios* to prepare their

3 Reference to the kidnapping of the last Inca, who was held captive in Cajamarca between 1532 and 1533 and who promised Francisco Pizarro, known as the conqueror of Peru, an enormous amount of silver and gold in exchange for his freedom.

food. Besides her nostalgia for the springs, Fabiola described them as infallible, despite the changes in water volume between seasons. Even though with the old form of mining in tunnels, waste was dumped into the rivers and the effects were harmful, the springs always ensured clean water for the population. The fact remains that since open-pit mining operations began, the springs have disappeared regardless of the time of year. Some research has highlighted the risky association between large-scale-mining and water insecurity in Andean territories (see Damonte, Godfrid and López, 2021).

The following interlocutor expresses quite clearly how desire and fear can exist side-by--side and, more importantly, how desire takes precedence. Hernandez, another native of Hualgayoc, stated that there were advantages to the new mining: "there's no shortage of work in Hualgayoc," which contrasted with the general sense of unemployment among the local population. Hernandez said that, when he was a child, his father used to come home dirty and exhausted after working in the mine, so he vowed not to engage in this occupation. In April 2014, however, he was doing just that, working for Goldfields in a laboratory, seven days one week, seven nights the following week, and then seven days off. His father, meanwhile, had got an influential job at city hall. Hernandez explained his choice to work in the mine precisely because, in his view, Hualgayoc is a "sick" town – the town depends on mining and, when the mines shut down in the early 1990s, Hualgayoc almost "died." The only way to keep the place alive is for it to continue being a mining town – a path-dependence that becomes a curse. He added: "that's why I say if there was no mining in a place, it's better to keep it that way, on this the people of Conga [in the Bambamarca district] are right [for mobilizing against mining]."

Hernandez's father was one of the leaders of the largest protest against Goldfields in the town, but today, after getting a job, he no longer speaks out. Consequently, the "reputation" of hualgayoquinos who had negotiated any personal benefit with the mining company was not good. They were said to distance themselves from others, no longer wanting to eat with others, they did not offer rides in their vehicles, recently acquired through settlements, and were even suspected of making pacts with *brujos* [sorcerers] to get ahead economically. This is a recurring issue in mining regions – see the works of Nash (1979) and Taussig (1980). Suspicion of illicit enrichment is also the theme of Wachtel (1994). In many situations, the narratives involve rapid enrichment and hidden pacts. This is the type of issue that we seek to highlight in this work: a large mining project profoundly alters the local reality, consequently compromising the community, since desires are directed towards certain ends and the individual search for better living conditions is central, even though achieving this is not accessible to everyone.

In order to understand another perspective of the issues, we sought to hear from staff members from the company's Community Relations and Sustainable Development offices. During informal conversation with one of them, when asked about the gradual alienation

of new employees at the mine from their friends and neighbors – a fact that could happen to anyone who received a reasonable benefit from the company – the staff member reported that following the arrival of mining initiatives by large companies, something happened within the "souls" of Hualgayoc's inhabitants. He referred to subtle or even emphatic forms of social distinction associated with the desire for wealth. But beyond this subjective perception, an issue that was important to hear directly from the staff concerned the appropriateness of the company's involvement in local relations and in spheres not directly associated with the operation of mineral extraction. After listening to the question, he replied: "And what about development?" Later, during a round table discussion, another staff member said:

> Goldfields' proposal is Responsibility. Hualgayoc needs jobs, El Tingo needs jobs. Hualgayoc welcomed us, but it was the El Tingo community that handed over their land. We have a formal, moral commitment with them. Goldfields processes 17,000 tons a day, Yanacocha 150,000. It is a mid-sized mine, since mines ranging from 5,000 to 50,000 are deemed medium-sized. [...] Mining will always be an option for Hualgayoc – in the past, now and going forward. It is important to bear this in mind in the medium-term future. Mining has been here for 300 years. It is an option today and will be in the future. You must consider that mining is a reality in Hualgayoc because that is the fate of Hualgayoc, it's God's plan. (Community Relations Office staff member during a dialogue and consultation round table in Hualgayoc, 2014).

In the staff member's account, we observe a strategy to deal with the fact that mining is a part of history, something essentially immutable, which has relevant effects on actions related to incentives for job creation and in the way environmental problems are dealt with. Clearly, we are facing attempts not just to save development, by identifying a very long history with divine figures and the future of mining, but also the civilizing mission of Western economic activities.

On environmental issues, the company presents a different perspective based on technical expertise as we can see in Li, F. (2015) and Stensrud (2019).[4] The engineers pointed out that contamination is a consequence of the activities of mining companies operating from 1970 to 1980, that is, underground mining, which continue to pollute the Tingo and Hualgayoc rivers, since the rains still carry toxic substances in the extracted earth still present in the territory. They claim that the modern company is different. According to company documents (Goldfields La Cima S.A., 2013), Cerro Corona was designed to utilize two sources of water. The first comes from rainwater storage. Through a pumping system, rainwater is sent to the processing plant to be used in various stages. The wastewater is continuously derived from the tank, that is, it is used cyclically. The second source comprises underground wells.

4 Li, F.'s work (2015) in a nearby region, also located in the Andes, showed that experts become crucial in defining guidelines for practices, responsibilities and compensations. Certain activities generate impacts, others produce contamination. Contamination is a critical and irreversible effect, while impacts can be mitigated. Again, we are faced with the power of engineers in these activities and interpretations of the world (Stensrud, 2019).

However, people who live inside the AID claim that these underground wells are responsible for "drying up" the springs and waterheads by sucking directly from the underground water. Another administrator of the project, an operations manager, explained the drought using other arguments. According to him, the lack of water is due precisely to the increase in the urban population that moved to the city searching for work in the mine. Thus, there is a demographic dimension to the anthropic factor. The old pipeline system was inadequate to supply the population and it collapsed. As a result, the company ended up taking over the city's water supply, using water tankers to bring water from other locations, an action that forms part of their social responsibility policy. What caught our attention is that those who provide the water tanker service may be the very people affected by the impacts of mining, those officially recognized within the area. They can perform such a service, provided they became entrepreneurs and earn the support of the mining company. Thus, paradoxically, the "disappearance" of the water, whatever its causes, emerges as a "development" opportunity, generating transportation jobs inside the area of influence.

During the final weeks of research in Hualgayoc, still in 2014, an incident related to the processes described above is worth reporting. Gloria, the owner of a wellspring leased by the mining company to supply water to the city, refused to allow the water tankers to collect water for distribution in Hualgayoc. For four consecutive days, Hualgayoc was without water. To make matters worse, it was the dry season, so there was no rain. A school teacher provided us with more details concerning the case. Gloria is a peasant woman whose land is within the AID of the mine. She had become a "communal entrepreneur," and was renting machinery to the mining company. However, since the company had shifted focus from construction to its extraction operations, the mine terminated Gloria's contract to supply machinery. One way of insisting on further negotiations to use her machinery was to leave the city of Hualgayoc without water. After a few days, the situation normalized, but this event enables us to infer that opportunities to profit are always at stake on such occasions.

Being a "communal entrepreneur" was one of the options proposed during negotiations aimed at generating job opportunities in anticipation of the demand for construction of the Cerro Corona project. Here, a crucial observation should be made: those who acquired heavy machinery with substantial capital investment were the very people who sold their land to Goldfields. These actors were "lucky" that their properties were exactly where the subsoil is rich in minerals. Since their lands were purchased for high prices, they had the funds to buy machinery and rent it to the mining company. In contrast, there were those who were not eligible for land sales and despite being classified as people inside the AID – the urban center of Hualgayoc – they did not have the same opportunities to become "communal entrepreneurs" or to get jobs in the company.

Considering that 2014 was already a critical year, since the company had shifted from the construction phase, which required much more labor, to the operational stage, to recover that

peak demand for labor, the only strategy seemed to be to the expansion of the mining operations. Evidently, this involved expanding the pit, annihilating more water springs and arranging contracts with more "communal entrepreneurs" to fetch water for the city even further away. This narrative rewrites the "origin myth" of mining in Hualgayoc, articulating it in history much like one of the interlocutors mentioned earlier: mining as the past, present and future of the region. The contradiction is that the vast majority could no longer be miners like they had been in the past, since modern mining does not absorb the workforce in these proportions and even when it does, the vast majority do not master the new skills required. The question that emerged was: how many giant pits would it take to actually create jobs in the future?

POLITICAL NEGOTIATIONS AND GOVERNING BY DEVELOPMENT PROJECTS

At this point, it should be clear that in the old mining days, it was enough to be from the city or live there to work in one of the many mines, while today the worker must fit into the categories determined by the mining company. Like in any large development program, its hierarchical, classifying organizational process bureaucratizes relations and separates actors into distinct scales of actuation (Escobar, 1995; Ferguson, 1994). What makes this case relevant is the dual articulation, in which the company operates in a typical capitalist economic environment, while also organizing programs to address social contradictions and exclusions, using bureaucratic means and standardized systems to stagger and manage problems that also create an environment in which competition, entrepreneurship and individual initiative are key. It is readily apparent that development is a fundamental axis through which the company legitimizes its activities and simultaneously disseminates its presence in the region, that is, inserting itself into the families' lives. However, the issue is complicated, given the effort to ensure that this power does not turn into permanent ties, and with company members working to avoid situations of excessive dependence, this is a complex case study.

Perhaps we would not have grasped the dimension of tensions in the city were it not for Oscar, a man with many years of mining experience, who reported that his knowledge was insufficient. He was hired, but was fired soon after:

> I have always worked in mining. In the 1970s, Hualgayoc was at its mining peak. Before working at Goldfields, I'd worked with the Emilio Montoya family. [...]. I have 25 years of experience in mining. I'm the president of the Hualgayoc Miners Association [...]. I sought advice, we formed a union; there's 300 people in the union. [...]. We are always told that we're not prepared to work. Why? We've worked for so many years in mining. It's discrimination. I started working in 1979. Before, mining was very different. In 1979, we had six mining companies, Colquirumi, Banco Minero, Emilio Montoya, San Nicolás, Los Mantos. In 1982, Carolina arrived. In 1990, the unions were destroyed, the companies were sold, and many were left without work. This *pueblito* suffered, and everyone was left without work. We've lived through unemployment since 1990. [...]. People began to migrate. When Goldfields arrived in 2004, many came and started working. But there's not [enough] work. (Interview, Oscar, 2014)

The alternative became the struggle for compensation. Like many others, during the early negotiations, Oscar took the collective stance of accepting the company's operations in Hualgayoc in the hope that he would be able to work as a miner, because in 2014, he was unemployed. At that time, he was attending meetings on Goldfields' expansion of operations that would affect his community, La Cuadratura, where he had a small landholding. This part of the territory had recently been included in the AID and there were expectations of benefits. The Community Relations Manager and his team attended a meeting to negotiate an agreement with the community where Oscar's land is located.

It is of interest to observe that the La Cuadratura community submitted a proposal for this agreement. This reminds us that among the modes of governing populations by development projects and programs, there are forms of political negotiation that do not permit initiatives to be simply imposed by one group on another and passively accepted (Li, 2007; Long, 2001, Beck, 2017). The proposal presented a list of requests: scholarships for young people, cows per family, a paved road between La Cuadratura and Hualgayoc, sheds for raising guinea pigs, training in heavy machinery, advice to organize a communal enterprise and a venture to plant quinoa.

Negotiations began, and it goes without saying that the balance of power was tilted in favor of the mining company, and the list of requests was changed. In the end, the community obtained grants for training in MS Office, the mining company only agreed to a single communal company to transport people by van, and one heifer per family. This last item is rather curious, since the demand seemed beyond the families' capacity to raise them. They requested one cow for each family affected, but a mine official claimed that it would not be possible because they did not know how to care for the animal, so they changed it to one heifer (19-30 months) or calf (under 8 months) per family. Thus, they would learn to raise them correctly and the heifer would get used to the highland soil. It is important to highlight that this specific negotiation ended up demonstrating what was at stake. When the parties began to get irritated, a community leader from La Cuadratura affirmed: "whether it's a heifer or a calf, the important thing is we get them." Therefore, for the community residents, gaining something was imperative, since this indicated that they had some bargaining power (Beck, 2017) and the mining company would only expand its operations if it could offer the people something. They certainly understood that political clashes were more likely to reorganize the way they were governed (Chatterjee, 2004) than to display strength against big mining companies. It is important to realize that, during this negotiation, at no point it can be said that there was attachment to the idea of development *per se*, or that there were strong desires for social progress. They were not "devoted to development", as shown by Pandian (2008); what was at stake was obtaining something and demonstrating some leverage in the relationship.

Since there is a long history of mining and movements for or against it, the issue is all the more politicized and negotiations are true practice politics (Li, 2007), even if the overall outcome ends up limited by the way government is exercised (Chatterjee, 2004) with the

ever-expanding mining and the allure riches can generate. Gaining something is an important bargaining chip when there is little room for agency.

Due to the absence of the state in supplying basic needs in these areas, it is not unusual for mining companies to undertake certain initiatives in this regard. Connections between mining and development programs commonly form part of the concession agreements between the Peruvian state and these companies; therefore, negotiations involving such programs are inherent to the concession. The MICAVIR project, *Mejoramiento de los indicadores de calidad de vida de la Población en Riesgo del Distrito de Hualgayoc* [Improvement in quality of life indicators for the population at risk in the District of Hualgayoc], was among the mining company's development projects in alliance with the municipality of Hualgayoc. The staff was composed of development agents, mainly from the districts of Bambamarca and Cajamarca, who were responsible for tackling child malnutrition rates. Here we observe that, in connection with the environmental and socioeconomic impacts of mining, forms of reconstructing the social world emerge to deal with problems created by capitalist dynamics.[5]

Governing by projects was a reality related to precise goals and established indicators to provide accountability (Li, T. 2015; Vianna, 2014). However, with the proliferation of programs or projects run by a company, a side effect arises from installing an open-pit mine. While hierarchical relationships were being discussed, the idea of relations of dependency was also emerging, especially for the company. Suzana, an employee of Goldfields, was straightforward in her assessment of the situation. She was responsible for development projects in the Hualgayoc district. Among the initiatives she supervised, one concerned clothes manufacturing, which she was keen to mention. Suzana had previously undertaken certain projects she conceived as successful elsewhere and wanted to replicate them in Hualgayoc.

The company donated sewing machines to set up the workshop and provided training. The firm also agreed to buy the first orders until the market launch. When Suzana sought out the women involved in the association, she realized they were not at all proactive. When approaching the women, she asked: "Don't you want to be self-sufficient?" To which she heard them reply: "We don't want to be self-sufficient, we know Goldfields will buy [the products]." In recounting this episode, Suzana was enraged by the women's attitude and suggested they were no longer Andean *campesinas* because they did not want to work. "People have learned to be shrewd," she concluded. Which parties are right about the problem is not in play here, what matters is how the mining company acts to encourage entrepreneurship and considers that through this process the local economy will be able to establish its own dynamics and be less dependent on mining. However, the actors struggle to maintain close ties with the company, as if somehow the mining company is forever indebted to the community.

5 In her book published in 2007, Li had previously noted the relevant role of "development projects," which become more present than the state's public policies. The argument is highlighted in Li, T. (2015). Lie (2022) shows how large corporations have entered the field of international development in the last decades.

CONCLUSIONS

In the case under analysis, we see that a large mining company in the northern Peruvian Andes is causing significant transformations in the labor market where it is located, as it acts much like any capitalist company (Kirsch, 2014). In parallel, it manages to permeate the lives of families through development projects and programs to mitigate a number of the problems of social exclusion created by the company. One intriguing issue is that a reasonable portion of Hualgayoc residents express a strong desire for the mining activity, even though they are aware of the dilemmas and problems it causes. There seem to be no illusions about this; on the contrary, the challenges of changing the course of social and economic processes are well known. As shown by Nash (1979) decades ago, large extractive projects offer conditions for different groups and social classes to establish both what seems possible to obtain and realistic interpretations of what can be transformed.

This is the reason why we insist on the ambiguous relationship between the desire for development through mining and the simultaneous aversion to it. Desires are plural, differentiated, and the perception is that individual objectives become expressive in the rift in the community relations, particularly when related to employment and proximity to the universe of the mining company. In Hualgayoc this dissemination of desires seems to overlap with the fears that are common to all: lack of water and lack of employment.

The uniqueness of this situation is relevant, since we understand that, in the current context, the operation of a large company increases the prospects of employment among the population. However, given that not everyone is included, the management of development programs legitimizes the mining operations, channels resources for specific purposes (projects to improve living conditions and the allocation of resources for community festivals and local infrastructure) and raises expectations for the future. These expectations strive to promote work in an economy driven by large investments, encouraging new entrepreneurs to be self-sufficient, while imposing limits on the over-dependence of society.

The water crisis in the region is oddly associated with development opportunities, as a way of creating jobs and, for the company, offering the means for communal entrepreneurship. Here, it makes perfect sense to reclaim Rist's (2008) concept of development, cited above, since the destruction of the environment and social relations are an intrinsic to it.

Mining activity established after the 1990s requires skills and training, and these requirements are found in workers who are often not part of the community. It is not just the design of the pit that changes, given that mining companies establish relationships that can eventually disempower social groups. Ceasing to be a worker to become a beneficiary of a development program is sometimes perceived as frustrating, although it may recreate new local articulations and negotiations with these companies. Maintaining ties and creating systems of dependency with mining, even as a "communal entrepreneur," suggests that the

connections desired by society are not impersonal and ephemeral. People seek long-lasting and binding relationships that a capitalist world gradually renders impersonal, making it increasingly difficult to hold the community together (De Vries, 2013). For outside workers, accepting that work is merely a contractual relationship is easier, though this makes the situation even more dramatic as it leads to envy and contempt on the part of the population of Hualgayoc. The logic of stolen opportunities nourishes an uninterrupted plot that is overcome, even momentarily, when people manage to negotiate collective benefits and obtain something through development programs, no matter how small.

Translated by Philip Sidney Pacheco Badiz.

Received: November 8, 2023.
Approved: October 15, 2024.

Acknowledgements
This work was supported by PROEX-CAPES PPGS/UFRGS (Programa Nacional de Excelência, Coordenação de Pessoal de Nível Superior, Programa de Pós-graduação em Sociologia, Universidade Federal do Rio Grande do Sul) and FAPERGS (Fundação de Amparo à Pesquisa do Estado do Rio Grande do Sul).

Authorship contribution
Adriana Paola Paredes Peñafiel. Contributed to the research design, field data collection, article design, theoretical discussion, analysis, writing and final review of the text.
Guilherme Francisco Waterloo Radomsky. Contributed to the conception of the article, theoretical discussion, analysis, writing and final revision of the text.

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ARTÍCULO

Jefes y caciques: una mirada amazónica a una organización sociopolítica andina

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Resumen:

Este artículo tiene como objetivo central situar, en un cuadro comparativo más amplio de sistemas regionales amerindios, a la organización social de los Muiscas, indígenas de los Andes orientales colombianos que, en tiempos previos a la conquista española, estaban organizados en cacicazgos. Por medio de un ejercicio teórico de etnología comparada, se hace un contraste entre sistemas regionales amazónicos –donde la jerarquía es importante (Alto Xingú y Alto Río Negro) – y trabajos arqueológicos e históricos sobre los Muisca. Se tratan los temas de la producción de diferencias, la integración regional en sistemas regionales abiertos y la relación, entre jefes y caciques, con las fiestas, para explorar la tensión estructural, en perpetuo desequilibrio, entre jerarquía y heterarquía, e identificar algunas características generales de estos sistemas.

Palabras clave: Andes; Amazonia; sistemas regionales; Muisca; Alto Xingú; Alto Río Negro.

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e00502
https://doi.org/10.1590/1809-4341.2025v22e00502

Chiefs and caciques: an Andean sociopolitic al organization seen through Amazonian eyes

Abstract

The main purpose of this text is to bring into a broader comparative framework of Amerindian regional systems the Muisca, an Eastern Andean indigenous people in Colombia who were organized in cacicazgos at the time of Spanish conquest. Through a theoretical exercise in comparative ethnology, it will be possible to contrast Amazonian regional systems having hierarchy as an important feature (Upper Xingu and Upper Rio Negro) to archaeological and historical works on the Muisca. Topics such as the production of diferences, regional integration in open systems, and the connection of chiefs and caciques with feasts will guide my arguments to explore the structural tension, in perpetual imbalance, between hierarchy and heterarchy, which allows us to identify some of the features of these systems.

Keywords: regional systems; Andes; Amazonia; Muisca; Upper Xingu; Upper Rio Negro.

Jefes y caciques: una mirada amazónica a una organización sociopolítica andina

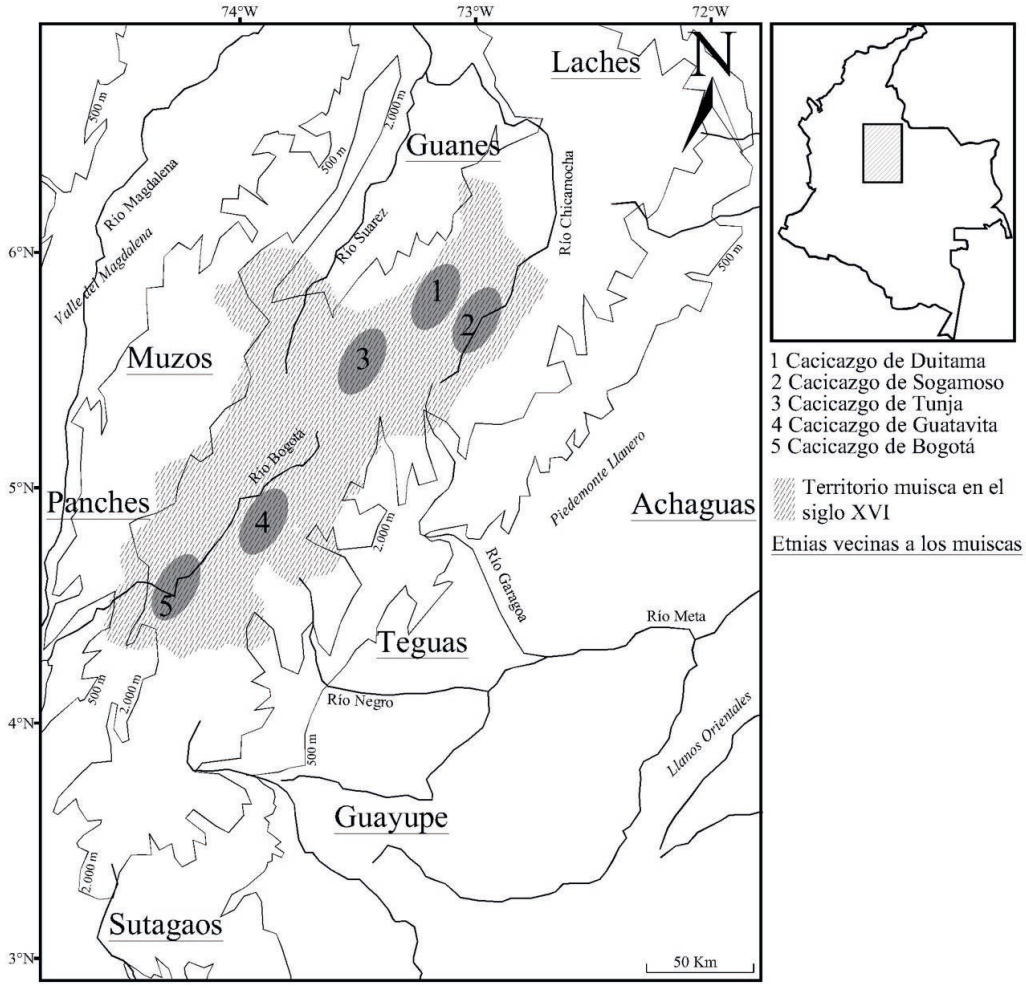
Luis Cayón

El presente ejercicio de etnología comparada tiene el objetivo de traer elementos característicos de algunos sistemas regionales de las Tierras Bajas, como el Alto Xingú (AX) y el Alto Río Negro (ARN), para proponer un entendimiento alternativo de los cacicazgos muiscas que existieron hasta la llegada de los europeos en los Andes orientales colombianos, más exactamente, en el extenso altiplano cundiboyacense (véase Mapa 1) donde actualmente hay varios asentamientos urbanos, entre ellos, Bogotá.[1]

Este ejercicio teórico se realiza a partir de la exploración de la tensión, en perpetuo desequilibrio, entre jerarquía y heterarquía, en la cual relaciones simétricas y asimétricas interactúan simultáneamente en diferentes escalas. Para realizar este análisis es necesario un diálogo no ortodoxo entre arqueología y etnología, ya que estamos hablando de un principio estructural de larga duración que para ser tratado requiere, por un lado, de desmontar ideas preconcebidas e imágenes distorsionadas sobre los Muiscas y los grupos amazónicos; y, por otro, tener en cuenta que existen continuidades y discontinuidades, entre el pasado arqueológico y el presente etnográfico.

En la actualidad, las aldeas del AX mantienen el mismo formato de las aldeas del pasado pero en una escala reducida (Heckenberger, 2005), lo cual sugiere cambios significativos en la organización sociopolítica desde el siglo XVII; en el ARN el modelo de asentamientos dispersos se fue erosionando desde la mitad del siglo XVIII hasta la década de 1970, cuando se debilitaron las últimas malocas y sus jefes; los Muiscas actuales están en procesos de re-emergencia étnica y en poco se parecen con sus ancestros, pues los cacicazgos se desarticularon en los primeros siglos de la conquista, a los que siguió la invisibilización de sus prácticas y usos de la lengua, durante los períodos colonial y republicano. Por fortuna, avances recientes de la arqueología y de la etnología nos permiten elaborar estas exploraciones analíticas de contextos tan heterógeneos.

1 Este trabajo fue realizado con apoyo del Consejo Nacional de Desarrollo Científico y Tecnológico de Brasil (CNPq) (Proceso 304051/2022-5). También agradezco el auxilio de investigación ofrecido por el Departamento de Antropología de la Universidad de Brasilia.



Mapa 1. Altiplano cundiboyacense y cacicazgos muiscas más importantes. Elaborado por Alejandro Bernal

En años recientes, la poderosa idea preconcebida de que, en Suramérica, la complejidad social apenas habría sido posible en los Andes, ha ido desmoronándose. Es claro que ciertas ideas preconcebidas, de tanto repetirse, se vuelven comunes en las interpretaciones antropológicas, y con el tiempo se convierten en camisas de fuerza que estorban el surgimiento de nuevas miradas. Una de estas ideas fue muy influyente durante la segunda mitad del siglo XX, transformándose en un auténtico obstáculo para la etnología amazónica y la historia indígena del continente. Desde el *Handbook of South American Indians*, editado por Julian Steward (1948), y más tarde reforzada por varios trabajos enmarcados en la Ecología Cultural, como el de Betty Meggers (1989), se creó la falacia de una separación entre Andes y Tierras Bajas. Así, se pensó que, en los Andes, debido a la riqueza de nutrientes de sus suelos y a la intensificación de la agricultura, la complejidad social llevó a la formación de estados, mientras que en la Amazonia apenas hubo sociedades "igualitarias", debido a la pobreza de sus suelos y a la consiguiente escasez de recursos, que impidieron el aumento demográfico y el surgimiento de un sistema agrícola capaz de mantener a una población densa. De hecho, las evidencias arqueológicas que le apuntaban a la propia Meggers la existencia de socieda-

des complejas en la desembocadura del Amazonas fueron interpretadas como producto de la migración de una cultura andina, creadora de una cerámica sofisticada que, con el paso de los siglos, entró en decadencia debido a las limitaciones ambientales. En el punto de conocimiento actual de la arqueología y de la historia, esto es insustentable.

Hace aproximadamente dos mil quinientos años comenzaron a ocurrir importantes cambios sociopolíticos en la Amazonia y en otras partes del continente. Desde esa época provienen las evidencias del surgimiento, en diferentes lugares de la selva, de grandes asentamientos sedentarios y de cambios significativos en el paisaje, como la construcción de montículos, terraplenes, caminos, canales, zanjas, camellones, geoglifos y la formación de *terras pretas,* suelos antrópicos de alta fertilidad producidos por ocupaciones de larga duración (Neves, 2011). La construcción de estas estructuras artificiales estuvo asociada a un aumento demográfico (Denevan, 1976; 1992), que se hizo visible en el registro arqueológico e implicó, indudablemente, el surgimiento de estructuras jerárquicas que organizaron los trabajos de movilización de una gran cantidad de tierra, que dejó marcas indelebles en el paisaje.

El tamaño de esas poblaciones prehispánicas y de los primeros momentos del contacto con los europeos, como describieron las crónicas, contrasta radicalmente con las formaciones indígenas actuales, ya que la debacle demográfica causada por epidemias, esclavizaciones y reducciones a misiones, entre otros males, produjo fuertes efectos en las formas de organización social indígena. Las devastadoras consecuencias del contacto extinguieron a muchos pueblos y a otros los redujeron drásticamente, obligándolos a adoptar diversas estrategias de supervivencia, como la de refugiarse en regiones de cabeceras. Los indígenas se reorganizaron de modos distintos por la dispersión de los sobrevivientes y la disminución dramática del tamaño de los grupos. Por el mismo motivo hubo cambios importantes y veloces en el paisaje amazónico después de la conquista: el rápido crecimiento de la vegetación ocultó las antiguas aldeas, dando la apariencia, a ojos extranjeros, de un bosque virgen y vacío de humanos. De este modo, lo que en realidad fue producto de siglos de devastación causada por el contacto con los europeos y las sociedades nacionales, se convirtió en la visión paradigmática del pasado y actualidad de los pueblos amazónicos.

Algo semejante, pero como un reflejo invertido, ha ocurrido con los Muiscas, etnónimo con el que se ha denominado a los indígenas que habitaron el altiplano cundiboyacense en los Andes orientales colombianos. La imagen que los cronistas españoles crearon sobre los Muiscas en los siglos XVI y XVII (Anónimo [1539] *apud* Tovar, 1995; Oviedo y Valdés, 1944; Aguado, 1956; 1916; Castellanos, 1997; Simón, 1981; Freile, 1997; Piedrahita, 1973; Zamora, 1980) fue la de un proto-estado en el que dos grandes príncipes o señores (caciques) de características feudales, el Zipa de Bogotá y el Zaque de Tunja, estarían al borde de un conflicto final en el que el vencedor lograría tornarse soberano único de un vasto territorio para formar un estado, proceso truncado por la conquista española.[2]

2 Sobre la conquista de esta región, véase Friede (1966).

Esta descripción sembró la idea de la existencia de una homogeneidad cultural y de una estructura de poder piramidal, en la que grupos familiares estaban bajo el comando de un "capitán", que a su vez era subordinado a un cacique que tenía el control de varias capitanías de una región y que, a su vez, rendía cuentas a un cacique mayor, cuyo poder era suprarregional.[3] Los caciques y "capitanes" vivían en construcciones exclusivas llamadas "cercados", y usaban elegantes mantas de algodón y ricos adornos de oro de acuerdo con su rango. Los caciques y "capitanes" rendían tributos a los caciques principales, los cuales generaban un sistema de explotación de sus "vasallos". Esas ideas fueron retomadas por los historiadores de la joven República de Colombia en el siglo XIX (Guarín, 2005) –ideas que resultaron por demás centrales para la construcción de la nación– y orientaron buena parte de los estudios arqueológicos e históricos[4] del siglo XX.

Por fortuna, esa imagen ha sido cuestionada con gran vehemencia en años recientes por trabajos arqueológicos (ver Langebaek, 2008; Langebaek et al., 2015; Henderson, 2017) e históricos (Gamboa, 2008; 2010; Bernal, 2017) que evidencian que no había tal estructura piramidal, ni proto-estado, ni dos grandes caciques disputando la supremacía regional. Las evidencias arqueológicas demuestran que las dimensiones de los asentamientos eran variados, siendo los más grandes de carácter permanente, y que reunían una gran población en épocas de fiestas; que los contrastes de los ajuares funerarios no permiten distinguir claramente las diferencias jerárquicas ni la existencia de una élite explotadora y abusiva; que los adornos de oro eran menos importantes que los de cobre y que provenían, vía intercambio, de otras regiones; y, que el control territorial de los caciques mayores no era tan fuerte, hecho corroborado por las fuentes históricas que muestran la limitada capacidad de influencia de un cacique sobre una región y sus "súbditos", ya que las personas podían trabajar para dos caciques distintos e, incluso abandonarlos para asociarse a otros (Londoño, 1984; Gamboa, 2010).

Con los años, la aparente homogeneidad del mundo muisca se ha transformado en un conglomerado de diferencias manifestadas, entre otras cosas, en un poder político atomizado basado en obligaciones mutuas en las que los jefes de grupos familiares y "capitanes" podían trabajar para un cacique a cambio de contraprestaciones; la insatisfacción con un cacique implicaba un cambio de relaciones, pues más importante que la dominación y la coerción eran la

3 La caracterización que los españoles hicieron de estos caciques los asemejaría, como una proyección del mundo hispánico, a señores feudales. Sin embargo, por la ausencia de una élite guerrera al servicio del cacique y de elementos contractuales en la relación de vasallaje, entre otras cosas, la descripción del sistema piramidal muisca se correspondería más con un sistema patrimonialista. En estos sistemas, de acuerdo con Weber (1964: 759), el dominio no puede ser ejercido por medio de la fuerza física, ya que el poder político se organiza de manera análoga al poder doméstico. Para Weber, el feudalismo sería un caso límite de estructura patrimonial (1964: 810).

4 La arqueología y la historia del territorio muisca son muy extensas y presentan diferentes vertientes, interpretativas y teóricas. Sin ser exhaustivo, dentro de los trabajos más relevantes se pueden citar los de Broadbent (1964), Friede (1966), Falchetti & Plazas (1973), Tovar (1980), Villamarín & Villamarín (1981), Londoño (1984; 1996; 2001), Lleras & Langebaek (1987), Langebaek (1987; 1992; 1996; 2005; 2008; 2011; 2019), Sotomayor (1989-1990), Lleras (1995), Kurella (1998), Cárdenas-Arroyo (2002), Correa (2004; 2005), Gamboa (2005; 2008; 2010), Boada (2006; 2009), Henderson (2008; 2017), Bernal (2008; 2017), Langebaek et. al. (2000; 2015).

persuasión, y el prestigio. De esta manera, algunas de las preguntas centrales que hoy tienen los especialistas están dirigidas a comprender de qué tipo eran estas sociedades, hasta dónde llegaba la integración regional y cuál era la naturaleza de la jerarquía, y el poder, entre los Muiscas.

El cuadro que tenemos actualmente sugiere que había una multiplicidad de cacicazgos heterogéneos, de diversas dimensiones, autónomos y con grados variados de integración regional, que incluían, por un lado, ciertas especializaciones locales como la producción de sal y de objetos de orfebrería; y por otro, varias redes de intercambio de productos con pueblos diversos de la cordillera, del valle del Magdalena y de los Llanos (Tierras Bajas). Hubo caciques más influyentes, como los de Bogotá, Guatavita, Tunja, Sogamoso y Duitama, pero nada sugiere tendencias a la centralización del poder sino la existencia de diversos centros de importancia religiosa y/o económica, que coinciden con localidades de mayor tamaño, donde se constata una larga secuencia de ocupación de al menos dos mil años, lo cual sugiere más la importancia del lugar en sí[5] que la relevancia de determinados linajes. Es posible que los Muiscas se adscribieran a una identidad étnica más amplía que la de la dimensión local, ya que había circulación de personas por diferentes mercados y centros ceremoniales por todo el altiplano; también compartían una serie de semejanzas culturales: estilos cerámicos que contrastan con los de otras regiones de los Andes orientales también hablantes de lenguas chibcha (Langebaek, 2019) y la producción de mantas de algodón, y ofrendas. Al mismo tiempo, enfatizaban en notables diferencias micro-regionales relacionadas con prácticas funerarias, la presencia o no de obras monumentales y/o de adecuación agrícola, la decoración cerámica y textil e, inclusive, podría haber variaciones dialectales dentro de un mismo cacicazgo (Bernal, 2017). Se ha propuesto la hipótesis de que el poder de los caciques estaría relacionado con la vida ritual y la organización de fiestas con gran consumo de bebidas fermentadas (Henderson, 2008; 2017; Langebaek, 1992; Langebaek et. al., 2015), como se desprende de las evidencias del material cerámico y del interés de los españoles en prohibir las "borracheras", nombre con que los españoles se referían a las fiestas indígenas; aunque esto también podría verse como una manera de controlar el poder de los caciques ya que el consumo fastuoso de una fiesta los impediría de acumular (Langebaek, comunicación personal).

Esta caracterización me conduce a pensar que la lógica de organización sociopolítica de los Muiscas es muy semejante a ciertas formas de organizaciones sociopolíticas amazónicas, más exactamente a los sistemas regionales abiertos, pluriétnicos y multilingües en los que existen –o no– ciertas estructuras jerárquicas. Estos sistemas regionales deben ser entendidos como redes abiertas de relaciones sociales que pueden contraerse, expandirse o intersectarse fluidamente con otros sistemas diferentes (Vander Velden & Lolli, 2021), así como se caracterizan por ser multicéntricos, evidenciando complementariedades y alternancias en diferentes escalas,

5 Langebaek (2019) explica que una de las singularidades de los cacicazgos más importantes (Bogotá, Tunja, Sogamoso, Duitama) presentan continuidad de ocupación desde el período Herrera (400 a.C-1000 d.C), lo cual sugiere la importancia simbólica o ritual de esos lugares.

regionales y micro-regionales. Por este motivo, estos sistemas regionales suramericanos no pueden pensarse a partir de otros modelos de alcance regional orientados por la oposición entre centro-periferia, como es el caso, por ejemplo, de los sistemas patrimonialistas de África occidental (Murphy, 2010), o de los sistemas galácticos del Sudeste asiático (Tambiah, 1985), en los que, tanto el poder político como los ideales rituales y cosmológicos, se irradian desde un centro jerárquicamente superior y se adoptan por coerción y/o mímesis en función de la distancia social y espacial, a partir de la tensión entre la autonomía, equivalencia y simetría de las relaciones entre los jefes de las diferentes unidades sociales de la red regional, y la constitución de relaciones asimétricas dentro de cada una de esas unidades.

Mi objetivo en este texto no es reinterpretar a los Muiscas desde la Amazonia, ni discutir la idea de cacicazgo como estructura sociopolítica anterior al estado, tareas para las que no tengo competencia, sino traer algunos elementos amazónicos que puedan ampliar las interpretaciones de los especialistas en los Muiscas acerca del poder, la jerarquía y la integración regional, y contribuir para que se hagan nuevos análisis que pueden expandirse a otras organizaciones sociopolíticas del continente. Aquí apenas se pretende localizar a los Muiscas dentro de un cuadro comparativo más general y relacionado con algunos aportes de la etnología actual. Me baso tanto en ideas robustas de la reciente etnología amazónica como en semejanzas estructurales encontradas en el registro arqueológico, que sugieren la existencia de un modo general de organización sociopolítica reacio a la centralización; características visibles tanto en el registro arqueológico como en algunos sistemas regionales amazónicos actuales, donde la jerarquía es importante. Para ello, a lo largo del texto exploraré tres temas: la producción de diferencias, la integración regional en sistemas abiertos, y, la relación entre jefes y caciques con las fiestas. Sin duda alguna, la diversidad de formas de organización social de los pueblos indígenas americanos, en el pasado y en el presente, es producto de un largo proceso endógeno que coloca esta diversidad en un *continuum* y no en un camino evolutivo finalista que conduce de las sociedades "acéfalas" a los estados.[6]

LA IMPORTANCIA DE SER DIFERENTE

En primer lugar, no deja de ser llamativo de que en Suramérica apenas hubo sociedades estatales en los Andes Centrales. Este hecho intriga particularmente a los arqueólogos que trabajan en el Área Intermedia[7], a la cual consideran como un lugar privilegiado para estudiar

6 Robin Horton (1972) ha demostrado para África occidental, a partir de varios tipos de organización social, la existencia de continuidades entre sociedades sin estado y los estados pre-coloniales de la región.

7 En la arqueología americanista se conoce como Área Intermedia a una región de límites imprecisos que abarcaría entre Nicaragua y el norte de Ecuador, y en la que se pueden incluir el Área Circuncaribe y parte de las cuencas amazónica y orinoquense. González (2011) enfatiza que la región ha sido definida por la ausencia de horizontes integradores, en contraste con Mesoamérica y los Andes Centrales, caracterizados por la presencia de estados precolombinos. Recientemente, desde la etnología, y como una crítica a la predominancia de análisis sobre pueblos andinos, mesoamericanos y amazónicos, se ha propuesto visibilizar la importancia del Área Istmo-Colombiana (Halbmayer, 2020), la cual cubre buena parte de lo que es el Área Intermedia para los arqueólogos.

comparativamente los procesos de diferenciación y cambio social. De acuerdo con Drennan (2011), en el Área Intermedia

> (...) la vida sedentaria basada en la agricultura se estableció temprano y dio paso al desarrollo de un gran número de cacicazgos regionales con diversas características. A pesar de su carácter regional (o supralocal), los cacicazgos del Área Intermedia persistieron por mucho tiempo en una escala relativamente pequeña de integración política (2011: 414).

Este aspecto, junto a la estabilidad de otras características durante siglos, como por ejemplo la construcción de caminos y la permanencia de estilos cerámicos e iconográficos asociados a entierros que evidencian alguna forma de jerarquía, nos hace preguntarnos por qué no se formaron estados (Cardale & Herrera, 1995; Uribe, 1995; Gnecco, 1995; 1996; Gassón, 1996; 2000; 2003; 2014; Boada, 2006; 2009; Herrera, 2008; Hoopes, 2011; Langebaek et. al., 2015; Vargas Ruiz, 2015; Henderson, 2017). En lugar de buscar resolución en limitaciones geográficas o ambientales, una respuesta plausible es que la estructura abierta de estos sistemas se fundamentaba en la autonomía, la especialización diferenciada (productiva y ritual) y la complementariedad, por lo cual el poder no se centralizaría en la escala regional, ya que sus caciques y especialistas rituales, y/o guerreros, buscarían mantenerse diferentes a sus vecinos y rivales, y podrían activar –y desactivar– relaciones en cualquier dirección de la red más amplia.

Pensar de este modo nos aparta de las ideas preconcebidas del neo-evolucionismo (Service, 1962), que sitúan los cacicazgos como un paso obligatorio de la evolución social en dirección al estado; un esquema determinista en el cual la confluencia de condiciones apropiadas relacionan positivamente el sedentarismo, la agricultura y el crecimiento demográfico con la complejidad social, a partir del surgimiento de élites que se apropian de recursos escasos y de excedentes de producción para controlarlos y distribuirlos a una mano de obra que dominan. Igualmente, es importante moverse de la idea preconcebida de la versión moderna del estado, que presupone una forma de organización dividida en clases en la que se comparte un espacio, una cultura, una historia, una identidad y hasta una lengua común, a partir del proyecto de una élite que usa el poder para imponer o negociar su proyecto de dominio.

De cualquier modo, se entienden los estados arcaicos y modernos como fuerzas homogeneizadoras que buscan uniformizar y crear semejanzas, al tiempo que erradican o esconden las diferencias. Como vimos, los sistemas regionales que aquí tratamos no se encuadran en la visión clásica y se aproximarían, en algún sentido, a la proposición de Clastres (2003) de que son "sociedades contra el estado", ya que impidieron el surgimiento de fuerzas homogeneizadoras, y limitaron la concentración y centralización del poder porque éste no se ejerce de manera coercitiva, lo cual favorece la autonomía y la multiplicidad. Pero, al mismo tiempo, se alejan de la visión clastreana, pues la idea de que las "sociedades contra el estado" preservan su autonomía por medio de una baja densidad demográfica, y funcionan por medio de un

"igualitarismo" generalizado para no constituir conjuntos sociopolíticos que integren diversos grupos locales, no se condice con las evidencias arqueológicas y etnográficas.

Al considerar que la presencia o ausencia del estado funda, en toda sociedad, su estructura lógica,[8] Clastres, al mismo tiempo, abrió un nuevo campo y limitó su creatividad. Los sistemas regionales, que existieron (y existen) en buena parte de Suramérica, sugieren la presencia simultánea de relaciones jerárquicas, verticales y asimétricas, y relaciones "igualitarias", horizontales y simétricas, que se manifiestan en diferentes intensidades y escalas. La jerarquía no necesariamente va a poner a una sociedad en el camino inexorable de la configuración de un estado y, de hecho, puede estar al servicio de la manutención de la autonomía.[9] Y es aquí donde la historia de larga duración de la Amazonia y la teoría etnológica comienzan a mostrarse inspiradoras para el caso muisca.

Las Tierras Bajas de Suramérica son un lugar privilegiado para ver la existencia de sociedades jerarquizadas precolombinas, por fuera del modelo de correlaciones positivas definido por los modelos tradicionales de evolución social. En la Amazonia, las fechas más antiguas de domesticación de plantas no están asociadas a un modo de vida sedentario, así como el surgimiento de la cerámica tampoco está asociado a los centros de domesticación de plantas ni al sedentarismo. De acuerdo con las evidencias arqueológicas más recientes, el aumento demográfico y el surgimiento de sociedades jerarquizadas no parece estar relacionado a la intensificación de la agricultura sino a procesos de construcción del paisaje, que incluyen un modo de producción de alimentos que mezcla la producción en ciclos largos, asociados al manejo de árboles perennes de alta productividad estacional;[10] y a un ciclo corto, asociado a plantas cultivadas de crecimiento rápido, modo de vida que encuentra sus raíces en el Holoceno Temprano (Neves & Heckenberger, 2019). Por medio de este modo de manejo agroforestal se puede tener acceso a grandes cantidades de proteína (Shepard et al., 2020) y a una dieta abundante, especialmente magnificada por los recursos pesqueros de la región. La mezcla del ciclo largo y del ciclo corto también está presente actualmente en los Andes orientales colombianos y otras regiones adyacentes, donde los indígenas Kogi y U'wa –hablantes de

8 En años recientes, Graeber & Sahlins (2017) han argumentado que hay un orden político prefigurado en el cosmos ya que en las relaciones entre humanos y meta-humanos (dioses, ancestros, etc.), de estos últimos emanan los poderes de la vida y la muerte que son la base de la autoridad y la dominación. De este modo, "algo como el estado es la condición general de la humanidad" (2017: 24). Si bien es cierto que para la etnología contemporánea los meta-humanos son agentes políticos, las relaciones asimétricas de algunos de estos seres en relación a los humanos no necesariamente deben pensarse como autoridad y dominación. De hecho, por lo menos en la Amazonia, estos agentes meta-humanos no actúan por iniciativa propia sino apenas cuando son accionados por algún humano para curar, proteger o hechizar, entre otras cosas.

9 Graeber & Wengrow (2021) han mostrado innumerables ejemplos arqueológicos y etnológicos en los que muchas sociedades muestran alternancias entre una formación igualitaria y otra jerárquica de acuerdo con los ciclos ecológicos y rituales. El hacer y deshacer jerarquías estacionalmente es una propiedad estructural, sus manifestaciones son muy variadas.

10 Por ejemplo, asaí (*Euterpe precatoria*), patabá, milpesos o seje (*Oenocarpus bataua*), buritís, moriche o canangucho (*Mauritia flexuosa*), cacao (*Theobroma cacao*) y castaña del Brasil (*Bertholletia excelsa*), entre otros.

lenguas chibcha, como los Muiscas– usan hasta hoy las nueces del árbol *Metteniusa edulis* como importante alimento ritual (Reichel-Dolmatoff, 1985; Osborn, 1995).[11]

Los estudios botánicos recientes sobre domesticación y manejo de plantas (Steege et al., 2013; Clement et al., 2015; Levis et al. 2017; Clement, 2019) confirman que la selva es en gran parte antrópica, como ya sugería Balée (1992; 1993; 2013). E identifican que esto fue resultado de una gran diversidad de sistemas productivos y de manejo agroforestal, seguramente asociados a preferencias alimenticias distintas por diferentes grupos humanos, que seleccionaron e influyeron en la composición del bosque hasta hoy, dando lugar especial a dichos árboles perennes. De este modo, el manejo indígena de plantas evidencia que, más que un proceso de domesticación, en la Amazonia existe hasta hoy un *continuum* entre especies incipientemente domesticadas, semi-domesticadas y domesticadas (Clement, 1999, Levis et al., 2017). Esa variedad de sistemas agroforestales demuestra que una de las características del modo de producción y manejo indígena amazónico estuvo –y está– orientado hacia la diversidad: en otras palabras, hacia la producción de diferencias.[12] Esta diversidad no se manifiesta apenas en el plano biológico, pues está estrechamente relacionada con las relaciones sociales, las cuales trabajaron en la producción de diferencias a través del parentesco, las lenguas, la especialización de ciertos conocimientos y la manufactura de objetos, incluyendo diversos estilos cerámicos, entre otras cosas; y es algo muy visible en la actualidad. La característica central de las sociedades amazónicas es la diversidad, la cual es entendida por Neves (2014: 74) como un "patrón fundador" y en ella podemos ver un vínculo profundo entre las poblaciones humanas amazónicas del pasado y del presente.

La conjunción entre abundancia y diversidad evidencia que, desde la perspectiva histórica, el surgimiento de sociedades jerarquizadas en la Amazonia respondió a una lógica diferente a la de las ideas preconcebidas: en lugar de escasez de recursos tuvimos abundancia y autonomía productiva. Esto significa que las sociedades jerarquizadas que surgieron en la selva no se basaron en el control de recursos económicos escasos, pues eran sociedades de la abundancia que trabajaron activamente en la producción de diferencias. La actual diversidad biológica, lingüística y cultural es producto de una estructura de *longue durée* (Braudel, 1968) que se caracteriza por la producción de diferencias.

Para pensar en esa estructura es importante recordar al padre del estructuralismo. Una de las conclusiones principales de Lévi-Strauss en sus trabajos sobre mitología americana está en *Historia de Lince* (1992), cuando afirma que los pueblos indígenas americanos se caracte-

11 Hasta donde sé no hay informaciones sobre el uso de árboles perennes en la alimentación y vida ritual muisca, pero debió haberlos. Hasta la actualidad, sus vecinos U'wa depositan ofrendas después de las ceremonias principales a los pies de los árboles *kutha* (especie no identificada) y *kara* (*Mettenusia edulis*). De las nueces de esta fruta, después de un complejo proceso de eliminación del amargor, se elaboran diferentes alimentos, incluso la chicha para los rituales *reowa* del solsticio de verano (Osborn, 1995: 118-123).

12 De acuerdo con Clement (2019), los indígenas amazónicos tratan a las plantas como individuos durante su propagación y manejo, lo cual produce, como respuesta en la población futura de plantas, cambios fenotípicos mucho más rápidos que los que son vistos en la agricultura.

rizan por una "apertura al otro", la cual refleja un "dualismo en perpetuo desequilibrio"; un principio de organización que trasparece en la ideología, en la organización social y en otros aspectos. La etnología amazónica de las últimas tres décadas ha confirmado ampliamente esta característica y ha demostrado que la apropiación de la alteridad es fundamental, tanto para la construcción del cuerpo, la persona y los colectivos, como de las relaciones de parentesco y las identidades. Esas modalidades de apropiación de la alteridad son variadas, mostrando diversos grados de apertura o cerramiento, aunque están fundamentadas en la idea de producir y mantener la diferencia, por lo cual no se generan ni categorías ni identidades permanentes, ya que el estatuto de las relaciones sociales está en un proceso constante de creación y actualización: consanguíneos pueden convertirse en afines, y viceversa, los aliados pueden pasar a ser enemigos; un grupo o una comunidad puede auto-identificarse de varios modos distintos.

La producción de identidades y diferencias parece estar conectada tanto con el "igualitarismo" como con la jerarquía, ya que ambos términos puedan hacer parte de un par que opera bajo los efectos del dualismo en perpetuo desequilibrio. De acuerdo con la etnología amazónica, en sociedades de tendencia más "igualitaria" predomina una concepción de humanidad anclada en el grupo local, en un lenguaje asociado a la predación y al canibalismo, en el que la captura de agencialidades externas –como cantos de no-humanos, cabezas trofeo, nombres de enemigos muertos, etc.–, por medio de la guerra, la caza y el chamanismo, son fundamentales. De otro lado, en pueblos donde las ideas de jerarquía parecen ser más relevantes existe una visión ampliada de la humanidad, un ideal pacifista que no excluye totalmente la guerra, y un lenguaje que exalta el intercambio y el contraste entre equivalentes (jefes, chamanes, aldeas), los cuales permiten construir identidades y diferencias.

Pensar que esos dos modos generales son opuestos y excluyentes puede ser un gran engaño. El caso de los Parakanã, grupo hablante de una lengua tupí-guaraní que habita en el interfluvio de los ríos Pacajá-Tocantins, y que sería fácilmente clasificable como un grupo "igualitario", es ejemplar. De acuerdo con Carlos Fausto (2001), a finales del siglo XIX una pelea interna durante una expedición de guerra produjo una fisión, en la que el grupo se dividió en dos bloques, uno oriental y otro occidental, motivando que cada uno optara por estrategias de sobrevivencia diferentes y se valiera de mecanismos sociológicos de producción y reproducción del grupo distintos. Los occidentales, más numerosos, abandonaron progresivamente la horticultura para dedicar cada vez más tiempo a la caza y recolección de alimentos. Intensificaron la guerra, tendieron a la atomización, al debilitar las relaciones entre parentelas, eliminaron las asimetrías internas y debilitaron los fundamentos de la autoridad política.

Los orientales, por su lado, tomaron una posición a la defensiva, se mantuvieron cohesionados y se encerraron en sí mismos, dando origen a un sistema de mitades exogámicas que implicó la generación de diferencias internas, (asimetría entre consanguíneos, simetría entre afines); adoptaron un patrón más sedentario y cierta centralización política al tener un jefe. Cada grupo parakanã occidental localizó la diferencia y la alteridad en el exterior, mientras que los

orientales generaron una identidad asimétrica entre consanguíneos y una alteridad simétrica entre las mitades (Fausto, 2001: 77). Aunque desconozcamos cómo se organizaban los Parakanã antes de la fisión, su caso evidencia que un mismo grupo puede escoger caminos distintos, tanto ideológicos como de organización social y modos de producción, y esto es posible porque inestabilidad, transformación y reversibilidad[13] son características de muchos sistemas sociales.

Este ejemplo también demuestra que una solución "más compleja" en términos de organización sociopolítica poco tiene que ver con demografía o con control de recursos escasos. Igualitarismo y jerarquía son dos caras de una misma moneda, y nada predestina evolutivamente a la complejidad social. Posiblemente no exista contradicción, ya que jerarquía e igualdad no parecen estar separadas sino que cada una se expresaría en planos o escalas diferentes. Como explicamos arriba, el sistema económico basado en la abundancia de recursos está conectado con la autonomía productiva. De este modo, la esfera económica promueve la autosuficiencia de cualquier grupo residencial o local; por lo tanto, aquí hay una tendencia a la simetría e igualdad que es visible en todos los rincones amazónicos. Entonces, en esta esfera no vamos a encontrar los fundamentos del poder ni de la jerarquía en la Amazonia, ni en el pasado ni en el presente, lo cual nos obliga a enfocar en una forma de relación asimétrica que se encuentra en otro plano, pero que está estrechamente articulada con la producción para rituales y fiestas en los sistemas regionales donde la jerarquía es importante. En estos sistemas regionales, las relaciones asimétricas y jerárquicas operan internamente dentro de cada grupo local, mientras que las relaciones externas con otros grupos locales operan por medio de relaciones simétricas e igualitarias.[14]

En otras palabras, siempre están presentes dos dimensiones: una interna, en la que se constituyen relaciones asimétricas y jerárquicas dentro de cada grupo o localidad, y otra externa, en la que priman las relaciones simétricas entre equivalentes; estas últimas pueden denominarse relaciones heterárquicas.[15] Este último aspecto destaca la presencia de varios

13 Como bien sabemos desde el ejemplo clásico de la oscilación Gumsa-Gumlao entre los Kachin (Leach, 1995).

14 La idea de que existen alternancias entre relaciones asimétricas internas y relaciones simétricas externas es un patrón muy general en la Amazonia. Por ejemplo, los Yudjá, un grupo tupí en el que las ideas de jerarquía no son tan resaltadas, configuran su *socius* por medio de "grupos constituidos internamente por una asimetría, interconectados por una relación de simetría que, abierta al evento, puede presentar estados alternados de asimetría" (Lima, 2005: 1 00).

15 El concepto de heterarquía se usa en la arqueología para criticar el clásico modelo de evolución de la complejidad social. De acuerdo con Carol L. Crumley (1995) no existen estructuras sociales intrínsecamente jerárquicas, pues con frecuencia se entiende jerarquía como un modelo geométrico compuesto por elementos en los que ciertos factores están subordinados a otros y pueden ser ranqueados, algo que ella no identifica ni en la escala regional ni en la larga duración en sus análisis sobre asentamientos celtas, y que es un hecho bastante análogo a los análisis arqueológicos amazónicos. Entonces, afirma Crumley, surgen patrones multiescalares y multitemporales en los que cada elemento no está ranqueado con relación a los otros, o tiene el potencial de ser ranqueado en un número diferente de maneras. Crumley explica que la jerarquía caracteriza las relaciones de poder en algunas sociedades, pero también hay estructuras heterárquicas, como coaliciones o confederaciones, donde el poder tiene contrapesos en lugar de ser ranqueado. Por ello, puede haber heterarquía de escalas, de poder y de valores. La relación jerarquía-heterarquía, afirma Crumley, admite flexibilidad temporal y espacial, por eso una heterarquía podría transformarse con el tiempo en una jerarquía y viceversa, del mismo modo en que una relación heterárquica en una escala puede ser jerárquica en otra. La relación entre jerarquía y heterarquía es una herramienta clave para tratar con el pasaje entre escalas, y puede mostrarnos que con un mismo principio estructural pueden generarse sistemas sociales muy diversos.

centros que conviven sin que alguno tienda a controlar a los otros; debido a la importancia de las relaciones simétricas entre equivalentes, se exalta el intercambio y la regionalidad, y para ello es necesario que cada cual mantenga su diferencia con relación a los otros. No obstante, es posible que en determinados contextos pueda ocurrir una ampliación de escala en la que un jefe se posicione como jerárquicamente superior a otros, produciendo una nueva interioridad marcada por la asimetría, que produciría una nueva exterioridad[16] y simetría con nuevos jefes equivalentes con los que las relaciones pueden ser de intercambio y/o guerra.

De esta manera, vislumbramos un principio estructural característico de las organizaciones sociopolíticas indígenas que opera por medio de la tensión entre jerarquía y heterarquía (Cayón, 2020), visible en el pasado amazónico y que es una manifestación más del dualismo en perpetuo desequilibrio. De este modo, en lugar de buscar explicaciones en esquemas homogenizadores y piramidales, indagamos en un modelo que se caracteriza por una tensión estructural que generalmente evita el predominio de fuerzas que pueden producir un estado pero que no excluyen la posibilidad lógica de crearlo.[17]

SISTEMAS REGIONALES ABIERTOS

En la Amazonia, la autonomía productiva fue fundamental, elemento que, como vimos, está relacionado con la producción de diferencias. En rasgos generales, es el mismo escenario que la arqueología nos muestra en los Andes orientales. Alejandro Bernal (2017), notable inspirador de las reflexiones que originaron este texto, propuso que los Muiscas serían mejor comprendidos como un sistema heterárquico, dada la heterogeneidad y autonomía de comunidades indígenas culturalmente semejantes pero diferentes del altiplano cundiboyacense, las cuales estaban relacionadas por matrimonios, intercambios, guerras y fiestas (2017:81). Esta apreciación es correcta desde la escala regional, y el análisis de sistemas regionales amazónicos puede ser de utilidad para detallar mejor algunos elementos que harían parte de un sistema regional muisca.

A partir de los registros históricos y de evidencias arqueológicas sabemos que en el norte del continente se formaron sistemas regionales de integración que tuvieron un enorme dina-

16 Uno de los aspectos centrales, como explica Viveiros de Castro (2002) respecto de la topología del parentesco amerindio, y que podemos expander a la política, es que "(…) el exterior es inmanente al interior (…). El corolario de esa inmanencia es que cualquier punto arbitrariamente escogido del interior es un límite entre un interior y un exterior" (2002: 430).

17 No obstante, sería un estado que debería preservar las diferencias y manifestar la tensión estructural entre jerarquía y heterarquía. En los Andes Centrales fue común que un cacique o curaca tuviera, en un hermano, una "segunda persona" (Salomon, 1986; Rostworowski, 1988; Martínez Cereceda, 1995), un duplo que era su principal oponente o contra-poder, situación común también entre los Incas que, de acuerdo a especialistas peruanos (Rostworowski, 1988; Hernández Astete, 2012), siempre tuvieron dos Incas que coexistían: Inca Hanan, responsable por las relaciones entre Cuzco y otros pueblos andinos, el intercambio y la guerra; e Inca Rurin, encargado de las relaciones con los seres sobrenaturales, el manejo del calendario y la producción de tejidos y chicha. En otras palabras, un Inca ocupado de las relaciones internas y otro de las externas. Éste último también era conocido como Sapan Inca.

mismo, que incluyó tanto el aumento de la población y de la densidad de las redes sociales, intercambios económicos entre Tierras Bajas y Tierras Altas (Osborn, 1985; 1995; Salomon, 1986; Ramírez de Jara, 1996a; 1996b; Gómez, 1996-1997; Hornborg, 2005; Tovar, 2010; Bray, 2011; Smith, 2011), como de la complejidad política en el milenio anterior a la llegada de los europeos (Fausto & Heckenberger 2007). Partiendo de los textos de los cronistas se pueden identificar varios sistemas regionales en el Orinoco[18] y en el Amazonas[19]. Durante la conquista, estos sistemas regionales permitieron, a la vez, la resistencia indígena y la dominación colonial, que incentivó las guerras interétnicas y la captura de esclavos (Pineda, 1980-1981; 1985; 1990; S. Hugh-Jones, 1981; Llanos & Pineda, 1982; Useche, 1987; 1990; Oostra ,1991; Matallana & Schackt, 1991; Whitehead, 1992; Wright, 1992; 2005).

La formación de estos sistemas regionales se remonta a algo más de dos mil años en la Amazonia. A comienzos del primer milenio A.P. se intensificó la transformación del paisaje amazónico: grandes asentamientos sedentarios y varias obras monumentales datadas en esa época se hacen visibles en el registro arqueológico. Estos cambios no estuvieron relacionados a ninguna tradición cerámica ni grupo cultural. De hecho, los vestigios cerámicos demuestran una gran diversidad cultural, pues hubo desarrollos simultáneos, de diferentes fases y tradiciones, en distintos lugares (Neves, 2007), así como hubo co-existencia entre algunas fases en las mismas regiones, sin mostrar conflictos de unas sobre otras. Esto sugiere la formación de modos de integración regional que debían ser abiertos, multiétnicos y multilingües, relacionándose por varias formas de intercambio matrimonial, ritual y de objetos.

En la Amazonia Central, en la región cercana a la confluencia entre los ríos Negro y Amazonas, vemos un ejemplo claro. De acuerdo con Neves (2007: 127-132), a partir del análisis de un conjunto de 14 sitios –el mayor, de 90 hectáreas–, se estableció una ocupación continua de larga duración entre 500 a.C y 1500 d.C., caracterizada por cambios importantes, del tamaño y forma de los asentamientos, así como de los patrones de decoración cerámica.[20] La cronología evidencia la sobreposición de estas ocupaciones durante algunos siglos y muestra que gentes, que hacían cerámicas distintas, vivían a distancias relativamente próximas. Los sitios de las fases Manacapuru y Paredão están asociados a la formación de *terras pretas*, y se relacionaron directamente, pues en algunos de ellos se encuentran restos cerámicos de ambos, demostrando integración e intercambio, que posiblemente incluía exogamia y comercio.

18 Véase, entre otros, a Morey & Morey (1973), Morey, N. (1975; 1976), Morey & Morey (1975), Whitehead (1988; 1992; 1993; 1994), Arvelo-Jiménez, Morales & Biord (1989), Oliver (1989), Mansutti (1992), Arvelo-Jiménez & Biord (1994), Heinen & García (2000), Zucchi & Gassón (2002), Biord (2006) y Gassón (2011).

19 Véase, entre otros, Sweet (1974), Vidal (2000; 2003), Hill & Santos-Granero (2002), Heckenberger (2002; 2005; 2011) Fausto (2005), Hornborg (2005), Neves (2011; 2015), Eriksen (2011), Hornborg & Eriksen (2011), Smith (2011), Schaan (2013) y Harris (2015).

20 La cronología comprende: a) la fase Açutuba, entre 400 a.C. y 400 d.C.; b) la fase Manacapuru, entre 400 d.C. y 900 d.C.; c) la fase Paredão, entre 700 d.C. y 1250 d.C; y d) la fase Guarita, entre 900 d.C y 1500 d.C.

Las aldeas de ambas fases tenían un formato circular o de herradura, constituyendo un patrón regional que debía estar conectado con una cultura material semejante. A su vez, hubo grandes movimientos de tierra para construir montículos; se encuentran enormes cantidades de restos cerámicos; se enterraron algunos muertos en urnas funerarias, sugiriendo una población densa y estructuras jerárquicas. Estas ocupaciones también muestran alternancias entre períodos de centralización y descentralización política por los abandonos súbitos de los sitios, tanto grandes como pequeños, como si hubiera tensiones entre una ideología jerárquica y centrípeta con el carácter centrífugo, fragmentario y descentralizado de las unidades productivas familiares (Neves & Petersen 2006: 302), oscilación claramente relativa a la tensión entre jerarquía y heterarquía. De este modo, durante la segunda mitad del primer milenio d.C. encontraríamos en la Amazonia Central un sistema regional multiétnico y multilingüe donde había jerarquías, pero no hay evidencias fuertes de centralización, ya que había una tendencia a la fragmentación y disolución (Neves, 2014); tampoco hay evidencias de jerarquización a nivel regional. A partir del siglo XII disminuye el tamaño de los sitios y surgen asentamientos con construcciones defensivas.[21]

En el Alto Xingú (AX), las investigaciones de Heckenberger (1999; 2005) han mostrado la continuidad del patrón estructural entre los asentamientos prehispánicos y las aldeas contemporáneas, que se diferencian básicamente por la escala: las aldeas prehispánicas eran mucho más grandes que las actuales, aunque ambas presentan un modelo concéntrico de organización espacial, en el que las plazas centrales, epicentro de la vida ritual, estaban circundadas por las áreas domésticas. Durante el "período galáctico", comprendido entre los siglos XIII-XVII, hubo un aumento de la población y el crecimiento de los asentamientos; se construyeron conjuntos de grandes aldeas (aprox. 10 veces mayores a las actuales) que estaban rodeadas por profundos pozos defensivos; cada gran aldea era habitada por miles de personas que se distribuían por diferentes "barrios" en torno de la plaza principal, o en aldeas satélites, atravesadas por caminos que eran plantados con árboles frutales. Estos grandes complejos estaban interconectados por amplios caminos, por lo que había un sistema integrado, de escala regional, o una sociedad regional que compartía un mismo sistema de valores y que debía protegerse de grupos enemigos. Heckenberger afirma que no existía ninguna jerarquía entre los asentamientos, ni se estableció un patrón institucional en el plano regional; y que, con el paso del tiempo, los centros de poder cambiaban a lo largo de la región. A mediados del siglo XVII, las grandes aldeas colapsaron, quizás a consecuencia de los efectos de la llegada de los europeos. Dadas las semejanzas del período galáctico con el patrón contemporáneo, es posible imaginar que la vida no era tan diferente, aunque ciertamente sus jefes tuvieron una mayor envergadura. Hoy en día, afirma Heckenberger (2011), el AX es "(…) una verda-

21 Esto sugiere intensificación de conflictos en la Amazonia Central, los cuales se han asociado a la expansión de la Tradición Polícroma, un estilo cerámico presente entre el piedemonte andino y el bajo Amazonas, que ha sido interpretada como la dispersión o migración de hablantes tupí hacia el valle del Amazonas. Pero este punto no es consensual y está abierto a otras interpretaciones.

dera civilización compuesta de *polities* pequeñas y jerárquicas integradas en una *peer polity* regional heterárquica" (2011: 267).

Con relación a las fuentes históricas, uno de los casos mejor documentados y analizados es el del Sistema Interétnico Regional del Orinoco (SIRO) en el siglo XVIII (Arvelo-Jiménez, Morales & Biord, 1989; Arvelo-Jiménez & Biord, 1994; Biord, 2006; Biord & Arvelo, 2007; Morales Méndez, 2007; Mansutti, 2007; Hill, 2007; Tiapa, 2007). El caso SIRO demuestra la existencia de un macrosistema de integración regional prehispánico por el que, a lo largo de la cuenca del Orinoco, circularon objetos de procedencias tan variadas como los Andes colombianos, el litoral Caribe venezolano y guyanés, las Antillas y el Noroeste Amazónico. Este macrosistema estaba compuesto por varios otros sistemas de integración que permitían intercambios en diferentes direcciones. Era multiétnico y multilingüe, tenía centros múltiples que actuaban como puntos articuladores de diversas redes, y en los veranos surgían mercados en distintas playas e islas del río, donde se encontraban indígenas de muchos lugares lejanos para intercambiar. En el SIRO toda unidad local o étnica era autónoma políticamente, había especializaciones productivas y, eventualmente, relaciones belicosas. Desde la perspectiva de las esferas de intercambio, éstas se organizaban espacialmente a través de redes regionales, atravesadas transversalmente por diferentes nichos ecológicos, y en ellas las unidades políticas estaban descentralizadas. De esta forma el patrón arqueológico y el de los registros históricos converge en las Tierras Bajas: jerarquía interna, heterarquía externa.

En el presente etnográfico amazónico no hay ningún ejemplo semejante en densidad demográfica, tamaño de asentamientos y construcción de obras monumentales, a lo que muestran la arqueología y las primeras fuentes históricas. No obstante, aún existen ideas y prácticas fuertemente relacionadas con redes de intercambio, y en algunas partes existen sistemas regionales de integración, donde encontramos elementos de una ideología jerárquica en tensión con fuerzas heterárquicas. Los sistemas regionales multilingües del Alto Xingú (AX) y del Alto Río Negro (ARN) tienen características propias,[22] pero en ambos el énfasis recae en el intercambio, la jerarquía y la vida ceremonial,[23] en oposición a otras regiones de la Amazonia, donde estas características no parecen tan marcadas y en las que se exalta la necesidad de apropiación de cualidades externas, por medio del lenguaje del canibalismo y la predación. Por ejemplo, en estos dos sistemas regionales multilingües, la identidad común puede provenir de compartir una "humanidad verdadera" gracias a un ideal pacífico de vida civilizada que involucra en el AX un conjunto de comportamientos, valores morales y

22 Para una comparación entre los dos sistemas regionales, véase Andrello, Guerreiro & Hugh-Jones (2015).

23 Estas características, aunque demasiado generales, han sido atribuidas a los hablantes de lenguas arawak, y también han sido descritas históricamente en las Antillas, las Guyanas y en la selva oriental peruana. Hill & Santos-Granero (2002) y Santos-Granero (2002) afirman que hay una matriz arawak en la que persisten ciertos principios organizativos y un ethos distintivo en medio del continuo intercambio de ideas, valores, prácticas, conocimientos con pueblos vecinos y que favorece el surgimiento de identidades transétnicas en las que se puede conservar la lengua y asumir el ethos de algún vecino, o cambiar de lengua y mantener el ethos arawak.

estéticos, e intercambios donde se ritualiza el poder político de los jefes (Fausto, 2005; Guerreiro, 2015a; 2015b; 2016); mientras que en el ARN se comparten ideas interrelacionadas a la ancestralidad, territorialidad y derechos sobre bienes materiales e inmateriales, así como redes de intercambios, una etiqueta y un mismo sistema de conocimiento asociado a narrativas, rituales, cultura material, etc., codificado en la geografía y la memoria histórica común (concepciones de tiempo y espacio) y en las prácticas chamánicas (C. Hugh-Jones, 1979; S. Hugh-Jones, 1979; 1995; 2012; Cayón, 2008; 2012; 2013; Hill, 2011).

Estos dos sistemas regionales son muy distintos, pero comparten el mismo patrón estructural básico de tensión entre jerarquía y heterarquía. En los dos sistemas se celebran fiestas intra e intercomunitarias, donde se presentan formas particulares de discursos ceremoniales que son dominados por jefes y personas de prestigio que los intercambian entre sí,[24] actuando respectivamente para mostrar las asimetrías internas y las equivalencias externas. En estos dos sistemas se privilegian las relaciones jerárquicas internas y las relaciones heterárquicas entre jefes y comunidades diferentes.

Los modos de integración regional ocurren por medio de intercambios matrimoniales, rituales y de objetos, y existen especializaciones productivas regionales que sirven para resaltar las identidades y producir diferencias, generalmente más visibles y resaltadas en los contextos rituales, por lo que las especializaciones son centrales para cada sistema de intercambio. En el AX, los Kalapalo fabrican collares de concha de caracol, los Wauja hacen fina cerámica, los Kamayurá construyen arcos negros, los Matipu hacen collares de concha de caracol rallado y los Aweti producen sal. Todos esos productos se consideran bienes valiosos y lo que se valoriza en la escala regional es, justamente, que hayan sido manufacturados por los grupos especialistas, los cuales los intercambian entre sí en rituales regionales que congregan a centenas de personas. Existen formas de circulación interna de estos bienes que están relacionadas a prestaciones y contraprestaciones entre los jefes y los otros miembros de la aldea.

Por su parte, en el ARN, la fabricación de objetos de intercambio especializado es más variado y no siempre se relaciona con objetos valiosos: los Baniwa son famosos por sus ralladores de yuca; los Tukano por sus bancos; los Tuyuka por sus canoas; los "Makús" por sus canastos y venenos; los Tatuyo y Bará por sus coronas de plumas; los Makuna por sus cerbatanas; los Wanano por sus totumos, entre otros. A diferencia del AX, aquí no existen grandes rituales de escala regional sino fiestas de menor porte, en términos de participantes y cantidades de alimento, en las que se intercambia principalmente comida, y a veces, objetos especializados. Ya que el sistema es abierto, los objetos circulan gracias a diferentes relaciones que activa una localidad, o a relaciones personales en las que un individuo se conecta con parientes y afines que viven en otros lugares.

24 Estas formas discursivas también han sido descritas para el Orinoco (Morey & Morey, 1975; Gassón, 2003).

Ambos sistemas regionales tienen en común la presencia de grupos hablantes de lenguas arawak[25]; en el AX hay también hablantes de lenguas Karib y Tupí, mientras que en el ARN hay hablantes de lenguas Tukano orientales, Nadahup y Kákua-Nükak (antes encuadrados en una única familia lingüística denominada Makú-Puinave) y unos pocos Karib. Cabe destacar que en ninguno de estos sistemas regionales hubo lenguas francas (innovación inducida en el ARN por los misioneros); que en el ARN se aprecia mucho el ser políglota, cualidad poco valorada en el AX, donde los grupos se entienden por medio del lenguaje y musicalidad rituales. En las últimas décadas, la formación de sistemas regionales en la Amazonia ha sido asociada históricamente a la dispersión de pueblos hablantes de lenguas arawak (Hill & Santos-Granero, 2002; Santos-Granero, 2002; Zucchi, 2002; Heckenberger, 2002; 2005; 2011; Hornborg ,2005; Hornborg & Hill, 2011; Hornborg & Eriksen, 2011; Eriksen, 2011). Se les han atribuido los estilos cerámicos, conocidos como Barrancoide y Saladoide (Tradición Borde Inciso), encontrados en regiones muy distantes entre sí como el Medio y Bajo Orinoco, la Amazonia Central, el Caribe y el Alto Xingú. De acuerdo con Heckenberger (2002), los pueblos hablantes de lenguas arawak se caracterizan por presentar jerarquía social, aldeas permanentes y densamente pobladas, economías basadas en la agricultura, en especial, de yuca brava; integración sociopolítica fundamentada en el intercambio; una socialidad regional enraizada en el parentesco, la geografía y el territorio; y en una ideología pacifista. De acuerdo con algunos de estos trabajos (Hornborg, 2005; Hornborg & Hill, 2011; Hornborg & Eriksen, 2011), la expansión arawak no debe ser entendida como el crecimiento y dispersión de una determinada población biológica sino como el resultado de la etnogénesis, un proceso sociocultural continuo de negociaciones, incorporaciones e imitaciones interétnicas, que condujeron al establecimiento y reproducción de identidades regionales comunes. Según esta visión, en los sistemas regionales multiétnicos prehispánicos los pueblos hablantes de lenguas arawak interactuaban en forma pacífica con varios pueblos de lenguas diferentes, e intercambiaban productos dentro de una extensa red de comercio de larga distancia, donde además había especialidades en la producción de acuerdo con la ocupación, por varios pueblos distintos, de nichos ecológicos diferentes (Hornborg, 2005), lo cual también confirma la existencia de diversos sistemas agroforestales y hortícolas.

Alf Hornborg (2005) sugiere que la intensificación del cultivo de maíz y yuca brava habría sido incentivado para la elaboración de bebidas fermentadas, cuyo consumo "ceremonial" estaba orientado hacia la creación y mantenimiento de relaciones sociales, dentro de las que se incluyen los lazos entre "socios comerciales" que demuestran la abertura del sistema; idea

25 Para Carlos Fausto (2005: 18) no es muy problemático aceptar, en ausencia de la proximidad geográfica, la retención de ciertas estructuras en la *longue durée*, dados los grados posibles de similaridad y diferencia presentes dentro de cada familia lingüística, haya o no distancia espacial; el problema sería determinar la relación entre dicha retención y la lengua. Por ello, no se debe pensar en un determinismo arawak en cuanto a la existencia o no de sistemas regionales, sino en la presencia de nociones generales (jerarquía, intercambio, etc.) que en contextos distintos tienen sus desarrollos históricos propios y producen sistemas sociales y culturales muy diferentes.

apoyada en el registro arqueológico, por los hallazgos de vasijas de cerámica para fabricar y consumir bebidas fermentadas,[26] y en las ideas que la etnología amazónica contemporánea tiene sobre la importancia de la comensalidad, el compartir sustancias y la fabricación del cuerpo para la construcción de relaciones, sociales y de parentesco. Es muy factible que los actuales rituales de intercambio en los que se realizan fiestas con bebidas fermentadas en la Amazonia sean una continuidad de un modo de socialidad creado alrededor de dos mil años atrás y que esté directamente relacionado con ideas sobre jerarquía/heterarquía en un contexto de redes y formas diversas de intercambio.

Algunos de estos elementos (crecimiento demográfico, intensificación de la agricultura, producción de cerámica para bebidas fermentadas) son contemporáneos a lo que el registro arqueológico muestra en el altiplano de la cordillera oriental colombiana para los períodos Muisca Temprano (1000-1200 d.C) y Muisca Tardío (1200-1600 d.C).

De acuerdo con Langebaek (1987; 1992; 2019), entre los Muiscas había especializaciones productivas regionales, intercambiaban productos a mayor distancia con otros grupos hablantes de lenguas chibchas de los Andes orientales como los Guanes, Laches y Sutagaos, con pueblos hablantes de lenguas arawak de los Llanos (Guayupe y Achagua) y Karib de la vertiente occidental de la cordillera y en los valles interandinos (Muzos y Panches); y en algunos lugares convivían con los Tegua, hablantes aparentemente de una lengua arawak, que les daban objetos valiosos y/o ceremoniales (Langebaek, 1987; 2019). Algunos cacicazgos eran especialistas en la producción de sal, otros en cerámica, otros en orfebrería, etc. Los Muiscas eran productores destacados de sal, mantas de algodón, figuras de oro y cobre, y cerámica, que intercambiaban por algodón, peces, esmeraldas, coca, tabaco, yopo (polvo para producir visiones, elaborado a partir de las semillas de *Anadenanthera peregrina*), plumas de aves, entre otros. Con excepción del algodón y los peces, los otros productos eran fundamentales para la vida ritual, y en su mayoría provenían de los Llanos, por lo cual entendemos que la apropiación de la alteridad, vía intercambio, era central para la constitución y funcionamiento ceremonial de cada cacicazgo.

Nunca, hasta donde sé, se ha cuestionado el hecho de que en la cordillera oriental apenas se hablaran lenguas chibchas, a pesar de que sea sabido que los Muiscas luchaban e intercambiaban con indígenas de diferentes familias lingüísticas, al menos arawak y karib, que habitaban los valles interandinos, el piedemonte y los Llanos. Pensar que sólo había una única familia lingüística en el altiplano de la cordillera oriental colombiana parece extraño en el contexto general, aunque por las evidencias fue plausible al menos en un recorte horizontal (en el altiplano); aunque hay algunas referencias a que los "lenguas" o traductores coloniales a veces no entendían los idiomas hablados por otros "muiscas" (Gamboa, 2010) y que a

26 Hasta ahora las evidencias más antiguas de fabricación de objetos cerámicos para la elaboración y consumo de bebidas fermentadas en la Amazonia se remonta al 1000 a.C. (Almeida, 2013) en el Alto Río Madeira. Esto no significa que la cerámica sea necesaria para la producción de bebidas fermentadas, ya que en el presente etnográfico éstas suelen ser preparadas en estructuras de madera semejantes a canoas y se consumen en totumas.

veces no se entendían ni los habitantes del mismo valle, como alguna vez explicó el cacique de Guatavita (Bernal, 2017). Es claro, sí, que los Muiscas se relacionaban activamente con pueblos no chibchas de tierras más cálidas en el piedemonte y los Llanos. Al norte, los Laches y Tunebos (actuales U'wa), hablantes de lenguas chibchas, explotaban tierras altas y bajas, relacionándose con sus vecinos Achagua, hablantes de arawak, algo semejante a lo que ocurría con otros pueblos chibcha en la planicie del Caribe. Los habitantes del flanco occidental de la cordillera oriental y del valle del río Magdalena, con quienes los Muiscas peleaban e intercambiaban productos, hablaban lenguas distintas; de acuerdo con las crónicas, en la cordillera central había varios cacicazgos que hacían guerras e intercambiaban productos, a pesar de que había una multitud de lenguas que no se entendían entre sí (Trimborn, 1949; Eckert & Trimborn, 2002), situación semejante a la región del alto Magdalena (Friede, 1953; Rappaport, 1987).

Por donde quiera que se mire, encontramos sistemas regionales multilingües y pluriétnicos en las cordilleras andinas colombianas. No es fácil entender porqué el territorio muisca sería una excepción en ese sentido. ¿O no será que, al haberse hecho un recorte horizontal apenas del altiplano, no puede verse que entre los Muiscas hubo relaciones horizontales y verticales por medio de diferentes redes de circulación, en contextos de diversidad étnica y lingüística? Me parece legítimo pensar que los Muiscas constituían un sistema regional abierto y pluriétnico (¿multilingüe?) en el que, en el plano horizontal, se compartía una misma humanidad, y en el vertical había gradaciones y diferencias asimétricas,[27] centrales para la apropiación de una alteridad que permitía el funcionamiento y constitución de las unidades sociales muisca. Esa apropiación pasaba inclusive por el sacrificio, ya que se ha descrito que los Muisca sacrificaban tanto a enemigos panches en la entrada de los cercados para ocasiones festivas, como a los *moxas*, niños sagrados que venían de los Llanos, en ciertas montañas (Sotomayor, 1989-1990), lo cual muestra una gradación de la alteridad de las víctimas rituales de acuerdo con su procedencia de las tierras bajas occidentales y orientales. Algunos de los grupos con los que intercambiaban, como los Guanes y los Laches debían detentar una humanidad semejante; mientras otros con los que intercambiaban y guerreaban, como los Panches y Muzos, se alejarían del ideal de una "humanidad verdadera". La humanidad estaba anclada en una forma de vida fundada en valores morales y estéticos y promovían distintas redes de intercambio entre cacicazgos y unidades sociales que marcaban sus diferencias, así como en varias actividades rituales que exaltaban la realización de ofrendas, la importancia simbólica de los caciques y la complementariedad entre diferentes centros.

27 En el ARN, además de las diferencias jerárquicas internas entre los clanes, también hay relaciones asimétricas entre pueblos de familias lingüísticas distintas, como los Tukano oriental y los Naduhup ("Makú"). La lectura tukano de esta relación suele poner a los Naduhup en la posición de "siervos" o trabajadores, lo cual no condice con la lectura de los "Makú", pues explican que hacen intercambios y alianzas con los tukano en las que pueden ayudarlos en ciertas labores temporales, como abrir un cultivo, aunque pueden disolver la relación cuando les apetezca. Véase Athias (2008) y Lolli (2022).

PARENTESCO, PODER Y FIESTAS

En gran medida, la etnología amazónica ha seguido a Clastres (2003), quien afirma que el poder de un jefe indígena no es permanente ni transferible, y puede perderse en cualquier momento; por lo cual, hay una fuerte tendencia a la fragmentación y a la necesidad de preservar la autonomía de las unidades sociales. Ese poder se fundamenta en el prestigio otorgado por la colectividad gracias a una serie de cualidades individuales, altamente valoradas, como la generosidad, la persuasión, la elocuencia oratoria, la serenidad para resolver conflictos, entre otras características que –vale señalar– no son exclusividad amazónica, pues están muy extendidas por todo el planeta. En la etnología amazónica, y en la antropología en general desde Frazer, se destacan además fuertes conexiones entre poder político y ritual. Así, en ciertos contextos amazónicos, estas esferas aparecen como elementos fundidos, cuando el jefe es también un chamán; en otros, se exalta la diferencia entre la dimensión política asociada a la producción del parentesco, en la que un jefe se opone al especialista ritual; en algunos, los dos especialistas trabajan complementariamente; y, en otros, una parte de la dimensión ritual está asociada a la guerra, donde el jefe es también un guerrero.[28]

En tiempos recientes, se ha percibido que el tema de la jefatura se relaciona con la construcción de la persona y, más ampliamente, con el tema de la maestría, evidenciando diferentes campos relacionales que generan asimetría: por ejemplo, entre un jefe y sus seguidores; un chamán y sus espíritus auxiliares; un espíritu dueño de cierta especie y sus tutelados; una mujer y su mascota –entre otros– ; donde el polo dominante de la relación aparece en términos de la diferencia generacional, es decir, como “padre”, “madre”, “suegro” o “suegra”. Fausto (2008) explica que un dueño, por medio de la filiación adoptiva (meta-filiación), genera una asimetría de la relación, la cual es concebida como una forma de englobamiento, entendido en los términos de relación entre continente y contenido; esto significa que el cuerpo de un dueño tiene la capacidad de contener los cuerpos de sus dependientes. Esta capacidad de magnificación de la persona se deriva, de acuerdo con Costa (2017), de la relación de alimentación, la cual produce dependencia unilateral, control, protección y cuidado, ya que las necesidades inducidas por un alimentador en sus alimentados amplifican sus capacidades y le permiten contener en su cuerpo a las personas que alimenta. Un dueño, según Fausto (2008), es una pluralidad que aparece a otros como una singularidad. De este modo, un jefe es una persona magnificada, que contiene a su grupo gracias a las relaciones asimétricas y verticales que produce, y que están basadas conceptualmente en la diferencia generacional. Simultáneamente, ese jefe magnificado se relaciona con otros jefes que, al mismo tiempo, contienen a sus grupos, operando sus relaciones a partir de la horizontalidad y la simetría. En otras palabras, estamos de nuevo en el registro de la tensión estructural entre jerarquía y heterarquía.

28 Ver, entre otros, Clastres (2003), Seeger (1980), Rivière (2001), Santos-Granero (1986), Barcelos Neto (2008), Sztutman (2012), Guerreiro (2015a) y Vanzolini (2015).

El fundamento de la asimetría y de las relaciones jerárquicas en la Amazonia se encuentra en el principio de *seniority*. Por esto, el jefe suele ser visto como un padre adoptivo o como un suegro, aunque hay lugares donde estas relaciones se anclan en la diferencia por orden de nacimiento, como en el caso del ARN, donde la distinción entre un hermano mayor/hermano menor se corresponde con las especialidades de dueño de maloca (jefe) y chamán, respectivamente.[29] Entre los Muiscas, la relación asimétrica se fundamentaba tanto en la diferencia generacional como en el orden de nacimiento. Las fuentes históricas aseguran que eran una sociedad matrilineal, donde la transmisión de la jefatura era avuncular, lo cual ya es una variación significativa del modelo amazónico. Si el tío materno no podía pasar el poder a su sobrino, hijo de su hermana mayor, éste iría para un hermano uterino, siguiendo el orden de nacimiento.

Como puede verse, las relaciones asimétricas se enmarcan dentro de relaciones de parentesco que, a su vez, cimentan las relaciones políticas. Con esto podemos entender que las relaciones entre jefes y caciques muiscas con sus seguidores y rivales son, antes que nada, relaciones con consanguíneos y afines, lo cual hace muy difícil pensar en sumisión. La consanguinidad y la afinidad son categorías diferenciadas terminológicamente –algo característico de los sistemas dravidianos[30] amerindios– y, como explicamos arriba, son inestables y reversibles. Esto significa, entre otras cosas, que el universo social está compuesto por las dos categorías: los consanguíneos abarcan tanto a parientes genealógicos cercanos como a una gran gama de parientes clasificatorios cuyos lazos genealógicos son muy distantes o son creados ficticiamente, dependiendo si en cada sistema los vínculos provienen por la corresidencia o por lazos cognáticos, patrilineales o matrilineales; mientras que entre los afines se encuentran diversas gradaciones según la distancia social: afines efectivos, aliados, afines potenciales, extranjeros, enemigos, etc. Esto dificulta la identificación de grupos, implica su actualización constante y relativiza la importancia de la filiación, motivo por el que las formas de matrimonio y la residencia[31] suelen ser mucho más importantes en toda la Amazonia para la formación de unidades sociales de cualquier escala. Inclusive, en el ARN donde los grupos tukano orientales ordenan jerárquicamente, a partir del orden de nacimiento mítico, las relaciones entre clanes patrilineales que se consideran entre sí hermanos mayores o menores, estudios recientes muestran que el tema de la jerarquía es bastante discutido y contrastado entre los miembros de los clanes, por medio de narrativas míticas divergentes, pudiendo producir inversiones en el orden jerárquico o, inclusive, derivar en relaciones de afinidad (Andrello, 2016; 2019).

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29 El trabajo complementario entre los dos especialistas puede constituir una jefatura bicéfala, siempre y cuando superen armónicamente la tensión entre fuerzas jerárquicas y heterárquicas que subyace a su relación de hermano mayor/hermano menor (ver Cayón, 2020).

30 De acuerdo con François Correa (2004), la terminología muisca era dravidiana, y se presentaba la peculiaridad de que, idealmente, el tío materno también era el suegro, o sea, la categoría "suegro" entre los Muiscas no pertenecía a la afinidad sino a la consanguinidad.

31 Por ejemplo, es común que donde la residencia es uxorilocal haya también servicio de la novia, y los grupos locales se formen por relaciones cognáticas.

En el caso muisca, recordemos, es más importante la preeminencia del lugar que el propio cacique o, en otras palabras, un cacique es importante porque dirige las actividades de un lugar de elevada importancia simbólica.

La formación de unidades sociales en los sistemas regionales amazónicos requieren de actualizaciones permanentes, que se hacen por medio de fiestas. En el AX, el sistema ritual está orientado hacia la jefatura, la cual siempre es resultado de una construcción colectiva por medio de rituales y no de la transmisión vertical de prerrogativas por la filiación (Barcelos Neto, 2008; Vanzolini, 2015; Guerreiro, 2015a); mientras que en el ARN existen rituales intracomunitarios que exaltan a los clanes patrilineales, y otras fiestas intercomunitarias, que privilegian el intercambio entre unidades sociales (S. Hugh-Jones, 1993; 1995). En ambos casos, los rituales intracomunitarios ponen énfasis en la construcción interna de relaciones jerárquicas y asimétricas. Aquí voy a enfatizar en el ejemplo del AX que, aunque más distante en el espacio, quizás sea más iluminativo contrastivamente para el caso muisca.

En las aldeas del AX hay una gran plaza central delimitada por un círculo de casas familiares y atrás de éstas puede haber un segundo anillo con algunas residencias menores. En la plaza se realizan los rituales y parte de las actividades colectivas, y también hay una casa masculina donde se guardan algunos objetos ceremoniales. Cada aldea presenta significativas diferencias internas asociadas a la oposición entre cierta "aristocracia" y personas "comunes". La "aristocracia" está conformada por descendientes de jefes, ya sea por la línea paterna, la materna, o por ambas; por esto es que tantas personas se consideran jefes en una aldea, aunque no sean los "jefes verdaderos". Éstos últimos, en teoría, deben ser descendientes de jefes por ambas líneas, son los de mayor jerarquía y los ideales para ocupar la jefatura de las aldeas, aunque la vida práctica demuestra que no siempre es así, ya que, en ciertas circunstancias, algún individuo de baja jerarquía puede llegar a la jefatura. No obstante, para poder ser jefe hay que tener por lo menos un ancestro que fue jefe, y por ello existen diferencias jerárquicas entre "aristócratas" y "comunes", siendo que el mayor porcentaje de personas en la aldea es "aristócrata". Se supone que siempre hay cuatro jefes y cuatro jefas en una aldea (Vanzolini, 2015), dos de ellos son los principales; el primero es considerado como "dueño de la aldea" (Guerreiro, 2015a), y es posible que el segundo substituya al primero después de su muerte o si declina por cualquier motivo.

Aunque lo ideal es que el hijo primogénito sea jefe, su escogencia depende de ciertas cualidades de personalidad, como la serenidad y el control de emociones, que son detectadas desde la infancia. De acuerdo con Guerreiro (2015a: 153-154) nadie nace jefe, pues los jefes son resultado de un largo y cuidadoso proceso de fabricación del cuerpo, cuyo propósito es formar una persona con todos los atributos del hombre ideal. Este proceso implica largos períodos de reclusión, ayuno y abstinencia sexual –hasta de diez años, con diversos intervalos de mayor exposición pública–, en los que aprenden saberes sobre plantas y espíritus, formas oratorias, cantos y mitos. A los jefes se les otorga el derecho a usar pinturas y adornos específicos, se les

perforan las orejas en la iniciación masculina con un hueso de jaguar y tendrán una sepultura especial dentro de la plaza. En los rituales intercomunitarios, los jóvenes jefes son mostrados públicamente y presentados a los jefes de otras aldeas, cuyo reconocimiento es esencial.

Pero esto no es suficiente. La compleja política interna de una aldea está marcada por los rituales intracomunitarios. En un primer momento, los espíritus (denominados *apapaatai* por los Wauja, véase Barcelos Neto, 2008) atacan a un "jefe potencial" y lo hacen enfermar. Un chamán identifica a los espíritus que están raptando el alma de la persona; luego, sus parientes cercanos (padre, hermano) solicitan a un grupo de consanguíneos o afines, que viven en la aldea, que visiten al paciente y personifiquen, en un futuro ritual, a los espíritus que lo mortifican. Este grupo son los *kawoká-mona,* especialistas rituales, cuyo número varía: son tres si los espíritus que atacan tienen flautas, cinco si tienen clarinetes y seis o siete si son enmascarados. Los parientes del paciente deben ofrecer comida a los espíritus, como colada de pequí (fruto de un árbol perenne, *Caryocar brasiliense*) para comenzar una familiarización que conlleve a que el paciente se convierta en su dueño. De esta forma, el paciente también se convierte en dueño de un ritual en el que debe articularse con sus *kawoká-mona* para conformar un grupo ceremonial. Una persona puede pertenecer a diferentes grupos ceremoniales encabezados por diferentes dueños, lo cual demuestra que las articulaciones políticas pasan por los rituales.

El dueño de un ritual debe alimentar a sus especialistas rituales quienes, por la vergüenza de ser alimentados, le darán a cambio objetos de valor que más adelante circularán en otros rituales. De esta manera, un dueño de un ritual comienza a acumular objetos valiosos para poder iniciar circuitos de intercambio cuando sea necesario; y si su relación es buena con sus *kawoká-mona*, y el ritual es mantenido y realizado varias veces, el dueño irá ganando prestigio dentro de la aldea. Si la relación no es buena, debe hacerse un último ritual y los objetos deben quemarse, diluyendo tanto la conexión con los espíritus como con los especialistas ceremoniales. También puede ocurrir que los *kawoká-mona* decidan abrir un campo de cultivo de yuca para el dueño del ritual, quien deberá pagarles con alimentos mientras duran los trabajos, y éstos le retribuirán con objetos. Cuando los miembros de la aldea deciden que ese dueño de ritual puede ser un buen jefe, le construyen una "casa de jefe" (identificada por algunos elementos distintivos como frisos y otras decoraciones, externas e internas), momento en el que el jefe se convierte en "dueño de la aldea"; y él y su parentela, por vergüenza, deben alimentar a todos aquellos que le están construyendo la casa. De este modo, por un constante flujo de prestaciones y contraprestaciones, es que se construyen las relaciones jerárquicas internas.

En los rituales intercomunitarios cuyo carácter es regional, el jefe se muestra frente a los jefes invitados de otras aldeas y con ello se reafirman los valores, morales y estéticos, de la humanidad alto-xinguana. El principal de estos rituales es el *quarup*, ritual de homenaje post-mortem a un jefe, en el que se construyen efigies de madera para él y otros "aristócratas"

fallecidos recientemente y a los que se quiera homenajear. Al *quarup* concurren los jefes de los otros pueblos alto-xinguanos. Los rituales asociados a la jefatura son fuente de asimetría. Guerreiro (2015a) explica que una aldea sólo puede organizar un *quarup* si en su plaza central ya fue enterrado un jefe. Como las aldeas pasan por fisiones que llevan a cambios de residencia o a la fundación de nuevas aldeas, principalmente por chismes y acusaciones de brujería contra alguno de los jefes, existen aldeas en términos rituales jerárquicamente superiores a otras dentro de un mismo pueblo. En esos casos, la aldea central se considera una aldea "tronco", "poste" o "pilar", por lo cual la jerarquía es entendida a partir de metáforas arbóreas y de una idea de engendramiento, aunque con el tiempo pueden perder su importancia y otra aldea se volverá central.

La reunión de alimento para un ritual de esta magnitud demora meses y requiere, de acuerdo con Guerreiro (2015a), diversos intercambios de servicios por comida y por objetos de valor, en los que se realizan varios eventos en los que la aldea trabaja, en especial, para la reunión de pequí, almidón de yuca y pescado, generando la circulación de alimentos y de cadenas de deudas expresadas por la "vergüenza", y por las cuales se produce deliberadamente la asimetría entre los dueños del ritual con el resto de la aldea anfitriona (2015a: 383). Este modo de producción muestra la articulación del ciclo largo y del ciclo corto característicos de la Amazonia para producir excedentes, e implica varios circuitos de prestaciones y contraprestaciones. El dueño o los dueños del ritual, parientes del jefe muerto y de otros personajes importantes que serán homenajeados, escogen a los *tajope*, sus coordinadores ceremoniales, que también son los mensajeros que invitan a las otras aldeas, y a los que deberá pagar sus servicios con comida. A su vez, los *tajope* delegarán responsabilidades en otros hombres, y les pagarán sus servicios con alimentos. Cuando se reúnen grandes cantidades de pequí, las mujeres trabajan descascarando la fruta y elaboran una colada con su pulpa que el dueño ofrece en grandes cantidades a los *tajope*, al tiempo en que paga con esta bebida, casabe y pescado a quienes cantan y bailan. La pulpa de pequí sobrante es entregada por los *tajope* al jefe y será almacenada en unos silos, para ser utilizada más adelante cuando deban alimentar a los miembros de otras aldeas del grupo y a sus aliados, cuando llegue el momento de la gran pesca en vísperas del *quarup*, momento en que se le entregará buena parte de los peces al dueño del ritual para que les distribuya a los jefes invitados.

La lógica para juntar pequí, almidón de yuca y pescado es la misma, pero cada vez van agregándose nuevos agentes, pues la aldea anfitriona escoge a otro pueblo como su aliado para actuar como una unidad frente a los invitados; y en la gran pesca, las otras aldeas del grupo, y eventualmente los aliados, se reúnen en la aldea patrocinadora (Guerreiro, 2015a: 389). En la fiesta del almidón, los dueños del ritual le llevan comida a los jefes del pueblo invitado para ser aliado, y éstos le entregan el almidón de yuca que juntaron en su aldea y que también será, en parte distribuido, y en parte almacenado. En esta fiesta, los dos pueblos se juntan para actuar como una unidad, pues los aliados son englobados por el jefe anfitrión, aumentando la escala,

aunque ese englobamiento temporal nunca es total: los aliados hacen visible su diferencia y en el futuro podrán requerir, al jefe anfitrión y su aldea, para invertir papeles y actuar como aliados en alguna fiesta que organicen. Es importante notar que la producción de alimentos es descentralizada y apenas se concentra para la fiesta; esto también implica que el grupo aliado acepta fundirse temporalmente con el grupo anfitrión, cuyo jefe es temporalmente más magnificado. No obstante, dentro de la jerarquía generada y la futura inversión de posiciones están contenidas las relaciones heterárquicas entre los jefes de los dos grupos.

La llegada de los miembros de las aldeas invitadas a la fiesta, la cual precede a las luchas deportivas, es marcada por momentos de intercambio de discursos ceremoniales entre el dueño de la fiesta y cada jefe de los pueblos invitados, a los que también les entrega paquetes de peces envueltos en casabe para que pueda alimentar a los suyos. Al final de la fiesta, los *tajope* y los coordinadores de los invitados hacen intercambios de objetos valiosos, como ollas de cerámica, collares y cinturones de concha, arcos, etc. Guerreiro (2015a: 395) afirma que la producción de un jefe acumulador-distribuidor sólo aparece en esos momentos, y es resultado de una producción activa por el grupo, a través de una lógica de endeudamiento mutuo en el que la noción de vergüenza realimenta el ciclo de obligaciones recíprocas. Parece, entonces, que la generosidad del jefe no es espontánea sino extraída por la vergüenza, por los dones que debe retribuir; sin ese complejo ciclo de dones y contradones, le sería imposible a un jefe alimentar a los jefes de los pueblos invitados, ya que el jefe es el único que tiene la capacidad de presentarse como la "imagen singular de un colectivo" o aquel que engloba a su pueblo frente a sus equivalentes.

Para Guerreiro (2015a: 41), el don en el *quarup* puede ser de dos tipos: intercambios de alimentos ligados a la producción asimétrica de la identidad colectiva en el contexto ritual, y los intercambios de objetos valiosos que actúan en la diferencia simétrica entre los pueblos. En otras palabras, el ritual sirve para crear jerarquía interna dentro de cada pueblo y sus aldeas, y heterarquía en la escala regional. En estas complejas alteraciones de escala no se hace necesaria la existencia de un poder unificador y englobante, pues lo importante es construir diferencias internas en el lenguaje asimétrico de la jerarquía y diferencias externas en el lenguaje simétrico de la heterarquía.

Por su parte, los caciques muiscas (*sihipkuas*) eran, sin duda, personas magnificadas, como bien ilustran varias piezas de orfebrería, en las que estos personajes aparecen con un tamaño mayor a las otras figuras o aparecen fundidos con sus cercados. La formación, al igual que en el AX, también era el resultado de un prolongado resguardo y ayuno, que concluía con una ceremonia en la que les eran perforadas las orejas y la nariz, así como recibían ropas y ornamentos especiales. Para su investidura era central el reconocimiento por parte de otros caciques, en especial los más importantes, con los que intercambiaban regalos (Gamboa, 2010: 98). Los caciques vivían en grandes complejos residenciales *ca*, conocidos como "cercados", ya que eran rodeados por cercas o palizadas de madera en formato rectangular o cuadrado, que

contornaban un conjunto de varios bohíos o casas. Al parecer había postes enormes en los que se sacrificaban ritualmente enemigos, y en frente al cercado había un espacio amplio o calzada llamada *ie* (camino) en donde se celebraban grandes fiestas (Henderson & Ostler, 2009; Gamboa, 2010; Langebaek, 2019). Al parecer, había un patio entre algunas de las construcciones del cercado, y los bohíos eran destinados a varios usos, como el de almacenar alimento y mantas de algodón; otros para beber chicha –bebida fermentada de maíz–; otros eran santuarios en los que los *chuques* (especialistas religiosos) hacían ofrendas; y había también un bohío donde estaban depositados algunos muertos momificados y esqueletos. Henderson & Ostler (2009) afirman que los términos para referirse a las casas (*gue*) y sus partes están relacionados con el cuerpo, y sugieren que eran animadas y tenían un ciclo vital, por lo cual debían ser alimentadas ritualmente. Es posible que los cercados fueran versiones amplificadas de las casas y, de acuerdo con Langebaek (2019), también servían como mercados y calendarios solares.

Contrario a las ideas preconcebidas, los caciques no tenían poder de coerción, aunque lograban aglutinar personas para diversos trabajos de interés colectivo como el cultivo de parcelas de maíz, la construcción de cercados, el hilado de algodón, el tejido de mantas y la preparación de chicha para las fiestas. Los caciques lograban esto por medio de los "capitanes" o *tybas*, palabra que significaba, entre otras cosas, compañero y anciano. Los *tybas* pasaban por la misma formación de los *sihipkuas* y también vivían en cercados. Al parecer, un cacique mayor tendría "autoridad" sobre un valle y otros caciques, y "capitanes". Pero cabe preguntarse si la diferencia entre *sihipkuas* y *tybas* no sería apenas de grado, ya que un *tyba* sería un *sihipkua* potencial, un jefe de determinada localidad que también organizaba fiestas, aunque de menor magnitud. Podríamos pensar, entonces, que los *tybas* eran los compañeros del cacique, habiendo entre ellos dinámicas de relación que pasaban por la tensión entre jerarquía y heterarquía. Así, el trabajo en conjunto de jefes y caciques estaba orientado a la celebración de grandes fiestas por medio de prestaciones y contraprestaciones. Si pudiéramos tener una visión temporal más profunda, habría alternancias y disputas por la centralidad de los caciques y jefes en el contexto de cada valle, algo que de hecho ocurrió cuando la colonización española desarticuló los cacicazgos y reorganizó administrativamente sus espacios (Muñoz, 2015).

Lo más posible es que los cultivos de maíz del cacique fueran destinados casi exclusivamente a la fabricación de comida y chicha para las fiestas, así como el cacique recibía la producción de maíz de otras localidades por medio de los "capitanes", lo cual fue confundido con tributos, una vez que todo ese maíz debía ser consumido en forma de bebida fermentada durante la fiesta. El cacique no lograba acumular, y los españoles veían con perplejidad cómo todo el maíz era gastado para una "borrachera".[32] También los caciques tenían la responsa-

32 Los Muiscas denominaban *Biohote* a las celebraciones en que consumían chicha por diferentes motivos, desde grandes fiestas hasta trabajos comunitarios de labranza de la tierra, construcción de casas y cercados, entre otras. Los españoles las entendieron como borracheras en las que se practicaban idolatrías y comportamientos inmorales (Muñoz, 2015).

bilidad de alimentar a las mujeres que hilaban y preparaban chicha, y es fácil suponer que también lo hacían con los demás participantes en actividades comunitarias, al tiempo que recibían mantas ya confeccionadas que posteriormente intercambiarían. Los trabajos colectivos eran articulados por los *tybas* e implicaban formas de intercambio que, a semejanza del AX, obligaban a la generosidad del cacique. Langebaek (2019:88) explica que los caciques estaban involucrados en intercambios asimétricos de regalos, que implicaban generosidad y desprendimiento, así como exhibición de prestigio y jerarquía. Parte de ese prestigio provenía de su papel activo en intercambios de mayor distancia, lo cual les permitía conseguir objetos alejados y exóticos, como plumajes, pieles de felino y yopo, que seguramente debía distribuir entre sus compañeros. No obstante, nos equivocaríamos si pensáramos que el intercambio era algo exclusivo del ámbito de los caciques, ya que ni siquiera caciques influyentes como los de Sogamoso y Duitama controlaron los lugares en que intercambiaban los indígenas de los territorios que los reconocían (Langebaek, 2019: 120).

El cercado era el epicentro ritual y político de la vida muisca, y se argumenta que el cacique era la encarnación del sol, que permitía la estabilidad del cosmos y la reproducción de la sociedad (Correa, 2004: 95). Pienso que, además de los elementos simbólicos y rituales que permitían su magnificación, se debe tener muy claro que un cacique era un anfitrión organizador de fiestas y proveedor, de comida y bebida, posibilitando relaciones sociales diversas e intercambios, así como experiencias colectivas que producían alegría por medio de bailes, cantos y bebidas. El éxito de un cacique en estas actividades garantizaba su prestigio y la permanencia de los mal llamados "súbditos" o "vasallos" que, en realidad, eran personas que estaban del lado de los anfitriones contribuyendo con la realización de las fiestas gracias a varios circuitos complejos de intercambios de objetos y alimentos.

Langebaek (2019: 142) afirma que algunos temas de organización social muisca no están nada claros y que se ha aventado la posibilidad de la existencia de un liderazgo compartido o dual.[33] De acuerdo con las características de este tipo de sistemas regionales, es factible pensar que una o varias personas podían ser el contra-poder del cacique, quizás sus hermanos y sobrinos matrilineales, o determinados *tybas* que le estaban asociados; y dada la limitación de su poder, entendemos que las fuerzas heterárquicas también actuaban intensamente en la organización interna y estaban asociadas a las dinámicas rituales. Dentro de los especialistas principales de una localidad, además de los "capitanes", había *chuques* (especialistas religiosos) y "pregoneros" (Gamboa, 2010: 116), ayudantes muy cercanos que convocaban a los trabajos y fiestas, lo que recuerda a los *tajope*, los mensajeros alto-xinguanos. De este

33 Vale notar que hay piezas de oro que muestran a un hombre sentado en un banco, con un cuerpo y dos cabezas. Recordemos que el estar sentado en un banco es un ícono de la jefatura, así como el banco es un índice de ésta. Dicha jefatura dual o bicéfala podría pensarse de un modo semejante al ARN, donde la cosmopolítica se cristaliza en la maloca en los días de fiesta, por medio del trabajo complementario entre un jefe, que se encarga de tratar de las relaciones con las unidades sociales invitadas, y un chamán que trabaja para traer la vitalidad ofrecida por las diferentes malocas de seres no humanos a todos los participantes. Ambos especialistas aparecen como dueños de la maloca, en dos direcciones diferentes de exterioridad (Cayón, 2020).

modo, podemos pensar el funcionamiento de un cercado y de un cacicazgo como una organización ritual que requería de la articulación de varios especialistas que trabajaban en diferentes frentes para posibilitar las fiestas.

CONSIDERACIONES FINALES

Sabemos por las fuentes históricas que era posible realizar rituales intercomunitarios de carácter suprarregional, en los que una multitud de caciques y "capitanes" se encontraban y departían juntos, como en 1563, cuando el cacique de Ubaque convocó a un ritual de exequias anticipadas en el que participaron jefes y caciques hasta de regiones distantes, así como miles de personas que, ataviadas con máscaras y plumajes, tocando una diversidad de instrumentos y portando estandartes, bailaron primero en la calzada enfrente del cercado y después danzaron adentro, consumiendo gran cantidad de chicha y yopo (Londoño, 2001). Esta fiesta, que buscaba reafirmar las relaciones jerárquicas y heterárquicas del cacique de Ubaque –y requirió de cantidades colosales de comida y bebida–, fue bruscamente interrumpida por las autoridades coloniales y se entabló un proceso judicial contra los caciques involucrados. Quizás si el cacique de Ubaque hubiera tenido éxito en convertirse en un ancestro vivo, habríamos podido ver una ampliación de escala de su influencia en el contexto de crisis creado por la conquista española.

Desafortunadamente también, tenemos pocas informaciones sobre cómo eran los rituales intracomunitarios que reforzaban la jerarquía interna, aunque sabemos que los "capitanes" hacían fiestas con chicha en sus casas. Podemos deducir que las fiestas de menor porte en los cercados estaban relacionadas con los caciques muertos, o con los antepasados que recibían un trato funerario especial, alojados en un bohío específico; inclusive, en algunas partes del territorio, hubo cercados de caciques muertos adyacentes a un cercado activo, formando un conjunto de estas construcciones. Se ha notado que lo importante para los Muiscas no era la existencia de linajes sino la localidad. Por ello, los rituales de "hacer el lugar" (Henderson, 2014; Langebaek, 2019) debían actualizar las relaciones con los antecesores y, a partir de éstas, los jefes y caciques construirían su asimetría en relación a los demás habitantes de su localidad, así como, por medio de las ofrendas a esos ancestros, los moradores marcarían su pertenencia al lugar. Las relaciones rituales de los jefes y caciques con los antepasados fueron centrales para la construcción de jerarquías. Esto tiene resonancias con los sistemas regionales del AX y del ARN: en el AX, una aldea sólo puede realizar un gran ritual regional si un jefe fallecido está enterrado en su plaza; y en el ARN se llevan las flautas/huesos de los antepasados de los clanes a las malocas en los rituales de iniciación masculina, así que la relación entre un grupo, un lugar y la construcción ritual de la asimetría requiere de alguna conexión con muertos y antepasados. La diferencia es que, entre los Muiscas, estas relaciones se activaban en los rituales intra e intercomunitarios, mientras que en el AX son fundamentales para los rituales regionales y en el ARN, invertidamente, lo son para los rituales del clan.

He sugerido aquí que los Muiscas eran un sistema regional abierto multiétnico y multilingüístico, compuesto por una diversidad de relaciones horizontales y verticales, simétricas y asimétricas, en diferentes escalas, de las que surgían semejanzas y diferencias. Esta red multicéntrica y complementaria interactuaba por diferentes circuitos, de prestaciones y contraprestaciones, que permitían tanto la producción de alimentos y bebidas abundantes para fiestas, en el plano horizontal, como la apropiación de las alteridades necesarias en el plano vertical, para su funcionamiento ritual. Cada cacicazgo sería una organización ceremonial dentro del contexto regional, y dentro del contexto local habría unidades semejantes, pero de menor escala, encabezadas por los "capitanes" o jefes, quienes serían los compañeros de los caciques para organizar ceremonias de mayor porte, que serían materialmente imposibles de realizar sin sus trabajos conjuntos. La tensión entre jerarquía y heterarquía entre estos personajes estaba relacionada con la centralidad de determinado cacique y su cercado, la cual podría, con el tiempo, alternar su centralidad con otra localidad de la misma área.

Jefes y caciques eran primordialmente organizadores de fiestas y alimentadores de parientes consanguíneos y afines. Eran personas magnificadas, resultado de una fabricación ritual que les permitía acceder al dominio de diversos conocimientos y al uso de ropas, y ornamentos diferenciados, y a partir de ello usaban rituales, intra e intercomunitarios, para generar asimetrías y simetrías. Estas características le otorgan a los Muiscas un rostro más familiar desde la perspectiva etnológica amerindia.

Los argumentos que he presentado en este texto postulan la apertura de otro camino comparativo, que permite al conocimiento sobre los Muiscas interactuar con un contexto más amplio de variaciones de los sistemas regionales abiertos y multiétnicos, que existen en el continente desde hace por los menos dos mil años. Si bien es cierto que uno de los caminos más productivos de comparación puede ser el de analizar datos de grupos pertenecientes a una misma familia lingüística –en este caso, la Chibcha– considero que esta visión deja ver apenas algunas cuestiones asociadas a temas cosmológicos, o cierto tipo de prácticas distintivas, como el énfasis en elaborar principios cósmicos duales y tener un gran repertorio de prácticas rituales, en que se hacen ofrendas para equilibrar tales principios; algo que le da una gran singularidad a los Muiscas y a otros grupos hablantes de lenguas chibcha, de los Andes orientales y la Sierra Nevada de Santa Marta.

No obstante, hay otros elementos que son imposibles de percibir desde este punto de vista, pues los principios de los sistemas de parentesco, las formas de producción, las cosmologías, pueden ser totalmente distintos dentro de una misma familia lingüística, ya que las trayectorias históricas y la convivencia con otros grupos producen formas sociales en las que sea difícil localizar cualquier aire familiar. Aquí he tratado de identificar principios más generales y me he referido específicamente a una tensión estructural, en perpetuo desequilibrio, entre fuerzas jerárquicas y heterárquicas, que puede dar origen a sistemas de organización sociopolítica

bastante diversos, ya que es una estructura de larga duración cuyos efectos son perceptibles en el registro arqueológico, los documentos históricos y la etnografía.

Las interpretaciones aquí elaboradas sugieren la existencia de un modelo de organización política bastante flexible y muy extendido en el continente, que constituiría una forma civilizatoria reacia a la centralización del poder y fundamentada en una socialidad dirigida, tanto al intercambio y la integración regional a partir de la producción de diferencias, como a la organización de fiestas con abundantes bebidas fermentadas y comida, en la que jefes y caciques son percibidos como personas magnificadas, alimentadores con la capacidad de contener la identidad colectiva por medio de relaciones asimétricas internas, a la vez que se relacionan de manera simétrica con sus equivalentes en contextos regionales. Para hacer posibles los rituales es necesario poner en acción relaciones sociales y trabajos, donde los líderes articulan circuitos de trueques y responsabilidades, que forman una compleja red de intercambios y contraprestaciones. Estas articulaciones permiten la formación de sistemas regionales donde la tensión estructural entre jerarquía y heterarquía tiene la capacidad de actuar en diversas escalas y se presenta en contextos de variación étnica y/o multilingüismo. Además de la producción de diferentes escalas, también permite la alternancia de la centralidad entre los elementos, personas, posiciones, etc., sobre los que se sustenta el poder en cada sistema regional. De este modo, los caciques y jefes muiscas adquieren contornos que, al mismo tiempo, los asemejan y diferencian en un contexto más amplio de variabilidad, de las formas amerindias de organización sociopolítica.

Reviewed by Federico Lavezzo.

Received: February 20, 2024.
Approved: August 23, 2024.

Agradecimientos
Agradezco los comentarios y sugerencias de Alejandro Bernal, Carl Langebaek, Eduardo Neves, Alcida Rita Ramos y Wilson Trajano Filho.

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ARTÍCULO

El *hau* de la ropa usada: economía del don y consumo popular

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Resumen:

Este estudio, derivado de una etnografía más amplia sobre los tianguis (mercadillos callejeros) mexicanos, examina el caso de una vendedora de ropa y objetos usados. Sus prácticas ilustran cómo los elementos mercantiles se entrelazan con actos rituales de dones y contra-dones. Un análisis más detallado revela que su eficacia social es aún más significativa. En torno a las dificultades diarias de los vendedores de ropa usada, se establece un mecanismo altamente ritualizado de apoyo social, creando circuitos de economía del don que se intercalan con una economía mercantil convencional. En conjunto, estas prácticas han sido fundamentales para la subsistencia material de los tiangueros y sus familias. Aunque en una visión simplista el rito podría asociarse exclusivamente a su función mágica instrumental, la separación entre rito religioso y rito secular se ha desvanecido. Incluso en un mundo secular, los rituales persisten y desempeñan roles cruciales.

Palabras Clave: Economía informal; Ropa usada; Ritos seculares; Mercados callejeros; Economía del don.

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e00504
https://doi.org/10.1590/1809-4341.2025v22e00504

The used clothes *hau:* gift economy and popular consumption

Abstract:

This study, derived from a broader ethnography of Mexican tianguis (street markets), examines the case of a vendor of used clothing and objects. Her practices illustrate how mercantile elements intertwine with ritual acts of giving and counter-giving. A more detailed analysis reveals that her social efficacy is even more significant. Amid the daily hardships of used clothing vendors, a highly ritualized mechanism of social support is established, creating circuits of gift economy interspersed with a more conventional mercantile economy. Together, these practices have been fundamental for the material subsistence of the tiangueros and their families. Although a simplistic view might associate ritual exclusively with its instrumental magical function, the separation between religious and secular ritual has dissolved. Even in a secular world, rituals persist and play crucial roles.

Keywords: Informal economy; Second-hand clothes; Secular rites; Street Markets; Gift economy.

El *hau* de la ropa usada: economía del don y consumo popular

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INTRODUCCIÓN

> La religión y la economía son, en un mismo movimiento,
> liberadas de aquello que las endeuda una a la otra;
> la primera es liberada del cálculo profano y
> la segunda de los límites dados del afuera.
> **Georges Bataille**

No hay cosas en el tianguis[1] con una biografía más compleja en su origen y trayectoria vital que la ropa usada o "de segunda", término más acertado, ya que mucha de la ropa que se vende no es necesariamente usada sino proveniente de saldos o con defectos de fábrica. Esta ropa, comprada en su mayoría en tiendas de Mac Allen, Texas, en Estados Unidos tal y como me es comentado por Raquel y Mariana[2] [3] ,cruza todo el territorio nacional hasta llegar a su destino en los miles de tianguis mexicanos; esta ropa, después de ser adquirida por comerciantes mexicanos que cruzan la frontera hacia EEUU, es seleccionada y con ella se forman *Pacas*[4].

1 Los tianguis (del nahuatl tianquiztli) son mercadillos callejeros que se remontan a la época prehispánica y que hasta la fecha prevalecen como la principal forma de comercio popular en México, especialmente en entornos urbanos. En la "Historia General de las Indias" (2000) de Francisco López de Gómara, original de 1552, así como en "Historia de la conquista de México", las memorias de Hernán Cortés citadas por Fray Bernardino de Sahagún (2001), se describe con viveza y yo diría anonadamiento, las primeras visiones del tianquiztli en la Plaza Mayor de Tenochtitlan. Karl Polanyi (1976) dedica un capítulo al tianquiztli y otras instituciones mercantiles del México prehispánico en su muy influyente "Comercio y mercado en los Imperios Antiguos". Alejados del tradicional tianquiztli, el tianguis actual es sinónimo de mercadillo callejero donde se puede encontrar tal variedad de mercancías que sería imposible hacer un inventario. De los tianguis más grandes del país, como El Baratillo en Guadalajara, se dice que la cantidad de productos, ya sean nuevos o usados, es tan grande que es posible encontrar "las piezas necesarias para armar un helicóptero" (PROFECO TV 2010).

2 Entrevista a Mariana (25/10/2018).

3 Entrevista a Raquel (05/02/2013).

4 Bultos cerrados que en su interior contienen una cantidad variable de ropa, calzado y (o) accesorios para el vestuario como bolsas, cinturones, etcétera. El nombre probablemente venga de hispanizar la palabra inglesa *pack* (paquete).

Las pacas contienen ropa y accesorios de distintas procedencias. Mariana comenta que se trata de ropa usada, en la mayoría de los casos una sola vez o saldos, ropa que "solo se compró y nunca se usó, por gente de Estados Unidos", que en su opinión "están más adelantados a las modas y son cosas que allá ya no se usan (...) para ellos ya pasó de moda y aquí apenas"[5]; Miriam amplía la información diciendo que también esa ropa es comprada en "tiendas especializadas en saldos"[6], también conocidas como outlets por lo que muchas veces no es ropa usada sino defectuosa o fuera de temporada. Otro informante, Pancho, también es de la idea de que se trata de saldos traídos de EUA, "traen saldos, saldos de ropa gabacha[7] y los compran por pacas" [8].

En el caso de Guadalajara, esa ropa se anuncia en algunos de los periódicos locales o en webs de anuncios clasificados, regularmente con un simple letrero de *se vende ropa de paca*[9]. Los o las interesadas acuden a los domicilios anunciados o bien pueden conseguir pacas en tianguis como El tianguis del Sol, El tianguis de Santa Tere, El Baratillo y tantos otros[10]. Aunque por lo general, en los tianguis ya se venden las *pacas* abiertas, pieza por pieza. El ritual de los compradores de ropa de segunda es llegar temprano a los puestos o estar cazando el momento justo que se abre una *paca* para poder conseguir las mejores piezas.

No es raro escuchar que los tiangueros empiecen a gritar: "¡se abre paca!, ¡se abre paca!" y en ese momento, un remolino de gente se abalanza sobre los bultos de ropa, intentando conseguir lo mejor. La suerte y el azar interviene en la obtención de una buena prenda, pero así mismo, para los comerciantes, la suerte y el azar intervienen en la obtención de una "buena" o una "mala paca". Eso sí, a mayor inversión mayores posibilidades de conseguir la mejor paca:

> (las pacas) cuestan a veces 3000 pesos o 3500, depende de lo buenas y ponle que vengan unas 100 piezas y pues viene cerrada y hay de todo, ponle que te toquen unas cuantas nuevas, hasta con etiqueta (de las tiendas o almacenes) y todo y otras que de plano no sirven.[11]

Como sea, para una familia, comprar ropa de segunda significa en muchos casos una inversión en vistas a iniciarse en un negocio independiente. Se puede empezar con una paca de 3000, 4000 o hasta 6000 pesos, si es *premium*; mientras que los más avanzados en el negocio, con capital para invertir "compran trailers, así, trailers llenos de ropa" o compran

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5 Entrevista a Mariana (25/10/2018).

6 Entrevista a Mariana (25/10/2018).

7 Estadounidense o proveniente de Estados Unidos.

8 Entrevista a Pancho (04/04/2013).

9 Entrevista a Mariana (25/10/2018).

10 Entrevista a Mariana (25/10/2018).

11 Entrevista a Mariana (25/10/2018).

"una cajota, no sé, ¿qué pesa?, no sé, unos 200 o 300 kilos"[12] según la experiencia de Pancho. Don Luis, por ejemplo, se decide a dejar su trabajo en una empresa, cuando su mujer, después de conseguir "una paca con ropa nueva" se pone a venderla casa por casa y eso les genera el interés por poner un puesto en el tianguis[13]. Actualmente, Don Luis tiene su propia tienda de ropa y ya se salió de los tianguis, pero al comienzo, todo empezó con una paca.

En Mc Allen, *El Dorado de la ropa de segunda*, empieza el recorrido de la ropa usada (Pérez Castro 2007), que desde el norte recorre todo el territorio nacional, incluyendo aquellas comunidades indígenas que hasta hace poco vivían de manera tradicional. Esta antropóloga realizó un estudio con pueblos indígenas de la región conocida como La Huaxteca. En esta región mexicana, la ropa "americana" ha desplazado a la producción y uso de textiles artesanales. En los tianguis de esta zona indígena ella observó la gran presencia de puestos de ropa de segunda, pero con la particularidad de que esta respetaba el estilo de la tradicional manera de vestir de los pueblos. Es decir, si la ropa femenina tradicional tenía motivos florales y solo cierta gama de colores, pues esos son los estilos y colores preferidos para la ropa de segunda que se vende en los tianguis; igualmente, si la ropa masculina ha sido siempre blanca, pues se vende solo ropa blanca de hombre, aunque esta sea de origen *gringo*. Si durante el periodo de la colonia, los pueblos indígenas se apropiaron de los íconos y festividades de la religión católica, introduciéndola en los esquemas de la religiosidad nativa, reinterpretando la cultura peninsular dominante, ahora se da una apropiación de los bienes de consumo. Se subvierte el sistema de la moda, para hacerlo un vehículo de la tradición. El consumo de ropa "americana" por parte de estos pueblos se da de forma *sui generis*, ya que más que la marca o la moda, lo que importa es que el color o el estampado sea similar al de los trajes tradicionales (Pérez Castro, 2002).

Con la llegada de las *pacas* se cierra un círculo que inició con la producción de esa misma ropa en México. Ropa de exportación que probablemente no habría podido ser comprada nueva por los obreros que la produjeron y que ahora la consumen solo a su regreso como ropa de segunda (Sánchez, "Industria del vestido"). Esto siempre y cuando la ropa logre pasar los controles aduaneros ya que, de no ser así se corre el riesgo de que sea decomisada y después quemada por las autoridades mexicanas (El Universal, "¿Quemar ropa incautada?"). En otras ocasiones, son los propios tiangueros locales quienes van hasta Estados Unidos en sus camionetas particulares y traen ellos mismos las pacas con ropa[14].

Sin embargo, así como no toda la ropa de segunda es usada, tampoco todo lo usado proviene de EEUU. Rocío me comenta que ha adquirido ropa de segunda y que después de utilizarla durante un tiempo, la vuelve a llevar al tianguis donde la compró, pero ahora para regalarla.

12 Entrevista a Pancho (04/04/2019).

13 Entrevista a Don Luis (01/10/2016).

14 Entrevista a Mariana y a su hija Miriam (20/10/2012)

Esta ropa tendrá no solo una segunda, sino una tercera vida en el tianguis[15]. Igualmente, el doble reuso de la ropa usada se da a través del trueque, se intercambia ropa por otros artículos como películas en dvd, discos, libros, videojuegos, consolas, teléfonos celulares o cámaras fotográficas.

A partir de una serie de observaciones participantes en siete tianguis de la ciudad mexicana de Guadalajara, que se prolongaron de forma intermitente durante una década, del 2009 al 2019, extraigo (principalmente) el caso de una vendedora de ropa usada para ilustrar, cómo en estos espacios de consumo popular, en especial en lo que se refiere a los bienes de segunda mano, se produce un tipo de intercambio que no se corresponde absolutamente con el cálculo economicista del comercio bajo el capitalismo. En el caso de los vendedores de bienes usados -*tilichentos*-, sus formas de intercambio son "hechos sociales totales", en el sentido que le fue dado al término por su creador, Marcel Mauss (1971), en el cual se manifiestan simultáneamente un cúmulo de instituciones - religiosas, jurídicas, morales, económicas – dando pie a configuraciones particulares de producción y consumo. Igualmente, en los circuitos del don y contra-don de la ropa usada, ciertas mercancías salen de su circuito mercantil (Appadurai 1991, 32) ya que adoptan un estatuto sagrado que transforma su venta en un tabú.

EL *HAU* DE LA ROPA USADA

Para los economistas clásicos las mercancías simplemente *existen*, como nos dice Kopytoff (1991, 64) obviando el proceso social que *hace* que un objeto se transforme en mercancía, lo cual va más allá de cualquier intento de esencialismo mercantilista como ya lo explicó Polanyi (2003) en el clásico La gran transformación, original de 1944. Mientras la definición consensuada de bien de consumo implica un artículo con valor de uso que también tiene valor de cambio (Kopytoff 1991, 64), una definición ampliada hablaría de que los bienes están atravesados por procesos sociales que señalan a ciertas cosas como susceptibles de ser mercantilizadas mientras otras se encuentran vetadas de su acceso al mercado, por motivos religiosos, históricos o sentimentales. Igualmente, la misma cosa que en un momento puede ser considerada mercancía, en otro momento es desmercantilizada (Kopytoff 1991, 64-66).

Si los intercambios económicos lo son también de símbolos, lo mismo podemos decir de los bienes de consumo, en sí. Estos son también objetos simbólicos. Siguiendo a Kopytoff (1991) podríamos afirmar que las cosas en un tianguis pueden estudiarse desde un enfoque biográfico. El antepasado etnográfico más lejano en el uso de un enfoque biográfico para estudiar las cosas aparece en "The Genealogical Method of Anthropological Inquiry" de Rivers (2011), original de 1910, en el cual el antropólogo se propone estudiar ciertos casos de transmisión de herencia con un estudio de leyes y manuscritos de propiedad que compara con el movimiento real del territorio que pasa de mano en mano en una especie de biografía de las cosas en relación a sus cambios de propiedad. Para Kopytoff no hay por qué hacer

15 Entrevista a Rocío (12/10/2016).

una distinción entre las preguntas pertinentes que uno se hace respecto a una persona y una cosa. Así, una biografía de las cosas debe preguntarse asuntos del tipo ¿De dónde proviene la cosa?, ¿Cuál ha sido su carrera?, ¿Se corresponde su vida con el ideal de su entorno cultural?, ¿Como ha cambiado el uso de la cosa con la edad?

Se pueden hacer biografías culturales de unos pantalones haciendo una lectura de género acerca de su uso, pero también podría hacerse una biografía de un automóvil usándolo como "espejo" de las relaciones de tipo clasista al interior de una sociedad. Las biografías ayudan a resaltar aspectos que de otra manera permanecerían oscuros, pero, así como en las biografías humanas se ponen de relieve y al mismo tiempo se obvian ciertos aspectos, de la misma manera "las biografías de las cosas no pueden ser sino parciales" (Kopytoff 1991, 93). El estatus de mercancía de los objetos, estado que en un sistema capitalista se da por sentado, no parece tan obvio cuando se analizan las sutilezas biográficas de éstas. La mercantilización de las cosas puede entenderse, desde un punto de vista cultural, como un proceso de "desingularización" (Kopytoff 1991, 98-104), es decir, solo cuando una cosa se vuelve genérica es cuando a esta se le puede asignar un valor comercial.

> En la medida en que la mercantilización vuelve homogéneo al valor, mientras que la esencia de la cultura es la discriminación, la mercantilización excesiva resulta anticultural (...) las sociedades necesitan colocar aparte cierta porción de su entorno, clasificándola como "sagrada", la singularización es un medio para lograr ese fin. La cultura asegura que algunas cosas permanezcan inequívocamente singulares; evita la mercantilización de otras y, en ocasiones, resingulariza lo que ha sido mercantilizado. En toda sociedad, existen cosas que son públicamente protegidas contra la mercantilización. Algunas de las prohibiciones son culturales y se sostienen colectivamente. (Kopytoff, 1991, 100)

En el ensayo sobre el don, original de 1925, Marcel Mauss expone sus muy famosos trabajos sobre las formas de intercambio primitivo en Melanesia y entre los pueblos nativos de Norteamérica. El *potlatch* es una institución a través de la cual los clanes y fratrías rivales se enfrentan unos contra otros en fiestas-combates suntuarios, donde la rivalidad se expresa en términos de gastos, regalos, ofrendas, destrucción de riquezas y hasta el ofrecimiento de la propia vida:

> El "potlatch" forma parte del sistema al que nosotros hemos propuesto denominar "sistema de prestaciones totales" (...) Los derechos y las cosas, los ritos religiosos, y todo en general se intercambia entre los clanes (...) todo se hace de fratría actora a fratría espectadora (...) se caracteriza por el tono suntuario acentuado (...) por el carácter agonístico general de esta oposición de los mismos que frecuentemente luchan mortalmente (...) (Mauss 1971, 27)

En este sistema de prestaciones y contraprestaciones los clanes y las fratrías se toman la revancha haciendo fiestas para el clan rival de forma cada vez más fastuosa, ofreciendo regalos cada vez más lujosos, tierras más fértiles. Se trata de un método de "distribución de la propiedad" (Mauss 1971, 30), pero que en absoluto se puede reducir a un fenómeno económico. El potlatch es el eje religioso, jurídico y artístico de estas comunidades. Todo sirve como "pretexto" para el potlatch: un nacimiento, una boda, un tatuaje, la muerte. Con el

intercambio de cosas deviene el intercambio simbólico y mágico, los shamanes de una fratría ofrecen amuletos, protecciones espirituales y bendiciones, los de la fratría enfrentada regalan la gloria de sus antepasados, los ecos de sus muertos, los espíritus protectores de sus casas. El potlatch vendría a ser, por consiguiente, "una fiesta de los muertos a la vez que una fiesta de los vivos" (Mauss 2012, 42).

¿Hay alguna razón para suponer que en la cultura occidental los intercambios económicos no están embebidos de cultura y superstición? se pregunta Mauss (2012) y nos llama la atención sobre el origen de la palabra anglosajona *gift* ("regalo") la cual, en su raíz germánica, tiene también la connotación de "veneno". Cuando uno da y el otro recibe, no solamente se está aceptando un regalo sino también el veneno de tener que devolver la prestación con una contraprestación. El dador profiere un encantamiento, a través de la cosa, transformada en un don: "la cosa recibida en general obliga, liga mágica, religiosa y jurídicamente al dador y al datario (...) la cosa le confiere poder sobre el otro, que la acepta." (Mauss 2012, 46).

Marcel Mauss identifica en estas modalidades de intercambio de obsequios, especialmente en el *potlatch*, lo que él denomina como un "hecho social total" (Mauss 1971, p. 157), y es que, en dichas formas de intercambio se manifiestan simultáneamente y de manera global todo tipo de instituciones: las religiosas, jurídicas, morales -incluyendo tanto las políticas como las familiares- y económicas, las cuales adoptan configuraciones particulares de producción y consumo, o más precisamente de prestación y distribución, a las que se suman los fenómenos estéticos resultantes de estos eventos, así como las manifestaciones morfológicas que generan estas instituciones. Como hace notar Claude Lefort, el concepto de hecho social total, emparenta a Mauss con Marx en tanto ambos pretenden alcanzar a "las cosas sociales en sí mismas, en lo concreto, como son", no como simples abstracciones (1988: 15), y más emparentados aún, se encuentran en su caracterización del hecho económico,

> La noción de intercambio suscita, con razón, una reflexión filosófica radical. Designa un "hecho social total", según la feliz expresión de Mauss, cuyo sentido es a la vez económico, jurídico, moral, religioso, estético; revela pues que la sociedad es totalidad y que lo económico y lo ideológico, que estamos acostumbrados a pensar por separado, en *la realidad* son sólo valores exigidos por el conocimiento. (Lefort 1988, 16)

En esta misma lógica, de acuerdo con las reflexiones de Julián Fava (2009) en la introducción a "La parte Maldita" de Bataille, original de 1976, la representación del *potlatch* posibilita la conceptualización de la transición desde la "economía restringida", que se centra únicamente en las actividades humanas relacionadas con la utilidad, la escasez, la conservación y la ganancia, hacia una "economía general" capaz de abordar las operaciones de pérdida, ostentación, despilfarro y actos de generosidad (Fava 2009). El *potlatch* no se limita únicamente a la forma de don, también puede implicar la destrucción pública de las riquezas, presentada como un acto de poder hacia los ancestros del receptor (Bataille 2009. Estos intercambios no se reducen exclusivamente a bienes materiales o riquezas, como en las sociedades capitalistas;

el *potlatch* abarca gestos corteses, celebraciones rituales y la inclusión de mujeres. La variedad de interpretaciones del *potlatch* depende de la tribu, ya que puede implicar tanto alimentar al otro como destruir ritualmente las riquezas. Este proceso demuestra la falta de relación ética entre el *potlatch* y la moral capitalista, que se centra en la acumulación.

No muy conocidos son los préstamos que toma Lacan de Marcel Mauss, como nos muestran Saubidet y Azzaretto (2019). En el Seminario 7 de Jacques Lacan, el psicoanalista señala que lo que muestra el potlatch, en su mandato a regalar y retribuir los regalos, es "cómo el hombre retrocede ante los bienes" (Lacan 1988, 283) y es que, precisamente es el acto de ofrecer algo lo que lleva consigo la obligación de una reciprocidad, y es precisamente por esta expectativa que surge el potlatch (Mauss 1971, 88). Esta práctica transforma el dar, es decir la destrucción de riqueza, en un acto de generosidad que produce riqueza. Cuando el acto de dar se realiza sin cálculos, confiando en la reciprocidad desde el inicio, el acto de dar no implica pérdida, sino ganancia. Al final, se trata de "huellas que muestran positivamente que se concibió que la destrucción de los bienes como tales podía tener una función reveladora del valor" (Lacan 1988, 282).

Esto último conlleva una serie de paradojas bien conocidas por Bataille (2009), quién explora la complejidad del don al afirmar que nunca se da sin esperar algo a cambio, y por lo tanto, el donante ejerce poder sobre el receptor, generando una deuda. Quién da más, ostenta un mayor poder de dar y destruir. El donante, ya rico antes de dar, continúa siéndolo, y el receptor, ahora deudor, debe devolver un don superior. Esta dinámica contradice la primera asunción sobre el don, que implicaría un acto de generosidad total. Como sea, lo importante en todo caso es señalar que el potlatch se distancia, tanto del deseo de pérdida como del aumento de los dones futuros, característicos del capitalismo. En lugar de eso, su centralidad radica en que lo que se da es devuelto en forma de *status,* mientras más doy más subo en la jerarquía social (Bataille 2009, 35).

En el entramado subjetivo de nuestras sociedades, coexisten formas de intercambio capitalistas y no capitalistas; como bien señala Lévi-Strauss (1981) el acto de compartir, resulta ser una forma de atenuar las tensiones sociales. Bataille (2009) sostiene que la máxima detrás de los dones es "dar y retener no es posible". En el modo de producción capitalista, retener la plusvalía se considera un signo de éxito, a diferencia del acto desinteresado de donar, que es visto como irracional (Saubidet y Azzaretto, 2019); sin embargo, tanto Mauss (1971, 2012) como Lévi-Strauss (1971) coinciden en que el objeto adquiere su valor en el intercambio, esto es lo que Mauss describió, en el caso de sus investigaciones melanesias, como *hau*:

> La palabra *hau* designa, al igual que el latín spiritus, a la vez el viento y el alma, más precisamente, al menos en ciertos casos, el alma y el poder de las cosas inanimadas y vegetales, mientras que la palabra *maná* se reserva para los hombres y los espíritus y se aplica a las cosas con menos frecuencia que en melanesio. (Mauss 2012, 87)

Según las reglas del dar y recibir, el objeto donado debe circular, y su usufructo tiene un límite de tiempo. Si el receptor decide intercambiar un objeto a otro, no puede conservarlo, ya que el objeto lleva el *hau* del donante original. Marcel Mauss cita a Ranaipiri, uno de sus informantes melanesios, quién le explica la naturaleza del *hau*:

> Voy a hablar del hau... El hau no es el viento que sopla. En absoluto. Supón que posees un artículo determinado (*taonga*) y que me das dicho artículo; me lo das sin un precio establecido. No hacemos ningún negocio al respecto. Ahora bien, yo le doy ese artículo a una tercera persona que, después de que ha pasado algún tiempo, decide devolver alguna cosa a modo de pago (*utu*), me regala algo (*taonga*). Ahora bien, ese taonga que él me da es el espíritu (*hau*) del taonga que yo recibí de ti y que le di a él. Yo debo devolverte los taonga que he recibido por esos *taonga* (que tú me diste). No sería justo (*tika*) de mi parte conservar esos taonga para mí, ya sean deseables (*raw*e) o desagradables (*kino*). Yo debo dártelos a ti, pues son un hau del taonga que me has dado. Si me quedara con ese segundo taonga, podría sucederme algo malo, algo grave, incluso la muerte. Tal es el hau, el hau de la propiedad personal, el hau de los taonga, el hau del bosque. (Mauss 2012, 87)

Según la afirmación de Lévi-Strauss, el *hau* no constituye ni la razón ni el objetivo del intercambio, y tampoco se trata de una síntesis, dado que no existe una antítesis. Es únicamente en el proceso de intercambio donde el objeto adquiere su *hau;* se trata de un fenómeno consecuencia del intercambio, no su origen. Lévi-Strauss plantea la cuestión de que Mauss quedó atrapado en la ideología indígena, lo que le impidió formalizar adecuadamente este tipo de intercambio no capitalista. Él sostiene que Mauss se quedó en un ámbito imaginario y específico. Si hubiera logrado liberarse del sentido preconcebido y del sesgo etnocéntrico europeo, que veía en la creencia en el *hau*, algo propiamente mágico y "atrasado", habría visto que es plausible identificar los elementos compartidos presentes en todas las formas de intercambio (Lévi-Strauss 1971).

Siguiendo con esta lógica, es permitido fundamentar la idea de que, en los tianguis persisten formas residuales de este tipo de intercambio social estudiado por Mauss donde los objetos adquieren un *hau*, es decir, un plusvalor por circulación. Mariana, una de mis informantes en el tianguis Baratillo, vendedora de objetos usados, es mi guía para mostrarme cómo funciona *el hau de los objetos de segunda mano*. Mariana comienza a vender en el Baratillo con la muerte de su madre, como una manera de salir del estado depresivo que se encontraba, según me cuenta ella. Este es el inicio, pero después se mantiene en el tianguis debido a sus carencias económicas, incrementadas por la calamidad de tener dos hijos afectados por una enfermedad incurable llamada *Osteogénesis imperfecta*, que en el argot popular se conoce como "niños de cristal", cuyo principal síntoma es una *"fragilidad ósea, cuyo resultado es un hueso vulnerable ante fuerzas externas e internas, condicionando la aparición de fracturas frecuentes ante traumatismos mínimos o inexistentes"* (Diego et al 2010).

A pesar de que la prevalencia de la enfermedad es de 1 caso por cada 20,000 nacimientos (Diego et al 2010, p. 131-2), en el caso de Mariana se da la aún más extraña situación de que

su dos hijos tienen la enfermedad. Entre el tratamiento y la rehabilitación de sus dos hijos, más el coste de la vida diaria, su único sostén es el sueldo de su esposo *Toño* que trabaja como instalador de antenas de televisión con un salario que nunca excede los 10,000 pesos al mes. Por lo mismo, Mariana, ha encontrado en el tianguis y la venta de cosas de segunda mano, una vía alternativa en el sostenimiento del hogar. Primero empieza reciclando su ropa vieja y luego la que le regala la familia cercana hasta que esa cadena de intercambio se va extendiendo hasta los vecinos y después, a todo el barrio.

A Mariana se le empieza a crear la fama de que es una *tilichenta* -persona que acumula cosas - y la gente le lleva todo lo que ya no quiere. Ha recibo cosas de todo tipo que después vende en los tianguis: discos - "de esos, de los grandes" refiriéndose a los discos de vinilo -, ropa, zapatos, peluches, adornos para la casa, muñecas, bicicletas, utensilios de cocina tanto nuevos como usados: vasos, cucharas, platos usados, ropa usada, incluso bragas - "¡y las han comprado!" me dice entre sorprendida y triunfante[16] -. Se queja de que hay veces que "le regalan cosas muy feas"[17], pero le sorprende que incluso hasta "para lo más feo" hay clientela, como unas "faldotas largotas" que le regalaron, "de esas que te llegan hasta los tobillos", y ella pensó que es algo que nunca vendería, pero encontró clientela en una señora de "los testigos de jehová"[18].

La cadena de intercambio es más barroca de lo que parece y no concluye necesariamente con Mariana vendiendo lo regalado en los tianguis; de hecho, después de obtener "el botín", a través de vías de intercambio que pueden adoptar diversas formas, que van desde la compra-venta, el trueque, el obsequio y otras formas mixtas, si estos objetos después de ser adquiridos por Mariana, no consigue venderlos en el tianguis, se establecen otras vías alternativas para su intercambio, que pueden ir desde el obsequio, su uso como estrategia de marketing (con la compra de cierto item se regala el objeto residual), permitir que el objeto sea "robado" (hacerse de la vista gorda ante los robos) o bien la manipulación del objeto, intervenirlo para re-venderlo o hacer uso propio de él, o como un regalo de cumpleaños, etcétera. Todas son tácticas desviadas, pero asumidas como parte de la lógica del tianguis de segundas.

Mariana me comenta que es común que se acerquen personas ancianas, que se ven "todos pobrecitos", como me dice ella. Esta gente va de puesto en puesto recogiendo cosas a un mejor precio o incluso regaladas, para después revenderlas más caras en el mismo baratillo. Estos ancianos se le acercan y le preguntan: "¿a cuánto me los da?", y a ella, que le despiertan lástima: "en dos pesos se los doy" me comenta con actitud desprendida y a sabiendas de que "ellos los venden más adelante (...) más caros". Mariana reconoce que le ganan las súplicas de sus clientes, las caras de lástima: "Doy cosas de a peso (...) dos pesos". Pero incluso, llegado

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el punto de la insistencia de los pedigüeños ella rompe con un: "¡Ya, lléveselo ya!", "a todos les regalo"[19] reconoce. Otra forma desviada de intercambio se encuentra en el robo o formas mixtas de compra/trueque/regateo, como ya hemos señalado.

Gran parte de aquello que no consigue vender en el tianguis lo lleva a la "señora de los tiliches". Este personaje compra lo que la gente le lleva o hace trueque con lo usado: "ropa usada, "monos de peluche", bolsas, zapatos, cosas así" que intercambia por cosas nuevas como "ollas, vasos, sillitas o loza". Esas cosas nuevas son llevadas nuevamente al Baratillo para venderse o simplemente son conservadas por los tilicheros. Mientras que lo usado que recolecta "la señora de los tiliches" es re-vendido en los tianguis. Según Mariana, la cantidad de gente que va "con costales llenos de cosas" es "exagerada" [20].

Conforme a los principios de dar y recibir establecidos por Marcel Mauss (2012:87) si un vecino (A) le obsequia un objeto a Mariana (B), ella tiene el derecho de disfrutar de él temporalmente; sin embargo, posteriormente debe transferirlo a otra persona (C) lo cual hace en el Baratillo, bajo la forma de intercambio mercantil, como corresponde a la lógica capitalista de intercambio usufructuario, pero muchas veces, también bajo forma de Contra-don (regalos, robos "permitidos", limosnas…), ya que el objeto donado debe circular. Igualmente, este objeto es vuelto a donar por Mariana (B) a La Señora de Los Tiliches (C). En el momento en que C decide retribuir a B con un objeto – los objetos nuevos que la Señora de los Tiliches le son regalados a Mariana -. En este punto, se destaca la necesidad de que dicho objeto no permanezca en posesión de Mariana (B), ya que, según estas prácticas culturales, el objeto devuelto no lleva consigo el *hau* de C, sino el de A (los vecinos que desinteresadamente le regalan cosas a Mariana), quien inicialmente realizó la donación.

La continua puesta en circulación de objetos por parte de Mariana, es sorprendentemente armónica con el mantenimiento del *hau*. Mariana no acumula, pone en circulación todo lo regalado, como si de una maorí creyente se tratase y la retención de dicho objeto, según la economía del don polinesia, conllevase consecuencias graves, como enfermedad o incluso la muerte (Mauss 1971). La propia Mariana me confiesa como el dar le ha servido para alejar la enfermedad, en este caso mental, producida por la profunda melancolía arrastrada por la muerte de su madre. En contraste con el sistema de producción capitalista, donde aquel que conserva la plusvalía es considerado exitoso, mientras que quien dona sin calcular se etiqueta como "loco" (Saubidet y Azzaretto 2019, 804), para Mariana el dar sin parar fue la fórmula que encontró para alejarse de la depresión y recuperar la salud mental.

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CICLOS DE MERCANTILIZACIÓN / DESMERCANTILIZACIÓN DE LA ROPA USADA

En opinión de Arjun Appadurai (1991) la perspectiva antropológica respecto a las cosas es excesivamente dualista, consideración que bien puede ser generalizada al resto de disciplinas sociales: "nosotros y ellos"; "materialista y religioso"; "objetivación de las personas" contra "personificación de las cosas"; "intercambio de mercado" contra "reciprocidad", y así sucesivamente. Para este investigador, son "las cosas-en-movimiento las que iluminan su contexto social y humano" (1991, p.19) y para investigar esto propone seguir la trayectoria, formas y usos de los objetos particulares como una manera de elucidar los significados que ellas imprimen en las relaciones humanas, sobre todo en aquellas de tipo transaccionales.

En la concepción propuesta por esta teoría, la mercancía sería "cualquier cosa destinada al intercambio" (Appadurai,1991, p. 24), lo cual rompe con la dependencia marxista de considerar una mercancía desde el punto de vista del "productor" y propone centrarse en el proceso de intercambio antes que discernir entre "objetos mercantiles" y aquellos "no mercantiles". Según este autor, el trueque, tradicionalmente no considerado mercancía podría considerarse como tal e incluso los regalos, en una postura que es tomada de Bourdieu (1991), ya no estarían opuestos al espíritu egoísta de la transacción comercial, sino que desde esta perspectiva politética podrían igualmente también ser considerados como mercancías (Appadurai, 1991, p. 28). El *don* ya no inaugura algún acto de desprendida generosidad, sino que más bien se espera una retribución, pero no a corto plazo, como en las transacciones comerciales monetarizadas.

A pesar de que es innegable que, con frecuencia, los sistemas simbólicos otorgan carácter sagrado a aquellas mismas entidades impuras que han sido vehementemente rechazadas, es necesario aclarar que no son lo mismo. Retomemos el caso de Mariana. Ella todavía guardaba, entre el tabú y el recuerdo, la ropa de su madre muerta, que no se atrevía a llevar al tianguis a vender. ¿Los vestidos de la madre muerta de Mariana, son una entidad impura o una entidad sagrada? Una de las características de lo sagrado es que se trata de elementos que pueden ser utilizados de manera constructiva en el ámbito de los rituales. No basta con que algo sea considerado impuro para que se le atribuya un potencial beneficioso. En aquellas instancias donde no existen distinciones, no puede producirse profanación, ese es el caso del mercado. Es decir, donde no hay distinciones, todo es vendible, y, por lo tanto, nada adquiere un carácter sagrado. Mariana, al retirar del mercado los vestidos de la madre muerta, los devuelve (como el propio cuerpo de la madre) al espacio de lo sacro y, por lo tanto, de lo desmercantilizado.

Tanto para Kopytoff como para Appadurai la mercancía es analizada desde la dinámica del intercambio y no desde la esencialización de los bienes (no hay mercancías "por esencia"), y así, la situación mercantil en la vida social de una cosa se podría definir como el momento en el cual su intercambiabilidad por otro objeto es su característica socialmente más relevante. En

este sentido habría tres momentos dentro de la vida mercantil de un objeto: a) la candidatura, b) la fase mercantil, c) el contexto. Mientras tanto, a las mercancías podrían clasificárseles en los siguientes tipos:

> (a) mercancías por destino, es decir, objetos dirigidos por sus productores principalmente al intercambio; (b) mercancías por metamorfosis: cosas destinadas a otros usos que son colocadas en el estado mercantil; (e) un caso especial de las mercancías por metamorfosis son las mercancías por desviación, objetos colocados en el estado mercantil aunque original y específicamente protegidos contra él y (d) ex mercancías, cosas extirpadas ya sea temporal o permanentemente, del estado mercantil y situadas en algún otro estado. (Appadurai 1991, 32)

Los objetos, para Kopytoff, mientras más especiales sean, más difíciles de comercializar se vuelven y esta singularización no tiene que ver con la lógica economicista de la escasez del producto, sino con un proceso complejo donde intervienen factores culturales, temporales y de asignación subjetiva de valor:

> La mercancía perfecta sería aquélla que fuera intercambiable por cualquier otra cosa; del mismo modo, el mundo perfectamente mercantilizado sería aquél donde todo fuese intercambiable o estuviera en venta. Por la misma razón, el mundo perfectamente desmercantilizado sería aquél donde todo fuese singular, único y no intercambiable. (Kopytoff 1991, 95)

Siguiendo a Kopytoff (1991) y Appadurai (1991) podríamos decir que el estatuto mercantil de los vestidos de la madre se complica cuando a) los vestidos son adquiridos por la madre de Mariana, b) después de su muerte, pasan de ser unos vestidos cualquiera a ser *los vestidos de mamá*, es decir, se produce una singularización; c) por lo tanto los *vestidos de mamá* pierden su candidatura mercantil y se transforman en un *ligamen* al recuerdo de la madre, un *souvenir* de su existencia; d) el vestido deja de ser una mercancía, es una *ex mercancía* situada en un estado *sacro*; e) cuando Mariana piensa en la posibilidad de venderlos, los vestidos, reafirman su estatuto des mercantilizado, se convierten en objetos tabú; f) los objetos se reafirman en su estatus de singularidad, son únicos y no intercambiables (han perdido valor de cambio).

En una ocasión, y teniendo muchas carencias económicas, Mariana saca a la venta uno de los vestidos de la madre. En una de las ventas, ella argumenta "mire, que está nuevo", "pues si" le responden, "pero está pasado de moda". Esa respuesta la dejó en *shock* y le animó a poner en circulación todo el armario de su madre. Decíamos con Douglas, que aquellos objetos que son sagrados son efectivos en su función ritual, pues bien, Mariana, al desprenderse de los vestidos de mamá, entendió que ganaba en fuerza interior: "a mi mamá ahora la llevo en el corazón, no en sus cosas"[21]. En este sentido, la re-mercantilización de los vestidos tiene una función ritual: en un contexto de crisis y carencias económicas le sirven para efectuar una desviación sobre el estatuto del objeto; y en cierta medida el objeto tabú, al adquirir de

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nuevo su candidatura mercantil, rompe el *ligamen* que guardaba Mariana con el recuerdo de la madre muerta, liberándola.

Desde cierto pensamiento antropológico vulgar, se ha pensado en los ritos en términos de su eficacia instrumental, y así, se espera que el rito produzca resultados tangibles, como la lluvia o la curación milagrosa. Sin embargo, no es la eficacia instrumental de los ritos la única clase de eficacia, los símbolos tienen el poder de provocar cambios, ya sea a nivel de la psicología individual o de la vida social. Cómo señala Mary Douglas, "no es el absurdo Alí Babá, sino la figura magistral de Freud, el modelo para apreciar el rito" (2007, 91). La eficacia simbólica del rito, a nivel de la psicología individual es perceptible en el ritual de donación de los vestidos de la madre muerta, que, en conjunto con todo el entramado de economía del don de Mariana, adquiere la forma de un ritual del duelo.

Sin embargo, si consideramos el evento del vestido de la madre, como el elemento cúspide de un ritual ampliado de dones y contra-dones, en y en torno al tianguis Baratillo, podríamos apreciar que su eficacia social es incluso de mayor envergadura. En torno a las desgracias ocurridas a Mariana se creó un mecanismo altamente ritualizado de apoyo social, generando circuitos de economía del don intercalados con una economía mercantil más convencional, que en su conjunto han servido de subsistencia material para Mariana y su familia. A partir de Radcliffe-Brown (1986) la separación entre rito religioso y rito secular ha saltado por los aires. Incluso en un mundo secular, los rituales persisten,

> En cuanto animal social, el hombre es un animal ritual. Si se suprime el rito bajo cierta forma, no deja de surgir en otras, con mayor fuerza mientras más intensa es la interacción social (Douglas 2007, 80)

En tanto ritualización del duelo, en el intercambio simbólico entre Mariana y el vestido de mamá, podemos observar como el objeto hace algo más que mutar en ese juego de identidades que transcurre en estadios siempre en referencia a lo mercantil (aunque sea bajo la forma de ausencia de lo mercantil). En primer lugar, el vestido sirvió de intermediario entre este y otro mundo manteniéndola en contacto con su madre. El objeto se encuentra *encantado* e interactúa con Mariana; y aquí no estoy hablando de espiritismo sino de algo que ella misma menciona, el vestido le servía como registro material, mnemotécnico, para mantener vivo el recuerdo de la madre. Cuando ella dice que a partir de ese momento (cuando vende el vestido), ya solo llevará a su "mamá en el corazón" mientras a las cosas no, hay que entenderlo de esa manera: las cosas estuvieron indisolublemente ligadas a la madre, pero en un momento ya no.

El vestido hacía las veces de conexión y era indispensable para mantener el *ligamen*, cuando es roto el lazo, éste es realizado no sin esfuerzo, se requiere cierto tipo de agencia. Esta capacidad de separación requiere un aprendizaje, y éste sin duda, lo ha obtenido Mariana por sus propios medios, pero no sin participación del objeto. El vestido, en tanto cosa-entre-dos-mundos, es transicional, funciona como un catalizador para ir consiguiendo

paulatinamente la separación total con el ser querido. Cuando ese aprendizaje es adquirido, es el momento de dejar escapar a *la cosa*.

Mariana consigue separarse del vestido de mamá en tanto muleta emocional gracias a su agenciamiento. Así aprende a "desprenderse de las cosas" pero paradójicamente esto solo lo consigue a través de "una cosa". Las cosas por estar mudas no significa que no hablen. Existen dos vías por las cuales los estudios de la cultura material han intentado escuchar las cosas, por un lado, estarían aquellos que mercantilizan los objetos haciendo que estos "pierdan personalidad" y, por otro lado, aquellos que resaltan la personalidad del objeto, mostrando que estos interactúan, generan estados de ánimo, en suma, se encuentran investidos de agencia (Hoskins 2006; Gell 2016). Mariana, en el acto de separación de los vestidos, que previamente eran objetos tabúes, muestra retrospectivamente la agencia de los objetos cuando han sido des mercantilizados, pero también su capacidad para funcionar como portales; ventanas a otros mundos, en este caso, una ventana al mundo de los muertos.

CONCLUSIONES

A pesar de que el tianguis no sea solamente un mercado de usado, bien puede describirse como un lugar desafiante de ciertas consideraciones unidireccionales respecto al consumo debido a la mezcla de bienes que ahí se ofrecen: segunda mano, objetos reciclados, elaboraciones DIY – "Do it by Yourself" -, piratería, falsificación, contrabando y cosas robadas mezcladas con bienes legítimamente pertenecientes al primer ciclo (objetos no usados). La presencia de estos objetos abyectos le da unas características particulares al consumo popular que lo colocan en un plan divergente con el consumo mainstream o de primer ciclo. En primer lugar, gracias a la presencia de estos objetos, es que se ha extendido la práctica del regateo en los tianguis, incluso a los objetos que no han abandonado su primer ciclo de consumo.

Es a partir de los estudios de consumo de segundo ciclo (usados, re-vendidos, saldos) que podría cuestionarse la teoría económica clásica del valor, en la cual el precio de las mercancías estaría fijado por las "leyes de la oferta y la demanda" que corren paralelas a las prácticas e intercambios concretos de los sujetos que participan del intercambio económico. Lo que he podido dilucidar es que, a diferencia del mercado financiero, en los tianguis el valor de los bienes es negociado total o parcialmente in situ por los actores de la operación mercantil. Las mercancías en los tianguis tienen un valor indicativo, pero no prescriptivo, y si se sigue el proceso de negociación por los objetos en el tianguis se tiene la oportunidad de presenciar la creación del valor, el cual se construye no sólo a partir de criterios económicos sino también culturales tanto como inter e intra-subjetivos.

Gracias a la observación etnográfica, es posible construir a partir del tianguis un espacio donde lo que se llama compra, es una combinación entre intercambio, negociación y obsequio que desafía a las categorías clásicas de la antropología del consumo que tienen en el enfrentamiento entre intercambio mercantil y regalo, cómo uno de sus pilares. Otro de

los cuestionamientos que introduce la práctica del tianguis es referente a la obsolescencia de las cosas. La chatarrería tianguera implica una extensión vital de los bienes, su re-mercantilización. Esto ocurre bajo fórmulas variadas. Hay una resucitación simbólica de las cosas usadas en tanto se vuelven *vintage*, pero también hay una recirculación de los bienes por la llevada a cabo de asociaciones materiales como es la instalación de dispositivos a aparatos inoperativizados por la industria bajo el esquema de la obsolescencia programada. En conjunto, la reavivación de los objetos en el tianguis se da gracias a la construcción de nuevos ensamblajes material-simbólicos a partir de objetos obsolescentes.

Objetos como la ropa usada pueden transformarse en entidades sagradas a través de rituales y asociaciones simbólicas. La desmercantilización y re-mercantilización de estos objetos cumplen funciones rituales y simbólicas complejas, revelando el enrevesamiento de las interacciones sociales y la construcción de significados en la sociedad moderna. Las prácticas de intercambio y regalo que rodean a la ropa usada, con ciclos de regalos, intercambios y ventas, reflejan una lógica de reciprocidad y generosidad. El *hau* de la ropa usada en los tianguis revela un entramado social complejo que incorpora elementos de mercantilización, reciprocidad, generosidad y prestigio social, proporcionando una perspectiva enriquecedora sobre las prácticas económicas y sociales en la sociedad contemporánea.

Received: November 27, 2024.
Approved: January 8, 2025.

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ARTICLE

Policies of international academic mobility, processes of elite and state formation, and "returning" to Brazil

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Abstract:

Adopting a historical anthropological perspective, this article sets out to understand the role of policies promoting international academic mobility as a strategy for state-building and the formation of national elites in Brazil. I focus on analysing the sociogenetic processes underpinning these policies – particularly starting in the 1950s with the establishment of national agencies responsible for scientific research and advanced training abroad – and their reconfigurations over subsequent decades. Finally, the article explores the contemporary context of one such policy by examining the experiences of Brazilian PhD students who received public funding for their doctoral training at foreign institutions. Based on these trajectories, the discussion addresses how these state policies conceptualize the role of Brazilian researchers and students trained abroad, as well as the moral considerations arising from the convergences and divergences between state expectations and the life projects of these individuals.

Keywords: Academic elites; state formation processes; CAPES; Moralities; Academic mobilities.

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Políticas de mobilidade acadêmica internacional, processos de formação de elites e de Estado e o "retorno" ao Brasil

Resumo:

O artigo tem como objetivo principal compreender, desde uma antropologia histórica, o papel das políticas brasileiras de incentivo à mobilidade acadêmica internacional como estratégia nacional de formação de Estado e de elites nacionais. Para tal, partirá de uma análise dos processos sociogenéticos de construção dessas políticas - sobretudo a partir dos anos de 1950, com a criação das agências brasileiras responsáveis pela pesquisa científica e formação qualificada no exterior - e seus rearranjos nas décadas seguintes. Por fim, será abordado o cenário contemporâneo de uma destas políticas, a partir da experiência de doutores brasileiros que obtiveram financiamento público para sua formação doutoral em uma instituição estrangeira. A partir dessas trajetórias, será discutido como estas políticas de Estado compreendem o papel destes pesquisadores e estudantes brasileiros, com formação no exterior, bem como os desencontros e moralidades presentes entre as expectativas estatais e os projetos individuais desses sujeitos.

Palavras-chave: Elites acadêmicas; processos de formação de Estado; CAPES; Moralidades; Mobilidades acadêmicas.

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OPENING CONSIDERATIONS

Although distinct processes, the formation of states and national elites are deeply interrelated. As Souza Lima (2015) points out, studying the 'state' anthropologically as a set of practices, processes and their effects (Trouillot 2001) entails thinking in terms of flows and performances. It also means exploring the various dimensions of policy-making and the governance of state apparatuses in which the actions of politico-administrative elites and the rhetorical construction of the 'state' as a category by such groups become key factors. Analysing the state and its dynamics thus also requires us to conduct research with elites as interlocutors in contexts that effectively involve 'studying up' (Nader 1972).

The very definition of the term 'elite,' however, contains semantic ambiguities, reflecting its fluid nature and its association with privileged groups, which presupposes exclusionary values (Marcus 1983; Gomes, Motta & Souza Lima 2021). To discuss elites is, above all, to think about "the mechanisms by which dominant social groups are formed in different scenarios of social stratification, as well as the ways in which they (re)produce prestige and power" (Gomes, Motta & Souza Lima 2021: 24). As the authors also emphasize, this requires an understanding of the processes through which hegemonies are produced and social inequalities are reproduced.

This article seeks to build on this perspective, focusing on the creation of the Coordination for the Improvement of Higher Education Personnel (*Coordenação de Aperfeiçoamento do Pessoal de Nível Superior*: CAPES) and the implementation of the policy for awarding postgraduate scholarships to Brazilians abroad, understanding these initiatives as processes

1 This study was funded by FAPERJ (Carlos Chagas Filho Research Support Foundation | Rio de Janeiro State), (Ref. Proc. FAPERJ E-26/210.655/2023 - Process SEI 260003/014841/2023), and by the National Council for Scientific and Technological Development (CNPq).

of state formation based on the formation of national techno-scientific elites. While there was never anything unusual about Brazil's national elites studying abroad (Carvalho 1981), this practice was until the mid-twentieth century almost entirely financed by families themselves, who sent their young members to foreign institutions – particularly given the limited availability of higher education in Brazil at the time. Following the creation of CAPES and the National Council for Scientific and Technological Development (*Conselho Nacional de Desenvolvimento Científico e Tecnológico*: CNPq) in 1951, a structured long-term policy for granting postgraduate scholarships for studying abroad began to take shape in Brazil.

My objective is precisely to understand this distribution of scholarships as a strategy employed by the Brazilian state – an investment with medium- and long-term returns, considering the time required for training individuals and for the country and its institutions to receive the expected 'return' on such investments. These policies are assumed to have a dual impact: institutionally they respond to the need for personnel to fill bureaucratic positions in government agencies and institutions, while academically and technologically they train university professors and high school teachers, researchers and producers of technology and innovation (Azevedo 2022). Although migration studies have debated the mobility of highly skilled individuals and its consequences in some depth – whether as brain drain or brain gain (Gomes 2015; Padilla & França 2015) – my interest here lies in broadening this debate to connect it with discussions on state formation and elite formation processes.

This aim in mind, the article is divided into four parts. The first revisits the context of Brazil in the 1950s and 1960s, when a strong developmentalist agenda shaped the country's governance. This was the period when the aforementioned agencies were created, accompanied by an intensification of international cooperation initiatives for academic mobility. Also in this section I briefly examine how these policies remained active under the Brazilian military dictatorship and continued into the period of redemocratization and the New Republic in the 1980s. The second part focuses in more detail on the policy of awarding doctoral scholarships for study abroad, reflecting on its continuities and transformations from its earliest initiatives to the contemporary setting. In the third part, I analyse the experiences of three Brazilian researchers who completed their doctorates abroad with CAPES funding and later returned to Brazil. I explore these state policies through the trajectories of these three researchers: one who today lives in Brazil and has no intention of moving abroad; another who lives in Brazil but is dissatisfied and considering moving abroad again; and a third who returned to Brazil but now lives in another country. Finally, in the fourth and final section I reflect on the disjunctions and tensions between state expectations and individual career trajectories involved in these policies, as well as the moralities that emerge from these processes, seeking to understand them through the optics of the present.

MODERNIZATION OF THE COUNTRY, TRAINING OF HIGHLY QUALIFIED INDIVIDUALS ABROAD AND STATE POLICIES

Throughout the twentieth century, Brazil experienced an intense process of state institutionalization and bureaucratization – or, as Souza Lima and Dias (2020) put it, a successful attempt by the country's political and economic elites to consolidate an image of the nation while securing control over land and labour, maintaining – despite variations in the profiles of its subgroups – the characteristics of exclusion and arbitrariness essential to preservation of any elite. In the 1950s and 1960s, modernization theories – then at their peak –were premised on the idea that overcoming the 'underdevelopment' of Third World countries meant emulating the First World nations. This approach was endorsed by international organizations and their agencies and policies, which promoted 'development plans' formulated in the aftermath of the Second World War (Teixeira & Castilho 2020).

In this context, the training of 'qualified' workers for the national labour market became a clearly defined objective. However, there were too few higher education and postgraduate institutions in the country to train the amount of professionals and researchers needed to transform the profile of the Brazilian workforce. Encouraging postgraduates to study abroad thus emerged as one of the Brazilian state's strategies for ensuring the formation of this qualified labour force. Given the low level of educational attainment of the Brazil population at the time – estimates suggest that in the early 1950s, just 0.67% of the economically active population had a university degree, with 85% of these graduates concentrated in the south--central region – there was already a concern during the Vargas government with creating a 'new intellectual elite' capable of 're-equipping' the state and fostering substantive changes to the national productive system (Córdova 1996; Rosa 2008).

This situation was not unique to Brazil. Latin America as a whole faced a similar challenge. In the geopolitical context of the Cold War, the United States played a significant role in the region, spearheading various cooperation agreements with Latin American countries from the 1950s onward (Faria & Costa 2006). In 1952, under the national-developmentalist policies of Vargas's second government, agreements were signed between Brazilian and US universities, resulting in many Brazilian students travelling to the United States to undertake master's and doctoral courses. In the opposite direction, numerous professors from the United States came to Brazil to assist in the development of local postgraduate programs (Cury 2004). Also during this period, international foundations and agencies assumed an active role in funding scholarships for study abroad, including prominent US institutions such as the Ford, Rockefeller and Fulbright Foundations (Miceli 1993; Velho 1997; Silva 2016; Ridge & Terway 2019).

It was also during the 1950s that Brazil's two main national agencies for science funding and human resource development were founded: CNPq and CAPES. CNPq was created with the mission of promoting and fomenting the advancement of scientific and technological research by providing funding for research, training researchers and technicians, fostering

cooperation with Brazilian universities, and facilitating exchanges with foreign institutions (CNPq 2018). Another reason for its creation was Brazil's need to develop nuclear energy research, already under way in other countries and deemed essential for national security in the post-war context. This priority was reflected in the CNPq's early funding allocations, with 65.6% of its resources in 1951 directed to the physical sciences (the remaining 34.4% went to the biological sciences (Morel 1979). CAPES was initially founded as a campaign with the primary goal of "ensuring the existence of specialized personnel in sufficient quantity and quality to meet the needs of public and private enterprises dedicated to the country's development" (Brazil, 1951). One of its principal responsibilities at the time was to lay the groundwork for a national project for postgraduate policies (Fernández 2012).

While the 1950s saw the creation of the institutional structures needed to organize a policy to form a national academic elite – viewed as crucial to the Brazilian state's 'modernization' – the 1960s provided the biggest impetus for the institutionalization of postgraduate education in Brazil. This, in turn, stimulated policies for international mobility with the creation of new courses and the national regulation of postgraduate studies in 1965 through Ruling No. 977/65 of the Higher Education Council (*Conselho de Educação Superior*: CESu) (Parecer CFE No. 977/65; Contel & Lima 2011).[2] This process, however, occurred during the military dictatorship in Brazil, a period in which modernization and authoritarianism both worked to shape the national state (Motta 2014).

The inception of postgraduate education in Brazil was closely associated with an idea of the state as a facilitator of both scientific progress and the search for leading international centres of knowledge. At the time, the state positioned itself as the guarantor of scientific development, conceived to be essential to achieving national autonomy. This perspective envisaged postgraduate studies as a strategic sector for public investment, endorsing the nationalism and developmentalism guiding much of the military regime's policy agenda. For policymakers at this time, Brazil's nascent scientific field was the cause of the country's 'backwardness,' not its historical dependency, which affected all levels of education (Cury 2004). Surpassing this barrier was deemed essential for transforming Brazil into a 'great power' with the capacity to expand economically by strengthening its national productive system (Morel 1979). During this period, international agreements were intensified, especially between Brazil and the United States through the United States Agency for International Development (USAID), which awarded a substantial number of undergraduate and postgraduate scholarships to Brazilian students at US educational institutions (Germano 1993; Gaio 2008).

2 The 1960s also saw the creation of the *Programa de Estudante-Convênio de Graduação* (PEC-G), offering "foreign students the opportunity to undertake their undergraduate studies at Brazilian Higher Education Institutions (IES). In so doing it contributes to the internationalization of participating institutions and the dissemination of Brazilian viewpoints worldwide." Source: https://www.gov.br/mre/pt-br/assuntos/cultura-e-educacao/temas-educacionais/programas-de-estudo-para-estrangeiros/pec-g/sobre#sobre Accessed 30 September 2023.

These policies were also accompanied by measures designed to ensure the return and retention of Brazilian researchers in the country, such as 'Operation Return,' an initiative introduced by the military government in 1967 that actively sought to bring back Brazilian researchers in the fields of Engineering, Medicine and Physics working in the United States (Morel, 1979). Similarly, Decree No. 63,343 of 1 October 1968 created incentives for retaining Brazilian scientists and encouraging the return of those abroad by establishing Regional Postgraduate Centres (*Centros Regionais de Pós-Graduação*) (Brazil 1968).

Cury (2004) identifies these measures as the first concerted attempts to ensure the permanent return of Brazilian researchers, combined with other actions such as the creation of a law to regulate the validation of foreign diplomas in Brazil during the same period and a concern to improve the training of academic staff in the country's recently founded universities. The first National Postgraduate Plan (1975–1979) strongly emphasized the need to train academic staff in Brazilian institutions. In fields where training within Brazil was unavailable, agreements and exchanges with foreign institutions were to be established. To this end, the Institutional Academic Training Programme (*Programa Institucional de Capacitação Docente*: PICD) was created with the aim of training 16,800 master's graduates and 1,400 doctoral graduates between 1975 and 1979. The plan also included the awarding of 7,650 scholarships abroad per year. It was also during this same period that CAPES and CNPq introduced their scholarship policies for postgraduate students within Brazil too. Postgraduate education thus "assumed a strategic position not only within the educational system but also in terms of the country's development model under the military regime" (Cury 2004: 128).

Contel and Lima (2011) identify the 1960s and 1970s as a period of reform for policies aimed at the internationalization of higher education – though it is important to note here that the term *internationalization* was not yet part of the lexicon of scientific policy. This period was dominated by cooperation programmes that emphasized the presence of foreign consultants and the awarding of scholarships for master's and doctoral studies abroad, funded by both national and international agencies, as well as the Brazilian and United States governments. Beyond academic motivations, there was also a contemporaneous political interest in restructuring the country's higher education system to align with the US model. It was also during this period – the late 1960s – that Brazil saw the creation of FINEP (Studies and Projects Financing Agency: *Financiadora de Estudos e Projetos*) and FNDCT (National Fund for Scientific and Technological Development: *Fundo Nacional de Desenvolvimento Científico e Tecnológico*). These institutions would have a huge impact on research funding policies and models in the country, further boosting the availability of postgraduate scholarships (Pereira 2016).

In the 1980s, however, as Brazil entered a process of political and economic liberalization, the national policy for training personnel abroad began to change. Priority shifted to awarding doctoral sandwich course scholarships, in which only part of the doctoral training would take place abroad while maintaining the scholar's primary institutional affiliation in Brazil. This shift stemmed from the recognition that the country now had a large range of postgraduate

programs, including master's and doctoral courses, at its leading universities (Lombas 2017). Also included in this assessment were financial considerations – such policies were less costly – and a reduced concern with 'brain drain' (Velho 2001; Cury 2004). This scenario would continue throughout the 1990s, despite increasing budgetary constraints and institutional crises – including the brief dissolution of CAPES in 1990 under the Collor government, a decision that was quickly reversed. Even with subsequent changes, such as reforms to CAPES's postgraduate program evaluation system in the 1990s and a substantial rise in public investment in Brazilian scientific policy from the 2000s onwards, the preference for sandwich course scholarships over full doctoral scholarships abroad persisted as the main strategy pursued by national funding agencies (Salomon & Magalhães 2021), a process explained in more detail below.

CAPES POLICIES FOR POSTGRADUATE SCHOLARSHIPS ABROAD: CONTINUITIES AND CHANGES IN A LONG-TERM POLICY

In its founding statute (Decree 29,741/1951), CAPES announced that one of its missions was to ensure the availability of sufficient highly qualified professionals to meet the country's demands, as well as to provide the 'most capable individuals' with opportunities for further development. In this regard, just one year after its creation, in 1952, three scholarships had already been awarded, two of them abroad, in the fields of agronomy and anthropology. By 1953, 79 scholarships had been granted, 54 abroad, and by 1954 the number had increased to 155, with 72 awarded for studies abroad (Rosa 2008).

The scholarship program became CAPES's principal line of action with the agency showing a steadily expanding capacity to administrate this policy, gradually turning into a reference institution for the still-emerging academic community in Brazil as well as for international agencies (Neddermeyer 2002; Rosa 2008). In 1958, CAPES launched its first international collaboration program with the American Rockefeller Foundation, awarding around 200 scholarships in the fields of medicine and biology. From the 1960s onwards, more international partnerships were agreed, leading to a substantial leap in the number of scholarships granted by CAPES. In 1964, new partnerships were established, including one with the Ford Foundation, offering scholarships in basic sciences – particularly in the humanities – and another with the Inter-American Development Bank (IDB) conceived to improve the infrastructure of Brazilian higher education institutions, seeking to provide "support and means to ensure work continuity for researchers returning from abroad after completing their studies and to strengthen the nascent national postgraduate system" (Rosa 2008: 40). During this period, CAPES also began adjusting its scholarship allocation criteria, prioritizing "fields not yet established in the country" (Córdova 1996).

In the literature on the subject, authors commonly highlight the crucial role played by CAPES scholarship programs in consolidating the National Postgraduate System. The return of Brazilian scientific and academic professionals trained abroad created a research and postgraduate system in the country with a strong international influence, replicating the United

States model in particular. In some ways, the idea that 'return' is central to the success of scholarship policies still persists today among Brazilian funding agencies.

From the 1970s onwards, there was a shift in policy for awarding scholarship for studies abroad with funding now linked to bilateral programs supported by both national and foreign funding resources. A landmark initiative in this area was the agreement signed with France through CAPES/COFECUB (French Committee for the Evaluation of University Cooperation with Brazil). This would serve as a model for subsequent agreements such as the partnership with the British Council in 1988. In the 1990s, CAPES established a series of further cooperation agreements, including with Germany (DAAD) in 1994, Argentina (SECyT) in 1998, and Cuba (MES) in 1999. In the early 2000s, agreements were also made with Spain (MECD-DGU) in 2001 and the University of Texas in 2001 (Rosa 2008).

Some of the literature on the subject typically seeks to evaluate these different 'phases' of scholarship programs for foreign study, moving from an initial phase considered highly asymmetrical – when only Brazilian students were sent abroad – to a phase of international cooperation considered to be more 'symmetrical.' My aim here is neither to reify these classifications and interpretations, nor to question them from the outset. Recognizing that these interpretations are also ways of constructing a discourse around these policies, here I intend for now simply to outline the changes and continuities in funding initiatives of this kind. This will allow me to develop an analysis that approaches the phenomenon from a less institutional, cohesive and coherent perspective by also taking into account their discontinuities, tensions and contestations.

One aspect worth highlighting is the adjustments and changes in CAPES's governance of 'international cooperation' policy with its management transferred in 1995 from a small sector (the International Cooperation Division) under the agency's Directorate of Programs to a specific Coordination Office linked to the presidency. In 1999, it became a General Coordination Office, and later, in 2007, the 'Directorate of International Relations,' responsible for coordinating both international cooperation programs and the awarding of scholarships for study abroad.

Rosa (2008) emphasized the diverse range of the Directorate of International Relations' activities in the first decade of the 2000s, spanning from the award of individual doctoral scholarships for study abroad – a model in place since the 1950s – to promoting the joint creation of postgraduate programs in Brazil and other countries, the establishment of South-South agreements and partnerships, and the awarding of undergraduate sandwich scholarships in specific fields such as technology and agrarian sciences. However, this scenario underwent a considerable shift from 2011 onwards with the creation of the Science Without Borders program, which expanded the number of scholarships available for study abroad on an unprecedented scale.[3] This program placed special emphasis on undergraduate students

3 The Science Without Borders (*Ciência Sem Fronteiras*) program aimed to send 101,000 students abroad, primarily undergraduates in fields deemed 'strategic' by the government, to "institutions of excellence abroad" (Brazil, 2011). These institutions were mostly concentrated in the central countries of global capitalism, reinforcing a historically constructed North-South relationship (Dutra & Azevedo, 2016; Manços & Coelho, 2017).

and reoriented the logics of international cooperation towards the traditionally established North-South model. Other initiatives can be highlighted within this contemporary landscape of transformations in international academic mobility policies, exposing the tensions contained in the logic of international cooperation. One such initiative is *CAPES-Print*, launched in 2017, whose objectives included the development of strategic internationalization plans for participant institutions and the promotion of research projects in international cooperation,[4] while maintaining the emphasis on the North-South model. More recently, the *Move La América* program, launched in 2024, offers master's and doctoral sandwich scholarships at Brazilian institutions for researchers and students from Latin America and the Caribbean,[5] marking a renewed preference for South-South cooperation.

But while we may recall that in the 1960s the Brazilian government was concerned with establishing postgraduate programs in the country (Decree No. 63.343/1968), at the time still too few in number to train the personnel needed for Brazilian universities, including new researchers and professors, by the 2000s the scenario had changed radically. Brazil had significantly expanded its national scientific base, shifting the focus of international training away from the completion of full doctoral programs – common in the early phases of the policy – towards the doctoral sandwich course model, in which only part of the training occurs abroad. Indeed, funding for this kind of academic mobility became the predominant modality, though full doctoral scholarships abroad continued to exist, albeit in smaller numbers. Moreover, during the 1980s and 1990s, with globalization and international trade liberalization, Brazil underwent an intense process of deindustrialization, the consequences of which continue to challenge the 'original' design of these policies to this day (Azevedo 2022; Brito 2004; Marchelli 2005; Schwartzman 2009; Salomon & Magalhães 2021).

Despite the structural changes experienced by Brazil over recent decades, however, the requirement for scholarship recipients to return to the country after studying abroad remains in place. The so-called 'interstice period' obliges former scholarship holders to remain in Brazil for at least the same duration as their funded stay abroad. According to CAPES's current regulations for international scholarships, "the interstice period is a commitment assumed by the scholarship holder upon accepting the terms of the grant and aims to ensure the *dissemination of the knowledge acquired abroad in their home country through their professional and academic activities*" (CAPES 2018, Chapter V, Section II, my emphasis). The design of these policies is premised on the idea that the scholar's return to Brazil entails much more than their mere physical presence – the country is expected to recover the full investment made by the agency in training these researchers, who are expected to 'contribute' to the nation by disseminating

4 For more details, see https://www.gov.br/capes/pt-br/acesso-a-informacao/acoes-e-programas/bolsas/bolsas-e-auxilios-internacionais/informacoes-internacionais/programa-institucional-de-internacionalizacao-capes-print Accessed 7 March 2025.

5 Information available at https://www.gov.br/capes/pt-br/acesso-a-informacao/acoes-e-programas/bolsas/bolsas-e-auxilios-internacionais/encontre-aqui/paises/multinacional/programa-move-la-america. Accessed 7 March 2025.

what they learnt abroad. This objective would be unfeasible without their return. In cases of non-compliance, former scholarship holders are obligated to reimburse the public treasury for the full amount received while studying at the foreign institution.

In this sense, the award holder's return functions as a fundamental strategy for closing the cycle of the international scholarship policy. From this viewpoint, these students and researchers are not merely individuals undergoing training, entitled to public funding for their education – as is the case, for example, of undergraduate and postgraduate students in Brazilian public institutions. Rather, they are viewed as agents responsible for the country's development through the knowledge and skills acquired abroad. Consequently, there exists a debt not just to the funding agencies but also to the Brazilian nation itself. The notion of 'return' could be examined from various angles, such as the dynamics relating to legal and regulatory frameworks or customary norms. Here, though, I intend to approach the topic via the idea of the gift, considering the student's return as a counter-gift to the scholarship award (Azevedo 2022). This process will become clearer by examining the experiences of three Brazilian researchers, former recipients of CAPES scholarships, who returned to Brazil in the mid-2000s after extended periods abroad.

THE 'RETURN' IN CONTEMPORARY BRAZIL: NEW EXPERIENCES FOR OLD DILEMMAS

The socio-historical processes outlined above continue to echo in the contemporary landscape. As I discussed in the previous section, the number of full doctoral scholarships abroad has fallen significantly over recent decades, while sandwich doctoral scholarships have expanded considerably along with domestic doctoral funding. Nonetheless, the full-length modality is still available and I shall now examine this policy through the experiences of former scholarship recipients who started and concluded their doctorates in foreign institutions between 1999 and 2014, focusing on the requirement for them to return to Brazil. Here, I develop an interpretation of the moral dimensions embedded in this process (Azevedo 2022), exploring the idea that a 'debt' seems to be implicitly contracted between former scholarship recipients and the 'nation' that transcends formal obligations. It is worth recalling that the ultimate goal of the policy analysed here is to ensure that these scholarship holders return to Brazil and establish themselves in the country. My interest, therefore, lies in understanding how these researchers managed their projects, expectations and frustrations throughout this process.

While agencies, government bodies and international foundations design projects that provide scholarships for individuals to pursue education abroad, these individuals have their own life projects and career plans. In other words, students who apply for and secure funding for doctoral studies abroad do so as a strategic means of obtaining the desired academic title. However, the funding agencies, in granting these scholarships, impose a responsibility on recipients that extends beyond their initial ambitions. By studying abroad with the obliga-

tion to return, they automatically become entangled in a strong pledge to the nation. What emerges, then, is a constant process of negotiations, tensions and intersections between the logic of the state and individual aspirations.

To develop my reflection, I examine the different trajectories of three interlocutors[6] who returned to Brazil and established professional careers: one is satisfied with her current position and has no intention of returning abroad; another is dissatisfied with his current working conditions and is considering returning overseas; and the third, despite holding a permanent university position in Brazil, chose to resign and move back abroad. These three different experiences will help us comprehend the various dimensions involved in the policy under analysis – focusing particularly on how state-designed constructs impact the everyday lived experiences of those affected by them.

Alice,[7] our first interlocutor, completed her doctorate in the human sciences area in the United Kingdom between 2005 and 2009 and was working as a university professor at a private community institution in Brazil at the time of the interview. In her mind, there was never any doubt about the necessity and obligation to return:

> The idea was always to return, and CAPES always made that very clear to us, always placed a great social importance on the award: [...] 'you are receiving a great scholarship, with full support, and we expect you to pay Brazil back.' So the rules of the game were always very clear: '*you go, and the time you spend there, you must dedicate back to Brazil*.' So it was always very clear. In the final year of my doctorate, an opportunity even arose for me to do a postdoc in Japan thanks to my supervisor, but […] the rule was clear. We never even considered […] evading these norms. […] We felt the social importance attached to the scholarship, you know? A social responsibility towards the country. The idea is a bit corny, but it's also very honest. We understood how much of an elite we represented at that moment and it was an honour to give that back.

Alice's account clearly illustrates the main point of the argument presented here: the researcher, funded by the state to build her career, also bears a "social responsibility towards the country," as well as recognizing herself as part of an 'elite,' albeit temporarily (Azevedo & Dutra 2021). Hence, there is a dispute over the meanings of this return and an investment in what can be generated through the practice of 'mobility.' Academic mobility, in the terms formulated by the state, is thus seen as an experience that, by itself, is sufficient to be converted into gains for the entire country, even if these benefits are understood in a somewhat diffuse way.

Alice always depicted the question of her return as a project, even though she had doubts about her ability to reintegrate professionally in Brazil after spending so much time abroad.

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6 Here I present data from my doctoral research, based on 39 interviews I conducted in 2020 and 2021 with former CAPES scholarship holders who started and completed their doctorates abroad between 1999 and 2014 (Azevedo, 2022).

7 The names of all the interlocutors cited here have been changed.

She returned, therefore, uncertain that she would stay, but due to a combination of personal and contextual factors, she ultimately did settle in the country.[8]

> We were very clear in our minds that returning was necessary, even if it was just to wait for a year or two and then leave again without necessarily staying for the full four years. That was the idea. Let's go back, see how things turn out, and then decide. And when we did return, a lot happened […] many academic job openings were appearing and there were plenty of work opportunities at the time. The field was thriving. There was a load of money available, research grants, all of it […]. At the time, I felt that Brazil was the best place to stay for the time being.

Even though the funding conditions for science in the country were better during this period, the researcher encountered bureaucratic difficulties on her return.

> Reintegration is a whole other discussion. […] There's this issue of validating diplomas, right? And it was really tough because with CAPES everything was great, wonderful, until you set foot back in Brazil. Once you're back, CAPES just says, 'Well, mission accomplished, congratulations!' Obviously, they're not my mother. 'We did our part, you finished. Congratulations! Bye, take care.' And then we had to begin that whole process of where to live, how to make a living, and validating the diploma, which proved really expensive. […] I paid R$3,000 to validate my diploma while I had no place to live, no job. Just me. The whole validation process, sworn translations… I waited eight months. [...] Around the time, a series of job openings came up […] I applied but my applications were rejected because I hadn't submitted a validated diploma. I missed out on various public competitions the year I returned because of that fact and it was brutal – having no income, being unable to work because my diploma hadn't been validated.

Despite these difficulties – Alice remained unemployed for about a year, stuck in a 'limbo,' as she put it – she eventually managed, through her personal and professional connections, to obtain a recommendation for a position at an educational institution, where she was still working at the time of our interview. However, the researcher met all the accountability requirements set by CAPES.

> Every step I took, I made sure to meet these requirements. I didn't take one step without getting their authorization. So, before any approval, I would already say, 'Look, you're going to be approved, but you need to present X, Y, et cetera.' In terms of reporting back, it was very smooth.

This is indeed an aspect worth highlighting in the relationship that CAPES establishes with former scholarship holders. There is a notable shift from encouraging international mobility to enforcing immobility: only movement within Brazil is permitted without requiring CAPES's 'authorization.' In this way, CAPES seems to enforce a kind of 'tutelary power'

8 I use the terms in the plural here, following the same pattern used by the interlocutor during the interview, as she was referring to herself and her then-husband, who had also gone to the same country to undertake a doctorate.

(Souza Lima 1992) over these former scholarship recipients, making their stay in Brazil a matter of national interest and control, obliging these individuals to request permission for any international trips.

Over time, however, Alice perceived that it was not necessarily the doctorate itself that had been the main factor enabling her to establish a professional career in Brazil, but rather the "status of gaining the doctorate abroad."

> The status of the diploma or even fluency in English […]. I think these matter more than the doctorate itself, you know? That's how I see it today. So, being fluent, circulating internationally, participating in international research groups, publishing internationally […]. I think it's an illusion to believe that the title alone is what puts you ahead.

Alice, however, points out that while greater international integration is a positive outcome of the experience abroad, Brazil has structural funding issues that hinder the expansion and strengthening of such networks.

> How am I supposed to engage [in international cooperation] if I don't have funding for travel, research, for this and that? How am I supposed to circulate internationally? I think we run into these issues. Now, I think there are topics of mutual interest. We have good professionals here in Brazil and I believe we have professionals who are integrated or who have this thing of fluency, embedded in the international scene. They are relevant, yes, but I reiterate that we run into and suffer from a significant lack of investment. […] And foreigners, in general, they give and want Brazil to return in kind. So, like, 'Oh, let's hold a congress. We'll contribute X, Y, Z, but you have to contribute A, B and C.' But we never match what they contribute.

Despite the difficulties of maintaining her international networks and cooperation practices from Brazil, Alice points out that the experience of international mobility, beyond the doctorate itself, brings intangible gains that are important for her career and professional activities. She also stresses that this experience abroad was her dream, receiving a scholarship just to study at a good university, which for her represented a privilege. Alice also underlines the role that CAPES played in this process, ensuring that her time abroad went as smoothly as possible. She has a completely positive evaluation of her own experience.

> My assessment is entirely positive. I tell everyone that I really lived. I fulfilled my life's big dream, which was to be paid to study, to become integrated, to dedicate myself fully to my studies. I started my doctorate knowing how privileged I was. I had this feeling I mentioned, a sense of social responsibility, and it pervaded my entire trajectory. I had an awareness. I always had a very clear perception of the privilege I held. So, the final balance is positive. CAPES was faultless in providing support and solving problems. The representative from CAPES was extremely competent, quick to respond, at a time when communication was not as easy as it is today.

Despite her positive evaluation of the experience, Alice notes that spending so much time abroad led to a relative weakening of her personal and professional networks in Brazil, which made reintegration more difficult on her return. But while this was a complicating factor, she

also believes that this long-term experience at a foreign institution allowed her to approach academic life in Brazil from a different perspective.

> I stepped out of the circuit. So all the networks of relationships I had in my area – the people who attended the working group and the ones who put together dossiers on a particular topic, the familiar faces in the department, in the program, at the conferences – when you drop out of the circuit, you're not seen, you're not remembered. At the time we're talking about, virtual interactions were much less important than they are today, you know? So leaving the circuit really meant leaving. When I returned, I had genuinely lost many contacts. Attending conferences again, I no longer knew anyone. I think that was the real cost of spending so much time abroad. When I came back, I felt like I had taken a few steps backwards, you know? Leaving the scene and reintegrating back into it… I think it took about two years before I could say, 'I'm back on the scene.' I think this training, this technical skill, knowing how to deal with bureaucracy, funding applications. Compared to my colleagues, I feel I've developed a different way of thinking, because if you can handle a CAPES funding application, you can handle anything. […] It's a complicated, complex process. That's one of the benefits. You obtain other perspectives. I think you get a broader view. I feel less attached to certain aspects of academic life here because I've seen that it's a much bigger world. I'm much less involved in these activities, in these political disputes, and I attribute that to my international experience.

For Alice, then, the experience of completing a doctorate abroad was conceived as a privilege, one that entailed a moral obligation to return to Brazil. Despite the problems she encountered, she eventually managed to reintegrate professionally and meet CAPES expectations for its former scholarship holders: to disseminate the "knowledge acquired abroad" through their academic and professional work. At the same time, though, she still finds it difficult to strengthen international collaboration networks due to the limited funding available in Brazil. Alice has undertaken postdoctoral research and summer courses abroad but has not considered pursuing her career in another country. However, this does not apply to all the former scholarship recipients.

The second interlocutor whose experience I shall present is Fernando. He currently lives in Brazil and works as a university professor at a state public institution. He completed his doctorate in Engineering at a prestigious university in the United States between 2010 and 2014. For him, undertaking a doctorate in Brazil was never an option.

> I never considered doing my PhD in Brazil. After finishing my undergraduate degree, I had several job offers […]. I chose to continue in academia and do a master's degree. And by the end of my master's […],some opportunities became available to me. I even received an offer to work at a company here, but in the end, I decided not to stay in Brazil to pursue my PhD. If I hadn't gone abroad for my doctorate, I don't think I would have done one at all. Why did I choose to go abroad? I immersed myself in my master's degree – studying and working hard – and you end up reading and studying so much, you begin to know exactly who the leading researchers in your field are. And in my field, all of them were either in the United States or in Europe. So, I really wanted to work with those internationally recognized researchers, or I think I would have probably looked to do something else with my life.

So Fernando's desire was to pursue an academic career, studying with the leading scholars in his field, who were based at prestigious US universities. The CAPES scholarship provided him with a way to work with these researchers. However, his experience was not without setbacks and the fact of being Brazilian meant coping with prejudice during his academic training. Yet, for him, there was a greater purpose in being there.

> My supervisor knew him by name because he was very famous, but he didn't know him personally. […] I started working with this English researcher, but I faced a lot of prejudice at first. He himself accepted me, but I felt that I wasn't treated at all well in his lab. It was literally because I was Brazilian, because another colleague of mine – an Israeli friend with whom I worked – joined at the same time, with the same supervisor, and the difference in treatment was obvious. I started becoming very stressed, I wasn't getting anywhere, and so I decided to switch supervisors […].This Israeli friend and I were taking the same courses and had the same academic training […]. We both already had a master's degree and during our tutorials with the English supervisor, he asked us the same questions: 'What courses are you going to take?' My Israeli friend would answer first: 'Oh, I'm going to take this course.' And I would say, 'Oh, I'm going to take the same courses.' And he would always reply, 'Why are you taking this course? In Brazil, you don't have anything like this, you've never learnt this before?' So with the Israeli student everything was fine, but with me, there was always some issue. […] And since I came from a country with a strong company in the area in which we were working, this English supervisor of mine repeatedly threatened me, saying, 'I can't share anything with you because you'll hand it over to [the Brazilian company].' Even though I had no ties to this company whatsoever. So, it was really complicated working with him.

The situation experienced by Fernando exemplifies several of the difficulties confronted by these researchers in their relationship with foreign supervisors. The lack of knowledge about Brazil's academic reality among some international groups and researchers produces a recurring discourse of academic 'underdevelopment,' which can be mobilized in specific situations as a way to disguise prejudices and ignorance about Brazil. There is also the production of a certain ethical distrust and wary stance in relation to the researcher. Fernando's testimony points to an everyday dimension of scientific practice that is not necessarily considered when thinking about international academic mobility policies. These researchers have to mediate and translate traditions, contexts and representations in their routines, whether with their supervisors and professors or with their colleagues. Fernando also claimed to have suffered forms of prejudice from some of his classmates, particularly due to the "lack of information about Brazil," unlike what happened with his Korean, Israeli, Iranian and Indian colleagues, who, in his words, came from countries "famous for exporting brains to the exact sciences."

For Fernando, the difficulties encountered during his doctorate were intensified by the pressure from CAPES regarding his return to Brazil – his worries about being unable to complete his doctorate and, as a result, have to repay all the money received from the agency.

> As I said, it's very stressful [especially at the beginning] because it's competitive, you need results, and CAPES applies a certain amount of pressure all the time, saying: you have to return, you have to return, you have to return. And you always think: 'well, I'm abroad, if things don't work out, I'll have to pay the money back to CAPES,' so you feel kind of pressured.

But Fernando, like Alice, always had the goal of returning to Brazil once he had completed his doctorate. However, he also faced difficulties returning:

> I always wanted to return to Brazil, I had in mind that I would like to go back there and work as a professor, and so I returned. And when you return, you return like with one foot forward and one foot back. I didn't have any immediate opportunities. Which is understandable. So I went back to work with my former master's degree supervisor and did a postdoctorate with him, hoping that opportunities would come up for me to re-enter the academic field […]. But the return was somewhat complicated. Because you are at the peak of your production there in the United States. I was producing a lot, working a lot, and suddenly you have to stop everything and return to Brazil. And at first, I was unemployed for a while […] One thing I noticed is that, after doing the entire PhD abroad, when you return to Brazil, nobody knows you. So that was quite bad. I think some of my colleagues who stayed in Brazil to do their PhDs had already gained substantial recognition here in the country. At conferences, in research organizations, right? But over time, I got to know people, I became more familiar with everyone, and today people know me here.

Although Fernando is now a tenured professor at a renowned university in Brazil, when he looks back on his experience, he regrets having returned. He believes his career could have taken a different path had he stayed abroad. Moreover, his frustration with the research career in Brazil – especially in the political context in which our interview took place (2020, during the Bolsonaro government) – contributed to a somewhat negative assessment of his professional experience in the country.

> Today, I regret it. Why? After completing my doctorate, I also had job opportunities there. I received three job offers and also had the chance to do a postdoc. At the time, I said no – since I had a J visa, I was required to return to Brazil – I thought, no, I'll go back to Brazil, that's what I wanted to do. So I had those opportunities, but I thought: no, I want to go to Brazil. And at that time, Brazil's economic situation was… let's say, reasonably good, and I had just experienced a crisis in the United States. So I had high expectations that I would find my niche in Brazil and contribute significantly. But the last few years have left much to be desired. So, those opportunities I turned down at the time – I regret the decision today. Just like many colleagues I know who either went back there, have their own regrets, or are leaving academia altogether.

Fernando's regret resonates with the possibility of returning abroad. He had not yet made any firm decision regarding the idea, but in his view, the political and working conditions encountered today in Brazil were discouraging.

> Sadly, I must be honest. The way I see research in Brazil today, and high-quality education, with the current government, we are going to be severely impacted. Even under previous governments, it was never fantastic. But I think now, with the current Minister of Education, things are not moving in a positive direction. […] So, I see things deteriorating. […] Education, science, and technology, precisely what any country needs to develop and escape a crisis like this, we are feeling away from that, heading in the opposite direction. And why? You need a government policy that plans for the next 20 years. Investing in science, technology and education is not something you do for a return in just one or two years. So, I see things

> only worsening. I seriously thought about giving up. I haven't given up yet because I have excellent students here and I think it would be very unfair to them were I to abandon my career here. But recently, I've received some invitations to go to England, the Netherlands and the United States, and every time I get one of these invitations, I waver a little more […]. At some point, I may end up either leaving academia – because today, I feel that the career wasn't quite what I expected – or, if not abandoning the career, then leaving the country. That's definitely a possibility.

While for Fernando this was still a remote possibility with no decision yet made, the same could not be said for Geraldo. He completed his doctorate in the United States, also in the field of Engineering, between 2005 and 2009, and currently lives in the same country where he gained his PhD. After returning to Brazil, he obtained employment in his area as a professor at a federal public university, but after completing the required period of return, he moved back abroad. Like Fernando, Geraldo wanted to work with the leading expert in his field. For him, a sandwich doctoral course alone would have been insufficient to acquire the experience he was after.

> I went to do my doctorate with the author of the book I had used during my master's degree. So, the author of that book became my PhD supervisor. It's truly a much higher level and that was the reason I decided to do a full PhD abroad. There was the possibility of doing a sandwich course but […] it doesn't offer the same level of [demands]. That's something I noticed while studying in the United States: the level of demands on you and, consequently, the level of learning is significantly lower for those who do a sandwich doctoral courser compared to those who complete a full PhD. So, I chose to do the full PhD.

For Geraldo, the experience of completing his doctorate at this institution in the United States placed him in a privileged position compared to those who had earned their PhD in Brazil. Having direct access to the leading figures in his field afforded him access to cuttin-g-edge knowledge much more quickly and effectively.

> The research I did was essentially computer-based, I just needed a computer. So in that sense, I could have [done my doctoral research in Brazil]. What was lacking in Brazil, however, was the knowledge. […] I was working with the leading expert in my field, the author of the book that my master's supervisor had used. What's the basic problem? […] Abroad, I start writing an article, I have an idea – 'right, let's develop this new method here.' A lot of mathematics, a lot of computation, a lot of physics. 'Let's build this method here, write a program, develop an algorithm,' and so on. We test the idea and if it works, it's worth an article. So you write the article. The whole process takes about six months. […] Then you submit the paper to the top-tier journals. Six months to a year later, the reviewers send the paper back with comments. You revise, rework and resubmit the article. By then, a year and a half has passed since the original idea. Finally, the paper gets accepted and is scheduled for publication. That takes another year. So it's two and a half years from the moment you first had the idea to when the article is eventually published. During those two and a half years, I'm already working on a whole new set of things. By the time researchers in Brazil read the article, it's already outdated. If I'm still working along the same lines, I'm already doing millions of other things in the same direction; or I may have already shifted to a completely new idea and started developing that. And there's the problem: in Engineering [researchers in Brazil]

> read these journals and think they're up to date. And, yes, by Brazilian standards, they are. But by US standards, they're already two or three years behind. So, what happens in Brazil is that you read an article in a journal, then you write a project to get a doctoral student to work on it. By the time the student is accepted […] and starts working, they're already four or five years behind. So much of this gap derives from the fact that when you start working on something, you're already delayed by four or five years… and you never catch up. [The advantage of being at the centre where knowledge is being produced is that] you're already there, you already have access to all the ideas as they're being exchanged. For example, you go to a conference, and all these big names are there. Just having coffee and chatting with one of these top names is worth six months of study, because they might suddenly mention something, or maybe you're presenting at an expo and one of these big names asks a question. Suddenly, you start thinking in a new direction and that leads to another article. The flow of ideas is much more intense when you're at the centre. So, to answer your question, could all this be done in Brazil? In practical terms, a computer and books are all I need. But in real terms, no, it's not possible, because you don't have the same flow of ideas.

Geraldo's comments are symptomatic of how global inequality in the process of producing scientific knowledge generates asymmetric relationships in the production and dissemination of scientific discoveries. Countries outside the geopolitical centre of scientific knowledge have delayed access to whatever is 'new' in their areas of research. This reveals a global structure of scientific production that impacts the entire research chain, inevitably leading those who wish to be at the 'forefront' of their fields to migrate to these major centres. It is important to observe that this dynamic obviously varies depending on the area of knowledge. Nonetheless, this perception fed Geraldo's wish not to remain in Brazil, even though he had a good professional position at a university considered to be 'cutting-edge' in the country. The rules and dynamics of the national academic world, including evaluation policies and publication practices in national journals, led him to opt for a return to the United States.

> I finished [my PhD] and returned to Brazil. I stayed for about four years, which is what CAPES demands. I kept going back and forth to the Netherlands for a while because I was a professor at [a Brazilian federal university] and had a postdoc in the Netherlands, so I kept going back and forth from the Netherlands, but I couldn't do it… What I learned in the United States was very difficult to apply in Brazil. The gap was huge in my field, Engineering. [...] Then I managed to do some work in the Netherlands, cutting-edge research still, in a hospital in the Netherlands, and after that period, I applied to become a professor at [another Brazilian federal university] and that was very difficult because, in my field, it is considered one of the leading centres in Brazil [...]. And what I saw was really bad, the quality was very low. I went through a process of not only feeling deeply disappointed but thinking, 'Well, if it's already this bad now, the future looks even bleaker.' I'll give an example: when I was in the United States, I published in journals from [an internationally renowned institute specializing in a specific field of Engineering], which are considered the top journals in my field. Getting an article published there takes six months to a year of work – it's extremely difficult. Here's the thing: during my doctorate, I published in the institute's journals but also in journals that were considered lower-tier. At the beginning of a research project, you typically publish in less prestigious periodicals. When I arrived in Brazil, you've got the CAPES Qualis system and I noticed that within Qualis A – supposedly the top-tier journals – there were both the

> journals from the international institute – which are really top level – and other journals that I knew well enough to recognize as lower quality. I know how difficult it is to publish in one of these journals from the institute I mentioned, and I know how difficult it is to publish in those other ones. I know they're not the same level. And I just couldn't understand how both could be ranked as Qualis A by CAPES. Then, a colleague explained to me: 'So the thing is, who decides what qualifies as Qualis A at CAPES are university professors. But since the vast majority of them don't manage to publish in the top-tier journals, instead of pushing themselves to reach that level, they simply lower the bar. The journals they publish in are then categorized as Qualis A.' This is extremely damaging because now the standard for Brazilian researchers has been lowered and they don't even realize the difference between them. [...] So instead of improving, things are worsening. [...] I saw a talk given by the president of FAPESP two years ago, where he said they had already identified the problem: now there is a massive volume of publications that are completely irrelevant. No one reads them, no one cites them, yet this is the only criterion CAPES uses. It was already clear twenty years ago that this was going to happen. And this creates a distortion because there are a few people who know the difference, but the vast majority don't. Most people just look at the label: 'Qualis A.' But if everything is Qualis A, then nothing is really Qualis A. If everything is the same level, then, I don't know where this distortion ends. […] I didn't want to be part of this game of pretending to produce knowledge. I thought, 'No, I won't play along,' so I decided to leave. I just wasn't enthused enough to stay.

Geraldo's testimony reveals a certain mismatch between national Science, Technology and Innovation (STI) policies and the intended internationalization of this model. Given that Brazil does not occupy a central position in setting global standards and parameters for scientific production, the challenges faced by national journals are distinct from those encountered by internationally recognized periodicals. This resonates with the data presented by Machado (2018) on the dynamics of international citations, where North American and European publications are predominantly the most cited – both by their own researchers and by those from other continents. It may be necessary, therefore, to consider how mediations and translations are effected between these different academic spheres. Geraldo's remarks also recall the discussion in the previous section regarding the Brazilian state's objectives and ambitions in awarding doctoral research scholarships abroad. What are the limits and possibilities of disseminating the knowledge acquired in international institutions within Brazil? For Geraldo, becoming familiarized with international scientific systems and policies allowed him to critically assess the Brazilian university system from a distance. But rather than seeking to promote changes within the national system, he chose to return abroad. Surviving professionally in Brazil under the prevailing academic rules was not seen as desirable by him – in other words, having a job alone was not enough. In this sense, for Geraldo, the policy from which he benefited had clear limitations: it was unrealistic to expect an individual, acting alone, to meet the state's expectations regarding their career trajectory.

> For the individual, I think it's excellent, I would recommend it to anyone. But looking back, I think it's a lot of money for the country. I cost a lot of money. I don't think there's any real return for Brazil […]. And it's not just that: there's no plan. What are they going to do

> with me when I come back? Will I become a university professor? There wasn't anywhere to teach or apply […]. I went, won a CAPES postdoc scholarship because someone there managed to obtain one for me, and that was it. […] Maybe there would be more of a return if it were better organized and more coordinated. […] Brazil does things in reverse: they invest a huge amount of money at the beginning and then ask, 'What about industry?' But there is no industry for what I do. So what was the point of investing in me? If it were the other way around, if they first asked, 'Where are people needed?' 'Oh, sure, maybe in farming innovation?' 'OK, so let's bring in the people we need and pay them.' That way, the money would immediately benefit society.

The idea of the return as both a legal threat and a moral duty was present in the accounts of several interlocutors – here represented primarily in Alice's account. However, Geraldo also highlights an element that appears important for this discussion: how far can individual agency influence this process? Fernando's pessimism and Geraldo's critiques can be apprehended from this perspective: however much these former scholarship recipients may be willing to act in accordance with the State's expectations, they are unable to do so without a coordinated policy that ensures a well-defined plan of reintegration. Perhaps the assumption that these researchers can serve as catalysts for the creation of new fields of research and professional opportunities in Brazil overestimates their actual capacity to achieve this aim.

This is an aspect that warrants a closer analysis in discussions on policies for training highly qualified individuals abroad as a national development strategy. While in the 1950s and 1960s there was a huge professional field in Brazil, precisely because a consolidated system had yet to be established, in today's landscape, with a relatively solid research and postgraduate system now established in the country, earning a doctorate abroad does not necessarily translate into prestige or new opportunities in Brazil. Given the competition for positions, professional connections and funding within the national scientific field (Bourdieu 2004), a doctorate from a foreign institution does not automatically confer advantages. Even so, the state still expects these individuals to 'give back' to Brazil what they received to train abroad (Azevedo 2022).

Moreover, while the trajectories presented here cannot be deemed representative of the general experiences of former scholarship recipients, they do highlight certain elements that can serve as points of inquiry for future analyses and research on the subject. One of these is the difference between areas of knowledge. For a researcher in the human sciences, living in their home country and producing work in their native language is likely to hold far greater significance than for researchers in other fields, such as engineering, where research is conducted in what is taken to be a more 'universal' and 'technical' language, like English, less dependent on "the analysis of the context, culture or society in which it is carried out" (Machado 2018: 297). Thus, while there may be a homogenizing and universalizing dimension to scholarship policies for study abroad, their outcomes and implications are shaped by factors inherent to the constitution of different fields of knowledge.

STUDYING ABROAD, DEVELOPING THE COUNTRY? DISJUNCTIONS, MORALITIES, TENSIONS AND CONVERGENCES IN THE TIME-WORN AGENCY/STRUCTURE OPPOSITION

One of the objectives of the policy described here was to promote social change on a national scale by fostering the training of 'global academics' – pioneers who would return to Brazil equipped with this capacity. While this ambition made perfect sense when these programs were initially conceived – at a time when a national research and postgraduate system did not yet exist – it is increasingly difficult to sustain this expectation in these same terms today. Moreover, it is worth asking to what extent individuals alone can promote such changes, given that these kinds of transformations require more systematic frameworks involving multiple institutions and actors, as reflected in Geraldo's account of his inability to effect any change by himself.

It is also worth highlighting that by working with different dimensions, scales and meanings, the various premises and expectations implicit in this policy produce numerous tensions and divergences. For researchers and students, accessing this funding represents an opportunity to gain experience and build an international career with the leading figures in their fields, satisfying a certain cosmopolitan aspiration (Azevedo & Dutra 2021; 2022). On the other hand, policymakers and funding administrators hope that the careers of these individuals become instruments for promoting national development.

Faced with this scenario, an unavoidable question emerges: given the advent and popularization of the internet and information technologies at the pervasive level now existing today, just how influential and important are physical circulation and presence in ensuring the expected outcomes of public investments? How can virtual and real-life dimensions be reconciled when it comes to international academic mobility? What is gained and lost? Furthermore, considering the multidimensionality of these forms of communication, as well as global forms of knowledge production and networking, how should we think about the training of new generations in foreign institutions? How can the debate and analysis of these policies be updated in a setting that is evolving so rapidly that even the foundations of scientific knowledge are being questioned? What does it mean to 'develop' under these new conditions? And how can Brazilian students and researchers, regardless of where they are located, engage with national dynamics and demands? These questions point to an open research agenda in urgent need of deeper reflection.

Another aspect to consider within this broader analytical framework, whose anthropological perspective can help reveal dynamics and nuances that might otherwise go unnoticed, relates to the moral dimensions involved in such policies and projects. As emphasized throughout the article, the debt these researchers owe is not merely to CAPES but to the development of the country itself. In other words, their trajectories and careers are embedded within broader social processes and dynamics. Fazito (2010), in a study of young Brazilians from Governador Valadares who migrate to the United States, demonstrates how the idea of returning to Brazil, even when

not a concrete possibility, becomes manifest in their everyday lives through norms, behaviours and values at both individual and group levels. Return is understood as the culmination of the migratory project, a moment of consecration by the community, which perceives migration to the United States as a necessary and almost obligatory stage. If, in choosing to migrate, these individuals experience a kind of 'rite of passage' through a "cultural matrix that legitimizes them and grants them autonomy to the point that each migratory project does not necessarily depend on conventional 'economic success'" (Fazito 2010: 93), then return marks the closure of this ritual in which the act of displacement itself is sacralized and socially recognized for its symbolic power. These rites of passage thus help construct a particular "moral order of the community" (Fazito 2010: 94), qualified and reinforced through these ritualizations.

For my interlocutors, despite the various reservations that can be made, it is possible to conceive of some kind of "moral order of the community" that fosters this type of international mobility and, consequently, their return by framing the latter as an obligation that extends beyond contractual terms. Having received a significant investment from the Brazilian government, these scholars feel compelled to repay the country for the substantial resources invested in their careers. In this debate, they position themselves as privileged individuals and, as such, accept responsibility for repaying the benefits they have received personally – an idea strongly represented in Alice's statements but also echoed by other interlocutors in this study. For these individuals, then, the scholarship emerges as a gift – that is, there is an underlying exchange system (Mauss 2003; Coelho 2006; Azevedo 2022) in which the return to the country constitutes the counter-gift for the substantial funding received from the Brazilian government. Understanding their return through this logic helps shed light on how these individuals make sense of their experiences and career trajectories, highlighting the production of a certain ethical-moral commitment to a broader state and nation-building project informing these policies.

FINAL REMARKS

The practice of international academic mobility, despite being relatively common among academics and researchers, has so far received little attention as an object of investigation in its own right. Understanding its different dynamics and dimensions enables us to see how this phenomenon encapsulates and translates historical moments and development projects, functioning as both a product and producer of relations between individuals, institutions and countries. As I described above, promoting this mobility has been one of the main strategies employed by the Brazilian state – and here I deliberately use the term 'state,' since this encouragement has taken place under different governments with distinct ideological objectives and perspectives – as part of the modernization project that acquired significant momentum from the 1950s onward. As discussed throughout this article, the central argument here is that funding for international academic mobility was understood as a state investment and strategy in which it was believed that these individuals, on returning to Brazil from abroad

after their period of training, would disseminate a certain ethos and scientific knowledge acquired in the United States and Western Europe.

As I showed in the first section, the activities of the main national research funding and human resource development agencies, CNPq and CAPES, were initially guided by the aim of fostering this type of practice, particularly concerned with the development of nuclear research in the country, as well as with the formation of sufficient personnel for the establishment of postgraduate programs, seeking to improve the qualifications of Brazilian university professors without necessarily depending on international institutions. In addition to the national agencies, foreign governments and international foundations also played a significant role in this process.

CAPES has gone through a series of political-institutional changes since its creation and today has a larger institutional structure that manages academic mobility and international cooperation practices and policies in different terms and directions, prioritizing new financing modalities such as the sandwich doctoral course.[9] By bringing the analysis of this policy into the present day through the experience of Brazilian researchers who received funding for full doctoral courses abroad in the 2000s, we can note that some of the premises originally guiding these policies still continue, such as the obligation to return as the main tool for repaying the country for the investment made in their careers. The state's objective in funding these scholarships both converges with and diverges from the career and life projects guiding the actions of these individuals. The strategy found by them to secure funding for a doctorate abroad is redefined not only by the contractual importance but also the moral importance of the idea of return. Reading this moral dimension of return through the logic of the gift helps us comprehend how, for some of these researchers, returning to the country implies this necessary 'retribution' for the significant amount received during their doctoral studies abroad – an opportunity to which only a privileged group in the country has access.

Yet the ability of these individuals to become protagonists in this process is limited. Just submitting reports to CAPES is certainly not enough to achieve the goal originally established. As Geraldo, one of the interlocutors in the study, asked: *"What are they going to do with me when I come back?"* The initial expectation that these individuals would, through a 'naturally' defined path, form a national academic elite and serve as motors for the country's development does not necessarily align with the objective socio-historical realities of the country or the individual projects of those benefitting from these policies.

Nonetheless, it is important to recognize the historical significance and relevance of these policies and programs for the country. Certainly, without them, the national research and postgraduate system as we know it today would not exist, nor would Brazil's substantial international presence in various fields of scientific knowledge. Overall, therefore, we can

9 Indeed, in a recent informal conversation with a current director of the agency, it was confided to me that CAPES intends to cease funding full doctoral scholarships abroad, except in very specific cases where it is shown that there no equivalent programs exist in Brazil for the requested field of study. Priority would be given solely to sandwich doctoral courses and postdoctoral research.

say that the objectives set in the 1950s were largely achieved. Since we are dealing with a long-standing public policy, though, as well as recognizing its importance and relevance for national dynamics, we also need to progress in terms of the processes and methods used for evaluation and improvement. Considering the perspectives of those involved in such programs can provide a valuable contribution to such a process. Here it is important to highlight that the agencies themselves have also promoted changes regarding the obligation to return to Brazil, as seen in recent alterations to CAPES (2023) and CNPq (2023) regulations. These new provisions open the possibility for former scholarship holders abroad to 'pay' their debt to the country through actions and measures other than physical return, such as establishing partnerships, cooperation initiatives and projects with Brazilian researchers and universities.

In a previous study (Azevedo & Dutra 2021), attention was already drawn to the question of whether these researchers can be considered an elite, given the uncertain prospects that shape their professional trajectory, even though they represent less than 2% of the population with a doctorate in Brazil. However, it is also important to consider to what extent the difficulties faced by these researchers on their return differ from the challenges encountered by young doctors trained in Brazil. To what extent can we differentiate between the situations of those who trained in Brazil and those who trained abroad? While fluency in a foreign language, publication in international journals and experience at internationally renowned universities may be considered to create distinction and prestige, the limitations of professional networks in Brazil and the difficulties of readapting to a system distinct from the one in which they completed their doctorate also become significant hindering factors in this process. Moving beyond analyses that sharply differentiate inside/outside, or national/international, the challenge in terms of both policies and analyses is perhaps to understand these trajectories and experiences as a continuum. In other words, the goal is to advance towards an understanding of the Brazilian university system beyond its developmentalist and nationalist mission, as framed in the second half of the twentieth century. How we can update these terms of reflection without necessarily subscribing to the neoliberal logic and premises of other university systems around the world is a challenge faced by the multiple actors involved in this process: policy decision makers, governments, scholarship holders, former scholarship holders and scholars of the topic.

Translated by: David Rodgers

Received: December 20, 2024.
Approved: March 14, 2025.

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ARTICLE

Operation Welcome: an analysis of power relations between military personnel, humanitarian workers and Indigenous peoples

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Abstract

In response to the increased flow of Venezuelans arriving in Brazil via the state of Roraima, in the north of the country, thereby generating a 'humanitarian crisis,' the Brazilian government created Operation Welcome, configured around the neoliberal notion of 'shared governance.' Thus, the management of people classified as 'refugees' and 'immigrants,' including indigenous peoples, relied on collaboration between Brazilian ministries, the Armed Forces, United Nations agencies and non-governmental organizations. Based on the mapping of the main actors and institutions involved in the operation – focusing primarily on the military and humanitarian workers – I describe and analyse the leading role assumed by the Brazilian military in recent years, situating them in a broader international context where *humanitarian reason* has been used to justify military interventions. Likewise, the description of the forms of management exercised over Indigenous peoples arriving from Venezuela, emphasizing the case of the Warao, helps shed light on the Army's long-standing participation in the design and implementation of Brazilian indigenist policies.

Keywords: Warao; Indigenous peoples; refugees; migrants; humanitarian reason.

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Entre militares, trabalhadores humanitários e indígenas: Uma análise da Operação Acolhida

Resumo

Para lidar com o aumento do fluxo de venezuelanos que chegaram através do estado de Roraima, no norte do Brasil, o que teria gerado uma "crise humanitária", o governo brasileiro criou a Operação Acolhida, configurada a partir da noção neoliberal de "governança compartilhada". Assim, a gestão de pessoas classificadas como "refugiadas" e "imigrantes", incluindo indígenas, contou com a colaboração entre ministérios, Forças Armadas, agências das Nações Unidas e organizações não governamentais. A partir do mapeamento dos principais atores e instituições da operação – tendo como foco militares e trabalhadores humanitários –, descrevo e analiso o protagonismo assumido pelos militares brasileiros nos últimos anos, inserindo-os em um contexto internacional mais amplo, onde a *razão humanitária* tem sido utilizada como justificativa para intervenções militares. Do mesmo modo, a descrição das formas de gestão exercidas sobre povos indígenas oriundos da Venezuela, enfatizando o caso dos Warao, lançará luz sobre a longeva participação do Exército no desenho e na implementação das políticas indigenistas brasileiras.

Palavras-chave: Warao; povos indígenas; refugiados; imigrantes; razão humanitária.

Operation Welcome: an analysis of power relations between military personnel, humanitarian workers and Indigenous peoples

Gabriel Tardelli

THE RETURN OF THE MILITARY (AGAIN)

After the end of the military dictatorship (1964-1985), the Brazilian Armed Forces did not simply disappear from the political arena: they continued to influence decisions of the federal executive, holding government positions, claiming privileges, supporting or launching candidacies and creating tensions whenever a president authorized the investigation of crimes committed during the period when they were in power (Victor 2022). Despite this proximity to power, the military seemed distant from the Presidential Palace. During the administrations of Michel Temer and Jair Messias Bolsonaro, however, the military returned to the main stage.

Even before the congressional coup that removed President Dilma Rousseff by impeachment, Michel Temer had been sounding out the upper echelons of the Army for support. In May 2016, when he became interim president, Temer appointed General Sérgio Etchegoyen as Minister-Chief of the Institutional Security Cabinet (*Gabinete de Segurança Institucional*: GSI) of the Presidency of the Republic, which oversaw the Brazilian Intelligence Agency (*Agência Brasileira de Inteligência*: ABIN). However, the General had already occupied government posts during the Workers' Party (PT) governments: from 2009 to 2011, he served as special advisor to the Minister of Defence and head of the National Defence Strategy Implementation Centre.

In 2014, the National Truth Commission – set up to investigate human rights violations perpetrated between 1946 and 1988 – released its final report, listing 377 state agents responsible for human rights violations under the dictatorship. Among the names were Leo and Cyro Etchegoyen, respectively the father and uncle of Sérgio Etchegoyen. Both had actively participated in the 1964 coup and in the military dictatorship. Outraged, Sérgio Etchegoyen

became the first high-ranking officer to publicly condemn the report. The controversy, however, did not dissuade Dilma Rousseff from appointing him the following year as Chief of the Army Staff (Victor 2022).

Once in power, Temer continued to woo the military. The discretionary (legally non-mandatory) spending of the Ministry of Defence rose from 11.5 billion in 2016 to 15.3 billion, even amid the severe recession then gripping the country. In July 2017, Temer signed a Law and Order Guarantee (GLO), authorizing the deployment of troops from the Armed Forces in public security operations in Rio de Janeiro. The GLO is a policing operation executed by military personnel (Army, Navy and Air Force) on a temporary basis for the explicit purpose of preserving "order" and ensuring the safety of people and property.[1]

Temer had implemented the same measure during the Olympic and Paralympic Games in 2016. But he was not alone. Dilma Rousseff also resorted to GLO operations at various moments: in 2013, during Pope Francis's visit to Brazil for World Youth Day and during the FIFA Confederations Cup; in 2014, during the World Cup and in the Maré favela complex in Rio de Janeiro, where "pacification" operations were carried out. This demonstrates how, during her administration, the relationship with the military was not limited to occasional clashes but also involved some degree of collaboration.

Beyond the GLOs, Temer also resorted to a more drastic measure to hurl the military into the spotlight. And once again, his testing ground was Rio de Janeiro. In February 2018, the president declared a federal intervention in the state's public security (Mazui 2018)[2] – a decision unprecedented in Brazil since the end of the dictatorship. Although the official justification was again urban violence, we should not overlook the fact that Temer's proposal for reform of the pension system was on the verge of being defeated in Congress. Moreover, the previous year, he had been implicated in the plea bargain testimony of Joesley Batista, owner of JBS (a food conglomerate), which revealed that the president had supported buying the silence of the former Speaker of the House (2015-2016), Eduardo Cunha – the same Cunha who had authorized the opening of impeachment proceedings against Dilma Rousseff.

It was at this moment of low popularity – with a disapproval rating of over 70% of Brazilians for his administration – that Temer introduced the idea of intervention, assigning the task of developing the plan to three members of his government: General Sérgio Etchegoyen (GSI), Raul Jungmann (Defence) and Moreira Franco (Secretariat-General of the Presidency). General Walter Souza Braga Netto, head of the Eastern Military Command, was appointed as the federal intervenor, though he reportedly disagreed with the decision: in his view, inter-

1 GLO operations are provided for in the Federal Constitution and regulated by Complementary Law 97/1999 and Decree 3.897/2001. Although they may be requested by any of the three branches of the federation, the decree must be signed by the President of the Republic.

2 MAZUI, Guilherme et al. "Temer assina decreto de intervenção federal na segurança do Rio de Janeiro. **G1**, Brasília." Source: https://g1.globo.com/politica/noticia/temer-assina-decreto-de-intervencao-federal-na-seguranca-do-rio-de-janeiro.ghtml. Accessed 11 May 2024.

vention was an extreme measure and the situation in Rio could have been resolved by other means, such as the GLO operation already being implemented in the city (Victor 2022).[3]

Rio de Janeiro, however, would not be the only state to witness a strong military presence. On 12 February 2018, Temer held a closed-door meeting at the Senador Hélio Campos Palace, the seat of government in Roraima. He used the occasion to announce the creation of a task force to address the growing influx of Venezuelans crossing the border. The meeting was attended by three key figures who had also been involved in the proposed intervention in Rio, announced that same month: Raul Jungmann, Moreira Franco, and Sérgio Etchegoyen, along with the Minister of Justice, Torquato Jardim, the Governor of Roraima, Suely Campos (PP),[4] the Mayor of the state capital, Teresa Surita (PMDB),[5] Senator Romero Jucá (PMDB), the Mayor of the municipality of Pacaraima, Juliano Torquato (PRB),[6] as well as federal deputies, government secretaries and other local officials.

The president's announcement was a response to appeals from local governments for federal support to cope with the "Venezuelan migration crisis." According to estimates released by the Boa Vista municipal government, 40,000 Venezuelans were living in the state capital (Costa, Brandão and Oliveira, 2018). "The federal government has finally grasped the seriousness of what is happening in Roraima. We had long been asking the federal government to act on an issue that falls under its responsibility," the governor told the press. In 2017, according to the Federal Police, 17,130 Venezuelans requested asylum. Two years later, the Federal Police border post in the municipality of Pacaraima, on the frontier with Venezuela, was assisting between 500 and 600 people daily, with 30,000 people entering over the year. By comparison, only 800 people had been assisted throughout the entire year of 2015.

According to Temer, with the aim of "resolving this issue afflicting Roraima and Brazil as a whole," the federal government would coordinate actions with the state. "No resources will be spared to address the Venezuelan issue, both in humanitarian terms and in terms of solutions for the state of Roraima," he added.[7] The Minister of Defence, for his part, stated that the Armed Forces would double the number of checkpoints between Pacaraima and Boa Vista, set up a field hospital at the border and build screening centres: "Although the problem is physically located in Roraima, it's a national issue, and the president has con-

3 During Jair Bolsonaro's administration, Braga Netto served as Chief of Staff (2020–2021) and Minister of Defence (2021–2022). In 2022, he ran as Bolsonaro's vice-presidential candidate. The following year, he was convicted by the Superior Electoral Court (TSE) – together with Bolsonaro – for abuse of political and economic power, as well as for the improper use of public communication channels during official events marking the bicentenary of Brazil's independence on 7 September. Both men are ineligible to run for office. Compiling the situation, the general and other former members of the Bolsonaro government are under investigation on suspicion of attempting a coup d'état.

4 Acronym for the Partido Progressistas.

5 Acronym for the Partido do Movimento Democrático Brasileiro

6 Acronym for the Partido Republicano Brasileiro.

7 Ibid.

sequently instructed us to launch a federally coordinated humanitarian initiative under the responsibility of the Armed Forces."[8]

What was being announced at that moment was the creation of *Operação Acolhida* (Operation Welcome),[9] devised as a GLO and coordinated by the federal government, specifically the Brazilian Army and the now-defunct Ministry of Citizenship, in partnership with United Nations agencies and non-governmental organizations. Its objective was to provide a response to the "humanitarian crisis" that had developed in Roraima with the growing influx of migrants from Venezuela. The operation's target population, therefore, consisted of people arriving from Venezuela, including members of the Wayúu, Taurepang, Kariña, E'ñepa and Warao Indigenous peoples.

The Warao are known as the "people of the waters" with their communities located in the Guiana ethnographic area, i.e. in the north of South America, where there is a huge maritime-fluvial island bathed by the Atlantic Ocean. It is a strip of land between the Orinoco delta and the estuary of the Amazon delta, covering eastern and southern Venezuela, Guyana, Suriname, French Guiana and, in Brazil, Amapá, northern Pará, Roraima and part of northern Amazonas. Different indigenous peoples of the Karib (or Carib) and Aruak (or Arawak) languages live and circulate there, as well as the Warao and Yanomami who speak their own languages. They are the second largest Indigenous group in Venezuela, with their communities concentrated in the Orinoco Delta.[10] Migration towards Venezuela's urban centres intensified over the course of the twentieth century as their territories came under increasing pressure from the exploitation of natural resources. These developments had a significant impact on their way of life, disrupting fishing and agricultural practices and increasing their contact with non-Indigenous populations. Despite the changes resulted from interethnic relations, the majority of the Warao continue to speak their own language and maintain their political organisation and their kinship ties, albeit in reconfigured forms (Tardelli 2023a; 2023b).

My relationship with the Warao began in February 2020, when I moved to Roraima with the idea of conducting research with the Ingarikó Indigenous peoples. In parallel, I began working as an anthropologist in shelters run by Operation Welcome for Indigenous refugees and migrants arriving from Venezuela. At the time, Brazil was entering the second year of the

8 Ibid.

9 On 15 February 2018, President Temer signed Provisional Measure No. 820 (later converted into Law No. 13,684/2018), establishing emergency measures for assisting persons in "situations of vulnerability resulting from migratory flows caused by humanitarian crises," as well as creating the Federal Emergency Assistance Committee.

10 According to the most recent Venezuelan census, conducted in 2011, the Warao number approximately 49,000 individuals, making them the second largest Indigenous population in the country after the Wayúu (or Guajiro), who number 413,437. Since 2020, the Venezuelan government has been announcing the upcoming XV National Population and Housing Census. However, I have not been able to find any information confirming its completion. On the website of the National Institute of Statistics (INE), affiliated to the Ministry of Popular Power for Planning, there are no updates or reports indicating that the new census has been concluded.

far-right government of President Jair Bolsonaro, who had made good on his earlier promises as a member of parliament to promote the participation of the military in Brazilian political life. As if that were not enough, the apocalyptic year of 2020 saw the world engulfed by the Covid-19 pandemic. As the virus spread, claiming millions of lives across the globe, denialist narratives emerged, accompanied by miracle cures and attempts to boycott social distancing measures and vaccination campaigns. In Brazil, the president himself and his team contributed to making the fight against the pandemic even more difficult. My research with the Ingarikó became unfeasible in that context. Nonetheless, my work with the Warao continued. I spent five years working with this comunity through an NGO and three UN agencies in Roraima, Pará and Brasília, as well as conducting fieldwork and anthropological surveys in Guyana and in Brazilian states such as Goiás, Mato Grosso and Piauí.

When I made the decision to conduct research with the Warao, I realized that the material I had collected up to that point was not limited to the Warao themselves: it had been obtained within the wider context of relationships formed between Indigenous peoples and the institutions involved in Operation Welcome, including those entities with which I was affiliated. My professional activities thus also allowed me to engage with military personnel and humanitarian workers, whose representations of Indigenous peoples and approaches to working with them had not gone unnoticed by me. In fact, my field notebooks contained remarks shared with me informally in workplace settings, meetings or public events, and I also had access to both internal and public documents (reports, protocols, PowerPoint presentations, and so on).

In this article, Operation Welcome functions as a privileged site of observation through which I seek to relativize three common representations of the actors and institutions involved in the initiative. First, the idea that the military returned to the centre of power under the Bolsonaro government. As we have already seen above and will explore further on, although the role of the Armed Forces expanded during this period, they were never absent from the political sphere, not even under the Workers' Party (PT) governments. Second is the supposedly unusual encounter between military personnel and humanitarian workers. This notion, however, can be problematised by considering the prior participation of Brazilian military forces in UN missions, as well as the emergence of a series of *humanitarian military governments* throughout the world (Fassin & Pandolfi 2010; Agier 2020). Finally, by observing how Indigenous peoples were perceived and treated, we shall see that the assumption that the military personnel involved in the operation had no prior experience with this type of population can also be qualified – especially when we consider that, historically, Brazilian indigenist policies have been both designed and implemented by the military.

Although, due to the limits of this article, I shall only briefly mention how Indigenous peoples perceived and acted in response to the relationships and governance practices directed towards them, a more in-depth analysis of Indigenous agency will be undertaken in a future text. Nonetheless, the reader should keep in mind that the violence and discrimination to which they were – and still are – subjected did not necessarily consign them to a position of

passivity. Exposed to rights violations, mistreatment and situations of vulnerability, Indigenous peoples began to demand that their rights be assured in Brazil. Denunciations made by individuals and families were increasingly accompanied by the creation of their own political organizations in Brazil and by their participation in the broader agenda of the Brazilian Indigenous movement.

ON THE BORDERS OF SHARED GOVERNANCE

An analysis of Operation Welcome (*Operação Acolhida*) allows us to observe just how porous the boundaries are between the state, UN agencies and NGOs. Humanitarian workers mingle with military personnel and other state agents in a strange choreography, manipulating everyday discourses and practices that produce and reproduce what we call the 'state.' Here, the state should not be understood as something given or fixed, but rather as a construct shaped by continual processes of objectification and subjectivation "that operate by constructing and deconstructing reality at the level of everyday life, becoming automatic in nature, whether or not they stem from impositions issued by an administrative body backed by laws and norms" (Souza Lima 2013: 561).

All the signs are that Temer's announced 'solution" for the state of Roraima had already been on the military's radar. In November 2017, an event took place that the president failed to mention. I refer to Amazonlog17, a Multinational Interagency Humanitarian Logistics Exercise conducted by the Brazilian Army's Logistics Command in Tabatinga, Amazonas state, on the triple border between Brazil, Peru and Colombia. Inspired by the 'Capable Logistician' exercise carried out by NATO countries in Hungary, 2015, this activity assembled military personnel from the three countries as well as the United States.[11] It included a simulation of a 'refugee crisis' triggered by a drought, demonstrating the implementation of emergency humanitarian assistance.

Not coincidentally, the commander of the Amazonlog17 base, General Eduardo Pazuello, was appointed as the coordinator of Operation Welcome in February 2018. Like Etchegoyen and Bolsonaro, Pazuello had also begun his career at the Agulhas Negras Military Academy (AMAN) in Resende, Rio de Janeiro state, graduating in 1984 as an officer in the quartermaster corps, the branch responsible for administrative and logistical tasks. In 2014, he was promoted to the rank of general. During the 2016 Olympic Games in Rio de Janeiro, he served as the logistics coordinator for the Army troops supporting the event.[12]

In May 2020, amid the Bolsonaro federal administration's negligent refusal to address the Covid-19 pandemic, the general assumed the position of interim Minister of Health, remaining

11 VETORAZZO, Lucas. Temor pela presença de militares dos EUA na Amazônia é teoria da conspiração, diz general. **Folha de S. Paulo**, Poder, 7 November 2017. Source: https://www1.folha.uol.com.br/poder/2017/11/1933633-temor-pela-presenca-de-militares-dos-eua-na-amazonia-e-teoria-da -conspiracao-diz-general.shtml. Accessed 27 December 2023.

12 SHALDERS. André. Quem é Eduardo Pazuello, o general que assume interinamente o Ministério da Saúde. **BBC News Brasil**, 16 May 2020. Source: https://www.bbc.com/portuguese/brasil-52686114. Accessed 2 April 2022.

in the post until March 2021 – still as an active-duty military officer. He was the third minister responsible for the portfolio within the space of a month. Despite his lack of experience in the health sector, he was presented by the president and palace-affiliated generals as a "logistics specialist." Ironically, his tenure would be marked by a tragic episode: after a shortage of medical oxygen led to the deaths of several patients in Manaus, the Ministry of Health mistakenly sent a batch of vaccines to Macapá which were intended for Manaus, the capital of Amazonas. When he took office, there had been around 15,000 deaths from Covid-19 recorded in Brazil; by the time he left, 280,000 people had lost their lives (Victor 2022).[13]

When I began my fieldwork, Pazuello was handing over the leadership of Operation Welcome to General Antônio Manoel de Barros, who had served as Chief of the Combined General Staff during Amazonlog17. A three-star general, Barros had commanded Operation Muquiço in February 2019 as head of the Army's 1st Division. The operation was supposedly a response to the activities of a drug trafficker who controlled the Muquiço favela in the West Zone of Rio de Janeiro. During this period of heightened military presence, on 7 April 2019, Evaldo Rosa dos Santos and Luciano Macedo were killed by Army personnel. Evaldo, a 51-year-old Black musician, was driving along a road when his car – with five passengers inside – was shot 80 times. He died at the scene and one of the passengers was injured. Luciano, a waste-picker passing by, was shot while trying to help. He died eleven days later. The legitimacy of the operation was called into question by the Military Public Prosecutor's Office (*Ministério Público Militar*: MPM) since the army soldiers' actions were without legal basis.[14]

When he assumed the Brazilian presidency in 2019, Bolsonaro, a former army captain, remained consistent with both his military background and his parliamentary career of making discourses in favour of the Armed Forces. By 2020, in addition to ten military personnel serving as ministers, over 6,000 members of the military had been seconded to civilian posts within the federal government. By way of comparison, under the Temer administration there were 2,957 in 2016, 3,020 in 2017 and 2,765 in 2018.[15] Operation Welcome,[16] created under the previous government, appeared to fit seamlessly with the call of the Bolsonaristas for a strong presence of the Armed Forces.

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13 In April 2021, the Brazilian Senate established the Parliamentary Commission of Inquiry into the Pandemic to investigate the actions and omissions of the Federal Executive. The commission recommended the indictment of 78 individuals – including eleven military officers – Bolsonaro and Pazuello among them. The latter was charged with the following crimes: causing an epidemic resulting in death, misuse of public funds, malfeasance, false reporting of a crime, and crimes against humanity (Victor 2022).

14 VIANA, Natalia. A desastrosa Operação do Exército que levou à morte de Evaldo Rosa. **El País**, Brazil, 1 May 2020. Source: https://brasil.elpais.com/brasil/2020-05-01/a-desastrosa-operacao-do-exercito-que-levou-a-morte-de-evaldo-rosa.html. Accessed 5 April 2022.

15 MOTTA, Cláudia. Mais de 6 mil militares atuam em cargos civis no governo Jair Bolsonaro. **Rede Brasil Atual**, Política. Source: https://www.redebrasilatual.com.br/politica/militares-governo-bolsonaro-6-mil-cargos-civis/. Accessed 11 May 2024.

16 For other analyses and interpretations concerning this operation, see Capdeville (2021) and Vasconcelos (2021).

Despite his position on the far right of the political spectrum and his alignment with U.S. President Donald Trump – then in his first term and who viewed immigration as a threat to his own nation[17] – it is unsurprising that Bolsonaro maintained and even intensified an operation whose stated purpose was to receive Venezuelan refugees and migrants. For all their apparent coherence, 'myths' are full of contradictions. In an interview given in 1999, Bolsonaro, then a congressman, praised the Venezuelan president Hugo Chávez: "[Hugo Chávez] is a hope for Latin America and I would very much like the same philosophy to reach Brazil (...). He is not anti-communist and neither am I. In fact, there is nothing closer to communism than the military environment."[18]

In the following decades, however, the Bolsonaro 'myth' – as he has been called by his supporters – would come to be defined by anticommunism and Chávez's Venezuela would be one of his main targets. In 2019, as President of the Republic, he made this new stance clear in his speech at the UN General Assembly: "Venezuela, once a thriving democratic country, is today experiencing the cruelty of socialism," he proclaimed. While enumerating the "impacts of the Venezuelan dictatorship," the president praised Brazil's humanitarian response: "Of the more than 4 million people who have fled the country, some have migrated to Brazil, escaping hunger and violence. We have done our part to help them, through Operation Welcome, implemented by the Brazilian Army and praised worldwide."[19]

With a governance structure based in Brasília, Operation Welcome was headed by the Federal Committee,[20] coordinated by the Presidential Chief of Staff's Office, which functioned as the deliberative body responsible for defining guidelines and actions. The committee had four subcommittees: the Federal Subcommittee for the Internal Relocation of Migrants;[21] the Federal Subcommittee for the Reception, Identification and Screening of Migrants; the Federal Subcommittee for Health Actions for Migrants; and the Federal Subcommittee for the Reception of Venezuelan Migrants. These subcommittees were tasked with discussing and formulating the planning and evaluation of the operation's actions along three axes: border control, reception, and internal relocation. It was the Federal Committee's responsibility to approve the subcommittees' decisions.

Coordination of Operation Welcome fell to the Ministry of Defence via the Humanitarian Logistics Task Force (FT Log Hum), a temporary military unit tasked with a range of

17 SANCHES, Mariana. "Medida de Trump para barrar imigração mira eleição, não proteção de empregos, dizem especialistas". **BBC News Brasil**, 23 April 2020. Source: https://www.bbc.com/portuguese/internacional-52404764. Accessed 9 April 2022.

18 LEAL, Natália. Elogio de Bolsonaro a Chávez contradiz oposição dele ao 'comunismo'. **Piauí**, 17 December 2017. Source: https://piaui.folha.uol.com.br/lupa/2017/12/12/bolsonaro-chavez-contradicao/. Accessed 9 April 2022.

19 VERDÉLIO, Andreia. "Veja a íntegra do discurso de Bolsonaro na Assembleia Geral da ONU". **Agência Brasil**, Política, 24 September 2019. Source: https://agenciabrasil.ebc.com.br/politica/noticia/2019-09/presidente-jair-bolsonaro-discursa-na-assembleia-geral-da-onu. Accessed 9 April 2022.

20 Although the structure has not undergone any substantial changes, I use the past tense to avoid falling into the ethnographic present.

21 I turn later to how the internal relocation process functions. For the moment, it is worth noting that it involves the relocation of Venezuelans from Roraima to other federal states.

functions, including logistical support, border management, reception and the relocation of Venezuelans to other states in Brazil. Although Army personnel predominated, Operation Welcome also included members of the Navy and Air Force. Together, they formed what were known as *contingents*: groups of military personnel drawn from all regions of the country who rotated every three months or more.

In January 2019, the Federal Emergency Assistance Committee signed Resolution No. 9, which authorized the federal subcommittees to receive support from UN agencies, civil society organizations and the private sector. Following a logic of *shared governance*, therefore, the operation's three main pillars – border control, reception and internal relocation – came to rely on the technical and operational support of UN agencies, as well as NGOs working through *partnerships*.

The notions of *shared governance* and *partnerships* form part of the vocabulary of neoliberal policies, which established new relationships between political, social and economic actors (Teixeira 2017). The term governance refers to "a form of political management that encompasses not only the basis for the exercise of political authority, but also the way in which the affairs of a collectivity and its resources are conducted" (Teixeira & Souza Lima 2010: 55). In broader contexts, it is linked to the notion of *accountability* (the obligation to give account), the notion of *legitimacy* (those who govern are seen as having the right to exercise power over those who are governed), and the notion of *transparency* (society must have access to the actions of those who govern). In this sense, governance is embedded in technologies of power focused on the government of populations (Teixeira & Souza Lima 2010, Foucault 2017).

In the context of Operation Welcome, official discourse and documents tend to emphasize cohesion and the sharing of responsibilities among various actors and institutions. Although at the discursive level UN agencies and NGOs were depicted as providing 'technical-operational support,' in practice they were far from just supporting players: not only did they participate in the design of the operation, but they also took or influenced governmental decisions. This erodes the supposed boundaries between the state, the UN and civil society organizations. Analysing how the separation between 'state' and 'society' is produced, Mitchell (1999) notes that "the 'institutional mechanisms' of a modern political order are never confined within the limits of what is called the state" (Mitchell 1999: 83). Thus, the roles played by different actors are multiple and at times ambiguous, just like the boundaries supposedly separating 'state,' 'society' and 'market.' However, this does not mean that the state is surrounded by para-state institutions, but rather that the boundary of the state never points to an actual outside. It is not an illusory line since the production and maintenance of this separation is itself a mechanism that generates sources of power (Mitchell 1999).

The UN agencies involved in Operation Welcome were the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and UN Women. For the most part, these agencies maintained both office-based and field

teams[22] and transferred resources to NGOs to execute some of the activities listed above. Curiously, these latter organizations were predominantly international and religious in character, even if not necessarily proselytizing.[23]

The 'support' provided by UN agencies to Brazil's federal government took on different meanings, depending on each agency's *mandate*,[24] the resources available, the negotiations involved and agreements established, and the relationships developed. This support could take the form of setting up spaces near the border to receive Venezuelans and guide them through the bureaucratic processes of regularizing their documentation in Brazil; managing emergency shelters opened to host Venezuelan migrants (including Indigenous populations); relocating these people to other states within the federation; distributing personal hygiene and shelter cleaning kits; providing medical consultations or consultations with specialists in sexual and reproductive health; handling cases of violence against women; and producing posters, booklets, books, audio materials and videos on diverse topics related to migrants' access to rights and services, among other activities.

RELATIONSHIPS BETWEEN MILITARY PERSONNEL AND HUMANITARIAN WORKERS

Although not my original intention, the circumstances of my fieldwork led me to daily interactions with military personnel – I even lived on a military base in Pacaraima for three months. Despite moments of tension, especially in their relations with the Indigenous peoples, I developed amicable relationships with the military, particularly with lower-ranking officers. This proximity led me to observe the *habitus* (Bourdieu 2008) inculcated in them through their training and professional practice, expressed through uniforms, insignia, badges, haircut styles, bodily techniques, hymns and songs, rituals, hierarchical relations and the values and ideas composing a complex symbolic system. The predominance of the military corporation's worldview appears to erode the individual subjectivities of these actors. Military hierarchy divides them into groups of peers, since even those in higher positions were once cadets, sharing what Castro (1990) called the *military spirit* – the set of traits forged within the military environment, such as 'loyalty,' 'discipline' and 'camaraderie.'

22 The headquarters of these agencies were generally located in Brasília, but all of them maintained offices in Roraima – and even in other Brazilian states – where they implemented projects that might or might not be linked to the provision of services to Venezuelans.

23 During the research conducted between 2020 and 2022, I mapped the following NGOs involved in Operation Welcome: Fraternidade – Missões Humanitárias Internacionais (FIHM); Fraternidade Sem Fronteiras; Associazione di Volontari per il Servizio Internazionale (AVSI); Adventist Development and Relief Agency (ADRA); World Vision International; Jesuit Service for Migrants and Refugees (SJMR), among others.

24 Within the UN system, the term *mandate* refers to each agency's area of operation and responsibilities, as defined by its foundational acts, objectives and strategic frameworks. These mandates often overlap, potentially leading to partnerships or, conversely, more or less conflictual relationships between the agencies involved.

In addition to the general command of Operation Welcome, the contingents were composed of soldiers of various ranks. Symbolized by the insignia affixed to their uniform shoulders and by bodily techniques, the military hierarchy defines relations of command and obedience, as well as the responsibilities assigned to each soldier. These symbols also reveal their training and experience. One insignia that especially caught my attention was the insignia bearing the word *selva*, 'jungle,' which also serves as a form of greeting. Those who wear this insignia have passed through the Jungle Warfare Training Centre (*Centro de Instrução de Guerra na Selva*: CIGS), a military institution based in Manaus that offers courses to prepare soldiers for forest operations. Created during the military dictatorship, it was a key incubator for troops assigned to combating guerrilla units. The hats worn by these soldiers also set them apart: unlike standard issue, they wore *bandeirante*-style hats, bowl-shaped headgear reinforced at the crown and brim to provide greater protection against thorns, branches, and the like. The name of the hat evokes the *sertanistas* of the colonial period, who, beginning in the sixteenth century, ventured deep into the interior of the Americas in search of gold and silver.

Military institutions share points of convergence but also differ from one another – whether within the same country or between different countries—and change over time. These differences are evident in academic, professional and generational profiles, as well as from the perspective of intersectionality, which considers structural relations of race, ethnicity, social class, gender and sexuality (Collins, 2000). In this case, it is worth noting that the number of male soldiers in Operation Welcome far exceeded the number women. I met many Black non-commissioned officers but very few in higher-ranking positions. Most came from economically disadvantaged backgrounds and the Armed Forces were often seen as one of the few options available for employment and social mobility.

In parallel to my 'initiation' with the military,[25] I also had to engage with a group whose 'culture' seemed to me far removed from what I was accustomed to researching: the *humanitarian workers*, as the staff employed by UN agencies and partner organizations identified themselves. This designation is highly indicative of a specific ethos that underpins and guides the rhetoric and behaviour of these professionals. Most of those I met were from the middle or upper classes and, in the case of Brazilians, came predominantly from the southeastern region of the country. However, there were also people from Roraima in these teams. The majority held degrees in Law, International Relations (who called themselves *internacionalistas*) and Social Work – with the identity of *social worker* being the most frequently invoked. Irrespective of their academic background, the humanitarian workers seemed to believe themselves "capable of politically interpreting information about the social reality of any country or region in the world" (Facundo 2017: 108).

25 I do not have family members in the Armed Forces and, up until that moment, I had never had close everyday contact with military personnel.

As for those trained as *social scientists*, I did not meet anyone who identified as such, not even as a *sociologist*. Aside from myself, there were two other individuals who identified as *anthropologists*. We seemed a rare species, as we made a point of asserting our identity as anthropologists regardless of the posts we held. On one occasion, when I told a colleague that I was not a humanitarian worker, I received the following reply: "Our agency doesn't hire anthropologists, only humanitarian workers." I believe, following Facundo (2017: 108), that "in the Brazilian case, sociological and anthropological professional competence is not perceived as co-constitutive of refugee policies and programs. The presence of anthropologists in this institutional space is unexpected and, to some extent, undesirable" – except when Indigenous peoples become a problem to be solved.

However, being an anthropologist in that context meant being seen as *the* expert and *the* authority on Indigenous peoples, especially in relation to the Warao. At the same time, although both the military personnel and the humanitarian workers appeared to show interest in my work, the fact that I was one of the few anthropologists hired may indicate both the discomfort anthropology provokes and the secondary position occupied by Indigenous peoples as subjects of public policy. Unsurprisingly, many of the implemented projects and actions failed to consider the views of the communities and their leaders. For this reason, I was always cautious about attempts to instrumentalize anthropological knowledge, since it could be used to endorse discourses and practices contrary to the interests of Indigenous peoples – for example, the arbitrary opening or closure of institutional shelter spaces.

Among the humanitarian workers in the UN agencies, there was a division between *national* and *international* staff. The latter predominantly occupied leadership positions with more stable contracts, which was justified by their experience in other humanitarian contexts and by their length of service within the UN system. However, this justification did not seem to convince the national staff, who felt depreciated and unfairly treated, either because they did not hold higher-ranking positions or because they received lower salaries – even though these were quite high compared to the average wage in Brazil. Nonetheless, any such dissatisfaction and hostility were kept hidden behind the scenes. In practice, relations between the two groups remained cordial, not least because the aspiration of most national staff was to pursue international careers in other humanitarian operations.

Some humanitarian workers maintained endogamous relationships – in other words, family connections and friendship circles were mostly limited to individuals who occupied the same professional spaces, though there were exceptions. It was common, for instance, to encounter couples working within the same agency – as was my own case – or in different institutions involved in Operation Welcome, including the Armed Forces. A degree of physical and social proximity indeed existed between state agents and humanitarian workers affiliated with UN agencies and NGOs.

In numerical terms, women – mostly white – predominated in UN agencies and humanitarian NGOs, especially in roles related to *protection*, a tendency also noted by Capdeville (2021) in her master's dissertation on Operation Welcome and by Facundo (2017) in her analysis of programmes for Colombian refugees. Even when I did not explicitly discuss the subject, both men and women would justify this configuration in everyday conversations, often invoking certain gender stereotypes: "Women are more sensitive listeners"; "Men are very pragmatic"; "Women who have experienced violence feel more comfortable talking to other women." Through the language of *care*, this discursive regime is imbued with a series of values supporting the notion that women are naturally 'maternal,' 'welcoming,' 'affectionate' and 'protective,' traits that supposedly make them more able to assist refugees and migrants. Curiously, these kinds of statements were sometimes made by women identifying themselves as 'feminists,' despite thereby endorsing a division of labour based on stereotyped gender roles.

Collins (2000: 69) writes: "As part of a generalized ideology of domination, stereotypical images of Black womanhood take on special meaning," including the figure of the *mammy*,[26] designed to regulate maternal behaviour. This reflects how the manipulation of images – whether by producing new symbols or reconfiguring existing ones – is a significant instrument of power. Hence Collins's concept of *controlling images*, which "are designed to make racism, sexism, poverty, and other forms of social injustice appear to be natural, normal, and inevitable parts of everyday life" (Collins 2000: 69). I would argue it is precisely by *controlling images* that humanitarian workers (women and men) come to represent themselves as 'protectors,' positioning themselves in a relation of superiority over those they assist. Countless times I heard these female workers refer to Warao adults as *niños* ('little boys' or 'children'), especially when they wanted to admonish them for some family quarrel: "You're behaving like *niños*!"

The reader may be wondering what the relations were like between the military and humanitarian workers, two apparently radically distinct worlds. In general, social relations were cordial and diplomatic; the doors were also open to friendships and romantic relationships. But there were also numerous complaints. For the humanitarian workers, the military were overly operational in their approach, failing to consider sensitive aspects such as life histories or family dynamics. Moreover, some labelled the military as *bolsonaristas*, implying that they were supporters of then-president Jair Bolsonaro. Although they could not publicly express their own political views – one of the founding principles of humanitarian work is its

26 A stereotype used in the United States to categorize Black women who work in white households and are responsible for caring for their employers' children.

neutrality[27] – outside their professional workspaces, humanitarian workers would identify themselves as 'leftist,' 'progressive' or 'liberal.' This opposition in political terms, however, did not prevent humanitarian workers from praising the Army's supposed technical competence in handling logistical operations. As Bourdieu (1991: 125-126) proposes, an institution "is based not on personal conviction or pretension (...) but rather on the collective belief, guaranteed by the institution and made concrete through qualifications and symbols like stripes, uniforms and other attributes." As spokespersons for the state, the military wield power and are endowed with symbolic authority, capable of constituting an institution (the Army) through which they ensure their own legitimacy.

The military personnel, for their part, told me that working in Operation Welcome had engendered both personal and professional changes. At these moments, they acknowledged having been trained for war and combat, yet their relations with humanitarian workers and Indigenous peoples had allowed them to evolve into 'more human' beings. Conversely, they often perceived humanitarian workers as arrogant due to their social and economic privileges. I heard both a captain and a lieutenant, on separate occasions, complain about what they saw as the indifference of UN agency and NGO teams towards the people they were meant to be helping.

AN UNUSUAL ENCOUNTER?

The alliances formed between humanitarian workers and military personnel, however, did not begin with Operation Welcome. As the military staff recounted their career trajectories to me, I discovered that many had previously taken part in UN peacekeeping missions in Haiti and the Democratic Republic of the Congo and/or in domestic GLO (Law and Order Guarantee) operations, especially in Rio de Janeiro. Here, the career of General Sergio Etchegoyen is particularly telling for the range of international experiences involved: between 1991 and 1992, he served as a staff officer in the United Nations Observer Mission in El Salvador; from 2001 to 2003, he headed a Brazilian Army commission in Washington, United States; and he also completed the UN Senior Leader Mission course in Durban, South Africa.[28]

Marques (2021) argues that the participation of military personnel in peacekeeping missions dates back to the Cold War (1947–1991), when the threat of nuclear conflict brought with it the need for troops to develop other attributes, such as political negotiation skills

27 Resolution 46/182 of 19 December 1991 of the United Nations General Assembly established that humanitarian assistance should be based on three core principles: *humanity*, *neutrality* and *impartiality*. Resolution 58/114, adopted on 5 February 2004, introduced a fourth principle: *independence*. Broadly speaking, *humanity* means that human suffering must be avoided and alleviated in all circumstances; *neutrality* implies not taking sides in political or religious controversies or the like; *impartiality* requires that assistance be provided without any kind of discrimination (whether based on nationality, religion, social status, and so on); and *independence* refers to the autonomy of humanitarian organizations from governmental authorities.

28 HIPPOLITO, Regina. Sérgio Westphalen Etchegoyen. **FGV CPDOC**. Source: http://www.fgv.br/cpdoc/acervo/dicionarios/verbete-biografico/sergio-westphalen-etchegoyen. Accessed 2 April 2022.

– something that would prove beneficial for their relationship with other state institutions and with society at large. During this period, the United Nations Office for Special Political Affairs, which operated from 1955 to 1991, created an internal department dedicated to peacekeeping operations. In 1992, the UN created a department with the same name.

UN humanitarian interventions increased substantially over the 1990s, impacted by the withdrawal of international troops from Mogadishu, the capital of Somalia, by the Rwandan genocide, and by the conflict that led to the dissolution of Yugoslavia. According to Marques, these events generated criticism of the UN, which had begun to resort more frequently to the use of force, as well as to "increasingly include political and assistance-oriented tasks aimed at the reconstruction of countries to be 'pacified'" (2021: 251). The author hypothesizes that South American governments undergoing processes of redemocratization in the 1980s turned to UN peacekeeping missions as a way to keep the military out of political life. Working alongside international troops also allowed them access to more advanced technologies and doctrines, since South American forces tended to focus more on public order than warfare. Another advantage, she notes, was the possibility for the military to rehabilitate their public image, given the negative associations that had followed their involvement in coups and dictatorships.

In 2004, at the invitation of the UN, then-president Luiz Inácio Lula da Silva authorized Brazil to assume military command of the United Nations Stabilization Mission in Haiti (MINUSTAH).[29] Between 2004 and 2017, approximately 37,500 Brazilian troops were deployed to Port-au-Prince, the capital of Haiti. To mark the beginning of the operation, a 'Peace Match' was organized in the city, a friendly soccer game between the Brazilian and Haitian national teams. Marked both by the use of force in 'pacification' operations and by the assistance given to Haitians affected by the 2010 earthquake – which was followed by a cholera epidemic – and a hurricane in 2016, the mission experience appears to have yielded positive outcomes for the Brazilian military: with Bolsonaro's rise to the presidency, many who had served in MINUSTAH went on to hold positions in the new government (Marques 2021).

Seen from this recent historical perspective, I argue that Operation Welcome should not be analysed in isolation, since it forms part of a global trend of military interventions that acquire legitimacy from a morality rooted in humanitarian values, while simultaneously perpetuating states of emergency to justify states of exception. Such is the conclusion we can draw from the studies developed by Fassin and Pandolfi (2010), who describe an international generalization of states of emergency and the implementation of *humanitarian military governments* as a form of responding to the 'crisis' and 'disorder' provoked about by wars, conflicts and environmental disasters.

By the end of the twentieth century, the *principle of intervention* had become a major political innovation, breaking with the *principle of sovereignty*, which recommended that conflicts should be addressed preventively and peacefully. When conflicts did break out, they

29 In French, *Mission des Nations Unies pour la Stabilization en Haïti*.

should be mediated, working to strengthen negotiations between the parties. However, during the conflicts that erupted over the course of decolonization in Africa and Asia, the notion of *sovereignty* began to be questioned, whether because colonized peoples were demanding the right to self-determination, or because colonial states were acting in accordance with their logic of conquest. During the Cold War, numerous military interventions also took place, mainly by the United States in Southeast Asia and Latin America, and by the Soviet Union in Eastern Europe and Central Asia (Fassin & Pandolfi 2010).

According to Fassin and Pandolfi (2010), the conflict between East and West Pakistan was emblematic of this phenomenon, marking the first military operation of a humanitarian nature and highlighting the importance of international regulatory bodies in curbing the violence of war. Months after the independence of Bangladesh, former members of the Red Cross, dissatisfied with the organization's inaction in response to the wars in Biafra and Pakistan, founded the non-governmental organization Médecins Sans Frontières (MSF). Bernard Kouchner, one of MSF's founders, went on to serve as French Minister for Human Rights and as the UN Secretary-General's Special Representative in Kosovo (Wallerstein 2006). He is also a staunch advocate of humanitarian intervention through the *droit d'ingérence*, a principle not recognized in international law, which allows the sovereignty principle to be set aside in cases of serious human rights violations (Fassin & Pandolfi 2010). In Wallerstein's view (2006), although the connection is not always made explicit, proponents of intervention follow in the same lineage as Juan Ginés de Sepúlveda (1490–1573), who argued for a 'just war' against the Indigenous peoples of the Americas. Just like the earlier Spanish philosopher, those in favour of intervention maintain that the moral and political right and indeed duty to intervene can be invoked whenever 'inadequate' conduct is identified in particular regions.

These interventions are justified by what Fassin (2016a) calls *humanitarian reason*: that is, the core of a moral economy that, since the last decades of the twentieth century, has led to the implementation of humanitarian military governments. The focus of attention in these cases is the suffering of individuals and groups affected by a wide range of events: wars, environmental disasters and political, ethnic or religious persecution. This type of governance is not exercised solely by the state, but also by international organizations and other institutions. As Fassin (2016a) proposes, this governance should be understood as a set of devices and actions designed to administer, regulate and promote human life. Pain and suffering are construed as universal experiences and signs of a shared humanity. Intervention – whether psychosocial, legal or military – is thus justified in the name of saving the victims. Hence the connection with the idea of a 'just war': Indigenous peoples suffered because they were believed to lack a soul; it was thus up to the missionary to form this soul through intervention.

The humanitarian argument has helped confer an aspect of legitimacy on military operations, even serving to justify extra-legal actions. The 'urgency' of a situation and the 'danger' to which victims are exposed are invoked to legitimize the exceptionality of intervention. In

an interview given to a military journal, General Barros corroborated this interpretation when speaking about Operation Welcome. According to him, its 'legitimacy' is "reinforced when there are various UN institutions working with me." He continued: "when I stop someone on the road, even if they entered irregularly along their paths [*trouxas*],[30] I don't leave them there so as not to destabilize the situation further; I can do that under Operation Welcome without breaking the law" (Simões & Franchi 2022: 180). The moral argument appears in the general's discourse when he invokes the shared governance with the United Nations and when he distances himself from the military forces operating under Operation Control: while the latter are tasked with border surveillance and restricting the entry of those arriving via irregular routes, the military personnel involved in Operation Welcome would not leave such individuals on the street, "so as not to destabilize the situation further."

Behind the scenes, I heard humanitarian workers justify their presence in the operation by pointing to the government's lack of technical capacity to deal with humanitarian crises. According to this reasoning, although Brazil has historically received migratory flows, this was the first time the country had witnessed a mass displacement of people. However, this argument warrants some qualification: while it may have been the first humanitarian military operation conducted on Brazilian soil, the military contingents involved in Operation Welcome included soldiers who had already participated in other UN missions, as well as in operations in the favelas of Rio de Janeiro. Similarly, the idea that the military lacked experience in working with Indigenous peoples must also be relativized.

'PACIFICATION' AND MILITARY TUTELAGE

In this section, I would like to propose a brief digression to demonstrate how, in Brazil, the activities of the military – particularly the Army – with Indigenous peoples forms part of a long-standing historical process. I begin by calling attention to a highly significant term used by both military personnel and humanitarian workers within the context of Operation Welcome: the *mission*. It was commonly used by both groups to refer to an activity, task or assignment that required geographical displacement. Military personnel stationed in Roraima, for example, were said to be 'on mission,' just as UN or NGO personnel arriving from other offices in Brazil or abroad were likewise described as 'on mission.' This term stuck in my mind, as it echoed the same usage of the word during the colonization of the Americas (Tardelli 2023b).

Through agreements and alliances with the Spanish and Portuguese crowns, a series of Catholic religious orders based in Europe – including the Capuchins, Benedictines, Franciscans and Jesuits – would arrive in the so-called New World. From the sixteenth century onwards, Jesuit missions started to adopt the practice of *aldear* (settling) Indigenous peoples, leading

30 The correct word in Spanish is *trocha*, which refers to informal or unregulated paths that connect the countries and are not controlled by state agents.

to the term *aldeias* or 'villages.' These populations were either captured or 'persuaded' to descend (*descer*) the rivers – that is, to leave their lands upriver to live in other areas where the population was concentrated. In this way, settlements were established that typically featured a central square, church, cemetery, school and hospital. Control and administration of the Indigenous population were exercised by religious priests focused on catechisation. However, these settlements would also serve colonial interests, functioning as a repository of labour (Haubert 1990; Pinheiro 2007; Carneiro da Cunha 2008).

For the missions to succeed, both colonizers and missionaries depicted Indigenous peoples as 'human beasts,' and thus in need of domestication through sedentarization in settlements (Carneiro da Cunha 2008). This discursive regime was linked to a technique of *attracting* Indigenous groups, including through the offering of 'presents' (Souza Lima 1995). In Spanish America, the politics of attraction also made use of a device taken from medieval laws of war: the *requerimiento*. Before attacking their adversaries – in this case, the Indigenous peoples – captains and missionaries would demand that they peacefully and voluntarily accept Spanish sovereignty and evangelization. If they refused, war would be declared (Levaggi 1993).

Such discourses and practices continued to be reproduced long afterwards, during the Republican period, albeit with certain differences. The military would play a significant role in this process, since they were at the forefront of the indigenist policies designed and implemented in Brazil throughout the twentieth century. Here the trajectory of Marshal Cândido Rondon (1881–1955) is exemplary, his mythologised image becoming associated not only with the creation of a state agency dedicated exclusively to Indigenous affairs, but also with the supposedly more 'humanized' treatment of the populations so labelled (Souza Lima 1995, Valente 2017). Originally from the Army in Rio de Janeiro, Rondon, a native of Mato Grosso state, led the group of engineers and military personnel that established the Indian Protection Service and the Settlement of National Workers (*Serviço de Proteção aos Índios e Localização de Trabalhadores Nacionais*: SPILTN)[31] in 1910 during the government of President Nilo Peçanha (1867–1924).

For the indigenist agency concerned, it was the responsibility of the "citizen-soldier – notably the military engineer" within its ranks to undertake the "salvation" of the nation. In this 'civilizing mission,' his task was to "discover and demarcate the geographical territory, subjugate and 'civilize' those who remained at the margins of the nation, meaning incorporate them into a national system of social control conceived at the centre of power, rendering them productive and engaged in the same endeavour" (Souza Lima 1990: 65). Following this schema, Indigenous peoples were to be placed under the tutelage of a specific agency until they were eventually assimilated and integrated into Brazilian society – in other words, until they ceased to be Indigenous and were transformed into Brazilians.

31 In 1918, its name was changed to simply the Indian Protection Service (*Serviço de Proteção aos Índios*: SPI).

In the same period, the term 'pacification' was used to refer to the protection granted by the state to Indigenous peoples who were to be contacted without the use of violence. In this sense, to 'pacify' referred to the practice of settling Indigenous peoples in delimited territorial zones, while their lands were released for economic exploitation. As Olivera (2014: 137) notes, this population "continued to be viewed as a virtual reserve of labour to be mobilized for diverse tasks, always poorly remunerated and lacking legal protections."

As Oliveira (2014) astutely observes – and as we saw earlier – the term 'pacification' would be adopted decades later to designate a militarized state policy for intervention in the favelas of Rio de Janeiro. Although Indigenous peoples were not the target of this policy, once again we are confronted with the exercise of military tutelage and the management of populations and territories on which negative and prejudiced representations are projected. As with the so-called 'wild Indians,' "the favelas are conceived not as comprising distinct individuals and families, but as a totalizing alterity that is, in itself, a threat" (Oliveira 2014: 149).

The SPI was dissolved in 1967 and replaced by the National Indian Foundation (FUNAI).[32] However, the change in name did not entail a transformation of personnel, projects, actions, objectives, techniques or discourses. At various moments, the indigenist agency assisted the military governments in their drive for national integration. In the name of 'National Security,' 'development' and 'progress,' it promoted frontier expansion, the invasion of Indigenous lands and their appropriation for private use (Souza Lima 1995; Valente 2017).

During the period of 'redemocratization,' the military remained actively involved, particularly under the government of José Sarney (1985–1990). In 1985, the Calha Norte Project (PCN) was conceived, which established military bases along Brazil's northern border and promoted migratory flows towards Amazonia through the expansion of road networks and the colonization of frontier regions. The official justification for implementing infrastructure along Brazil's northern frontier was the protection of national borders, the reinforcement of national sovereignty, and the prevention of incursions by drug traffickers and guerrilla fighters from neighbouring countries. However, there were also less explicit motives also existed, including the plan to stimulate economic development through mining projects in the Guiana Shield, a region rich in cassiterite, diamonds, gold and other minerals (Baines 2003).

In a context marked by the 'militarization of FUNAI' and Indigenous policy in Brazil, the Calha Norte Project (PCN) intensified interventions in Indigenous areas situated in the border zone, thus contributing to the stalling of land regularization processes for these indigenous lands (Oliveira 1990, Souza Lima 1990). For those responsible for designing and implementing these projects, Indigenous demands were subordinate to national interests and objectives. Since the lands claimed by Indigenous peoples are often rich in mineral resources,

32 Renamed the *Fundação Nacional dos Povos Indígenas* (the National Foundation of Indigenous Peoples) in 2023.

the fate of these peoples has long been – and continues to be – a matter of concern for the military, particularly from an integrationist perspective.

THE MANAGEMENT OF INDIGENOUS PEOPLES IN OPERATION WELCOME

The Army's dealings with Indigenous peoples were therefore nothing new when Operation Welcome was created, though this does not mean that all the military personnel involved had prior experience with Indigenous peoples. Nor was it the first time that the military had conducted operations in Roraima, even if the apparent aims were different. What can perhaps be identified as an innovation in this case is the partnership established with UN agencies and NGOs. In this sense, despite the Army's prominent role, Operation Welcome was shaped by the differing worldviews of these actors and by how each of the institutions involved conceptualized the management of people categorised as 'refugees' or 'immigrants.' In the final section of this article, I am particularly interested in two facets of the *management* exercised over Indigenous peoples, understanding this Portuguese term in two ways: as *gestar* (gestate) and *gerir* (manage). While the former evokes a pedagogical function (teaching someone how to be) embedded in tutelage as an exercise of power, the latter refers to the agent who enacts tutelage, administrating and controlling spaces and populations (Souza Lima 2002). A brief description of the main actions undertaken during the operation can help us to understand the power relations at work and how Indigenous peoples – especially the Warao – were represented, included in and/or excluded from specific spaces and policies.

The operation was structured around three areas of action: (1) *border control*, (2) *reception* and (3) *internal relocation*. The first area concerned the reception, identification, medical care, immunization, documentation regularization and registration of those arriving. As they arrived in Pacaraima, Venezuelans – including Indigenous peoples – were not only registered, vaccinated and treated at the operation's medical centre, but also received guidance and referrals from UNHCR and IOM concerning the procedures for applying for refugee status and temporary residency (which classifies the person as an *immigrant*),[33] respectively.

These actions were guided by Law No. 9,474/1997 and Law No. 13,445/2017. The former incorporated the United Nations Refugee Convention (or the 1951 Convention) into the Brazilian legal framework, defining a *refugee* as someone who, due to a well-founded fear of persecution, has fled their country for reasons of race, religion, nationality, political opinion or belonging to determined social groups. It also incorporated the 1984 Cartagena Declaration, which extends the definition of refugee to include anyone who has suffered serious and widespread human rights violations. This was the interpretation adopted by the Brazilian government in response to the Venezuelan situation, which does not mean that everyone was

33 The International Organization for Migration (IOM) more frequently adopted the category *migrant*, although Brazilian legislation uses the term *immigrant*.

recognized as a refugee – whether due to delays in the process or their own decision to apply for temporary residence instead. Law No. 13,445, more commonly known as the Migration Law, covers the issuance of temporary visas to immigrants seeking to reside in Brazil for a fixed period.[34]

Despite the explanations and materials shared by UN agencies and the federal government (booklets, videos, info cards, and so on), and even after obtaining documentation, it is common for refugees and immigrants to become lost in a bureaucratic tangle of paperwork, interviews that reopen wounds of suffering and violence, long waits, and terminological confusion. Through this *modus operandi*, state processes and practices generate an *effect of legibility*, that is, the creation of a specific governmental language and knowledge, accompanied by tools for the classification and regulation of collectivities (Trouillot 2001). For the state to be constituted, it is essential, therefore, that a body of 'specialists' produce classifications, maps, reports and statistical data relating to the economy, demography, geography, health, education, transport and other forms of knowledge required for the exercise of power (Souza Lima 1995, Cohn 1996, Bourdieu 2008, Foucault 2017). The interpretation of this data, in turn, requires exegetical and hermeneutic skills (Cohn 1996). Since few people have these capacities, this body of information remains inaccessible to most of the population. There is, therefore, an *effect of illegibility* (Asad 2004, Das & Poole 2004), which makes documents, regulations, and state practices incomprehensible.

The effect of illegibility is further compounded by linguistic barriers: most Warao speak only Spanish and their own Indigenous language. The broken *portunhol*[35] spoken by their interlocutors does not ensure effective communication. Furthermore, many of them crossed the border without any identification documents, either because they did not have enough time to take them or simply because they had never possessed them. This does not mean they are incapable of comprehending bureaucratic rationality, as if this were a prerogative exclusive to westerners (Herzfeld 1993). As Gersem Baniwa (2012: 219) argues, the problem is that Indigenous communities and their organizations are forced to adopt "the bureaucratic model of social, political and economic organization of white people" in order to secure their citizenship rights. As Ramos (1995: 9) points out, "to fulfil the western destiny of bureaucratization and, at the same time, deal with Indigenous affairs, the solution appears to have been to invent a 'bureaucratizable' Indian." I would add that Brazilian bureaucracy presents itself as welcoming and inclusive while simultaneously working to classify, stigmatize and exclude certain groups.

34 It is worth emphasizing that Venezuelans do not need a visa to enter Brazil.

35 The term refers to a linguistic fusion between words from Portuguese and Spanish.

The second area of the operation referred to reception or *acolhimento*,[36] a term that, in this context, meant the provision of shelter. Here, 'sheltering' translated as the placement of specific groups of people, labelled 'vulnerable,' in institutionalized spaces where they could feel safe and protected – a place to rest, use hygiene facilities and receive food. Based on the notion of *shared governance*, I suggest there was a synergy between the reception policies enshrined in Brazilian legislation and the humanitarian aid typically provided to refugees in global contexts of war, conflict and natural disasters. The Brazilian experience appears to have interpreted the humanitarian grammar in its own distinctive and creative manner (Tardelli 2023b).

In *The Camp Management Toolkit*, one of the manuals available to those organizing the reception of forcibly displaced persons, the term 'camp' is used for diverse kinds of spaces designed to receive people who have been forced to move, including temporary settlements, planned camps, collective centres and transit centres. The word 'shelter' (*abrigo* in Portuguese; *refúgio* in Spanish), meanwhile, refers both to a specific type of pre-fabricated residential structure and to one of the services provided in a refugee camp, "ensuring not only physical protection from the elements, but also offering a space of privacy and dignity" (NRC 2008: 18).

Operation Welcome adopted the term 'shelter' to refer to what humanitarian manuals typically call a 'camp.' This choice was closely linked to the reception policy framework laid out in Brazil's Unified Social Assistance System (*Sistema Único de Assistência Social:* SUAS), designed to support individuals and families in situations of vulnerability. At the same time, judging by the opinion expressed by General Barros, praising the role of the Brazilian government, it may also have been a strategy to distance the operation from any association with 'refugee camps': "We are vehemently opposed to the idea of refugee camps; we don't even entertain the word. And why is that? The shelters were created precisely to offer a dignified humanitarian response to people, evidently in the context of a humanitarian crisis" (cited in Simões & Franchi 2022: 175). Managed by a UN agency in partnership with NGOs, the shelters in Roraima involved services provided by military personnel, humanitarian workers and healthcare professionals. From this perspective, three different forms of 'protection' seem to have converged: one informed by the UN's activities, another defined by SUAS, and a third championed by the military.[37] The first two operate in accordance with Christian charity, grounded in the values of compassion and solidarity in the face of the suffering of the most vulnerable and those living in risk situations.

In effective terms, the shelters were one of the few responses offered to the Indigenous peoples. Although they were not necessarily *total institutions* (Goffman 2019), since the Warao were not forcibly confined to these spaces and retained a degree of mobility, what struck me was the near-complete absence of alternatives to this model of 'reception/*acolhimento*' (Tardelli 2023b). Despite being created as 'emergency' and 'temporary' spaces, in the absence of other

36 TN: The Portuguese term *acolhimento* has a range of connotations that extend beyond 'receiving' or even 'welcoming' to imply protection and care (offering shelter).

37 One of the functions often advocated by the Army is to protect the sovereignty of the nation's borders and territory.

public policies, many Warao have ended up living permanently in shelters in Pacaraima and Boa Vista. As I write these lines, there are Indigenous families who have been in these shelters for over seven years. Those who managed to gain access to land and housing did so without support from the operation itself or any other state agency. I encountered Indigenous people who, even after travelling to other Brazilian states, found themselves once again living in shelters – this time run by municipal or state governments – often just as precarious, if not more so, than those in Roraima (Rosa 2021, Maréchal, Velho & Rodrigues 2021, Facundo & Santos 2024).

Finally, the third axis of Operation Welcome was internal relocation or *interiorização* –that is, the voluntary relocation of Venezuelans, an idea previously raised by President Michel Temer in the meeting described earlier. This process involved their "organized transfer from the state of Roraima to other Brazilian municipalities, in order to reduce pressure on public services, especially in the municipalities of Pacaraima and Boa Vista," and to "ensure the socio-economic integration of refugees and migrants within the country," as defined in a publication issued by the Brazilian Army (Daroz & Celestino 2022: 85).

There were four modalities of internal relocation: (1) *Institutional*; (2) *Family Reunification*; (3) *Social Reunification*; and (4) *Verified Employment Offer* (*Vaga de Emprego Sinalizada*: VES). Under the first modality, the person was transferred from one of the emergency shelters in Roraima to a shelter managed by state or municipal governments or by civil society organizations. Family Reunification was available to Venezuelans who had family members in other parts of Brazil. Social Reunification differed from Family Reunification only in that it facilitated the regrouping of friends or family members with whom no formal kinship ties could be verified. Finally, the VES modality was intended for individuals who had already been hired by a company (IOM 2021).

With very few exceptions, the Indigenous peoples were excluded from the internal relocation process. At the time of my research, I was unable to find any document that provided justification for this exclusion. Institutions had no answers to the requests made by Indigenous peoples; they merely skirted the issue or changed the subject. The Warao were later authorized to take part in the process, but without any adaptation of the criteria to their sociocultural specificities. Low levels of schooling and professional training, combined with their belonging to extended families, are among the factors that hinder their participation in internal relocation.

In this way, the construction of the identity of a *Warao Indigenous Venezuelan refugee* or *immigrant* appears to contain a series of ambiguities that often leave these people in a political and bureaucratic limbo. At times, the Indigenous category was subsumed under the broader categories of refugee or immigrant, in discourses arguing that the Warao should not receive differentiated treatment since all Venezuelans had suffered the same hardships and that international human rights norms protect everyone equally. At other times, when emphasis was placed on their Indigenous identity, they were subjected to infantilization and

exoticization, in ways that served to exclude them from policies and decision-making processes (Tardelli 2023b).

Despite the lack of institutional support, the Warao have moved through various Brazilian cities, maintaining their mobility. There are over 12,500 Indigenous peoples from Venezuela currently living in Brazil, around 8,000 of whom are Warao, now dispersed across all regions of the country.[38] The discourses and practices that excluded Indigenous peoples from the internal relocation process reinforced the perception among this population that the *criollos* (non-Indigenous people) [39] treated them like 'animals.' This perception was frequently reiterated within the Indigenous shelters, particularly in moments of tension and conflict with institutions, such as when they were treated harshly by military personnel, police officers, security guards or humanitarian workers during disputes over issues such as requests for changes in the meals offered, the admission of relatives, or the use of alcoholic beverages during festivities and funeral rites.

EFFECTS OF A HUMANITARIAN MILITARY GOVERNMENT

Before concluding this article, I wish to draw on the notion of *precarity* to better understand the modes of governance applied to the Warao and other Indigenous peoples under Operation Welcome. Precarity, Butler (2011) tells us, is manifested through the (im)possibility of the recognition of life; that is, those whose lives are not recognized as such live precarious lives. Indeed, it is precisely the schemes of intelligibility that establish who is or is not considered 'human' (who is more or less human), which life may be lived, and which death will be mourned. Fassin (2016b), in turn, argues that precarious lives can be analysed through two dimensions: one sociological and the other epistemological. The first concerns the unequal value attributed to different people's lives. In this sense, life becomes 'precarious' insofar as it is empirically less valued. The second dimension reminds us that, etymologically, the word *precarious* derives from the Latin *precarius*, meaning what is obtained through prayer. "This reminds us," Fassin remarks (2016b: 34), "of the dimension of solicitation, asking and even pleading involved in the humanitarian relation."

Both dimensions were present during my fieldwork with the Warao. On one hand, the Warao themselves denounced how their lives were less valued, affirming that they were being treated like 'animals.' This was not a metaphor: they were in fact treated as if they were not human – or not entirely human. In the 1970s, Heinen and Gassón (2008) heard the Warao make the same accusation, albeit in a different context. As we saw above, this notion of ani-

38 Data taken from *Painel de Informações sobre Populações Indígenas Refugiadas e Migrantes no Brasil*. Source: https://app.powerbi.com/view?r=eyJrIjoiMjlmNzdiODctYjMwZC00NjkzLWI0YzctY2VmZDdjYzJmMDQxIiwidCI6ImU1YzM3OTgxLTY2NjQtNDEzNC04YTBjLTY1NDNkMmFmODBiZSIsImMiOjh9. Accessed 28 May 2024.

39 The Warao referred to non-Indigenous people, particularly Venezuelans, as *criollos*, a term that, during Spanish colonization, was used to classify the children of Europeans born in the New World.

mality has a long historical trajectory among Indigenous peoples (Carneiro da Cunha 2008). On the other hand, their lives were precarious in the sense that they asked for – and to some extent received – money and donations from drivers and passers-by who encountered them at traffic lights, as well as being the recipients of humanitarian aid.

While acknowledging the 'precarious' conditions lived by the Warao – in the sense of a scarcity oof resources – those involved in the operation would often assert that it was "difficult to work with Indigenous peoples." In my view, this idea reflects the operation of what Herzfeld (1993) has termed a secular *theodicy*: a set of arguments reproduced by state actors to legitimize both an alleged rationality as the proper functioning of the State and its imperfections. In relation to the Warao specifically, I noted several opinions expressed to me informally by humanitarian workers and military personnel: "The Warao are complicated, they are dirty, disorganized and undisciplined"; "that's the problem with working with Indigenous peoples: they are always used to receiving and don't want to become self-sufficient. That's why this problem will never go away"; "they can't be integrated. And there's another problem, which is a taboo: the birth rate. You can be poor, but you'll always have children."

These representations are permeated by *controlling images* (Collins 2000) or by a *reservoir of cultural imaginaries* (Mbembe 2018), shaped by stereotypes and by a moral order closely tied to colonialism. They form part of what I have called a *shared colonial archive* (Tardelli 2023b), within which we can identify a range of discursive regimes and racist practices. We might think of a museum whose collection, or part of it, can be shared with or loaned to another museum. A painting by Abdias Nascimento held by the São Paulo Museum of Art, for instance, may be loaned for an exhibition at the Louvre in Paris. Furthermore, a shared archive might also be represented by a virtual platform that brings together the collections of different libraries from around the world. In both these cases, the possibility exists of transcending temporal and spatial boundaries. Similarly, a *shared colonial archive* is available to any individual or institution. By accessing it, colonial images, ideas, values and practices can be reactivated in the contemporary world.

With the aid of this archive, an exclusionary alterity is constructed that situates Indigenous peoples not only in another place, distant from urban centres and civilization (the forest, the jungle), but also in another time, thereby denying them *coevalness* (Fabian 2002). Unsurprisingly, the informal remarks I noted seemed to be shaped by a notion typical of evolutionism: "They are no longer Indigenous because they've lost their sense of community"; "we need to pull them out of this state of apathy"; "these Indigenous peoples are very smart"; "craftwork is important because it's part of their tradition."

I do not wish to suggest that the relations between Indigenous peoples, military personnel and humanitarian workers were always hostile. Frequently the Warao express their gratitude "to God, to Brazil and to Operation Welcome for providing a place to sleep and food for our children." Some even worked for UN agencies and NGOs as monitors or in other roles; others

contributed to the maintenance of the shelters or acted as translators. As for the institutions, beyond the services they provided, they often met the requests from the Warao for support in organizing birthday parties, festive occasions and soccer tournaments. The relationship between these two poles has oscillated between proximity and distance, depending on interests, calculations, emotional investments and situational choices. This paradox reflected a militarized humanitarian response that could be both represented and perceived as 'welcoming' and, simultaneously, could activate exclusionary and racist discourses and practices.

Translated by David Rodgers.

Received: June 19, 2024.
Approved: March 17, 2025.

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ARTICLE

Future Ayahuasca Care Spaces: An Experimental Speculative Exercise

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Abstract

With the rapid advancement of psychedelic-assisted therapy (PAT) trials, psychedelic clinics are set to become a tangible reality in the near future. Questions abound concerning the therapeutic modalities that will be adopted, the human and material infrastructures that will enable the delivery of this novel form of healthcare, and their funding model – which will have direct implications for who can access PATs. In this paper, we reflect on the process of designing, organizing and holding a speculative space to imagine possible future ayahuasca care spaces. Ayahuasca healing practices are (still) mostly indissociable from their ritual settings, placing them in complex and ambivalent relation to "psychedelics" and PATs. Speculation enabled us to collaboratively address questions of appropriation, commodification, standardization and pharmaceuticalization of plant medicines, and explore the more-than-human contours of care. Our goal was to shift the parameters of our interactions with key interlocutors in "the field" in ways that enable co-laboration and co-re-definition. We discuss the process of creating this speculative space of encounter, defining its parameters, and designing the framework within which such a conversation is even possible.

Keywords: ayahuasca; care spaces; psychedelic-assisted therapy (PAT); speculation.

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e00507
https://doi.org/10.1590/1809-4341.2025v22e00507

Espaços Futuros de Cuidado Com Ayahuasca: Um Exercício Especulativo Experimental

Resumo

Com o rápido avanço das terapias assistidas por psicodélicos (TAPs), tudo indica que as clínicas de terapia psicodélica devem se tornar uma realidade tangível em um futuro próximo. Existem, porém, uma série de questionamentos importantes a respeito das modalidades terapêuticas que serão adotadas nesses espaços; das infra-estruturas humanas e materiais que vão possibilitar a oferta dessas novas formas de cuidado; e dos seus modelos de financiamento, que terão implicações diretas para definir quem pode ou não acessar as TAPs. Neste trabalho refletimos sobre o processo de projetar, organizar e conduzir um ambiente especulativo e colaborativo para imaginar possíveis espaços futuros de cuidados com ayahuasca. Em sua maioria, as múltiplas práticas de cura envolvendo ayahuasca (ainda) são indissociáveis de seus contextos rituais, o que as coloca em uma relação complexa e ambivalente com os "psicodélicos" e as TAPs. Nosso objetivo ao pensar especulativamente sobre o futuro dos espaços de cuidado com ayahuasca é abordar de forma colaborativa questões como apropriação, comercialização, padronização e farmaceuticalização de psicoativos e plantas de poder; examinar como são negociadas as diferentes abordagens da produção de evidências científicas nesse cenário; e explorar os contornos mais-que-humanos desses tratamentos. Outro objetivo deste exercício é contribuir para deslocar os parâmetros de nossas interações com os principais interlocutores no «campo» de forma a permitir a co-laboração e a co-redefinição. Nossa proposta aqui é discutir o processo de criação deste espaço especulativo de encontros, de definição de seus parâmetros, e do desenvolvimento de uma moldura que possibilite que uma conversa como essa possa acontecer.

Palavras-chave: ayahuasca; espaços de cuidado; terapia assistida por psicodélicos (TAP); especulação.

Future Ayahuasca Care Spaces: An Experimental Speculative Exercise [1]

Pietro Benedito; Isabel Santana de Rose; Emilia Sanabria; Piera Talin;

INTRODUCTION

For those who have been tracking the global expansion of the Amazonian plant medicine ayahuasca for some time, we are in a strange, perhaps predictable future of intense resource extraction, cultural appropriation, and pharmaceuticalization. How can we escape from such future anteriors? Why are entrenched imaginaries so hard to escape? What would ayahuasca care[2] spaces look like if they were not trapped by these trends of pharmaceuticalization, standardization and extraction? This paper describes a series of speculative experiments that we devised and organized to co-laboratively (de la Cadena 2015) imagine multiple possible Future Ayahuasca Care Spaces (FACS), together with key interlocutors in our fieldsites, and in ways that enable co-re-definition. The objective of this paper is to examine our process of creating and holding a space of encounter, in which academics, clinical researchers, and urban practitioners could come together to discuss futures for ayahuasca care practices outside Indigenous contexts.

Before proceeding, some words regarding ayahuasca are needed. Ayahuasca is a herbal brew from North-Western Amazonia commonly made up of plants from the species *B caa-*

1 We would like to thank Silvia Mesturini and Joe Dumit for their precious contributions in the early stages of this process, as well as all the participants who took part in this ongoing experiment of imagining otherwise futures for ayahuasca. Our research was made possible by the generous support from the ERC Starting Grant n°757589 "Healing Encounters: reinventing an indigenous medicine in the clinic and beyond" based at CERMES3 (Université de Paris Cité, EHESS, CNRS).

2 Care is a contested and messy concept, frequently tied to moralizing, gendered and human-centered values and practices. Our deployment of care here is informed by Mol, Puig de la Bellacasa and Hobart and Kneese, in that it situates care not as an abstract unplaced ethical dilemma but as an everyday praxiographic enactment (Mol, 2008; Mol *et al.*, 2010). The speculative sensibility deployed here invites us to radicalise how we think care as a "roadmap for an otherwise" and a set of orientations to endure in precarious worlds (Hobart and Kneese, 2020). Care also necessarily implies a recognition and thinking-with more than human beings that Puig de la Bellacasa reminds us is never innocent (Puig de la Bellacasa, 2017).

pi and *P viridis*. An estimated 160 Indigenous nations (Tukano 2022)[3] - occupying a wide diversity of Amazonian territories and marked by complex histories of colonial encounters - gave rise to and maintained a huge diversity of practices glossed under the Quechua name "ayahuasca." As Indigenous scholar and activist Daiara Tukano puts it:

> In a global context where ayahuasca is currently used more by white and privileged non-Indigenous people than by Indigenous peoples, in which scholars, scientists, and religious leaders are holding broad discussions about the expansion, legalization, commodification, syncretization and synthesizing of this medicine, it is necessary to address questions concerning the autonomy of Indigenous peoples in these discussions. (our translation)

Over the course of the twentieth and early twenty-first centuries, ayahuasca has been adopted as a sacrament in syncretic Christian religious practices and taken up in a variety of neo-traditional spiritual, somatic or neo-shamanic healing circles as it moves from the forest to the city. Widespread testimonials of its healing potential led to exploratory clinical experiments to assess its therapeutic potential (Maia *et al*. 2022). Clinical research has examined ayahuasca from a pharmacological perspective, defining it as a psychoactive beverage with psychedelic properties derived primarily from the molecule DMT (N, N-dimethyltryptamine). Fitting ayahuasca into a single definition is impossible because ayahuasca practices are composed of a multitude of different cultural practices. Understanding the complex and multiple entanglements involving ayahuasca requires going beyond the biomedical focus on the "substance in itself", and even beyond the separation between "set", "setting" and "substance" (Dumit & Sanabria 2022). But above all, it requires the acknowledgement – as expressed in the Declaration of the Fifth Indigenous Ayahuasca Conference[4] – that ayahuasca is the intangible cultural and genetic heritage of Indigenous peoples and that as "ancestral and traditional Indigenous knowledge" (Dumit & Sanabria 2022) its futures cannot be written without Indigenous peoples.

A key notion in the biomedical field of "psychedelics" (that is, as articulated from a biomedical perspective) is that the environment in which these substances are experienced is a determining factor in their efficacy. This is a rather radical proposition within the molecularly reductionist paradigm of biomedicine. However, it is one that needs to be carefully differentiated from the attention to territory, energy or more-than-human presences that are articulated in Indigenous and traditional spaces. Biomedical understandings of psychedelic efficacy perceive the "container" in which the experience takes place as "part of the drug" (Dumit & Sanabria 2022). This has profound implications for the kind of care settings that are being envisaged as psychedelics are mainstreamed and infrastructure is built for their

3 See https://www.daiaratukano.com/post/uma-medicina-ind%C3%ADgena-as-origens-da-ayahuasca-antes-da-globaliza%C3%A7%C3%A3o (accessed 31/03/2023).

4 The Declarations of the five Indigenous Ayahuasca Conferences are available here: https://ayahuascaconferenciaindigena.org/en.

rollout to the public. What we mean to highlight about the specificity of these interventions is that the setting, or space, is integral to the care practices that can be held by them. Imagining the configurations of these care spaces is thus indissociable from envisioning the form and contours of the care practices that are being conceived. If this is true for psychedelics in general, it is even truer for ayahuasca.

Decades of academic research have strengthened specific ways of thinking and defining ayahuasca - as an illegal substance (ICEERS, n.d.), a treatment for depression (Palhano-Fontes *et al.* 2019), a sacrament (Blainey 2021) or as a psychedelic that induces neuroplasticity (Almeida *et al.* 2022), for example. When reflecting collectively on our research, we began to think of this as a kind of spell that imposes a truth to what ayahuasca "is," and that makes it difficult to imagine other ways of encountering ayahuasca outside these definitions. Inspired by science fiction authors, such as Ursula K. Le Guin (1989, 2018) and Octavia Butler (1993, 1998, 2000), and philosophers and thinkers such as Donna Haraway (2016) and Bayo Akomolafe (2024), we were called to make space for other ways of defining ayahuasca, eschewing a single definition - to stay with the trouble, to hold the crack open. Hard definitions and dominant imaginaries tend to reinstate the status quo, and silence other ways of living and thinking, strengthening colonial institutions and thought architectures. In an interview, Octavia Butler directly stated that "there's no single answer that will solve all of our future problems. There's no magic bullet. Instead, there are thousands of answers – at least. You can be one of them if you choose to be."[5]

HEALING ENCOUNTERS

Our anthropological research project is called *Healing Encounters: Reinventing an indigenous medicine in the clinic and beyond*, and our aim is to provide an in-depth ethnographic inquiry into the reconfigurations induced by the globalization of ayahuasca. Our study investigates three interrelated ideal-type sites in which ayahuasca healing practices circulate: "Healing in the City" examines the constellations of elements brought together in neotraditional urban practices to think about the creation, stabilization and transmission of new ritual forms; "Healing in the Laboratory" examines encounters across valuation practices and asks how evidentiary practices concerning the use of compounds such as ayahuasca in psychiatry are constructed and negotiated; finally, "Healing in the Forest" examines the contemporary reconfigurations of indigenous shamanic practices and cosmopolitics where understandings of wellbeing center the territory and include other-than-human-beings (Sanabria 2019). In each site, we have been gathering empirical insights whilst holding the ethical commitments, engagements and insight from each of the others. As the project has unfolded, we have come to understand this as a

5 You can access the interview here: https://commongood.cc/reader/a-few-rules-for-predicting-the-future-by-octavia-e-butler/

particularity of our approach, putting our focus on the transformations that take place in the circulation and situations of encounter between elements and actors in each.

We arrived at speculation as a method as a response to the challenges of articulating the myriad positionalities and commitments we had to these very different sites we were moving through as a group. Throughout 2021, our team conducted a series of encounters with ICA-RO, an interdisciplinary team of Brazilian ayahuasca researchers - mostly from the biomedical sciences - giving rise to the idea of collaboratively designing an experiment. What would we do if we had no financial or human resource limitations? How would we manage and overcome the epistemic differences that structure or respective fields? What concessions would each discipline need to make to obtain funding, and which streams of funding could we realistically seek out? What constraints would publication norms in our respective fields impose on the experimental design? The thought experiment was deeply productive, even only to reveal that as a collective, within the realities of pandemic urgency and precarity, we did not have the bandwidth to take this process forward beyond the speculative, in a way that recognized the realities of precarious employment for many of us and the challenge of creating an experimental design for ayahuasca that was able to fully honor our epistemic differences. This co-laborative experience paved the way for other collective speculative practices, such as those we describe there.

This article presents our way of approaching speculation as a method for anthropological work. We describe this speculative movement and some of the practices we experimented with our co-laborators. The article details some of the lessons learned from these attempts to hold complex encounters; namely that critique is easier than imagination; that holding space is a form of care; that speculative research methods do not sit easily within existing academic and ethical frameworks, and that speculating is different from consensus-building.

FROM PARA-ETHNOGRAPHY TO SPECULATIVE ANTHROPOLOGY

Our team adopts the concept of encounter as an analytic and a method, examining the transformations that take place in and through encounters (Sanabria 2019). The concept of encounter – inspired by that of partial connections (Strathern 2005) – is propitious to analyze this global assemblage as it provides a method to track the flow of practices, knowledge and substances without appealing to a conceptual vocabulary of pre-existing parts and wholes (De la Cadena 2015; Strathern 2005). Beginning from the middle ground of spaces of encounter enables us to describe how different world-making projects encounter and re-define one another as they compose a shared but partially diverging world in their interwoven endeavors (Sanabria 2019). In methodological terms, we have worked to open up and "hold" spaces of encounters where co-labourers from our various field sites come together to discuss and exchange perspectives on ayahuasca's expansion and transformation. What do Indigenous peoples have to say about clinical experiments with ayahuasca? What different positions do practitioners in the city, forest or lab have regarding the ethics of administering this medicine?

In the original project formulation, Emilia Sanabria conceptualized these spaces as para-sites (Marcus 2013), that is as ad hoc spaces of collaborative reflection, alongside other fieldwork situations. Para-ethnography invites experimentation with ethnographic forms by creating para--sitic spaces to register the potential for reflexive capacity in fieldwork situations (Marcus 2013: 208). The idea was to hold workshops with co-labourers in view of iteratively and collaboratively redefining the inquiry. Para-ethnography was formulated to address the challenges of doing ethnography in fieldwork settings dominated by scientific knowledge and a technocratic ethos.

As we began experimenting with para-ethnographic approaches, we came to feel that this framing did not fully move beyond racial, gendered and disciplinary hierarchies (of whiteness, expertise, cisnorm, heterossexuality and masculinity) even as it tried to create a framework to overcome these. For many of us, womenx, transpersons, people of color, or otherwise racially marked as migrants, or for those of us whose primary accountabilities reside outside the ivory tower – the space of the University is always already a para-site. As we sought to open up a space within the academy that was welcoming to our co-laborators it became increasingly evident to us that holding space (designing the encounter) was key. We came to understand that space holding is itself reproductive of certain futures (or of analytics that generate specific versions of futures) and that holding space differently is in itself a speculative gesture. We began to conceptualize a process of speculating collaboratively. Thus, speculation arose as a core methodology for building transversality within our intra-project collaborative processes. In this sense, speculation played a key role in answering a project design challenge: that of holding together and creating contact zones between the different areas or "sites" of the project, and their at times radically divergent commitments, ethics, or ontologies.

Deeply inspired by speculative projects such as the Wakanda Dream Lab[6], we began with the recognition that "we cannot build what we cannot imagine," a potent vision given to us by Afro-American poetess Lucille Clifton. In this sense, speculation is the act of collectively imagining other possible futures and creating otherwise realities that first need to be collectively envisaged, articulated, shared, debated and given form.

We propose to think about speculation as a research practice and method, and to broaden this perspective since speculation also involves the whole process of designing this collective experiment. Thus, speculation can be thought of as a "border zone," or a space of encounter, that attempts to hold and encompass differences without aiming to reach a synthesis or a single and unified story or narrative. On the contrary, we attempt to hold differences and divergences, and from there articulate a vision with which we do not have all to necessarily agree. The multiplicity of perspectives articulated during these speculative exercises contributed to making explicit one possible vision, as well as its blind spots.

6 See https://www.wakandadreamlab.com/wakanda-dream-lab-anthology

Our speculative approach is also in dialogue with Afro-futurism and black feminist approaches (Butler 1993, 1998, 2000; Davis 2018; Gumbs 2020, Imarisha & Brown 2015; Lorde 1981) who teach us about hope in difficult times, and the importance of eschewing singular answers to the problems that besiege us. Butler's magisterial *Parable of the Sower* and *Parable of the Talents* (1993; 1998) reveal how wounds from the past do not disappear but need to be collectively addressed. At the same time, these books don't leave us drifting in a dystopian world, full of sorrow and impossibilities: they make us responsible for creating collective futures, and for imagining better worlds. Bringing this approach into our speculative movement led us to think about a kind of hope that seems bitter at first sight because it denies the possibility of a saving answer that shall bring us a perfect future, full of joy. In the words of Angela Davis (2018) "freedom is a constant struggle."

When thinking about the futures of ayahuasca, this enabled us to address the complexities and tensions that surround ayahuasca, without bracketing off the profound impact of colonialism, appropriation, extractivism, racism, power abuses and gender violence. It enabled us to look at the overlapping encounters of "city", "forest" and "lab" without overlooking the impacts of capitalist proprietary regimes, psychedelic corporatism, the medicalization and psychologization (Peluso 2016) of ayahuasca, particularly for Indigenous peoples and territories.

For us, holding complex encounters necessarily implies bringing tremendous care to the ways that holding space for this complexity enables past and ongoing forms of violence to be present, to be spoken, and to be heard (Tuhiwai Smith 1999). In this process, we came to understand one of the specificities of our project as placing the focus not only on the encounters themselves but also on the multiple challenges that arise when attempting to hold these encounters in all their complexities and unevenly distributed legacies of harm and hope. Thus "care" came to define not only the object of our speculative design (as in ayahuasca care spaces) but also the main orientation that transversed our discussions and approach to holding space for the discussions that took place.

EXPERIMENTS IN SPECULATION

1. MOVING-WITH AS AN EMBODIED IMAGINARY PRACTICE

Our first collective experiments with speculative practices included the use of tarot and oracle decks (such as Kim Krans' Archetype deck) and the adoption of bodily and experiential practices. During one in-person team event, Piera Talin led a practice inspired by the Social Presencing Theatre (SPT) developed by Arawana Hayashi.[7] This exercise cultivates the develop-

7 Social Presencing Theater (SPT) is a methodology developed for exploring emerging future possibilities. It uses simple body postures and movements to dissolve limiting concepts, access intuition, and make visible both current reality, and the deeper – often invisible – leverage points for creating change. https://arawanahayashi.com/spt.html

ment of an embodied awareness of one's own limiting conceptions and invites transformation, resonating with the Afro-futuristic approaches that guide our way to imagining change.

In a very spontaneous and experimental way, the group decided to try one of SPT's main exercises. In the first phase, we identified core concepts that we wanted to explore through this embodied, relational exercise. These were: plants, care practices, patients, infrastructure, and Future Ayahuasca Care Spaces (FACS). Each person in the group then "embodied" one of the concept-roles and was first guided to briefly ground and connect to the chosen concept, before beginning to move with/as it, in intuitive interaction with the other people-concepts in the room. After some minutes of intuitive movement, the conductor invited everyone to freeze into a first position - or statue - that symbolized the stuck aspects of the concept or situation. After each person-concept had verbalized their experience as the concept, the conductor invited the people-concepts back into movement in view of shifting the dynamic before coming to a second moment of stillness and sharing. Although this is an apparently simple exercise, it generated much emotion and a novel form of embodied and dynamic understanding that surprised all the participants. The ensuing discussion enabled the group to identify many points about the process of organizing a Future Ayahuasca Care Space that prior discussions had not allowed us to see.

During the debrief the person embodying patients shared that they were looking for something, for hope, and had felt that the coziness and welcoming that other members of the experiment displayed was vital to their feeling of trust in this experience of vulnerability. This opened an important discussion around the centrality of the patient's perspective in the future ayahuasca care spaces project, of holding space for differences, and the challenges that ensuring this entails. The person embodying plants had remained at the periphery of the group, expressing that they found it hard to come into the space. At one point the person embodying patients approached the person embodying plants, making contact. Plants then expressed that they had felt that this invitation was transformative for their capacity to come into relation. In the debrief they shared: "You needed hope, and you came. I felt despair in you, and I felt I could enter this human space to give you help. Your contact and situated me, otherwise the margins of the space felt better."

The person embodying care practices shared that at the beginning of the exercise they were very in their head and that it was hard to let go. This led to a discussion about the tension many ayahuasca healers and practitioners mention between having mental knowledge and - simultaneously, if contradictorily - being intuitive and embodied in the moment of providing care. "Care practices need to be embodied," nodded another participant. "Yes, for sure your feelings of being too much in your head are reflecting something that is in the field, which is being expressed through this practice."

During the second movement, the person embodying infrastructure began to move objects around the room, creating a cozy spot with pillows. The person embodying patients

layed down on the big pillows and was joined by the person embodying care practices. "Infrastructure" continued their intense activities, bringing a vase of flowers from the garden outside to provide "company" to the person embodying "plants", who remained at the margin, but started to come closer to the rest of the group in the second phase. Later, the person embodying infrastructure shared their hectic urgency to do something, perceiving as very human their efforts to bring pillows to the space. During the exercise, they wondered: what are the equivalents of pillows for plants? What can make plants feel fully welcome in this space, in the way pillows clearly helped the patients to? This enabled them to feel very clearly how narrowly human much thinking about ayahuasca care spaces is and to ponder how room could be made for more ecological renderings of inter-relation in which gardens, the earth, compost, the flow of water and a living, breathing forest infrastructure could be an integral part of the container. Even as they dashed to bring flowers to the altar in view of inviting the person embodying plants in closer, they realized what a jarring gesture this actually was raising all sorts of insights about extraction and the right relationship from the perspective of plants, which in this exercise, were embodied by a human, making their "experience" easier to connect to. This exercise moved our perspectives on the future ayahuascas project in powerful ways because it created the conditions to use embodied intuition to clarify assumptions and see aspects of the question that we were not accessing prior. We suggest that employing this kind of tool also points out the "border zone" character of this process, present in our attempt to go beyond cognitive and rational biases, activating other important dimensions in the process of producing knowledge, such as the body, intuition, and creativity.

2. FUTURE AYAHUASCA CARE SPACES ENCOUNTERS

The next step for our collective involved building, designing, and imagining the Future Ayahuasca Care Spaces encounters.[8] At this stage of the process, our objective was to bring together perspectives from academia (acknowledging and holding space for the different epistemologies and methods of social and natural scientists) and from the varied worlds of neotraditional urban ceremonial practice. This framing, which corresponded more to the concerns arising in the academy and amidst certain of our urban interlocutors already engaged in conversations with the academy, was perhaps less relevant to our Indigenous collaborators who politely declined our invitation. We acknowledge here the fact that these conversations are limited in scope given the lack of Indigenous participation. However, several participants, and we as a group holding space, did conscientiously bring questions concerning the impact of future developments for Indigenous practices to the discussions. We are currently working on analyses of this aspect of the discussion which - for reasons of length - we have chosen not

8 Due to COVID-19, we began these encounters with a series of online conversations aiming to test this ongoing and open-ended speculative framework.

to address head-on here. Our first steps in this experiment involved finding a balance between building the parameters and the framework for this conversation to be even possible; imagining, organizing, and preparing the online meetings, crafting the invitation, defining a list of guests, designing the format for the events themselves and then hosting them and collecting feedback. We learned that it is difficult to differentiate between these aspects of the exercise because imagining and designing this space of encounter is already a speculative process.

During the whole process, we oriented toward building spaces that are safe and welcoming for all participants, how to take care of the experiences and emotions that emerge from these exercises, how to remain ethical and respect and welcome the multiplicity of perspectives we invited in. In the early phases of our process, we spent a lot of time discussing what we were then calling the parameters for the conversation. These parameters were imagined as a way to create a more open-ended and symmetric framework, which would allow us to shift our discussions from what is "right" or "wrong".

The first parameters we set included building a non-hierarchical group; finding ways to underwrite common forms of expertise claiming (such as by medical professionals), trying to create an exercise without winners or losers; and imagining abolitionist futures, without prisons or armies. Another important parameter involved displacing narratives centered on a "magic bullet", in a unique solution, and heroic figures. Our preparation included imagining ways to deal with this respectfully but firmly in the space and debriefing in the process the situations where these patterns show up in our ethnographic work.

A core parameter for us, as a team, was foregrounding a transformative justice framework (Dixon and Piepzna-Samarasinha 2020), by which we meant to commit to modes of transforming past mistakes and violence. The transformative justice approach helped us tackle a central issue present in the heterogeneous ayahuasca field (as well as in broader: read Global North psychedelic settings): abuse. Abuse points to power, and more specifically to sexual abuse, a discussion that has considerably increased and gained visibility in the ayahuasca field over the last few years (Echazú and Benedito, 2020). Debates regarding abuse and ayahuasca span different settings, including the ayahuasca religions, contemporary shamanic networks, and clinical trials (Peluso 2020).

We defined a series of questions that we offered up for discussion and reflection to the participants of our online speculative encounters. These included: In the future, what cannot be missing from ayahuasca care spaces? What cannot enter these spaces? What are the necessary steps for us to get there? How is the world around this space? Are there States? Is there capitalism? What is happening in this world? What is the architecture of this care space? Is it located in a city or a rural area? Does it have plantations and/or gardens? Where do the plants come from? What is the place and role of plants? To which point is this care space centered only on humans? Is it a community, a place where people live in? Is it a clinic, a place where people go when they are ill? Or is it something else? Who is responsible for

care? Who are the practitioners? Who is being taken care of? Which are the care practices? Who has access to this space? Which kind of knowledge is recognized in it? How are the costs distributed? How does money flow? Is there money? How are decisions made? Is there a hierarchy? How is daily labor organized? Who cooks and who does the cleaning?

For our first trial, we hosted two online encounters of around three hours each with mainly the same participants.[9] These encounters were divided into three main moments: an opening that presented the speculative process, and our initial questions, followed by a brief circle during which participants introduced themselves. In the second phase, we divided the participants into breakout rooms, where smaller groups undertook the process of imagining a future ayahuasca care space. Finally, we all came back to the main room, and participants shared the main points from their speculative processes and experiences before we closed. Our second encounter aimed to deepen the speculative process since we had already introduced our proposal to the group and had begun this imaginative exercise. We also organized a closure meeting in which we presented this paper and invited comments and feedback on the process and our preliminary analysis from the FACS participants.

WHAT WE LEARNED:

1. DECOLONIZING IMAGINARIES

Speaking to the emergence of diverse Afrofuturist imaginaries, Eshun (2003: 289) argues that power functions through the

> envisioning, management, and delivery of reliable futures. In the colonial era of the early to middle twentieth century, avantgardists from Walter Benjamin to Frantz Fanon revolted in the name of the future against a power structure that relied on control and representation of the historical archive. Today, the situation is reversed. The powerful employ futurists and draw power from the futures they endorse, thereby condemning the disempowered to live in the past.

Science Fiction, he argues, is "a means through which to preprogram the present" (Eshun 2003) by "engineering feedback between its preferred future and its becoming present." Mainstream Hollywood-sanctioned versions of the future can be read as "product-placed visions." It thus becomes evident why it is so important to hack these visions. "Whenever we try to envision a world without war, without violence, without prisons, without capitalism, we are engaging in speculative fiction. All organizing is science fiction" writes Walmidah Imarisha in the "Introduction" to the feminist, women of color science fiction anthology *Octavia's Brood* (Walidah and brown 2015) which honors the legacy of black science fiction writer Octavia

9 Aside from the Healing Encounters team, a total of 11 people took part in the meetings. Of these, four were academics (two from the social sciences, one from psychopharmacology and one from bioethics) and six were ayahuasca practitioners, including regulars and facilitators of rituals in Santo Daime churches or other ayahuasca centers.

Butler. Noting that the authors gathered in the anthology all come from communities marked by deep collective trauma, she invites them to think of themselves as "science fiction walking around on two legs: Our ancestors dreamed us up and then bent reality to create us." (Walidah and brown 2015:5) *Octavia's Brood* offers up the term "Visionary fiction" to refer to speculations that are concerned with displacing dominant narratives of power in view of building freer, fairer worlds, ones orientated toward justice. As Walidah notes in the introduction:

> (...) the decolonization of the imagination is the most dangerous and subversive form there is: for it is where all other forms of decolonization are born. Once the imagination is unshackled, liberation is limitless. (Walidah 2015: 4)

In an article that examines why it is so difficult to think of new possible worlds, future theorists Maarten Hajer and Wytske Versteeg note that the problem is not awareness, but breaking out of existing patterns. They conclude that current imaginaries "are almost all corporate and focused technological innovation" (Hajer & Versteeg 2019:131). This resonates with trends we observe in global psychedelic forums where the future of psychedelic care spaces is being assiduously defined – through intensive investment and marketing – by corporate interests in the pharmaceutical, and silicon technology sectors. An example of this was the Wonderland Miami conference, dubbed by its organizers "Microdose" ("your guide to the business of psychedelics") as the "biggest" psychedelic event in history. One commentator humorously spoke of this event as psychedelics entering their "corporate trade show phase".[10] The event included sessions such as "Psychedelic Capital Live" in which entrepreneurs were given "an opportunity to pitch six venture capitalists in front of a live audience." As well as panels such as "Patent Wars: Is the corporate domination of the industry a significant threat or an opportunity to decrease the stigma and take psychedelic medicine into mainstream healthcare?" or "Finance and Psychedelics: Can consciousness and capitalism coexist?"

In a context in which it is estimated that over 90% of the costs of psychedelic interventions will be "therapists' compensation" (Marseille *et al.* 2020), there is a rush to develop Apps or AIs to replace costly human presence. Integration Bots or VR programs are being developed to support future patients in their "integration" (see Noorani 2021 and Sanabria & Tofoli, 2024). Showcased at Wonderland (according to Microdose news reporting) was AnchoringVR, by Enosis Therapeutics[11] which "allows for open and interactive integration of psychedelic trips and experiences"… Right now, AnchoringVR offers the service via a subscription model to clinics and therapists. Will they ever go direct to the consumer, for private trip tracking? While possible, it's unlikely – the high cost of the VR hardware itself slims the potential market down significantly, keeping Enosis Therapeutics firmly rooted in the B2B side of the business.

10 More about it here: https://www.lucid.news/wonderlands-psychedelic-corporate-rabbit-hole/

11 More about it here: https://www.enosistherapeutics.com

2. CRITIQUE IS EASIER THAN IMAGINATION

One of the things that we have learned in this process is that it is far easier - or at least more available to us, and those we have been in conversation with - to analyze and critique than to imagine otherwise. What we collectively learned was how deeply our imaginaries are constrained by the current conditions, by narratives of modernity and teleological timeframes of futurity (Andreotti 2021).

We suggest that this propensity to critique and analyze is itself a symptom of the colonization of our imaginations. It indicates just how strongly schooling and academic training constrains the imagination. The practices that we facilitated are all experimental, emergent, and open-ended, yet they took place - or were held - in a space that was, at least partially, recognized or identified as academic. No matter how much we attempted to create parameters and framings that broke with these constraints, the event was still associated by our participants with an academic space, a function of the different profiles gathered (some practitioners, some scientists, some social scientists, all participants), perhaps the University Zoom link or simply the invitation that emanated from a research project.

Further, we invited the participants in our online encounters to open up and share their fears, hopes and emotions. This invitation brought up ambiguous feelings and responses: while some people felt uneasy, most felt safe, reassured, and gave us very positive feedback regarding their experiences. The reluctance and reservation expressed by a few participants suggested that the speculative premise of co-laboration and co-re-definition requires trust and openness, which are often sorely missing in academic settings.

In these complex times of digital social mediation - where platforms such as Facebook, Twitter or Instagram intensify, speed up and shape content deeply - different visions of ayahuasca practice are actively promoted, normalized, called out and publicly taken down. Sharing one's position - even offline - is fraught, as the echoes of social media storms resonate in everyone's field of awareness, storms that no simple, black-and-white response or stance could possibly quell. We found that this intensifies an environment that makes people feel that they should always say the right things, and give the right answers, cutting off the important process of building, making mistakes and taking path turns.

The academy is often a competitive, violent, and excluding (white, masculine, cisgender, heterosexual, normative) space. This point brings us back to the border zone and emergent features of our speculative movement. As we have seen, on the one hand, this movement is inserted in the academic framework, since it is part of a recognized (and publicly funded) research project. On the other hand, this whole speculative process is also part of a broader attempt to shift and change the academic settings from their borders (Flores 2020). Thus, we suggest that building a multiple and diverse space of dialogue can help us to displace our own "academic" perspectives. We acknowledge the violence and the hegemony of academic

knowledge and at the same time, we attempt to expand the fissures and cracks present in these spaces. Further, we intend to center care also in our academic and research practices, cultivating values such as trust, cooperation, and co-laboration. We suggest that this speculative gesture does not fit exactly in the existing academic frameworks, inviting us to shift and expand them. It enables a creative space of emergence and undefinition from where we may contribute to building otherwise paths for research and knowledge production.

3. FACILITATING A MULTIPLE NARRATIVE IS CHALLENGING

One of the main tensions that emerged from these speculative experiences was between telling a story of a possible future and holding the multiplicity of visions and perspectives present in the group. Several participants shared their understandings of homogeneity as violent and oppressive, an important perspective that fed our proposal of not attempting to produce a consensus. As one participant shared in the feedback session: "I find it interesting that ayahuasca is multiple, subjective, non-linear and asks for this to be the way she is seen…. You bring this vision of ayahuasca within academia, and this is a very interesting dissonance." Another participant felt that the event had marked them by the way it explicitly "questioned the monocultures" of ayahuasca.

In this sense, a key learning that we take away from this experience has to do with the challenge of holding multiple voices and crafting a narrative that is neither a singular narrative nor the sum of all the perspectives.[12] Although we were clear to state that the objective was not the creation of a singular Future Ayahuasca Care Space, but rather an exploration of multiple possible future care spaces grounded in joy, pleasure, and transformative social justice, a lot of the discussions in the online collective speculative exercise circled around the violence of a single narrative. In the parameters that we had drafted, we had tried to make it explicit that the objective was to collectively build and imagine otherwise possible futures, without entering into discussions about what is "right" or "wrong", or aiming to tell a unique story. Nevertheless, something about the structure of the event or the list of questions led to a process that ended up being more in the style of consensus-building.

The nuance that this ambiguity helped to clarify was between drawing on the diversity of perspectives brought together to produce one unified narrative of the future (a plurality perspective) and drawing on the diversity of perspectives brought together as a resource to help elucidate all the implications and facets of a given narrative of the future (which we will call a multiplicity perspective). The nuance we are trying to highlight here is that the objective we were pursuing was not to achieve a common view of the desirable future of ayahuasca care spaces. Perhaps it was our emphasis on "building desirable futures" that led to this equivocation. Maybe it was the list of questions we presented to the participants - shared in section 3.2. What we take away from this is that in future events, it will be important to emphasize that

12 On the difference between the multiple and the plural in the context of the "world" ayahuasca conferences, see Sanabria (2021).

the objective is not to have all perspectives represented in a vision (a plurality perspective, in which the different perspectives make up a whole) but rather for the diversity of perspectives to help all the aspects of a vision become more clearly articulated, including the blind spots and otherwise unthought aspects that bringing different perspectives together help shed light on.

Our intent in bringing together a multiplicity of perspectives was to draw on the range of expertise and experience gathered to help make explicit the world being imagined: so that those focused on therapeutic mechanisms might be invited by others to consider how money flows and ownership works, or those with a focus on access and intersectionality might be pushed further to think about the architecture of the space or its location. In this sense, the objective was not for the differences in the space to cancel each other out, but rather for them to become starting points. We also wanted to trouble the obvious differences in order to get beyond a situation in which people are speaking on behalf of their identities (for example as the spokesperson for blackness, for women, for trans and nonbinary identities, for this or that religion, for a disciplinary perspective or a specific form of therapeutic expertise).

Creating space for these changes of perspectives to take root in such a diverse group of participants requires a tremendous amount of care and time. The logic of academia, with its focus on outputs and finished products, can make it challenging to recognize these slow, iterative processes, and the labor required to undo certain patterns before new patterns can settle in.

4. HOLDING SPACE IS A FORM OF CARE

During our exercise, we experienced the fact that holding space is a form of care and that caring demands listening, openness to accept the unexpected, to change, and the ability to hold a wide array of emotions. Welcoming people from different backgrounds, such as from the ayahuasca religions, Afro-Brazilian religions, spiritual healers, and biomedical or social science researchers, challenged us to hold space for different truths, and different positions regarding what is right or wrong. We strove to address these concerns in a caring and respectful way, without erasing the feelings generated in the participants and in us, as facilitators of the process.

One of our team members used his experience studying gender within Santo Daime (Benedito, 2019) to point out how emotions such as anger are often silenced by communities in search of homogeneity, erasing dissonant bodies and experiences. It is a religious way of creating the spell of truth and maintaining hierarchical power relations that subject non-white, non-heterosexual, and gender-nonconforming people. Bueno and Benedito (2024) propose that Christian ayahuasca religions, such as the Santo Daime and União do Vegetal, and universalistic new age ayahuasca centers, often draw sacralized readings of homosexual and transgender people's bodies and experiences to marginalize them as spiritually degenerate, subjecting those people to homophobic and transphobic notions of their existence.[13]

13 This scenario was also analyzed by Silva's (2020) work on the (im)possibilities of the transmasculine experience in Santo Daime.

To address these issues in our collective framework, the project has drawn on critical gender studies (Leite Jr. 2011; Favero 2020; Preciado 2020), and specifically invited members of the LGBTQIA+ community to share their expertise in nonheteropatriarchal forms of care.

One participant shared her dream that ayahuasca care spaces (and society more generally) overcome the imposition of gender binaries, welcoming a multiplicity of bodily and gender experiences and nurturing a space where LGBTQIA+ persons can feel safe.[14] Another participant emphasized the importance of diversity in healing spaces, pointing out the need for the future to encompass a range of ayahuasca care spaces. However, according to her, people will need to be able to meet and respect this diversity of knowledge and perspectives. This speaks directly to Preciado's call that we become "capable of accepting gendered and sexual subjectivities as open processes, not as closed identities" (2022: 199). The conversation which unfolded in this break-out room touched on the coloniality of the heteronormative and cisgender ideal, often upheld tacitly or explicitly in existing ayahuasca circles, and pointed to a horizon of hope where the reality of diversity beyond closed identities can be met.

CONCLUSIONS

The Declaration of the fourth Indigenous Ayahuasca Conference opens thus: "We affirm that Ayahuasca is the connecting thread of life, an ancestral knowledge that has resisted colonization and remains alive in the culture of various Indigenous peoples, its guardians since time immemorial. We emphasize that the Indigenous teachings are an inspiration for the changes needed to protect life on the planet and to revise the very idea of humanity." In this sense, the care that Indigenous communities have devoted to maintaining this source of more-than-human knowledge is the tangible manifestation of collective forms of speculation against all odds. In a similar vein, UMIYAC, the Colombian Union of Yagé (as ayahuasca is known in Colombia) Indigenous Practitioners offers an extraordinary example of manifesting a collective speculative vision within a war-torn country marked by violent extractivism, narco-traffic and intense discrimination against Indigenous communities. Building on decades of community engagement and dialogue, UMIYAC envisioned a response to the humanitarian tragedy of armed conflict in which yajé ceremonies are adopted to support communities to heal from the scars of war. UMIYAC organizes "Spiritual Health Brigades" to promote peacebuilding within communities and address "the tragic legacies of killings, disappearances, confinement, displacement and dispossession" (Evanjuanoy & Vitale, 2020). These cursory examples reveal the speculatory potency of Indigenous thought and existence, something that echoes what Indigenous scholar, activist and artist Daiara Tukano (2023) names cosmopotência or cosmopotency, to refer to the way that (Indigenous) actions and

14 To fully appreciate this point, it is important to note that many religious ayahuasca settings clearly demarcate spaces or activities for men and women in their rituals.

thoughts "create the universe." These cosmopotent speculative lessons are essential teachings for envisioning the future of non-Indigenous ayahuasca care practices.

Ethnographic field situations are always inherently complex, traversed by power, tensions, and ruptures in scales and ontological registers. Holding the multiple dimensions of any ethnographic situation requires a lot of care and intuition (Olson & Peterson, 2024). Our use of the speculative research practices described here seeks to address some of the challenges of holding complex encounters. It is an attempt to stay in respectful relationship with our interlocutors who are oftentimes friends, sometimes mentors and teachers, people we are learning from in each site. It is also remaining accountable to a practice of "science" while reclaiming it from its corporate, reductionist, colonized forms. Doing so, we found that grounding our approach in Afro-American and transfeminist genealogies requires an attention to power that is more than skin deep, that is attentive and responsive to affective registers, to legacies of trauma and erasure, to questions of safety (physical and emotional), particularly in a context that seeks to dream the futures of care into being.

In the spaces we collectively held for and with each other, supported by the principles of deep listening, honoring and the transformative ethos of being moved by each other (rather than speaking over each other with opinions in a more or less consensual argumentative process) we became aware in new, more embodied and responsive ways, of the different experiences and visions of the world we carry. There was discomfort and joy in this. A sense of something transformative tightly coupled with a sense of disorientation. The feedback we got and the feeling we carried away from these practices as a team was of lightness and possibility. What mattered, in the end, was less the version of the world we made, and more the process of co-listening and co-creating that could get us to any possible world. In many ways, the greatest obstacle to building the worlds we dream of - in place of extractivist, neo-fascist, heteropatriarchal racial capitalism, is the lack of opportunities we give each other to settle into the tender, vulnerable, slow labor of co-constructing and co-consenting. As a team one of the most transformative aspects of this work was deepening - in experiential and embodied, rather than a cognitive way - our self-awareness - that is a greater awareness of our positionalities, assumptions, biases, shadows, roles in interpersonal dynamics, and learning to meet these, collectively, with compassion and rigor, as we oriented towards making a safe space for all to show up and share their vision.

Received: April 8, 2024.
Approved: October 23, 2024.

Data Availability Statement

Most of the data supporting this reflection are based on various collective experiments involving the use of speculation as a method in anthropology. Therefore, due to the ethically sensitive nature of the data, and in accordance with the procedures of informed consent adopted in the grant, the data are not made open access. Some of the information presented in the text are based on sources available online, with links provided in footno-

tes throughout the article. Among these sources, we highlight in particular the following websites: Indigenous researcher and activist Daiara Tukano (https://www.daiaratukano.com/), Indigenous Ayahuasca Conferences (https://ayahuascaconferenciaindigena.org/), and Afro-futurist speculative project Wakanda Dream Lab (https://www.wakandadreamlab.com).

Author Contributions

All authors of the text participated equally in the research, the speculative experiments involved, and the writing process. We emphasize the shared nature of this reflection and writing process, as well as the fundamental collaboration of the participants in our collective encounters to imagine future care spaces with ayahuasca..

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ARTICLE

Facing Shootouts: WhatsApp's role in Producing and Circulating Know-How for Dealing with Armed Confrontations in the Favelas

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Abstract

This article demonstrates how living under siege and the constant threat of gunfire creates a scenario where the dwellers of the Cidade de Deus favela, through available technologies—particularly WhatsApp—develop and refine a collective survival knowhow. This knowhow involves both the ability to predict the occurrence of shootouts, given their virtual omnipresence, and the skills to deal with the situation when it occurs. To understand how this knowhow is both collectively produced and shared, we turned to an analysis of two WhatsApp groups used by favela dwellers during the first semester of 2023. The message exchanges analyzed in WhatsApp groups reveal a continuous cycle of surveillance and response that goes far beyond simply sharing information. They represent and present a continuous collective effort to interpret signals and make decisions in situations of imminent risk. This process is dynamic and adaptive, illustrating a form of collective learning achieved and manifested under extreme conditions.

Keywords: Violence; Crossfire; Inquiry Process; Favela; Rio de Janeiro.

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e00508
https://doi.org/10.1590/1809-4341.2025v22e00508

Enfrentando tiroteios: o papel do WhatsApp na produção e circulação de saberes para lidar com confrontos armados nas favelas

Resumo

Este artigo demonstra como a vida sob cerco e sob constante ameaça de tiros produz um cenário no qual os moradores da favela Cidade de Deus desenvolvem e aprimoram seu knowhow de sobrevivência através de tecnologias. Esse conhecimento envolve tanto a capacidade de prever a ocorrência de tiroteios, dada sua onipresença virtual, quanto as habilidades para lidar com a situação quando ela acontece. Para entender como esse knowhow é produzido e compartilhado coletivamente, recorremos à análise de dois grupos do WhatsApp usados por moradores de favelas durante o primeiro semestre de 2023. As trocas de mensagens analisadas nos grupos do WhatsApp revelam um ciclo contínuo de vigilância e resposta que vai muito além do simples compartilhamento de informações. Elas representam e apresentam um esforço coletivo contínuo para interpretar sinais e tomar decisões em situações de risco iminente. Esse processo é dinâmico e adaptativo, ilustrando uma forma de aprendizado coletivo obtido e manifestado em condições extremas.

Palavras-chave: Violência; Tiroteio; Processo de investigação; Favela; Rio de Janeiro.

Knowhow in the Crossfire

Palloma Menezes; Diogo Silva Corrêa; Giovanna Monteiro-Macedo

INTRODUCTION

5 a.m.

Wow, there's a lot of gunshots here!!!!!!!!

I don't understand these gunshots out of nowhere, a sequence of gunshots

Wow guys, what a phase we are going through

It's complicated man

I was going to throw out the trash right when it started

Be careful; there are people on the streets

Bope just arrived

And that question comes. When is it going to stop? Will it stop? Oh, Lord!!!!!

Here in *Pantanal* it's quiet. I'm not hearing anything

Bope where ??

Bope where guys?? (...)

6 a.m.

Police operation

Where?

13 around *Tijolinho* [regions of the favela]

My niece came home shaking

They are inside and outside the favela

Gunshots in the apartments (...)

9 a.m.

Good morning. How is the *ap* [area in the favela Cidade de Deus]?

Does anyone know if it is ok? I want to go to work

15 has a lot of police

There is a lot in *base 7*

Close to the family clinic

Looks like there will be no school

There's a drone right here at my window (...)

10 a.m.

Good morning! We will not have school in the morning. Police officers inside the School building (...)

12 noon

Now it's every single day

Jesus!

Tell me about it, I had to call a moto-taxi to bring me to Pechincha [neighbourhood next to the favela] to catch the 610 [number of the bus line] and not be late for work. Because if you were to wait for the 611 [bus line] you would be f***ed

Still, I'm praying to get there on time

It's very complicated

We stayed back

Because we don't know what can happen

The fear of being shot is huge

They said that the boy they took to the car had a radio and they shot him to kill him. They spoke to the family members who went there to try to get him out of the police car, [they told the family] that he was lucky the shot didn't hit him. (...)

1 p.m.

Good morning. I heard that there are two dead bodies in front of Vila Carioca in the bushes; they must be on the edge of the canal. Is that right?

Is it true?

How does someone learn to deal with a shootout? How does someone try to get information to know how to act in a situation where the shootout starts "out of nowhere" as mentioned in the excerpts above exchanged in a WhatsApp[1] group of a favela, named Cidade de Deus (City of God), located in western Rio de Janeiro, on February 10, 2023? Those questions may not make sense for those who never witnessed a shootout or for someone who doesn't even have to worry about the chance of needing to know how to act during a fire exchange of gunfire, once the possibility of living it is so small that it doesn't even require worrying. However, for *favela's* dwellers in Rio de Janeiro, knowing how to deal with shootouts is a mandatory skill in everyday life. But how does one acquire knowhow in the crossfire? More than that, how do you learn to cope in a context where shootout is always on the horizon? What kind of skills and knowhow do people develop in order, at first, to deal with the virtual omnipresence of shootouts and, secondly, with shootouts when they do happen? These questions guide our inquiry and ground the article's main contribution: to show how favela dwellers collectively transform WhatsApp into a space of inquiry, producing and circulating practical knowhow that enables them to navigate chronic violence.

As Hirata and Grillo (2019) pointed out, the most common representation of Rio de Janeiro at national and international levels nowadays is that of armed conflicts between policemen and

1 WhatsApp has become widely adopted in all segments of Brazilian society1, profoundly influencing everyday communication practices. According to recent data, WhatsApp is installed on approximately 98% of smartphones in Brazil, confirming its widespread adoption across all social groups. See Mobile Time & Opinion Box (2023).

armed traffickers. This representation was built over several decades. Throughout the 1980s, the drug trade in the *favelas* became associated with a high volume of violence, uncommon in other large cities around the globe (Misse 2006). Since the 1990s, "urban violence" in the city of Rio de Janeiro has been debated based on the "metaphor of war" (Leite 2000).

> The frequency and intensity of armed conflicts between drug dealers and the police, as well as the competition among drug factions for the control over territories in Rio de Janeiro, has no parallel even in other large Brazilian urban centers like São Paulo. It is noteworthy that other Brazilian cities show much higher homicide rates than Rio; São Paulo itself was very violent in the 1990s. However, it is in Rio de Janeiro, a city torn between the favelas and the asphalt (Ventura, 1994), that the 'metaphor of war' (Leite, 2000) became the rule of thumb to explain urban conflict. Assuming that a war is indeed under way, the advocates of this perspective defend the use of lethal police force in the favelas and against their dwellers on the pretext of fighting drug trafficking. (Hirata & Grillo, 2019)

The representation of social conflict in Rio de Janeiro as a war (Leite 2012) has as its central mechanism the so-called police operations carried out, mainly, in *favelas* "dominated" by drug dealers. Given the sedentary nature of local drug trafficking structures, state public security policies, as pointed out by Misse et al. (2013), tended to centralize their strategy in the punctual confrontation of dealers, aiming to make, with variable regularity, the arrests and seizures of weapons, money and narcotic material. Even when conducting investigations based on informants and wiretapping, police raid operations on favelas are necessary for the execution of search and seizure warrants. And when these operations begin and the police enter the favela territory, confrontations between police officers and dealers almost inevitably occur.

These confrontations often generate, as "side effects", deaths that are not always accidental. This is because, in this type of police action, extermination ended up becoming one of the strategies to defeat the enemy, since "easily" is "admitted that exceptional situations - war - require measures that are also exceptional and foreign to institutional and democratic normality" (Leite 2012: 379). It is possible to say, therefore, "the police have increasingly adopted a policy of extermination" (Misse 2011: 19), in which the death of traffickers by police during operations carried out in favelas is not only tolerated but also desired and awarded.

Because of this configuration, the routine of the *favelas* in recent decades has become constituted by the virtuality of contexts of violence that can erupt at any time in these territories. The threat of violent demonstrations to the routine of the population living in favelas results from the inescapable territorial contiguity with armed groups linked to the illegal drug trade and the coexistence with the unpredictable and almost always violent actions of the police and militias[2]. The proximity between these actors causes in the populations that do not live in favelas a great distrust in relation to the *favelados*.

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2 In Rio de Janeiro's context, "militia" refers to paramilitary groups mostly composed of police officers, former police officers, and other security agents. These groups control territories within favelas through the extortion of residents and exploitation of local services, under the pretext of combating drug traffickers.

Living in such circumstances generates what Machado da Silva e Leite (2008) call "life under siege", that is, an experience of socio-territorial and political confinement that causes in favela dwellers an intense concern with violent manifestations capable of disrupting the continuation of their routines and hinder the public manifestation of their demands. This experience is produced by "events out of control, in degrees and intensity much greater than those that reach the entire population of the city, equally overwhelmed by violent episodes that repeat without ceasing" (: 35). And one of the unpredictable events that most destabilizes the routine of the Rio population, in general, and that of favela dwellers, in particular, are the shootouts.

Cavalcanti (2008) suggests that the constant possibility of eruption of shootouts was one of the structuring principles of the phenomenology of everyday life in the *favelas*. This is because the expectation of crossfire causes a constant concern among its dwellers; it largely affects the mobility of this portion of the population and also impacts the favela's own built space, through constant efforts to ensure safe places. It is possible to say, therefore, that the potential exchanges of shots have a central role in the way fear and uncertainty related to "urban violence" are experienced by dwellers of favelas in Rio de Janeiro.

Although the intensity and frequency of the occurrence of armed conflicts can vary enormously depending on the *favela* where the dwellers live in Rio de Janeiro and the context of each moment, it's rare to find someone who was born and raised in any Rio's *favela* who has never had to think about how to handle shootouts in their daily routine at some point in their lives. The recurrent experience in situations of armed conflict allows dwellers of favela territories a collective learning, both with regard to the interpretation of signs or indications that may indicate the occurrence of a shootout and how to deal with the situation as it happens.

As observed by Menezes, Cavalcanti & Monteiro-Macedo (2024), the experiences of shootouts in the city of Rio de Janeiro generates forms of inhabiting the favelas marked by constant uncertainty. In an attempt to deal with the risk of losing their lives that a sudden shootout can generate, dwellers of these territories need to undertake recurrent inquiries aimed at gauging or reading the favela's climate or the atmosphere (Menezes, Cavalcanti & Monteiro-Macedo 2024). In dialogue with this perspective, in the present work we take as a starting point the moment of the shootout as an "indeterminate situation" (Dewey 1938) experienced by favela dwellers of Rio de Janeiro in which any false step can put their lives at risk. These actors are faced with an indeterminate situation and therefore have to start an "inquiry process"[3] (Dewey 1938) wherein they sought to define and understand the situation in which they are living. Cefaï (2013) describes this process, indicating that:

> When an ordinary situation goes through such a crisis, the participants abandon their usual regimens and develop a reflective experience. They identify the elements that bother them, seek

3 In this paper, we use the term "inquiry" in the sense proposed by Dewey (1938), meaning a collective process of questioning and defining an indeterminate situation. We explicitly avoid the meaning of formal police or criminal investigation.

> out the causes and effects, express concern about the disturbance and examine the social significance of their actions. They argue, they reason, they complain, they educate, they investigate, and they warn the public. The felt disturbance is converted into a problem. (Cefaï 2013: 11)

When we say "inquiry process", we refer to the set of actions and reflections demonstrated by dwellers caught in an objectively indeterminate situation during crossfires in favelas. During this kind of "inquiry process" there is a division of labor. Individuals' contributions vary according to the nature of their involvement in the situation and their relationship with other participants. Each participant may occupy a different role in this "inquiry process". The primary objective is to filter information and construct a collective interpretation of an indeterminate situation.

The aim of this article is to describe and analyze how favela dwellers in Rio de Janeiro collectively produce a form of practical knowhow through inquiry processes developed in the crossfire. Although extensive research has been conducted on urban violence and police operations in Rio's favelas, this study uniquely foregrounds the collective knowledge generated by residents themselves. By exploring the informal inquiry processes and the practical knowledge produced during shootouts, the article demonstrates how residents actively redefine their roles within contexts of violence. Rather than being passive victims, residents emerge as proactive agents who interpret ambiguous and indeterminate situations, exchange crucial information, and collectively manage everyday uncertainties and dangers. This perspective significantly broadens our understanding of local strategies for survival and adaptation in contexts of chronic violence. To understand how such knowhow is collectively produced and shared, we argue that analyzing WhatsApp groups used by favela dwellers provides a privileged methodological entry-point. Given the rapid expansion of contemporary communication technologies and the extensive adoption of smartphones across all social strata in Brazil, WhatsApp groups among favela residents emerge as particularly suitable environments for examining how these individuals think, behave, and collectively interact during armed conflicts. In this study, WhatsApp groups are considered not merely as channels for information dissemination, but also as spaces of collective learning, where knowledge is actively generated and shared through inquiry processes frequently triggered by critical moments such as armed confrontations.

This article is the result of a series of discussions among the authors based on ethnographic research conducted in the favelas of Rio de Janeiro. Previous ethnographic fieldwork carried out in Cidade de Deus (Corrêa 2022; Menezes 2023) allowed us to establish and maintain ongoing dialogue with several favela residents. Through these relationships, one of us was invited to join the two WhatsApp groups analyzed in this paper. We examine messages exchanged in these groups during the first six months of 2023, complemented by informal conversations and private WhatsApp interactions with residents, which further illuminate the current significance of WhatsApp groups in favela daily life. This is the focus of the first part of this article.

Beyond this introduction and some concluding considerations, the paper is divided into four parts. In the first part, we analyze the structure of the two WhatsApp groups from Cida-

de de Deus that we followed during the research. We point out that just as the shootouts are always present virtually in the favela, they also permeate the daily life of these groups and are a constant concern even when they do not happen. In order to show how the dwellers have to learn to deal with the constant presence of armed confrontations, in the second part of the text we highlight how, even before a shootout starts, the dwellers use the groups to read the climate of the favela and try to anticipate when a confrontation might break out. In the third part, we look at dwellers as investigators during the actual moment of the shootout, detailing the different stages that make the "inquiry process" that they develop collectively. In the fourth part of the article, we discuss how, after a shootout, the dwellers exchange prayers, jokes, and banter that serve to relax the group somewhat, but at the same time they continue to map and analyze the effects of the last shootout, knowing that sooner or later the next one will occur.

WHATSAPP GROUPS AND THE PRODUCTION OF KNOWHOW IN FAVELAS

A shooting or a police operation are complex and daily events in the city of Rio de Janeiro. The event, or its virtuality, produces a series of routines that are currently permeated by surveillance technologies and that constitute a way of knowing that is essential for navigating the territory. Police and drug traffickers have been monitoring favelas for a long time, this is not new. Communication strategies such as radios, signaling fireworks, and flying kites have been used for several decades to monitor movement through the favela.

Over time, however, surveillance devices have diversified and intensified. Radios were the virtual monopoly of the police and drug dealers, but now everyone uses cell phones and WhatsApp. Dwellers use them to film police actions and denounce possible abuses. They also share information and images exposing drug dealers on social media such as Facebook and WhatsApp. We understand WhatsApp here as a device for both surveillance and countersurveillance. At the same time as residents are monitored by the police and drug traffickers - and have their phones monitored - they also monitor the favela, its routines, the climate, as well as the police and drug traffickers. The main way WhatsApp is used is to navigate the area during or after a shootout, as we show in this paper.

The importance of using WhatsApp as a research tool is related to its importance in people's lives. In recent years, WhatsApp has become central to the daily lives of Brazilians. With the popularization of smartphones and promotional data packages that made Internet use through WhatsApp free, it became a central tool for communication throughout the country, especially in urban areas[4]. The research establishes the hypothesis that this surveillance and countersurveillance devices can play a transformative role, giving rise to new

4 According to Statista, WhatsApp is widely used in Brazil, with 147 million users, which represents about 99 percent of Brazilians connected to the Internet. This makes Brazil the second largest market for the app in the world, after India. WhatsApp is the most downloaded and accessed app in the country's Google Play and Apple Stores. A survey by Opinion Box showed that 96 percent of users access WhatsApp on a daily basis, solidifying its position as the most used social platform in Brazil.

ways of dwelling everyday life in the favelas. The main focus of this article lies in analyzing the daily use of WhatsApp groups by favela dwellers, as well as the disputes that arise around these groups. By examining those, we seek to understand the context of urban violence that permeates the reality of favela.

The paper thus explores the way in which messages exchanged in WhatsApp groups go beyond the simple exchange of information and are, in fact, vehicles through which dwellers read or interpret the favela's climate and monitor police movements in search of the safest course of action available. In addition to text messages, photos, videos and audio are also shared in these groups, and these elements are also analyzed in the research.

We believe that following WhatsApp groups offers a rich perspective for understanding the production and transmission of knowledge in the favelas. This approach makes it possible to analyze: a) the routine of the favela based on the production and shared knowledge of how to "navigate" the territory on a daily basis; b) the development of more detailed and in-depth inquiry processes in "critical moments", mainly marked by armed confrontations; c) how these groups can acquire political relevance, serving as platforms for organizing demonstrations and denouncing rights violations.

In order to achieve these goals, we analyzed two WhatsApp groups from the Cidade de Deus, a favela located in the western part of Rio de Janeiro. To protect anonymity, we decided not to name the groups. We joined these groups through interlocutors from our previous research in Cidade de Deus and followed them for six months in early 2023.

In the previous study (Menezes 2021), one of us accompanied and analyzed a WhatsApp group of Morro Santa Marta dwellers. The group has over 200 members and engages in a high volume of daily messages, which encompass a range of topics, including local service offerings, issues related to service delivery (such as water and electricity shortages), and discussions on violence in the favelas. The WhatsApp group of Santa Marta employs a configuration where only the administrators can send messages. This measure was implemented with the intention of preventing the dissemination of misinformation or the flow of information that could deviate from the central objectives. However, when a critical situation emerges in the favela, a dweller contacts the administrator to change the group's configuration so that participants can send messages and initiate a debate. The administrator promptly modifies the configuration and disseminates information about the issue to the group. Members of the group are permitted to write freely and send audio, photos, and videos. This allows for the initiation of a collective inquiry process, which begins with the problematization of the event, the presentation of hypotheses, and the execution of tests until the situation stabilizes. At this point, the administrator changes the group's configuration back to its original setting.

The WhatsApp groups of *Cidade de Deus* adopts another strategy. The group's configuration allows any participant to send messages all the time. Subjects vary greatly, but when there are conflicts between drug dealers, police, and militia, the participants focus on asking

about the status in the different areas of the territory, assessing if it is safe to move around. These groups of Cidade de Deus have all the texts automatically deleted after 24 hours, so we saved them in a document for the duration of the research. After that, we had a huge amount of information to analyze and, with some reading, we understood that the "critical moments" that trigger inquiry almost always start with the words firecrackers or gunshots. So we scraped the data in search of these words and systematized the days of shootouts or police operations in an Excel spreadsheet.

The spreadsheet was organized into several categories: the date of the operation or shootout; the day of the week; the type of police involved; the initial conversation; inferred motivations from the inquiry; technologies utilized during the operation; investigative leads; whether information was shared outside the group; physical and psychosocial consequences; and a description of the conversations. From this analysis, we noted a pattern in the inquiry process and the way knowledge was accumulated among the dwellers. WhatsApp groups, a feature of the app, allow up to a thousand people to gather, each group managed by an administrator. In our study, we examined two groups, each with over 200 dwellers participating. These groups exhibited a high daily volume of messages that included local service advertisements, discussions about issues like water and electricity shortages, and debates about violence in the favelas.

For the purposes of this article, we will analytically distinguish the use of the group into three moments: before the shootouts, to know if everything is alright, because a shootout is always something that can happen; during, to know how to "navigate", where it is happening and avoid risks; and after, to know if everything is calmer and more peaceful, if there are blocked roads, if it is possible to pass certain places without risks.

BEFORE THE SHOOTOUT: PERMANENT READING OF THE CLIMATE IN THE CIDADE DE DEUS

Cidade de Deus was built in the 1960s as a housing project to house people displaced from other favelas in the south zone of the city. Since then, it has become one of the largest and most famous favelas, but also one of the poorest. Currently, Cidade de Deus has some of the most critical social indicators in the city, despite its proximity to the city's most affluent neighborhoods: Barra da Tijuca and Freguesia. According to the IBGE, Cidade de Deus had 36,515 inhabitants in 2010. Among them, there are inequalities: at the entrances, the scenery is that of a lower middle-class neighborhood; in the poorest parts, wooden shacks built along ditches proliferate. According to the Pereira Passos Institute, the community's Social Development Index is 0.559, placing it 127th on a list that compares the quality of life in 161 Rio neighborhoods.

In recent years, Cidade de Deus is framed in public debate as a violent neighborhood, due to the number of police operations and disputes over territory between drug traffickers and

militias. Cidade de Deus became internationally famous because of the 2002 film of the same name, which shows the rise of drug trafficking factions in the city of Rio de Janeiro. The favela is one of the main domains of the "Comando Vermelho" (Red Command) faction and one of the few places in the west of the city still dominated by drug traffickers rather than militias. When we look at Grupo de Estudos dos Novos Ilegalismos (GENI)'s interactive map of armed groups in Rio de Janeiro, Cidade de Deus is a red dot (C.V.) in the middle of a lot of blues (militia).

As shown by Carvalho, Rocha and Motta (2023), neighborhoods where there are disputes between different drug trafficking factions or with militias are more likely to have shootouts. This is the case of Cidade de Deus, which in 2023 was the fifth neighborhood with the most shootouts and the second with the most police operations (GENI, Fogo Cruzado 2023). In the group discussions, the relationship between the different armed groups also comes up. Dwellers believe that they have more operations than neighboring favelas governed by militias. This opinion is not unsupported by data. The C.V. areas have the highest number of police operations in the city, even though they have grown the least in recent years. The militia areas, which have grown by about 400% in the same period, have the lowest number of police operations (GENI, Fogo Cruzado 2023). Knowing these configurations and their place in them, dweller create tools to read the climate of the favela:

> The climate is read daily as a result of the constant and increasingly refined need for investigation. The shootouts create an incessant uncertainty that leads to these investigations. When things are "calm", there is always some kind of sensory mapping of the favela or an investigation in social media groups, asking "how is the favela" or "how is the weather today". When things get out of hand, the actors begin a deeper process of investigation. Over time, this practice has changed, always in an accumulation of knowledge. Readings that were analog and face-to-face in the 1990s and 2000s gradually took on digital, technological and systematic elements, with the production of data based on them (Menezes, Cavalcanti, Monteiro-Macedo 2024).

In the process of digitizing the reading of the favela climate that has taken place in recent years, WhatsApp groups have become increasingly important in the favelas. As one dweller of Cidade de Deus put it, "WhatsApp today is the radio of the past of the community". Just as radios were useful for people involved in the retail drug trade to map out when the police were entering the favela, WhatsApp now helps to anticipate when operations might take place:

> The climate in the favela when there is going to be an Police operation, you already know that today the communities are warned, right? There's going to be an operation. The drug traffickers already know there's going to be an operation. They collect everything at dawn. When you see everything being collected, you already know that there's going to be an operation the next morning. When the climate is about some kind of charge, something, we already know because the community becomes a bit preoccupied, depending on what's going to happen, the community starts to become preoccupied, you see a lot of motorcycles, a lot of people and so on, one going there, another going here, another going there, another going here, then you end up seeing that there's something strange, you know? It's like the community is empty, when

> the community is deserted, like the street is empty of people, there are hardly any motorcycles passing, I don't know what, often it's nothing, but you also think it's strange, because you see, like, well, there are no motorcycles passing, there are no cars, nothing, nobody, so you already feel this kind of thing, you know? (Audio sent by a dweller to one of us)

The warnings help to predict Police operations. But when there are no warnings, dwellers often send messages in the group asking if "everything is calm in the favela", if a certain area of the favela "is calm or not". The messages exchanged in the groups show how dwellers find different ways to read the climate and pay attention to the occurrence of fireworks and gunshots, trying to map out where the police circulate in the favela to avoid these places. In addition to text messages, photos and stickers are shared in the group, along with videos and audio.

In the case of the messages exchanged in the Cidade de Deus group, we can see that people exchange messages to find out if they can move around the favela to work or take their children to school. In these cases, these WhatsApp groups are essential for measuring the degree of tension in the favela environment and helping dwellers, police and traffickers "navigate" the space where they live or work. As one dweller of Cidade de Deus put it, the group produces "information for our own security, because operations start out of the blue and we're on the street taking our kids to school, coming home from work, etc." Another complained that the only bad thing about the group "is when we ask questions, even about our community, and people see it and leave us without information. Apart from that, it's like a big family group".

In an informal conversation we had with another dweller of Cidade de Deus privately, he pointed out that he remembered that there are many types of WhatsApp groups - some bringing together family, others friends, others work colleagues, etc. In each of these group formats, different types of information are shared. However, information about shootouts permeates many of them due to the urgency that this event generates in the lives of dwellers:

> Whatsapp is like that, you already participate in the groups, the normal community, we have a workshop group here, we have a chat group, different groups. So it's automatic. If there's some kind of operation, something happens, someone in the group already posts it. So and so has died, then some guy posts it there, in a group there, then the group there picks it up, posts it in the other group, then they're aware, they know everything. It's the same with an operation, the same thing, you post it in the group, oh, there's going to be an operation tomorrow, you know? Because often people already know about the operation, so in the group itself they already know, the person posts it there, then they pass it on to someone else, someone else passes it on to someone else, a person who died, someone from the community, a bandit has been arrested. On WhatsApp, the person posts it there and we take it and we pass it on, pass it on, pass it on, you know? In this case I have a group here which is the family group, here I post more when there's an operation, right, so I can warn my family that there's going to be an operation because my niece drives around in a car, these things and so on, and she might go in and run into the police, something. So we only post that kind of thing in the family group. We don't post the rest because it doesn't matter in the family group. Now in the mess group we post everything. (Audio sent by a dweller to one of us)

Residents possess certain pre-existing knowledge, accumulated over years of shared experiences and reinforced by the circulation of rumors within the favela. Rumors play a significant role here, as they help remove individual accountability for the dissemination of information, thereby reducing the risk of retaliation (Menezes 2017). Consequently, during the inquiry process, residents integrate this established knowledge with new information exchanged in real-time.

DURING THE SHOOTOUT: DWELLERS AS INVESTIGATORS

It was the dawn of July 6 when Maria sent a text at the WhatsApp group that she's a member at Cidade de Deus (CDD). *Firecrackers again. 9* p.m. and no one answered her. Four hours later, she forwarded some texts from other CDD groups to this one that we were in. The texts warned that the *caveirão* had entered the favela from *tijolinho* (an area of the favela) and that they had seen a rush at *15* and *Krt* (other areas). On the group, as people were waking up they texted if they had heard something or not:

1:27a.m.
Gunshots
I heard too
I heard some minutes ago
I just had slept, woke up now
I was almost asleep, but woke with the firecrackers

Patricia, one of the administrators of the group, sent a voice message complaining about the time and saying that the police *didn't have anything else to do with their lives*. Maria said that they ended the *Police operations warnings*, and now they just go into the favela and do what they want to. The conversation continued, and so did the shootout[5]. As it develops the group members tried to identify where they were listening to shots, people running or anything uncommon in a very specific way, naming the alleys, streets and specific parts in which the favela is divided by its dwellers. At some point, when they understand where the shots are the conversation stops.

This scene narrates a very common and almost daily inquiry process that Cidade de Deus's dwellers had to make to navigate their territories. The inquiry usually has some components that we separated for the analysis: a) a trigger; b) the first clues; c) search for information in other places; d) identification of the actors involved; e) technologies that were used; f) definition of the situation. Sometimes all of these elements come together, but it doesn't always happen.

5 There's a specificity in the translation of a shootout. What we call in Portuguese *tiroteio* would be translated as shooting or shootouts interchangeably, but in this process it loses its meaning. As Cavalcanti (2021) tells us, the term shootings is more used to characterize moments as drive-by or shooting in the USA, but in Rio the *tiroteio* "necessarily refers to armed confrontations between different parties. A *tiroteio* is, by definition, in Rio, a two--way exchange, a 'conversation' of sorts." (: 2). For that, we use in this paper the term shootouts when referring to Rio's *tiroteios*. See more about this debate in Cavalcanti (2021).

TRIGGER

It usually starts with a warning, when they hear fireworks or gunshots. The fireworks are an old means of communication in the favelas, used to warn the population of the arrival of drugs, the arrival of the police, or during celebrations. The gunshots may or may not be a sign of danger. When they happen one after the other and develop into an exchange of gunfire, it means that a critical moment has begun, but they can also just represent the daily *sporadic shots*. Almost all inquiry begin with one of these, and dwellers are able to tell whether they need to look into what's happening or whether they can rest easy.

The trigger is the first step in the inquiry. To understand whether the fireworks are a celebration or a warning, they look to other groups and to television. That's when texts start to be forwarded into the group, from people who have already seen or heard something clearer. At this point, the conversation can go one of two ways, depending on the source of the fireworks. If it's the police, they send a few stickers and the inquiry continues. Trigger stickers like the two in Figure 1 are always used, almost as a sign that another police operation in the favela is about to begin. The first sticker shows a flare being fired, and the second is a picture of a *caveirão* - a Brazilian vehicle used by the Battalion of Special Police Operations (BOPE), inspired by bulldozers - saying caveirão in the area.



Figure 1. WhatsApp Sticker. Retrieved by the authors from the analyzed groups, 2023.

But the police operations are not the only kind of critical situation, gunshots and firecrackers can be caused by some kind of celebration in the favela, communication between dealers, or some dispute between the Cidade de Deus dealers or the nearby militia. If they were the *boys* (local euphemism referring to drug traffickers) [6], they would stop the inquiry and change the subject in the group. The talk about the drug dealers is always in the subtext. Some of them are participants in the groups to monitor what dwellers say, and in almost every group their family and friends are members.

In some situations, when some unspoken rules are broken, they appear in the group. In one particular situation, one of the gang members was killed in an operation, and the picture

6 The term *boys* is used by dwellers to talk about drug dealers in an indirect and non-pejorative way.

of him dead and an audio saying his name circulated in the group. Another one of the *boys* sent a voice message - which was quickly deleted - saying that he could not send pictures, videos, or names of the one of the gang members in the group. Patricia got scared and sent several messages that were deleted:

> "You don't post pictures, you don't post videos, you don't post names, that's all. You can report that the *caveirão* entered here, the *caveirão* turned there, police was here, police was there, but cannot say 'arrested the so-and-so', 'killed so-and-so', or send video and photo. That can't, can't, can't"
>
> "John, delete the photo please""John delete the photo""John delete the audio"
>
> "Did you listen to the audio of the friend there? Cannot, it is not allowed"
>
> "Guys, someone posted the photo of the dead *boy* there, then one of the *boys* came in the group and said it was not to post, it was to delete. Can't name, can't photo or video"
>
> "If you post, unfortunately I will leave the group, understood? Because I do not want problems"

She then changed the description of the group to make it clear that the *boys* could not be the subject of discussion or inquiry by the group. Other dwellers tried to question this, and the answer was, "Don't you live in the favela?". In this sense, the laws in the group are a continuation of those found in the favela. In another moment in the group, some shots were heard that weren't from the police:

> "Shots in the catwalk ap"
> "It seems it was an isolated incident.....🤦‍♀️"
> "We saw it from the window"
> "But it was the *boys* or the cops"
> "It wasn't the police"
> "Everything was back to normal...."

When a member of the group asks if the shots were fired by the police or by the *boys*, they do not say directly that it was the *boys*, but only that it was not the police. This fear of always being watched organizes the group and makes almost all inquiry take place in police operations and not in shootouts over territorial disputes or everyday *tirinhos*.

THE FIRST CLUES

So, if weren't the *boys*, they would search for clues for inquiry. Those are different from the trigger because dwellers are already searching for clues and in an investigation mindset. A rush usually indicates that something is happening, just as a continuous shootout, the presence of police officers or any warning of police operation. Those usually are the first clues of a problematic situation, and they are always sensorial. A noise, something they see or even

a smell. After that, they seek information about the place where the *caveirão* is going and what it is doing with dwellers. They're also trying to hear if you're getting shots somewhere, barricades being removed or some other kind of mess, as some of the following excerpts show:

"People are running in the 15 area"
"They're coming through *tijolinho*"
"People are running in the *Lazer* area"
"Guys someone said that the *caveirão* is in the *jardim*"
"Warning firecrackers here in *Krt*."
"On the court."
"*Caveirão* in the accesses of *jardim do amanhã*"
"They're here on the *tijolinho*"
"Where are the people of this group"
"I'm here"
"Good morning the barricade in the *predinhos* is on 🔥"
"Oh God"
"Wake up and look for information"

The search is always collective, and since they know where everyone used to live, it is possible to have an idea of who can give more information when the police go through certain places. There is a kind of collective agreement where people say where they live and respond in the group to help each other. When they need everyone to answer they ask them to "wake up" or even send some sticks as the one in figure 2, a sticker showing a rope ('corda'), used as a pun with 'acorda' ('wake up'), 'wake up, everyone' (*Acorda gente*, in portuguese). However, in some cases like the one below, the non-response of some dwellers is seen as a problem:

> Really, sometimes it gives me agony because people ask how it is 15,13,krt and nobody answers. I can only answer as is Moses (Bariri) the rest, who have to answer is who lives there and yet people do not say anything.

They also connect to wake up and search for new information, as shown in the excerpt above. This search for a clue is continuous and at a certain point it expands beyond the group.



Figure 2. *WhatsApp Sticker.* Retrieved by the authors from the analyzed groups, 2023.

SEARCH FOR INFORMATION IN MANY PLACES

Then they search for new information, expanding their senses through technology and personal relationships. They check other WhatsApp groups, on Telegram, on Facebook, on X (Twitter) or on Instagram, turn on the TV to see if there's any news, and even go out on the street and call their neighbors to ask if they've seen anything. The TV show Balanço Geral (a popular sensationalist news program) is hosted by Tino Junior - that they always refer to as Tino - and runs from 11:50 am to 3:50 pm. The live show is well known for its sensationalist approach to the city of Rio de Janeiro. The show always covers what's happening in the Cidade de Deus, and dwellers turn to it when they want to know the motivation of the operation.

It should be noted that the dwellers usually do not like the program, complaining that it is very sensational and does not represent the reality of the favela. However, by showing the operations live, it has become useful over time. It is common for dwellers to point out that the information comes from these sources, as we can see in these excerpts:

> "Tino said they're after the guys who set the caveirão on fire"
>
> "Someone posted in another group that there will be another operation, we'll stay tuned."
>
> "Worst of all, now in the other group they said that they [police] entered shooting there into the community. And if you catch someone? Were going to say what ? What was the shootout? They are entering with a thirst for blood in their eyes. We have to be very careful."

The use of additional WhatsApp groups and other social media platforms is also widespread among residents. Messages, photos, and videos, particularly screenshots, are frequently forwarded from other groups, providing additional information not directly available within the observed group. Social media further contributes to this informational ecosystem. For instance, following Twitter (X) accounts such as Fogo Cruzado or community-specific profiles is a common practice, as evidenced by the screenshots shared in the group conversations. Fogo Cruzado is an institute dedicated to mapping shootouts across the city of Rio de Janeiro. Through a mobile app, they collect and visually display locations of ongoing shootouts on an interactive map. Another similar collaborative initiative is the OTT ('Onde Tem Tiroteio', lit. 'Where There's a Shootout') app, which also compiles real-time reports of shootout incidents provided by residents across various communities.

IDENTIFICATION OF THE ACTORS INVOLVED

The level of risk and the calculation of its duration depend on the actors involved. The main actors are the civil police, the 18th Military Police Battalion (18°BPM), the Special Operations Battalion (BOPE), the Shock Police Battalion, the Army, drug traffickers or militias. The police are ranked by dwellers, so if the operation is carried out by BOPE or the shock battalion, they know it will last longer and be more violent. BOPE in particular is a

police force that occupies an important place in the collective imagination. Because it is the special operations battalion, it is known as an extremely violent branch of the police and, according to dwellers, when it enters the favela, it does so to kill.

And that really is the motto of this police force, which in many ways reinforces the idea that its objective is to inflict death. The all-black uniform with the symbol of a skull with two crossed guns in the background and a knife through it; the *caveirão* as a vehicle; the allegations of torture and the unofficial motto that says "men in black - what is your mission? enter the favela and leave a body on the ground". All of this together reinforces the idea that, when BOPE arrives on the scene, there will be no respite, as we can see in these excerpts:

"If it [the operation] involves *BOPE*, neither the rain will stop it"

"Is it true that *Bope* will come in ? 00:00?😢 Hear that. Hopefully it's not true. Let's take care"

"Again? Are you kidding?"

"Today was only *18* right?"

The arrival of BOPE is seen as a worsening of the level of violence and lethality of the operation, especially in comparison with the 18th. The 18ºBPM is the traditional military police battalion in the region and carries out a series of routine operations. It has men and women with different backgrounds from the elite police, less investment in weapons and lower salaries. In the group's conversations, the 18º is seen as much less dangerous than the other police, and its presence in the favela can be just routine or the announcement of an operation. They also accuse the police of working together with the militia to take over C.V.'s territory, mainly because of the constant operations for no apparent reason, as dwellers say:

"If 18 is with the militia, it will have operation almost every day"

"The police are fighting to end crime in the city God, the police are fighting is to put the Germans [a way to refer to enemies] in the city God that's the truth"

The civil police appear much less often, and generally, the dwellers understand that when they do, it's because someone is going to be arrested. As they say in this excerpt:

"Guys what are these 5 cops in block 3, Civil"

[...]

"I don't get it, cop breaking down the door?"

"Usually civil appears early in the morning"

Over time, they have learned to identify the different types of police and how they operate, knowing how to define and anticipate what this means for their daily lives. BOPE, with its black clothes and skullcap, is a sign that the operation will start at dawn and will not let up; the civilian police usually arrive in the morning and with some kind of warrant; the 18ºBPM may be

corrupt and associated with the militia, or it may just be a routine passage through the territory. Identifying these actors sets the tone for the inquiry and how it will impact dwellers' daily lives.

IDENTIFICATION OF THE TECHNOLOGIES THAT WERE USED

Calculation and reasoning also involve the technologies used during the problematic situation. Guns, police cars and barricades are common elements in the landscape of the Cidade de Deus favela. Barricades in favelas are put up as a way of preventing the transit of vehicles and people. They are pieces of wood, stone, old tires, beams, sofas and even garbage that are used by traffickers to prevent or better control the transit of cars through that space. There are some fixed barricades. They are always there and dwellers don't worry too much about them. The biggest concern comes when the barricades are built quickly or when they are set on fire, for example.

Weapons and police vehicles follow a similar logic. They are common elements in the favela and can be circulating in a relaxed way: a rifle slung across the back of one of the traffickers or the policeman using the cell phone inside the vehicle. When the weapon is seen wielded, the policeman is also armed and in combat position, the dwellers understand that there is a critical situation. In this sense, even if the situation can be seen as critical for an outsider, for dwellers it may not be, as shown in the following excerpt sended to one of us from a dweller:

> It's very relative this shootout thing in the community. For example, I work here, right? I have a bath and groom in the Cidade de Deus. When there are shots, I keep working normal, you know? I keep getting my dogs, I go here, I go there, I get my dogs, normal work. But many people do not leave home and today, today, most leave home, understood? Today there are minorities who stay at home because of shootout. (...) Nowadays the caveirão is a friend of the community. Got it? Like, back in the day we saw the caveirão, we went running into the house, we were scared. Not today. Today the caveirão comes, you stand on the sidewalk talking, then the caveirão passes, you stop, look at the caveirão and everything is normal, as if it were an ordinary car. With so much of this operation, so much operation, the caveirão is already... the person is no longer afraid of the caveirão. Understood? Because it turned out to be routine. You see the caveirão every day, then it turns into a regular car. Even if it was a normal police car. It's like the BOPE that when it enters the community, everyone, you know, will kill with the knife, will kill, will kill. Today no, today BOPE enters, everyone on the street is normal, everyone passes by, as if it were normal. (Audio sent by a dweller to one of us)

As well as analyzing the technologies used, the excerpt also shows an important factor in building knowhow, which is the routinization of things that were once danger signs. The 'caveirão', which is used so much, becomes part of the routine and people adapt to it. Other elements then appear as signs of greater danger. There are some elements though that when they appear are a clear sign of a critical moment: drones and helicopters. Helicopters are identified by their noise and the height at which they fly. If there's an ordinary one flying some distance away, it could be the press, but black flying low is a sign that something really critical is happening, as seen in this dialogue:

"Around here all the time is passing an all-black helicopter flying back and forth"

"They just killed someone"

"Good afternoon guys. They put here in the other group operation chat, let's stay connected. The school even released the children early"

Drones aren't often used, so when they appear it's usually a surprise for dwellers. During an operation that was already going on longer than they thought, one of the members of the group saw a drone and warned the others: "Guys, they have drones too!". Importantly, technologies are a surprise especially when they are new. From the moment they are used continuously, they become part of the routine and familiar to dwellers, as happened with the caveirão.

DEFINITION OF THE SITUATION

At some point in the inquiry process, dwellers try to define what is going on in a few categories: disturbance, shootout, operation, police arriving to serve an arrest warrant, police in search of some seizure, militia, or nothing much (when the noises are related to a party, for example, and not a violent episode). The uncertainty is resolved when they realize that it's nothing too serious, it could just be a fight between neighbors, family members or things related to everyday life in the favela. A shootout is, as Cavalcanti (2023) shows us, a dialogue between two parties, be they police and traffickers, traffickers and militias or different factions. In this sense, it has a specific rhythm of speech and response that is well known by dwellers.

Situations involving the police are considered more critical by dwellers and need more clues to be defined. A police operation is usually understood as such based on prior warnings, the caveirão or the type of police involved (BOPE or choque). Arrests and arrest warrants involve, for example, the civil police. Defining the situation doesn't mean that the inquiry is over, just that they have more resources to understand the consequences.

AFTER ONE SHOOTOUT AND BEFORE THE NEXT: COMIC RELIEF, PRAYERS, AND EFFECTS THAT LAST THROUGH TIME

Members frequently utilize humor, mockery, and prayer to alleviate stress and tension during and after the inquiry process. This is especially evident after a situation is defined. Prayer is a common practice, with nearly daily prayers being sent. During an inquiry, prayers are often sent in the group with psalms such as this one:

Wonderful! Let us meditate on Psalm 136, which speaks of God's mercy and eternal love:

"Give thanks to the Lord, for he is good; for his mercy endures forever. Give thanks to the God of gods, because his mercy lasts forever. Give thanks to the Lord of lords, because his mercy lasts forever. To him who works only wonders, because his mercy lasts forever..." [...]

During a shootout or operations, requests to God are often sent, usually asking for change or relief from the situation they are living in, like this one that one of dwellers sent during an operation: "Only the mercy of the Lord Jesus, and the power of His blood and His name, change the course of this whole situation". Most of the participants in the group who send these prayers are evangelicals, which shows in the language used.

The use of humor and mockery is evident in the stickers. On a daily basis, they disseminate a variety of stickers that poke fun at their circumstances, including instances of police violence, shootouts, and the dominance of certain factions. Some of these stickers serve as emblematic representations, encapsulating the prevailing mood. Figure 3, for instance, features a sticker with the words "the bullet is eating" (alluding to the notion that it is taking a significant number of shots) accompanied by an image of an animated projectile consuming a sandwich.

Another pair of stickers, depicted in Figure 4, presents a humorous juxtaposition of two locations. The first sticker, go complain to the *Boca* (the drug-selling point), while the second, "complain at the 32nd DP," alludes to a police station. These stickers are often used as a form of social commentary, particularly when dwellers express frustration about everyday issues and personal matters. This type of humor is employed at various times throughout the day, even when an inquiry is underway. It can be seen as a means of coping with the pervasive violence that is a feature of everyday life in the area.



Figure 3. *WhatsApp Sticker.* Retrieved by the authors from the analyzed groups, 2023.



Figure 4. *WhatsApp Sticker.* Retrieved by the authors from the analyzed groups, 2023.

Although the stickers and prayers appear to ease the tension, the impacts and consequences of the operations are always a resumption of it. The consequences and impacts of police operations and of life under the domination of armed groups are manifold and widely dealt with in the literature on urban violence in Rio. However, throughout the process of

interviewing dwellers, some appear to be more central and constant, and here we highlight four points: the closure of places used by the population, such as schools and health centers; infrastructure; deaths, wounds and imprisonment; and psychological impacts. Some cases are important to note. At the beginning of May, they received a notice that there would be an operation the following day, when the children's party for Mother's Day would be taking place at the school:

> "I hope it doesn't dawn with operation, I think tomorrow there will be a party at the children's school for mothers day. They didn't even have another day there, I think it was Easter right, they did not have a children's party because of the operation. They [police] must know you have it and already do it to provoke."
>
> "Last year there was no party, remember? There was an operation and it was one of the beards. If I'm not mistaken, it was that one that they killed those people and that the helicopter crashed."

On Sunday, Mother's Day began with yet another operation and ended with a man killed by the police. During the conversation, they recalled the many times when parties and celebrations at schools were prevented from taking place because of the operations and talked about how this frustrates the children. In addition, they always complain that the police wait until it's time for school to start their operations, sometimes the children are already at school and others are on their way. This has a huge impact on school education, but also on the routine of the mothers and wives of the families. In many cases, they have to miss work or take their children because the school is closed, while in others they have to call on a support network to look after the children.

In addition to the closure of essential services, such as schools and healthcare facilities, crisis situations often result in infrastructure damage, such as internet and electricity outages. These disruptions are often caused by the operations themselves, with heavy machinery damaging wires and pipes. Furthermore, it is not uncommon for Wi-Fi to stop working during these operations, as one dweller reported:

> "Meanwhile I'm without internet, glad I'm using the data"
>
> "And some more people are without it. Is there anyone here on *krt* that is without wi-fi signal? 🤔"

The deaths, injuries and arrests are one of the most striking consequences of operations, and are always brought up in dwellers' memories when there is another operation. It is very common to send photos and videos of people killed or shot, always very explicitly. When the deaths are of stray bullets, they usually comment with outrage, but when the deaths or arrests are of drug traffickers, they can't comment so as not to create another critical situation:

> it's one thing to post information about a shootout, where the police are, if you can pass the place ... things like that! Now I've never seen anyone post a dealer shot in a favela! Even because no relative likes to see their loved ones exposed in such a way.

The other way in which dwellers have been deeply affected by the operations is related to their mental health. The perception that their lives are being continuously monitored and that at any moment a shootout could happen leads them to a constant state of alert. Often, any noise makes them run to the group to ask if anything is happening and if anyone has heard anything. Motorcycle noises, for example, can trigger a fear of gunfire or even a constant fear of leaving the house without knowing what might happen. As some of them summarize in these accounts found in the WhatsApp group, continuous uncertainty is part of life, even if they make a daily effort to rationalize this uncertainty through inquiries:

> True, this situation is messing with people's emotions. Unfortunately there are many people with panic disorder, who cannot leave home. Unfortunately society is being shaken emotionally.

> Good morning, though it hardly feels like one, because one more day, we lost the right to move freely, children without classes, parents without being able to go to their jobs, because there is no one to leave the children, being threatened with losing their jobs for absences. Boss doesn't give a shit, it's their house and it's our street. I find it a lack of responsibility of these rulers, who only want to cause us problems, because solutions are far away. There are only criminals in communities right? Barra, Copacabana, Recreio, there is no, right? They're right, the wrong ones are us, who are born less financially disadvantaged. Sorry guys, it was just a vent.

In this context, the inquiry process is enduring. When the dwellers are able to delineate the circumstances surrounding the shootout, the group typically redirects the discussion or simply ceases to discuss the shootout. However, this does not necessarily indicate that the critical moment has passed. The virtual pervasiveness of the shootout persists. The question is not whether another shootout will occur, but when it will occur again. Consequently, the cycle is perpetuated, with the potential for a life-threatening incident to occur at any moment. It is imperative to maintain the capacity to continuously assess the favela's climate and identify novel approaches to enhance the understanding of this environment.

FINAL CONSIDERATIONS

This article sought to demonstrate how life under siege (Machado da Silva & Leite 2008) and under constant threat of gunfire produces a scenario in which the dwellers of the Cidade de Deus favela, using the technologies available to them, especially WhatsApp, develop and improve their survival knowhow. This knowhow involves both the ability to predict the occurrence of shootouts, given their virtual omnipresence, and the skills to deal with the situation when it happens.

Reading the climate acquires a central particularity when we look at the urban "margins" (Das & Poole 2004). It is precisely because they are territories marked by permanent uncer-

tainty and the imperative of constant inquiry that WhatsApp groups assume a special role in urban locations determined by forms of control and regulation of both state and criminal agents (including drug dealers and militia members). These groups configure situations that oscillate on the porous borders of legal and illegal, of licit and illicit (Telles 2010).

The message exchanges analyzed in WhatsApp groups reveal a continuous cycle of surveillance and countersurveillance that goes far beyond simply sharing information. They represent and present a continuous collective effort to interpret signals and make decisions in situations of imminent risk. This process is dynamic and adaptive, illustrating a form of collective learning achieved and manifested under extreme conditions.

A series of elements, objects, situations, and groups that constitute knowhow within the Cidade de Deus favela was compiled based on an analysis of WhatsApp conversations between dwellers. We summarize some of these main elements in the diagram below. The diagram appears as a cycle that is continually reinforced and has different intensities. In blue are the phases of the inquiry process as identified by Dewey (1938) - indeterminate situation, problematization, tests and hypotheses and stabilization. The ones with the yellow background show the processes we look into in the WhatsApp group conversations, and the gray background shows examples of each of them.

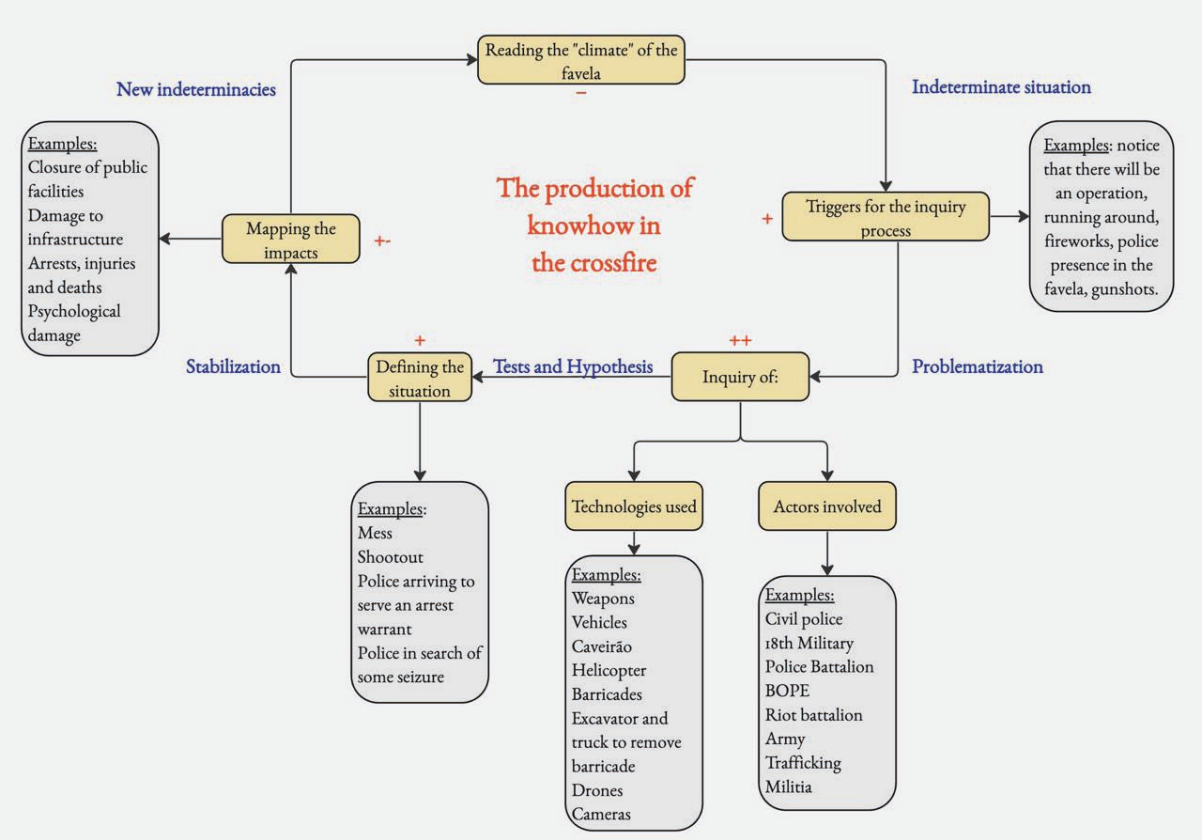


Figure 5. *The production of knowhow in the crossfire.* Diagram drawn up by the authors.

The diagram above synthesizes the cyclical and iterative nature of knowhow production in the crossfire. It highlights how residents continuously adapt to the fluctuating intensity of violence through inquiry processes, identifying signals, testing interpretations, and adjusting their actions accordingly. This process, which involves different moments, stages, and intensities, is permanent and constant. The climate of the favela is constantly being read. From this, dwellers identify clues that serve as triggers to initiate an inquiry process when they are faced with an indeterminate situation.

The first set of clues pertains to what Francis Chateauraynaud and Didier Torny referred to as the "dark precursors" (1999). In *Les sombres précurseurs*, the authors set out to reflect on the manner in which the investigations undertaken by the actors make it possible for mere premature warnings announcements or random warnigns to come true or not, thereby becoming real risks involving public health and the well-being of the community. The authors posit that the description of the acts (or inquiries) undertaken by the whistleblowers and the agents who evaluate them (administrators, scientists, epidemiological surveillance networks, the media, elected officials) makes visible the procedures put in place to produce a judgment about the reality of danger and risk.

In the case of the examples presented here, they pertain to the elements that the group's members utilized in order to construct the hypothetical scenario of a shootout. The first set of clues concerns the warnings, which can originate from word of mouth or other WhatsApp groups. These warnings indicate that an operation will take place the following day. There is often a prior circulation of information warning that there will be a police operation the following day. Such a warning can indicate the presence of a future shootout and, conversely, prevent it. Furthermore, the warnings can remain a rumor without any actual operation taking place the next day. The second element is the existence of confusion (especially crowds of people) or running. These elements can often indicate a shootout, but they can also refer to a fight between dwellers and traffickers, or dwellers or traffickers among themselves. They can also indicate a hit-and-run accident.

In any case, the occurrence of these events invariably signals the possibility of a shootout. Conversely, firecrackers are not solely associated with shootouts; they can also be attributed to the arrival of drugs or even celebratory events. The presence of gunfire in the favela evokes the anticipation of a shootout, yet it does not necessarily result in one. Shootouts can occur on commemorative dates or during executions, without being the consequence of a confrontation with militia members or police. The deployment of police in the favela is also perceived as a significant indicator of the potential for a shootout. However, there are instances, particularly in the context of operations with advance warning, where the mere presence of police in the favela does not result in an exchange of fire with drug traffickers.

The mapping of actors and technologies enables dwellers to collectively define the situation under inquiry. They may describe the events as a simple confusion or as a real shootout

(which does not necessarily involve a confrontation between police and drug traffickers). They may also identify the presence of a police operation, where the police are in the favela to serve arrest warrants or carry out search and seizure operations.

Finally, they recognize the various types of impact resulting from the frequency and constancy of the shootouts in the favela. These include arrests, seizures of weapons and drugs, injuries or deaths, the closure of schools, nurseries, health centers and shops, the blocking of streets and difficulties in getting around, as well as cuts in the electricity and/or water supply, and reports of psychological disorders such as anxiety, panic and depression.

Consequently, the study of WhatsApp groups in Cidade de Deus not only offers insights into how communities organize themselves and develop knowhow in environments marked by the recurrence of contexts of violence, but also highlights the ways in which collective learning, which implies the development of this knowhow, involves the use of technologies for survival purposes.

The production of knowhow in the midst of crossfire is constant, but intensifies at certain moments. One of the key insights of the research is that, due to the virtual omnipresence of the shootouts, the knowhow of the residents of Cidade de Deus is less about the ability to perceive whether or not the shootouts are happening and more about detecting the intensive variations in their presence. In other words, the shootouts are always virtually present, even if they don't happen. This implies that all the knowhow developed by the residents of Cidade de Deus aims to understand, as a kind of thermometer, whether or not this virtuality is going to occur. Residents develop the ability to discern when things are tense or less tense—based on what we call the ability to read the climate of the favela. The objective was to demonstrate the evolution of a sophisticated repertoire for addressing these fluctuations, illustrating how they measure the intensive variation of this virtuality until it becomes effective and how they respond to it when it becomes effective.

The diagram illustrates the various phases of inquiry, which is ongoing. These phases are marked with + and - signs, indicating the moments of maximum intensity (++ when the shootouts take place) and those in which the intensity tends to be lower (- when the shootouts tend to be mere virtuality). This means that, under "normal" conditions, the presence of gunfire is only a possibility, a virtuality at low intensity. When there are visible signs, such as fireworks, the presence of police, the sound of gunfire or crowds, the intensity of the presence and the threat of an actualization increase. Then there is the moment when the shootout actually happens, with maximum presence, and residents attempt to understand the situation and how best to deal with it. They attempt to identify whether it is an operation, what weapons are involved, what type and which police officers are present.

Once the situation is defined and the shootout stops, the tension subsides. However, the shootout returns to the purely virtual dimension, albeit at a high intensity, since, as soon as it occurs, there is always the possibility of it starting again. It takes time for the residents to understand that it has actually stopped, at least for that day. Afterwards, residents are

still waiting for it to return, with relatively high tension, and they assess the impacts of that shooting. Moreover, residents employ strategies to reduce tension, such as humor, jokes, and prayers. Over time, the expectation of shootings tends to diminish, unless new signs intensify a new cycle of tension. Nevertheless, it is crucial to acknowledge that this expectation never entirely dissipates; it persists as an ever-present virtuality. Dwellers remain continuously engaged in developing and updating their knowhow to navigate a reality in which the next shooting is not a matter of if, but when.

Translated by the authors.
Received: June 18, 2024.
Approved: May 27, 2025.

Data Availability Statement
The data that support the findings of this study are not openly available due to reasons of sensitivity and are available from the corresponding authors upon reasonable request

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ARTICLE

The revolving doors of environmental policy in the Brazilian Amazon: Negotiations and contradictions between technicians and bureaucracy

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Abstract:

This work seeks to trace the trajectories that techno-political devices of environmental governance follow within the bureaucracy by focusing on the relationships among technical staff working within a state agency located in western Pará. Based on ethnographic research conducted between January and October 2023, in an office situated in an Amazon region under pressure from mineral and agricultural frontier expansion, the text describes the practices of technical staff, their interactions with consultants, and the daily negotiations between work and intimacy. It highlights how the state is performed through contingent and unstable associations between individuals, roles, and motivations. The purpose is to examine how the context of Amazonian exploitation intersects with the everyday actions of individuals who, linked to the state, operate environmental bureaucracy. The research indicates that environmental policy is shaped by a revolving-door logic, characterised by circulation and simultaneity, which tends to favour large-scale extractive activities that show limited adherence to environmental regulations. By drawing attention to these intricate relationships and their effects, the article aims to contribute to understanding the limits and contradictions that environmental policy faces.

Keywords: Environmental policy; Bureaucracy; State; Intimacy; Brazilian Amazon.

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e00509
https://doi.org/10.1590/1809-4341.2025v22e00509

As portas-giratórias da política ambiental na Amazônia Brasileira: Negociações e contradições entre técnicos e burocracia

Resumo

Abordando as relações travadas entre os técnicos que atuam no âmbito de um órgão de Estado situado no oeste paraense, este texto busca identificar os itinerários que dispositivos técnico-políticos de governança ambiental percorrem na burocracia. Trata-se de uma etnografia realizada entre janeiro e outubro de 2023 em um escritório situado em uma região amazônica pressionada pela expansão de fronteira agrícola e mineral. O texto descreve as formas de atuação dos técnicos, suas interações com consultores e as negociações cotidianas entre intimidade e trabalho, evidenciando como o Estado é performado por meio de associações contingentes e instáveis entre sujeitos, cargos e motivações. Interessa indagar como o contexto de exploração da Amazônia se relaciona com as ações cotidianas de pessoas que, vinculadas ao Estado, operam a burocracia ambiental. A pesquisa realizada permite indicar que a política ambiental é caracterizada por uma lógica de portas-giratórias, na qual predominam a circulação e a coetaneidade, o que favorece os interesses de atividades extrativas de grande escala e pouco afeitas às normativas ambientais. Ao chamar atenção para as intrincadas relações e seus efeitos, o artigo espera contribuir para a compreensão dos limites e contradições a que política ambiental é submetida.

Palavras-chave: Política ambiental; burocracia; Estado; intimidade; Amazônia Brasileira.

The revolving doors of environmental policy in the Brazilian Amazon: Negotiations and contradictions between technicians and bureaucracy

Ângela Camana

This text explores the vicissitudes of the itineraries followed by technical-political devices of environmental governance within the bureaucracy, until they are later announced as the successes of the *environmental compliance*[1] programmes in vogue in the Brazilian Amazon. Behind the scenes of the goals set by the state—document issuance, registration validations, licencing orders—there are a series of circumstances that enable (or hinder) such commitments from being met, which involve relationships and negotiations between those who operate the bureaucracy. The text is dedicated is to this universe of daily operations[2], in which state instruments convey promises and expectations[3]. To fulfil the objective of identifying the itineraries that technical-political devices of environmental governance follow in the bureaucracy, I address the relationships established with and between the *technicians* who work within an

1 Throughout this text, emic terms that compose the bureaucratic lexicon mobilised in the ethnographic agency are written in italics.

2 This research forms part of a broader research project *Conflitos territoriais sobre as frentes de expansão agrícola (Amazônia brasileira): violências, expulsões e dominação política* [Territorial conflicts over agricultural expansion fronts (Brazilian Amazon): violence, expulsions, and political domination], funded by *Agence nationale de la recherche* (ANR-21-CE41-0021), and coordinated by Véronique Boyer, to whom I am grateful for providing invaluable feedback on the initial drafts of this manuscript.

3 It is worth noting here that Santos Junior et al. (2010) clearly indicate that, to be effective, environmental programmes and deforestation reduction targets must be embedded in a shift in the social, economic, and agrarian structures of the Amazon. The heterogeneity of trajectories and territories does not necessarily translate into the success of the programmes.

environmental agency located in western Pará[4], bearing in mind the understanding that the region is affected by numerous conflicts, particularly involving the dynamics of land use and occupation (Benatti, Santos and Gama 2006; Castro 2012; Sauer 2018). Conducted between January and October 2023, the research should be understood as a behind-the-scenes ethnography (Bronz 2016; Castro 2013) and, without losing sight of the debate on the constitutive heterogeneity of the state and the practices that constitute the same (Bevilaqua 2022; 2003), it dialogues with recent production concerning the dismantling of environmental policies in Brazil (Anaya, Bronz and Magalhães 2024; Bronz, Zhouri and Castro 2020).

The ethnography conducted here examines the ways in which *technicians* operate and focuses on the daily negotiations surrounding the bonds they experience, resulting in a dynamic of permanent circulation. This instability is not new in anthropological scholarship on the Amazon, as Boyer's (2015, 2017) work, in contexts of territorial disputes, elucidates how subjects negotiate their identities by moving between different ethno-legal categories and weaving their existences in non-Manichean ways, albeit in asymmetrical disputes. As I explore throughout this text, something similar occurs behind the scenes of bureaucracy, when subjects explore the limits of their possibilities of action and experience diverse, if not simultaneous, institutional positions. I therefore emphasise the hidden aspects of the tensions and negotiations that become public in the form of *Cadastro Ambiental Rural* (CAR) [Rural Environmental Registry] validations, the issuance of authorisations in the environmental licencing process (preliminary, installation, and operating licences), inspections and reports within the scope of a *Plano de Manejo Florestal* [Forest Management Plan], among other rites and artefacts governed and required by land and environmental legislation. Evidently, because these regulations and authorisations concern specific forms of exploitation of 'natural resources', these provisions are at the heart of disputes and are of interest to actors linked to the expansion of mining and agribusiness, together with other extractive industries present in the region (Araújo and Vieira 2019; Torres, Doblas and Alarcon 2017; Gerhardt 2024).

Given these daily experiences, one question we can ask is: how does the context of exploitation of the Amazon relate to the daily actions of people linked to the state, who operate the environmental bureaucracy? By drawing attention to the negotiated nature of decisions and workflows, I seek to contribute a better understanding of the limits

4 Regarding the choices and injunctions of this text, the name of the ethnographic agency and its precise location is avoided. I also do not explicitly mention the names, backgrounds, or other specific characteristics of my interlocutors. The only exception—and one that will become relevant in the final section of this text—is gender. In her ethnography of business practices in licencing processes, Deborah Bronz (2016) chose to suppress gender differences in her account in order to anonymise her interlocutors. While I in no way wish to make the people with whom I interacted identifiable, in the case of the bureaucratic space I use as an example here, it is important to emphasise that gender is a marker that produces important differences, both within the office and outside it. The choice of anonymity is based on the firm understanding that the cases discussed and the potential questionable practices narrated are not unique, but rather respond to a shared dynamic. At the same time, it is important to clarify that non-exposure was a stipulated condition for entry and permanence in the field.

and contradictions to which Brazilian environmental policy is subject. While it is not my intention to settle the issue, I can contribute to documenting it, in order to highlight the idea that the state is performed through highly contingent and unstable associations between subjects, positions, and motivations—a process intensified by the weakening of the environmental oversight and control apparatus, itself embedded in economic and political dynamics that enable and perpetuate the expansion of large-scale extractivism in the region.

In the first section of this text, I highlight the multiplicity of bodies and agencies responsible for operating environmental bureaucracy, while not forgetting the fact that national environmental policy has recently undergone a deliberate process of dismantling. In the subsequent section, I take on another dimension of the debate by presenting the conditions of access to the ethnographic environmental agency, and the type of work carried out there. By describing the relationships experienced by the agency's staff, this section seeks to address how different living spaces—the office, football, bars, churches, and families—create layers of co-existence and involvement among the subjects, such that daily work is inseparable from these other social circles. At this point in the elaboration, I examine of the weight of gender in the formation of dynamics of intimacy, given that the expectations placed on men and women are different—how this marker also engenders distinct accesses (and injunctions) to debates, disputes, and partnerships—as well as a description of the precarious employment relationships to which the staff are subjected. Together these seek to provide nuance to the debate and confer complexity to actors whose practices are often contradictory.

By adopting a public agency as a privileged observational space, I propose that the relationships established within this space exceed the *inside-outside* binomial that an initial impression would suggest, that is, I refute the idea that the connections made within the agency, or outside it, are distinct. This dynamic perspective is explored on two occasions—that of daily office life and the kind of relationship established with work—and I argue that both are marked not by a hermetic separation, but rather by a continuous movement. Finally, I argue that the predominance of a logic of 'revolving doors' enables us to characterise environmental policy as performed by a complex amalgam of relationships, the origins of which are traced in circulation. This, of course, is not exempt from effects.

ENVIRONMENTAL POLICY, ITS ACCESSES AND INJUNCTIONS

In recent years, the dismantling of environmental policies in Brazil has drawn the attention of social scientists committed to safeguarding rights and the production of knowledge that is subject to being questioned. The dismantling process and its arrangements, the effects of which are still being felt, have been competently monitored and documented, for example, in

publications with suggestive titles: *Passando a Boiada* [*lit*. Setting the Cattle Loose][5], a dossier organised by Bronz, Zhouri and Castro (2020), and *Terra Arrasada* [Scorched Earth], a book edited by Anaya, Bronz and Magalhães (2024). Beyond the extensive debate on the effects of large-scale projects and, consequently, on development choices—as exemplified by Sigaud (1986) and Magalhães and Sanz (2015) regarding infrastructure and hydroelectric dams; and Camana and Almeida (2019) and Coy and Klingler (2014) regarding agribusiness—the last decade has required renewed attention to political and bureaucratic processes. With the advent of an explicitly anti-environmental agenda, recent governments have opened the doors to disputes in institutional arenas that are expressed in changes to state mechanisms, if not in the discontinuation of programmes and policies.

It is against this national backdrop of the dismantling and explicit attacks on environmental conservation regulations that I began the fieldwork from which that text originated. It is worth noting from the outset that Brazilian bureaucracy provides for an abundance of land and environmental agencies with activities at the national, regional, and local levels. Technical knowledge and bureaucracy converge within these entities with varying levels of impact in the daily lives of those who call rural areas their home. This is the case with, among others, the *Instituto Nacional de Colonização e Reforma Agrária* (INCRA) [National Institute of Colonisation and Agrarian Reform], the *Assistência Técnica e Extensão Rural* (ATER) [Technical Assistance and Rural Extension] companies, state and municipal environmental and agricultural departments, the *Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis* (IBAMA) [Brazilian Institute of Environment and Renewable Natural Resources], the *Instituto Chico Mendes de Conservação da Biodiversidade* (ICMBio) [Chico Mendes Institute for Biodiversity Conservation], and in Pará, autonomous agencies like the *Instituto de Terras do Estado do Pará* [Pará State Land Institute].

This profusion of entities has paradoxical effects. On the one hand, you have the hyper-specialisation of activities, while on the other, the responsibilities of each agency can sometimes overlap and become confused. For instance, the validation of a CAR (registration) for a rural property in Pará can be performed by the state's environmental department or by a municipal environmental department, while the preparation of this same CAR—when not performed by private entities—can be handled within the scope of registration drives by these departments, and may also be the responsibility of INCRA or an ATER company. This does not include CARs related to differentiated territories, such as Quilombola territories that have specific registration modalities that result in a specific CAR for traditional peoples and communities. In short, the path to accessing a bureaucratic instrument is not linear. The criteria for determining where a request circulates are opaque and not always

5 In its literal form, the expression 'Passando a Boiada'—articulated by former Environmental Minister Ricardo Salles in May 2020—alludes to opening the farm gates and 'setting the cattle loose'. In reference to environmental policy, it meant 'pushing through further deregulation' under cover of COVID, enabling those who had been breaking previously established environmental regulations.

predictable, which creates a series of doubts for those who need to access the bureaucratic instruments, produces tensions among the personnel of these agencies and public bodies, and, in certain cases, leads to legal disputes over the validity of the process[6]. These two conditions—the multiplicity of agencies and the lack of predictability of the bureaucratic itinerary for forwarding and validating a request—are what enable the anonymity I opt for in this text: the disagreements and structural working conditions I describe can occur in any of the entities involved. Moreover, the anthropological profession to which I dedicate myself is not interested in denouncing questionable behaviour from an individual point of view, but rather in contributing to the documentation of routine practices whose effects lie at the heart of the violence that is inherent to the scenario of the exploitation of the Amazon and, as I hope will become clear throughout the text, is also the result of a context of labour precarity and exploitation.

When I first travelled through the municipalities of western Pará, it was not difficult to understand why this region is considered a frontier (Zuker 2022). Those aerial photographs showing forest on one side and, on the other, monoculture plantations as far as the eye can see—which up to that point, I had only seen in newspapers and schoolbooks—are a common sight, especially running alongside roads[7] like the BR163, the highway connecting Cuiabá and Santarém, or BR230, known as the Trans-Amazonian Highway. More than a concept or an abstraction, the advancing frontier is something very palpable that is perhaps best expressed materially in the agricultural machinery that occasionally traverses the standardised fields. Alongside them, the intense traffic of grain trucks and the smell of soybeans they exude create a landscape that, broadly speaking, could even be confused with other forest regions pressured by the advance of agribusiness[8]. Indeed, the transformations in the space are undeniable and pique the curiosity of those who encounter the region; however, there is another order of change intrinsically connected to it, that of temporality. The expansion of frontiers is also a dispute over time, through which forms of connection are established that authorise, and *optimise*, the advancing production chains. It was based on this understanding that I became interested specifically in the mechanisms that dispute and impose a different

6 This is what happens in licencing processes annulled by the courts because they were not evaluated by the organ considered to be the competent authority. For example, consider the case of a mining operation in Itaituba that had been authorised by the municipal department, but the court's decision required that the licencing procedures be conducted by the ICMBio and the Department of Environment and Sustainability of the State of Pará. Available at: https://g1.globo.com/pa/para/noticia/2022/04/06/licenciamento-de-garimpo-em-area-de-preservacao-ambiental-e-cancelado-pela-justica-em-itaituba-pa.ghtml.

7 It is no coincidence that it is precisely the roads that are markers of this dynamic of frontier expansion. A good discussion on logistics corridors in western Pará can be found in Wesz Junior et al. (2021).

8 The process of landscape homogenisation for scalability is very evident in the dynamics of agribusiness. This movement toward ecological simplification, along the lines of Anna Tsing (2015, 2016, 2019), has already been discussed elsewhere (Camana and Perin 2023).

rhythm on space[9], something I found in the very bureaucratic spaces that are the object of land and environmental policy. In other words, what occurs in the offices and *technical rooms* of state agencies has very concrete effects on the conditions of the existence of life miles away. By treating the stage where bureaucratic environmental rites are negotiated and decided as a research setting, I have come to understand that such arrangements and their effects are exemplary of national environmental policy, particularly with regard to the asymmetry with which different social actors and their demands are received and addressed.

This understanding also enables us to read environmental bureaucracy apropos its ritual dimension, in line with Gerhardt's (2024) interpretation of licencing processes. To the extent that it is composed of a series of grammars and procedures that are both difficult to access and lack transparency, its effects have a transformative force—it is through opaque operations that transpire in these offices that possibilities and injunctions are created and enacted. Licencing requests, logging permits, and property registries (like CAR) may or may not be approved in processes in which the duration and the itinerary are not explicit and, as I describe throughout this text, encompass more elements than the text of the law or normative instructions that govern them would suggest[10].

An example of this ritual dimension of procedures and relationships within the bureaucratic space where environmental policy is implemented is the issue of the grammar that governs the process. When I was first welcomed into a regional agency that later became the privileged locus of my work, I ended the day with a rather confusing set of notes: the profusion of terms and acronyms used by my first interlocutor opened the door to a daily work routine and a series of processes that were completely unfamiliar to me. In trying to organise the conversation, I used the last pages of my field notebook to explain each of the acronyms, positions, and procedures whose meaning I was unfamiliar with. In subsequent interactions in that space and throughout the fieldwork, this vocabulary proved indispensable: the terms were present in every process and conversation I observed. Contrary to that which the organisation of my notebook suggested, I argue that the glossary is not an appendix to environmental policies and their provisions, but rather informs the conditions of entry and circulation within the bureaucracy: only those who know and master the vocabulary of bureaucracy can move between two worlds—that of laws and what they govern—which expands the ritual dimension of the work undertaken by environmental agency *technicians* and, in parallel, provides elements for us to consider later regarding the circulation of people within the office. To wit, entering the bureaucracy means encountering a very specific vocabulary

9 The discussion on temporal mismatches is also evident in the very relations between politics and technology, as Perin (2020) rightly points out. In the context of Amazon land and environmental policy mechanisms, this is a topic worthy of further exploration.

10 It is intriguing that the analysis of bureaucracy, precisely where the world claims to be rationalised and objectified, reveals the opposite: opacity and mystery.

which is simultaneously naturalised by those who perform it[11]. In this context, emphasising the issue of grammar is not insignificant: mastering it is a prerequisite for accessing the universe it governs, while ignorance of the terms is often accompanied by a lack of knowledge of the rites and, therefore, is a criterion for exclusion for those who are and/or should be in this bureaucratic space. In the following section, I seek to resize the scale of this debate by presenting the environmental agency in which the research that informs this text took place.

LANDING BUREAUCRACY: FROM REGULATIONS TO THE OFFICE

In western Pará, larger municipalities have offices of the numerous institutions that run environmental bureaucracy, which typically serve local and regional needs. These are places where interested citizens or their representatives can file requests, obtain information, and submit documentation to obtain titles, licences and certificates necessary for, among other activities, the marketing of products, access to sectoral public policies, and obtaining financial resources. It was in this context that I settled in a municipality located along a major highway, where I observed the daily work of *technicians* from a land and environmental agency. Located in a central area, the institution is easily accessible for those coming from nearby areas via the waterway or bus terminals, which can be reached by public transportation, although some walking is required.

Upon first glance, the building comprised of four main sectors is no different from any other *division* in Brazil: in front is a sign indicating the agency's location, it is a simple masonry building, and the main gate remains open during *customer service* hours, which are from 8 am to 2 pm[12]. To enter, you simply pass through the security booth, where a uniformed staff member wearing the attire of a security company stands during this period, opening the window of their small booth solely to direct people who arrive seeking assistance to the *protocol* office or to provide information on the surrounding streets to lost passers-by. During the afternoon, in particular, this security guard is often accompanied by a staff member from the *administration* sector, and they chat on a variety of topics.

Upon entering the building, we find an anteroom where staff and people seeking assistance and information are separated by grey modular screens with aluminium edges. This is where the *protocol* sector provides *customer service*. The department consists of two staff members and an intern, who receive documents from interested parties through an opening in the partition, which forms a counter. In this first public area of the entity, there is a row of three upholstered chairs for those who are waiting, together with a small restroom. To

11 Throughout my fieldwork, I observed that some people working at the agency had their own 'glossaries', which included everything from the meanings of commonly used acronyms to simplified schematics of common procedures. This enables us to speculate concerning the translation processes of an environmental policy from its formulation to its implementation, a topic that I plan to address in greater detail in a future work.

12 By the end of the research, two more staff were hired for the reception and protocol, so that customer service was extended until 5 pm.

the left, a cork board displays promotional materials for the agency's campaigns and information on the main service fees; however, payments are not made here: payment requires the *issuance of a bank slip*, which is paid at a bank, and then the person returns to process any request. To the side of this anteroom, a four-seat round table is available so that *technicians* can occasionally assist the public directly, which usually occurs when the information requested exceeds the expertise of the *protocol* staff or a *type of request* that is not covered in the service manuals, requiring someone from the internal departments. It was here that I was received when I requested an initial conversation with a member of the *technical staff*.

Between the *protocol* counter and the small table, there is a door that leads behind the scenes of land and environmental bureaucracy. Upon entering, on the left, there is a clocking-in device, accompanied by a sign that reads 'Don't forget to clock in', reminding us that this is a workplace, after all, where work (both hours and productivity, as I explore in the next section) is measured and monitored. Next are the rooms for the *legal* sector, the *administration* sector, and *management*, and two *technical rooms*, which I will call the 'rural room' and the 'urban room'. Inside, the building also houses a women's restroom, a men's restroom, and a kitchen with a long table and about ten chairs, where the staff typically eat breakfast and chat before starting their day's work—in addition to frequenting the space during other breaks throughout the workday. In a crockery cupboard, two shelves are reserved for staff mugs and, even though it is an unwritten rule, everyone uses their own: some bear the organisation's visual identity and were likely provided by the institution itself; others are the result of inside jokes, as they feature printed photos of the staff at work and a catchphrase; still others have inscriptions referring to other social contexts like 'Congratulations on your graduation' or 'Best dad in the world'. Collective lunches are frequently held there, prepared by two outsourced staff members with supplies paid for by personnel in the organisation, as are birthday celebrations—the dates of which are commemorated by a bulletin posted on a bulletin board in the kitchen listing that month's birthday people, prepared by a woman from the *administration* sector who usually chats with the security guard. Indeed, the kitchen is the main meeting place for staff from different departments, with the possible exception of the *boss*, as well as the space they go to for private conversations throughout the day. Once I entered the behind-the-scenes area, I was invited to and participated in breakfasts, celebrations and, with the call 'You fancy a coffee?', to a series of whispered conversations in this cafeteria. They always indicated which mug I should use. Outside the building, there is a garage with trucks that display the agency's business sticker and a room where the drivers hang out when they are not commuting or travelling to an activity (usually inspections or public events where the *boss* or a representative must be present).

The two *technical rooms* are divided according to purpose, although the work carried out in one is often co-dependent on what is accomplished in the room opposite. The 'rural room' assesses requests for the issuance of documents required for numerous extractive ac-

tivities, generally in the form of licences and exploration permits—this is the case in livestock farming, larger-scale plantations (especially for commodities like soybeans), and logging. The issuance of virtually any of the requested permits requires the applicant to have complied with other steps in land and environmental legislation. This room also assesses other registrations that are a mandatory step toward regularising productive activities. The 'urban room' assesses applications and subsequently issues documentation related to landscape alteration activities linked to infrastructure, including the construction of roads and bridges. This space also complies with procedures that permit industrial mining and the implementation of other activities with potential polluting impacts. The work of both rooms is permeated by the identification of problems at different points in the bureaucratic process, and when any *environmental irregularity* is detected in the analyses performed, *technicians* must take administrative action. In other words, it is through the analysis of these *technicians* that a given property and, consequently, its owner or occupant is called upon to change its licencing project and/or compensate for irregular deforestation, among other measures and sanctions, for example, when non-compliance with the minimum preservation areas in a legal reserve or permanent preservation area is detected.

While the 'rural room' is staffed by seven *technicians*, all engineers with different specialties, the 'urban room' has four *technicians*, only one of whom is an engineer—the other three have degrees in related earth sciences. In both rooms, which are separated by the hallway leading to the kitchen, there are no dividers between the desks, so the staff occupy desks in a circle, each separated by two or three computer monitors, since they often operate multiple screens simultaneously. This means that each person simply needs to look over their monitors to see and converse with their colleagues. It is common for staff members in these departments to be absent for inspections, so questions often arise among them, like: 'Is so-and-so in or *out* of the office?' The trips—which can last from one shift to a full week—are always undertaken in pairs and constitute an object of desire on the part of the *technicians*, since those who travel receive *allowances*, financial compensation added to their monthly salary, which all the staff I spoke with considered attractive.

Despite the specificities of the work carried out in the two *technical rooms*, it is safe to say they are complementary, if not mutually dependent. In addition to travelling together on inspections and signing their decisions to release or impose an embargo together, always with the *boss*'s signature of approval, one *technician* often depends on the work of another to process the requests in their possession. This work dynamic creates a condition of involvement that is not always straightforward, given that the relationships established in that space have meanings beyond the professional sphere, as I explore later.

While the agency itself already contains a range of intertwined relationships between individuals, these relationships do not end there. Within the vicinity of the office, a few blocks away, a profusion of land and environmental advisory and consulting firms can be

seen. Typically featuring green facades and trade names that evoke *regulatory compliance* and *technical* procedures, their signs advertise the services provided by these professionals, including: land division, property georeferencing, legal advice on fines and embargoes, projects for the restoration of degraded areas, the preparation of CARs and licencing projects, and the preparation of projects for finance applications. It is not uncommon for the signs to feature the logos of banks with which the consultancy firm typically works to access rural credit: Banco do Brasil, Banco da Amazônia, BanPará, and Sicredi—public banks (like the first three) and cooperatives (Sicredi and others)—that form part of the *Sistema Nacional de Fomento*[13] [National Development System], an entity committed to financing 'strategic sectors' for Brazilian 'development'.

These consultancy firms are typically staffed by engineers (agronomists, environmentalists, and forestry specialists) and agricultural technicians, and, in some cases, they also include the participation of lawyers. Several offices surround the public bodies dedicated to land and environmental issues, but consulting services are also found close to municipal registry offices. While a careful walk through the municipality reveals a landscape that intertwines—or at least brings together—public bodies and private offices, a longer sojourn behind the scenes reveals that it is not only the buildings that are connected in this network. In that same *protocol* anteroom, among citizens asking questions concerning state requirements and the procedures for obtaining some licence or other, there is a common figure: men and women, briefcase in hand, carrying a series of files to be *protocolled*. Known by name to all the staff, these *consultants* skilfully navigate the region's land and environmental agencies, sharing the grammar of bureaucracy—though without being properly imbued with decision-making power, given that they do not hold a public office that authorises referrals.

Thus, while I was initially interested in understanding how *technical expertise* has circulated within land and environmental regulation mechanisms in the Amazon, as part of a broader research project, it gradually became requisite to consider how other relationships also come into play and are central to the interpretation of how the state is performed. It is this circulation of people, with different moralities and motivations, that operates the bureaucracy. This does not occur without tensions and compromises, however, even if these are not included in the staff handbooks.

TENSE, ENTANGLED CONDITIONS: WORK, GENDER, AND INTIMACY

- Hey, Marcos, Adilson is here to go over that licencing thing with you.
- Here comes that pain in the neck...

13 A system composed of 34 public and private financial institutions.

In this section, I explore how the relationships established by environmental agency staff among themselves and with *consultants*—profoundly traversed by gender—establish the conditions for the possibilities of actuation within the bureaucracy. Considering the context of western Pará, where the agricultural frontier appears to be expanding despite environmental legislation (Torres, Doblas and Alarcon 2017; Menezes 2023; Benatti and Cunha Fischer 2018), it is not a trivial endeavour to determine how the spaces where decisions are made, which authorise or prohibit large-scale extractive activities, are organised. While it is true that decisions and *dispatches* made within the agency have the capacity to alter the course of an activity or property, here I propose a prior analytical movement, and seek to interpret how these same decisions are the effects of actions and relationships that precede them. Ultimately, I propose to test the argument that everyday bureaucratic procedures are entangled in political and economic circuits and relationships at different scales, and that these greatly influence the operations of environmental policy in the Brazilian Amazon.

Particularly in the mornings, when the street gate remains open to the public, the *technicians* are frequently interrupted in their work by *protocol* staff, who summon them to assist engineers working in consultancy firms, as the opening sentence of this section indicates. On most of these occasions, the *consultants* call upon *technicians* by name, since they know who holds their files. Because a single *technician* works on multiple requests simultaneously, it is common for many of them to have been submitted by the same *consultant*. It is also not uncommon for *consultants* to ask *protocol* staff who they would like to review their requests, something officially justified by the *technical expertise* the designated person possesses to handle that type of request[14]. Although these visits to the public agency sometimes resemble 'courtesy visits', they evidently carry with them pressure to expedite and approve requests, in addition to speculation concerning the entity's own operations and policies announced by the state. The folders that visitors bring are usually filled with client files, about which—generally after a chat—they then inquire about the *status*. In this intense flow of people, while some visits are welcomed, others are accompanied by a certain frustration. Though rarer, there are some that are avoided: in such cases, the *technician* asks the *protocol* staff to say they are not in, which is usually justified by hypothetical trips for inspections.

However, during work hours, it is not only in the office that *technicians* are contacted by *consultants*: their WhatsApp accounts are constantly buzzing with calls (including video calls) and all sorts of messages, through which *consultants* not only seek information on the progress of one process or another, but also rectify them: '**Hey there,** Roberto! Mate, I sent

14 In my fieldwork, I observed requests for process referrals to one or another technician based on the staff member's alleged prior knowledge of the region where the property was located or the type of activity that required licencing (particularly in the case of requests involving authorisations for extensive livestock farming). Evidently, because it is evaluated by a specific person, this type of request opens the door to intimate relationships (and, potentially, other types of negotiation and pressure), jeopardising the principle of equality before the law in customer service.

the wrong document in the Rio Fundo Farm process, please disregard it'. While access via the instant messaging app is undertaken by interested parties, in some cases I have seen, it is also true that the dialogue was initiated by the *technicians* themselves. This was the case when Catarina realised that the georeferencing files she had been sent were incorrect in the process she was assessing; they did not match the coordinates indicated in other documents in the request. Because she knew the person who was providing consultation and had assumed *technical responsibility* for that request, Catarina sent a message directly asking them to send the correct shapes. 'If I were to request it through the *system*, I'd need to open a *communication*; it could take days for them to respond... it would delay everything. But it would be correct way, right?' Catarina commented to me. In less than 30 minutes, she received the appropriate files via WhatsApp and was able to continue her analysis.

If the relationship between *consultants* and *technicians* is permeated by tensions, pressures, and favours, something very similar occurs among the *technicians* themselves. My place of observation enables me to say that, within the walls of the institution, gender is one of the factors that produces circulation between the *technical rooms*, since women are the predominant presence in the 'urban room', given that they spend more hours in the office and have been at the institution longer than the two men who work there. It is they who occasionally invite one of the only two women in the 'rural room' for coffee in the kitchen, where they share impressions about their colleagues and the demands of the day.

In the 'rural room' there is an evident male dominance, they form the majority, which is even manifest in the temperature of the air conditioning, always very cold, a condition that forces the women to wear coats and closed shoes at work, clearly at odds with the usually high temperatures of western Pará. When my presence became a constant and, perhaps, less uncomfortable, sexual jokes among the men in the room became a common experience, just as it was customary to witness speculation as to the causes of other such sensitive situations when the national news broadcast a report on gender issues, something that invariably reverberated in jokes and imitations of women. On these occasions, after the laughter had passed, they always made a point of reminding themselves (and me) that it was all a joke, because the truth was that they *respected* women. *Outside* the office, gender is what grants or denies access to certain spaces of sociability, since among the men of the 'rural room' there are some deep-rooted positions that play into the exclusion of women under the veneer of *respect*. Thus, women are not invited to the traditional beer at the end of the afternoon, when work is over—the only exceptions I witnessed were when the men brought their own wives to the bar, or when meetings were organised between smaller groups. It is interesting that they invoke *respect*, and not superiority, to justify their exclusion: the women in the *technical rooms*, with the exception of one, are all married and mothers, which confers a different status on them; the men, again with one exception, are also married and fathers, but looser expectations fall on them regarding the distance that should be maintained. Still

on the subject of spaces reserved for men and women, men tend to play football regularly, which generates some jokes in the office about each person's performance; however, other conversations rarely spill over into the collective. The women, who are fewer in number in the office, share wellness tips and some do physical activities together during their lunch break. Among them, there are at least two cases in which friendships resulted in being godmothers to children, which adds other layers of intimacy to their interactions. Where men and women share common ground *outside* the office is the space of churches, since some attend the same denominations and the occasional activities promoted by the professional association, in which political disputes even divide them at times.

This dynamic suggests a fold, since the relationships that take place in different spaces are not immune to each other. In other words, it is possible to speculate that the jocularity present *inside* the office reflects the spaces *outside*, while the activities conducted *outside* potentially involve discussions on what is happening *inside*. If so, then gender matters because it defines the spaces each person is authorised to be in, spaces that are the stage for the relationships that set bureaucracy in motion. Ultimately, gender is a central marker for understanding the production and purchase of intimacy (Zelizer, 2005), something that is at the heart of the dynamics of exchanges of jobs and favours that are of interest to this text.

These transactions occur on a daily basis, and certain commitments are updated from time to time. Significantly, these unofficial agreements require that each staff member's monthly salary depends on their colleagues' performance assessments, which, when positive, generate a bonus. All my interlocutors say they count on this amount at the end of the month and know that this is a shared expectation among everyone in the office. Thus, even though these assessments are confidential and conducted through the *system*, negatively judging a colleague's performance is out of the question, even if they unofficially criticise each other's productivity and practices (because with some, you need to *be shrewd*). In kitchen conversations, more than one person told me about an occasion, early on in this *system* of mutual assessments by the team, when a *technician* received a poor evaluation, in which they lost their bonus for that month. Even though no one disagreed with that specific assessment, a witch hunt ensued: who had deliberately harmed a colleague? After this incident, which caused friction among the team, it was unofficially agreed that this institutional tool would no longer be used in a way that would *harm* anyone financially, because as a technician from the 'urban room' told me, 'We resolve our issues some other way.'

In addition to the bonus for the assessments and travelling *allowances*, a bonus is added to the monthly salary of each *technician* for achieving goals established by the state. These goals are measured in terms of the number of completed *processes*, which generate greater *celerity* and *efficiency* in the bureaucracy. While I have highlighted some terms so far to challenge the lexicon so naturalised in these spaces, this is yet another occasion in which the grammar of management asserts itself and produces effects: in the daily work of the office, activities

are categorised as either *documents* or *processes*. In the world of bureaucracy, *processes* are considered to be the set of information that requires processing, that is, a flow of actions that assumes input and output in which the nature of the information is modified, for example, what comes in as a request is eventually transformed into an authorisation. In contrast, *documents* are information that conclude the request when forwarded, for example, memoranda, official letters, registration requests. In an environmental agency, a licencing request is viewed as a *process*, while the validation of a CAR is a *document*—even though for licencing to occur, a validated CAR is required, which indicates an entanglement of operations[15].

The productivity metrics established by the state consider only the *processes* completed by each *technician*. Thus, it is explicit that in their daily work, *technicians* choose to work on assessing one type of request (those understood as *processes*) to the detriment of others (the so-called *documents*), since they envision a financial reward in this choice—besides the pressure among colleagues and management to do so, given the productivity bonus is not calculated individually, but is shared by the entire team. In part, this reward (and categorisation) structure helps explain the slow pace of certain activities in Pará, like that which occurs with CAR analyses and validations, in addition to reproducing a logic that favours large-scale extractive activities (monoculture, livestock farming, and the timber industry, for which CARs are validated as a priority to proceed with the licencing that guarantees the team bonus), to the detriment of *posseiros*[16] and small landowners who need the CAR to access credit or markets, for example, within the scope of policies like the *Programa Nacional de Fortalecimento da Agricultura Familiar* [National Programme to Strengthen Family Farming] and the *Programa Nacional de Alimentação Escolar* [National School Feeding Programme].

In truth, there is a rather utilitarian relationship with work, in which the choices made by each person are influenced by the horizon of financial rewards that are presented. Furthermore, contrary to that which hegemonic and economistic perspectives postulate, money is not devoid of social meanings. In the office, there is a narrative effort to purify and rationalise the sphere of work and money, which is evident when staff members affirm—to me and other citizens who go to the *customer service desk*—that they merely follow the rules stipulated in the manuals, effacing any relationships of affinity and interest. At the same

15 It seems to me that there is a certain constituent ambiguity in these definitions, since specific requests are difficult to classify. In the bureaucratic context I observed, this grammar and categorisation was accepted with resignation, since no one could explain the reasons why some very similar workflows were defined differently. This process of learning bureaucratic language and its implications, together with the scope for action that this enables, is something that should be problematised in-depth at another time.

16 In Brazil, a posseiro is an individual who occupies vacant or abandoned land and cultivates it, similar in some senses to crofting or homesteading. The history of the occupation of the Amazon in Pará, particularly since the 1960s, highlights a mismatch between migratory flows and INCRA's limited institutional capacity to conduct colonisation, which has resulted in the proliferation of posseiros who began occupying public lands (Hébette 1989). These were generally families dedicated to subsistence farming, but with no legal documentation guaranteeing their possession or ownership of the land. The unstable situation of posseiros and the right to regularisation of land tenure are at the heart of legal and local disputes that still reflect in data on rural violence (CPT 2024).

time, they endow the universe of financial transactions and work with moral connotations, such as when they choose not to evaluate anyone negatively, since this would be equivalent to *harming* a colleague. Thus, despite what anyone might say, everyday experience undermines any expectation of separation between these worlds, since work and intimacy, money and affection, intertwine. And as Zelizer (2005) has already identified, money and intimacy are not 'hostile worlds' and, therefore, incompatible, but coexist and, in the case of the staff who operate land and environmental policy, they challenge one another[17].

This is not a question of dismissing the separations between the domains of feeling and rationality, of moralisation and purification, that the subjects articulate, nor about giving in to moralistic and normative interpretations regarding how this relationship represents the contamination of spaces. It seems to me that there is an analytical gain to be pursued: paying attention to flows because work and friendships (or even animosities) are also representative of how everyday life exceeds the logic of *inside-outside*. And, in the context discussed here, the subjects—even though they conform to certain social expectations and articulate the separation between the two—are aware of the circular nature of money and affection, since they constantly equate them. The very bureaucratic mechanisms of office life, such as team evaluations and the stipulation of goals, establish a process of negotiation that blurs the boundaries and the supposed linearity of the *processes* established by land and environmental policies.

Thus, at the end of a month's work, *technicians* expect to receive add-ons to their salaries; a statutory minimum set by the professional council[18], plus productivity bonuses, and bonuses based on internal peer assessments, together with occasional travel *allowances* and other labour rights, including food vouchers[19]. Although the subject is a sensitive one, it is no secret that they do consulting work *on the side* to increase their income and network of contacts; however, few speak openly—as they do, for example, at the breakfast table—concerning these extra activities. This is partly because they fear institutional reprisals, but it seems to me that the secrecy surrounding their work also reflects competition among *technicians* for consulting opportunities in the region.

One morning, while monitoring the work of a technician from the 'rural room', he snorted, *'Natália's a fuck up. We try to help, but look at this?!'* I looked at the three screens he was working on: a geographic information system (GIS) *software* was open on the one in the centre; on the right was the *system* used to check the data for the request under review, a

17 A moment that is kind of representative of this occurred after a few months of fieldwork. In a rare moment of dialogue, the *boss* asked me if I would like a position at the agency, as he had been 'really thinking about it' [of hiring me]. On several occasions, staff members also asked me if I intended to work there when I finished what I was doing.

18 In Pará, the statutory minimum salary for engineering professionals working a 40-hour work week is almost R$11,000 [US$ 2.200; mean US exchange, 2023]. See more at: https://creapa.org.br/voce-sabe-qual-o-piso-salarial-de-sua-categoria-profissional/. It is common, however, for employers to hire engineering professionals under other titles and positions (e.g., analyst) in order to reduce the base salary.

19 In the context of Brazil, these amounts are not insignificant and are equivalent to more than ten times the minimum wage.

CAR analysis for livestock licencing; on the monitor farthest to the left, he was attempting to open some documents sent by the *applicant*, including the *property title*, the ID of the *proprietor* and that of the *technical manager*. These documents had been requested about 30 days earlier to resolve certain doubts and inconsistencies in the original request. The files were sent in very low-quality .jpg format: photographs taken on a tablecloth, showing old, partially illegible documents. The person who had sent the documents, Natália, is the *consultant* responsible for the process. Beyond this specific case, I sense a dynamic between *technicians* and *consultants* marked by this *trying to help*[20] articulated by my interlocutor, which operates in two directions.

Later, they may need the assistance of these *consultants* themselves, because even though it is a public body, few of the personnel are civil servants—those selected for permanent employment and who enjoy job security. In fact, in the space described here, only four of the eleven *technicians* fit this condition; three men and one woman, all members of the 'rural room'. The remainder their hold position because they submitted and were approved in *simplified selection processes (SSP)*, which provide for a fixed contract period of no longer than 24 months. All *protocol* and *administration* staff are also governed by this unstable, temporary employment contract. Those in the legal department, however, hold positions as political appointees.

The type of employment relationship each staff member holds is not incidental information, indeed, many of the scenarios and situations I have described above derive from this. This is because the *SSP*, which most *technicians* are subject to, is valid for one year and extendable for another year—a maximum two-year contract. Before a person can apply for a position under a new *SSP*, there is a mandatory period of at least six months in which they can have no record of employment with the state. This is a source of anguish for many of my interlocutors, who are constantly reminded of the months remaining on their current contract, while they make plans to get a new job as soon as the contract ends. During this interim period, the *technicians* invariably migrate to *consultancy firms*, where they begin to produce exactly the same type of product that they assess when they are working for the state: logging projects, property division, licencing applications, georeferenced sketches for CARs, and so on. There are those who have worked in this intermittent condition for more than ten years.

If before I perceived the tensions in the relationships that are established *between* the *technicians* of the public body, how the *inside* and *outside* of the office shape each other, the contrast between *personnel of the public body* and *consultants* adds another development to this supposed *inside-outside* separation. Regarding this interpretative dimension, the fieldwork conducted indicates that more points of contact than differences are perceived: intermittent employment relationships, at the very least, enable (if not provoke) a circulation of people (and with that, *expertise* and interests) between the *advisory services* and the public bodies.

20 It is also through 'trying to help' that staff members assess each other positively, as I described earlier and continue to insist on.

The case of western Pará is an example of how a type of revolving door policy is forged and maintained, where, in theory, the subject is sometimes serving private interests, sometimes operating the state. Indeed, the revolving door metaphor is interesting insofar as it convenes an extrapolation of the *inside-outside* fracture, calling for the perception of continuity (and coevalness) between *processes*. In this dynamic, it is conceivable that a person could assess a request prepared by themselves, though I have never witnessed anything like that. From an analytical standpoint, I think that a situation like this, though anecdotal, is of minimal importance: of greater interest is describing this entangled, unstable circuit that constitutes the behind-the-scenes of environmental policy in the Amazon. In a region under pressure from the advance of mineral and agricultural frontiers, the ambiguity of ties and relationships expands the grey areas of bureaucratic action that are far from harmless.

Thus, when documenting the routine practices of this environmental agency, it is important to highlight the predominant dynamics of circulation within the office. This circular movement occurs on two scales: i) between staff members and consultants (and their comings and goings) in different spaces of sociability, in which intimate relationships have implications for the prioritisation of certain demands in daily work; and ii) upon closer inspection, even jobs are precarious and rotate, such that the context of labour precarisation and exploitation is related to the expansion of mega-extractivism territories in the Amazon, given how the bonus system drives the issuance of licences—not to mention the vulnerability to pressures and favours that staff members face.

This 'revolving doors' dynamic in the local and regional offices where Brazilian environmental policy is operated has implications for the very scope of the norms and regulations that, in theory, should guarantee the environmental compliance of production practices in Brazil. Without denouncing individual conduct, throughout this text I have sought to describe how the constant circulation of personnel, implied in institutionalised turnover, creates an environment of instability marked by daily negotiations, a process that I assume as exemplary of the operating modes of environmental bureaucracy in the Brazilian Amazon. The ethnographic work I conducted enables me to suggest that these daily articulations reflect broader *processes* that characterise our national environmental policy, in which administrative rites respond asymmetrically to the demands of different social actors. This is expressed in who is or is not received in the offices and in the evident contrast between the attention dedicated to issuing licences for large enterprises and that directed towards the demands for issuing documents for family farmers, extractive peoples, and other local communities. This asymmetry is not exactly new, as indicated by the work of Penna (2022) on racial selectivity in access to land documentation, and by Campbell (2015) regarding how, in the Brazilian Amazon, even regulatory programmes created with small landowners in mind are gutted and appropriated by other interests. The recent pressures to which national environmental policy has been subjected, on a national scale, have been equally well described and documented (Anaya, Bronz and Magalhães 2024; Bronz, Zhouri and Castro 2020).

What is less evident—and constitutes one of the main contributions of this work—is how the governance structure itself, marked by this institutional turnover of 'revolving doors', favours interests linked to mega-extractivism, while weakening the oversight and control apparatus. Thus, even though these policies are formally 'functioning', in certain contexts, their operation is sustained by pressured, vulnerable, and frequently demobilised administrative structures, which indicates a structural fragility of environmental control in Brazil, even beyond the most visible moments of institutional dismantling.

CONCLUSIONS: THE REVOLVING DOORS OF ENVIRONMENTAL POLICY

In order to contribute to the record and extend the set of arguments that expose how the violence of mega-extractive practices in the Brazilian Amazon is the product of a dynamic that entangles different aspects of daily life, in this text I addressed the relationships and negotiations present in the work routine of the staff of an environmental agency located in western Pará. By considering that the dynamics of the ethnographic office are exemplary of practices common to other spaces that operate national environmental policy, I sought to identify the itineraries that technical-political devices of environmental governance follow, emphasising the ways in which routine bureaucratic rites are permeated by economic and political dynamics. In the recent context of the rise of an anti-environmental agenda within the Brazilian state, I draw attention to the fact that even agencies and legislation that at first glance resisted the dismantling that has been promoted are subject to a fragile structure that by making staff members vulnerable, leaves room for outside pressures and interests.

To construct this argument, I shed light on the composition of the office and how the relationships that arise there can be read through markers other than bureaucratic proficiency. In this text I explored one of them, gender, and the conditions for the possibility (and intimacy) that this difference establishes. Intimacy, as became clear throughout the presentation, is not something incidental, but rather a mechanism capable of expanding (or restricting) the possibilities of the subjects, which are revealed in each individual's financial gains, given the *bonuses* and *remunerations* provided by the salary structure. If intimate relationships are central to staff members' daily lives, they are equally important when observing the relationships between *technicians* and *consultants*. Always on the lookout for other opportunities, the *technicians* working at the institution cultivate affectionate relationships with colleagues who may eventually be useful to them in the workplace. This phenomenon is intensified by the prevalence of fragile employment relations within this agency, which exacerbates the instability experienced by the staff, who must complete a period of at least six months with no record of employment in the civil service.

The proliferation of *consultancy firms* and the forms of intermediation that these actors promote between the state and the individuals living in the territories remains an issue that requires further study. In a mutually dependent relationship, public bodies and *consultancy*

firms drive land and environmental bureaucracy. As I have mentioned, when looking at the subjects who comprise forums and spaces, they are often the same people: *technicians* who are sometimes in environmental *consultancy firms* preparing and filing requests, and sometimes in positions in public bodies assessing these same demands, which I have characterised as a *revolving door policy*. When you realise that some individuals have been in this back-and-forth movement within the organisation for almost a decade, it becomes evident that this hiring regime, which presumes temporary, circumstantial work, has established logics that alter the work itself, in a manner that is not without impact on bureaucratic flows: in this environment permeated by ambiguities, grey areas of action are being created. Evidently, this institutional configuration should not exempt individuals from accountability for any irregular or illegal practices, which should be investigated by the competent authorities; however, this text is more interested in drawing attention to and describing the mechanisms that authorise (and to some extent incite) such questionable acts than in denouncing them as isolated incidents. In the context under study, in which there is an ongoing dispute over mineral and agricultural frontiers that mobilises bureaucratic devices to appropriate and 'open up' new areas, it is possible to speculate that the precarious labour structure within the state favours those who operate and enrich themselves through land grabbing and deforestation. In this sense, future reflections should advance the interpretation of how bureaucratic rites and spaces—to the extent that they highlight what is common and naturalised in a given time and space—are themselves violent.

Finally, to avoid deviating from the revolving doors metaphor I have continued to insist on, it is worth remembering that this concept also requires us to consider that *inside* and *outside* are not the only possibilities: while revolving around the axis, there are times when you can be simultaneously in two places. From a field perspective, in certain situations—such as when *technicians* working for the state provide consultancy services *on the side*—it is difficult to define whose interests the subjects' actions respond to. Embracing this coevalness is perhaps more interesting to the social sciences than the pursuit of analytical frameworks that divide and enclose.

Translated by Philip Badiz.
Received: March 24, 2024.
Approved: September 17, 2025.

Data Availability Statement

The raw data is not available due to data privacy laws.
The dataset underpinning the interpretations in this article originates from ethnographic fieldwork. Anonymity and the non-disclosure of the interlocutors and the institution were conditions stipulated for entry and continued presence in the field, in accordance with the General Data Protection Law (LGPD).

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ARTICLE

A global vision of human phenomena: José Loureiro Fernandes and the anthropology practiced in Brazilian philosophy faculties in the 1940s and 1950s

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Abstract:

In this article, the intellectual trajectory of José Loureiro Fernandes (1903-1977) provides the guiding thread for a discussion of the intellectual practices of anthropologists who worked in **Faculties of Philosophy** in Brazil during the 1940s and 1950s. Loureiro Fernandes' academic practices, his interactions with the field of French ethnology and his role as president of the Brazilian Anthropology Association in the 1950s are examined through an ethnography conducted in archives in Brazil and France. This study aims to contribute to our understanding of the transformations in the field of anthropology in Brazil from the 1960s, reflecting both on the narratives about the history of anthropology in Brazil and on the constitution of its modes of knowledge.

Keywords: History of anthropology in Brazil; **Faculties of Philosophy** in Brazil; José Loureiro Fernandes (1903-1977); Brazilian Anthropology Association (ABA); international circulation of intellectuals and ideas.

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e00510
https://doi.org/10.1590/1809-4341.2025v22e00510

Uma visão global dos fenômenos humanos: José Loureiro Fernandes e a Antropologia praticada nas Faculdades de Filosofia brasileiras nas décadas de 1940 e 1950

Resumo:

O presente artigo mobiliza o estudo da trajetória intelectual de José Loureiro Fernandes (1903-1977), catedrático da Universidade do Paraná e segundo presidente da Associação Brasileira de Antropologia (ABA), para traçar um panorama das práticas intelectuais dos antropólogos que atuaram nas Faculdades de Filosofia brasileiras nos anos 1940 e 1950. Através de uma etnografia feita em diferentes arquivos no Brasil e na França, examina-se as práticas acadêmicas de Loureiro, suas interações com o campo da Etnologia francesa e sua atuação como presidente da ABA na década de 1950. Este estudo tem por objetivo tratar das transformações da configuração da área da Antropologia no Brasil nos anos 1960, e refletir tanto sobre as narrativas acerca da História da Antropologia no Brasil, quanto sobre a constituição de seus modos de conhecimento.

Palavras-chave: História da Antropologia no Brasil; Faculdades de Filosofia – Brasil; José Loureiro Fernandes (1903-1977); Associação Brasileira de Antropologia; Circulação internacional de intelectuais e de ideias.

A global vision of human phenomena: José Loureiro Fernandes and the anthropology practiced in Brazilian philosophy faculties in the 1940s and 1950s

Paulo Guérios

In July 1959, José Loureiro Fernandes (1903-1977), professor of Anthropology and Ethnography at the Federal University of Paraná and then president of the Brazilian Anthropology Association, chaired the Fourth Brazilian Anthropology Meeting (*Reunião Brasileira de Antropologia*: RBA) in Curitiba. At this conference, the research papers were presented in four thematic sessions: Cultural Anthropology, Physical Anthropology, Linguistics and Archaeology. For those papers not covered by these rubrics, Loureiro Fernandes also organized a fifth session called 'Miscellaneous Topics.' Among the works presented in this fifth session was a paper by Roberto Cardoso de Oliveira (1928-2006) entitled "The role of 'Indigenous Posts' in the assimilation process: two case studies" (*Revista de Antropologia* 1960: 78-80).

The thematic sessions of the first RBAs were structured by the anthropologists working at the National Museum at the start of the 1950s. Based on the Four Fields approach to anthropology adopted in the United States, they also reflected a conception of anthropology as part of the Natural History studies practiced in scientific museums. And it was precisely Roberto Cardoso de Oliveira, whose 1959 conference paper had been placed in the residual category of 'Miscellaneous Topics,' who became the leading figure in the process of institutionalization of postgraduate studies in anthropology in Brazil from the 1960s. In the following years, anthropological studies in the country became more specialized, integrated into the social sciences.

As Garcia Jr. (2009: 411) writes, "in the 1960s, the very meaning of the term anthropology, as well as the profession of the anthropologist, underwent a fairly profound transformation." Indeed, from the 1960s there was a change in the balance of forces at work in the configuration of the social networks in which anthropologists circulated. The anthropology taught in the Faculties of Philosophy and practiced in museums, founded on the four fields and also on the diffusionist theories widely adopted in France, was superseded, in the clashes

over the legitimate ways of doing anthropology, by a discipline linked to the social sciences, practiced and disseminated by actors like Cardoso de Oliveira.

This transformation subsequently had an effect on many of the narratives that took root concerning the history of anthropology in Brazil. In these retrospective accounts, the anthropological production of the museums and Faculties of Philosophy are frequently described as insufficiently scientific or as institutions belonging to an earlier period of the discipline. These narratives tend to emphasize the authors taken to be forerunners of the anthropology that became dominant later, including ethnologists of German origin like Curt Nimuendajú, or social scientists such as Gilberto Freyre, Florestan Fernandes and Darcy Ribeiro – or in other words, those who "left works with an impact," as Roberto Cardoso de Oliveira (1988: 112) put it. Seen through these readings, informed by theoretical premises non-existent at the time, the intellectual trajectory of Loureiro Fernandes, and those of various other anthropological professors like him, could only be understood as outmoded.

Mariza Corrêa has argued that many of the parameters orienting this perception of the discipline's past lose their meaning when we turn to examine the practices and productions of the Brazilian anthropologists who founded ABA and who were active in the country in the 1940s and 1950s. Referring to the mapping of the area from the 1930s onwards produced as part of the History of Anthropology in Brazil Project, Corrêa (2013: 17) points out that "some of the claims made about this terrain and its characters ceased making much sense when we explored them close up. Certain periodicities, which seemed well established (…), or determined 'theoretical currents' elected as central (…) did not fit well with the life stories we were hearing." [1] In fact, themes like the list of authors taken as important, the role of museums as research institutions, the object and scope of anthropological studies – all these questions prove more diverse and complex the more we pay attention to the conceptions of the actors involved.

In this article, I intend to explore the study of the intellectual trajectory of José Loureiro Fernandes (hereafter simply Loureiro) as a means to provide a panorama of the intellectual practices of anthropologists who worked in Brazil's Faculties of Philosophy in the 1940s and 1950s. As Jacques Revel (2000: 17) observes, the option to take an individual trajectory as a guiding thread "allows us to highlight, over the course of a specific destiny – the destiny of a man, a community, a work – the complex network of relations, the multiplicity of spaces and times in which it is inscribed."

1 The number of studies on Brazilian anthropologists working in philosophy faculties in the 1940s and 1950s has increased in recent years. Part of the work of Luís de Castro Faria was published by the Fluminense Federal University (UFF) Publishing House in a project coordinated by Antonio Carlos de Souza Lima; at Campinas State University (Unicamp), a study group on the history of discipline, coordinated by Christiano Tambascia and linked to Mariza Corrêa's pioneering work, has produced these and dissertations on the subject (see, for example, Alves Pinto 2020); outside the Rio-São Paulo axis, Roberta Bivar Campos has coordinated studies on the anthropology practiced at this time in Pernambuco, showing how the history of the social sciences tends to be told from the major centres (see Reesink & Campos 2014; Campos et al. 2017).

Loureiro was one of the important academics participating in this period of the discipline in the country yet was relegated to oblivion a few years later. Appointed as ABA president at the end of the 1950s, he was recognized by his peers as someone representative of a project for anthropology of clear contemporary significance. Consequently, by analysing the anthropology he practiced, his research objectives and the references he employed in his work, we can learn about the configuration of the discipline at this time and explain some of the social processes through which anthropology was transformed and reconstituted in a specific mode thereafter. This reflection thus offers elements to reflect both on the narratives concerning the history of anthropology in Brazil and on the constitution of these modes of knowledge.

I begin this study by looking at Loureiro's work as a professor of the Paraná Faculty of Philosophy Sciences and Letters (FFCLPR). I show how, despite being self-taught as an anthropologist and his localization outside the major centres of the country (like Rio de Janeiro and São Paulo), he was able to appropriate the methodologies current in the national and international panorama of the discipline at the time. In the second section, we shall see how the process of federalization of Brazil's universities,[2] which took place at the start of the 1950s, enabled intellectuals of the time to circulate more widely, transforming their knowledge production practices. In the case of Loureiro, this involved a passage through the academic environment of Paris between 1952 and 1953. An analysis of this sojourn will allow us to perceive certain intersections between the processes constituting the discipline in Brazil and France, beyond the presence of the so-called 'French mission' at the University of São Paulo (USP).[3] I explore the impacts of Loureiro's time in Paris on his intellectual projects: after his return, he was one of the key participants in the network of anthropologists linked to the founding of the Brazilian Anthropology Association. In the final section, the analysis of his participation in this process will allow us to address the transformations in the configuration of the area in the 1960s.

PROFESSOR OF ANTHROPOLOGY AND ETHNOGRAPHY AT FFCLPR

José Loureiro Fernandes was born into a family from the Curitiba elite in 1903 and received his doctorate from the Faculty of Medicine in Rio de Janeiro in 1927. After a period of specialization in urology at Necker Hospital, in Paris, he began his intellectual career in Curitiba as one of the founders of the Bandeirantes Studies Circle (*Círculo de Estudos Bandeirantes*: CEB) – an

2 In November 1950, the Brazilian president, Eurico Gaspar Dutra, presented a bill authorizing state or private universities to be incorporated into the federal government and henceforth funded by the Republic. This process had a direct impact on scientific production in the country, even today heavily concentrated in public universities – among which federal institutions perform a key role (see Ardigó 2013: 1-6; Schwartzmann 1986: 25-26).

3 In 1934, the University of São Paulo was founded as part of a modernization project undertaken by the local elite. To launch its teaching activities, Júlio de Mesquita Filho, leader of the *O Estado de S. Paulo* newspaper group and the main mentor of the USP project, turned to Georges Dumas, spokesman for the *Groupement des Universités et Grandes Écoles de France pour les relations avec l'Amérique Latine*, active between 1907 and 1940, reflecting the strong connections between illustrious groups of the Brazilian elite and France at the time. Intellectuals such as Claude Lévi-Strauss, Roger Bastide, Fernand Braudel and Pierre Monbeig came to São Paulo.

institution linked to Catholic Action that became the primary hub for Curitiba's intelligentsia in the 1930s.[4] In 1936, he was appointed director of the Museu Paranaense. Originally a private institution, it had been created seventy years previously as a historical museum, bringing together pieces considered representative of the occupation of the state and samples of its flora and fauna. Loureiro reorganized the establishment to reflect the conception of natural history museums, creating Zoology, Botany, Geology and Anthropology sections and coordinating the publication of a scientific journal. Finally, in 1938 he became a founding member of the Paraná Faculty of Philosophy, Sciences and Letters (FFCLPR) where he took up the Chair of Anthropology.

Recalling the creation of his chair at the First RBA, in 1953, Loureiro pointed out that before the existence of FFCLPR, the Curitiba Faculties of Medicine, Engineering and Law were dedicated exclusively to professional training, "without the indispensable complement of the scientific faculties." He added that "with insufficient financial resources, they were unable to hire foreign professors and, as with the majority of our faculties, at the outset the academic staff was recruited from local professionals." Loureiro lamented that, in this situation, the local intellectuals were unable to devote themselves to scientific activities, limiting themselves to teaching activities in their "incipient university chairs" (CEBDOC3139 2023).

In Paraná, therefore, contrary to what happened in São Paulo (and in Rio de Janeiro after the closure of the Federal District University), it was the local elites themselves – and, in the case of FFCLPR, members of the CEB in particular – who assumed the chairs of the first faculties. At the outset of his career, Loureiro recognized that taking on the professorship would entail the "tremendous onus of an exclusive and laborious autodidactism" (Loureiro Fernandes 1944: 10). This does not mean that his intellectual output was limited to a local perspective, however, or that he was out of touch with the latest scientific developments. On the contrary, as we shall see, an examination of Loureiro's correspondence and publications shows that he was in contact with what was seen as the cutting-edge of academic production in his area during this period in Brazil and abroad.

At the time of FFCLPR's foundation in 1938, Loureiro Fernandes proposed to take on a professorship in "ethnography, together with the Tupi-Guarani language" (CEBDOC 3139 2023). The following year, Decree-Law 1190, which established the institutional framework for the National Faculty of Philosophy (*Faculdade Nacional de Filosofia*: FNF), stipulated that the curricula of all Faculties of Philosophy in Brazil should adopt the same structure. Adopting the terms applied to the area by the FNF, Loureiro changed the name of his chair to "Anthropology and Ethnography."

4 Catholic Action was a movement that was part of the ultramontanist project to restore the Roman Catholic Church. In Brazil, it sought to transform lay Catholicism, until then organized in associations and brotherhoods dedicated to charitable work, into an intellectual laity, a defender of Catholic philosophy. In Curitiba, the Centre of Bandeirantes Studies (*Centro de Estudos Bandeirantes*: CEB) succeeded in uniting members of the principal families of the city's Catholic elite. The works of the CEB's intellectuals shared a common grounding in neo-Thomist philosophy, but varied in their ways of relating to faith and science (for a more detailed exploration of the topic, see Guérios 2017).

According to the definitions followed from then on, the distinction between 'Anthropology' and 'Ethnography' would associate the former with the topics covered by physical anthropology, limiting 'Anthropology' "to the study of the evolution of man, the formation of the races and their geographic distribution," while 'Ethnography' was characterized by the study of "descriptive works with substantial amounts of concrete data and spatial distribution" (Castro Faria 1983: 241, 242), not limited to recording material culture, but expanding its focus of interest to the social organisation and rites of the peoples observed. The 'Anthropology' and 'Ethnography' courses offered at the Faculties of Philosophy from the late 1930s onwards were considered to be closer to the disciplines of Geography and History, which lasted three years, than to the Social Sciences, which were limited to one subject, taught in the third year. At the same time, these courses were mostly offered by medics due to the connections between Anthropology and Natural History (Laraia 2018: 7).[5]

To organize the work he would develop in his professorship, in 1938 Loureiro wrote to two São Paulo-based intellectuals: Plínio Ayrosa (1895-1961) and Herbert Baldus (1899-1970), who would assume, respectively, the chairs of Ethnography and the Tupi Language at the University of São Paulo and Brazilian Ethnology at the Free School of Sociology and Politics (Drumond 1964: 407, 418; Passador 2002: 77). Both men replied and sent him an ample reading list, which served as the basis for Loureiro to assemble his library. Among the works highlighted as indispensable by Ayrosa, he initially selected those recently published in French (including texts translated from the English language). The list also included works by George Montandon, Robert Lowie, James Frazer and Lucien Lévy-Bruhl (CEBDOC439; CEBDOC451; CEBDOC989; CEBDOC990 2023). The existence of the chair thus enabled Loureiro to steer his intellectual work towards the areas of 'Anthropology' and 'Ethnography.' Below I revisit some of his activities at FFCLPR and the Paranaense Museum to show how, from the end of the 1930s, he explained the various facets of the anthropological thought of his era.

As we have seen, the Paranaense Museum was reorganized by Loureiro at the end of the 1930s and began to operate as a scientific laboratory linked to FFCLPR. Based on her study of the publications of Natural History museums, Lilia Schwarcz (1993: 72-74) writes that "the arrival of the 1930s marked the end of the 'era of ethnographic museums' as a worldwide phenomenon," since, as the author argues, they were associated with criticisms of the evolutionist models of knowledge in vogue at their peak, which approximated the study of humans to the taxonomic studies of plants and animals. This process seems to have been more complex, however: Loureiro's documents testify to the fact that museums at the time were an important locus

5 Thales de Azevedo (1984: 261, 262) points out that in addition to this thematic affinity, "since the existing legislation required a 'correlation between subjects and schedules' for professionals linked to the public sector to gain positions, the Faculties, as public bodies, not only offered an opportunity for medics, but also accorded them a certain preference."

for scientific studies. Indeed, anthropological output linked to natural history can be found in Brazilian (and, as we shall see, French) magazines until the end of the 1950s.[6]

Over the 1940s, Loureiro added the work carried out at local scientific institutions to the Museum, stimulated multidisciplinary scientific missions and, as mentioned above, coordinated the publication of a scientific journal, *Arquivos do Museu Paranaense*, which circulated internationally (Ardigó 2011). Aware of the presence of foreign researchers in Paraná state, he succeeded in hiring some German scientists to work at the Museum who, due to the war in Europe, were being persecuted by the government – like the naturalist and ethnographer Günther Tessmann, the geologist Reinhardt Maack and the taxidermist Andreas Mayer.

The first publication presented by Loureiro Fernandes as anthropological was a study in Physical Anthropology conducted among the Kaingang indigenous people who lived in tents dispersed across reservation areas in the municipality of Palmas, in the interior of Paraná. There, he examined the blood types of 40 individuals, leading him to conclude that they had a low rate of miscegenation, due to the predominance of type O blood among them (Loureiro Fernandes 1939). Two years later, he published his first ethnographic overview of the same people in *Arquivos*. The text begins with a historical survey of the group, including possible datings for their occupation of the territory, and describes their process of contact following the "conquest and settlement" of the region. He goes on to describe the physical environment in which they lived (the 'habitat'), their material culture, documented in photographs (of dwellings, clothing and ornaments, weapons, utensils, musical instruments, pottery and weavings), their economic activities (gathering, hunting and fishing, cultivation), their social organisation (modes of authority, notions of law, family organisation) and their ritual activity (therapeutic practices, funerary rites).

In this text, Loureiro mentions that reading Baldus's *Ensaios de Etnologia Brasileira* was an important source of inspiration for organizing his research (Loureiro Fernandes 1941: 204). At the same time, the methodology proposed in Lowie's work – which was a fundamental reference not only in the course taught by Ayrosa, who recommended it to Loureiro, but also in various Faculties of Philosophy in the country – clearly structured the organization of ethnographic studies in Brazil during this period.[7] Loureiro's own research adopts the strongly empiricist and descriptive approach informing Lowie's *An Introduction to Cultural Anthropology*, as we can observe from the structure of the text and the categories it raises

6 "Outside the central axis of the country, in regions where the Faculties of Philosophy were established later (…) and depending on the region, the people who would subsequently be defined or recognized as anthropologists tended to be concentrated around a museum (…), a leading figure (…), or a movement" (Corrêa 1988: 81). In France until the start of the 1950s, the Musée de l'Homme was a key centre for ethnological studies.

7 In the introduction to the second edition of *An Introduction to Cultural Anthropology* – the French translation of which, *Manuel d'Anthropologie Culturelle*, was acquired by Loureiro in 1938, two years after its release – Lowie mentions that the French translation of his original work "proved useful in France and South America". Castro Faria (1983: 242) records that students at the Faculties of Philosophy were capable of reading French, not English, and that Lowie's French translations were therefore widely used in Ethnography courses in Brazil.

and analyses. Like Lowie, Loureiro does not contextualise the manifestations he describes in relation to the cultural logics with which they are interconnected. On the contrary: his observations have an 'objective' character of documentation, an empirical record of observed facts, without seeking connections between local elements.

Lowie, R. *Manuel d'Anthropologie culturelle (1938)*	*Loureiro Fernandes, J.* *Os Caingangue de Palmas(1941)*
Theory of Culture (Distribution and History)	Historical survey
Houses and settlements	Habitat
	Settlement and dwellings
Dress and ornament	Clothing and adornments
Hunting, fishing, gathering	Gathering
	Hunting and fishing
Farming	Cultivation
War	Weapons
Art	Musical instruments
Handicrafts	Utensils Industries (plaiting, pottery, weaving)
Trade and transportation	Transportation
The clan; rank, etiquette and property; Government and law	Social organization. Notions of law.
Marriage and the family	Family organization
Knowledge and science (Psychological problems)	Intellectual capacity and sensory acuity
Religion and magic	Therapeutic practices
	Funeral rites

Table 1. Comparison between the structure of *Manuel d'Anthropologie Culturelle* (the French translation of *An Introduction to Cultural Anthropology*) by Lowie and Loureiro's ethnography on the Kaingang (1941). The original English section titles have been cited.

A record of this text by Loureiro Fernandes can be found in the archives of Alfred Métraux at the Laboratoire d'Anthropologie Sociale of the Collège de France (Résumé 2023). Métraux meticulously annotated Loureiro's observations about the Kaingang habitat, their hunting and gathering activities, the manufacture of utensils and weapons, and the workings of the Kaingang chiefdom and social structure. Loureiro's endeavour to empirically record these elements reveals affinities with the ethnological approach advocated by Métraux in the early 1940s. It was precisely because of this empiricist methodology that Métraux organized the French translation of Lowie's book, on which Loureiro based his work, and hailed it as one of the few books "the need for which is felt so urgently." Commenting on this aspect of Lowie's proposal, he writes: "The author's turn of mind, his sharp and adaptable intelligence, particularly predisposed him to present to the public a work conceived without an *esprit de système*, with a persistent concern to stick to the facts and taking heed not to evade

contradictions and difficulties" (Métraux 1936: 468). The absence of an *esprit de système* extolled by the anthropologist refers to the necessity felt by these ethnographers to avoid offering systematic and totalising responses in their studies, given the impossibility, as they perceived, of reaching syntheses from them.

The view that scientific production in anthropology should be dedicated to collecting 'concrete data' rather than venturing theoretical syntheses is thus a central tenet of Lowie's proposed approach, which was followed by Loureiro and his peers. In Lowie's words, research should start out by acquiring "an elementary knowledge of culture history, [its] relevant facts and concepts"; towards this aim, they should male the corresponding methodological effort of "deliberately avoiding theoretical discussion," striving to "present the essential facts topically" (Lowie 1958: ix)." He summarizes his definition of a "proper view of cultural elements" as follows: "The general goal of anthropological study is to understand the whole of culture in all periods and ages, and to see each humblest fragment in relation to that totality. To grasp one such tiny element from all possible angles would be to gain an insight into the processes and factors of all culture" (Lowie 1958: 384-85). It is a matter, therefore, of providing a comparative description of all the elements of all human cultures, and the history of their contacts. In sum, "the processes and factors of all culture."

This is an inexhaustible knowledge project in which each stage (each local study) is envisaged as a moment in the construction of a more comprehensive science: a series of circumscribed studies that nonetheless aim to achieve the greatest possible scope (a universalist knowledge). We can perceive the affinities of this type of empiricist study with Loureiro's own medical training: research work involves recording facts and manifestations that can later be used for comparative analyses, or inserted into a series along with other manifestations. The ultimate goal, which Loureiro would pursue in the construction of synoptic maps in the exhibitions he would organize about his studies, was the total history of human cultural developments.

In 1942, Loureiro coordinated a multidisciplinary field research project, developed in conjunction with his teaching programme, on the living conditions of the indigenous and caboclo populations of Paraná state's coastal region.[8] Five years later, the results of this research were published in the *Arquivos do Museu Paranaense* (Loureiro Fernandes 1947). The text begins with a study of the region made by Reinhardt Maack, which enables Loureiro to analyse the geological conditions of the territory's occupation and explain why the diet of local populations was exclusively linked to fishing and the extraction of forest plants. This is followed by an analysis of local archaeological evidence and, once again, the reconstruction of the history of the territory's occupation and an ethnographic description of economic activities, dwellings, fishing techniques and manioc flour production.

8 Tupi in origin, the category 'cabocla' refers to mixed populations of indigenous and white or black people, as well as their descendants.

The courses taught by Loureiro at the Faculty of Philosophy followed this same methodological structure. As an example, we can take the programme of the Ethnography course he offered to social science students in 1951: the first half of the course consisted of a discussion of the evolutionary history of the human species and techniques, followed by a presentation of different manifestations of the categories listed by Lowie – diet, habitations, furniture and clothing – in different societies. The second half began with classes on the concepts of culture and society – meaning these subjects were taught in the middle of the course, rather than as a general foundation. After these classes, amid discussions on status, roles, marriage, family and clans, new 'concrete data' was presented on techniques (weapons, spinning and weaving, soil cultivation), understood from the point of view of the division of sexual labour. The course ended with a discussion of cultural areas and acculturation, notions central to the anthropology of the time (Caderneta 2023).[9]

Additionally, at the end of 1942, Loureiro began a series of research activities and archaeological recording of burials at the Matinhos sambaqui (shell mound site). The sambaquis were starting to be exploited as a source of calcium carbonate, and he began to monitor this exploitation of the site in his capacity as director and researcher of the Paranaense Museum. Through contacts made with the Italian geologist Otorino de Fiore, who had been conducting surveys of São Paulo's sambaquis since 1937, Loureiro learnt basic techniques that, over the following years, would allow him to mark the burial positions at the sites, create plans and profiles using the base and top of the structures as reference points, correlate this information with other archaeological evidence (arrowheads and combustion structures), and, finally, collect and store this evidence (Ceccon 2011). Loureiro presented the preliminary results of this research at a Regional Congress of History and Geography in Paraná in 1948 (Loureiro Fernandes & Blasi 1956: 67), though they would only be published at the XXXI International Congress of Americanists, held in São Paulo in 1954.

These studies were linked, therefore, to the Paranaense Museum and were based on fieldwork carried out with scholars from diverse fields. The multidisciplinary nature of the science he sought to build,[10] combined with his emphasis on the study of objects and material culture, also entailed the need to have a minimum physical infrastructure. To guarantee these resources, in 1948 the then director of the Museum accepted the position of Paraná Secretary of Education, a post to which he was invited by the then governor Moysés Lupion (Ardigó 2011).

Finally, at the end of the 1940s, Loureiro Fernandes became involved in the work of the National Folklore Commission (*Comissão Nacional de Folclore*: CNFL). This Commission

9 For an appraisal of the training offered on the FFCLPR courses, see Guérios (2022). For a general analysis of the UFPR Social Sciences course between 1938 and 1960, see Prado (2017).

10 In his research, Loureiro drew on studies in areas such as geology, geography and history, as well as linguistics, archaeology, biological anthropology, ethnography and folklore studies.

had just been set up by the diplomat Renato Almeida as part of the activities of UNESCO's National Commission in Brazil, which aimed to advance knowledge, mutual understanding between peoples, and the stimulation of scientific and cultural exchanges at international level (Abrantes & Azevedo 2010).

The inspiration for the 'folklore studies' instituted by Renato Almeida in Brazil also came from France. In 1937, Georges Henri Rivière had founded the Musée National des Arts et Traditions Populaires in Paris, dedicated to forming collections and producing ethnological studies on French rural and traditional societies. According to Florence Weber, these studies were carried out by a "collective research commission" which functioned as a "scientific cooperative":

> …based on the model of a federation of learned societies and with the help of a thousand volunteer correspondents, most often primary school teachers, [they gathered] 'documents' for the history of the present day. This undertaking was not without scientific and ideological naivety: a belief in the possibility of collecting material that was relatively uncontextualized; a weak problematization of the links between historical or archaeological questioning and an interest in the present; concern over the vanishing of the past and a sense of urgency about collecting, linked to an interest in techniques. (Weber 2000: n.p.)

Renato Almeida worked as a folklorist and musicologist before assuming the role of director of the UNESCO National Commission in Brazil at Itamaraty (the Brazilian Foreign Ministry). He took advantage of the favourable institutional conditions to which he had access to create and foment the National Folklore Commission. Invited to make an official visit to France shortly after the end of the Second World War, in 1947, he maintained contact with intellectuals linked to folklore studies, such as André Varagnac, and took part in "the reorganization of the Centre International des Arts et Traditions Populaires (CIAP) in Paris" (Vilhena 1997: 94-96).

At this time, the Folklore Commission was a rare opportunity for intellectuals from different parts of Brazil to come together in a single institution, allowing them to circulate, and for a group of scholars from across the country to be formed. Especially for intellectuals living outside the Rio-São Paulo axis, this meant the chance to exchange ideas and publicize their work. The commission's activities allowed several of the professors who occupied the chairs of Anthropology and Ethnography in Brazil in the 1940s to form closer academic ties.[11] Within the scope of the CNFL, Loureiro Fernandes also began to study folkloric manifestations in the coastal and inland regions of Paraná, publishing studies on the Cavalcades of Guarapuava and Palmas, and the Congadas of Lapa (Loureiro Fernandes 1948, 1950, 1951).

11 Among the medics who held anthropology and ethnography professorships at Faculties of Philosophy, aside from Loureiro Fernandes, names like Osvaldo Cabral (1900-1991) from Santa Catarina, Theo Brandão (1907-1981) from Alagoas and Armando Bordallo da Silva (1905-1991) from Pará all participated in the Brazilian Folklore Movement.

As Vilhena has shown, from the mid-1950s onwards, folklore studies became the target of strong criticism, viewed as a pre-scientific phase of studies on popular culture in Brazil. However, as the author states, "at various moments, folklorists participated intensely in the debates that defined the constitution of the field of social sciences in Brazil" (Vilhena 1997: 28). In the following years, Loureiro Fernandes would be one of the central figures in these debates.

CIRCULATION OF KNOWLEDGE: THE FEDERALIZATION OF THE FACULTIES OF PHILOSOPHY AND LOUREIRO FERNANDES' PERIOD IN PARIS

The federalization of Brazil's universities in the 1950s was a defining moment in Loureiro Fernandes' intellectual trajectory. The literature on the processes of institutionalization of the Brazilian university system places considerable emphasis on the changes linked to the university reform of the late 1960s and early 1970s, the period when the first postgraduate programmes were created, the system of university chairs ended and academic units were organized into departments. Preceding this phase, however, the federalization process had a major impact on the structure of local universities – especially those outside the Rio-São Paulo axis (Ardigó 2013: 1-14).

For Loureiro, much was at stake. On the one hand, there was the institutional issue: previously, funding for the Paranaense Museum, where the laboratories and research were concentrated, had been secured through his own personal contacts with the Paraná state governor. But now this sphere would be gradually transferred to federal level. Still in 1950, Loureiro created a Research Institute, linked to the then UFPR, to mediate access to these resources.

In addition, the University of Paraná's new statute opened up new prospects for his scientific career. With federalization, Loureiro Fernandes began to travel much more widely, both nationally and internationally. This circulation was fundamental to the transformation of his research and academic writing practices: it enabled him to join different networks of researchers in the field of anthropology and, consequently, to glimpse new research problems and imagine new horizons for his relationship to the discipline.

Loureiro Fernandes himself was the first recipient of funds from the UFPR Research Institute for his participation in scientific events.[12] In July 1952, he left on a mission abroad, whose initial objectives, as he stated in an interview, were to establish an agreement with the University of Coimbra, participate as a delegate from UFPR at the Congress of Americanists at the University of Cambridge, and present his research at the International Congress of An-

12 The financial commitment books of the Research Institute were examined by Furtado in 1999.

thropological and Ethnographic Sciences in Vienna.[13] Additionally, as he later said, "taking advantage of the opportunity, I went with the intention of taking specialized courses at the Institute of Ethnology of the University of Paris and the School of Anthropology in Paris" (CEBDOC3759 2023).

At the time when Loureiro arrived in France, the field of ethnology was in a period of transition. His stay in the city centred around two institutions: the Musée de l'Homme and the Société d'Anthropologie. At the Musée de l'Homme and the Institut d'Ethnologie de l'Université de Paris, to which it was attached, Paul Rivet had been compulsorily retired in 1949, but still participated in the dynamics of the field (Conklin 2013).[14] Marcel Mauss had died in 1950. Claude Lévi-Strauss was active in these spaces and had emerged as an important name in the field, but had not yet assumed the position of dominance that he would occupy in the following years. Furthermore, despite the reactions to racialist studies after the Second World War, the momentum of the Société d'Anthropologie and its École d'Anthropologie, the centres where physical anthropology was concentrated in Paris, was maintained by the activities and political articulations of Henri Vallois.

Loureiro Fernandes became affiliated to the Musée de l'Homme, a reference point for French ethnology, in the academic year 1952/1953. There, he attended courses in Ethnography by Marcel Maget, Comparative Technology by André Leroi-Gourhan, Anthropology by Raoul Hartweg and Human Palaeontology by Antonin Lanquine, among others. In parallel, he followed courses in Anatomical Anthropology, Prehistory and Ethnography by Henri-Victor Vallois, Louis Marin and J. L. Baudet at the École d'Anthropologie (CEBDOC449, CEBDOC450 2023).

Loureiro Fernandes' archives contain the notebooks in which he wrote down his perceptions of the courses in which he participated. These include notes on bibliographical references, organized by cultural area (works by Franz Boas, Bronislaw Malinowski, E. E. Evans-Pritchard, Melville Herkskovitz, Margaret Mead, Marcel Griaule, Claude Lévi-Strauss, Maurice Leenhardt), as well as his notes on the various courses he followed. A large portion of his records concern technical information relating to the different courses in Physical Anthropology. These annotations make it clear that, largely because of Vallois' classes, he was able to develop an understanding of the field of anthropological studies in Paris as split into two strands – one physical, the other ethnological.

13 The Proceedings of the Fourth Congress of the International Union of Anthropological and Ethnological Sciences give us an insight into the international distribution of themes in the field of anthropology in 1952: of the twenty sections of papers, four were on Physical Anthropology; twelve on Ethnology; one on Archaeology and Palaeoethnology; one on Linguistics; one on Demography; and one on Psychology. The participants coming from Brazil were Herbert Baldus, Egon Schaden, Luís de Castro Faria and Loureiro Fernandes (see Heide Geldern et al. 1956), all founding members of the Brazilian Anthropology Association.

14 It was Rivet who welcomed Loureiro at both the Musée de l'Homme and the Société des Américanistes, and who introduced Loureiro at the session when he became a member of the Société (CEBDOC1001 2023).

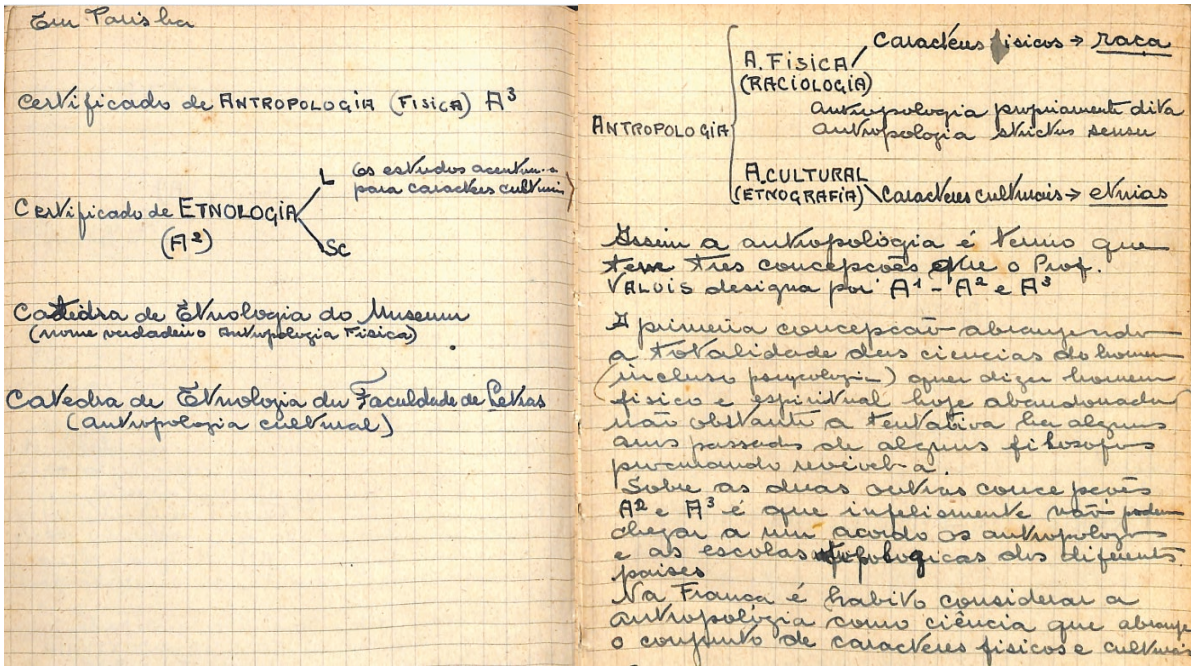


Fig. 1a,1b. Loureiro Fernandes' notes on Henri-Victor Vallois' lectures (CEBDOC4134 2023).[15]

At the same time, these notebooks reveal his interest in Leroi Gourhan's Anthropology of Techniques and Maget's methodological proposals for Ethnography.

The work being developed by Maget was published in 1953 as *Guide d'Étude directe des comportements culturels*, which, according to his foreword, consists of the "résumé of a collection of lecture and research notes and of a course given at the École du Louvre and, more succinctly, at the Institut d'Ethnologie" (Maget 1953: xxxiv). In Maget's approach, "theoretical developments are reduced to a minimum" (Maget 1953: xxi). Furthermore, in his *Guide*, the author also advocates the dialogue between disciplines. In his view, the tendency towards a "monopoly of explanation (…) – geographism, biologism, diffusionism… including ethnographism" – could result in a "categorical denial of realities." Hence, it was essential to "set specific tasks in liaison with other scientific disciplines, since the history and current situation of each can provide useful information and support for all the others." As no single discipline would be able to offer satisfactory answers alone, each had to be clear about its specific tasks. In the case of ethnography, it was a question of recording the "human behaviour endowed with meaning for a given population" and of defining "approaches and

15 Transcription (translated from the Portuguese original): *In Paris there is: Certificate in Physical Anthropology (A3); Certificate in Ethnology (A2): L [Letters] – studies emphasise cultural characters; Sc [Sciences]. Chair of Ethnology at the Muséum [d'Histoire Naturelle de Paris] (real name: Physical Anthropology); Chair of Ethnology at the Faculty of Letters (Cultural Anthropology). Anthropology: Physical A. (Raciology): Physical Characteristics – Race. Anthropology properly speaking. Strictu sensu anthropology. Cultural A. (Ethnography): Cultural characteristics – ethnicities. Thus, Anthropology is a term with three conceptions, which Prof Vallois calls A1 - A2 - A3. The first conception, encompassing all the sciences of man (including psychology), means physical and spiritual man, today abandoned despite the attempt by some philosophers, some years ago, to revive it. Concerning the other two conceptions, A2 and A3, unfortunately, anthropologists and anthropological schools in different countries are unable to reach agreement.*

techniques at the level of routine observation and information, supported mainly by optical and sound recordings" (Maget 1953: xxiv-xxvi).

This simultaneously empirical and comprehensive perspective also applied to the comparative study of techniques developed by Leroi-Gourhan in the 1940s and 1950s: his method called for the identification of the raw materials used in each artisanal process, a detailed description of the procedures used to transform these materials, the materials and tools employed, the temporal description of gestures and their sequences, and the ways in which these practices are understood and represented by the artisans. The framework for the study of techniques at the Musée de l'Homme was part of a wider knowledge project, which was reflected in the organization of the museum's exhibitions. Describing the structure of these exhibitions, Michel Leiris observed that "prehistory and physical anthropology were the introduction to the ethno-geographical galleries, and at the end the Arts and Techniques room played a synthetic role: it was assembled (…) by Leroi-Gourhan to show techniques" (in Dupuis 1999: 524). As Laurière (2008: 422) argues, this exhibition layout served to "demonstrate the unity of the human spirit by its equal manual and artistic ability to compose with its natural universe." By presenting Arts and Techniques (the 'primitive industries') after underlining the biological unity of the species, the exhibition sought to lead visitors to reflect on what they had in common with earlier humans. The intention was for Parisian workers, on visiting the Musée de l`Homme, to identify with the 'men of the past' seeing them no longer as 'primitives' but as workers too – linked to the same technical gesture, the same *savoir faire* (Laurière 2008: 423). Thus, at the same time as Maget's methodology was perfectly in tune with Loureiro's vision of ethnographic work, Leroi-Gourhan's project to study techniques was close to his project to constitute knowledge about the beginning and progress of the "history of American industry" vis-à-vis Nature (Loureiro Fernandes 1956 [1950]: 63).

Finally, another field of knowledge that interested Loureiro Fernandes was by then disappearing in Paris: folklore studies. When Loureiro arrived in the city in 1952, the panorama of this field had transformed compared to 1947, the year when Renato Almeida had made his own contacts with French folklorists. The term 'folklore', now associated with a methodology seen as unscientific, was abandoned. As Bromberger (2009) argues, one of the central figures in this transformation was Marcel Maget himself, one of the main intellectuals associated with the folklorist movement: when he published his *Guide*, he subsumed his research methodology under the term *ethnographie métropolitaine* thereafter (also see Segalen 2005).

Loureiro Fernandes' time at the Musée de l'Homme was a defining moment in his scientific career, providing him with the elements needed to consolidate and integrate knowledge practices that, until then, he had been accumulating in a more dispersed fashion. Had he travelled to Paris a few years later, he would have encountered a very different intellectual panorama. In the early 1950s, though, he was able to maintain his view of Anthropology as a multidisciplinary field and as a scientific practice that was essentially historical and

empirical in nature. At the same time, his written production, his courses and his research were indeed transformed: he began to restructure his academic activities based on what he had observed in European academic environments.

The biggest impact of his trip was on his relationship to folklore studies. Before travelling to France, he had organized the Second National Folklore Congress, which he presided over shortly after his return in 1953. In his opening speech at the Congress, he indicated that his understanding of the area had changed.[16] Referring to Maget, he associated the research of folklorists with art and the scientific study of cultural manifestations with ethnology and cultural anthropology. Later in his closing speech, he doubled down on this idea, arguing that folklorists should show caution when analysing the facts of material life, since, given they lacked the technical knowledge to engage in analysis, their work in the area would be of little scientific benefit (CEBDOC3179 2023). Maget's rejection of 'folklore' and the adoption of the term 'ethnography' for his methodology – changes connected to the dynamics of the French intellectual field – were transposed to Brazil by Loureiro.

The following year, therefore, Loureiro dissolved the Folklore Section of the Research Institute he directed at UFPR, since he now believed that folklore studies did not constitute a distinct science and that their object was an integral part of ethnology (Vilhena 1997: 142). At the meeting of the Paraná Folklore Commission where he proposed the dissolution of this Section, he explained his realization, while in Paris, that he had been "labouring in error" in terms of his understanding of folkloric phenomenon. From then on, he stated, only ergological and technological research (the Anthropology of Techniques, in other words) conducted by the Folklore Commission would be continued at the Research Institute. The research on Art and Popular Traditions would be the responsibility of the School of Music and Fine Arts, and "when possible and convenient," the Research Institute's Ethnography team would "incorporate elements" of the latter (Carta 1954).

Loureiro began to restructure his Chair in Anthropology based on his interaction with the academic model of French Ethnology in Paris. The physical structure and organization of his classes, for example, altered significantly after the French experience. In a lecture given shortly after his trip, he cited the Musée de l'Homme as an inspiration for his teaching practices, as he had realized that objects could be taken as 'testimonies' to knowledge:

> They ensured greater efficiency, since anthropological or ethnographic items were frequently requested for classroom demonstrations and, moreover, the course assistants periodically gave practical classes in the museum's exhibition space itself, using the display cases to demonstrate to the public. In fact, the organization given to the collections represents a very well illustrated and documented synthesis of a course in anthropology and ethnology. (CEBDOC3102 2023)

16 In December 1952, two months after starting his courses in Paris, Loureiro attempted to resign from the presidency of the Congress in a letter to Renato Almeida (Letter 1952), alleging political difficulties in obtaining the resources needed for the Congress from the state of Paraná. It is possible, however, that he already realized at this point that the continuation of his work in the field of folklore would be unfeasible, due to his contacts with French ethnology.

Loureiro went on to transform the physical spaces of the Department based on this experience, creating

> a Didactic Museum, predominantly consisting of a scientific collection of indigenous things that he used as teaching support for the courses he taught. Additionally, he organized a 'Popular Education' exhibition room, aimed at the public outside the university, a Physical Anthropology Office and a Linguistics Office, as well as a huge library. He also set up an acoustic room to store the research sound archives and a Film Laboratory, where Vladimir Kozák worked and archived the photographic, film and sound materials generated by the research. (Passos 2021: 134)[17]

At the same time, he sought to train researchers and stimulated fieldwork in the four areas of Anthropology. For the area of Social Anthropology, he hired Fernando Altenfelder Silva (1916-1953) as an assistant professor.[18] For the area of Linguistics, he obtained funding from the Research Institute, between 1955 and 1959, to cover the training of Aryon Rodrigues (1925-2014), who became the first Brazilian doctor in linguistics when he defended his thesis at the University of Hamburg (Carta 1955). After receiving his doctorate, Rodrigues returned to UFPR, where he worked as a professor of Brazilian Ethnography and the Tupi-Guarani Language until 1963.[19] Cecília Helm (1937-present) and Igor Chmyz (1937-present), also trained by Loureiro and later awarded doctorates in Rio de Janeiro and São Paulo, respectively, would later become professors of indigenous ethnology and archaeology at UFPR.[20]

Loureiro himself produced research and articles in the areas of Archaeology, Physical Anthropology and Ethnography. In 1954, he finally presented his excavations of the Matinhos sambaqui at the meeting of the Society of Americanists of São Paulo (Loureiro Fernandes 1955). The following year, he began a long-term collaboration with archaeologists Joseph Emperaire and Annette Laming Emperaire, both affiliated to the Musée de l'Homme. This collaboration resulted in excavations at sites in southern Brazil and the creation of a pioneering Centre for Archaeological Studies and Research (*Centro de Estudos e Pesquisas Arqueológicas*: CEPA) at UFPR. Physical anthropology, in its strictest sense, continued to be a field of interest to him. In 1955, he presented an anthropometric study of the Kaingang at the 31st International Congress of Americanists, based on the methodology of the German Rudolf Martin, whom he

17 Vladimir Kozák was an engineer of Czech origin who came to Brazil in the 1920s and was hired by Loureiro to make films and to photograph his research materials. Kozák built up a large audiovisual production of his own about various Brazilian indigenous peoples, now stored in the archives of the Museu Paranaense.

18 Altenfelder had graduated in Sociology from the Free School of Political Science (in São Paulo) and studied for a year in Columbia University's Department of Anthropology. Arriving in Paraná in 1953, he was studying a community on the middle São Francisco River, in Bahia, invited by Donald Pierson. In 1955, this work was defended as a thesis for a Full Professorship at UFPR (Prado 2017: 57-65).

19 This same year, he transferred to the University of Brasilia (UnB) at the invitation of Darcy Ribeiro, given that UFPR had not yet been able to create a chair for him to occupy.

20 Loureiro also sent his students Eny Maranhão and Maria José Menezes to France to pursue doctorates in Physical Anthropology and Archaeology, respectively, but neither of them completed their studies. In addition, he sent Marília Duarte Nunes to France and Portugal to do an internship at museums. Nunes would latter take over as director of the Museu Paranaense and worked as a museologist at the Museu do Índio in Rio de Janeiro.

had first met at the Ecole d'Anthropologie. Throughout the 1950s, Loureiro also participated in the Committee for the Standardization of Anthropometric Measurements in Brazil, alongside Maria Júlia Pourchet from the National Museum and in dialogue with Henri Vallois (see CEBDOC2153 2023). Finally, from 1955 onwards, he carried out an ethnographic, linguistic and Anthropology of Techniques study with the Xetá, an until recently isolated indigenous population that had been heavily affected by colonial expansion in the west of Paraná state.[21]

Between 1955 and 1961, Loureiro and researchers from the Department of Anthropology at UFPR made several expeditions to the Serra dos Dourados, where the Xetá lived. Until then, Loureiro had only researched indigenous peoples who lived in village settlements organized by the Brazilian state. This contact with the Xetá seemed important to him from a scientific viewpoint because, in his words, it enabled him to have access to "a living *facies* of Brazilian prehistory," "the last living source of Paraná prehistory" (CEBDOC558 2023; Loureiro Fernandes 1961 [1956]: 86).[22] Together with filmmaker Wladimir Kozák (1897-1979) and Annette Emperaire, he made a film about the crafting of instruments by the Xetá, following the methodology advocated by André Leroi-Gourhan. In collaboration with Czech linguist Čestmír Loukotka (1895-1966) and with linguists from the FFCLPR, Aryon Rodrigues and Rosário Mansur Guérios (1907-1987), he compiled a basic vocabulary of their language, through which he sought to ascertain the group's origin. At the same time, he began to draft an ethnographic text, now contained in the CEB archive, though this work was never completed.

Simultaneously, from the first expeditions to the population, Loureiro sought to articulate his networks of contacts in Brazil and abroad in an effort to demarcate lands for the Xetá. His archives record his efforts to publicize this cause in magazines like the American *Time*, and in scientific journals. They also show his correspondence and dealings with Paul Rivet and with anthropologists linked to IUAES and UNESCO, with whom he sought to promote research and collaborative actions to defend the Xetá, as well as his liaisons with Brazilian and foreign institutions and scholars to present the demands for protection for this people to the Brazilian state authorities. The solution, he suggested, would be the creation of a State Park in the region to shelter and protect them from the attacks of the colonizers. As shown by various studies conducted in recent years that aim to reconstruct this process from the Xetá people's viewpoint, however, Loureiro's actions were unable to prevent the genocide of this population, of which eight individuals survived.

By the mid-1950s, Loureiro had organized his professorship to encompass all areas of anthropology, in accordance with the Four Fields conception of the discipline. During this

21 The process of contact with the Xetá, of which Loureiro and his team were an integral part, merits more attention than can be given in the space of this article, but it is important to address the subject, even if only in outline.

22 "The category *facies* [from the Latin for appearance, face, aspect] was introduced by geology in the first half of the nineteenth century to refer to the specific characteristics of minerals; it was (re)appropriated by palaeontology from the term fossils and used by archaeology to refer to a set of artifacts with similar characteristics from a past time and space. Accompanied by the term 'living,' Loureiro Fernandes further mobilizes references to the present, drawing on biology, ethnography, and linguistics" (Passos 2021: 152).

period, he lived through various intense experiences: a strong involvement in the structuring of Anthropology in Paraná and Brazil; an immersion in the French anthropological field at the time; a move away from earlier research topics, such as folklore; the structuring of different areas of anthropology on his courses; and finally, a bitter realization of the limitations to knowledge of the area. At the same time, he would become a prominent figure among his peers during this period, and it was no coincidence that they would appoint him as the second president of the then nascent Brazilian Anthropology Association.

INSTITUTIONALIZATION AND TRANSFORMATIONS OF ANTHROPOLOGY IN BRAZIL

It was only from the mid-1950s that Brazilian anthropologists began to meet and organize in associations. Just before his departure for Paris in March 1952, Loureiro received a letter from Luís de Castro Faria (1913-2004), a professor at the National Museum in Rio de Janeiro, asking him to complete a record card with which he intended to organize the data on scholars working in the field of Anthropology in the country. The objective, according to his colleague's letter, was to "boost the development of the study of Anthropology […] by establishing permanent contact [and 'close cooperation'] with colleagues in the same specialty." Castro Faria expressed concern about the fact that "Anthropology was only a chair, lost among the courses on Geography and History, and Social Sciences" (CEBDOC473 2023).

Castro Faria's next contact on the subject occurred shortly after Loureiro Fernandes returned from Paris. This time, Loureiro was invited to participate in the First Brazilian Anthropology Meeting, held at the National Museum in October 1953, whose objective was to organize "a review of the anthropological studies conducted in Brazil up to that date" (Anais 1957). Castro Faria asked Loureiro to participate in a round table on the "possibilities for research and for the exercise of technical-professional activities" in the area. The other tables at the meeting, as pointed out in the introduction to this article, followed the structure of the field in the United States. Their themes were: the teaching of Anthropology; Physical Anthropology; Archaeology; and Linguistics. At this meeting, themes then linked to Ethnography (and today subsumed under Social or Cultural Anthropology) were covered in separate thematic sessions: studies of regional areas; studies of culture and personality; assimilation and acculturation; studies of communities; indigenous people; and the black population (*Revista de Antropologia* 1954).[23]

On revisiting Loureiro Fernandes' intellectual trajectory, it becomes apparent that the understanding of Anthropology as a comprehensive science, in line with Franz Boas's proposed approach, was a recurring feature of his thinking – and that of several of his peers,

23 The Second RBA, held in 1955, had as its 'themes,' in addition to the Four Fields, 'Folklore' and 'Professional Problems and the Teaching of Anthropology'; Loureiro made up its Board of Directors along with Herbert Baldus and Thales de Azevedo (Anais 1957: 3, 4). At the Third RBA, the tables were not organized thematically (see Anais 1958).

including Luís de Castro Faria, Herbert Baldus and Egon Schaden (1913-1991), a professor at USP. During the First RBA, Egon Schaden made this idea clear when he spoke about what he considered to be the 'dilemmas' of teaching the subject at universities. On this occasion, he remarked that, in the 1950s, anthropologists were no longer able to master all areas of knowledge covered by the Four Fields, as Boas once had. Researchers therefore needed to specialize. In his view, though, the training offered to students should maintain this broader panorama: professors should present the area in their classes as a science with a wide-ranging scope – which constituted, in his view, the differential of its knowledge project. In his words:

> When using elements from any related subject, we must once again keep in mind the general perspective of anthropology itself. Academic staff with a sociological training frequently run the risk of turning their classes into sociology courses; (…) anatomists, for their part, like to transform anthropology into a sub-branch of human anatomy. The same goes for biologists, theologians, linguists, archaeologists, and so on. (…) this same mistake(…) can have disastrous consequences due to the gaps in anthropological training that it will leave in students by not providing them with a global vision of human phenomena, which is anthropology's raison d`être (…) The problem, therefore, is that of the comprehensiveness of anthropology as an object of teaching. (Schaden 1954: 4, 7, 8)

This idea of anthropology as a comprehensive science, whose ultimate goal was to "provide a global vision of human phenomena," was expressed in the institutional structure of the chair that Loureiro had organized at UFPR. In the 1950s, he had already successfully promoted the training of students, in Brazil and abroad, in diverse areas and had himself organized research projects and published articles in his different specialties.

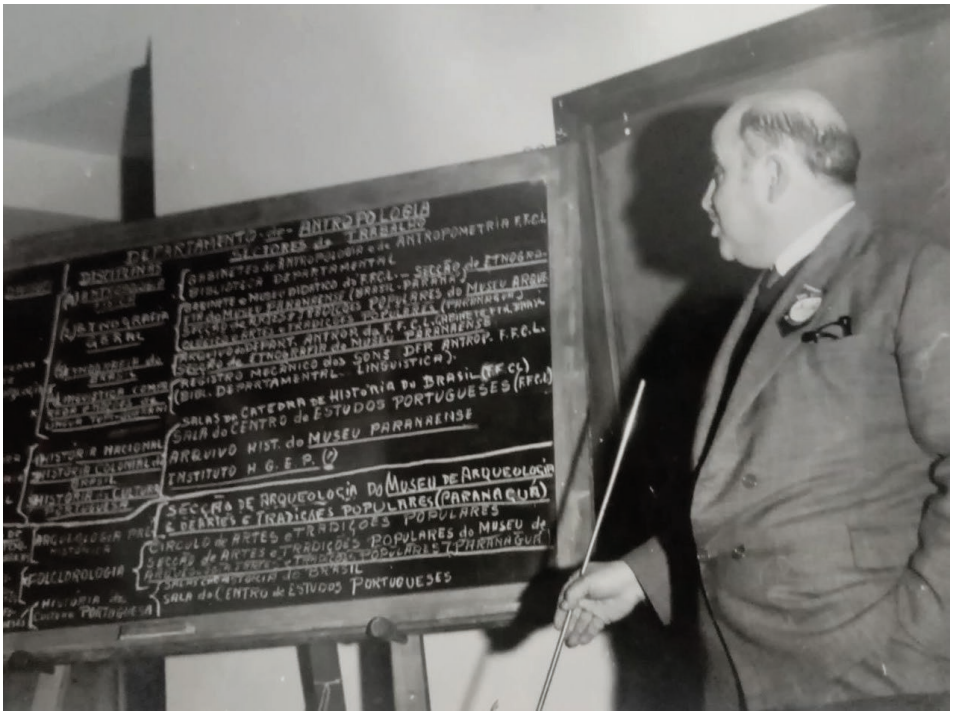


Fig. 2. Loureiro Fernandes presents the structure of the Department of Anthropology at the beginning of the 1960s. Source: Archive of the Círculo de Estudos Bandeirantes

This may have been the reason for the invitation that led him to become ABA's second president, a position to which he was elected at the end of the Third RBA in February 1958 (Corrêa 2003: 8). His letters to Manuel Diégues Jr., ABA's secretary during his term, show that the main project for his mandate was to structure the association: registration of its statutes, a survey of possibilities for funding, the creation of bulletins and instruments for continuous communication between its members and the definition of the eligibility criteria for its active members. Throughout the correspondence, we can discern the desirable profile for researchers in the area: according to the statute approved by the full members, "the category of full member is reserved exclusively for professors of Anthropology and related sciences at higher education institutions, qualified specialists from official research institutes and authors of anthropological works of notable value, at the discretion of the Board of Directors" (Carta 1959). At the same time, an examination of the correspondence between Loureiro and Diégues Jr. shows how these criteria were applied in practice. Antônio Teodoro da Silva Neiva, for example, a professor of Anthropology and Ethnography at the Faculty of Philosophy of Goiás, saw his various requests to become a full member turned down. He was designated a collaborating member instead. Replying to his query about the reason for the refusal, Diégues Jr. emphasized that:

> …the mere title of Professor of Anthropology, or a similar chair, is not considered sufficient for admission as a Full Member; it must be associated with research activities, publication of works, etc., in the anthropological field. The examination of your Curriculum Vitae by the Board of Directors found that your activity in Anthropology is limited to teaching; there are no publications, any research carried out, or any scientific anthropological work. (Carta 1959)

At the same time, Loureiro repeatedly expressed to Diégues Jr. his concern about limiting the number of full members: at the beginning of his term as ABA president, he emphasized the need to "think about everything we agreed upon, especially about the limit on the number of full members, because otherwise, we're in trouble. I have already received four letters inquiring about the possibility of admission from anatomical physicians" (Carta 1958). The application of ABA's Statute thus included both the need for scientific production and a profile affiliated to a particular conception of anthropology – the kind of broad conception to which Schaden had referred at the First RBA. Specialists who practiced only one discipline – who limited themselves to one of the areas of knowledge related to anthropology at that time – did not fit the profile envisioned by the founders of the ABA for its full members.

In addition to the institutional structuring of ABA, another essential task for Loureiro's mandate was the organization of the Fourth RBA, held in 1959 in Curitiba, as mentioned at the start of this article. Presiding over the meeting, Loureiro made a point of highlighting two events that occurred in the year concerned: the centenary of the founding of the Société d'Anthropologie by Paul Broca in France, and the centenary of the publication of Darwin's *On the Origin of Species* in England. The two lectures of the Fourth RBA covered precisely these two topics: Castro Faria

spoke about "Paul Broca and the Société d'Anthropologie de Paris" while Egon Schaden gave the lecture "Darwin's scientific work and its importance for Anthropology." In mentioning the Congress's central theme in his opening talk, Loureiro lamented the fact that social anthropologists were failing to refer to studies in the field of biology: "This specialization seems undesirable, to the point of omitting relationships that had once served to clarify biological theories and social behaviours in the solution of anthropological problems" (Conferência 2023).

As stated earlier, it was after this meeting that the discipline would gradually start to specialize as one of the social sciences, progressively abandoning the multidisciplinary approach pursued previously. The beginning of this change is already perceptible in the archival materials related to the Fifth RBA, organized by Darcy Ribeiro. As at previous meetings, sessions on Archaeology, Physical Anthropology, Linguistics and 'Teaching Anthropology' were planned, while papers placed under the rubric of 'Cultural Anthropology' were divided into two sessions: 'Indigenous Ethnology' and 'Brazilian Ethnology.' In addition, two additional sessions were dedicated to 'Indigenous Policy' and 'Immigration Policy' (Circular 1961).

The ABA archives relating to the Fifth RBA also contain a letter from Roberto Cardoso de Oliveira to René Ribeiro, asking him to consult Gilberto Freyre confidentially about the possibility of him giving the event's closing address. Cardoso de Oliveira wrote: "Darcy and I thought that one of the planned lectures – possibly the last one, closing the meeting – could be given by our Gilberto. (…) it would be an opportunity to reconnect him with people from the South, anthropologists and sociologists, who, for whatever motive, do not always view him favourably. Several other reasons led us to think of Gilberto" (Carta 1961).

Freyre ended up turning down the invitation and was replaced by Florestan Fernandes. The Fifth RBA report states that "[all the lectures] were of considerable interest, although it is worth highlighting the contribution of Professor Florestan Fernandes, whose lecture set out the foundations, at a high level of theoretical elaboration, the possibility of an integrated approach to the Social Sciences" (Lanna 1961: 125). In his talk, published later, Florestan presented his view that anthropology should be dedicated to "explaining the conditions under which culture becomes a basic element in the organization of life" (Fernandes 1961: 459, 460) from a functionalist perspective: he expressed his 'surprise' at "the perpetuation of an authentic humanistic relic, even among functionalist anthropologists," and considered that "the instrumental character of culture constitutes an objective fact, evident from any perspective from which we look at it" (Fernandes 1961: 460). While emphasizing that it seemed to him "imperative to encourage the theoretical concerns of our young social scientists" (Fernandes 1961: 453), he made explicit his criticisms of the science practiced by the generation that dominated the area in Brazil. In his opinion:

> among the Social Sciences, Anthropology is characterized by two striking features that appear in it with extreme intensity: first, the considerable and uninterrupted accumulation of empirical materials, often disconnected from interpretative concerns pertinent to the nature of the problems that they pose to anthropological explanation; second, the physical and formal

> dissociation of the different disciplines that are consensually understood by anthropologists as fundamental branches of scientific anthropology. Both these features are linked to the existence and perpetuation of conditions of scientific work that are detrimental to the transformation of anthropology into a general science of culture and to the organic integration of the disciplines that comprise it. The accumulation of empirical materials represents one of the conditions for progress from a scientific viewpoint, in any field of investigation. Yet only the appropriate interrogation of facts can lead to the ultimate goal of science, which consists of the discovery and verification of general explanations for investigated phenomena. (Fernandes 1961: 463, 464)[24]

At the time, Loureiro Fernandes' peers realized that their generation was quickly being left aside and sought to reaffirm their positions in the field. The Sixth RBA was organized by Herbert Baldus, in São Paulo, and took as its symbol an axe – according to Baldus, a "cultural feature of the largest Brazilian linguistic family, the Jê, items with a variety of functions and an object of study in both ethnology and archaeology" (quoted in Chmyz 2006: 192). In his conference reviewing the ten years that had passed since the First RBA, Castro Faria (1998 [1963]: 37, 48) lamented that, with the regulation of the Law of Guidelines and Bases of Education (LDB) in 1961, Ethnology had "begun to appear only in the lists of complementary subjects, as an option for students" on Geography and History courses, while Physical Anthropology had, under the same Law,

> disappear[ed] from the lists of subjects, including the so-called subjects of a 'complementary cultural nature,' on the History, Geography and Social Sciences courses. (…) biological anthropology already appears vulnerable, without the official rubber stamp of federal legislation, which once assured it free passage. Now (…) this will depend on the decision of collegiate bodies, made up of professors of History, Geography and Social Sciences.[25]

As stated earlier, with the discipline's change in profile, gradually becoming specialized within the social sciences, narratives were created about its trajectory that began to emphasize, from the past, only those authors who served as references to the new configuration that it was assuming. The same had occurred in France throughout the 1950s: the narratives on how the discipline had taken shape also changed, emphasizing a whole other corpus of canonical texts, whose centrality, constructed later, would be projected onto the past. As Laurière (2008) writes:

> …contrary to what a certain history of ethnological thought might lead one to believe, Durkheimian and Maussian theories were not so prevalent [before the Second World War]. In 1932, Mauss's teachings were not notable in France; his courses were sometimes lauded, other times regarded

24 For Mariza Corrêa (2006: 25), this lecture showed that "the time was propitious for the practice of sociology," Referring to the same talk, Mariza Peirano argued that Florestan's proposal concerning the relationship between anthropology and sociology defined standards that "remain in force today on the agenda of the country's social sciences: academic excellence as a parameter – including theoretical ambition – and, from different perspectives of commitment, the national theme" (Peirano 2000: 224).

25 For Castro Faria, Physical Anthropology had in fact become devoid of significance over time, dedicating itself to making measurements, without giving them meaning; in his view, the area needed to be rethought and reconfigured as Biological Anthropology, enabling "the recuperation of a field of knowledge, which, due to the malicious artifices of our improvised university structure, is dangerously close to irremediable disrepute" (Castro Faria 1998 [1963]).

> with a certain perplexity. The 1930s were still the golden age of diffusionism, a paradigm that is completely devalued and denigrated today, but which nevertheless remained the dominant matrix of interpretation of the cultural history of humanity, imbued with a generous ambition.[26]

There are, therefore, perceptible homologies between the ways of referring to the history of anthropological ideas in France and Brazil – at the same time as there were direct effects linked to the circulation of knowledge between the two countries. Loureiro Fernandes stated his dedication to the 'progress' of science and society, represented for him by the productions of the "most advanced cities of the old and new world" (CEBDOC055 2023). This resulted in a heteronomy in his intellectual work: upon returning from France in 1953, he sought to reproduce in Brazil what he had observed during his mission to Europe, structuring his teaching and research activities based on his apprehension of the field as developed through his contacts with Rivet and Vallois. Over the following years, though, these approaches would come to be seen as outdated in France itself, replaced by a new disciplinary configuration founded on the success of Lévi-Strauss's approach. And, as Garcia Jr. (2009: 419-423) notes, referring to Castro Faria, in Brazil, agents connected to Social Anthropology would also successfully consign this Four Fields Anthropology – linked to museums and practiced by the generation of Castro and Loureiro – to the past. By studying trajectories like Loureiro's, we can understand how ways of referring to the disciplinary past are intrinsically linked to how it is practiced: as what happened is described, a particular view is simultaneously prescribed of what that past was about.

In Brazil, a symptom that a cycle was coming to an end appeared at the Eleventh RBA, held in 1978 in Recife, under the presidency of René Ribeiro. As Motta, Scott and Athias (2006: 326) point out, the landscape of the discipline was quite different from that of the meetings held up until the early 1960s: from the few participants at the first RBAs, the event had grown into congresses involving hundreds of participants from different postgraduate programs, younger, and with diverse educational backgrounds. Lines of research had also diversified, while classical methodologies were being questioned. At the final assembly of the Eleventh RBA, which was set to elect the new ABA Board, tensions erupted. As the authors state, at the end of the assembly,

> …the unexpected proclamation of Professor Castro Faria (National Museum) for a second term appeared ironically to run counter to the plans for renewal then being proclaimed, since the appointment maintained and reinforced the old traditions of conciliation, including satisfying the expectations of the older generations. On the other hand, the new fact consisted of the inclusion of young professors in the composition of ABA's Board of Directors and Scientific Council. (Motta, Scott & Athias 2006: 327)

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26 In England, something similar had happened years earlier, with the impact of Malinowski's work. Marilyn Strathern (1987: 251) perceptively highlights the connection between her training as a social anthropologist and the view she was led to form about anthropologists of previous generations: "Yet I am disconcerted by the fact that […] post-Frazerian anthropology is utterly unlike what went before it. There was a quite decisive shift in the subject some 60-70 years ago [i.e. in the 1920s] whose result, among others, was a generation of social anthropologists like myself brought up to regard Frazer as unreadable."

As a result, the control over the admission of active members of ABA, which had begun with Loureiro Fernandes in 1958, with the intention of establishing a specific profile for professionals in the area, was interrupted. In the words of Corrêa (2006: 46), the "desire for a large number of young postgraduate students to participate in ABA, and [the] air of redemocratization in the country (…) led to a change in the ABA statutes, to include these young people as members, which would be done at the following meeting."

This moment appears representative of the end of the influence of Loureiro Fernandes' generation on the paths taken by Brazilian Anthropology. Loureiro Fernandes had passed away in 1977; other members of his generation, like Thales de Azevedo and Castro Faria, would adapt to the new configuration of the discipline.[27] The multidisciplinary nature and breadth of the Anthropology practiced in Brazil and abroad up until the 1950s ceased to be viewed as a core feature of the field. The shift towards disciplinary specialization within the social sciences, something to which Schaden had referred as a risk some years before, deepened, distancing anthropology from areas to which it had previously been connected, such as Linguistics, Biology, Archaeology, Geography and Geology. In an Anthropology of specialists, the integrative interests and endeavours of anthropologists from this earlier generation no longer made sense. A vigorous social and cultural anthropology, linked to the social sciences, became dominant in the country from the 1960s onward.

Revisiting the trajectories of intellectuals like Loureiro Fernandes, however, allows us to access an external point of view, from which it becomes possible to make explicit and denaturalize certain established ideas about the history of the discipline in Brazil (and much the same applies to other national contexts). Through studies like the present one, we can reflect on how anthropology assumed its current form, and on how some ideas became dominant, while others were cast aside over time.

These efforts can serve as inspiration for us to remain attentive to the relationship that we establish with the discipline's past – to consider, in the words of Stocking Jr. (1965: 217), that anthropologists of the present have a better chance of understanding anthropologists of the past "if they are able to distinguish between the questions [they] asked which have long since been answered, the questions which are still open, and the questions which we would no longer even recognize as such."

At the same time, as the author writes, "because of the disciplinary fragmentation of approaches which were in the past often much more integrated, there may be fruits of interdisciplinary cooperation which are as easily picked in the past as in the present" (Stocking Jr. 1965: 216). Today, we are witnessing precisely a resurgent interest in themes like the Anthropology

27 " [Castro Faria's] almost exclusive attention, after 1968, to the domain of social anthropology, the object par excellence of his research seminars, was the clearest proof of how the anthropological profession in Brazil had mutated. (…) the consecration of the expression 'social anthropology' (…) objectively signalled the brutal devaluation of around three quarters of [the discipline's] professional experiences (corresponding to the domains of archaeology, physical anthropology and linguistics)" (Garcia Jr. 2009: 419, 422, 423).

of Techniques and the study of materialities, reapproached from new bases – as well as new dialogues with areas such as Biology, in "contemporary strands of the discipline concerned with the problems surrounding the sustainable development of human populations, to cite just a few intersections that find long echoes in the past" (Souza Lima 2000: 9). If this is the case, critically revisiting some of the reflections of Brazilian anthropologists from the 1940s and 1950s may prove a valuable source of inspiration for the discussion of current issues in the discipline.

Translated by David Rodgers.
Received: March 11, 2024.
Approved: August 23, 2024.

Data availability statement:
The data analyzed in this article is available for local and in-person consultation in the following archives: Arquivo do Centro de Estudos Bandeirantes (PUC/PR); Arquivo Edgard Leuenroth (Unicamp); Laboratoire d'Anthropologie Sociale du Collège de France (Paris); Arquivo do Setor de Ciências Humanas (UFPR); Arquivo do Centro de Estudos e Pesquisas Arqueológicas (CEPA-UFPR); Arquivo do Centro Nacional de Folclore e Cultura Popular (Rio de Janeiro)."

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University of Cape Town ten years after Rhodes Must Fall: visual and political transformations

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Abstract

In this visual essay, I invite the reader to take a walk through the University of Cape Town (UCT), South Africa. Throughout my fieldwork and the development of my ethnography, photography has been a crucial tool for engaging with my research questions. My aim is to interrogate the meanings and memories that circulate within the university around the *Rhodes Must Fall* (RMF) movement, which led to the removal of the statue of the colonizer Cecil John Rhodes from campus in 2015 and is often considered the most significant South African mobilization in the "post-apartheid" period. I engage with the disputes surrounding the statues of Rhodes and Sarah Baartman, which were displaced from their usual locations at UCT. I then move through photographs taken by me during my fieldwork in the first semester of 2025, when RMF marked its tenth anniversary.

Keywords: Photographic Essay; Ethnography; South Africa; Rhodes Must Fall; Decolonization.

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e00400
https://doi.org/10.1590/1809-4341.2025v22e00400

University of Cape Town dez anos após Rhodes Must Fall: transformações visuais e políticas

Resumo

Neste ensaio visual, convido a pessoa que lê para um passeio pela University of Cape Town (UCT), na África do Sul. Nas minhas idas a campo e no decorrer da etnografia, a fotografia tem sido uma ferramenta crucial de engajamento com as perguntas de pesquisa. Meu objetivo é interpelar os significados e memórias que atravessam a universidade ao redor do movimento Rhodes Must Fall (RMF), que levou à retirada da estátua do colonizador Cecil John Rhodes do campus em 2015 e é considerado a maior mobilização sul-africana no "pós-*apartheid*". Parto das disputas ao redor das estátuas de Rhodes e Sarah Baartman que foram deslocadas de seus lugares habituais na UCT. Em seguida, percorro fotos produzidas por mim durante estadia de campo no primeiro semestre de 2025, quando RMF completava dez anos.

Palavras-chave: ensaio fotográfico; etnografia; África do Sul; Rhodes Must Fall; descolonização.

University of Cape Town ten years after Rhodes Must Fall: visual and political transformations

Luana Piveta de Moura Luz

INTRODUCTION

In this photo essay, I invite the reader to walk through the University of Cape Town (UCT) ten years after the Rhodes Must Fall (RMF) movement, which addressed important demands for visual transformation made in that context. In addition, I highlight structural, symbolic, and material continuities present in everyday life on campus.

On April 9, 2015, after protests in various forms, including the occupation of the administration building, RMF led to the removal of the statue of Cecil John Rhodes[1] from campus, leaving behind an empty concrete base and a silhouette painted on the steps in black paint, marking the shadow of the statue that is no longer there, as shown in Figure 4.

Rhodes is recognized as a nineteenth-century English colonizer and businessman who extracted wealth through land and diamond mines and financed British expansion in southern Africa. He is a controversial and complex figure who also served as Prime Minister of the Cape Colony between 1890 and 1896 and after whom what were then known as Southern and Northern Rhodesia were named — present-day Zambia and Zimbabwe (Nyamnjoh 2016).

The statue, by the artist Marion Walgate, dates from 1934 and was transferred to UCT in 1962 (Nielsen 2021). Rhodes was depicted seated, with his elbow resting on his knee and his head supported by his hand, evoking a trace of Rodin's *The Thinker*: a colonizer contemplating the extent of his possessions. (Figure 1)

The location of the statue was due to the fact that the land on which UCT is situated was donated by the Rhodes Foundation after his death. In addition to his role in colonial expansion, he created this Foundation to offer scholarships at Oxford to young people from colonized territories. Part of his fortune was also donated to Oxford, where his statue became the target of contestation inspired by the RMF movement at UCT. It is worth noting that RMF locally spearheaded "a [international] movement to redefine official histories and national identities" (Neves et al. 2019: 13).

1 For further information, see: *Cecil John Rhodes*, South African History Online, "Our Story," accessed August 19, 2025, https://sahistory.org.za/people/cecil-john-rhodes; The Mandela Rhodes Foundation, "About / Story," accessed August 19, 2025, https://www.mandelarhodes.org/about/story/.

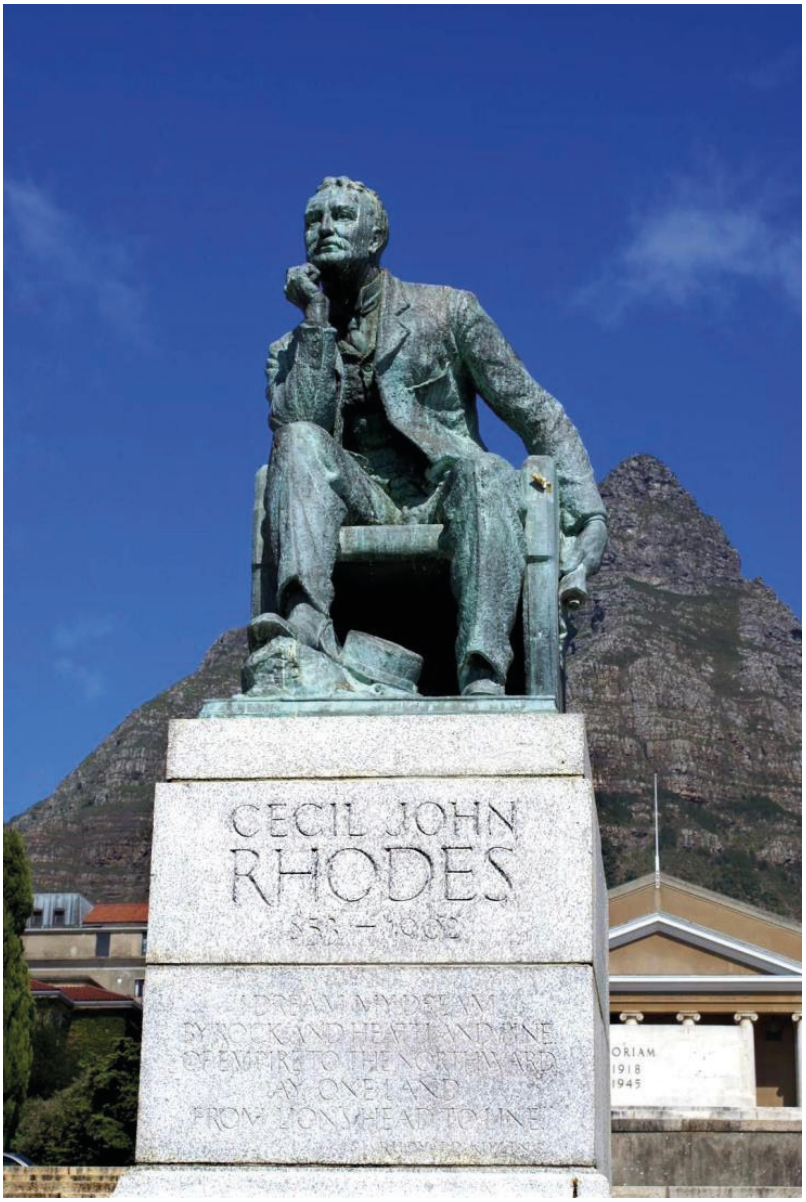


Figure 1. Statue of Cecil John Rhodes at the University of Cape Town. Photograph by Danie van der Merwe, licensed under CC BY 2.0, via Wikimedia Commons, 12 January 2007.

For Black[2] students at UCT, who were only able to attend this university in larger numbers after the end of apartheid, the statue was, however, a symbol of colonial persistence. It made them feel that this was not their place, that they did not belong at the university. It evoked the pain of the exploitation and dispossession to which their ancestors had been subjected by men like Rhodes, whose consequences remain alive in the present (Neves et al. 2019).

2 It is important to highlight that these categories hold markedly different meanings in South Africa and in Brazil and do not carry fixed or stable definitions; rather, they are part of an ongoing field of dispute, as Moutinho (2004) has pointed out. Here, the category *Black* is mobilized as a political identity, in line with the formulation advanced by Steve Biko and the Black Consciousness Movement (BCM), encompassing all those positioned as non-*white* and subjected to oppression under apartheid, a framing that was subsequently adopted by the movements under analysis (Mbembe et al. 2015).

The statue had already been called into question before 2015. In the 1950s, Afrikaner students demanded its removal due to Rhodes's involvement in the Anglo-Boer War. Later, in the 1960s and 1970s, Black activists made the same demand (Nielsen 2021; Price 2023). In the democratic period, which began in 1994, Black faculty members and students engaged with the statue in a variety of ways (Cornell and Kessi 2016; Schmahmann 2016; Davids and Matebeni 2017).

Despite these demands, its removal was not a consensual decision within the university community and society as a whole. In different instances of public debate, concerns were raised about a possible "erasure of history" (Neves et al. 2019). In many contexts, student activists were portrayed as lazy and as criminals (Naidoo 2020). In addition, the historical and artistic importance of the statue was emphasized, as it had been produced by one of the few women sculptors of that period (Schmahmann 2016).

It was not only Rhodes's statue that the movement questioned. At the entrance to the university's main library stood a statue of Sarah Baartman[3] by the artist Willie Bester, made from steel gears. For Black women, walking past that representation every day on their way to their place of study was a silent reminder of what place their bodies were expected to occupy within the university and in the production of scientific knowledge (Naidoo 2020).

The statue of Sarah Baartman was acquired by the university in 2000. Its placement in the Library was repeatedly questioned, from 2001 onwards, by women at the institution, both students and faculty (Davids and Matebeni 2017; Naidoo 2020; Lewis and Wicomb 2021; Schmahmann 2025). In some of these actions, the statue was dressed, and a headwrap and impepho[4] were also added. These interventions were systematically undone and generated much debate[5].

In 2018, it was moved to a temporary exhibition on campus, as shown in the image below, and later to storage. Currently, her name is displayed on the largest and most prominent building at UCT, the Sarah Baartman Hall (Figure 8). The former name of this building referred to another English man involved in the colonization of the African continent.

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3 Sarah Baartman, also known as Saartjie, was a Khoikhoi woman from what is now South Africa who was taken to England, where her body was exhibited in shows and fairs. She became known as the "Black Venus" or the "Hottentot Venus" (the latter being a term historically used to refer to Khoisan peoples and now considered offensive). Her body was instrumentalized in the construction of so-called scientific racism and, even after her death, continued to be displayed at the Musée de l'Homme in Paris until 1986. Only in 2002 were her remains repatriated to South Africa, where a traditional Khoisan ceremony was held. For further information, see: University of Cape Town, "Renaming Memorial Hall Sarah Baartman Hall," *News*, December 13, 2018, https://www.news.uct.ac.za/article/--2018-12-13-renaming-memorial-hall-sarah-baartman-hall, accessed October 14, 2025.

4 An incense made from dried herbs, used in rituals in South Africa for purification, protection, and communication with ancestors.

5 In the interview "Representing Sara Baartman in the New Millennium," conducted by Desiree Lewis with Zoë Wicomb (2021), they introduce further nuances to the debate surrounding the Baartman statue, such as the fact that the artist, Willie Bester, is a Coloured, anti-apartheid activist, and that the artwork cannot be understood outside this context. Wicomb engages with the work as one that draws attention to certain paradoxes and even dignifies Sarah within the library space. She regards the acts of dressing the statue as forms of disrespect toward both the artwork and the artist. Schmahmann (2025) raises similar concerns.



Figure 2. Statue of Sarah Baartman (view from the back) on display in 2018. In front of it are representations of the statue dressed, as in the interventions carried out when it was still located in the university library. Photograph by Je'Nine May, licensed under CC BY-ND 4.0, via University of Cape Town website, 21 September 2018.

An important immediate outcome of RMF was the creation of the Council Artworks Task Team in September 2015, composed of faculty and students to examine "statues, plaques and artworks on campus that may be seen to recognize or celebrate colonial oppressors and/or which may be offensive or controversial" (UCT Council Artworks Task Team 2016). This initiative led to a reconfiguration of the university's art catalogue. During my time on campus in 2024 and 2025, I was repeatedly struck by the number and diversity of artworks portraying and celebrating Black people, such as the beautiful pieces by Lakin Ogunbanwo displayed between the main library and a food court, which can be seen in Figure 10.

UCT is a public university; however, it is not free of charge and charges fees that are inaccessible to the majority of the South African population. The national minimum wage is approximately 5,000 to 6,000 rands per month, while UCT fees range between 6,000 and 9,000 rands per month. RMF also had consequences in relation to this issue. It unfolded into the Fees Must Fall (FMF) movement, which began at the University of the Witwatersrand and spread to universities across the country following the announcement of annual tuition

fee increases. Students engaged in FMF demanded, in particular, free education and an end to the outsourcing of workers (Naidoo 2020). Under increasing pressure from the mobilizations, Zuma announced in December 2017 an expansion of the National Student Financial Aid Scheme (NSFAS) (SA News 2017), and many workers were also hired directly (UCT News 2015; SA Labour News 2017).

Despite all these efforts to transform the university, such as the expansion of NSFAS, the increase in the number of Black students and staff, changes to the curriculum, and shifts in the curation of artworks, at the beginning of 2025, while I was in Cape Town, I witnessed a repetition of situations denounced ten years earlier in the context of RMF. Among them is UCT's student housing crisis, which at the start of every academic year leaves Black students unhoused, sleeping in student representative offices, as a result of debts incurred in the previous year (fee blocks) (Pongweni 2025).

Finally, there is an open wound in UCT's landscape. It reveals the stubborn persistence of colonial elements and stands in contrast to the empty concrete plinth on which Cecil Rhodes once sat. From the bus stop that takes students to the residences, one can see, on the mountainside, at a distance, or uncomfortably close, the Rhodes Memorial: an immense structure, with a long staircase and many columns, where there is a bust of the colonizer and, below it, an excerpt from a poem by Rudyard Kipling in his honor: "The immense and brooding Spirit still shall quicken and control; living, he was the land and dead, his soul shall be her soul" (Figures 11, 12 and 13). These verses echo a well-known idea articulated by Hendrik Verwoerd, regarded as the "architect of apartheid", who stated, in the century following Rhodes's existence, that the concept of apartheid would be implemented so deeply in South African society that no future government would be able to undo it (Moutinho 2018).

The fieldwork conducted in Cape Town, over a period of nine months and consisting of participant observation, interviews and engagement with South African academia, in addition to the production of photographs, has pointed to these blurred boundaries between the periods of colonialism and apartheid by mobilizing the past in order to understand the present. Transformation is neither easy nor quick. It is undoubtedly underway; it is visible. And it undoubtedly encounters resistance, like roots growing through concrete.

From here, I invite you to look at this university, a decade after the Rhodes Must Fall movement, through photographs I took during my fieldwork in the first half of 2025. Before the images, I will share a map of our route.

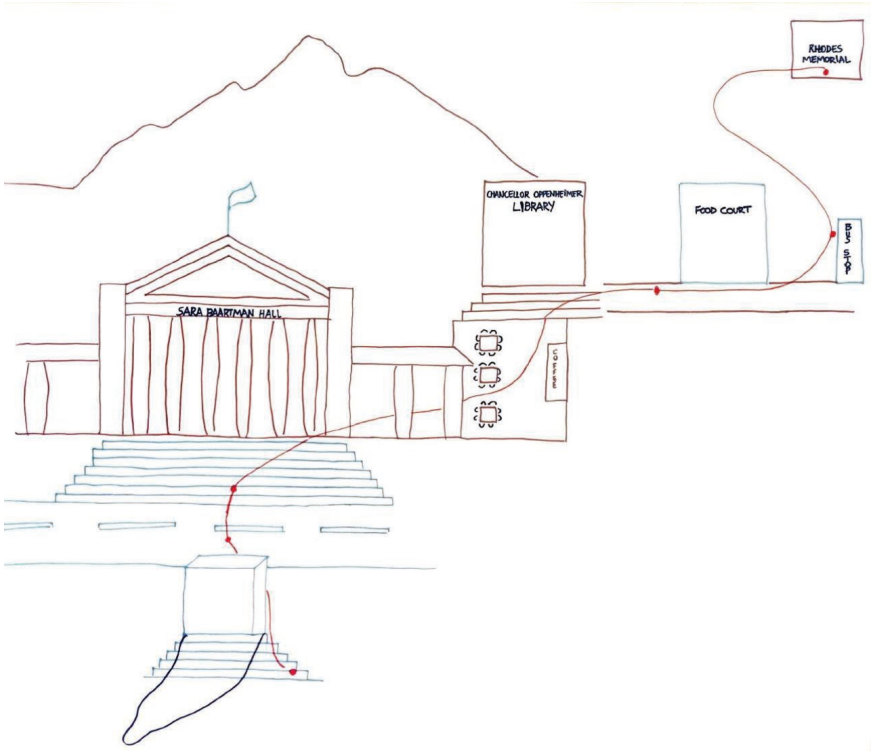


Figure 3. Hand-drawn map of the route we will follow, created by the author. We begin upon arriving at Upper Campus, where the concrete base that once supported the Rhodes statue is located. We then pass by Sarah Baartman Hall and the Central Library (Chancellor Oppenheimer Library), continue through the Food Court area to the bus stop, and finally reach Rhodes Memorial. The route touches on key interventions of the movement while also prompting reflections on the persistence of colonial elements.



Figure 4. The location of the Rhodes statue was carefully chosen. To reach this place, in the Upper Campus, we have already climbed many steps like these. We are at the foot of Devil's Peak. Along the ascent, the university asserts itself, imprinting on the mountain the image of British occupation. The statue once crowned a scene of full British pride. Its absence preserves the force of the 2015 movement, yet it may even go unnoticed. There is no sign, no plaque explaining the emptiness of the base—only the black paint on the ground, which marks the statue's former shadow, like a trace of what once stood there.



Figure 5. By climbing a little further up the steps and passing the concrete plinth, we can get a sense of the view that Rhodes's statue once had as it looked out over the landscape while reflecting on its imperial ambitions. Beyond the rugby fields and the suburb in which the university is located, Rondebosch, lie the Cape Flats. This is a sandy plain where townships were established: segregated areas to which Black people were forcibly removed from the colonial period onward, with a dramatic intensification under apartheid. The act that triggered the Rhodes Must Fall movement was the throwing of a bucket of human excrement at the statue. The waste was collected in Khayelitsha, the largest township in the Cape Flats, which, like the others, is not served by adequate sanitation infrastructure. Many homes do not have bathrooms and rely instead on shared portable chemical toilets. The act brought Cape Town's scandalous inequality into the heart of an elite university. After that moment and the collective mobilization that followed, Rhodes's statue no longer looked out over this landscape.



Figure 6. Interacting with the empty concrete base where Rhodes's statue once stood, I leaned the camera and produced this image. This photograph speaks to the act of reflecting on the unfolding consequences of *Rhodes Must Fall*.



Figure 7. On this path, I recall the words of one interlocutor: "one of the things that I think RMF did was to give us all a sense of what history does in shaping knowledge, building spaces, memorials, all of that. It suddenly made us conscious of how British the campus felt".



Figure 8. We arrived at the largest and most central building on campus, which gradually came into view as we made our way up, another key site of intervention by the movement. The current Sarah Baartman Hall is the center of student life on this campus. Situated among buildings from various academic departments, it is a passageway that is constantly in sight, close to the library and the food court, and also a space of everyday meeting and sociability, where students sit in groups to eat and talk.



Figure 9. A gathering of students on the steps of the Sarah Baartman Hall as part of the agenda of mobilizations around the issue of *fee blocks*, already mentioned, which affects the experience of the poorest UCT students most acutely, since debts from the previous year prevent enrollment and, without it, students are not admitted to student housing. In UCT's housing model, students from all years leave their apartments during the end-of-year holidays and return at the beginning of the following academic year.



Figure 10. Entering the building to the right of Sarah Baartman Hall, we passed the entrance to the Library, where the statue depicting her was previously located. Between the Library and the Food Court, a route that I walked daily for certain periods, as do many students, are these artworks by the Nigerian artist Lakin Ogunbanwo (*Untitled III* and *Untitled IV*, 2019). They form part of the post-RMF collection, which represents and celebrates, in diverse ways, Black and queer subjects across the university.



Figure 11. Upon reaching the bus stop and looking towards the mountain, a distant building comes into view, contrasting with the emptiness of the concrete base that once supported the Rhodes statue. The building, in turn, points to the continuity of Cecil Rhodes's legacy, despite sustained efforts toward transformation.



Figure 12. There is no direct path from the bus stop to the Memorial. One must, in a sense, take a detour along a stretch of the mountain. Upon arrival, a series of stairways comes into view, guarded by eight lion statues. At the center stands a man on horseback, beneath which one can read: "Energy, the work of G. F. Watts, and by him given to the genius of Cecil Rhodes." This is a celebration of ideals of expansion and conquest, and of the colonizer cast as a hero. If the route taken thus far reveals layered disputes around the presence of colonial elements, this site stands in stark contrast to the empty concrete base, to the name Sarah Baartman on the central building, and to the more recent artworks on campus. It is not a place of everyday passage for students or for the wider university community, but it remains there, marking its presence.



Figure 13. Bust of Rhodes inside the Rhodes Memorial at UCT, bearing the inscription, as previously cited, "*To the spirit and the life and work of Cecil John Rhodes, who loved and served South Africa (1853–1902),*" and, below it, an excerpt from Rudyard Kipling's poem in his honour: "*The immense and brooding spirit still shall quicken and control; living, he was the land and dead his soul shall be her soul.*"

CONCLUSION

In this essay, I have proposed a route through the University of Cape Town in which it is possible to observe a space in dispute, in the wake of the Rhodes Must Fall movement, which led to the removal of the English man's statue from the center of campus and called into question a series of other artworks and building names for celebrating colonial figures or being considered offensive by Black, women, and queer students and staff. The visual transformations presented here are thus constitutive of the movement's own claims, which mobilized the materiality of space as a field of political struggle.

By intervening in the UCT landscape, students and activists challenged a particular institutional order and, along with it, a broader project of society. Demands for the remodeling of space therefore also constitute an effort to question and rework a certain colonial memory (Neves et al. 2019), while at the same time expanding the possibilities of belonging within that universe.

The purpose of this essay is to offer a visual and sensorial experience of the transformations that have traversed the university, drawing attention to tensions and complexities. The images gathered here do not function merely as records of a campus in transition but as fragments of a contested landscape, in which memory, power, historical violence, and projects for the future are intertwined. To photograph the university, in this context, is also to interrogate the layers of time that inhabit its buildings, its statues, its voids, and its still-visible marks of colonialism and apartheid.

Translated by Vinicius Kauê Ferreira
Received: November 30, 2025.
Approved: December 4, 2025.

Funding
This article was produced in the context of the master's research entitled *"The unfinished transformation: (re)thinking democratic South Africa based on recent mobilizations for decolonization"*, which is funded by FAPESP and is also linked to the projects *"(Un)bearable conditions: bureaucratic imperatives, spaces, subjects and relations in Southern Africa"* (process no. 2023/08413-4), funded by FAPESP; and *"Sowing the seeds of segregation: interrogating social inequality in South Africa"* (process no. 421871/2023-7), funded by the Universal Call/CNPq, both coordinated by Professor Laura Moutinho (PPGAS/USP).

Data Availability Statement
The participants of this study did not give written consent for their data to be shared publicly, so due to the sensitive nature of the research supporting data is not available.

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Neoextractivismo, crisis climática y desastres: Miradas desde Argentina, Brasil y Chile

Minería, agronegocio, conflictos socioambientales y las intersecciones entre el Corredor de Carajás y Matopiba en Maranhão, Brasil

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Resumen:

A partir de estudios realizados desde 2004, el artículo examina las intersecciones y las consecuencias socioambientales de dos programas gubernamentales para inducir la acumulación de capital, a través del extractivismo a gran escala, en el estado de Maranhão, Brasil. El Programa Grande Carajás (PGC), vigente de 1980 a 1992, tenía como objetivo el desarrollo regional de la Amazonía Oriental. Con la minería como eje, creó redes de infraestructura e indujo actividades comerciales dirigidas también a la industria, la explotación forestal, la agricultura de monocultivos, la ganadería extensiva, constituyendo el Corredor de Carajás. Para la expansión del agronegocio en los Cerrados de Maranhão, Tocantins, Piauí y Bahía, el Plan de Desarrollo Agropecuario (PDA) de Matopiba se convirtió en ley federal en 2015. Carajás y el Corredor Matopiba se toman aquí conceptual y metodológicamente como Zonas Específicas de Intensa Acumulación (ZEIA) y Zonas Específicas de Intensa Conflictividad Social (ZEICS); los resultados presentados provienen de relevamientos bibliográficos/documentales, trabajo de campo, monitoreo de eventos y diálogo con líderes populares.

Palabras clave: conflictos socioambientales; programas de desarrollo; pueblos y comunidades tradicionales; Corredor Carajás; Matopiba.

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e00503
https://doi.org/10.1590/1809-4341.2025v22e00503

Mining, agribusiness, socio-environmental conflicts and the intersections between the Carajás and Matopiba Corridor in Maranhão

Abstract:

Based on studies carried out since 2004, the article examines the intersections and socio-environmental consequences of two government programs to induce capital accumulation, through large-scale extractivism, in Maranhão – Brazil. The Grande Carajás Program (PGC), in effect from 1980 to 1992, aimed at the regional development of the Eastern Amazon. With mining as its axis, it created infrastructure networks and induced business activities also aimed at industry, forest exploitation, monoculture agriculture, extensive cattle raising, constituting the Carajás Corridor. For the expansion of agribusiness in the Cerrado of Maranhão, Tocantins, Piauí and Bahia, the Matopiba Agricultural Development Plan (PDA) was made federal law in 2015. Carajás and Matopiba Corridor are here taken conceptually and methodologically as Specific Zones of Intense Accumulation (ZEIA) and Specific Zones of Intense Social Conflict (ZEICS) and the results presented come from bibliographic/documentary surveys, fieldwork, monitoring of events, dialogue with popular leaders.

Keywords: Socio-environmental Conflicts; Development Programs; Traditional Peoples and Communities; Carajás Corridor; Matopiba.

Minería, agronegocio, conflictos socioambientales y las intersecciones entre el Corredor de Carajás y Matopiba en Maranhão, Brasil[1]

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INTRODUCCIÓN

Antes de abordar el tema más específico de este artículo, presentaremos algunas características del estado de Maranhão para facilitar la comprensión de diversos aspectos de los argumentos que expondremos a continuación. Maranhão es una de las 27 unidades federales de Brasil y, según la división regional del país establecida por el Instituto Brasileño de Geografía y Estadística (IBGE, 2017), se sitúa en la macrorregión Nordeste. Está bañado por las aguas del Océano Atlántico y limita con los estados de Piauí, Tocantins y Pará.

Según Stella (2011), el estado tiene el 64,1% de su territorio en el bioma Cerrado, el 34,8% en el bioma Amazónico y el 1,1% en la Caatinga, lo que permite caracterizarlo como una zona de transición ecológica entre los principales biomas brasileños. Maranhão posee también una vasta área de praderas inundadas estacionalmente, conocida como Baixada Maranhense y que puede ser considerada como un tipo de humedal; posee vastos bosques de palmeras *babassu*; tiene áreas de pastos naturales en la región del municipio de Pastos Bons; cuenta con uno de los pocos desiertos del país, llamado Lençóis Maranhenses; así como una

1 Agradecemos el apoyo obtenido para llevar a cabo la investigación que dio origen a este artículo: Conselho Nacional de Desenvolvimento Científico e Tecnológico (CNPq) a través de la Convocatoria CNPq Nº 09/2020 - Becas a la Productividad en Investigación, vigente desde marzo de 2021 hasta febrero de 2024 y Convocatoria CNPq/MCTI Nº 10/2023 - Track B - Grupos Consolidados, proceso 406498/2023-7, vigente entre el 06/12/2023 y el 31/12/2026; Fundação de Amparo à Pesquisa e ao Desenvolvimento Científico e Tecnológico do Maranhão (FAPEMA) a través del Aviso Público 02/2022 – Apoyo al Proyecto de Investigación – Universal, Proceso UNIVERSAL-01233/17, vigente desde el 19/10/2022 hasta el 19/06/2026.

de las más importantes áreas de manglares contínuos de Brasil y del mundo;[2] por lo que está marcado por una gran diversidad de ambientes naturales.

El estado es también una zona de transición entre las macrorregiones Norte y Nordeste de Brasil (IBGE, 2017). Es el único estado del Nordeste que tiene parte de su territorio integrando la Amazonia Legal, que es un marco geográfico establecido por la Ley Federal 1806 (06.01.1953), y actualizado en 1966 por la Ley 5173 y la Ley Complementaria 31, del 11.10.1977 (IBGE, 2013). En el ámbito de la Amazonia Legal, Maranhão también forma parte de la llamada Amazonia Oriental, formada por los estados de Pará, Amapá, Maranhão, Tocantins y Mato Grosso. Históricamente, durante el período colonial, Maranhão, Pará y la parte de Amazonia ya ocupada por los portugueses conformaron, en diversos momentos, una misma unidad administrativa de Portugal en América del Sur, bajo los nombres de estado de Maranhão y Grão Pará; y posteriormente, estado de Grão Pará y Maranhão, cuya capital alternaba entre São Luís y Belém (Cunha, 2015; Trovão, 2008).

Si las características naturales de Maranhão son ricas, diversas y conforman una geografía típica y variada, la composición social que se ha constituido en el estado a lo largo de la historia también es diversa y rica. A pesar de los permanentes intentos de exterminio físico, desde la época colonial hasta la actualidad; de las políticas oficiales para asimilarlos a la población nacional; de los efectos de la discriminación racista difundida en la sociedad maranhense y de los avances de las actividades económicas capitalistas en sus territorios, diversos pueblos nativos han conseguido resistir y mantener su presencia, y formas de organización social (Coelho, 2002; 2008). En algunos casos, principalmente como resultado de las garantías legales de control territorial obtenidas en la Constitución Federal de 1988 (aunque impugnadas actualmente, a través de procesos judiciales en el Tribunal Supremo e intentos de cambiar la legislación en el Congreso Nacional), pueblos considerados oficialmente extintos se han declarado públicamente indígenas, en procesos de insurgencia, y han promovido procesos de lucha por el reconocimiento de su existencia y el reclamo de sus territorios históricos (Oliveira, 1988; Arrutti, 1995; Mendes, 2019).

Otro elemento que compone la diversidad social de Maranhão es la presencia de quilombos. Según el Censo del Instituto Brasileño de Geografía y Estadística (IBGE) de 2022, Maranhão es el estado brasileño con mayor número de asentamientos quilombolas –2.025–, lo que corresponde al 23,99% del total del país (IBGE, 2023). Según el IBGE, "[...] Maranhão es el segundo estado con mayor población quilombola, con 269.074 personas quilombolas, lo que corresponde al 20,26% de la población quilombola censada" (2023:76).

Cabe destacar también la presencia de campesinos en el estado, que sigue siendo significativa, incluso con los crecientes procesos de urbanización que han marcado al país desde la

2 Alrededor del 80% de los manglares de Brasil se distribuyen en tres estados del bioma amazónico: Maranhão (36%), Pará (28%) y Amapá (16%). Esta zona de manglares del norte de Brasil es la mayor porción continua del ecosistema bajo protección legal del mundo (ICMBio, 2018).

década de 1970. Aunque todavía no se hayan publicado los datos sobre la población rural en Brasil del Censo IBGE 2022, cabe destacar que en el Censo 2010, el 36,93% de la población de Maranhão vivía en el campo, lo que lo convierte en el estado brasileño con mayor proporción de población rural (IBGE, 2010). Oleadas de migración campesina, principalmente de otros estados de la región Nordeste, marcaron la historia de Maranhão desde principios del siglo XIX hasta mediados del siglo XX (Trovão 2008; Cabral, 1992).

Huyendo de las recurrentes sequías y de los cercos que concentraban en pocas manos las mejores tierras y aguas de los estados del Nordeste, en diversas épocas los campesinos emigraron en busca de las tierras húmedas y fértiles de Maranhão y Pará y comenzaron a componer con su presencia el diverso paisaje humano del estado, dedicándose a actividades productivas como la agricultura familiar, la pesca fluvial o marítima, la rotura del coco babasú y otras formas de extractivismo vegetal, casi siempre combinando varias de estas actividades de forma polivalente y generando identificaciones individuales o grupales como agricultor, ribereño, pescador, mariscador o roturadora de coco. Es importante destacar que las comunidades campesinas se formaron con poca regularización de la tenencia de la tierra de los territorios que crearon y, por lo tanto, con formas no certificadas de tenencia de la tierra, creando una situación de inseguridad jurídica para quienes ocupaban estos territorios (Santos & Paula Andrade, 2009; Carneiro, 2023).

Los procesos de migración de un número significativo de personas y grupos de origen indígena, quilombola y campesino, del campo a los centros urbanos que se han expandido desde la década de 1970, han dado lugar al surgimiento de periferias en las ciudades, con formas de organización cultural, social y económica que han heredado características de sus lugares de origen. También está la lucha por el reconocimiento de la ascendencia indígena y quilombola, tanto en la ciudad de São Luís como en ciudades del interior del estado, especialmente en los territorios atravesados por el Corredor de Carajás.

Ejemplos elocuentes de la presencia histórica en las ciudades de estos grupos sociales procedentes del campo son las fiestas populares como el *bumba-meu-boi*, las fiestas del *divino*, el *tambor de crioula* y otras manifestaciones culturales de origen rural que se reproducen en la periferia de las grandes ciudades; o el mantenimiento de actividades económicas relacionadas con la agricultura, la ganadería menor o la pesca, incluso en condiciones urbanas desfavorables. Todo ello crea una rica y compleja diversidad cultural, social, política y religiosa en Maranhão, que también permite pensar en el estado como una zona de transición entre el Nordeste y el Norte del país, que combina características y relaciones medioambientales, sociales y culturales entre ambas macrorregiones.

Los pueblos y grupos sociales actualmente definidos por la legislación brasileña –a través del Decreto Federal 6.040 de 7 de febrero de 2007– y la literatura socioantropológica (Costa Filho, 2015; 2020; Silva, 2022) como pueblos y comunidades tradicionales han sido marginados en los procesos socioeconómicos de Maranhão. Desde la ocupación colonial, con la implantación de grandes haciendas azucareras, arroceras y algodoneras al servicio de

los intereses de las metrópolis europeas, seguida de lo que la literatura oficial ha denominado decadencia de la agricultura (Almeida, 1983), y pasando por ciclos cortos de producción de derivados del coco *babassu* y de la industria textil, hasta la expansión capitalista –basada en la extracción de minerales, la industria básica, la ganadería extensiva y la agricultura de monocultivo que se inició a finales de la década de 1960 (Cunha, 2015; Ferreira, 2008)–, los pueblos y comunidades tradicionales siempre han sido considerados un obstáculo para las políticas de avance de las actividades productivas dominantes, o grupos arcaicos y atrasados, a ser asimilados o eliminados.

Refutando el discurso oficial (Marques, 1876), ampliamente apoyado por historiadores y otros intelectuales (Gaioso, 1970; Meireles, 1960; Viveiros 1965; Tribuzi, 1981) –según el que, desde el fin del ciclo de producción de algodón para la exportación, a mediados del siglo XIX, el Estado había caído en la decadencia económica–, Almeida (1983) sostiene que el declive de la agricultura a gran escala y, a través de ella, del comercio internacional a gran escala en el Estado, permitió que se relajaran los lazos de la esclavitud en gran parte de las zonas rurales y garantizó la formación de un campesinado autónomo. También redujo la presión expansionista sobre las tierras indígenas y liberó áreas para su ocupación por campesinos de otros estados del Nordeste, e incluso de otras zonas del propio estado, contribuyendo a la diversidad social que caracteriza a Maranhão.

El discurso del declive económico de Maranhão se utilizó, en especial después de la llegada de José Sarney al poder, en 1966, para justificar y legitimar la necesidad de poner en marcha programas de desarrollo que sacaría al estado del atraso. En consonancia con las políticas de integración nacional y de incorporación de la Amazonia brasileña a la dinámica de expansión del capitalismo, nacional e internacional, de los gobiernos federales durante la dictadura iniciada en 1964, el gobernador José Sarney lideró un proceso de modernización de la maquinaria pública del gobierno estatal y de preparación del estado para receptar programas federales de desarrollo.

Este artículo pretende analizar las intersecciones entre dos grandes programas gubernamentales, direccionados a Maranhão y a los estados vecinos, de las últimas décadas del siglo XX. El primero de ellos es el Programa Grande Carajás (PGC), creado en 1980 y oficialmente extinto entre 1991 y 1992, pero cuyos efectos siguen presentes en la región de su influencia, constituyendo lo que hoy se conoce como Corredor de Carajás. El segundo programa es el Plan de Desarrollo Agrícola de Matopiba (PDA-Matopiba), iniciado en 2015.

El Corredor de Carajás y el Plan Matopiba son tomados en este artículo, conceptual y metodológicamente, como una Zona Específica de Intensa Acumulación (ZEIA). La expansión capitalista, producida con el apoyo y estímulo de programas gubernamentales, ha tenido consecuencias sociales y ambientales de gran alcance, llevando a la confrontación de diferentes lógicas de apropiación territorial y al establecimiento de relaciones con la naturaleza, dando lugar a disputas territoriales y conflictos socioambientales. El artículo pretende

también identificar y analizar las disputas territoriales y los conflictos socioambientales en Maranhão, resultantes de las intervenciones logísticas y operativas en los procesos de expansión capitalista y, por lo tanto, del establecimiento de las ZEIA Corredor de Carajás y Matopiba.

Las reflexiones y resultados de investigación aquí presentados se basan en la acumulación de estudios realizados desde 2004 por el Grupo de Estudios: Desarrollo, Modernidad e Medio Ambiente de la Universidad Federal de Maranhão (Gedmma/UFMA), a través de proyectos de investigación, artículos, ponencias presentadas en eventos científicos, tesis, disertaciones, trabajos de finalización de curso, que fueron realizados y/o supervisados por los autores. Este conjunto de estudios se realizó, y continúa realizándose, con una fuerte presencia empírica en diversas comunidades localizadas en el estado de Maranhão; trabajos de campo; seguimiento directo de situaciones conflictivas; participación en audiencias públicas, asambleas populares, reuniones de organizaciones sociales; revisión bibliográfica y documental. En todos los procesos de investigación que culminan en el artículo, cabe destacar el diálogo permanente con líderes comunitarios y agentes de movimientos sociales.

CORREDOR CARAJÁS, MATOPIBA Y MARANHÃO COMO TERRITORIOS EN DISPUTA: MODOS DE VIDA TRADICIONALES EN CONFRONTACIÓN CON LA LOGÍSTICA DE EXPANSIÓN CAPITALISTA

Desde las últimas décadas del siglo XX, las iniciativas de los gobiernos federal y estadual, combinadas con la actuación de grandes empresas privadas nacionales y transnacionales, han transformado a Maranhão en un espacio privilegiado para la expansión capitalista, promoviendo la producción de *commodities* para abastecer el comercio internacional a gran escala. Manteniendo la subalternización del territorio del estado a los grandes intereses internacionales y, por lo tanto, continuando una concepción de la economía local que perdura desde el período colonial (Mendonça, 2019), la economía de Maranhão sustentada por los planificadores gubernamentales y empresariales[3] se ha basado en la producción de bienes primarios y, en menor medida, de bienes secundarios básicos, a través de las actividades mineras y agroindustriales, que son sus principales formas de extracción de componentes de la naturaleza y su transformación en recursos económicos para la circulación global, y de la industria relacionada con las actividades de extracción de minerales, exploración de gas y producción de energía. La extracción de materias primas minerales y la agricultura o las industrias básicas tienen lugar en sus fases más contaminantes, de menor valor añadido y con mano de obra poco cualificada, precaria y mal pagada. Para hacer económicamente viables estas empresas capitalistas, se instala y amplía permanentemente una vasta red de infraestructuras y logística portuarias, ferroviarias, viarias, energéticas, de comunicaciones

3 Hacemos esta salvedad porque creemos que existe una economía importante que no figura en los índices oficiales, pero que mantiene viva a una gran parte de la población gracias a la agricultura familiar, la pesca artesanal, la extracción de plantas y la producción de artesanía local.

y urbanas, en la que convergen importantes programas y proyectos de desarrollo, de origen gubernamental y privado.

En el sudeste del vecino estado de Pará se encuentra la sierra de Carajás donde, a principios de la década de 1960, se cartografiaron importantes reservas minerales (hierro, manganeso, cobre, níquel, cobalto) que pasaron a denominarse Provincia Mineral de Carajás, una de las mayores reservas mundiales minerales de hierro, de excelente calidad (Carneiro, 2019; Moreira, 2015).

Como una derivación del Segundo Plan Nacional de Desarrollo (II PND - 1975-79) del gobierno del Presidente Ernesto Geisel (1974-79) y con el objetivo de garantizar las condiciones económicas, institucionales, de infraestructura y logística para la exploración minera; y conformar un vasto programa de desarrollo regional e impulso a la economía de la Amazonía Oriental, el Gobierno Federal, a través del Decreto Ley 1813 (24.11.1980) del Presidente João Figueiredo (1979-85), creó el Programa Grande Carajás (PGC), que fue una "iniciativa gubernamental destinada a aprovechar la infraestructura del Proyecto Ferro Carajás (PFC)[4], propuesto y ejecutado por la Companhia Vale do Rio Doce[5] en 1978" (Carneiro, 2019:100). El Programa era conducido por un Consejo Interministerial, también establecido en el citado Decreto-Ley, e involucraba en su estructura a ministerios, agencias de fomento y bancos estatales.

A través del PGC, se estableció un régimen especial de concesión de incentivos fiscales y financieros para emprendimientos en la zona situada al norte del paralelo 8º (ocho grados) y entre los ríos Amazonas, Xingú y Parnaíba, abarcando cerca de 900.000 km², lo que lo convirtió en el mayor programa de desarrollo regional del mundo en el momento de su institucionalización (Sant'Ana Júnior & Alves, 2017).

El PGC fue concebido para actuar en tres grandes frentes integrados: a) proyectos mineros y metalúrgicos; b) proyectos agrícolas y forestales; c) proyectos de infraestructuras (ferrocarriles, carreteras, puertos y presas). Se trataba, por lo tanto, de un programa de acción que iba mucho más allá de la explotación del mineral de hierro y de otros minerales encontrados en la Amazonia Oriental. El artículo 2 del Decreto-Ley 1813/1980 estableció que los proyectos que componen el Programa Grande Carajás incluyen:

> I - servicios de infraestructura, con prioridad para: a) el proyecto Ferroviario Serra de Carajás - São Luís; b) la instalación o ampliación del sistema portuario y otras inversiones, necesarias para la creación y utilización de los corredores de exportación de Carajás; c) las obras e instalaciones para la creación y utilización de hidrovías con capacidad para el transporte de grandes masas; d) otros proyectos relativos a la infraestructura y equipamiento de transportes, que sean necesarios para la implantación y desarrollo del Programa Grande Carajás; e) el aprovechamiento hidroeléctrico de las cuencas hidrográficas;

4 El principal objetivo del PCF era garantizar las condiciones logísticas para la explotación y el transporte del mineral de hierro obtenido de los gigantescos yacimientos del sudeste de Pará (Carneiro, 2019; Monteiro, 1997).

5 La Compañía Vale do Rio Doce era, en ese entonces, uma empresa estatal. Fue privatizada en 1997 y, desde 2007, se autodenomina "Vale S.A.".

> II - proyectos destinados a: a) investigación, prospección, extracción, transformación, producción primaria o industrialización de minerales; b) agricultura, pecuaria, pesca y agroindustria; c) forestación, reforestación, transformación e industrialización de la madera; aprovechamiento de fuentes de energía;
>
> III - otras actividades económicas consideradas importantes para el desarrollo de la región.

Así, las actividades relacionadas con el PGC comprendieron las más variadas formas de extracción, a partir de una amplia red de infraestructuras, especialmente el Ferrocarril de Carajás (EFC, por sus iniciales en portugués)[6] y el Complejo Portuario de São Luís (CPS-L)[7], constituyendo un sistema minero-ferroviario-portuario que forma un extenso corredor logístico a lo largo del ferrocarril, también conocido como Corredor de Carajás, formado asimismo por una extensa red de autopistas, aeropuertos, puertos fluviales, como el Puerto de Vila do Conde, en el municipio de Barcarena; estructuras urbanas, en ciudades que han sido creadas o ampliadas; centrales termoeléctricas; grandes centrales hidroeléctricas, especialmente la Central Hidroeléctrica de Tucuruí, en el estado de Pará, y más recientemente, la Central Hidroeléctrica de Estreito, en la frontera entre los estados de Maranhão y Tocantins, ambas sobre el río Tocantins.

La minería en la Amazonia ha adquirido proporciones cada vez mayores desde el advenimiento del PGC. Además de la Serra de Carajás, se han explorado otras áreas cubiertas por el Programa, como las regiones de Oriximiná y Juruti Velho (en Pará), para la extracción de bauxita; y la extracción de oro en Serra Pelada (en Pará). En el caso de Maranhão, la minería ha avanzado en el sector de extracción de oro, inicialmente desde la década de 1980; desde 2009, empresas transnacionales extraen e industrializan oro en el noroeste de Maranhão. Más recientemente, esta actividad viene registrándose también en los alrededores de la Reserva Biológica de Gurupi, en Maranhão. Esta expansión ha sido impulsada por proyectos de explotación minera apoyados por diversos gobiernos federales y estaduales. En Maranhão, como veremos a continuación, se articulan e intersectan en el Corredor de Carajás y Matopiba. Según Carneiro,

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6 El Ferrocarril de Carajás, de 892 kilómetros, inició sus obras en 1979 y fue inaugurado el 28 de febrero de 1985. El tendido férreo fue recientemente extendido y duplicado, para atender a la ampliación de la explotación minera en la provincia mineral de Carajás, a través de una nueva mina, la S11D, con la que Vale está duplicando su producción de mineral de hierro en su sistema de logística, extracción y circulación de minerales en el norte de Brasil (Moreira, 2015).

7 El Complejo Portuario de São Luís (CPSL) se construyó a finales de la década de 1970. Su principal punto de referencia es el Puerto de Itaqui, gestionado por la estatal Empresa Maranhense de Administração Portuária (Emap). El CPSL está actualmente bajo la administración de esta empresa, e incluye también las siguientes terminales: Terminal Pesquera de Porto Grande, Terminal de Ponta da Espera, Terminal de Cujupe y Terminal de São José de Ribamar. El CPSL también está formado por los puertos privados Terminal Marítimo da Ponta da Madeira, propiedad de Vale S.A., y Porto da Alumar, propiedad del Consórcio de Alumínio do Maranhão (Alumar), formado por las multinacionales mineras Alcoa, Rio Tinto Alcan y BHP Billiton (Moreira, 2015). En la Región Metropolitana de São Luís, está planificada la construcción de otros tres grandes puertos privados: el Puerto de São Luís, cuya construcción está prevista en la comunidad rural de Cajueiro, en el municipio de São Luís; el Puerto de Mearim, a construirse en el municipio de Bacabeira; y la Terminal Portuaria de Alcântara, programada para ser erigida en la Isla de Cajual, en el municipio de Alcântara.

> [...] a lo largo de los últimos 30 años, el corredor (o área de influencia) del Ferrocarril de Carajás ha sido la base de una serie de planes o iniciativas gubernamentales (Programa Grande Carajás, Programa Hubs Forestales, Corredor Norte de Exportación, etc.) que han procurado estimular actividades económicas dirigidas al mercado mundial, utilizando la infraestructura creada originalmente para la exportación de mineral de hierro (2019:99).

El PGC, como instancia gubernamental dirigida por un consejo interministerial, se extinguió oficialmente entre 1991 y 1992, mediante el desmantelamiento gradual de sus estructuras, en consonancia con el proceso de desguace del aparato público llevado a cabo durante la presidencia de Fernando Collor (1990-92), basado en la orientación neoliberal que se estaba implantando en el país. Sin embargo, incluso después de su extinción oficial, el PGC continuó ejerciendo una fuerte influencia en la Amazonia oriental brasileña, constituyendo, como dijimos anteriormente, lo que hoy se conoce como el Corredor de Carajás o Grande Carajás. Según Sant'Ana Júnior & Cardoso (2020), el PGC

> [...] alteró fuertemente los biomas, los paisajes y los modos de vida de los grupos sociales locales. Intervino profundamente en la historia, la geografía y el medio ambiente de la Amazonia oriental y sus consecuencias aún están presentes en la vida cotidiana de las ciudades, las aldeas rurales, los pueblos indígenas, los quilombolas, los ribereños y las comunidades tradicionales (2020:191).

La expansión de las actividades empresariales en el área de Cerrado de los estados de Maranhão, Tocantins, Piauí y Bahía –cuyo acrónimo es Matopiba–, se ha fomentado a través del Plan de Desarrollo Agrícola de Matopiba (PDA-Matopiba), establecido por el Decreto Federal nº 8.447, del 6 de mayo de 2015. El PDA-Matopiba fue concebido en el Ministerio de Agricultura, Ganadería y Abastecimiento, bajo el mando de la ruralista Kátia Abreu, ministra del segundo gobierno de Dilma Rousseff (2015-16). El citado decreto creó también el Consejo Gestor del PDA-Matopiba, integrado por representantes de órganos gubernamentales y de la sociedad civil, entre ellos, representantes de los Poderes Ejecutivos Federal, Estadual y Municipal; del sector empresarial y de los sindicatos patronales, del sector agroindustrial y agrícola; de los sindicatos de trabajadores del sector agroindustrial y agrícola; y de las instituciones de enseñanza e investigación que actúan en el área abarcada por el PDA-Matopiba.

Cabe destacar aquí una diferencia entre la administración del PGC –que se creó durante la dictadura y estaba formado por un consejo interministerial en el que participaban exclusivamente organismos públicos– y el PDA-Matopiba, en cuyo Consejo de Administración participan representantes de organismos gubernamentales, sectores de la sociedad civil, incluidos sindicatos e instituciones de investigación y enseñanza. Sin embargo, además de los formatos que responden a las demandas democráticas presentes en la sociedad brasileña al momento de su creación, lo que nos parece más significativo es preguntarnos qué efectos sociales y ambientales objetivos tuvieron, y tienen, ambos programas en los territorios sobre los que influyen.

Considerando que el PDA-Matopiba tiene como principal objeto el fomento de las actividades asociadas al agronegocio, y basándose en la Nota Técnica de Embrapa (Embrapa 2014), Santos (2018) presenta los siguientes datos:

> La delimitación y propuesta territorial presentada para la constitución de MATOPIBA abarca 31 microrregiones geográficas del IBGE y reúne 337 municipios en un área total de 73.173.485 hectáreas... Abarca un universo de 324.326 establecimientos agropecuarios que ocupan un área de 33.929.100 hectáreas, además de 46 unidades de conservación (8.334.679 ha), 35 tierras indígenas (4.157.189 ha) y 781 asentamientos de reforma agraria y áreas quilombolas (3.033.085 ha) totalizando 13.967.920 hectáreas de áreas legalmente asignadas, excluyendo superposiciones. La distribución aproximada entre los cuatro estados es la siguiente: 33% en Maranhão (15 microrregiones, 135 municipios y 23.982.346 ha); 38% en Tocantins (8 microrregiones, 139 municipios y 27.772.052 ha); 11% en Piauí (4 microrregiones, 13 municipios y 8.204.588 ha) y 18% en Bahía (4 microrregiones, 30 municipios y 13.214.499 ha) (Santos, 2018:585).

Los estudios de Veja & Pitta (2017), Pitta, Boechat & Mendonça (2017) y Bolfe et al. (2016), cada uno a su manera, señalan que la concepción del PDA-Matopiba es el despliegue de un proceso relativamente largo de expansión de la agricultura orientada al monocultivo y altamente mecanizada, que comenzó en el sur del país. Esta expansión hacia el Cerrado de la macrorregión Centro-Oeste tuvo lugar en la década de 1970, y a partir de la década de 1980 alcanzó el Cerrado de los estados del Nordeste y Norte del país. Según Bolfe et al. (2016:40), el PDA-Matopiba "orienta los programas, proyectos y acciones federales relacionados con las actividades agropecuarias que se ejecutarán en la región". Combinando la ganadería, la agricultura de monocultivo a gran escala (principalmente soja, maíz y eucalipto) y las agroindustrias, el agronegocio se ha establecido en la región como el principal vector de desarrollo económico.

Con el fin de garantizar el mantenimiento y la expansión de las relaciones con el comercio internacional a gran escala, en Maranhão se han planificado más recientemente una serie de iniciativas promovidas por el Estado, junto con la iniciativa privada de los sectores empresariales regionales, nacionales e internacionales. Entre las iniciativas dirigidas a Matopiba, cabe destacar la ampliación de una extensa red logística reforzada y/o construida, basada en infraestructuras urbanas, energéticas, ruteras y ferroviarias (con la Transnordestina como eje); la adquisición de fertilizantes, agroquímicos, piensos, maquinaria agrícola y otros componentes, necesarios para este tipo de producción agrícola y ganadera, y para la producción agroindustrial, así como para la exportación de la producción obtenida.

La expansión de las actividades empresariales en Matopiba, así como en la región del Corredor de Carajás, choca con las formas de vida de los pueblos y comunidades tradicionales, como los pueblos indígenas y los campesinos, que históricamente han ocupado la región. Como señalan Veja y Pitta (2017:26), el "campesinado presente en el Cerrado, a su vez, muestra la diversidad cultural de estos grupos, y es importante destacar la interacción

directa con las culturas indígenas presentes en el bioma en el proceso de su propia formación y establecimiento". Según los autores,

> La principal actividad de estos grupos es la producción biológica primaria (extractivismo, caza, pesca), a través de estrategias agrícolas que utilizan las diferentes unidades del paisaje del Cerrado de forma heterogénea y diversificada: agricultura de ladera y de fondo de valle, pastoreo de ganado y extractivismo en la meseta, por ejemplo (Veja & Pitta, 2017:26).

De forma similar a lo que ocurrió con el PGC durante el gobierno de Collor, la fuerte inspiración neoliberal del gobierno de Jair Bolsonaro en la Presidencia de la República (2019-23) llevó a la derogación del decreto federal que establecía el PDA-Matopiba, a través de un nuevo Decreto, el n.º 10.473, del 24 de agosto de 2020, por iniciativa de la ministra de Agricultura, Ganadería y Abastecimiento, la también ruralista Tereza Cristina Dias. Sin embargo, parlamentarios asociados al agronegocio organizaron en el Congreso Nacional el Frente Parlamentario Matopiba, presionando al gobierno federal para que retomara el programa de desarrollo.

Durante el tercer mandato de Luís Inácio Lula da Silva como Presidente de la República, y con el ruralista Carlos Fávaro como Ministro de Agricultura y Ganadería (en la época, sustituido por su Secretario Ejecutivo, Irajá Rezende de Lacerda), el Gobierno Federal promulgó el Decreto nº 11.767, del 1º de noviembre de 2023, por el que se creaba el comité de gestión responsable de elaborar un nuevo Plan de Desarrollo Agropecuario y Agroindustrial de Matopiba, actualizando sus atribuciones y características, y restableciendo así el funcionamiento del programa de desarrollo.

TERRITORIOS ATRAVESADOS POR EL CORREDOR DE CARAJÁS Y MATOPIBA

Desde el inicio del siglo XXI, se ha producido una gran expansión de la logística y el crecimiento de las actividades económicas, como la ampliación portuaria y ferroviaria, y la apertura de la nueva mina S11D por Vale S.A., con un aumento significativo de la producción anual de mineral de hierro en Pará. Según lo informado por Sant'Ana Júnior & Alves (2017), la previsión de producción de mineral de hierro en 2017 fue de 170 millones de toneladas para ese año, teniendo en cuenta que antes de la apertura de la mina S11D, la producción era de alrededor de 90 millones de toneladas al año. Según el sitio web de Estadísticas Marítimas de la Agencia Nacional de Transportes Acuáticos (Antaq, 2023), en 2023 Vale S.A. manipuló alrededor de 166,3 millones de toneladas de mineral de hierro en la Terminal Marítima de Ponta da Madeira. Para atender a este crecimiento, fue necesario duplicar la vía férrea de Carajás (EFC), que atraviesa 27 municipios (23 en Maranhão y 4 en Pará) y 28 unidades de conservación, afectando a 86 comunidades quilombolas (Sant'Ana Júnior & Alves 2017). El Corredor de Carajás también afecta a tres Tierras Indígenas (TI), dos en Maranhão y una en Pará (Wanderley & Coelho, 2021).

En el municipio de São Luís, capital de Maranhão, se registra la expansión de grandes puertos exportadores, industrias contaminantes y depósitos de fertilizantes, que afectan directamente a comunidades rurales centenarias y a sus formas de organización y producción local. A lo largo del Corredor de Carajás, hay muchas comunidades que sufren los efectos de la contaminación y diversas formas de violación de los derechos humanos, territoriales y medioambientales.

Hay por lo menos 14 territorios quilombolas más directamente afectados por la expansión logística (Wanderley & Coelho, 2021). Entre ellos, se encuentra el Quilombo Santa Rosa dos Pretos, en el municipio de Itapecuru-Mirim, cuyos habitantes viven en un conflicto permanente con la reciente instalación de dos obras que atraviesan su territorio: la duplicación de la autopista BR-135 y la duplicación del Ferrocarril de Carajás (Mendonça, Brustolin & Alves, 2020).

Otro caso que podemos mencionar es la situación de la comunidad/barrio industrial de Piquiá de Baixo, en el municipio de Açailândia (MA). Desde la década de 1980, la comunidad ha sufrido los efectos de las actividades mineras y siderúrgicas vinculadas a la cadena de producción del arrabio. Más recientemente, el municipio se ha convertido en un polo siderúrgico con importantes inversiones en plantaciones de eucalipto, destinadas a la producción de carbón vegetal o al suministro de materias primas para la industria de la celulosa. El carbón vegetal, obtenido de la quema de madera nativa o de eucalipto, se considera uno de los principales insumos utilizados en la fabricación de arrabio. Ante la imposibilidad de permanecer en el territorio después de décadas de lucha permanente, la comunidad está en proceso de desplazamiento hacia otra zona llamada Piquiá da Conquista, donde se ha construido un plan de viviendas del gobierno federal, a través del programa *Minha Casa, Minha Vida* de la Caixa Econômica Federal (CEF).

Aunque la región noroeste de Maranhão no esté directamente vinculada al Corredor de Carajás, su principal eje de integración en los flujos de expansión capitalista es la autopista BR-316, que conecta las macrorregiones Nordeste y Norte a través de Maranhão. Desde principios del siglo XX, se ha intentado extraer oro en esta región. La reanudación de esta actividad, sin embargo, puede estar asociada a los grandes proyectos de desarrollo de la Amazonia, e impulsada por la logística construida entre las décadas de 1970 y 1980 como soporte de la cadena productiva minera, cuando se registraron actividades de extracción de oro en garimpos y otras áreas de la Amazonia Oriental (Alves, 2022a).

Según Coelho, Alves y Machado (2020), las investigaciones y las solicitudes de prospección, y títulos mineros para la extracción de oro en Maranhão, se concentran en los municipios del noroeste del estado. En Aurizona, distrito del municipio de Godofredo Viana, la extracción de oro a través de garimpos prevaleció hasta 2007, cuando la empresa canadiense *Luna Gold* obtuvo licencia para explorar los yacimientos auríferos próximos a Aurizona y cuando también inició la implantación del proyecto Aurizona (2007-2010) y sus operaciones (Coelho, Alves & Machado, 2020).

Tras suspender sus actividades en 2015, dicha empresa amplió la capacidad de producción de la mina en 2017 y se fusionó con *JDL Gold* para convertirse en *Trek Mining*, propietaria del proyecto Aurizona hasta octubre de 2017; posteriormente se fusionó con *NewCastle Gold* y *Anfield Gold*, todas ellas empresas canadienses, para formar *Equinox Gold Corp* (Coelho, Alves & Machado 2020).

Las operaciones de *Equinox Gold Corp*, así como sus actividades mineras, avanzan hacia las zonas y territorios de las comunidades pesqueras y agrícolas de la región. Además de Godofredo Viana, que tiene el caso emblemático de la comunidad Aurizona, la minería de garimpo, así como las actividades de prospección de las empresas mineras avanzan y han afectado, directa o indirectamente, los territorios tradicionales de otros municipios vecinos, como el Centro Novo do Maranhão (Alves, 2022a). Como señalan Coelho, Alves y Machado (2020), los títulos mineros para la extracción de oro se encuentran en los municipios de Godofredo Viana, Cândido Mendes, Amapá do Maranhão, Centro Novo do Maranhão, Centro do Guilherme, Carutapera, Luís Domingues, Maracaçumé, Boa Vista do Gurupi, Junco do Maranhão y Turiaçu, todos en el noroeste marañense.

El caso de Aurizona (Godofredo Viana) se ha vuelto emblemático debido a los dos desastres sufridos por la comunidad, causados por las actividades de la Compañía Minera Aurizona. En 2018, con el derrumbe de pilas de roca estéril sobre la principal vía de acceso a la comunidad y, en 2020, con el colapso de la presa de la laguna de Pirocaua. En ambas situaciones hubo quejas de los residentes de la comunidad por daños medioambientales y una serie de violaciones de derechos. En el desastre de 2022, hubo varias denuncias de que con el colapso de la represa se liberó un gran volumen de detritos que fluyó montaña abajo, en un área de 30.000 m², afectando la vegetación nativa y los reservorios de agua potable, además de contaminar los manglares y arroyos que desembocan en el río Tromaí, donde se practica la pesca y el extractivismo costero (Alves, 2022a).

En Maranhão, el Matopiba ha incorporado el 33% del área del estado, incluidos los territorios de pueblos y comunidades tradicionales. Al mismo tiempo, ha habido un aumento significativo de los proyectos de generación de energía, como las plantas termoeléctricas (TPP) instaladas en Maranhão: TPP Porto do Itaqui y TPP Geramar III, en São Luís; y las TPP vinculadas al Complejo Parnaíba, en Santo Antônio dos Lopes e Capinzal do Norte (Brustolin et al., 2022).

Para resumir la interseccionalidad de la que venimos hablando, los siguientes emprendimientos económicos están asociados a las infraestructuras que hemos mencionado, por tomar sólo los ejemplos más significativos que ya han sido estudiados: ocho plantas de procesamiento de arrabio a lo largo del Ferrocarril de Carajás (Almeida, 2013); una gigantesca industria de alúmina y aluminio (Alumar), en el municipio de São Luís (Alves, 2022b); bases de almacenamiento y procesamiento industrial de mineral de hierro (Vale), también en São Luís (Aquino & Sant'Ana Júnior, 2009); una fábrica de celulosa Suzano en el municipio

de Imperatriz, con una capacidad de producción de 1,7 millones de toneladas de celulosa y 60.000 toneladas de *tissue*[8] al año (Oliveira & Silva, 2019); un centro de lanzamiento espacial, el Centro de Lanzamiento de Alcântara (CLA), en Alcântara (Paula Andrade, 2006); grandes explotaciones de monocultivos agrícolas mecanizados (soja, sorgo, maíz) (Schlesinger, Nunes & Carneiro, 2008; Gaspar & Paula Andrade, 2014) y plantaciones de eucalipto en el sur, sureste y este del estado (Paula Andrade, Feitosa & Silva 2012); exploración de madera dura, principalmente en la Amazonia de Maranhão (SFB & Imazon, 2010); cabañas de cría de búfalos en la Baixada Maranhense (Muniz, 2009); expansión de la ganadería extensiva en todo Maranhão (Porro, Mesquita & Santos, 2004); proyectos de expansión turística en varias partes del estado (Carvalho, 2007); procesos de prospección y exploración de petróleo y gas natural (Paiva, 2014; Costa, 2015); construcción de grandes avenidas y especulación inmobiliaria en las grandes ciudades (Silva, 2015).

EL CORREDOR DE CARAJÁS Y MATOPIBA COMO ZEIA

Para profundizar la comprensión del Corredor de Carajás, Matopiba y sus intersecciones en Maranhão, podemos recurrir al concepto de Zona Específica de Intensa Acumulación (ZEIA) presentado por Sandoval (2019). Al formular este concepto, a partir de un marco teórico que permite comprender los procesos recientes de transnacionalización del capital, mediante el análisis de las relaciones económicas y políticas en la frontera entre México y Estados Unidos, Sandoval (2019) identifica la constitución histórica de un Espacio Global (EG) para la expansión del capital transnacional y, con base en sus referencias teóricas, como David Harvey (2006a; 2006b) y William Robinson (2013), y sus estudios empíricos, formula:

> Por sus características históricas y geográficas, ciertas áreas del planeta son claves para una intensa acumulación global, ya que previamente han sido áreas que se han producido a través de un desarrollo geográfico desigual, producto de la diversificación, la innovación y la competencia, principalmente durante la fase previa del capitalismo mundial en beneficio de la acumulación capitalista y por procesos de expansión geográfica del capital (Sandoval, 2019:26).

Esta lectura permite al citado autor pensar también en la Amazonia como un EG (Sandoval, 2019:26-27). Además de la Amazonia Legal brasileña, la región incluye los territorios de otros siete países (Bolivia, Perú, Ecuador, Colombia, Venezuela, Guyana y Surinam) y un Departamento de Ultramar de Francia, la Guayana Francesa. Al igual que en el caso de la frontera entre México y Estados Unidos, desde los años 1970, la aplicación de políticas gubernamentales en los distintos países ha permitido a las grandes empresas transnacionales

8 "El término 'tissue' designa los productos fabricados con papel crepe seco y ligero, y algunos papeles no crepe, como el papel higiénico, los paños de cocina, los pañuelos de papel, el papel facial, las servilletas, las toallas, etc.". Disponible en: https://tissueonline.com.br/o-que-sao-papeis-tissue/. Consultado el 01.11.2024.

abrir sus operaciones y buscar su integración logística, como la Iniciativa para la Integración de la Infraestructura Regional de América del Sur (IIRSA), creada en 2000.

Al interior de los EG, pueden surgir, siguiendo a Sandoval (2019), espacios específicos determinados, para cuya comprensión el autor presenta una abstracción analítica, una definición operativa y un instrumento metodológico que denomina Zona Específica de Intensa Acumulación (ZEIA). Según el investigador,

> Las *Zonas Específicas de Intensa Acumulación (ZEIA),* comprenden un complejo entramado de infraestructuras establecidas para la expansión del capital transnacional y para su intensa acumulación. Comprenden diversos territorios, microrregiones, localidades y zonas urbanas articuladas por medio de infraestructura de transporte y energética, donde se ha creado y desarrollado la infraestructura industrial para grandes proyectos productivos y/o extractivos, extensivos e intensivos, de corporaciones transnacionales, mismas que son apoyadas financieramente por la banca nacional e internacional y por políticas públicas de todos los niveles de gobierno, así como por acuerdos y tratados internacionales; y sus productos se valorizan en las Bolsas de Valores globales.

La adopción de esta herramienta metodológica permite pensar el Corredor de Carajás y Matopiba como dos Zonas Específicas de Intensa Acumulación (ZEIA), en la medida en que están marcadas por un proceso de intensificación de la acción gubernamental y empresarial que transforma profundamente su región, la integra a las dinámicas capitalistas contemporáneas y permite la creciente expansión del capital transnacional.

Según Orozco Contreras (2023:56), las ZEIA "[...] se traslapan y expanden a través de territorios y localidades, urbanas y rurales, limitando los procesos de acumulación local y afectando, en el caso de las comunidades que aún mantienen el valor de uso de sus bienes naturales, su reproducción social". Estos procesos producen reacciones de los pueblos y comunidades afectadas, intensificando los conflictos. De acuerdo a la autora,

> En la ZEIA existe una fuerte tensión creada por los conflictos entre el avance del capital –que se materializa a través del establecimiento de infraestructuras legales, físicas y de seguridad– y las luchas de resistencia de las comunidades para detenerlo. Esto transforma las ZEIA en Zonas Específicas de Intenso Conflicto Social (ZEICS) y expresa así la lucha de clases, que tiene un carácter global pero se expresa a escala regional y local (Orozco Contreras, 2023:56).

En Maranhão, en relación con las Zonas del Corredor de Carajás y Matopiba, podemos enumerar las siguientes infraestructuras: una extensa red de autopistas; el Ferrocarril de Carajás, recientemente interconectado con el Ferrocarril Norte-Sur, que atraviesa el país en sentido longitudinal y actualmente une el municipio de Açailândia, en Maranhão, al municipio de Estrela d'Oeste, en el estado de São Paulo, pero está proyectada su extensión hasta el extremo sur del país; el Ferrocarril Transnordestina Logística, que une São Luís, en Maranhão, a Fortaleza, en el estado de Ceará; el Complejo Portuario de São Luís, en constante expansión, con la construcción y planificación de nuevas terminales de tanques,

muelles y puertos; la central hidroeléctrica de Estreito, en la frontera con Tocantins; una serie de centrales termoeléctricas, como la Termoeléctrica del Puerto de Itaqui, en el municipio de São Luís, que produce energía a partir del carbón importado de Colombia, y el Complejo Termoeléctrico de Parnaíba, que produce energía a partir del gas natural extraído en los municipios de Santo Antônio dos Lopes, Capinzal do Norte y sus alrededores.

Estas iniciativas, que son el resultado de la planificación gubernamental y pueden o no contar con la participación de la iniciativa privada, han tenido profundas consecuencias sociales y ambientales, alterando los biomas, los paisajes y el modo de vida de los grupos sociales locales, tanto en el campo (muchos de los cuales reivindican la condición de pueblos y comunidades tradicionales, con derechos amparados por la legislación ambiental brasileña; o quilombolas, o pueblos indígenas, con derechos amparados por la Constitución Federal de 1988) como en las ciudades, a través de la reorganización socioeconómica y espacial de las áreas destinadas a su implantación.

El abordaje de la expansión capitalista en las Zonas del Corredor de Carajás y Matopiba choca con el entendimiento, todavía vigente en la planificación gubernamental y empresarial, de la Amazonia brasileña como un gran vacío demográfico y cultural a ocupar. Esta concepción ignora la existencia de innumerables pueblos y comunidades que ocupan la región desde hace siglos, o miles de años. Estos pueblos y comunidades tradicionales, aunque difieran en sus formas socioculturales y antecedentes históricos, tienen un modo de vida adaptado a las condiciones ecológicas, con una economía predominantemente polivalente, es decir, agricultura, pesca, extractivismo y artesanía, con un calendario estacional anual, de acuerdo con los recursos naturales explotados, normalmente bajo una organización del trabajo de base familiar (Almeida & Cunha, 2001; Little, 2002; Sant'Anna, 2003; Alves, Sant'Ana Júnior & Mendonça 2007).

Este tipo de producción y modo de vida es visto por los planificadores gubernamentales y empresariales como arcaico y destinado a desaparecer. Sin embargo, los pueblos y comunidades tradicionales se han organizado y posicionado en defensa de sus formas de vida, y sus territorios, lo que ha creado situaciones conflictivas en el Corredor de Carajás y en todo el perímetro de Matopiba. Estos pueblos y comunidades, así como los grupos sociales urbanos, en mayor o menor medida (lo que sólo puede verificarse en cada caso empírico) reaccionan, confrontan y proponen alternativas a las iniciativas gubernamentales y empresariales que les afectan, lo que permite analizar al Corredor Carajás y Matopiba también como Zonas Específicas de Intensa Conflictividad Social (ZEICS) (Orozco Contreras, 2023: 56).

Los efectos de las inversiones capitalistas provocan así la confrontación de diferentes lógicas de apropiación de la naturaleza, ya sea desde los grupos sociales afectados y que reaccionan, como desde los grupos gestores de los grandes proyectos de desarrollo o los que se alían con ellos, llevando este escenario de disputas a conflictos de carácter ambiental, que

involucran diferentes formas de significar el modo de vida, a partir de las diferentes categorías, representaciones y actores sociales que buscan legitimidad en ellas (Acselrad, 2004).

En la mayoría de los casos, las reacciones comienzan como un conflicto social por la posesión de tierras (Almeida, 1996), y también pueden configurarse como "conflictos socioambientales", según la definición de Leite Lopes (2004). Estos conflictos pueden permanecer como "conflictos por el acceso y uso de los recursos naturales", especialmente por el control del territorio, o incorporar, sobre todo en los casos vinculados a la industrialización o a la agricultura químico-intensiva, la dimensión de "conflictos por la distribución de externalidades", es decir, conflictos por situaciones en las que "el desarrollo de una actividad compromete la posibilidad de que otras prácticas se mantengan" debido a sus efectos (Acselrad, 2004:25).

En línea con Acselrad (2004:26) y Zhouri & Laschefski (2010), los conflictos a los que nos referimos son aquellos que involucran a grupos sociales con diferentes formas de apropiación, uso y significación del territorio, y se originan cuando al menos uno de los grupos ve amenazada la continuidad de sus formas sociales de apropiación del entorno, por efectos indeseables derivados de las prácticas de otros grupos. Los conflictos pueden surgir de disputas por la apropiación de una misma base de recursos o de bases diferentes, pero interconectadas por interacciones ecosistémicas mediadas por la atmósfera, el suelo, el agua, etc. Al intensificarse y generalizarse en los territorios del Corredor de Carajás y Matopiba, se convierten en componentes significativos de estas dos regiones, lo que lleva a tomarlas como ZEICS.

CONSIDERACIONES FINALES

Aunque hayan tenido mucho éxito en sus objetivos y hayan conseguido provocar transformaciones significativas en los paisajes naturales y en las formas de organización social de Maranhão, los programas y proyectos asociados a las ZEIA y ZEICS Corredor de Carajás y de Matopiba están provocando procesos crecientes de depredación ambiental, y comprometiendo las condiciones sociales de existencia, generando innumerables conflictos por la propiedad de la tierra, los usos de la naturaleza y el mantenimiento de los modos de vida tradicionales de los pueblos y comunidades.

Desde finales de la década de 1960, la Amazonia oriental y el Cerrado nororiental han sido objeto de políticas de desarrollo promovidas por los gobiernos federal y estaduales, con la participación activa de grandes grupos económicos privados y la financiación de organismos multilaterales de desarrollo, lo que ha llevado a la implantación de grandes proyectos industriales, de extracción de minerales, pesca, turismo y agricultura, y a la expansión de la deforestación en las zonas forestales, el Cerrado y los manglares. Las consecuencias políticas, sociales, culturales, medioambientales, religiosas y étnico-raciales son enormes, y los conflictos socioambientales son cada vez más recurrentes.

En este artículo, hemos pretendido presentar los resultados de una investigación que busca identificar y analizar los procesos de disputas territoriales y conflictos socioambientales en

Maranhão, resultantes de las intervenciones logísticas y operativas en los procesos de expansión capitalista y, por lo tanto, de la constitución de las ZEIA y ZEICS de los Corredores de Carajás, Matopiba y sus intersecciones, considerando las formas locales de resistencia y los procesos de resistencia, de pueblos y comunidades tradicionales, su relación con el territorio y el medio ambiente.

Translated by Federico Lavezzo (federicolavezzo@gmail.com) and
María Gabriela Lugones (negralugones@gmail.com).

Received: October 16, 2024.
Approved: October 28, 2024.
Corrected: August 05, 2025

Este documento tiene una errata:
https://doi.org/10.1590/1809-4341.2025v22e02000

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Neoextractivismo, crisis climática y desastres: Miradas desde Argentina, Brasil y Chile

Mujeres y minería de litio: respuestas desde el cuerpo y el territorio en Antofagasta de la Sierra, Catamarca (Argentina)

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Resumen:

Luego de tres décadas desde la instalación del primer proyecto minero, el boom del litio en los últimos años ha configurado a la provincia argentina de Catamarca como parte de una frontera extractiva cada vez más relevante en la geopolítica minera global. En este contexto, nuestra investigación se sitúa en el Salar del Hombre Muerto, importante en términos de biodiversidad y con presencia de comunidades humanas, entre ellas, la comunidad indígena Atacameños del Altiplano, que sistemáticamente viene denunciando el avance de empresas mineras sobre su territorio. Nuestro propósito es analizar las configuraciones generizadas del conflicto por la minería del litio en Antofagasta de la Sierra, considerando así las violencias y afectaciones sobre las mujeres, y las respuestas que ellas despliegan. Por un lado, damos cuenta de la desarticulación de los modos de vida que sostienen la reproducción social y el proceso de criminalización de la protesta. Por otro lado, nos interesa visibilizar procesos de construcción de autonomía, en este caso, la experiencia de turismo comunitario Waychar que impulsan algunas mujeres de la comunidad indígena Atacameños del Altiplano. A través de un trabajo etnográfico, identificamos esta experiencia como capacidad performativa política que pone en el centro lo común, basada en el sostén colectivo de relaciones sociales de largo plazo.

Palabras clave: litio, comunidad atacameña, violencias, construcción de autonomía, turismo comunitario.

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e00601
https://doi.org/10.1590/1809-4341.2025v22e00601

Mulheres e mineração de lítio: respostas do corpo e do território em Antofagasta de la Sierra, Catamarca (Argentina)

Resumo:

Três décadas após a instalação do primeiro projeto de mineração, o boom do lítio nos últimos anos tem configurado a província argentina de Catamarca como parte de uma fronteira extrativista cada vez mais relevante na geopolítica global da mineração. Nesse contexto, nossa pesquisa está localizada no Salar del Hombre Muerto, que é importante em termos de biodiversidade e da presença de comunidades humanas, incluindo a comunidade indígena de Atacameños del Altiplano, que tem denunciado sistematicamente o avanço das empresas de mineração em seu território. Nosso objetivo é analisar as configurações geradas pelo conflito em torno da mineração de lítio em Antofagasta de la Sierra, considerando a violência e os impactos sobre as mulheres, e as respostas que elas dão. Por um lado, explicamos a desarticulação dos modos de vida que sustentam a reprodução social e o processo de criminalização do protesto. Por outro lado, estamos interessadas em tornar visíveis os processos de construção de autonomia, neste caso, a experiência de turismo comunitário Waychar promovida por algumas mulheres da comunidade indígena Atacameños del Altiplano. Por meio do trabalho etnográfico, identificamos essa experiência como uma capacidade política performativa que coloca o comum no centro, com base no apoio coletivo de relações sociais de longo prazo.

Palavras-chave: lítio, comunidade atacamenha, violência, construção de autonomia, turismo comunitário.

Mujeres y minería de litio: respuestas desde el cuerpo y el territorio en Antofagasta de la Sierra, Catamarca (Argentina)

Débora Cerutti;
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Lucrecia Wagner;

INTRODUCCIÓN

En pocos años serán tres décadas de disputa en torno al avance de la frontera extractiva en la provincia de Catamarca (Argentina). La instalación de la mega-minería metalífera con el proyecto La Alumbrera y el arribo del proyecto Fénix de extracción de carbonato de litio en 1997, así como su continuo aumento en la escala de operaciones, han colocado a esta provincia en un rol protagónico en el mapa minero mundial.

Este territorio forma parte de lo que se denomina "el triángulo del litio", región que comprende Chile, Bolivia y Argentina y que posee más del 50 por ciento de las reservas mundiales del mineral. De la mano del aumento de la demanda global de litio creció el interés de empresas mineras por explotar este mineral presente en los salares de altura de la Puna argentina, ecorregión que atraviesa desde la provincia de Jujuy hasta el norte de San Juan.

En Argentina existen cincuenta proyectos litíferos en diferentes etapas de producción, exploración y explotación de los cuáles quince se encuentran en la provincia de Catamarca (Ministerio de Economía 2024). El epicentro de la actividad se concentra en el departamento de Antofagasta de la Sierra, más precisamente en el Salar del Hombre Muerto, a más de cuatro mil metros sobre el nivel del mar, donde se ancla el ya nombrado proyecto Fénix[1].

1 No fue posible establecer el número exacto de proyectos de exploración y explotación de litio en Antofagasta de la Sierra. Un claro ejemplo de la intensa dinámica de esta actividad es que hay una gran presión por lograr nuevos permisos mineros, algunos de ellos son anunciados en los medios de prensa pero luego esa información es desestimada. El 14 de marzo de 2024 la Suprema Corte Provincial suspendió la concesión de nuevos permisos de extracción de litio en la zona del Salar del Hombre Muerto, reconociendo los impactos nocivos sobre las fuentes de agua locales, el medio ambiente y los medios de subsistencia de las comunidades locales. Si bien el fallo no detiene los proyectos en operación, suspende nuevas instalaciones de extracción de litio en dicho territorio.

En manos de diferentes empresas a lo largo del tiempo, este megaemprendimiento fue acumulando irregularidades, especialmente en lo que refiere a la captación de aguas, algo que pone en riesgo su suministro para las comunidades humanas de la zona y el sostenimiento de los ecosistemas. El Salar del Hombre Muerto, posee una enorme biodiversidad de seres que aprendieron a vivir en la altura, con agua poco accesible y almacenada en salares. Los ríos supieron cómo recorrer distancias de manera subterránea para no evaporarse y así llegar a dar vida en grandes extensiones. Allí, varias generaciones de humanos encontraron un lugar donde protegerse del calor y del frío, a partir de la crianza de camélidos y de la cosecha de la sal. Entre ellas, la comunidad indígena Atacameños del Altiplano, una de las 50 comunidades indígenas autoproclamadas en la provincia de Catamarca[2], que sistemáticamente vienen denunciando a las mineras que avanzan ilegalmente sobre sus territorios. Existen en Antofagasta de la Sierra 313 personas que se reconocen pertenecientes y descendientes de pueblos indígenas sobre un total de 2008 habitantes según el censo nacional 2022.



Imagen 1. *Salar del Hombre Muerto*. Fuente: Colectivo Pliegues, trabajo de campo 2024.

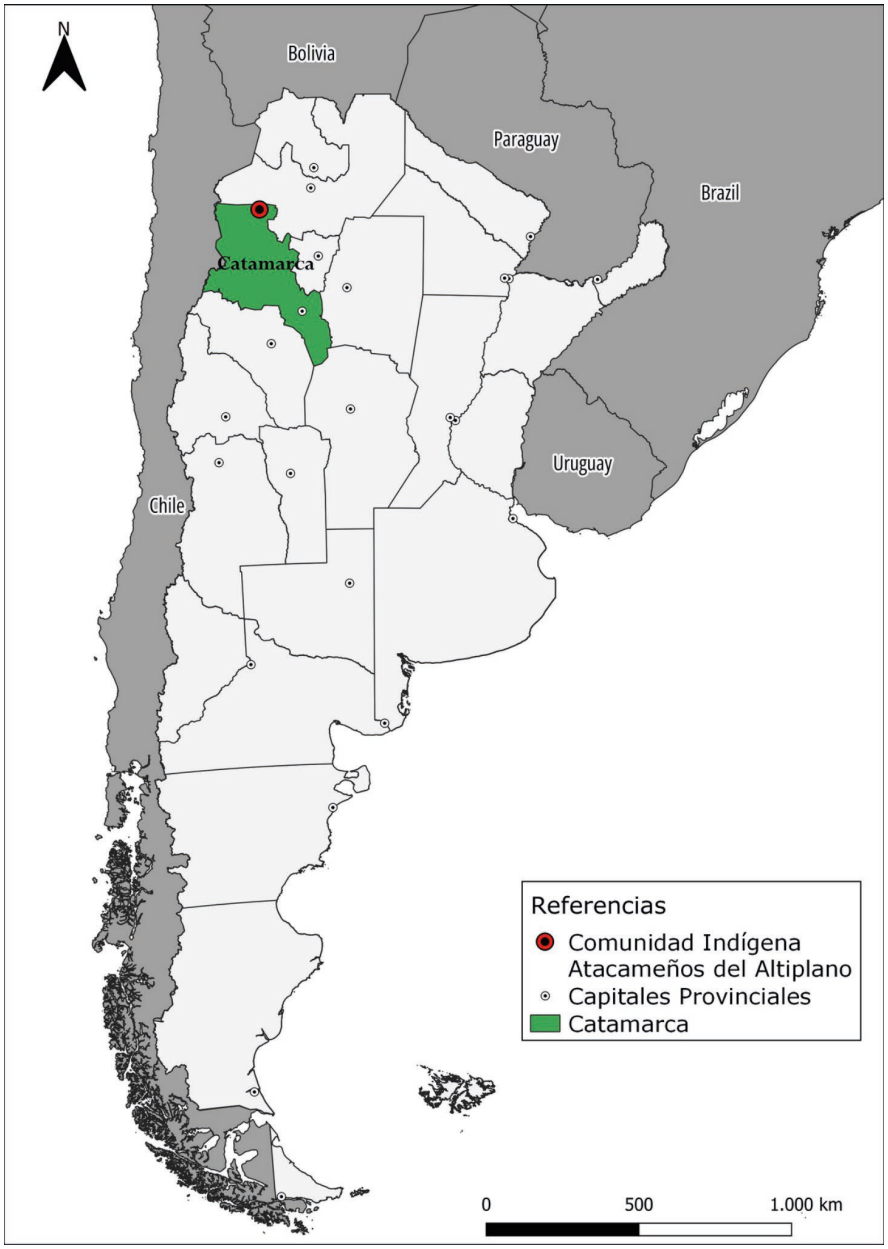
En el año 2018, se anunció la ampliación del proyecto Fénix. La comunidad indígena Atacameños del Altiplano junto a otros habitantes locales de Antofagasta de la Sierra

2 Tan sólo nueve de esas comunidades han sido reconocidas por el Instituto Nacional de Asuntos Indígenas (INAI), organismo público que en diciembre de 2024 atravesó la disolución de 11 áreas vinculadas a la reafirmación de derechos indígenas. Ver: https://www.resumenlatinoamericano.org/2024/12/20/argentina-pueblos-originarios--el-gobierno-argentino-desmantela-el-instituto-nacional-de-asuntos-indigenas-inai-el-organismo-que-debe-velar--por-los-derechos-de-la-poblacion-indigena/

comenzaron a manifestarse en la plaza del pueblo para exigir información y reclamar reuniones con autoridades municipales. La resistencia se volvió más incisiva cuando se realizó un corte de ruta ese mismo año, algo que representó un punto de inflexión en la defensa del agua, de la vida y de los derechos de los pueblos. En febrero de 2019, miembros de la comunidad volvieron a manifestarse demandando información pública y el derecho a consulta previa. Este período de dos años, condensa el inicio de una problematización pública en torno a la minería de litio pues emergió un espacio en el que se intercambiaron y establecieron argumentos en torno a la legitimidad de decisiones, que fueron tomadas sin consulta previa y sin considerar las afectaciones socio-territoriales. Como veremos, las mujeres de la comunidad indígena han tenido una participación decisiva en estas movilizaciones.

El propósito de este artículo es analizar las configuraciones generizadas del conflicto por la minería del litio en Antofagasta de la Sierra en términos de las principales violencias y afectaciones sobre las mujeres, así como los modos de respuesta esbozados. En primer lugar, nos concentramos en caracterizar el proceso de implantación de la extracción de litio en Argentina y sus particularidades en la región de Antofagasta de la Sierra. En segundo lugar -y con el propósito de caracterizar las principales afectaciones sobre las mujeres- nos concentramos en dos ejes: la desarticulación de los modos de vida que sostienen la reproducción social y el proceso de criminalización de la protesta. En tercer lugar, nos interesa visibilizar procesos de construcción de autonomía como respuesta a la expansión de proyectos de litio en el Salar del Hombre Muerto. Aquí vamos a presentar la experiencia de turismo comunitario Waychar que impulsan algunas mujeres de la comunidad indígena Atacameños del Altiplano.

En el siguiente mapa (Mapa 1) se localiza el área de estudio, al norte de la provincia de Catamarca. Coincide con el área que la comunidad indígena reclama, dentro de la cual, como se puede ver en el Mapa 2, se encuentra el Salar del Hombre Muerto y el área de explotación minera. El territorio que la comunidad indígena reclama como propio está en disputa con el estado nacional y los actores privados, por lo que en este artículo decidimos considerar el territorio reclamado, ya que sobre esta concepción se traman las disputas que aquí se relatan.



Mapa 1. *Área de estudio: territorio en conflicto*. Fuente: elaboración de Julián Ramírez Guirao en base al mapa realizado por la Comunidad Indígena Atacameños del Altiplano y Asamblea Pucará, 2024, Argentina (Mapa 2).

El abordaje metodológico del trabajo retoma datos secundarios y también datos primarios provenientes de una investigación realizada por Débora Cerutti en colaboración con el colectivo Pliegues, del cual la autora forma parte. Entre los años 2021 y 2024 las integrante de Pliegues realizaron diversas actividades, entre ellas talleres de activación de memoria visuales y orales en la escuela primaria de Antofagasta, empleando dos archivos fotográficos de la colección Barreto del Museo de la Plata, así como el archivo de Crisanto Vázquez, que aborda la historia del pueblo desde la década del ´70. Esta experiencia permitió luego la instalación de un punto de memoria en Antofagasta de la Sierra. Todo ello además implicó realizar diferentes recorridos para registrar transformaciones en el pueblo y sus alrededores

junto a miembros de la comunidad indígena. En términos de los instrumentos de recolección de datos se trabajó con *cajas de memoria, activaciones de memoria y derivas*[3], herramientas que se proponen intervenir en el conflicto a partir de dar relevancia ética a los testimonios producidos por diferentes actores comunitarios. Las cajas de memoria aparecen metodológicamente como contenedores, una práctica reflexiva y acumulativa que busca registrar lo que está desapareciendo, las cosas preciosas y frágiles que corren el riesgo de perderse por el avance del extractivismo de litio. Entre los años 2021 y 2024 realizamos entrevistas en profundidad a las mujeres de la comunidad indígena y otras mujeres que no se reconocen como tales pero habitan el poblado de Antofagasta de la Sierra y asimismo trabajamos en la recopilación de materiales variados como fragmentos de historias, murmullos, mapas, indicaciones, descripciones, dibujos y diálogos a partir de fotografías; esto último entendido como un modo de abrir espacios y aperturas a las cajas de memoria (Cerutti, Bensadon, Scotta 2023). Esa tarea nos permitió recuperar saberes guardados que fueron resignificados en nuevos relatos. Un aspecto clave de la colaboración entre Pliegues y las mujeres de la comunidad Atacameños del Altiplano fue compartir derivas, es decir recorridos que nos permitieron recuperar gestos y expandir y entrelazar el conocimiento entre las formas de vida y los ambientes. Las *derivas*, se presentan como una herramienta exploratoria y técnica de investigación que nos permitió recolectar narrativas y tejer relaciones para generar una historia de la vida en ese territorio.

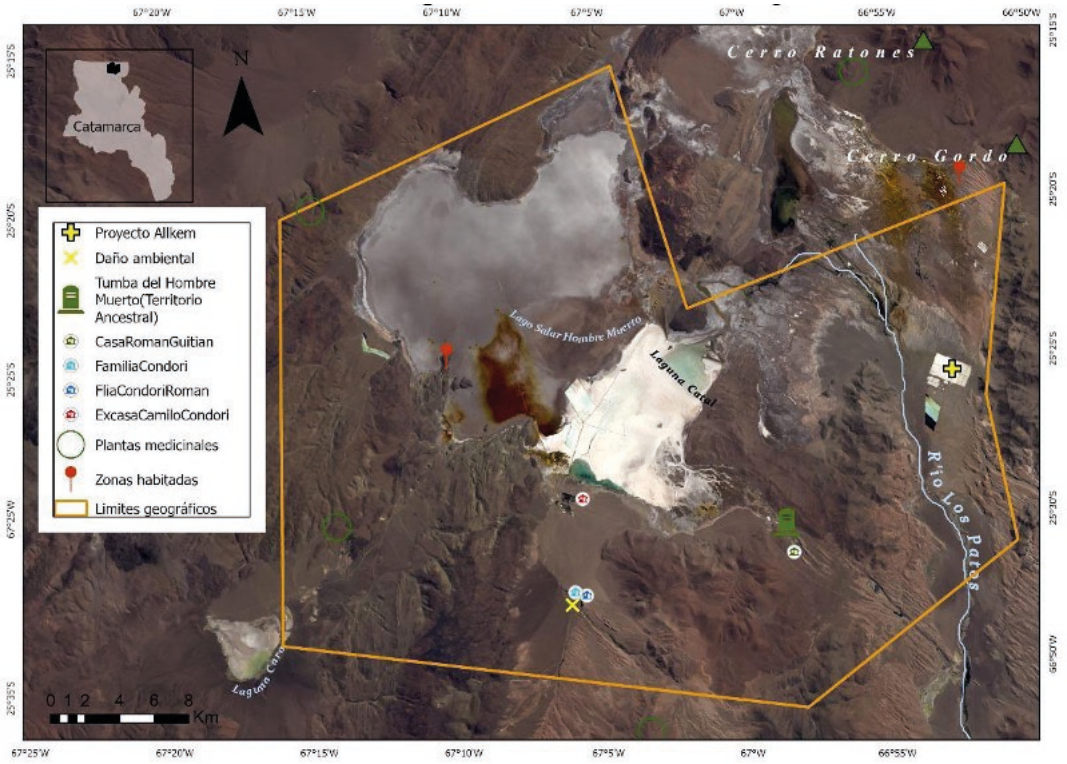
Esta metodología de acción participativa incentiva la rememoración, cuestión que pone de relieve las dimensiones estéticas y simbólicas, a su vez que permite narrar sueños e imaginarios de futuro. Es una estrategia que permite abordar y acompañar propuestas de trabajo que buscan recrear autonomía frente al avance de la minería. En las visitas realizadas (cuatro en total) se realizaron un total de 28 entrevistas[4] de las cuales 17 fueron a miembros de la comunidad indígena[5]. Además, 25 testimonios fueron recogidos en diálogos producidos mediante la propuesta metodológica de las activaciones de memoria. Además, se llevaron a cabo varios registros fotográficos, se publicaron notas periodísticas y se hizo un registro de sitios relevantes para la comunidad indígena, entre ellos, aquellos lugares que están siendo destruidos por el paso de camiones mineros, tales como la Tumba del Hombre Muerto, sitio sagrado de la comunidad.

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3 Los recorridos territoriales son parte fundamental de la metodología. Aquí se entiende la "deriva" como un recorrido que va de la mano de la percepción, donde *el andar es un movimiento vital*. Al decir de Debord, la deriva aparece como "una técnica de paso ininterrumpido a través de ambientes diversos. El concepto está ligado indisolublemente al reconocimiento de efectos de naturaleza psicogeográfica, y a la afirmación de un comportamiento lúdico- constructivo, lo que la opone en todos los aspectos a las nociones clásicas de viaje y de paseo" (Debord 1958, citado en Cerutti, Bensadon y Scotta 2023).

4 Parte de las entrevistas fueron realizadas en el marco de la beca postdoctoral de Débora Cerutti con el proyecto "Extracción de litio desde una perspectiva de (in)justicia ambiental y conflictividad socioterritorial en tres provincias argentinas" (CONICET, 2021-2024) en conjunto y colaboración con el Colectivo Pliegues.

5 En todos los casos, las personas entrevistadas otorgaron su consentimiento para las mismas y se decidió anonimizar su identidad para preservarla.



Mapa 2. *Territorio reclamado por la Comunidad Indígena Atacameños del Altiplano*. Fuente: Mapa realizado por la Comunidad Indígena Atacameños del Altiplano y Asamblea Pucará, 2024, Argentina.

EL LITIO COMO MANTRA DE LA TRANSICIÓN ENERGÉTICA

> "*La están llamando transición energética justa, pero esto no es justo para nada. Las empresas extraen el litio acá y después lo venden afuera. ¿Y qué dejan aquí en el territorio? El río Trapiche ya ha desaparecido, y esto tiene consecuencias catastróficas para toda la gente que vive aquí.*"
>
> **Verónica Gostissa, abogada y miembro de la Asamblea PUCARÁ.**

En Argentina, la minería de litio ha posicionado el debate sobre la transición energética (Fornillo 2019; Svampa y Argento 2023; Nápoli y Marchegiani 2023). Desde hace algunos años, las empresas mineras presentan a esta actividad como necesaria para la transición hacia energías no fósiles que avancen hacia una carbono-neutralidad. De acuerdo con las proyecciones realizadas por la Agencia Internacional de Energía (AIE), la demanda total de minerales a nivel mundial podría duplicarse en el escenario de políticas declaradas (STEPS) y hasta cuadruplicarse en el escenario de desarrollo sostenible (SDS) entre 2020 y 2040. El litio sería el metal que experimentaría un mayor crecimiento de la demanda y podría multiplicarse por 13 y hasta por 42, según diferentes escenarios (CEPAL 2023). Varios estudios han destacado que esta transición puede impulsar una rematerialización de la economía

(Capellán Pérez et al. 2019) porque, entre otras causas, se requieren minerales metalíferos y no metalíferos para desarrollar proyectos eólicos y solares, para tender redes de conexión, y para almacenamiento en baterías.

A ello se suma que los proyectos de energía renovables, y/o de minería de litio (que son el insumo para las baterías que sustentan la electromovilidad) también tienen consecuencias ambientales y representan problemas para las comunidades aledañas a los proyectos. En países como México (ver Ávila Calero 2017) o Colombia (ver Ulloa 2023) ya se registran conflictos por energías renovables, como por ejemplo los parques eólicos. Así, la transición energética configura nuevas conflictividades asociadas a su dinámica (Walter, Deniau y Herrera 2024).

Como fue mencionado, Argentina forma parte, junto a Chile y Bolivia, del "triángulo del litio"; sin embargo, los tres países difieren en la gestión que le han dado a la extracción-producción. Chile y, sobre todo, Bolivia implementaron estrategias tendientes a mejorar la captación de renta por parte del Estado y a localizar actividades productivas relacionadas con el procesamiento del litio. Mientras que en el caso de Chile es el sector privado el que asume la función productiva, en Bolivia es el Estado el que lidera este proceso a través de una empresa estatal. El caso de la Argentina es más disputado internamente, pues conviven distintas visiones en tensión. Encontramos, por un lado, una perspectiva neoliberal que ha priorizado la atracción de inversores privados. Por otro lado, convive junto a ella una visión de carácter más industrialista que busca promover capacidades tecnológicas y productivas locales (Obay 2021).



Imagen 2. *Camiones mineros transitando por el Salar del Hombre Muerto*. Fuente: Colectivo Pliegues, trabajo de campo 2022.

En 2024, ha primado el enfoque neoliberal especialmente por las políticas impulsadas por el gobierno de Javier Milei a partir de la puesta en vigencia del Régimen de Incentivo para

Grandes Inversiones (RIGI), "un régimen que ofrece previsibilidad, incentivos fiscales y jurídicos durante treinta años para atraer proyectos de inversión que superen los 200 millones de dólares" (Ministerio de Economía 2024). Este Régimen ha sido cuestionado por desconocer derechos humanos, ambientales y sociales (Argento 2024), en términos de que no constituye una plataforma de desarrollo y que tampoco promueve la industria nacional (Zaiat 2024). Una de las empresas mineras que están operando en el Salar del Hombre Muerto, Galán Lithium, pidió ingresar al RIGI para ampliar el Proyecto Hombre Muerto Oeste (HMW), que implicaría una inversión de 200 millones de dólares, para "la construcción de 250 hectáreas de piscinas de evaporación, una planta de reactivos para el tratamiento de la salmuera, una planta de generación de energía eléctrica, y la infraestructura necesaria para el suministro de agua, además de campamentos, oficinas y talleres" (Boettner 2024).

El litio, también denominado "oro blanco", constituye un insumo clave de las baterías de ion de litio que se utilizan para la electromovilidad y la acumulación de energías renovables (Obaya 2021). Es por ello que en la minería de litio que está presente en los salares altoandinos conviven en la misma cuenca proyectos de diversos capitales (Estados Unidos, China, Corea del Sur, Anglo-australianos, entre otros), y empresas mineras con automotrices líderes en el mercado global.

De todos los proyectos de litio existentes en Argentina, solo cuatro se encuentran en la etapa de producción. Entre ellos está Fénix (propiedad de la empresa Río Tinto), objeto de nuestro trabajo, que además es el único ubicado en la provincia de Catamarca. Los otros tres son Salar de Olaroz (Arcadium, ahora Río Tinto) y Cauchari Olaroz (Exar) en la provincia de Jujuy, y Centenario Ratones (Eramet) en Salta. La reciente compra de Arcadium por parte de Río Tinto consolida a esta empresa, una de las más grandes del sector minero, en el mercado del litio y como la mayor productora de litio del país[6].

Según la información provista por Arcadium en su página web, desde 2023 el proyecto tiene 18.000 toneladas métricas de capacidad de carbonato de litio in situ. Esta empresa tenía planificada una ampliación por etapas para aumentar la capacidad de producción de carbonato de litio a 100.000 toneladas métricas por año hacia 2030 y, con la primera ampliación en 2024, esperaba que la capacidad de carbonato de litio ascendiera a 40.000 toneladas métricas anuales. La salmuera de litio es de muy alta calidad y con una variabilidad muy baja. Cubre aproximadamente 600 kilómetros cuadrados (en su totalidad) con profundidades que potencialmente se extienden a más de 900 metros bajo la superficie del suelo, aunque la empresa declara que su producción no se extendía por debajo de los 40 m y

6 La reciente compra de Arcadium por parte de Río Tinto consolida a esta empresa, una de las más grandes del sector minero a nivel mundial y hoy la mayor productora de litio del país. Río Tinto es además, la empresa que detonó una fuerte conflictividad ambiental en Serbia y que hizo tambalear al gobierno nacional. El gobierno serbio aprobó el inicio del proyecto Jadar en 2019, pero tras las protestas contra Río Tinto antes de las elecciones del 2022, lo canceló, cuestión que volvió a revivir tras las presiones de la Unión Europea. En agosto de 2024, decenas de miles de personas se movilizaron en las calles en un nuevo rechazo a la empresa.

los recursos inferidos sólo alcanzaban los 200 m.[7] No hay información oficial aún en la web de la empresa Río Tinto sobre las proyecciones futuras de este proyecto.

En la última década las empresas han hecho un aprendizaje corporativo en términos de modificar sus estrategias de inserción territorial. El proyecto de extracción Fénix, fue impactado por una denuncia que realizó un diputado de Catamarca en la Justicia Federal en julio de 2022. Se trata de un caso de subfacturación en el precio del litio que hizo Livent durante su operación entre 2018 y 2022, cuando se comercializaba el mineral a un precio 800 veces menor al de países como Chile (Página 12[8] 2023). Este tipo de hechos, sumado a la imagen negativa de la minería metalífera en la región, ha generado que las empresas propicien espacios participativos creados en el marco de la legislación nacional y provincial. Entre ellos, instancias de participación en audiencias públicas en el marco de procesos de evaluación de impacto ambiental son complementados con charlas técnicas sobre diferentes temas (Minería y Desarrollo 2022). Catamarca cuenta con la resolución 330/2016 que implementa la participación ciudadana mediante fiscalización y monitoreos ambientales comunitarios participativos, consulta pública, mesas de diálogo, formación de inspectores ambientales, capacitaciones y talleres participativos.[9] Al respecto, un estudio realizado en 2022, destaca que "la falta de reglamentación de las instancias de participación pública impacta en la credibilidad de la autoridad competente, al otorgar un amplio margen de discrecionalidad con respecto a los actores convocados, los tiempos y los resultados" (Arias Mahiques et al. 2022: 36).

A esto se suma la iniciativa vinculada a programas de capacitación en comunidades del área del proyecto. Esto se fundamenta en que, en base a leyes existentes, se han establecido porcentajes mínimos de mano de obra local.[10]

CONFLICTOS MINEROS Y HUMEDALES EN CATAMARCA

Desde la llegada de la minería metalífera a gran escala con el proyecto La Alumbrera en 1997, en Catamarca la mirada hacia los proyectos mineros fue cambiando. La instalación del proyecto Alumbrera generó ciertas problemáticas en poblados cercanos (Mastrángelo 2004), pero no ocasionó, en sus inicios, relevantes manifestaciones sociales de rechazo hacia la actividad. Sin embargo, el proyecto Agua Rica, cercano a La Alumbrera, generó grandes

7 Fuente: https://arcadiumlithium.com/operations-projects/

8 Página 12 es el nombre de un periódico en Argentina.

9 Resolución 330/2016, provincia de Catamarca. https://api-portal.catamarca.gob.ar/media/cms/archivos/Res_330_16_Participacion_Ciudadana.pdf
Se complementa con la Disposición 3-2021, "Disposición de Lineamiento para la ejecución de la participación ciudadana: Consulta y Audiencia Pública". https://api-portal.catamarca.gob.ar/media/cms/archivos/DI-2021-01268993-CAT-DPGAMMM_rAmtq91.pdf

10 "En las provincias con recursos de litio las acciones de desarrollo productivo se han concentrado en la legislación de "compre local" (políticas de contenido local). Este mecanismo, que se ha formalizado en Salta (Ley Provincial núm. 8164) y Catamarca (resolución del Ministerio de Minería núm. 498 de 2014) fija los requisitos de participación mínima de proveedores y mano de obra local en un 60%-70% (CEPAL, 2023: 30).

resistencias y los integrantes de las asambleas ciudadanas han estado expuestos a diferentes formas de violencias (Cerutti 2017). Lo cierto es que diversas comunidades conviven con esta actividad en sus diferentes modalidades por casi tres décadas, tanto si se oponen abiertamente a la megaminería, expresan preocupación por los impactos ambientales y/o trabajan en el sector.

Entre las preocupaciones de las poblaciones locales, se destaca el consumo de agua que realizan las empresas, el desvío de cauces y la restricción hídrica para sus actividades, además de la afectación a los ecosistemas. Ello se combina con el debate que han llevado adelante organizaciones no gubernamentales nacionales y científicos sobre la afectación de la dinámica hidrológica e hidrogeológica de los salares altoandinos, que son humedales de altura. Esto relaciona la minería de litio con la discusión sobre la necesidad de contar con una ley de presupuestos mínimos de protección de humedales, ya que de sancionarse afectaría intereses mineros, y esto explica, en parte, las resistencias de diferentes lobbies de la minería y de dirigentes provinciales a su tratamiento legislativo.



Imagen 3. *Río Los Patos*. Fuente: Colectivo Pliegues, trabajo de campo 2024.

El Salar del Hombre Muerto, en el que localizamos nuestra investigación, es un humedal altoandino que provee a la sociedad de "servicios ecosistémicos de distintos tipos, entre los que se destaca la regulación hídrica, y resultan estratégicos sobre todo en contextos de aridez y semiaridez" (Farn, Yuchán y Wetland 2021: 6)[11].

Los proyectos de minería de litio son parte de una dinámica especulativa que hace que los mismos pasen de mano en mano con diferentes composiciones accionarias. Para los pobladores locales se hace muy difícil comprender quiénes son los que manejan los hilos de la

11 Es también el lugar donde se han encontrado los seres más antiguos de la historia del planeta tierra: los estromatolitos, vitales en la producción de oxígeno para el planeta en sus orígenes (Vignale et al, 2022).

extracción en sus territorios, algo que impide determinar con claridad quiénes son los responsables cuando acontecen afectaciones socioambientales. Para dar un ejemplo muy elocuente: el proyecto Fénix, pasó a manos de Río Tinto en octubre de 2024, luego de la adquisición del capital accionario de Arcadium. Esta última es una compañía que había sido creada en enero de 2024, a partir de la fusión entre la empresa australiana Allkem y la estadounidense Livent. La empresa Livent tenía a cargo el proyecto Fénix, que antes había sido propiedad de FMC-Minera del Altiplano. En cuestión de pocos meses el proceso de adquisiciones hizo muy complejo seguir el entramado de intereses corporativos que está detrás del proyecto.

A lo largo de casi tres décadas este proyecto fue extrayendo agua para sus operaciones hasta el punto del agotamiento del río Trapiche. En el año 2018, el proyecto Fénix buscó expandirse. Para ello, la empresa presentó un Informe de Impacto Ambiental (IIA) con el objetivo de proveerse de aguas subterráneas de la cuenca del río Los Patos[12]. Desde la comunidad indígena Atacameños del Altiplano, denunciaron que la obra proyectada contaba con seis pozos de bombeo de agua, los que permitirían proveer 650.000 litros de agua por hora, transportando el caudal a través de un acueducto de 32 km hasta la planta. A pesar de existir diversas irregularidades en el IIA, el proyecto fue aprobado por la Dirección de Hidrología y Evaluación de Recursos Hídricos de la provincia de Catamarca, con condiciones de permiso precarios y revocables, y la creación de zona de tutela. Por otra parte, el Juez Electoral y de Minas, autorizó a la empresa la extracción y acarreo de agua del río Los Patos por medio de la construcción de un acueducto que atraviesa el territorio de las comunidad indígena.



Imagen 4. *Mujeres de la Comunidad Indígena Atacameños del Altiplano*. Fuente: Colectivo Pliegues, trabajo de campo 2024.

12 Los ríos que atraviesan el Salar del Hombre Muerto, no sólo son fundamentales para la biodiversidad que existe allí, sino que también son fuente de agua para las actividades de pastoreo, pesca y provisión de agua para el consumo humano. Son además, parte del paisaje andino y espacios de conexión espiritual con el territorio.

EL ACAPARAMIENTO DEL AGUA Y LA DESARTICULACIÓN DE LOS MODOS DE VIDA QUE SOSTIENEN LA REPRODUCCIÓN SOCIAL

> "todos vamos a ser afectados. Estamos viendo el daño ambiental, por esa razón nos hemos sumado a eso. Preguntarles: ¿qué beneficio nos dejó la minería? Si ustedes me pueden responder a mí en cualquier lugar del mundo que no haya destruido el pueblo, matado la biodiversidad" (Intervención E., octubre 2021)[13].

Esta última frase fue pronunciada por E. en octubre del 2021, cuando se estaban cumpliendo tres años del primer corte realizado por la comunidad indígena Atacameños del Altiplano. Ese día ella se levantó temprano, preparó el desayuno y acompañó a su hija a la escuela. Luego asistió a la primera charla técnica y participativa, parte del proceso de Consulta Pública que realizó el gobierno de Catamarca, cuyo objetivo era aprobar el IIA el 19 de noviembre de ese año (cuestión que finalmente ocurrió). Allí E. fue la última oradora. Alzó la voz y pronunció lo que nadie estaba diciendo: todos vamos a ser afectados. Hay en esta frase, un reconocimiento colectivo de las posibles afectaciones que produce la minería de litio en los territorios donde los proyectos se anclan y en la conexión entre dichas afectaciones.

Gran parte del territorio donde las mineras quieren llevar adelante la explotación del litio, pertenece a la comunidad indígena Atacameños del Altiplano. Por lo menos seis generaciones han habitado en un territorio de 600 km cuadrados en el Salar del Hombre Muerto (Parodi y Maresca 2023) donde se encuentran sitios sagrados como la Tumba del Hombre Muerto, que le da nombre al lugar y que hoy peligra por el paso constante de camiones mineros (Cerutti 2023: 210).

Desde el año 2018, Atacameños del Altiplano comenzó a demandar información pública y reclamar el derecho a la consulta libre, previa e informada que estipula el Convenio 169 de la OIT[14]. Además, fueron quienes denunciaron diversas irregularidades en el Informe de Impacto Ambiental, para la ampliación del proyecto Fénix y quienes llevaron adelante en el año 2021 un pedido de amparo ambiental cuya resolución tuvo lugar en marzo de 2024. La Corte Suprema de Justicia de Catamarca estableció que el Ministerio de Minería de la Provincia de Catamarca y el Ministerio de Agua, Energía y Medio Ambiente, tienen prohibido otorgar nuevos permisos/autorizaciones, o declaración de impacto ambiental a los proyectos que están en cartera esperando su aprobación; por otra parte exigió la realización de un

13 Intervención registrada durante dicha audiencia pública por el Colectivo Pliegues, en el marco de su trabajo de campo, en octubre 2021.

14 El 11 de noviembre del 2024, Argentina votó contra la Resolución de la Asamblea General de la ONU relativa a los "Derechos de los Pueblos Indígenas" (A/C.3/79/L.21/Rev.1) en el marco del 79º período de sesiones de las Naciones Unidas. Luego, el 10 de diciembre del 2024 (Día de los Derechos Humanos) el gobierno de Milei derogó la ley de emergencia territorial indígena 26.160. Dicha ley, suspendía los desalojos de las comunidades indígenas hasta que se completara el relevamiento de sus tierras, sin desconocer la existencia de 250 conflictos territoriales. El gobierno de Milei derogó la ley de emergencia territorial indígena, CELS, 10-12-24. https://www.cels.org.ar/web/2024/12/derogacion-ley-territorio-indigena-26160/

estudio de impacto ambiental acumulativo e integral del desarrollo de la actividad minera litífera en el Salar del Hombre Muerto (Colectivo Pliegues 2024). Este fallo sin precedentes no podría haber sido posible sin la movilización de la Comunidad indígena Atacameños del Altiplano, que durante años realizó tareas para visibilizar los daños provocados por el extractivismo de litio en la región. En ese sentido, rescatamos las primeras acciones llevadas adelante, y narradas por las mujeres de dicha comunidad:

> "Nos fuimos al Salar a dar la vuelta, a sacar fotos, a investigar. Nos habíamos enterado que una señora que vivía a dos kilómetros de la minera Livent se había caído por ir a sacar agua lejos de su casa porque no tenía para tomar. Se bajó tipo de un barranquito, había un hilo de agua que bajaba del dique que ellos tenían ahí de reserva, la minera le había cortado totalmente la vega del Trapiche. Se secó totalmente y le quitaron el paso de agua completamente. El Trapiche era uno de los ríos caudalosos y no traía nada de agua" (Entrevista a P. y E., octubre 2021).

Vemos en este relato cómo P. y E. comenzaron a involucrarse en la lucha. Es el agua para el consumo de una mujer del Salar, lo que se convierte en un primer movilizador de la lucha de otras mujeres, que comenzaron a registrar el daño provocado en la vida de doña A., quien habiendo vivido toda su vida en el Hombre Muerto, fue trasladada de su lugar de origen a una casa prefabricada provista con materiales poco adecuados para las condiciones climáticas del Salar, que suele tener temperaturas muy bajas debido a la altura puneña: "la trasladaron del otro lado del dique y le quitaron todas sus tierras. Actualmente le quieren quitar tierra a C. para el otro lado donde tiene una parte, donde tiene su casita, su puesto. Nosotras estamos firmes apoyándolo, fuimos a poner un cartel de la comunidad ahí" (Entrevista a P. y E., octubre 2021). Esto se refiere a una acción realizada en el año 2020, que implicó la señalización de lugares de la comunidad indígena con carteles[15]. Pese a las mismas, no se ha logrado impedir que las mineras avancen sobre territorio indígena comunitario. E manifestó:

> "Es mucho el atropellamiento, la falta de respeto que se vive hacia las mujeres y hacia las comunidades. Es muy complicado de explicar. Siendo mujer que se le enfrenta a los proyectos mineros, hoy el rol de la mujer está siendo un poco más vista, a su vez en algunos lugares por ahí te pueden escuchar un poco más pero siempre estás siendo nadie" (Entrevista E., mayo 2024).

Las producciones de la ecología política feminista latinoamericana han documentado el papel diferencial de género en las afectaciones territoriales generadas por el avance de la minería, monocultivos extractivos, actividades petroleras y megaproyectos hidroeléctricos, entre otros. Un punto clave es comprender el proceso de desarticulación que sufren tanto las economías locales como los modos de reproducción social de la vida a partir de la imposición de una economía productiva altamente masculinizada, que acentúa la división sexual del trabajo (Gartor 2014). En estos contextos, en un ambiente concentrado y masculino, y con

15 Estos carteles se refieren a una acción llevada adelante junto con la organización Pucará, donde se colocaron carteles que decían "Comunidad Indígena Atacameños del Altiplano". Convenio 169 OIT".

una división sexual y racial desigual del trabajo, las implicaciones sobre el cuerpo y la vida de las mujeres son diversas y diferenciadas (Furtado & Andriolli 2021; Boletta de Oliveira Aguiar & Pontes Furtado 2024). De este modo, hay una "repatriarcalización de los territorios" (García Torres et al. 2020) algo que implica que los espacios comunitarios y la vida cotidiana se reconfiguren alrededor de los deseos y valores de una masculinidad hegemónica.

La lucha por el agua involucra además aspectos vinculados a la salud comunitaria. Las preocupaciones que expresan diferentes poblaciones locales frente al avance de la minería de litio han sido plasmadas en informes del Programa de las Naciones Unidas para el Desarrollo en su informe final sobre las discusiones de los Comités de Monitoreo Ambiental Participativo. Uno de esos informes afirma que "debido a la forma de extracción del litio los riesgos percibidos por la ciudadanía no se relacionan con la lixiviación, como en la minería de plata, oro o cobre. Más bien, se enfocan en la gran cantidad de agua utilizada en una zona de escasez hídrica y en la posible contaminación de la misma a través del proceso de evaporación" (PNUD 2019: 22).



Imagen 5. *Tumba del Hombre Muerto*. Fuente: Colectivo Pliegues, trabajo de campo 2021.

Estos aspectos tienen un agravante vinculado a que las transformaciones socioterritoriales se han manifestado de manera acelerada en los últimos cinco años. Este es un punto clave para comprender el papel que juegan las mujeres en la emergencia de los conflictos ambientales. La devastación ecológica, particularmente en lo que tienen que ver con el estrés hídrico y el acaparamiento de tierras afecta de manera directa los ciclos de reproducción de la vida:

los ríos se contaminan, los suelos dejan de producir, el estrés hídrico aleja a los animales y, como consecuencia, el aprovisionamiento alimentario de las comunidades a través de sus actividades tradicionales se ven gravemente alterados (Bermúdez Rico et al. 2014). Pero, además, el avance extractivista implica una reorganización de la división sexual del trabajo por la cual los hombres, que en las economías ancestrales colaboraban con cierto peso en los trabajos de reproducción dejan de hacerlo a partir de incorporarse a actividades ocasionales en el mercado de trabajo (García Torres et al. 2020).

"Ver cómo avanzan uno o dos es más fácil, pero de golpe con tantos proyectos es muy difícil" (Entrevista E., mayo 2024). Las mujeres entrevistadas, han manifestado su preocupación por estas transformaciones tan rápidas y por el estrés hídrico que ha provocado la presencia de una sola minera en el territorio, lo cual evidencia un futuro en riesgo para las generaciones venideras y pone en peligro las reservas de agua para la vida humana y no humana. Además, las mujeres que se han opuesto a la minería de litio han manifestado cansancio, agotamiento y un incremento de las responsabilidades vinculadas a las tareas de cuidados del territorio, como así también dan cuenta de nuevas formas de uso del tiempo, asumiendo tareas vinculadas a la investigación y generación de conocimiento sobre lo que está pasando en el territorio. Por otra parte, por su labor de denuncia y de visibilización del conflicto, se sienten expuestas por ser las voces públicas que aparecen en medios de comunicación, en audiencias públicas y ante gobernantes y representantes de instituciones públicas.

LA CRIMINALIZACIÓN. EL INTENTO POR DISCIPLINAR A LAS MUJERES QUE PROTESTAN

En este apartado, exponemos algunos hechos que nos permiten dar cuenta de casos de criminalización que incluyen detenciones y encarcelamientos arbitrarios, persecución administrativa, estigmatización, violaciones a los derechos sobre la información, entre otros aspectos señalados por OCMAL-CENSAT, quienes remarcan que la criminalización puede ser conceptualizada como una violencia estatal o institucional que "utiliza recursos para quitarlo de la escena [al sujeto] por la vía del rechazo social y el castigo legal a lo que hace. Es indirecta, en el sentido de que busca quitarlo como contradictor mediante argucias de la legalidad" (OCMAL-CENSAT 2016: 10).

Un caso paradigmático en Antofagasta de la Sierra ocurrió tras las primeras movilizaciones en el pueblo entre los años 2018 y 2019. Allí cobró trascendencia el caso de una docente que era parte de la comunidad indígena Atacameños del Altiplano, y que fue sumariada y suspendida de su cargo sin motivos claros tras haberse manifestado en actividades públicas de rechazo a la actividad minera: "la policía tenía los horarios en que yo iba a la escuela, a ver si estaba ahí o dónde me encontraba. A la gente que no estuvo acá, pero pensaba distinto, empezaron a comprar, a ofrecerles trabajo, la minera empezó a ver quiénes eran los que no tenían trabajo y les empezaron a pedir curriculum" (Entrevista P., agosto 2021).



Imagen 6. *Cartel de la Comunidad Atacameños del Altiplano*. Fuente: Colectivo Pliegues, trabajo de campo 2021.

Algunas mujeres también se vieron afectadas por golpizas y detenciones en el marco de impedir que circulen camiones por el territorio comunitario. Tal es el caso de H. y L., que fueron detenidas junto a su hermano S., en octubre del año 2019. Había un acuerdo entre la familia y el intendente de Antofagasta de la Sierra, mediante el cual cederían un paso para tránsito pesado por sus tierras, pero desde la intendencia no cumplieron con la instalación del alambrado que debía asegurar el cercamiento y cuidado de las llamas y ovejas de la familia, para que estas no corrieran el riesgo de ser atropelladas. Cuando la familia decidió instalar el cerco, la policía se hizo presente en el lugar para cortar los alambres. Cuando la familia M. intentó impedirlo, la policía golpeó a H. y L. y realizó detenciones ilegales en el predio. En el relato de E. se puede ver el tratamiento recibido:

> "La policía las tenía incomunicadas, las han paseado esposadas por toda la calle, les han hecho pasar un papelón terrible como si hubieran sido las peores mafiosas de Catamarca. Los llevaron a Belén, en medio del frío los trasladaron a las cinco de la mañana. Después de eso los llevaron para abajo y mi cuñado había dejado un camión atravesado para que no pasen los vehículos, todo, y después nos fuimos a Belén. Mandaron infantería para aquí y yo había dejado a mis hijas solas acá en el negocio. Dijeron que si no abrían la puerta la iba a tirar abajo los de infantería. Son matones, desfilaban por las calles, cosa que nunca se ha visto acá en Antofagasta" (Entrevista E., octubre 2021)[16].

A. manifestó el daño físico provocado a su madre en el contexto de esta violenta represión: "la policía empezó a sacar a las personas por la fuerza incluido a mi madre que fue arrastrada por cinco policías varones, la habían golpeado, estaba totalmente dolorida y con muchos moretones en los brazos" (Entrevista A., octubre 2021).

16 Un par de semanas posteriores a estos hechos, detuvieron también a dos cuñados del cacique de la comunidad indígenaAtacameños del Altiplano, que se encontraban trabajando con la esquila de las ovejas, en el territorio de la comunidad en el Salar del Hombre Muerto.

Rosa Cobo (2011) caracteriza estas formas de violencia como una respuesta reaccionaria de "los nuevos bárbaros del patriarcado", para quienes las mujeres son un genérico propiedad de los varones y lo que se busca es la agresión, estigmatización y eliminación como una forma de sanción al incumplimiento del rol de género socialmente esperado de amas de casa-madres. Como la propia Cobo señala, esa vuelta atrás cada vez es más inviable debido a los cambios sociales y económicos que están sucediendo en las últimas décadas. En particular, en los espacios de alta conflictividad ambiental es la disputa por la reproducción social y el cuidado ambiental lo que gana terreno en en un términos de la defensa de la vida en un sentido amplio, es decir, vinculada a la salud y la protección de los ecosistemas.

La mención de las violaciones de derechos de las mujeres resultante del régimen de acumulación vinculado al neoextractivismo, reúne muchas referencias además en otros países como Brasil, Colombia, Ecuador o Chile (Zhouri et al. 2018; Ulloa 2018; Moreano Lang y Ruales 2021; Bolados y Sánchez Cuevas 2017). Lo que queremos puntualizar en este trabajo es que también la marcación de algunas mujeres como aquellas que eran "antimineras", generó un efecto inverso respecto al aislamiento o desacreditación de algunas de estas mujeres difamadas, permitiendo la reivindicación y el fortalecimiento de sus figuras a nivel comunitario y mediático, y convirtiéndolas en referentes de la lucha en los salares andinos, propiciando su movimiento hacia otros territorios para llevar su experiencia y voz pública. Como lo muestran Zhouri y Azevedo (2025) para el caso de las mujeres afectadas por el desastre en la cuenca del río Doce en Brasil, o Paola Bolados y Sánchez Cuevas (2017) en referencia a mujeres afectadas por la contaminación causada por empresas localizadas en la Bahía de Quintero y Puchuncaví, en Chile, el proceso de organización de las mujeres implica un proceso de apoderamiento de instrumentos como el habla, las narrativas sobre su propia historia y condición, como forma de lucha y resistencia frente al poder de enunciación de las empresas, es decir, el poder de conferir sentido a la situación, y comunicarlo.

Podemos reforzar esta última idea al destacar la participación de estas mujeres en encuentros plurinacionales en Chile o Bolivia, en el marco de las actividades organizadas por el Observatorio Plurinacional de Salares Andinos (OPSAL), colectivo que resiste al avance del extractivismo minero en la Puna de Atacama.

Para el caso argentino, Marisa Bilder (2013), en su investigación sobre las mujeres como sujetos políticos en las luchas contra la megaminería en Argentina, destaca que, como respuesta a las crecientes formas de homogeneización, privatización y mercantilización de la vida, estas luchas instalan en el campo político y público dos desafíos considerados centrales desde el pensamiento y los movimientos ecofeministas: la valoración e inclusión de las mujeres en condiciones de igualdad real y la superación de una relación dominadora respecto de la naturaleza y los bienes comunes. Esta afirmación coincide con los hallazgos de la investigación de Marian Sola Álvarez (2022) sobre las praxis ecofeministas en conflictos por minería en La Rioja, que destacan la conformación de nuevas identidades de nuevas identidades colectivas que articulan la defensa del territorio con el cuestionamiento a las relaciones patriarcales.

PONER EL CUERPO: RECREAR LA AUTONOMÍA FRENTE AL AVANCE MINERO[17]

La referencia a la categoría cuerpo-tierra-territorio se ha construido al calor de las movilizaciones anti extractivistas en América Latina. Primero fue un concepto creado por las mujeres del pueblo Xinca en Guatemala (Cabnal 2010) para expresar la íntima conexión que tienen las mujeres indígenas con sus territorios originarios. Posteriormente se transformó en una categoría analítica para analizar configuraciones corporizadas de la tierra y territorio (García Torres et al. 2020). Esta consigna, que apuntala la concepción feminista del cuerpo como el primer territorio de las mujeres y sostiene el derecho a decidir, toma forma cuando las activistas se posicionan en la primera línea de defensa en diferentes conflictos territoriales y ambientales (Merlinsky 2025).

En su investigación sobre las mujeres frente a la megaminería a cielo abierto en Tinogasta, también en Catamarca, María Comelli (2010) destacó la determinante presencia femenina en los bloqueos de caminos, que "puede relacionarse con la capacidad de las mujeres de conjugar sus vidas cotidianas con esos momentos disruptivos que implican los cortes de ruta". La autora utiliza el concepto "mundo de la vida cotidiana", de Schutz y Luckman (2003), que resalta el carácter intersubjetivo y de acción de la realidad social, para comprender la forma en que estas mujeres logran entrelazar su cotidianidad con la acción colectiva.

Poner el cuerpo en escenarios de violencia es algo que se impregna de la constitución de subjetivación política y generación de autonomía. En su parte más literal, significa el reconocimiento del cuerpo en sí como territorio de defensa, de lucha y de disrupción, algo que representa poner en juego ideales y convicciones, subjetividades que se van construyendo colectivamente y cuyo núcleo es la oposición a un modelo de desarrollo extractivo (Cerutti 2017). El poner en cuerpo involucra también todas aquellas prácticas cotidianas de las mujeres que son invisibilizadas en sus labores de reproducción de la vida algo que, sin embargo, les permite llevar adelante formas autónomas de participación en el territorio.

En este apartado queremos dar cuenta de una de esas prácticas en las que el cuerpo y el territorio abren espacios de autonomía: el proyecto de turismo comunitario Waychar[18], que ha sido impulsado por dos mujeres jóvenes de la comunidad indígena Atacameños del Altiplano, con el acompañamiento del Colectivo Pliegues.

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17 Parte de estas redacciones forman parte del último capítulo de la tesis de Débora Cerutti: Comunidades en resistencia frente a violencias (en)tramadas en América Latina. Megaminería y control social en un espacio subnacional: San Juan, Catamarca y La Rioja (Cerutti 2017)

18 Encontramos algunas experiencias similares con mayor tiempo en el recorrido de la defensa del territorio, como la propuesta por las comunidades indígenas de Salinas Grandes y laguna de Guayatayoc, en Jujuy, que también lleva adelante la propuesta del turismo comunitario con una fuerte marca de resistencia a la minería de litio en la región.



Imagen 7. *Realización de entrevista para proyecto de turismo comunitario Waychar*. Fuente: Colectivo Pliegues, trabajo de campo 2024.

De allí surgió una demanda específica de parte de algunas mujeres de la comunidad indígena: la producción de estrategias, conocimiento y recursos comunicacionales para el proyecto de turismo comunitario. ¿Cómo generar un turismo que sea gestionado, diseñado y propuesto desde las economías locales, frente al acaparamiento del mismo por grandes empresas? ¿Cómo generar trabajo frente al discurso monolítico de la economía minera litífera como única salida laboral? ¿Cómo desarrollar propuestas participativas, cooperativas y respetuosas de los usos locales y el cuidado del territorio? ¿De qué manera mostrar y qué mostrar del territorio que está siendo acechado por las mineras? ¿Cómo hablar de la defensa del agua y del cuidado a quienes se acercan a conocer Antofagasta de la Sierra y el Salar del Hombre Muerto?

Estas preguntas entraron en diálogo con los testimonios recogidos en las cajas de memoria y las experiencias de los recorridos y caminatas que formaron *derivas*. Todo ello, que permitió registrar los daños provocados por la minería y las transformaciones en el pueblo, se convirtió en el puntapié para dar contenido e identidad al proyecto de turismo comunitario[19]. El turismo

19 Desde Colectivo Pliegues se realizaron tres talleres presenciales y dos talleres virtuales de herramientas comunicacionales para la producción de contenido gráfico y audiovisual, un taller de recorrido y armado de circuitos para el proyecto de turismo comunitario, una jornada de producción de contenido y recorrido por sitios de interés, en las que se realizó registro, producción de videos y testimonios y dos encuentros de formación con una Community Manager, enfocados en la puesta en funcionamiento y mantenimiento de las redes sociales de Waychar Turismo Comunitario: producción de contenido digital, generación de identidad de redes, entre otras cuestiones. Si bien esto es muy incipiente, fue en este contexto que cobró mayor relevancia como horizonte, el acompañar las iniciativas vinculadas al turismo comunitario frente al monopolio no sólo discursivo sino también económico de las empresas trasnacionales en la región.

comunitario se plantea como un modelo de trabajo que nace del cuidado del territorio y una posibilidad de dar a conocer historias y relatos, sobre el modo de vida de las comunidades locales y de quienes habitan el Salar del Hombre Muerto desde hace muchas generaciones:

> "Waychar turismo comunitario te propone vivenciar la Puna catamarqueña desde la mirada de la comunidad originaria Atacameños del Altiplano Te ofrecemos: Salar del Hombre Muerto, un circuito de todo un día pasando por lugares increíbles como el Mirador Paicuqui, la Mina Incahuasi, la Tumba del Hombre Muerto, Laguna escondida y el Río Los Patos" (Ig. Turismo Waychar).

La propuesta de Waychar, busca mostrar la siembra, la cría, la recolección de plantas, la producción de hilados y tejidos, el resguardo y cuidado de los ríos en el territorio como forma de hacer visible la vida en el territorio en el que se anclan las mineras:

> "Un lugar maravilloso donde se encuentra paz y libertad. Allí se puede sentarte a orillas del río y escuchar como corre el agua o mirar las vicuñas en el campo, pastar las ovejas, subir a las peñas o un cerro, observar todo lo que hay a tu alrededor y saber que estás libre. Sin preocupaciones, sin señal de celular" (Entrevista M., abril 2024)

> "Cada vez que voy al salar siento paz y tranquilidad. Siento que ya no hay preocupaciones porque tenga que cerrar la puerta con llave, me siento libre y tranquila. Queremos que los turistas vivencien cómo nos sentimos ahí y por qué peleamos por el Salar. Por qué es tan importante que no terminen con el paisaje, que no terminen con el río" (Entrevista Y., abril 2024)

Se promueve un compromiso con prácticas turísticas que respeten y protejan el territorio, asegurando la conservación de los bienes comunes para las futuras generaciones. Hay además, una intención de ofrecer al turismo experiencias que reflejen los sentidos de la comunidad indígena y que los beneficios del turismo se distribuyan equitativamente y mejoren la calidad de vida de las personas que habitan el territorio local, desde una visión de valoración y respeto por el territorio. El turismo comunitario aparece no sólo como una propuesta de autonomía económica ante al avance minero para las mujeres de la comunidad, sino también que se constituye en un valioso espacio de educación ambiental para quienes recorren el territorio de la comunidad indígena, promoviendo el aprendizaje y la sensibilización sobre la posesión de la comunidad de un territorio indígena sobre el que avanzan las minera. De este modo, se busca consolidar una red de visitantes que buscan conocer la lucha de la Comunidad indígena Atacameños del Altiplano.

Este proyecto permite la ampliación y recreación de prácticas y sentidos en torno a los comunes: el turismo comunitario da lugar a acciones que destacan el valor del territorio más allá del desarrollo económico. Al incluir creencias cosmológicas y culturales compartidas, estas actividades van más allá de los actos de protesta y contribuyen a las relaciones sociales a largo plazo. Esto es especialmente importante cuando las protestas o demandas se reprimen de forma rápida y violenta o cuando la respuesta judicial se retrasa por muchos años (Merlinsky 2021).

Por último, nos interesa hacer hincapié en la particular experiencia de producción de conocimiento en formatos no académicos o no exclusivamente académicos, como parte de una pedagogía en movimiento que permitió diálogos, tensiones y negociaciones entre el Colectivo Pliegues y las mujeres de la Comunidad Atacameños del Altiplano. Aquí la investigación como tal pierde su lugar de centralidad y otras prácticas adquieren un carácter relevante tales como encuentros de múltiples activismos, talleres y procesos de formación y, en términos generales, la construcción de espacios de debates formales e informales. Un punto clave en las discusiones refiere a la descolonización de las prácticas académicas, donde se señala que es importante no solo hacer accesible la producción académica para quienes no están familiarizados con los conceptos y las terminologías especializadas, sino que también se plantea dar legitimidad y visibilidad al conocimiento producido en otros ámbitos, en particular el campo de la educación popular (Merlinsky 2025).

Esto implica también un giro en términos de los géneros de presentación de los resultados, pues el conocimiento se vuelve público a través de recursos multimediales, videos, podcasts, artículos en blogs, registros fílmicos y visuales, cartillas de educación popular, muestras, foros de discusión, folletos, campañas en medios de comunicación, etc.



Imagen 8. *Charla técnica y participativa, parte del proceso de Consulta Pública de la empresa Galaxy*. Fuente: Colectivo Pliegues, trabajo de campo 2021.

REFLEXIONES FINALES

El mundo transnacional presente no ha logrado abolir la potencia de las mujeres que generan respuesta a la violencia desde el cuerpo y el territorio. Mujeres tejedoras, copleras, artesanas, agricultoras, indígenas, que buscan preservar sitios ancestrales y tradiciones comunitarias.

Los conflictos por la implantación del litio producen oscilaciones y desplazamientos, que se traducen en una tensión entre el despojo y el amparo territorial, entre el daño y cuidado.

Como fue presentado, la minería de litio ha vinculado el debate sobre las consecuencias de la minería con la necesidad de minerales para la transición energética. Esto coloca a las comunidades en una situación aún más vulnerable, ya que aparecen como opositores a medidas que se toman desde los centros globales para paliar el cambio climático a través de políticas de descarbonización. Con conflictos nacientes en otros lugares del mundo, como Portugal o Serbia, lo que sucede en Argentina se vuelve relevante para las discusiones globales hegemónicas sobre la descarbonización y su papel en la aceleración del metabolismo social en el norte global.

El avance de la frontera extractiva en la provincia de Catamarca se encuentra en una nueva fase de implantación con la sanción del Régimen de Incentivo a las Grandes Inversiones, que genera beneficios ya detallados en este trabajo, a los cuales se han adherido algunas empresas del sector y, según las noticias, otras están evaluando sumarse. Entre los beneficios otorgados se encuentra la flexibilidad en el cumplimiento de normativas ambientales, lo que abre grandes incertidumbres respecto a qué sucederá con las legislaciones y derechos existentes cuando choquen con este nuevo régimen de actuación para las grandes empresas.

La presencia de Río Tinto en el nuevo mapa de empresas transnacionales en Argentina y en particular en Catamarca, muestra una arista de la transición energética corporativa que tiene que ver con una concentración mayor del capital accionario y en términos del control territorial. Es importante tener en cuenta que la empresa tiene una historia de antecedentes de violaciones a derechos humanos en diferentes lugares del mundo, destacándose la contaminación generada y la violenta represión social en sus explotaciones en Huelva, sur de España, desde la segunda mitad del siglo XIX, y el haber contribuido con el gobierno de Indonesia en la ocupación de Papúa occidental, implicándose en acciones de represión y muertes.[20] La continuidad de estas prácticas irresponsables con las comunidades y ecosistemas ha dado lugar en las últimas décadas a la organización de Partizans (People Against Rio Tinto Zinc and Subsidiaries), una comunidad de afectadas y afectados de diferentes lugares del mundo quienes se reúnen para denunciar sus acciones y hacerlas visibles incluso en las reuniones de accionistas.[21] En el caso argentino, Río Tinto ya tenía el proyecto Rincón, en el Salar del Rincón, en la provincia de Salta, y en 2013 abandonó el proyecto de sales de potasio denominado Potasio Río Colorado, en Mendoza.

Este aspecto de la mayor concentración empresarial se produce en el contexto de un gobierno que propone reformas muy radicales en el plano económico, las que habilitan privilegios extraordinarios para las industrias extractivas. Las reformas legislativas se orientan a promover grandes fondos de inversiones apuntando a actividades como megaminería,

20 Para mayor información sobre las violencias generadas por Río Tinto se recomienda ver Wagner y Giraud (2011), pp. 261-263.

21 Para mayor información sobre PARTIZANS: http://www.minesandcommunities.org/partizansarchive/pzhistory.html

agronegocios e hidrocarburos. Esto significa que solo podrán acceder a estos incentivos las grandes empresas transnacionales, dejando fuera a las pequeñas y medianas empresas. El horizonte temporal de las reformas (treinta años) otorga a las transnacionales la seguridad económica que no tendrían ni los gobiernos locales ni los propios ciudadanos de las regiones potencialmente afectadas por los proyectos extractivos.

Esto implica mayor discrecionalidad en la intervención territorial de las empresas (será mucho menor la posibilidad de incidir por parte de los gobiernos locales y provinciales) y también posiblemente un cambio en la dinámica del conflicto ambiental. La pregunta que queda abierta refiere al punto central de este artículo: el impacto de estos cambios sobre las mujeres y su papel central en la reproducción social y el cuidado ambiental.

Como hemos visto, en años recientes el conflicto ha tenido aristas que se pueden vincular con los resultados de numerosos estudios que cruzan el eje minería y violencia de género, los que refieren a una multiplicidad constituida tanto por la violencia física, psicológica y sexual hacia las mujeres y cuerpos feminizados. En este trabajo abordamos apenas dos de los tantos ejes que manifiestan esta conflictividad y sus dimensiones gravitantes para la vida de las mujeres: la desarticulación de los modos de vida que sostienen la reproducción social y el proceso de criminalización de la protesta. En años recientes se observa que el agotamiento a nivel ecosistémico también se manifiesta en condiciones de mucha severidad para la dinámica de los cuerpos y los territorios. Esto conecta con una temporalidad que posee una densidad y una carga significativa en cuanto avance acelerado e intensificado del extractivismo a escala planetaria.

Destacamos que las mujeres de la comunidad indígena han tenido una participación decisiva en las primeras movilizaciones y en las búsquedas de alternativa al trabajo minero como es la experiencia de turismo comunitario Waychar. El trabajo de subsistencia, reproducción, regeneración, restauración y cuidado que realizan las mujeres muestra que se trata de experiencias vitales para responder a los cercamientos territoriales operados por la minería de litio. En el pensamiento occidental, el concepto de trabajo tiene una fuerte connotación de género y como ha argumentado Plumwood (1993: 25), la identidad humana ha estado asociada a los conceptos de trabajo productivo, sociabilidad y cultura, es decir, a las actividades desarrolladas en el espacio público, tradicionalmente restringidas a los hombres. Sin embargo, lo que podemos ver en las experiencias de resistencia y autonomía de las mujeres es que la misma concepción de trabajo está asociada a la vida y la experiencia de recrear lo común. Esto implica además conectar las labores de cuidado, reproducción y trabajo con actividades de compartir saberes y producir conocimiento.

La propuesta de turismo comunitario es un modo de rescatar experiencias y memorias, reactivar conexiones y propiciar alternativas que ponen en común diferentes medios materiales y simbólicos para sostener el interés colectivo y los lazos de apoyo mutuo. Los intereses prácticos de género de estas mujeres las llevan a ampliar la autonomía a partir de una ética del cuidado

en la que se busca hacer visible el trabajo de reproducción de lo social que es, por definición, antinómico de las lógicas capitalistas que se apropian de lo común para volverlo mercantil.

Un aspecto significativo que hemos podido constatar en la experiencia del colectivo de mujeres de la comunidad Atacameños del Altiplano es que han podido responder al silencio impuesto que buscó atacar su credibilidad a partir de una respuesta que va más allá de la protesta y permite recrear relaciones sociales de largo plazo. Se trata de una capacidad performativa política que pone en el centro lo común y nos recuerda que "todos vamos a ser afectados".

Agradecimientos:
Las autoras agradecen al proyecto HIGHLANDS.3 (Enfoque colectivo de la investigación e innovación para el desarrollo sostenible en Montañas, subvención H2020-MSCA--RISE-2019-872328-HIGHLANDS.3), por haber financiado las estancias de investigación durante las que se inició este trabajo colectivo.

Received: November 8, 2024.
Approved: February 27, 2025.

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Neoextractivismo, crisis climática y desastres: Miradas desde Argentina, Brasil y Chile

"¿Realmente quieres destruirnos?": la violencia rutinaria en la gestión empresarial-estatal del conflicto ambiental en torno del proyecto de explotación minera de uranio y fosfato Santa Quitéria, Ceará, Brasil

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e00602
https://doi.org/10.1590/1809-4341.2025v22e00602

“¿Realmente quieres destruirnos?”: la violencia rutinaria en la gestión empresarial-estatal del conflicto ambiental en torno del proyecto de explotación minera de uranio y fosfato Santa Quitéria, Ceará, Brasil

Resumen:

El artículo indaga las tramas de violencia rutinaria en el conflicto ambiental que rodea al proyecto de extracción de uranio y fosfato en Santa Quitéria/Ceará. Metodológicamente, revisa la literatura especializada en estos temas y analiza los principales documentos de la licencia ambiental y de las resistencias sociales. En la primera sección, se discuten la violencia rutinaria y la producción de invisibilidad a partir de las estrategias estatales-empresariales de despojo de lo político, a través de una economía de la invisibilidad. En la segunda sección, se presentan facetas políticas de los afectados como una vía de desarticulación de esta economía, como un repertorio de acciones que buscan desestabilizar dicha gobernanza de los conflictos. En los resultados, se observa que la renovación de la gobernanza de los conflictos ambientales sigue anclada en mecanismos de violencia simbólica y captura del Estado, que se institucionalizan en los flujos de la concesión de licencias ambientales, mientras que los pueblos y comunidades afectados siguen luchando por el reconocimiento de su existencia, sus modos de vida y su relevancia para el conjunto social.

Palabras clave: violencia; conflicto ambiental; minería; indígenas; gestión de la conflictividad.

“Realmente você quer nos destruir?”: a violência rotinizada na gestão estatal-empresarial do conflito ambiental em torno do projeto de mineração de urânio e fosfato Santa Quitéria, Ceará/Brasil

Resumo:

O artigo investiga as tessituras da violência rotinizada no conflito ambiental envolvendo o projeto de mineração de urânio e fosfato em Santa Quitéria/Ceará. Metodologicamente, revisa literatura especializada nestes temas e analisa os principais documentos do licenciamento ambiental e das resistências sociais. Na primeira seção, discute-se a violência rotinizada e a produção de invisibilidade a partir das estratégias estatais-empresariais de desposessão do político por intermédio da economia da invisibilidade. Na segunda seção, apresentaremos faces da política dos afetados como caminho de desestabilização dessa economia como um repertório de ações que visam desestabilizar tal governança dos conflitos. Nos resultados, observa-se que a renovação da governança dos conflitos ambientais permanece ancorada em mecanismos de violência simbólica e captura do Estado que se institucionaliza nos fluxos do licenciamento ambiental, ao passo em que povos e comunidades afetados seguem em peleja pelo reconhecimento de suas existências, modos de vida e relevância para o conjunto social.

Palavras-chave: violência; conflito ambiental; mineração; indígenas; gestão da conflitividade.

“¿Realmente quieres destruirnos?”: la violencia rutinaria en la gestión empresarial-estatal del conflicto ambiental en torno del proyecto de explotación minera de uranio y fosfato Santa Quitéria, Ceará, Brasil

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INTRODUCCIÓN

> Venimos aquí públicamente a hablar de una tristeza como esta, de un desastre como este, es muy grave. Más grave aún es decir que esto proviene de un gobierno en el que nosotros, los pueblos indígenas, los pueblos tradicionales, todos nosotros hemos depositado nuestro voto de confianza, hemos depositado nuestras vidas, nuestros territorios, nuestros niños, nuestros ancianos y también hemos depositado el futuro de nuestra generación. Más que nunca, este proyecto nos amenaza, destruye todo lo que es más precioso, que es la Madre Naturaleza, destruye las fuentes de agua, que es la sangre que corre por nuestras venas. El agua es un bien muy preciado, no la tenemos en abundancia aquí en este territorio, sobre todo en esta región semiárida. Lo más terrible es que este uranio circulará por todo Ceará y llegará hasta el mar. Por lo tanto, señor gobernador, escuche al Movimiento Potigatapuia, escuche a los pueblos indígenas de Ceará, a los pueblos tradicionales. Este proyecto nos destruirá: ¿de verdad quiere destruirnos? Póngase en nuestro lugar, ponga la mano en la conciencia, que no tenemos suficiente agua y necesitamos vivir y queremos vivir en un territorio libre de minería (líder del Movimiento Indígena Potigatapuia, de la Tierra Indígena Serra das Matas, sertón central de Ceará).

El fragmento anterior es la reproducción del discurso del cacique del pueblo Tabajara, integrante del Movimiento Indígena Potigatapuia, Tierra Indígena Serra das Matas, para que conste en la Carta al Gobernador del Estado de Ceará, en la que se cuestiona la instalación del proyecto Santa Quitéria (PSQ) de explotación minera de uranio y fosfato. Son ya 20 años de resistencia exitosa hasta ahora: la licencia ambiental previa solicitada por los empresarios

en 2004 fue anulada judicialmente por irregularidades procesales. En 2019, el permiso previo a la nueva solicitud de licencia ambiental fue denegado por el organismo federal licenciador (Ibama / Instituto Brasileño de Medio Ambiente y Recursos Naturales Renovables) por inviabilidad ambiental e hídrica. En 2022, una vez más, el equipo técnico del Ibama recomendó la desestimación del Estudio y del Informe de Impacto Ambiental (EIA-Rima); pero la decisión política superior fue abrir a los empresarios la posibilidad de complementar dichos estudios.

Cabe destacar que, en este tercer intento de obtención de licencia ambiental, los aspectos señalados en las evaluaciones anteriores como impedimentos para la concesión de licencias ambientales al PSQ han sido ilegalmente reformulados, sin que hayan desaparecido los motivos de preocupación social y ambiental. El Consorcio Santa Quitéria, integrado por la empresa privada Fosnor - Fosfatados do Norte-Nordeste S.A. y la empresa pública Indústrias Nucleares do Brasil, pretende producir compuestos fosfatados para piensos y fertilizantes químicos (destinados a la agroindustria), así como concentrado de uranio (destinado a la cadena de producción de energía nuclear). Para encubrir sus objetivos meramente lucrativos, los empresarios esgrimen numerosas justificaciones, supuestamente legitimadoras, de la contribución a la producción de alimentos y energía, desde la perspectiva convencional del desarrollo y en el contexto de los debates públicos sobre la crisis climática, y la urgencia de la transición hacia "energías limpias".

La intención de poner en marcha el proyecto de extracción de uranio y fosfato del yacimiento de Itataia, situado en el sertón central de Ceará, en el municipio de Santa Quitéria, viene concretando las estrategias discursivas estatales y empresariales que caracterizan los renovados modelos de gestión de los conflictos ambientales y se articulan con una economía de producción de invisibilidades: de sujetos sociales, de pueblos y comunidades tradicionales, de sus economías de base solidaria, así como de los riesgos e incertidumbres sobre los impactos del proceso productivo minero.

Así, la zona directamente afectada por el proyecto y sus áreas de influencia directa e indirecta han sido presentadas por los empresarios con una notable reducción, en un intento de minimizar los impactos y invisibilizar a los pueblos, las comunidades y los ecosistemas afectados. Sin embargo, el 28 de septiembre de 2020[1] y el 28 de septiembre de 2023[2], el Gobierno de Ceará firmó memorandos de entendimiento con el objetivo de promover la cooperación mutua para implementar el PSQ en el estado, comprometiéndose a facilitar recursos de infraestructura, como energía eléctrica, suministro de agua y acceso por carretera (Ministerio de Minas y Energía 2020; Diário do Nordeste 2023).

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1 **Projeto Santa Quitéria e Governo do Ceará assinam Memorando de Entendimento**. Disponible en: <https://www.gov.br/mme/pt-br/assuntos/noticias/projeto-santa-quiteria-e-governo-do-ceara-assinam-memorando-de-entendimento>. Última consulta: 15 ago. 2024.

2 **Elmano assina documento favorável a usina de urânio no CE e cria comissão de monitoramento**. Disponible en: <https://diariodonordeste.verdesmares.com.br/ceara/elmano-assina-documento-favoravel-a-usina-de-uranio-no-ce-e-cria-comissao-de-monitoramento-1.3426055>. Última consulta:: 15 ago. 2024.

Campesinos, quilombolas, indígenas, pueblos de *terreiro* y pescadores artesanales se encuentran entre las poblaciones que habitan la región, en la que, basándose en sus conocimientos ancestrales, construyen diversas tecnologías de convivencia con el semiárido. En los 20 años en que se viene intentando autorizar el proyecto, estos pueblos y comunidades nunca han sido consultados por el Estado, tal y como establece el Convenio n.º 169 de la Organización Internacional del Trabajo. Por el contrario, la existencia de pueblos indígenas en la zona afectada ha sido sistemáticamente negada por la propia autoridad que tiene, como misión institucional, la promoción y protección de los derechos de los pueblos indígenas en Brasil: la Fundación Nacional de los Pueblos Indígenas (Funai).

En este contexto, se puede observar que la denuncia articulada por las comunidades promueve un proceso de desestabilización de los mecanismos de producción de invisibilidades, convocando al Estado y a las empresas a ofrecer respuestas a las demandas de información, transparencia, debate público y consideración de los riesgos socioambientales asociados al proyecto. Teixeira, Zhouri y Motta (2021) afirman que la producción de múltiples violencias, incluida la expropiación en particular, es inherente a los proyectos de desarrollo, lo que produce la vulnerabilidad de grupos sociales con formas de ser, saber y existir territorializadas. El caso del Proyecto Santa Quitéria es ejemplar en este sentido.

En este artículo, nos proponemos investigar las tramas de la violencia rutinaria en el conflicto ambiental que involucra el proyecto Santa Quitéria, haciendo hincapié en las estrategias estatales y empresariales de invisibilización de los sujetos sociales, en contraposición a la política de los afectados como un repertorio de acciones que buscan desestabilizar dicha gobernanza de los conflictos. Desde el punto de vista metodológico, el artículo revisa la literatura especializada en temas de conflictos ambientales y estrategias empresariales; sistematiza y analiza discursivamente los principales documentos de la licencia ambiental y las resistencias sociales al proyecto, trabajando sobre el corpus de un archivo que documenta violencias simbólicas contra los pueblos, pero también sus enunciados colectivos de re-existencia.

En los argumentos del texto se enfatizan dos dimensiones. En la primera sección se discuten la violencia rutinaria y la producción de invisibilidad, a partir de las estrategias empresariales de despojo de lo político por medio de la economía de la invisibilidad. En la segunda sección se presentan algunas facetas de la política de los afectados como camino para desestabilizar esa economía de la invisibilidad. En los resultados, se observa que la renovación de la gobernanza de los conflictos ambientales sigue anclada en mecanismos de violencia simbólica y captura del Estado, que se institucionalizan en los flujos de la concesión de licencias ambientales, mientras que los pueblos y comunidades afectados siguen luchando por el reconocimiento de su existencia, sus modos de vida y su relevancia para el conjunto social.

LA VIOLENCIA RUTINARIA Y LA PRODUCCIÓN DE LA INVISIBILIDAD: ESTRATEGIAS EMPRESARIALES DE DESPOJO DE LO POLÍTICO A TRAVÉS DE LA ECONOMÍA DE LA INVISIBILIDAD EN EL RITO AMBIENTAL

La presentación contextual del conflicto en torno a la puesta en marcha del proyecto Santa Quitéria señala, desde la perspectiva estatal-gubernamental, que en las esferas estatal y federal existen: i) una decisión política tomada en torno a la instalación del proyecto; ii) la aportación de infraestructura, apoyo institucional y discursivo al proyecto. Este aporte se reviste en forma de violencia simbólica cuando promueve un imaginario de que hay espacios participativos y esfuerzos emprendidos en la gestión de riesgos y la mediación del conflicto, y oculta que dichos mecanismos componen la producción de invisibilidad de los sujetos afectados, ya sea excluyendo su perspectiva y sistema de valores, minimizando sus preocupaciones y los riesgos a los que están sometidos o, incluso, negando su existencia y condición de afectados.

Reconocemos, según Acosta y Brand (2018), que "la crítica al neoextractivismo está estrechamente vinculada al cuestionamiento de las estructuras de poder y dominación, con las que se arraigan e imponen determinadas formas de apropiación de la naturaleza" (2018: 101). La denuncia de los impactos del Proyecto Santa Quitéria ejemplifica la multiplicidad de concepciones sobre la naturaleza que están en disputa y viene acompañada por la renovación de las herramientas de gestión del conflicto, por parte de las empresas y los actores estatales.

En este sentido, el consorcio empresarial actúa para transmitir la noción de que existe una gobernanza técnica de los riesgos ambientales, que transmitiría un contexto de seguridad al proyecto. Esta propuesta de gestión de los conflictos ambientales se alinea con el paradigma de la adecuación, impulsado por la idea de una gestión técnica y eficiente (Porto y Schutz 2012: 1448) que, al despolitizar las disputas valorativas y de intereses envueltas en el conflicto ambiental, contribuye a la llamada desposesión de la esfera política de los sujetos sociales afectados, que pretende despojarlos de su capacidad de incidencia en la toma de decisiones y en la narrativa que se construye en torno al binomio riesgos-beneficios del proyecto. Así, se pone en primer plano la esfera económica, y se relegan a un segundo plano los aportes científicos que revelan los riesgos socioambientales y el proceso de resistencia social que se articula para revertir la decisión política de intervención sobre el territorio.

Según Navarro (2019), el régimen extractivista promueve el despojo de la vida en sus dimensiones materiales, simbólicas y políticas. Una de estas dimensiones, caracterizada por la desposesión de la acción política comunitaria, implica la desestructuración del tejido social y de la autodeterminación, a través de la cooptación, la represión y la violencia (Navarro 2019). En este sentido, la economía de la (in)visibilidad, articulada en los estudios ambientales, se profundiza como un modo de subjetivación que busca normalizar las percepciones estatales-empresariales del mundo, insertando programas de responsabilidad empresarial como mecanismos de contención de las demandas sociales, articulados a las narrativas de inexorabilidad de los proyectos y sus modelos de desarrollo.

En el conflicto suscitado por el PSQ, esta desposesión se configura en distintos momentos del rito ambiental. En este artículo, destacaremos tres momentos de este fenómeno: a) cuando el consorcio se apropia de la noción de interés público, para conferir un carácter de inexorabilidad al proyecto; b) cuando se promueve el diálogo entre la empresa y el Estado, a puertas cerradas, como esfera decisoria para flexibilizar un conjunto de normas ambientales y articular estrategias para obtener la licencia ambiental del proyecto; c) cuando se niega el reconocimiento de la existencia, los derechos originarios y las condiciones de los pueblos indígenas de la región afectados, como discutiremos. Estas tres dimensiones, que ejemplifican las múltiples capas de violencia que se instauraron en la gestión estatal-empresarial del conflicto, se articulan al profundizar la desposesión de la acción política comunitaria, ritualizando la negación de las existencias, la cooptación de actores institucionales y la captura de significantes sociales como ejes centrales de la disputa sobre las formas de decidir y espacializar las intervenciones de gran impacto socioambiental.

LA CAPTURA DEL CONCEPTO DE INTERÉS PÚBLICO EN LA LEGITIMACIÓN DEL CARÁCTER INEXORABLE DEL PROYECTO

Entre las violencias institucionales que se materializan en el proceso de licenciamiento del PSQ, se encuentra la manipulación de la noción político-jurídica de la minería como actividad de utilidad pública, como aporte narrativo que busca consolidar el carácter inexorable del proyecto y localizar, reducir y particularizar los impactos negativos provocados.

Mientras que el texto constitucional afirma que la minería debe realizarse *en* el interés nacional (Constitución Federal de 1988, art. 176, §1º), grandes empresas mineras como Braskem, Angloferrous, Vale, Kinross y el Consorcio SQ han estado recurriendo a las esferas administrativas y judiciales para obtener el reconocimiento de que la minería, por sí misma y *a priori*, se considere una actividad *de* interés nacional. La captura del debate en torno al interés público ha sido denunciada en países como Bolivia, Brasil, Chile, Colombia, Ecuador, Honduras, México y Perú, que han intensificado las reformas de carácter neoliberal que facilitan la publicidad intencionada de los intereses privados del sector minero, según diagnostica el informe "Utilidad privada, despojo público", de 2021 (Arias 2021).

Este mecanismo de captura se materializa en el Estudio de Impacto Ambiental Previo del PSQ, que utiliza los conceptos en la caracterización general y jurídica del proyecto, limitándose a enumerar hipótesis legales en las que la actividad minera se correlaciona, de manera abstracta, con la utilidad pública para afirmar la subsunción automática del proyecto a dicho concepto. No existe ninguna delimitación del contenido de los conceptos ni del recorrido metodológico de la argumentación en este sentido.

Por el contrario, el concepto se enumera con la intención declarada de presentar lo que se denominan "aspectos jurídicos fundamentales que se plantean como base legal" mencionando, además de la autorización de la Agencia Nacional de Minería, que el proyecto:

> i) Por esta razón, aunque se trate de capital público-privado, se considera una empresa estratégica y esencial, de notable utilidad pública, con el objetivo concreto de satisfacer las necesidades estratégicas de desarrollo nacional, cuya titularidad corresponde a la Unión[3], ya que todos los minerales y el subsuelo se consideran bienes de su dominio, tal y como se establece en el inciso IX del artículo 20 de la Constitución Federal;
>
> ii) La explotación y el uso de minerales radiactivos son exclusivos de la Unión, tal y como establece el inciso XXIII del artículo 21 de la Constitución Federal; el instituto de la expropiación está regulado, en caso de utilidad pública, por el Decreto-Ley n.º 3.365, de 21 de junio de 1941. El proyecto se basa en la utilidad pública, de conformidad con el artículo n.º 3, por lo que el promotor podrá invocar, en su momento, y la autoridad ambiental competente podrá autorizar, si fuera necesario, todas las hipótesis legales de excepción a las restricciones ambientales de uso de los recursos naturales y ocupación del área prevista, para que el proyecto pueda instalarse y entrar en funcionamiento, sin perjuicio de su obligación de adoptar medidas de mitigación y compensación de los impactos ambientales que pueda causar.

Acto seguido, el texto plantea dos normas específicas que interesan al proyecto: la regulación de la expropiación por utilidad pública y la posibilidad de deforestación por obras de utilidad pública. Cabe señalar que la consultoría maneja estos conceptos con un objetivo expresado en el EIA: garantizar *"algunas condiciones excepcionales del proyecto previsto» y un trámite «ágil y eficaz de la concesión de licencias"* (Consultoria, 2023a, Volume I, p. 93, las cursivas nos pertenecen). Flexibilizar, acelerar y garantizar las licencias ambientales son, por lo tanto, propósitos establecidos en el estudio ambiental, que transforman el análisis de impactos en un mecanismo de violencia simbólica e institucionalizada para legitimar el proyecto.

Esta transmutación del ritual, asociada a la captura de la noción de interés público, se utiliza también para contrarrestar los análisis y conclusiones del Ibama, eludiendo responder a las lagunas identificadas con tecnicidad y objetividad. Un ejemplo de ello es cuando, en el documento "Parecer Técnico nº 148/2022-Comip/CGTef/Dilic - Análise do Estudo de Impacto Ambiental do Projeto Santa Quitéria-PSQ, em Santa Quitéria/CE (IBAMA, 2022)" , el organismo ambiental cuestiona la falta de pruebas de la existencia de infraestructura hídrica del proyecto, afirmando que "no se debería estar discutiendo la necesidad de infraestructura básica, como el agua para el proyecto y las carreteras para transportar la producción. La infraestructura esencial ya debería estar preparada para recibir el proyecto, como carreteras asfaltadas, red de alcantarillado y acceso al agua instalados"; y concluye que "es muy frágil

3 En este punto, la consultoría induce a pensar que la simple existencia de un monopolio de la Unión para explotar uranio sería suficiente para invocar el binomio utilidad pública/desarrollo nacional del proyecto. Sin embargo, se sabe que el monopolio se produce por razones de seguridad nacional y se trata de un mero instrumento de intervención del Estado en la economía para garantizar su actuación exclusiva en determinados sectores. Esto no allana el camino para concluir que la figura del Estado-empresa caracterice por sí sola la presencia del interés público cuando explota directamente determinadas actividades, suponiendo que estuvieran exentas de demostrar su relevancia y compatibilidad con el marco de protección socioambiental. Por lo tanto, la relación entre la titularidad de la Unión de los yacimientos de uranio y la existencia de utilidad pública del proyecto se realiza mediante un salto argumentativo y metodológico injustificado en el estudio ambiental.

que el organismo regulador autorice una actividad cuando aún no existe la estructura fundamental para la puesta en marcha del proyecto". En respuesta, la empresa alegó que:

> Se da por sentado que estas estructuras se instalan de acuerdo al Memorando de Entendimiento, tras la obtención de la licencia previa, de modo de estar consolidadas para la operación del proyecto. *Cabe recordar que se invertirán aproximadamente 2300 millones de reales en este proyecto, cantidad comprometida en la consolidación de un proyecto de interés regional y nacional*, contexto que hace creíble la inversión en la infraestructura necesaria para su funcionamiento (Consultoria, 2023b, p. 94, las cursivas nos pertenecen).

El argumento empresarial se basa en el montante financiero del proyecto, presionando al organismo ambiental a suponer una infalible instalación de infraestructura hídrica que no existe. Dicho esto, el discurso empresarial comprime a los actores del conflicto ambiental, ya sean de los territorios que se ven amenazados por el desalojo forzoso o por la convivencia con los impactos del proyecto, ya sea, inclusive, el propio organismo ambiental que se confronta en el análisis técnico con el discurso de la presencia de intereses relacionados al modelo de desarrollo nacional.[4]

De esta manera, la manipulación empresarial de los conceptos de utilidad e interés público representa una expresión más de poder en las etapas de obtención de las licencias ambientales y de la llamada licencia social (Bronz 2011; Acselrad 2014). Al elevar el proyecto a la categoría de proyecto estratégico e inexorable, se promueven mecanismos de flexibilización del procedimiento en nombre del "diálogo" entre el Estado y la empresa, ampliando la incidencia empresarial sobre el organismo medioambiental a partir de una serie de reuniones, presentaciones, intercambios de correspondencia, sugerencias y reconsideraciones que atraviesan el análisis sobre la viabilidad del proyecto. De esta manera, el poder de incidencia empresarial no sólo altera el contenido de lo que se evalúa o diseña los términos del contexto en el que se inscribe el proyecto, sino que va más allá al reconfigurar también los ritos procedimentales que deberían guardar una relación estricta con la legalidad que rige dichos procesos, nublando la impersonalidad administrativa al configurar una dimensión más de la captura simbólica y material del aparato estatal.

EL DIÁLOGO ENTRE EL INB Y EL IBAMA COMO ESFERA DECISORIA PARA FLEXIBILIZAR LAS NORMAS MEDIOAMBIENTALES Y ARTICULAR ESTRATEGIAS PARA OBTENER LA LICENCIA SOCIAL DEL PROYECTO

El análisis de los documentos presentados en el proceso de licenciamiento ambiental del Proyecto Santa Quitéria permite trazar una línea de tiempo de las interacciones entre la INB

4 Cabe señalar que la subordinación de los proyectos mineros al interés público, incluso antes de demostrar su viabilidad socioambiental, es una narrativa utilizada en varios otros estudios ambientales, como es el caso del proyecto Explotación Minera Rio do Norte, realizado por la empresa consultora Arcadis Logo (la misma que elaboró el EIA del PSQ de 2014), el proyecto minero Jaguar en Carajás y el proyecto de ampliación de la explotación de hierro de la empresa ArcelorMittal en Serra do Itatiaiuçu/MG, por citar solo algunos ejemplos.

(Industrias Nucleares de Brasil) y el IBAMA (Instituto Brasileño del Medio Ambiente y de los Recursos Naturales Renovables) durante dicho proceso, lo que permite correlacionar las interferencias empresariales en las etapas del licenciamiento.

Llama la atención la cantidad de reuniones entre la empresa y el organismo ambiental, la postura de "alineamiento" de la licencia con el proyecto y las consiguientes dilaciones de plazos, concesiones de complementos y flexibilizaciones procedimentales derivadas de ello, lo que revela que, en la esfera reservada entre la empresa y el organismo ambiental, existe un ambiente de negociaciones que no se muestra transparente en su totalidad.

La actuación de la Dirección de licencias del IBAMA se caracteriza por la reiterada autorización de complementos a los estudios ambientales presentados por INB y por la aparente vacilación a la hora de archivar el expediente, incluso ante inconsistencias y críticas relevantes. El análisis de la cronología del proceso, desde 2010, pone de manifiesto un ciclo recurrente: INB presenta estudios ambientales; el IBAMA, tras su análisis, identifica omisiones, inconsistencias o la necesidad de aclaraciones adicionales, pero, sucesivamente, permite que la empresa los complemente (el Informe de Impacto Ambiental - RIMA se encuentra en su séptima complementación), a pesar de las recomendaciones técnicas internas del propio organismo[5], que llegaban a sugerir el archivo de la iniciativa.

Las comunicaciones entre el Consorcio y el IBAMA también apuntan a un intento constante por parte de la empresa de influir en el ritmo de la concesión de la licencia. Un ejemplo de ello es el informe de la reunión del 24 de julio de 2020, en el que se observa la presión para acelerar el proceso, con INB alegando la importancia de la «ventana hidrológica» y la necesidad de la licencia previa para la viabilidad del proyecto.

Además, INB insistió, en varias ocasiones, en reutilizar datos y estudios del proceso de licenciamiento anterior, archivado en 2019. Esta postura, además de plantear dudas sobre la actualización y la confiabilidad de los datos, sugiere un intento de la empresa de reducir costos y agilizar el licenciamiento, en detrimento de una evaluación ambiental más completa y rigurosa. El IBAMA, a pesar de haberse posicionado inicialmente en contra del reaprovechamiento integral de los datos antiguos, acabó permitiendo su uso como complemento a los nuevos estudios, alegando que muchas de las lagunas identificadas serían subsanables, pese a haber concluido "que el diseño actual del proyecto, principalmente en lo que se refiere al

5 "Considerando que los problemas metodológicos y de contenido anteriormente señalados comprometieron el diagnóstico y el EIA, en especial en lo que se refiere al componente socioeconómico (identificación y caracterización de los grupos sociales en el área de influencia del proyecto), y considerando las incertidumbres que aún prevalecen en lo que se refiere al suministro de agua, insumo estratégico para el PSQ (mantenimiento del sistema de abastecimiento de agua separado del proyecto de la empresa, sin que esté en funcionamiento), no se advierte que el conjunto de deficiencias señaladas en la EIA puedan subsanarse mediante la complementación del estudio, ya que impiden adoptar una posición definitiva sobre la sustentabilidad ambiental del proyecto. En este sentido, se recomienda la devolución del EIA/RIMA, así como la adopción de las medidas administrativas pertinentes al caso". (Extracto del Dictamen Técnico n.º 148 (sei n.º 14359621), emitido por la Coordinación de Licencias Ambientales de Minería e Investigación Sísmica Terrestre (Comip-Ibama), el 09/12/2022).

tratamiento de las cuestiones hídricas y energéticas, no se inscribe en el contexto necesario de sustentabilidad ambiental" (Rigotto et al. 2022).

Otro aspecto que llama la atención es la emisión de autorizaciones con salvedades por parte del organismo regulador. Incluso en etapas en las que el IBAMA reconoció la necesidad de realizar estudios complementarios, como en el caso de la Autorización de Captura, Recolección y Transporte de Material Biológico (ABIO), el organismo optó por emitir la autorización con reservas, permitiendo que INB continuara con el proceso de licenciamiento sin que todas las dudas e inconsistencias hubieran sido debidamente superadas.

Además, a pesar del historial de deficiencias en los estudios presentados por INB y de los cuestionamientos de diversos actores sociales,[6] el IBAMA demostró una postura proactiva para ayudar a la empresa a superar los obstáculos y obtener la licencia ambiental, dando prioridad en el análisis y concediendo plazos flexibles a la empresa. Un ejemplo de ello fue la rápida respuesta del IBAMA a la solicitud de reunión por parte de INB en agosto de 2023, mostrando interés en discutir los próximos pasos del proceso y buscar soluciones conjuntas, incluyendo la propuesta de realizar un Seminario Técnico para la presentación y discusión, con el equipo técnico, de los principales puntos del EIA/Rima revisado: "El IBAMA informó que ya está formando el equipo técnico que trabajará en el proceso de licenciamiento ambiental del PQS, y que trataría de programarlo para finales de septiembre y principios de octubre de 2023" (Acta de la reunión del 16/08/2023).

En cuanto a las numerosas evidencias de descontento y falta de información por parte de la comunidad afectada por el proyecto, la actuación del IBAMA en relación con la participación social se limitó a trámites formales, como la organización de audiencias públicas. Además, en respuesta a una carta enviada por una organización social de defensa de los derechos humanos, en la que se solicitaba, durante las audiencias públicas para debatir los estudios medioambientales del Proyecto Santa Quitéria, un tiempo de veinte minutos para que el Panel Académico sobre Riesgos de la Minería de Uranio y Fosfato realizara una presentación, el IBAMA argumentó que "en relación con la existencia de dudas y cuestionamientos, informamos que la participación de todos es legítima y que esta oficina podrá utilizar el turno de preguntas para manifestaciones orales o escritas (...)" (Carta 288 del IBAMA, 03/06/2022). No hubo un esfuerzo concreto por promover un diálogo abierto y transparente con las comunidades tradicionales, los pequeños productores y los demás actores sociales afectados por el proyecto.

En este sentido, se observa que, en el conflicto socioambiental de Santa Quitéria, la presión por parte de INB puede analizarse desde la perspectiva de la captura regulatoria, como evidencia de un conjunto de intentos de cooptación del organismo ambiental, como práctica de

6 Los actores sociales involucrados en el conflicto en torno al PSQ abarcan, además de los organismos e instituciones gubernamentales y las empresas que buscan viabilizar el proyecto, una diversidad de comunidades locales, pueblos indígenas, comunidades quilombolas, comunidades tradicionales de pueblos de terreiro, pescadores y pescadoras artesanales, además de movimientos sociales y organizaciones de la sociedad civil, que expresan su preocupación por los impactos ambientales, sociales y culturales.

dominación política utilizada por los Estados y las empresas para controlar territorios, tal como lo describe Navarro (2019). Esta estrategia implica cooptar, disciplinar y dividir a las comunidades, ignorando a sus autoridades, reprimiendo, criminalizando e incluso militarizando, garantizando la explotación y comercialización de nuevos espacios.

El análisis de los documentos permite trazar una línea de tiempo de las interacciones entre INB e IBAMA durante el proceso de licenciamiento del Proyecto Santa Quitéria, correlacionando las fechas de las reuniones con las etapas del licenciamiento. Esto es importante para dar forma a los llamados "procedimientos de rutinización" que constituyen puntos críticos de la concesión de licencias (Bronz, Zhouri y Castro 2020: 16), ya que en él hay espacios abiertos destinados al "público" e "innumerables otros espacios periféricos, de fondo, por donde circulan los responsables de la toma de decisiones, los involucrados y los interesados en los proyectos, y donde aparecen los hechos suprimidos" (Bronz, Zhouri y Castro 2020: 17).

Así, en el año 2020, se celebraron al menos siete reuniones entre la INB y el IBAMA, cuyo objetivo era debatir el Término de Referencia en tres de estos encuentros, además de discutir el aprovechamiento de los estudios anteriores –aunque se consideraran insuficientes para demostrar la viabilidad del proyecto–, el ritmo de avance de la concesión de la licencia y el Trabajo para la Autorización de Captura, Recolección y Transporte de Material Biológico (ABIO).

Este año, destacan como temas movilizadores de la incidencia empresarial: i) Aceleración del rito: Las reuniones de julio de 2020 demuestran la búsqueda de INB por agilizar el proceso, mientras que IBAMA enfatizaba la necesidad de cumplir con los procedimientos legales y técnicos. ii) Aprovechamiento de estudios anteriores: INB buscaba aprovechar los datos del proceso de licenciamiento anterior, archivado en 2019. IBAMA, por su parte, defendía la necesidad de nuevos estudios, teniendo en cuenta el nuevo proyecto y la legislación ambiental actualizada; iii) Suministro de agua: INB argumenta que la responsabilidad del sistema de abastecimiento de agua recaería en el Gobierno del Estado de Ceará, mientras que IBAMA exigía la demostración de la viabilidad hídrica en el EIA/RIMA; iv) Formalización del diálogo: INB oficializa el diálogo con IBAMA, definiendo los representantes autorizados para manifestarse en nombre de la empresa.

En 2021, no se adjuntaron actas de las reuniones entre la empresa y el IBAMA, pero hay un intercambio de correspondencia entre ambas partes, momento en el que el proceso avanza hacia la fase de análisis técnico del EIA/RIMA por parte del IBAMA, con la emisión de dictámenes y la solicitud de complementos, y ajustes, por parte de INB.

En 2022, llama la atención la celebración de veinticuatro reuniones previas entre la empresa y el público interesado, antes de las audiencias públicas, para "difundir más información sobre el proyecto". Tampoco se adjuntan actas de reuniones entre la empresa y el IBAMA durante ese período, apenas un intercambio de correspondencia entre ambas partes, a pesar de algunas menciones a reuniones celebradas y nuevas presentaciones del EIA/RIMA por parte de INB, con el fin de cumplir con los requisitos del IBAMA.

En 2023, se identifican al menos cinco reuniones. En la primera de ellas, celebrada el 10 de marzo de 2023, los representantes del IBAMA afirman que "lo ideal sería elaborar nuevos estudios, en lugar de complementar los ya realizados". En las siguientes, fueron discutidos aspectos fragmentarios de los estudios, como el procedimiento, los medios físicos y bióticos y, hacia el final, la última reunión documentada contó con la presencia de un concejal de Santa Quitéria. Las reuniones de este período abordan el progreso de la revisión del estudio ambiental, la metodología utilizada y los retos encontrados. Cabe destacar que el IBAMA y la INB celebraron un seminario técnico en octubre de 2023 para debatir los puntos principales del EIA/RIMA revisado.

Por último, en 2024 se documentaron las actas de tres reuniones, en las que la empresa presentó la estructura del EIA/RIMA revisado y se discutió la conformidad de esta versión con el Término de Referencia y el Dictamen Técnico n.º 148/2022.

También en marzo de 2023, aunque no figura el acta de la reunión en el proceso de licenciamiento, se emitió la Orden n.º 18737875/2024-NLA-CE/Ditec-CE/Supes-CE, que mencionaba fragmentos de la reunión celebrada el 22/03/2024 en la Secretaría de Infraestructuras del Estado de Ceará (SEINFRA) del Estado de Ceará[7] , en la que se aportó que:

> El secretario Antônio Nei [Secretaría de Infraestructura de Ceará] abordó la importancia del proyecto, la reiteración de los compromisos firmados en el Memorando de Entendimientos (en el que el estado se compromete a invertir en el suministro de energía, agua por conductos y acceso por carretera al proyecto), la receptividad de las universidades con el proyecto (sin dar más detalles) y destacó la necesidad de informar a la población afectada por el proyecto. (Despacho n.º 18737875/2024-NLA-CE/Ditec-CE/Supes-CE, Expediente n.º 02001.014391/2020-17).

El representante del Ministerio de Minas y Energía mencionó la importancia del proyecto para el país en un contexto de transición energética. Por su parte, el representante del PPI (Programa de Asociación de Inversiones, de la Casa Civil de la Presidencia de la República), un funcionario de carrera del IBAMA, afirmó que:

> (...) sería responsabilidad de todos los involucrados aclarar que los impactos del proyecto deben mitigarse, destacando la importancia de la comunicación del Estado en relación con el proyecto, y mencionó que, *en su mayoría, las comunidades no tendrían claridad sobre los beneficios del proyecto* (Despacho n.º 18737875/2024-NLA-CE/Ditec-CE/Supes-CE, Proceso n.º 02001.014391/2020-17, las cursivas nos pertenecen).

En este momento, la Secretaría Estadual de Medio Ambiente (SEMA) también se ofreció a contribuir en este proceso:

> El representante de la SEMA mencionó que una posibilidad de contribuir a la clarificación de la población sería con equipos ya formados en esa secretaría en el ámbito del "Proyecto

7 Además de la SEINFRA y el IBAMA, estuvieron presentes representantes de la Secretaría de Obras Públicas de Ceará (SOP), la Secretaría de Medio Ambiente de Ceará (SEMA), la Secretaría de Recursos Hídricos de Ceará (SRH), el Ministerio de Minas y Energía (MME), el Programa de Asociaciones de Inversión de la Casa Civil (PPI), Industrias Nucleares de Brasil (INB) y Galvani Fertilizantes (Galvani), para tratar el Proyecto Santa Quitéria.

> Guardianes del Territorio" y "Agentes Ambientales", además de aprovechar las reuniones que se celebran en la región, como las del Comité de Cuencas (Despacho n.º 18737875/2024-NLA--CE/Ditec-CE/Supes-CE, Expediente n.º 02001.014391/2020-17).

Se observa el trazo de un esfuerzo estatal por legitimar el proyecto, movilizando actores –que deberían analizar y supervisar los daños ambientales– para convencer a la población, acreditando su capital simbólico e institucional a la legitimación del proyecto. Dado el contexto de movilización en las audiencias públicas del proyecto, el representante de INB durante la reunión declaró la "preferencia por celebrar reuniones públicas, en lugar de audiencias públicas", lo que evidencia los intentos de fragmentar la organización social en torno a la resistencia al proyecto.

Esta percepción, que implica la cooptación de funcionarios públicos para obtener la licencia social del proyecto (Acselrad 2014), ha sido denunciada y se expresó en la Carta de los Pueblos al Gobernador de Ceará:

> Pues bien, antes de venir a nuestros territorios, usted firma este Memorándum y nos clava un puñal por la espalda. Con esa firma, usted abre oficialmente las puertas a este proyecto de muerte. *Forma una comisión con varias secretarías de su gobierno, pone a los funcionarios públicos a ayudar al consorcio a implantarse, a agilizarles las cosas* (La cursivas nos pertenece).

El conjunto de estas evidencias corrobora el argumento de que existe una economía que produce invisibilidad política y utiliza la violencia rutinaria, y la cooptación, para expropiar a los pueblos y comunidades de una incidencia justa en el rito ambiental, desmontando la narrativa de que se trata de un entorno dialógico, participativo y equitativo de gobernanza ambiental. Se trata, en realidad, de aprovechar la flexibilización de los ritos y abrazar las narrativas empresariales en nombre del diálogo entre la empresa y el Estado, poniendo a éste último en la función de interlocutor proempresarial. Dicho esto, "es necesario superar la versión idealizada de la gobernanza que presenta al Estado, al mercado y a la sociedad civil como socios que participan en una relación simétrica y despolitizada" (Campos y Fracalanza 2010: 376).

Alonso y Costa (2002) sostienen que "los mecanismos de gobernanza ambiental fracasan tanto en eficacia como en legitimidad cuando tienen que lidiar con diferencias de valores e intereses. En lugar de consensos, generan conflictos". De este modo, las negociaciones en conflictos ambientales no podrían presuponer un consenso en relación con el objeto de deliberación, el flujo y las formas de debatir el proyecto, sino apenas buscar garantizar las condiciones formales institucionales de procesamiento de conflictos, estando la legitimidad de estas instancias vinculada a la posibilidad de que los ciudadanos afectados puedan atribuir o negar la viabilidad a los proyectos (Alonso y Costa 2002: 121).

LA POLÍTICA DE LOS AFECTADOS COMO DESESTABILIZACIÓN DE LA ECONOMÍA DE LA INVISIBILIDAD: CONEXIONES ENTRE LA PRODUCCIÓN DE LA VIDA Y LA R-EXISTENCIA AL PSQ

La denuncia articulada por las comunidades y los pueblos promueve un proceso de desestabilización de esta forma de producir invisibilidades, convocando al Estado y a las empresas a ofrecer respuestas a las demandas de información, transparencia, debate público y consideración de los riesgos socioambientales asociados al proyecto. Esta tensión reconfigura las herramientas de gobernanza del conflicto ambiental, al romper la invisibilidad producida. Los actores empresariales, por su parte, recurren a las siguientes estrategias cuando se enfrentan a esta resistencia articulada: ignoran los derechos y las narrativas políticas emergentes; o descalifican sus argumentos, o a sus aliados cuando, por ejemplo, afirman que "las comunidades no tendrían claridad sobre los beneficios del proyecto" (documento mencionado anteriormente); o, incluso, promueven adaptaciones discursivas e incorporan categorías verdes en la caracterización del proyecto, como la defensa de que el uranio serviría para la transición energética mediante el avance de la matriz nuclear.[8]

Dicho esto, mientras que la empresa reformula parcialmente sus discursos para seguir transmitiendo la imagen de inexorabilidad del proyecto, los sujetos afectados reinventan sus identidades, descritas por la modernidad como representaciones del pasado, y ponen en marcha r-existencias (Porto-Gonçalves 2009) o políticas prefigurativas (Ouviña 2013) que afirman el potencial de lo que ya existe en los territorios y en las economías locales, entrelazando los gestos de crear y rescatar modos de vida como estrategia de una resistencia "que crea, que produce, [que] es, por lo tanto, ante todo, autoafirmativa y, sobre todo, no depende de aquello a lo que se resiste" (Rey 2011: 171). En este sentido,

> Estudiar un conflicto implica, entonces, considerar no sólo los intereses involucrados, sino, sobre todo, el proceso de movilización, es decir, cómo cada grupo adquiere el control colectivo sobre los recursos necesarios para su acción. Para actuar políticamente, cada grupo necesita organizarse, generar una estructura de grupo y redes de interdependencia, o estructuras de movilización (Alonso y Costa 2002: 126)

La trayectoria de movilización de los pueblos indígenas para ser reconocidos como afectados por el proyecto y, además, para suspender la presunción de sus beneficios, elabora y produce prácticas políticas que designan una capacidad creativa de acción colectiva, frente a los mecanismos de despojo político que caracterizan al régimen extractivista. El contrapunto observado se

8 La retórica de la "energía limpia" se utiliza para legitimar la explotación del uranio, minimizando los impactos socioambientales y perpetuando las desigualdades, mientras que el sector minero se apropia del discurso de la crisis climática para justificar su expansión, ignorando los derechos socioambientales. La transición energética no debe limitarse a la sustitución de fuentes de energía, sino que debe fomentar modelos más justos y sustentables (Mello et al. 2024).

construye en este intento de mostrar las múltiples actividades realizadas en las comunidades y disputar la perspectiva monolítica contenida en la idea de la indispensabilidad de la minería.

Dicho esto, cabe destacar que este contrapunto es elaborado por pueblos de Ceará que tienen en su trayectoria histórica las huellas del latifundio colonial, y sus casi cuatro siglos de esclavitud con refracciones violentas, disputas territoriales y expropiaciones que llegan hasta la contemporaneidad. La resistencia de los pueblos y comunidades tradicionales de Ceará (Palitot 2009) ha atravesado los siglos y, en esta nueva fase de acumulación capitalista, vuelven a ser los principales objetivos de la explotación, junto con los bienes comunes de la naturaleza.

En este contexto, la región que rodea el yacimiento de Itataia está ocupada por campesinos/as, asentados/as de la reforma agraria. Cabe señalar que es en el sertón central de Ceará donde se concentra la mayoría de los asentamientos del estado (Alencar y Lopes 2014). Las investigaciones de Melo (2015) y Ribeiro (2016) registran que 156 comunidades campesinas se encuentran en los alrededores del yacimiento de Itataia, en la zona de influencia del PSQ.

También tienen una trayectoria de ocupación de este lugar las comunidades tradicionales cuyos modos de vida se mueven a partir de la relación conectada entre territorio, naturaleza y origen étnico racial. Según el "IWÉ – Inventario de los Pueblos de *Terreiro* de Ceará" (SDA, 2022), existen varias comunidades tradicionales de matriz africana y afrobrasileña en los municipios considerados Área de Influencia Directa (AID) y Área de Influencia Indirecta (AII) del PSQ. En el municipio de Santa Quitéria se encuentran los *terreiros* Pai João das Matas (Umbanda), Ilê da Oxum (Omoloko), Tenda Yansã dos Ventos y Tranca Rua das Almas (Umbanda) (SDA, 2022:204-205).

En Itatira se encuentran los *terreiros* Tenda Zé Pilintra, Maria Mulambo y Mãe Maria Conga (Umbanda) (SDA 2022: 188). En el municipio de Madalena, encontramos los *terreiros* Ilê Axé Ti Ifa Tijofu (Candomblé); Tenda de Maria Padilha e Zé Pilintra (Quimbanda), Terreiro do Pinga Fogo (Umbandomblé); Tenda de Zé Pilintra, Tenda Tranca Rua das Almas, Tenda de Ogum General de Brigada y Tranca Rua (Umbanda); Tenda de Exu Veludo y Jurema, Tenda Pomba Gira Cigana y Tenda Ogum General de Brigada (Umbanda); Terreiro do Pai Erlanio, Tenda Espírita Maria Mulambo, Terreiro da Mãe Raimunda, Nego Gerso y Tenda Espírita Maria Padilha (Umbanda) (SDA 2022: 191-192).

En Canindé, los *terreiros* Templo de Umbanda Príncipe Gerso (Umbanda), Tenda de Umbanda Jorge Guerreiro (Umbanda), Tenda Príncipe Gerso (Umbanda), Jurema das Matas (Jurema), Tenda Santa Bárbara (Umbanda), Terreiro Sagrado de Jurema Caboclo das Matas (Umbanda), Casa do Vira Mundo (Linha Cruzada), C.E.U Elano de Ogum (Umbanda) y Reinado de Mãe Maria Conga e Príncipe Gerso (Umbanda) (SDA 2022: 157-158). Además, en la misma ciudad se encuentra la comunidad quilombola Benfica, según el Dictamen Técnico - Análisis de las omisiones e insuficiencias del estudio y del informe de impacto ambiental (EIA-RIMA) relativos al proyecto Santa Quitéria de Explotación Minera de Uranio y Fosfato (2022).

También forman parte de esta grandiosidad de comunidades tradicionales de la región las aldeas de São Cosme, São Damião y Margarida, constituídas por pescadores artesanales que viven en los alrededores de la presa Edson Queiroz, a 13 km de la sede del municipio de Santa Quitéria. Algunos de los pescadores también están asentados en el Asentamiento Juá (Agrovila Mata Fresca) y, además de la agricultura familiar, tienen la pesca como una de sus principales actividades productivas. Este es el embalse que el Estado pretende direccionar al abastecimiento del PSQ (Santana 2017).

La presencia de pueblos indígenas también es determinante en esta región: Potyguara, Tabajara, Gavião y Tubiba-Tapuia, que tradicionalmente ocupan la Tierra Indígena Serra das Matas (situada en los municipios de Santa Quitéria, Monsenhor Tabosa, Tamboril, Boa Viagem y Catunda). También en la ruta del uranio y el fosfato se encuentra la aldea Gameleira, del pueblo Kanindé de la Tierra Indígena Kanindé, en el municipio de Canindé. Y el pueblo Karão Jaguaribaras, que tradicionalmente ocupa la Tierra Indígena Karão Jaguaribaras, con aldeas situadas en los municipios de Canindé, Aratuba, Baturité y Capistrano.

Ninguna de estas comunidades tradicionales y pueblos indígenas aparece en los documentos oficiales del PSQ, una invisibilidad característica de otros estudios ambientales. Ante la violencia de las políticas de ocultación e invisibilidad emprendidas por el Estado sobre los pueblos originarios y las comunidades tradicionales, los pueblos indígenas Tabajara, Potiguara, Tubiba-Tapuia y Gavião, de la Tierra Indígena Serra das Matas, pusieron en marcha una serie de acciones, procesos y estrategias, como ejemplo de lo que Losekann (2016) denominó "la política de los afectados", con el fin de garantizar que se tuviera en cuenta su existencia y que pudieran influir adecuadamente en la concesión de la licencia ambiental del PSQ llevada a cabo por el Ibama, con la intervención de la Funai.

En este contexto, citamos: i) la intervención directa ante diferentes organismos públicos, como la Funai, el Ibama, el Consejo Nacional de Derechos Humanos, el Instituto del Patrimonio Histórico y Artístico Nacional (Iphan) y el Ministerio de Minas y Energía, además de los vinculados al Sistema de Justicia (como el Ministerio Público Federal - MPF, la Defensoría Pública de la Unión, la Defensoría Pública Estadual y la Oficina de Derechos Humanos y Asistencia Jurídica Popular Frei Tito de Alencar - EFTA); ii) articulaciones con diferentes movimientos sociales (Articulação Antinuclear do Ceará - AACE, Movimento por la Soberanía Popular en la Minería - MAM) y universidades; iii) celebración de reuniones con el MPF, Ibama y Funai; iv) elaboración del Protocolo de Consulta y Consentimiento del Movimiento Potigatapuia; v) presión al Iphan para el reconocimiento del Sitio Arqueológico de la Aldea Quixaba; vi) participación en redes, encuentros, asambleas, marchas, *lives*, debates y otras instancias locales, regionales, nacionales e internacionales de articulación, como el Acampamento Terra Livre y vii) producción de videos, textos y otros materiales para difundir el punto de vista indígena sobre el proyecto.

Entre los territorios, cabe destacar el de Monsenhor Tabosa, donde se encuentra la mayor parte de la Tierra Indígena Serra das Matas, y es el único municipio de Ceará que tiene una lengua indígena como cooficial, resultado directo de la lucha de los pueblos indígenas articulados en torno al Movimiento Potigatapuia. En medio de este proceso de resistencia, las historias de vida se entrelazan con las historias de las aldeas, de los lugares, generando y potenciando procesos de lucha, en torno a la tierra y el territorio, y una identidad forjada en procesos de negación de la existencia que no se inician con el anuncio del PSQ. Por el contrario, como describe Almeida (2008: 142), son productos de antagonismos y tensiones con el gran latifundio que, como forma de autodefensa, se constituyeron en diversas formas de uso común de la tierra con miras a asegurar las condiciones materiales de existencia colectiva.

En esta enunciación crítica de la resistencia, los pueblos no sólo critican las lagunas técnicas del proyecto, con el apoyo de investigadores del Panel Académico Popular,[9] sino que también invocan las texturas de la vida a través de la noción de interdependencia como llamamiento público al Gobernador del estado, tras la firma del Memorando de entendimiento con el consorcio empresarial:

> Vivimos guiados por los conocimientos de nuestros mayores, de nuestros antepasados, y llevamos muchos siglos luchando por escapar y sobrevivir a este desarrollo del que tanto hablan. No queremos ser desarrollados. Vivimos envueltos en la Madre Naturaleza, sabiendo que la Vida es una sola red, de bosques, aguas, animales y personas, y que debemos comportarnos con respeto y cuidado en esta red.
> (...)
> Tenemos una vida sencilla, con libertad y autonomía, y con salud, conectados con nuestra espiritualidad, nuestros ancestros encantados, que nos enseñan la forma correcta de habitar la Tierra, de recolectar las hierbas y la miel en el bosque, y nos dan fuerza. Sabemos que todo está interconectado (Carta de los Pueblos al Gobernador).

En otro documento, podemos leer:

> Antes de que existiera el Estado brasileño, ya estábamos aquí y ya construíamos estrategias de supervivencia que fueron y son responsables de la existencia de la vida en el semiárido. Nuestros pilares son el hogar, la economía, la familia, la espiritualidad, y esto solo se hace en el entretejido, en la trama de líneas que también son danza, pintura, movimiento, ritual y conjunto de formas de existir. (Carta del Movimiento Potigatapuia).

Para Segato (1997: 14), el modelo de Estado-nación "uniformiza excesivamente la producción histórica de un pueblo en una formación nacional" e impide que se reconozca su pluralidad interna. Así, la negación del territorio como entidad compleja y construida por

9 El Panel Académico Popular fue constituido en 2013 por el Núcleo Tramas-UFC, junto con otros investigadores de la Universidad Federal de Ceará y la Universidad Estadual Vale do Acaraú (UEVA). Hasta la fecha, el objetivo principal del Panel ha sido investigar los riesgos y los impactos de este proyecto minero en la salud, el trabajo, la tierra, el territorio, el agua, el aire y los modos de vida de los pueblos y comunidades tradicionales de la región.

agencias colectivas abre el camino a la llegada de los "inevitables" y siempre "necesarios" proyectos mineros.

Las Cartas ponen de manifiesto que, a la invisibilización de los sujetos, corresponde la invisibilización de las formas plurales de gestión colectiva de la naturaleza (Bollier 2014: 31), de suerte que los modos de vida se sitúan en el centro del debate sobre el futuro del territorio. Por lo tanto, en contraposición a la herramienta empresarial de invisibilizar, subestimar y localizar los riesgos ambientales, se activa una estrategia política para enunciar que la vida humana es interdependiente y vulnerable, una lección sublimada por el imaginario moderno de dominación de la naturaleza (Montezuma 2021: 181). Como entienden Navarro y Gutiérrez (2018: 48), la interdependencia conecta la red de reproducción simbólica, afectiva y material de la vida, gestada bajo "múltiples tramas colectivas en cada momento, que se organizan para hacer vida en común".

Esta elaboración de la vida tiene como objetivo poner de relieve a los pueblos y comunidades sobre los que se ha ido normalizando el borrado en la violencia empresarial-estatal. Teixeira, Zhouri y Motta (2021) afirman que la producción de múltiples violencias, incluida la expropiación en particular, es inherente a los proyectos de desarrollo, lo que produce la vulnerabilidad de los grupos sociales con formas territorializadas de ser, saber y existir. El caso del Proyecto Santa Quitéria es ejemplar en este aspecto, destacando que los pueblos y comunidades tradicionales ni siquiera son considerados afectados e impactados por el emprendimiento: una manifestación explícita de estas herramientas de invisibilización que son cuestionadas por las articulaciones de los pueblos afectados.

LA VIOLENCIA RUTINARIA EN LA PRODUCCIÓN DE INVISIBILIDAD POR PARTE DE LA FUNAI Y LA CAPTURA DEL RITO

En el contexto de la economía de las visibilidades (Teixeira, Zhouri y Motta 2021) organizada en el ámbito de las licencias ambientales otorgadas por el Estado en articulación con las corporaciones, detallaremos la violencia rutinaria –disfrazada de gestión técnica de la FUNAI– en la definición de quién tiene derecho o no a ser considerado impactado por el Proyecto Santa Quitéria.[10] La categoría de sujeto impactado o afectado se convierte en un campo de disputa en la interfaz entre la construcción de la r-existencia comunitaria, que interpela el proyecto, y sus mecanismos de gobernanza del conflicto, que producen la deslegitimación y el borrado de las múltiples experiencias que se territorializan en el medio ambiente (Losekann 2016; Teixeira, Zhouri y Motta 2021).

Durante el proceso de concesión de la licencia por parte de la FUNAI, se elaboró un análisis cartográfico que sólo tiene en cuenta en el mapa las tierras indígenas declaradas

10 El tema de la licencia ambiental del PSQ es supervisado por la FUNAI en el proceso administrativo principal n.º 08620.006054/2020-45, iniciado con la Carta Oficial del IBAMA n.º 503/2020/COMIP/CGTEF/DILIC, en cumplimiento del artículo 5 de la Ordenanza Interministerial n.º 60/2014, en lo que respecta a la definición del contenido del Término de Referencia Específico para estudios relativos a la posible interferencia del proyecto en tierras indígenas.

(Tapeba y Pitaguary) y la reserva indígena Taba dos Anacé, situadas a cientos de kilómetros del municipio de Santa Quitéria, donde se halla la mina. Cabe destacar que este análisis se elaboró en 2020, cuando la política indigenista, bajo la presidencia de Bolsonaro, vivía una época de violencia explícita contra los pueblos indígenas (Nóbrega 2023), lo que se repetía en el "paquete cerrado" de la política medioambiental (Bronz, Zhouri y Castro 2020).

A partir del análisis cartográfico, la Coordinación General de Licencias Ambientales (CGLIC) de la FUNAI elaboró la Información Técnica n.º 151/2020/COTRAM/CGLIC/DPDS-FUNAI, en la que se destaca lo siguiente:

> Informamos que el referido proyecto se encuentra a más de 135 (ciento treinta y cinco) kms. de la Tierra Indígena Pitaguary, la tierra indígena más cercana. Cabe destacar la distancia de 25 km de las aldeas más cercanas, fuera de las tierras indígenas, al sur del Área de Lavra en estudio. Se ha incluido una zona de amortiguación de 8 (ocho) km a partir del polígono de explotación minera informado, de conformidad con lo establecido en la Ordenanza Interministerial n.º 60, de 24 de marzo de 2015, Anexo I, para su tipología (proyectos puntuales - minería) y ubicación (fuera de la Amazonia Legal).

Por lo tanto, la Información Técnica consideró, además de las tierras indígenas identificadas y delimitadas por la FUNAI, las aldeas indígenas que forman parte de la Tierra Indígena Serra das Matas ("a una distancia de 25 km de las aldeas más cercanas, fuera de las tierras indígenas, al sur del Área de Lavra en estudio"). Sin embargo, además de no considerarlas incluidas en las Tierras Indígenas, estableció un recuento de la "zona de amortiguación" de 8 km a partir del polígono de la mina informado. En otras palabras, se aplicó, según su propio entendimiento, la Ordenanza Interministerial n.º 060/2015, que señala la necesidad de proteger a los pueblos y las tierras indígenas, con especial atención a los pueblos, aunque no se encuentren en tierras indígenas identificadas y delimitadas por la FUNAI.

En las afirmaciones de los documentos, los supuestos del diseño del proyecto se naturalizan en la lengua estatal, que utiliza su poder de nominación para definir, sin parámetros sociales o técnicos explícitos, por ejemplo el punto de referencia a partir del cual se contarán los 8 km como perímetro de (in)visibilidad de los pueblos. Para la FUNAI, la frontera espacial y simbólica debe fijarse no a partir de las áreas de influencia o del área directamente afectada, sino a partir del punto mismo del yacimiento, ignorando la amplia cadena de dispersión de contaminantes y los impactos sociales, económicos e hídricos del proyecto.

Se institucionaliza, por lo tanto, el perímetro de las invisibilidades y los criterios geográficos sobre el derecho a incidir, debatir y deliberar sobre el emprendimiento. Así también actuó la Coordinación de Identificación y Delimitación de Tierras Indígenas de la FUNAI cuando informó que "el proyecto en cuestión se encuentra a 136,58 km de la Tierra Indígena (TI) Pitaguary (declarada), el área indígena más cercana. *Además, no hay registro de reivindi-*

cación indígena sobre la tierra, ni estudios de identificación y delimitación incidentes en el municipio en análisis"[11] (destacamos).

También en respuesta al IBAMA, la FUNAI informó que el área indígena más cercana al área del proyecto se encontraba a 25 km de distancia del mismo, al sur del área de explotación. "En este sentido, la distancia entre el proyecto y la Tierra Indígena supera los límites previstos en el anexo I de la Ordenanza Interministerial n.º 60/2015 y, por lo tanto, no son necesarios procedimientos específicos relacionados con la cuestión indígena"[12] .

En este sentido, destacamos que la Tierra Indígena (TI) Serra das Matas ha sido objeto de estudio por parte de la FUNAI con fines de identificación y delimitación desde el año 2010, es decir, desde hace 14 años, sin que se haya llegado a una conclusión de dichos estudios ni se hayan establecido las líneas que delimitan el perímetro de la TI. A pesar de ello, la legislación brasileña establece, en la Constitución Federal y en el Estatuto del Indio (Ley n.º 6.001/73), que el proceso de demarcación de una Tierra Indígena tiene carácter meramente declarativo, es decir, no crea, sino que reconoce la existencia previa de una Tierra Indígena. Los pueblos indígenas, por determinación constitucional, tienen derechos originarios sobre las tierras que ocupan tradicionalmente, y el proceso de demarcación sólo tiene por objeto declarar una situación jurídica preexistente.

La tesis jurídica, reconocida formalmente, atraviesa controversias en la gobernanza de las licencias, por la negación de las existencias colectivas que se revisten de violencia simbólica e institucional, a partir de la imbricación de narrativas e intereses entre el Estado y las empresas. Así, "el derecho, al ser instrumentalizado por la política y contaminado por una monocultura del saber, colabora en la reproducción de otras lógicas dominantes de producción de la no existencia", además de reforzar la lógica del tiempo lineal, consagrar la igualdad jurídica-formal, naturalizar las jerarquías sociales y, de este modo, producir invisibilidades.

Los términos del perímetro de la invisibilidad, sin embargo, también movilizan enfrentamientos de la articulación de pueblos que se resisten al proyecto, evidenciando el impulso de una enunciación plural de derechos y comprensiones sobre los ritos oficializados. Tras estas manifestaciones de la FUNAI, los indígenas se movilizaron con diversos socios y recurrieron al Ministerio Público Federal, que emitió la Recomendación n.º 01/2022 a la FUNAI, a Indústrias Nucleares do Brasil, a IBAMA y a SEMACE (Superintendencia Estadual de Medio Ambiente de Ceará), especialmente en relación con los pueblos indígenas afectados por el proyecto:

> RESUELVE RECOMENDAR 1. A la FUNAI, a través de su Coordinadora General de Licencias Ambientales, Sra. CARLA FONSECA DE AQUINO COSTA: 1.1. Que emita un dictamen sobre el componente indígena del Proceso de Licencia Ambiental n.º 02001.014391/2020-17, de manera que contemple todas las aldeas indígenas ubicadas en la región del Proyecto Santa Quitéria y no sólo aquellas que están demarcadas, de modo que la evaluación de los impactos ambientales del proyecto pueda tener en cuenta a todos los pueblos indígenas de la región,

11 Dictamen n.º 662/2020/COIM/CGID/DPT-FUNAI (SEI n.º 2396192).

12 Oficio n.º 1081/2020/CGLIC/DPDS/FUNAI.

como los identificados en la Carta Oficial n.º 49/2022/SEDIS – CR-NE-II/DIT – CR-NE11/CR-NE-II/FUNAI;

2. A Indústrias Nucleares do Brasil, a través de su presidente, el Sr. Carlos Freire Moreira: 2.1. Que contemple en los estudios de impacto ambiental del Proyecto Santa Quitéria TODAS las aldeas indígenas ubicadas en la región vecina al Proyecto Santa Quitéria y no sólo aquellas que están demarcadas, de modo que la evaluación de los impactos ambientales del proyecto pueda tener en cuenta a todos los pueblos indígenas de la región, como los identificados en la Carta Oficial n.º 49/2022/SEDIS – CR-NE-II/DIT – CR-NE11/CR-NE-II/FUNAI;

2.2. Una vez identificada la posibilidad de impacto en estos pueblos indígenas que inicialmente fueron invisibilizados, se garantice el derecho a la consulta previa, libre e informada;

3. Al IBAMA, a través de su Director de Licencias Ambientales, JÔNATAS SOUZA DA TRINDADE: 3.1. Que ordene a Indústrias Nucleares do Brasil – INB que complemente su estudio de impacto ambiental, así como el informe de impacto ambiental, de modo que contemple la información concreta sobre los impactos en todas las aldeas indígenas existentes en los alrededores del Proyecto Santa Quitéria y no sólo en aquellas que están demarcadas; 3.2. Que se abstenga de emitir la Licencia Previa hasta que el promotor haya cumplido con las determinaciones contenidas en el punto 3.1.
4. A la SEMACE, a través del Superintendente, Carlos Alberto Mendes, y de la Directora de Protección y Control Ambiental (DICOP), Sra. Emanuelle Leitão: 4.1. Que complementen el INFORME TÉCNICO Nº 1657/2022 – DICOP/GECON, así como los demás documentos que tratan el componente indígena en el proceso de licencia ambiental n.º 01722042/2022, para que TODAS las aldeas indígenas ubicadas en la región de implantación del sistema de abastecimiento que abastecerá al Proyecto Santa Quitéria sean consideradas y no sólo aquellas que se encuentran demarcadas, de modo que la evaluación de los impactos ambientales del proyecto pueda tener en cuenta a todos los pueblos indígenas de la región, como los identificados en la Carta Oficial n.º 49/2022/SEDIS – CR-NE-II/DIT – CR-NEII/CR-NE-II/FUNAI; 4.2. Una vez identificada la posibilidad de impacto en estos pueblos indígenas que inicialmente fueron invisibilizados, se garantice el derecho a la consulta previa, libre e informada; 4.3. Que se abstengan de emitir cualquier tipo de licencia hasta que se hayan cumplido las disposiciones contenidas en los puntos 4.1 y 4.2.

La Funai también fue interpelada por el Dictamen Técnico del Panel Académico-Popular, con un análisis de las omisiones e insuficiencias del Estudio y del Informe de Impacto Ambiental (EIA-RIMA) relativos al Proyecto Santa Quitéria de Minería de Uranio y Fosfato. Existe, por lo tanto, otra producción de conocimientos y documentos que materializan la pluralidad de derechos, sujetos y concepciones en torno al emprendimiento y sus impactos.

En el mapeo del trámite, cabe destacar que la FUNAI rechazó la Recomendación del órgano ministerial, reiterando que:

> [la aldea] más cercana es la aldea Quixaba, de la Tierra Indígena Serra das Matas - Mundo Novo/Viração, municipio de Monsenhor Tabosa/CE, *no homologada y en estudio*. (...) Así pues, teniendo en cuenta la necesidad de que esta Fundación se atenga a la norma que regula su participación en los procesos de concesión de licencias ambientales y, además, que, según la información de la DPT, la aldea más cercana al proyecto, independientemente de la situación fundiaria, se encuentra a más de 25 km del mismo, es decir, más de tres (03) veces la distancia prevista en el Anexo I de la Ordenanza Interministerial n.º 60/15, no se presume que haya impac-

tos en las tierras indígenas de la región, por lo que no son necesarios procedimientos específicos en relación con el componente indígena de la licencia ambiental del Proyecto Santa Quitéria.

Ante esto, los indígenas se refieren constantemente al proyecto y se perciben como afectados por él, ya sea por el agua, que ya es escasa en la región, ya sea por la naturaleza de la minería (de uranio), con un potencial contaminante muy superior a los límites de la mina, ya sea en relación con los cambios en la dinámica de la vida local, con impactos en la salud, la educación y la ordenación territorial.

Incluso el IBAMA cuestionó a la FUNAI[13] informando que, durante las audiencias públicas celebradas en junio de 2022, se mencionó la existencia de aldeas indígenas en las Áreas de Influencia Directa e Indirecta del Proyecto Santa Quitéria, que formarían parte de la Tierra Indígena Serra das Matas. Por ello, el organismo federal encargado de conceder las licencias solicitó información a la FUNAI "sobre las tierras indígenas, las aldeas indígenas y los grupos indígenas ubicados en los municipios de Santa Quitéria, Itatira, Canindé, Madalena, Sobral y otros municipios del estado de Ceará, y que forman parte del Área de Influencia Directa e Indirecta del Proyecto Santa Quitéria en proceso de Licencia Ambiental Federal (Proceso n.º 02001.014391/2020-17)".

La respuesta[14] reiteró los mismos argumentos ya transcritos aquí. Cabe señalar que el IBAMA no solicitó a la FUNAI un análisis limitado al "perímetro de invisibilidad" de 8 km desde el yacimiento, sino que solicitó un análisis de todas las tierras indígenas existentes dentro del Área de Influencia Directa e Indirecta, ampliando así los límites del territorio que debía ser considerado para su evaluación.

Por último, la insistencia del organismo medioambiental llevó a la FUNAI a reformular los términos de sus manifestaciones, aunque manteniendo importantes ausencias y lagunas.

13 Oficio n.º 317/2022/COMIP/CGTEF/DILIC.

14 En respuesta, la FUNAI elaboró un nuevo Análisis Cartográfico n.º 1179/2022 e Información Técnica n.º 532/2022/SECART/COCART/CGGEO/DPT-FUNAI, en los que se reproduce la información anterior sobre las tierras indígenas y se menciona, que "el Proyecto Santa Quitéria se encuentra a aproximadamente 25,11 km de la aldea de Quixaba, a 25,31 km de la aldea de Sabonete y a 28,72 km de la aldea de Rajado, que son las más cercanas al proyecto". En cuanto al área de influencia del proyecto, se mantuvo la distancia de "8 km desde el proyecto, según lo establecido en el Anexo I de la Ordenanza Interministerial n.º 60 de 2015", llegando a la conclusión de que no se observaron aldeas ni tierras indígenas comprendidas en esa área de influencia.

Dicho esto, la Coordinación General de Identificación y Delimitación (CGID) de la FUNAI[15] , siguiendo el dictamen técnico y la solicitud del IBAMA, presentó una lista de áreas reclamadas por los indígenas con interfaz en las Áreas de Influencia Directa e Indirecta del PSQ:

- Reclamación de la etnia Kanindé denominada *Kanindé de Canindé (Fazenda Gameleira)*, ubicada en Canindé-CE, registrada por el NUP 08620.099390/2015-66 y en fase de calificación/pendiente de análisis del proceso de reclamación;

- Reclamación de la etnia Kanindé denominada *Kanindé de Aratuba (Sitio Fernandes)*, ubicada en Aratuba-CE y Canindé-CE, registrada con el número NUP 08620.099393/2015-08 y en fase de calificación; y

- Reclamación del pueblo Karão Jaguaribara denominada *Karão Jaguaribara*, ubicada en el municipio de Canindé/CE, registrada con el número NUP 08087.000372/2019-53, que se encuentra calificada.

Toda esta documentación se remite al IBAMA mediante la Carta Oficial n.º 429/2022/COTRAM/CGLIC/DPDS/FUNAI, sin que ello implique un cambio en la interpretación de la CGLIC (Coordinación General de Licenciamiento Ambiental), en el sentido de que no existe presunción de impacto. Sin embargo, hay que destacar los cambios que esta obligación de enumerar y nombrar a los pueblos a partir de las áreas que reclaman promueve como potencial para generar fisuras en la gobernanza de la producción de invisibilidades en la concesión de licencias.

Al año siguiente, los indígenas de la Tierra Indígena Serra das Matas intensificaron sus acciones de presión a los organismos públicos, como la FUNAI, el IBAMA, la Defensoría Nacional de Derechos Humanos y el entonces recién creado Ministerio de los Pueblos Indígenas. Se esperaba que, con el cambio en el Gobierno Federal y con la nueva Presidencia de la FUNAI, se produjera un cambio en la comprensión de la institución en lo que respecta a su reconocimiento como afectados por el PSQ y, así, exigir la realización de estudios de impacto ambiental del proyecto en relación con el componente indígena. En este sentido, citamos i) la "Carta de urgencia y clemencia para que la Funai reconozca nuestra existencia en la Tierra

15 La coordinación elaboró la Información Técnica n.º 116/2022/COREM/CGID/DPT-FUNAI, tras comprobar que las aldeas más cercanas al Proyecto Santa Quitéria son las aldeas Sabonete y Quixaba (aproximadamente a 25 km), "sin embargo, la información presentada no permitió identificar a qué áreas reclamadas o en estudio pertenecen las aldeas". La Información Técnica de la CGID es la primera en citar expresamente el Dictamen Técnico elaborado por el Panel Académico sobre los Riesgos de la Minería de Uranio y Fosfato, un grupo interdisciplinario de especialistas de diferentes instituciones de enseñanza e investigación. En este contexto, menciona, citando el Dictamen, que: "hay pruebas de los impactos del Proyecto Santa Quitéria en municipios como Santa Quitéria, Itatira, Monsenhor Tabosa, Boa Viagem, Tamboril, Catunda, Madalena, Canindé y Sobral. También hay pruebas de impactos en los municipios de Caucaia y São Gonçalo do Amarante (cuyos territorios pretenden ser atravesados por el transporte del concentrado de uranio)". Este conjunto de municipios abarca las siguientes tierras indígenas: Tierra Indígena Serra das Matas, en estudio de identificación y delimitación; Tierra Indígena Kanindé de Canindé, área reivindicada; Terra Indígena Karão Jaguaribara - área calificada por la FUNAI; Terra Indígena Kanindé de Aratuba - área calificada por la Funai; Terra Indígena Anacé - en estudio de identificación y delimitación; Terra Indígena Tapeba - TI declarada (con Orden Declaratoria del Ministerio de Justicia); Reserva Indígena Taba dos Anacé - regularizada.

Indígena Serra das Matas", de 31 de octubre de 2023, remitida a la CGLIC y registrada en el Expediente FUNAI n.º 08087.001103/2023-91; ii) el Expediente n.º 08620.006892/2024-42, con la demanda de la Defensoría Nacional de Derechos Humanos (Oficio n.º 650/2024/CGOUVI/ONDH/MDHC), que remite denuncias de los pueblos indígenas sobre el Complejo Eólico Santa Clara y el Proyecto Santa Quitéria de Minería de Uranio y Fosfato (PSQ).

Esta articulación de la r-existencia tuvo como efecto que la FUNAI solicitara la realización de un nuevo trazado[16], con la actualización del análisis técnico cartográfico en lo que se refiere a las reivindicaciones territoriales o la revisión de los límites en el área de influencia del proyecto. En este proceso administrativo, se reunieron documentos importantes de presión del movimiento indígena, como la Nota de Posicionamiento de la Comisión de Medio Ambiente/CONDISI-CE Contra el Consorcio de Santa Quitéria y la Carta del Movimiento Potigatapuia, el 9 de abril de 2024, en las que ambos solicitan "el archivo inmediato del proceso de licencia ambiental del Proyecto Santa Quitéria por falta de consulta libre, previa e informada a los pueblos indígenas, las comunidades quilombolas y los pueblos y comunidades tradicionales afectados por este proyecto de destrucción y muerte".

En este contexto, el Ministerio de los Pueblos Indígenas (MPI), en referencia a la Carta del Movimiento Potigatapuia remitida a la Presidencia de la FUNAI mediante el Oficio n.º 2270/2024/MPI, solicita la participación y la manifestación de las Coordinaciones Generales de la FUNAI "para garantizar un enfoque integral y responsable en el proceso de licencia ambiental" del Proyecto Santa Quitéria, solicitando además que todas las etapas de la concesión de licencias se lleven a cabo de conformidad con la Política Nacional de Gestión Territorial y Ambiental de Tierras Indígenas (PNGATI) y el Convenio 169 de la Organización Internacional del Trabajo (OIT), teniendo debidamente en cuenta los derechos de los pueblos indígenas afectados.

En respuesta, la FUNAI remitió al MPI el Oficio n.º 1487/2024/DPDS/FUNAI, en el que destacaba que "las tierras indígenas más cercanas al proyecto se encuentran a más de 130 km, y la aldea más cercana de ubicación conocida (de la Tierra Indígena Serra das Matas) se encuentra a más de tres (03) veces la distancia recomendada en la PI n.º 60/15 en relación con el PSQ", y, por ello, "no se solicitaron medidas específicas relacionadas con el componente indígena de la licencia ambiental del proyecto". Por lo tanto, se mantiene la alineación con su posición inicial, reforzando los mecanismos de gestión de los conflictos ambientales que hacen que el debate técnico sea abstracto en cuanto a los efectos sobre los pueblos, silenciador de resistencias, monolítico en sus interpretaciones oficiales sobre los ritos y derechos involucrados, y negador de las múltiples experiencias de existencia que encuentran en el proyecto una amenaza a la vida que tejen cotidianamente.

16 Oficio n.º 98/2024/CGLIC/DPDS/FUNAI. En respuesta al Oficio de la CGLIC, se elaboró la Información Técnica n.º 539/2024/SECART/COCART/CGGEO/DPT-FUNAI, «informando que el área del Proyecto Santa Quitéria de Exploración de Uranio, ubicado en el municipio de Santa Quitéria/CE, se encuentra a aproximadamente 136 km de la Tierra Indígena Pitaguary, Declarada», sin mencionar las aldeas existentes en el área de influencia del proyecto.

CONSIDERACIONES FINALES

El análisis de las tramas de violencia rutinaria en el conflicto medioambiental con el Proyecto Santa Quitéria revela un conjunto de estrategias estatales y empresariales puestas en marcha para la producción de una nueva frontera, en el sentido propuesto por Pacheco de Oliveira (2021), de producción del dominio político para la destitución de derechos previos, el uso y la apropiación de recursos por parte de otros agentes económicos (Pacheco de Oliveira 2021: 18). Tal como describe el autor, en la creación de la frontera amazónica durante el período dictatorial y la búsqueda de su reapertura en el contexto actual, la construcción de la frontera en el semiárido de Ceará es objeto de una amplia articulación política, que pasa por alcaldes de la región, gobernadores, ministros, el presidente y la captura de agencias gubernamentales, como la FUNAI y el IBAMA. Del mismo modo, la retórica de los "objetivos estratégicos nacionales", impuestos sin debates públicos, transparencia y participación de las comunidades locales, es un elemento común entre las dos fronteras y actúa en el sentido de capturar la noción de interés público y producir la inexorabilidad de los proyectos.

En este proceso, las estrategias estatales y empresariales movilizadas para producir la invisibilidad y las violencias descritas anteriormente se valen de una inmensa asimetría de poder entre las partes de este conflicto ambiental. Los capitales material, político y simbólico, que poseen el Estado y las empresas, actúan conjuntamente para construir y mantener la hegemonía de sus perspectivas, sobre el proyecto y los territorios afectados. Esto se refleja en la amplia apertura que el Consorcio tiene con los principales periódicos impresos, del estado y de circulación nacional, que refuerzan la relevancia del emprendimiento para el desarrollo, reproducen información perversa y repercuten en el seguimiento de la concesión de licencias, y en el calendario para el inicio de las operaciones, tal como lo desean los empresarios. Lo mismo ocurre con el fácil acceso a los poderes ejecutivo y legislativo, municipales y estatales.

En la comunicación hegemónica sobre el conflicto, repercutida en estos medios, el rechazo al proyecto y sus consecuencias para la vida no se reconoce como tal, sino que se trata como un déficit de información sobre los supuestos beneficios del proyecto. Además de operar en las esferas de la comunicación y el conocimiento, la violencia simbólica y la desposesión de lo político se extienden a la seguridad y la soberanía hídrica de las poblaciones del semiárido de Ceará, a los modos de vida y a las estrategias de producción de la vida, del cuidado y, en consecuencia, de la salud de las poblaciones afectadas.

En este escenario de desigualdades e injusticias ambientales, la organización diversa del movimiento indígena y la formación de un amplio arco de alianzas son elementos que se destacan, por la desestabilización producida en la gobernanza del conflicto. El movimiento indígena tiene, como elementos constitutivos de su intervención política, la congregación de diferentes pueblos en defensa de sus territorios, la participación activa en los Distritos Sanitarios Especiales Indígenas (DSEI) y en la Educación Escolar Indígena; y la difusión de sus culturas en los dif-

erentes espacios políticos en los que participa, con canciones, cordeles, ilustraciones y rituales. Además, mantiene un diálogo constante con otros movimientos sociales y una construcción activa de redes, como las responsables de la organización anual del Campamento Terra Livre, la Articulación Antinuclear de Ceará y la Articulación Antinuclear Brasileña.

Del mismo modo, cabe destacar la forma de organización política territorializada y basada en el fortalecimiento de los pueblos y sus identidades, como se observa en la centralidad –para el Movimiento Potigatapuia– de la valorización de la lengua indígena, la espiritualidad y los rituales, subrayando la producción de identidades sociales y el enfrentamiento simbólico entre distintos sistemas de valoración. Esto también se observa entre los pueblos de *terreiro* que participaron en los debates sobre el PSQ, y que subrayan que el impacto de la deforestación de la *caatinga*, propuesta por el proyecto, no puede evaluarse correctamente sin tener debidamente en cuenta la agresión a la naturaleza y a las entidades que viven en esos bosques, y cómo estas intervenciones amenazan los fundamentos que sustentan la espiritualidad local. Una síntesis de estas distintas cosmovisiones que resisten al proceso sistemático de invisibilización es la enunciación, por parte de estos pueblos, del PSQ como un proyecto de muerte, que afecta directamente a la espiritualidad y a las formas de vivir y morir de los pueblos de la región.

Así, este estudio contribuye al debate académico y político sobre las estrategias estatales y empresariales para la invisibilización de los grupos sociales directamente afectados, en particular, las comunidades campesinas e indígenas, y ofrece aportaciones para futuras investigaciones y para la formulación de estrategias de resistencia e incidencia política. Al poner de manifiesto los mecanismos de invisibilización y los retos a los que se enfrentan las comunidades, se reafirma la importancia de fortalecer la organización social y la justicia ambiental como principios fundamentales para hacer frente a la violencia en los conflictos ambientales.

Translated by Federico Lavezzo.
Received: February 20, 2025.
Approved: June 26, 2025.

Declaración de disponibilidad de datos

Los datos analizados en este estudio corresponden a registros administrativos públicos disponibles en los Sistemas Electrónicos de Información del Instituto Brasileño del Medio Ambiente y de los Recursos Naturales Renovables (IBAMA, Proceso nº 02001.014391/2020-17) y de la Fundación Nacional de los Pueblos Indígenas (FUNAI, Procesos nº 08087.001103/2023-91 y nº 08620.006892/2024-42). El acceso a estos datos está controlado y puede concederse mediante el registro de usuario externo, de acuerdo con las directrices ofrecidas por estas instituciones.

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Black Brazilian Anthropology

Introduction to the Black Brazilian Anthropology dossier

Introdução ao Dossiê Antropologia Negra Brasileira

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e00800
https://doi.org/10.1590/1809-4341.2025v22e00800

Introduction to the Black Brazilian Anthropology dossier

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PLURALISING BRAZILIAN ANTHROPOLOGY: A CONTRIBUTION FROM VIBRANT

Some of the features of this dossier set it apart from *Vibrant*'s regular issues. Unlike the traditional format where articles are concentrated around a specific thematic question, under the coordination of specialists in the field, the present proposal arises from an institutional concern among the journal's editorial team during the period from January 2017 to January 2025, echoing wider tendencies within the Brazilian Anthropological Association itself: namely, the need to expand the ethnic-racial diversity of the authors who publish in a journal with *Vibrant*'s vocation of disseminating Brazilian anthropology in international contexts.[1] Furthermore, the dossier benefitted from prior funding for the translation of its texts, which further distinguishes it from the journal's usual editions. In terms of its organisation, it is worth highlighting that Vinícius Venancio, a black anthropologist[2], and Andréa Lobo, a white anthropologist, have jointly assumed this responsibility, reflecting a commitment to a plural approach to the issues of diversity that traverse academic production in anthropology.

A crucial moment in this trajectory occurred with the expansion of *Vibrant*'s presence on social media following the entry of Vinícius Venancio as co-editor for scientific outreach at the end of 2021 during the editorial term of Antonio Carlos de Souza Lima and Andréa Lobo.[3] The scientific outreach strategy sought not only to promote newly published articles but also to revisit texts from previous issues, thereby amplifying the journal's potential readership. It was precisely during this process of curating and disseminating the archive that the

1 The journal was created by Gustavo Lins Ribeiro in 2004 as a publication of the Brazilian Anthropological Association (ABA) with the aim of disseminating Brazilian anthropology beyond the borders of the Portuguese language. Since its inception, therefore, *Vibrant* has published exclusively in foreign languages – English, Spanish or French – a requirement that reflected a moment when the internationalisation of Brazilian anthropological scholarship was seeking different pathways for its consolidation.

2 Between 2023 and 2024, Vinícius was a member of the Committee of Black Anthropologists of the Brazilian Association of Anthropology, and between 2018 and 2023, he was a member of the Zora Hurston Collective of Black Students from PPGAS/UnB.

3 A synthesis of the initiatives undertaken over the course of the two anthropologists' term as editors-in-chief of *Vibrant* can be found in Lobo, Lima and Venancio (2024).

question of the ethnic-racial and age diversity of published authors emerged as an issue to be addressed in the context of a journal linked to the Brazilian Anthropological Association and committed to the aforementioned internationalist vocation.

In addition to disseminating articles on topics at the 'crest of the wave' of public debate in Brazil – including indigenous land demarcation, religious intolerance and the INCRA/FUNAI Parliamentary Committee of Inquiry, among other themes – we also made use of commemorative dates, such as the Day of Indigenous Peoples, Black Consciousness Day and the Day of Afro-Latin American and Afro-Caribbean Women, to bring texts produced by anthropologists from minoritised groups to wider public attention, increasing the visibility of their work on our platforms too.

On Black Consciousness Day in 2022, therefore, we found ourselves facing an issue that required deeper consideration when we realised the small number of articles published by black and indigenous authors in *Vibrant*.[4] Even though there was already a solid number of black scholars holding doctorates in Anthropology, their low presence among the journal's authors could be explained by one factor: given the limited resources available to *Vibrant*, the translation of articles submitted for publication must be funded by the authors themselves and although there has been a visible – albeit still modest – increase in the number of black academics in the field of anthropology, the proportion of those affiliated to postgraduate programmes in anthropology was still low at the end of the 2010s (Candido, Feres Junior and Campos 2018).[5] This meant that collectively they had fewer resources and, as a further consequence, the internationalisation of their publications was hindered, if not rendered unfeasible.

If the situation in relation to black anthropologists was already clearly an issue, it become even more problematic when we turned to indigenous anthropologists, as there were simply no indigenous-authored articles in *Vibrant*. So, exploring alternatives that might enable the publication of texts written by black and indigenous anthropologists, we contacted the Wenner-Gren Foundation for Anthropological Research, a US philanthropic institution, to explore the possibility of submitting a proposal to its annual Global Initiative Grant call in 2023.[6]

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4 Although these articles circulate predominantly around themes concerning black communities, it is worth noting the thematic diversity of the publications by black anthropologists appearing in *Vibrant*. Their research addresses topics such as: commercial practices among black women in the Colombian Caribbean (Freire 2020); the use of fire in quilombola environmental conservation in Jalapão (Fagundes 2019); contributions to anthropology made by the Haitian intellectual Louis-Joseph Janvier (Déus 2024); perspectives on slavery reparations and the production of human rights for the black Brazilian population (Pinheiro 2018, Dias 2024); and even the debates surrounding abortion and sexual minorities during the Bolsonaro government (Luna 2023) – the latter focusing on racial issues less centrally than the preceding examples. This brief survey illustrates the thematic plurality that, while taking race as a central element, nonetheless generates multiple perspectives on the societies in which these studies are conducted.

5 Although Brazilian anthropology has achieved a high degree of gender equity within the academy – the only social science in which women outnumbered men among postgraduate teaching staff at the end of the 2010s (Candido, Feres Junior, Campos 2018) – the process of achieving ethnic-racial equity still requires much sustained effort. Perhaps the most telling indication of this imbalance is the fact that the Brazilian Anthropological Association will have its first black president – heading the oldest scholarly association in the human sciences – only in 2025, the year in which ABA celebrates its seventy-fifth anniversary.

6 The funding report is available here: https://wennergren.org/article/global-initiatives-grant-report-publishing-indigenous-and-black-brazilian-anthropologists-in-foreign-languages-a-vibrant-project/ Consulted 3 November 2025.

In parallel to the ethnic-racial question, the two dossiers respond to a second concern of the editorial committee: the need to foster the internationalisation of young early-career anthropologists whose academic trajectories have not yet been institutionally consolidated within anthropology departments, thereby intersecting career stage and ethnic-racial background during this initial moment. Acknowledging that international publication circuits tend to privilege already established researchers with extensive collaborative networks and mastery of the codes of transnational academic circulation, our aim has been to create the conditions for recently graduated black and indigenous anthropologists to have their work translated and disseminated internationally. In this way, the prior funding for the translation of articles not only made publication technically feasible but also constituted a strategic investment in democratising access to spaces of global academic visibility, contributing to the construction of careers less dependent on symbolic capital and pre-existing networks.

Aiming to publish two dossiers – one composed of articles by black anthropologists and the other by indigenous anthropologists who had recently completed their doctorates – we therefore submitted the project *A Vibrant Project: Publishing Indigenous and Black Brazilian Anthropologists in Foreign Languages*, which was approved and provided the funding for translation of the articles presented here. Once again, the intention of *Vibrant*'s general editorial team was to create new ways of mitigating the inequalities reproduced in the sphere of foreign-language publication and, in line with its mandate, to serve as a vehicle facilitating the engagement of early-career black and indigenous Brazilian anthropologists with international specialised journals, while also signalling the need for affirmative actions in the domain of research support and publication.

With the funding secured, we began organising the two dossiers. As already noted, the choice of target audience for the calls was designed from an intersectional perspective. In addition to making ethnic-racial background our central element, we also chose to emphasise generational and career position. Our idea was that the dossiers should publish the work of doctoral candidates and scholars who had recently completed PhDs in anthropology, thereby strengthening their CVs and enabling them to be more competitive in postdoctoral selections and academic job competitions in higher education.[7] By selecting doctoral candidates and recent PhD holders as the priority group for the call for articles, we aimed to support those groups of junior academics facing the biggest obstacles in accessing funding – especially given the fact that Brazil had only just emerged from the government of Jair Messias Bolsonaro, a period during which very few resources had been made available for the production of academic journals.

Another central element in preparing the dossier published here was the need to make explicit to potential authors that we were not seeking to receive work focused on racial issues exclusively. We adopted this stance because we take seriously the tension identified by Luena Pereira (2020), namely that black researchers are not and should not be limited to the field

7 On the difficulties and barriers to accessing academic posts in higher education, see Alencar (2021).

of racial studies. If the political commitment of black movements in Brazil involves understanding black people in terms of the plurality of their existences, identities and affiliations, then within anthropology too we need to recognise the diversity of their scientific interests – which may well intersect with racial questions, as we shall see below, but do not necessarily position these issues as the axis around which their careers revolve.

Still thinking in terms of ethnic-racial equity, our aim was to invite potential reviewers who were attuned to these themes, likewise committed to affirmative action and able to offer pedagogical feedback to the manuscripts – even if the texts were ultimately not approved for publication – without compromising scholarly rigour. This stance reflected an understanding that, as Zora Hurston (2019) has highlighted, racial commitment can itself become an impediment to bringing certain stories and ethnographies produced by black researchers into view.

Securing non-white reviewers was also a deliberate decision, based on our understanding that, although constituting 'invisible' work, peer review is a central element in career-progression assessments in many universities and even in academic hiring competitions. Serving as a reviewer for an 'A1 journal' – as *Vibrant* has been categorised by the recently reconfigured Qualis/CAPES evaluation system – may not yield immediate material resources, but it generates other forms of capital that are significant for producing distinction within the scientific field.

We believe these efforts replicate SciELO's recent editorial policies, which have called for an increased plurality of gender, regional and ethnic-racial backgrounds, both in the composition of editorial committees and boards and in the profile of authors, as well as more wide-ranging commitments to best scientific practices beyond the field of anthropology. Pursuing its mission to make the anthropology *made in Brazil* available to wider readerships, in recent years *Vibrant* has committed to publishing anthropology in its multitude of different networks, voices and bodies and in the diversity expressed in its bibliographic references and reviewers.

ANTHROPOLOGIES MADE BY BLACK HANDS

In recent years, we have witnessed an important shift within Brazilian universities and, consequently, in the anthropology produced in the country (Pereira 2020, Leal, Sanabria and Cariaga 2021, Mateus and Gomes Varjão 2023) – a shift that has accompanied transformations in racial self-identification in Brazil (Pinho 2019). With the expansion of affirmative-action policies in undergraduate and postgraduate programmes and, more recently, in academic hiring, our discipline has started to undergo an intense transformation in its canons and lines of research questions, along with other areas (Pereira 2020). In Trouillot's terms (2016: 69), the change – albeit still partial – in the agents and actors occupying positions of power has made possible a retelling of the history of anthropology through the canonisation of other figures whose lives and work had been silenced.

Black mobilisation within Brazilian anthropology has given rise to spaces of collective political-academic struggle and construction. One of the most significant was the founding of the

Committee of Black Anthropologists, which emerged from the discussions and initiatives developed during the 31st Meeting of Brazilian Anthropology in Brasília (2018) and was renamed the Committee of Black Brazilian Anthropology in 2025.[8] Equally noteworthy are the initiatives promoted by students who, across different postgraduate programmes in Brazil, have formed collectives of black (and/or indigenous) anthropologists with the aim of creating *quilombamento* spaces.[9]

All this black (and indigenous) mobilisation has made it possible to question the notion that there is a white 'we' studying a non-white Brazilian 'other' (Pereira 2020). Instead, we have a shift from the black person as a problem, an 'object of research,' someone ambiguously exotic and familiar, to the black agent, actor and subject of anthropological inquiry (Pinho 2019). Put otherwise, in the words of Guerreiro Ramos:

> There is the theme of the black person and there is the life of the black person. As a theme, the black person has been, among us, the object of dissection perpetrated by men of letters and by so-called 'anthropologists' and 'sociologists.' As life, or as an effective reality, so-called black people have been assuming their own destiny, have been making themselves, according to the particular conditions permitted by Brazilian society. But the black-person-as-theme [*negro-tema*] is one thing; the black-person-as-life [*negro-vida*] is another. The black-person-as-theme is something examined, scrutinised, looked at – at times as a mummified being, at others as a curiosity, or in any case as a mark, a feature of national reality that attracts attention. The black-person-as-life, though, is something that refuses to be immobilised; elusive, prophetic, multiform – of which, in truth, no definitive version can be given, for it is today what it was not yesterday and will be tomorrow what it is not today. (Guerreiro Ramos 1995: 215)

By pluralising the profile of anthropologists, the so-called 'national alterities' perform two important movements. The first is to confront a certain type of anthropological production with the mirror of race (Pinho 2019)[10] and ethnicity (Baniwa 2023: 49). The second is to sharpen the

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8 As stated on ABA's website: 'In March 2019, following the 31st Brazilian Anthropology Meeting at the University of Brasília in December 2018, this Committee was created with the primary objective of highlighting the (re)existence of black intellectuality in Brazilian anthropology. Our work is grounded in the centrality of the anti-racist struggle within the Brazilian Anthropological Association, supported by a diverse, plural and inclusive scientific and academic practice committed to ethics; to the defence of social groups that are ethnically and racially differentiated and historically marginalised; to human rights, democracy and free public education; and to the autonomy of scientific practice and scientific and academic institutions. By advising ABA, this movement seeks to expand the association's intellectual field through the involvement of black professors, researchers, students and professionals working in higher, secondary and primary education, federal and technical institutes, and other organisations and bodies that host anthropological expertise. Furthermore, through national and international academic-scientific partnerships, and in close cooperation with civil-society organisations and social movements, we aim to strengthen the institutional standing of ABA and this Committee' Available at: https://portal.abant.org.br/comissoes-e-comites/ (accessed 24.09.2025). A brief account of the committee's history can be found in Dias (2021).

9 In a survey conducted by Venancio and Lima e Silva (2021: 5) in early 2022, the following groups were identified: the Zora Hurston Collective (PPGAS/UnB), the Marlene Cunha Collective (PPGAS/MN), the Negritude/NEAN OJU OBÁ Collective (PPGA/UFPB), the Negra Coletividade Collective (PPGAS/UFRGS), the Guerreiro Ramos Black Collective (PPGSA/UFRJ), and the Afro-Indigenous Collective (PPGAS/UFSC).

10 In an inspiring article, Amitav Acharya (2022) demonstrates how race and racism are linked to the foundation of the modern world as we know it and, more importantly, how they played a central role in the development of the sciences of colonialism, namely anthropology, international relations and geography. These disciplinary fields also tend to gloss over their contribution by producing silences in their institutional histories (Henderson 2013; Pinho 2019, Pereira, 2020).

movement producing a more diverse and critically engaged anthropology. In this way, when 'national alterities' insert themselves at the centre of the debate without mediation, we witness the construction of 'an inclusive anthropology, welcoming of diversity and of the plurality of worldviews and epistemologies, [which] necessarily requires a critical re-reading' (Baniwa 2023: 50).

These changes have also altered the profile of members of the Brazilian Anthropological Association.[11] In terms of the ethnic-racial background of ABA's affiliates, 503 black and brown are registered, which represents 25.6% of all active members (1,964 in total), plus a further seven who self-identify as members of quilombola communities.[12] Among black and brown affiliates, 205 are cisgender men, 221 cisgender women, 4 agender persons, 8 non-binary persons, 1 travesti, 61 did not provide information, and 2 indicated the category 'other.' In relation to membership categories, 296 are full members, 171 postgraduate members, 18 associate members, 16 collaborating members and 1 undergraduate member. Here, the numbers are similar when compared to associates who self-identify as white, with the exception of the full-member category, where white members account for 765 affiliates. Finally, in terms of region of residence, 160 were based in the Southeast, 147 in the Northeast, 87 in the North, 53 in the Centre-West and 47 in the South, while 8 did not provide this information.[13]

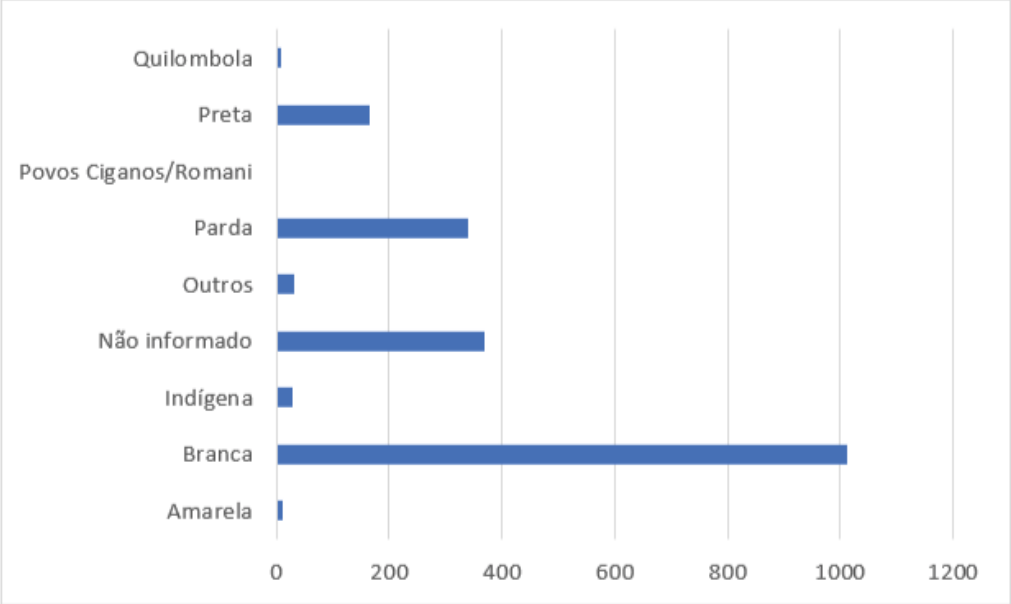


Figure 1. Ethnic-racial self-identification data of affiliates of the Brazilian Anthropological Association (ABA) as of 25 September 2025.

11 We thank the ABA Secretariat staff – specifically Carine Lemos, Roberto Pinheiro and Silvane Xavier – for making available the data on the association's membership profile, which has allowed us to present it to our reading public in this introduction.

12 Among the quilombola members, six are cisgender women and one did not provide a gender self-identification. Five are postgraduate members, while two are full members. Their region of residence is concentrated in the North (3) and Northeast (4) of Brazil.

13 Since 369 associates (18.8%) have not updated their ethnic-racial self-identification with ABA, the figures presented here may be subject to some fluctuation.

In terms of anthropology made by black hands, several important transformations have taken place within our disciplinary field. The most visible of these has been how, in this process of epidermal pluralisation, new names have begun to populate course bibliographies and the references contained in articles, monographs, theses and dissertations. Multiple processes of *reintegração de posse*, or restoration of presence,[14] enacted by black scholars in anthropology have been seeking to diversify 'intellectual citizenship' (Tambascia, Peixoto and Rossi 2025: 9) by reintegrating those who were barred during the historical production of intellectual legitimacy (Teixeira and Cunha 2023). Perhaps the most central of these has been the recovery of the thought of Lélia Gonzalez (Ratts 2022),[15] which issues an invitation to subvert the subaltern position to which black populations have been historically assigned and to claim a position of (self-) enunciation (Gonzalez 1984). This (self-)enunciation is not undertaken in individualized form.

Observing this collective trajectory, it is impossible not to mention the political struggle of undergraduate students at the Federal University of Espírito Santo who, organised in the Coletivo Negrada, demanded the institutionalisation of epistemological quotas on the courses making up the Social Sciences degree curriculum. This mobilisation led to the creation of the course '"Whites leave, blacks stay": an introduction to the anthropology of black authors,' taught by Messias Basques, then a temporary lecturer at the institution (Basques 2022). The innovative and subversive character of the course prompted the Brazilian anthropological community to reflect on why we read *these* classics in the first place (Teixeira and Cunha 2023).

From this political-academic effort emerged the anti-racist project *Vozes Negras na Antropologia* (Black Voices in Anthropology) led by Messias Basques. As well as expanding the discussion to other universities,[16] the initiative also enabled the production of translations for didactic use of authors not previously published in Brazil, such as Antenor Firmin (1850-1911), Zora Hurston (1891-1960), Manuel Zapata Olivella (1920--2004), Jomo Kenyatta (1897-1978) and Safi Faye (1943-2023), democratising access to their work. Brazilian authors were also included, Manuel Raimundo Querino (1851-1923) and Edison Carneiro (1912-1972) among them.[17]

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14 Legally the term *reintegração de posse* (literally 'restitution of possession') designates the restoration of land or property to a rightful owner. In using the term here, we draw inspiration from the historical-photographic exhibition *Reintegração de Posse: Narrativas da Presença Negra na História do Distrito Federal*, launched in September 2019 at the National Museum of the Republic (Brasília/DF) and coordinated by Ana Flávia Magalhães Pinto, professor of the Department of History at the University of Brasília. The central aim of the exhibition was precisely to break the silence surrounding the black presence in the construction of Brazil's federal capital, demonstrating – just as black anthropologists have been doing in our disciplinary field – that there is no history of the Black Atlantic that has not also been built by black hands.

15 Lélia Gonzalez gives her name to the prize established at the 32nd RBA by what was then the Committee of Black Anthropologists, created to honour works produced by black anthropologists undergoing university training. The list of awardees – at undergraduate, master's and doctoral levels – can be found at: https://portal.abant.org.br/premio-lelia-gonzalez/ (accessed 24 September 2025).

16 Following its initial version, *Vozes Negras na Antropologia* has been offered at other Brazilian universities, including Unilab (University of International Integration of Afro-Brazilian Lusophony), USP (University of São Paulo) and UFF (Fluminense Federal University).

17 More information on the project is available at https://www.vozesnegras.com/ Consulted 24 September 2024.

On the way, the black presence at the very founding of ABA in the person of Josildeth Gomes Consorte – awarded the Roquette Pinto Medal in 2008 – was remembered was celebrated,[18] along with the important contributions of the intellectual-sorcerer Edison Carneiro to Ruth Landes's work on the Candomblé houses of Salvador (Rossi 2015) and the pioneering work of Marlene Cunha on gesturalism and the body in Angola Candomblé (Cunha 2022). It seems to have been this process of allowing such voices to resound within a pervasive silence that has proven so disquieting.

Another central transformation engendered by the black (Chagas *et al*. 2022) and indigenous (Cruz 2017) waves in rethinking anthropological practice relates to fieldwork. During a global moment in which demands for positionality statements – that is, reflections on how the social markers of domination inscribed in our bodies shape the process of data production[19] – have been steadily growing, black anthropologists have also emphasised racial belonging as a site of methodological reflection.[20]

In this context, ethnographic research carried out by black scholars tends to illuminate three types of scenarios (frequently from an intersectional perspective attentive to gender, class and sexuality): i) investigations conducted in Brazilian urban settings, showing how race prevents black anthropologists from 'passing as natives' or, in some cases, leads to their being perceived as a disruptive presence in the field because they are black (Castro 2022); ii) research that unsettles the classic 'national alterity' in Brazil – that is, when black anthropologists conduct fieldwork in indigenous communities and, by virtue of bodies that diverge from the typical profile of indigenist anthropologists, generate different exchange relations and forms of identity construction (Fonseca 2021: 24); and finally, iii) research conducted in other national contexts, which may reinforce (Araújo 2020) or displace the racial belongings of the researchers (Rodrigues Jr. 2019, Pereira 2020) – in both cases, not without tensions. Thus, the anthropologist's body transitions from a condition in which their presence is taken as un-gendered and un-racialised to one that occupies a central place in the methodological procedures of research.

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18 A new honour has recently been created by the ABA, the Josildeth Gomes Consorte Medal.

19 Although Brazilian academia has largely adopted the term 'social markers of difference' to conceptualise the structuring elements of society that produce hierarchical relations marked by various forms of violence, here we use the notion of 'social markers of domination,' taken from the Francophone tradition (Calvès, Dial and Marcoux 2018). We justify this choice because we believe that the idea of 'difference' can reproduce a softening of violence – an intellectual legacy of *lusotropicalismo* – that the term 'domination' by contrast exposes. For readers wishing to explore this discussion further, see Venancio (2024: 18).

20 This movement of interrogating how our bodies shape fieldwork is not new – whether to anthropology more generally, with Evans-Pritchard's (2005) reflections on being a man in the field appearing as early as the 1970s, or to the anthropology conducted in Brazil, as seen in the collection *Entre Saias Justas e Jogos de Cinturas*, organised by then doctoral candidates Aline Bonetti and Soraya Fleischer (2007), on the specificities of being a woman and an anthropologist in the field. However, what these works do not contain is precisely an intersectional perspective that considers race, alongside gender, as a potentially disruptive element in fieldwork. By contrast, Anahí Guedes de Mello (2019), in her doctoral thesis, highlights another normativity within anthropological practice: that of non-disabled bodies. By foregrounding the deafness of Ruth Benedict and her own, Mello sheds light on a dimension seldom explored within our discipline.

Authors such as Luciana Dias (2021) have referred to this constellation of efforts and productions as Black Anthropology – as reflected in the new name of the ABA committee – which, although presented in the singular, does not lose sight of the polysemy and polyphony of its subjects and agents (Dias 2021: 3). As the emerging body of work suggests, *Black Anthropologies* (Damásio *et al*. 2025) expand the canon, prompt reflection on fieldwork and broaden the imaginative horizons of anthropology. As Audebert and colleagues (2022) aptly note, this is a moment and an opportunity for renewal and reflection. We turn now to the black hands that compose the dossier and to the themes addressed in their texts.

THE ARTICLES COMPOSING THE DOSSIER

The article 'The police who kill and die the most: radical controversies on state violence and the struggles of victims' families' by Matheus Almeida opens this dossier. The author examines a discursive confrontation that occurred at an event involving the Mothers of May Independent Movement and a black left-wing parliamentarian. In this context, he analyses how the familiar phrase 'the Brazilian military police are the ones who kill and die the most worldwide' is re-signified by the mothers of victims, who narratively shift the pole of 'those who die the most' away from the police institution and towards the victims of state lethality. Extrapolating from a specific ethnographic situation – the debate surrounding a bill proposing psychological support for police officers as a means of reducing police violence – the article then demonstrates the polysemy of narratives about violence within public-policy fields concerned with security and reparation.

The text provides an important contribution to debates on state violence by bringing to the centre of the analysis the abolitionist perspective of movements of families of victims. Almeida blends with sophistication different analytical dimensions – the anthropology of violence, studies on autonomous social movements, theories of the state, and penal abolitionist thought – and shows the antagonism between reformist and abolitionist projects for tackling police violence. The article offers readers an important reflection on the limits of so-called progressive public-security policies and on the need to consider the protagonism of mothers of victims in the development of institutional responses to the genocide of the black population in Brazil.

In his reflections on the Black Catholic Movement in Brazil, Rosenilton da Silva Oliveira investigates how the Brazilian Catholic Church has incorporated elements of Black activism, promoted actions to combat racism and adopted symbols of African heritage in its liturgies. Drawing on ethnographic research the author describes as multi-sited – having followed the activities of the Afro-Brazilian Pastoral Ministry, the Instituto Mariama and the Group of Black and Indigenous Religious Men and Women – the article analyses three central dimensions: the formation of the Black Catholic Movement since the 1970s; the development of

Afro-Brazilian liturgies; and the institutional dialogues established between Catholics and religions of African origin, especially Candomblé and Umbanda.

The article presents an analysis of how black Catholic agents operationalise symbols of African heritage within political and religious practices, arguing that by incorporating elements of African-derived religions as 'black culture,' the Afro-Brazilian Pastoral reinforces the view that the terreiros have preserved these heritages in Brazil. Oliveira articulates in a highly original way debates on ethnic-racial identity, liberation theology and interreligious dialogue, demonstrating how the construction of a 'Church for Black people' involves complex negotiations between autonomous activism and ecclesial institutionalisation. The article makes a fundamental contribution to understanding contemporary forms of Black Catholicism in Brazil and the rearticulations between religious belonging, racial identity and liturgical practice.

Taken together, the two articles highlight the narrative disputes surrounding state violence, black identity and historical reparation that traverse different spheres of Brazilian social life. If Almeida's text reveals the fractures between competing political projects in the field of public security, Oliveira's shows us how 'liturgical inculturation' operates as a device for the blackening of the Catholic Church, articulating Christian theological frameworks with principles drawn from African (cosmo)perceptions. In both contexts, despite their substantial differences, we can reflect on how black actors mobilise political and symbolic strategies to claim recognition and institutional transformation while maintaining their critical autonomy.

The text 'Ethnic–racial relations: what we can learn from the notion of the crossroads' by Humberto Manoel de Santana Jr. deepens the reflections on black identity, difference and institutional transformation present in the preceding texts, shifting the debate onto epistemological terrain. While the first two authors show how black agents negotiate with institutions of the state and the Catholic Church, Santana Jr. proposes a different approach by questioning the terms through which these negotiations have been conceived. Setting out from a provocation regarding the role of white academics in ethnic--racial studies, the author rejects any hasty or dichotomous response, opting for a path he describes as a 'slow-motion anthropology' that prioritises the notion of relation. Taking inspiration from his ethnography with various Pombogiras (Dona Maria, Dona Mulambo, Dona Padilha and Dona Sete Saias), the text explores a dialogue between Nego Bispo's thought on confluence, Isabelle Stengers' cosmopolitical proposition and the philosophy of the crossroads, allowing us to understand persons as spiritual compositions and ethnic-racial relations as movements across different modes of thinking.

Here we can highlight the author's methodological and epistemological manoeuvre of displacing the body so as to privilege the movement between the spiritual and the embodied, showing how the Pombogiras construct relations on the basis of the compositions that each person represents. Santana Jr. argues that the crossroads offers a philosophy that allows the encounter of difference without erasing it, standing in sharp contrast to colonialist thought, which engages with difference through elimination and destruction.

Adding to the previous texts that analyse the tensions between autonomy and institutionalisation in specific fields (public security and Catholic religion), Santana Jr.'s article proposes a form of learning between academic knowledge and the organic knowledge of terreiros and quilombos about how to place differences in relation. By asking whether we are willing to overturn certainties and rethink of ethnic-racial relations effectively *as* relations – as movements rather than as static points in opposition – the author invites us to reflect on the epistemic and political pathways of contemporary anti-racism, complementing the previous analyses of black political agency with an interrogation of the very foundations of academic thought.

Ana Clara Sousa Damásio dos Santos and Miguel Antonio dos Santos Filho, in their text entitled 'Death in the field: ruptures, ethnographic rearrangements and reflections on producing anthropological knowledge,' shift the discussion about black identity, difference and relationality onto the methodological and epistemological terrain of anthropological production. Following this line of inquiry, the article reflects on how the death of interlocutors affects not only the social relations within ethnographic fields but also the production of anthropological knowledge itself. Based on research carried out in Canto do Buriti, in Piauí state, Brazil, and in Timor-Leste, the authors analyse how the deaths of Rebinha, a black woman who was the eldest member of her kin group, and Dino, a Timorese man, open up new analytical possibilities for studying kinship, reciprocity and the constitution of the person as a social phenomenon.

The authors propose thinking about death not only as a disruptive event that brings a life course to an end, but also as a phenomenon that initiates a series of relational dynamics that reconfigure sociabilities and ways of experiencing the research field. They demonstrate how the deaths they narrate reveal the nuances of kinship relations, make evident the obligatory dimension of reciprocity and render explicit local understandings of personhood in contexts where death generates familial frictions over the distribution of goods or manifests the continuity of ritual obligations. By proposing that the theoretical-analytical potential of funerary events extends beyond the sphere of affects and emotions, the article contributes substantially to debates on ethnographic methodology and anthropological theory, complementing the discussions in the preceding texts on black agency, Afro-Brazilian epistemologies and relationalities by showing how death – as a privileged social phenomenon for theoretical reflection – reconfigures not only the lives of research participants but also ethnographies themselves and the production of knowledge within the discipline.

The next article continues the geographical expansion into international ethnographies that have increasingly marked Brazilian anthropological production. Jaqueline de Oliveira e Silva presents an ethnography of performative practices in northern Mozambique, maintaining a dialogue with the questions of identity, difference, relationalities and ethnographic methodology explored in the preceding texts. Drawing on research conducted with five tufo groups – tufo being a dance practised mainly by Makua women in community associations

– the author analyses the layers involved in learning and teaching, the dynamics of sociability and the poetic-musical performances, focusing on how these unfold within Makua social life. The text traces narratives that connect tufo to the practices of Islamic Sufi brotherhoods (*díquiri*, *brazandi* and *mawlidi*) who arrived on the Swahili coast between the seventh and nineteenth centuries, demonstrating how the dance shifted from the mosques to community associations from the 1960s onwards, becoming reconfigured as a space of mutual support, counselling and the circulation of women.

Jaqueline's article offers an approach that weaves together dance, kinship, reciprocity and the constitution of personhood in a matrilineal setting, productively conversing with earlier discussions of relationalities and situated epistemologies. She demonstrates how tufo associations update ancestral functions of the Islamic confraternities, integrating a role of counselling into the dance that encompasses themes such as marriage, sexuality, public health and family relations. The analysis of the songs – classified as celebratory, critical, historical and advisory – reveals how dance creates, reinforces and renews social values, constituting itself not merely as a cultural expression but as a living practice that forms part of the Makua fabric. By positioning herself as a black woman researcher and as an exponent of Afro-Brazilian dance, the author offers reflections on the specificities of racially situated anthropological practice in the African context, contributing to the mosaic of ethnographic knowledge on African performance practices and complementing the methodological and epistemological discussions contained in the preceding articles on the production of anthropological knowledge and conceptual crossroads.

'Sonic politics: technique, work and musical production in funk carioca' by Dennis Novaes brings us back to the Brazilian setting and questions of class, race, technique and the creative economy through musical production in Rio de Janeiro's favelas. Drawing on fieldwork conducted especially with DJ Bel from Cidade de Deus, the author analyses how DJs and MCs design sonic forms that challenge the hegemonic music industry through the use of specific production techniques. The article offers a historical overview of funk carioca from the *bailes black* of the 1970s to the 150 BPM movement of the 2010s, demonstrating how technical, stylistic and thematic transformations are connected to different circuits of musical production and consumption.

Novaes's text connects anthropological theory with studies of music, capitalism and the African diaspora, showing how favela studios materialise different levels of commodification and regimes of exchange. By considering the activities of artists as simultaneously 'technologies of enchantment' and labour within a capitalist context permeated by dimensions of class and race, Novaes contributes to debates on black agency, survival and 'counter-rationalities' in the peripheral zones of the city. The article dialogues with various other discussions running through the dossier – namely, questions concerning situated epistemologies, relationalities and ethnographic methodology –demonstrating how Afro-diasporic performative practices (remix, bricolage, appropriation) create sonic worlds that defy hegemonic standardisations,

even as their creators continuously negotiate between different economic circuits in order to secure their livelihood through art as work.

The final three articles in the dossier continue to offer methodological and epistemological reflections that challenge established disciplinary traditions. In 'A critique of the anthropology of knowledge: experience and research,' Luís Felipe Cardoso Mont'mór articulates Tim Ingold's provocative reformulations of anthropology as education with debates on ethnography and autoethnography, questioning the boundaries between academic and local traditional knowledge. Drawing on his experience as both practitioner and researcher of Capoeira Angola and Jurema, Mont'mór problematises the status of the apprentice in these contexts, highlighting how power relations, hierarchies and technical status permeate processes of learning and knowledge production. The article invites us to consider the researcher's double insertion as a privileged locus for epistemological reflection.

In addressing themes such as the filtering processes that determine who continues or abandons the practice of capoeira, the segmentation of groups following conflicts between masters and disciples, and the complex relationship between learning and the recognition of status, the author shows how knowledge traditions are sustained through social relations that are simultaneously conflictual and collaborative. The article complements the discussions developed in the preceding texts on situated research, relationalities and ethnographic methodology by demonstrating how knowledge operates through processes that integrate body, technique, status and social transformation.

Moving towards the conclusion of this group of articles, we have the fascinating research by Ana Cecília Tonca Campos, who, in the study, 'Politics of exoticisation: elephants, zoos and eugenics in colonial fractures,' presents an ethnography that connects environmental and colonial questions through the presence of elephants in South American zoos. Describing the lives of three elephants, the author develops a critical analysis of how zoos, ever since their emergence in the nineteenth century, have been entangled with hygienist policies, scientific racism and the construction of ideas of a white and civilised humanity. Campos links the history of zoos to Carl Hagenbeck's ethnological exhibitions, demonstrating how the exoticisation of human and non-human bodies shares common colonial roots.

The author works with the concept of a 'double colonial fracture' to account for the artificial separation between debates on environmental issues and those on colonial and racial issues. By placing the case of elephants as historical symbols of colonial triumph at the centre of her argument – and by showing how their presence in zoos marks a continuity with such processes – Campos demonstrates that the history of zoos reveals more about power structures and civilising regimes than about the ecology of the species they house. She further shows how black intellectual production enables these narratives to be retold critically.

To conclude on a high note, the final article in the dossier, 'Preservationism in the Plantationocene: From Agricultural Monocultures to Preservation Plantations', by Guilherme

Moura Fagundes and Ana Carolina Barradas, broadens the critical scope of discussions on coloniality, violence and racialisation. They do this by demonstrating how plantation logic extends beyond agricultural exploitation to areas of integral nature protection — what would be considered its supposed opposite. Drawing on long-term ethnographic research at the Serra Geral do Tocantins Ecological Station (EESGT), which overlaps with *quilombola* territories in the Brazilian *Cerrado*, the authors adopt an operational approach to the concept of plantations, identifying technological continuities between agricultural monocultures and integral preservationism. Fagundes and Barradas argue that the mechanisms of ecosystem homogenisation, colonial violence, and bodily discipline that characterise the Plantationocene are not confined to slave agriculture and its continuities in contemporary agribusiness; they also operate in modern nature preservation techniques. The article illustrates how the establishment of the Conservation Unit led to the implementation of necropolitical preservationism, involving ostensive enforcement operations that included the slaughter of thousands of cattle, the suppression of *quilombola* agroextractivist practices and the militarised control of individuals through fire brigades.

The article's theoretical and ethnographic contribution lies in demonstrating how preservationist policy paradoxically produced the ecological simplification it sought to combat. For example, the forced removal of free-range cattle and the prohibition of traditional *quilombola* burning resulted in the accumulation and homogenisation of combustible materials, effectively turning the conservation unit into a 'powder keg' that began to suffer from unprecedented mega-fires. Through the articulation of anthropology, technology studies, environmental conservation studies, and decolonial theory, Fagundes and Barradas reveal that 'preservation plantations' operate according to the same principles that characterise the Plantationocene: ecological simplification, violence, and the instrumentalization of labour. The article complements the discussions in the dossier by demonstrating that coloniality operates not only in spaces traditionally recognised as places of exploitation, but also in spaces that modern naturalism celebrates as redemptive. This reveals the urgent need to include *quilombola* ways of life and their fire management techniques in the environmental restoration and management programmes of the *Cerrado*.

Last but by no means least, we turn to the anthropological work that completes this collective endeavour to bring together young black anthropologists. In his beautiful essay 'The condemned crab: dilemmas in the conversion of crustaceans into commodities,' Lucas Coelho presents the entanglements between crabs, crab-harvesters (the majority of whom are black men) and their bosses, focusing on the crucial moment of the *corte* (cut). The *corte* marks the separation of crabs deemed in too poor condition for sale from the rest. Through photographic images, the author invites us to ponder the ways in which traditional communities relate to their environment, to one another and to the capitalist dynamics that permeate everyday life.

* * *

If we can affirm that the face of anthropology made in Brazil has changed over the past two decades, this set of articles demonstrates that this change is unfolding in complex ways, marked as much by ruptures as by continuities. The diversities – not only racial, but also of theoretical orientations, worldviews and the intersections between different social markers – shape the perspectives these scholars bring to their research and to the ways they relate to their interlocutors, both in the field and in writing. At the same time, the strength of ethnography as a mode of theoretical production appears to remain vibrant with its renewed critical potential that continues to characterise Brazilian anthropological practice.

The works gathered here cover a wide range of themes – from state violence to Catholic liturgies, from terreiro epistemologies to (auto)ethnographic methodologies, from dance in Mozambique to the musical politics of funk carioca, from interspecies relations to colonial fractures. Yet there appears to be something shared by the analyses presented here: the production of an anthropology that not only describes, but also critically intervenes in the narratives about its fields of research, about blackness and about the possibilities of anthropological knowledge.

Returning to one of the aspects that motivated the project now published here, our aim was to unite texts by black authors engaging with diverse research themes. Our intention was not to assemble a dossier exclusively on racial issues, but rather to explore the thematic and epistemological diversity that emerges from these trajectories. As the call for papers was open, we awaited the submissions with keen anticipation. What we received demonstrates the strength of this young black anthropology: the reader can observe that some texts place race relations at the centre of their argument, while many others are focused on other themes. Yet all the articles engage with this dimension to some degree. Our sense is that one of the strengths of black and indigenous anthropologies lies precisely here: their perspectives on research contexts, rooted in bodies, experiences and situated relations, generate new ways of seeing the social phenomena we set out to understand, thereby enriching anthropology as a disciplinary field. If the massive entry of female (and feminist) voices in the past produced a small revolution in anthropology, we seem now to be witnessing the beginnings of other similar processes. They are warmly welcomed. This dossier is published as a contribution to this movement.

As already noted, the project that gave rise to this dossier emerged from a dialogue between *Vibrant* and the Wenner-Gren Foundation, rooted in our shared aim of valuing this transformative – if not conflict-free – movement that has been reworking contemporary Brazilian anthropology. It is out of our commitment to the pluralisation of anthropological practice, and of the voices and perspectives present within our disciplinary field, that we deliver the first part of this project. Ultimately, the dossier we present here – together with

the forthcoming dossier of Indigenous Anthropologists – forms part of the ongoing effort that *Vibrant*'s editorial teams have been elaborating, individually and collectively, to foment and support different forms of affirmative action within anthropology and the universities to which they belong (Souza Lima 2018) – work carried out by many hands beyond our own (Munanga 2014).

Translated by David Rodgers

This article was translated with support from 'The Vibrant Project: Publishing Indigenous and Black Brazilian Anthropologists in foreign languages,' funded by the Wenner-Gren Foundation for Anthropological Research as part of its Global Initiative Grant programme.

Data Availability Statement:
The entire dataset supporting the results of this study is published within the article itself.

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Black Brazilian Anthropology

The police who kill and die the most: radical controversies on state violence and the struggles of victims' families

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Abstract

This article draws on ethnographic research with the Mothers of May Independent Movement to analyze a 2019 public controversy between the mothers and a Black left-wing parliamentarian regarding a bill proposing psychological support for police officers as a strategy to reduce lethal violence. The encounter reveals conflicting interpretations of state violence and of the place of Black communities and police institutions within these narratives. I show how the Mothers of May shift the debate by asserting that it is not the police who "die the most," but rather the young Black and peripheral victims of state action, and by reframing psychological support as a right owed to families, not an instrument to sustain policing. Examining their sharp critique of reformist proposals and attempts to "humanize" an institution central to anti-Black genocide, I argue that the mothers' autonomous struggle articulates an abolitionist horizon that reshapes how denunciation, memory and political futures are imagined. The article contributes to anthropological debates on state violence, Black movements, political dispute and abolitionist thought in Brazil.

Keywords: Violence; Police; State; Mothers of Victims; Abolitionism.

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e008001
https://doi.org/10.1590/1809-4341.2025v22e00801

Polícia que mais mata e mais morre: controvérsias radicais sobre a violência estatal e as lutas das famílias das vítimas

Resumo

Este artigo analisa, a partir de pesquisa etnográfica com o Movimento Independente Mães de Maio, um episódio de controvérsia pública ocorrido em 2019 entre as mães e um parlamentar da esquerda negra em torno de um projeto de lei que propunha apoio psicológico à polícia como forma de reduzir a letalidade. A cena evidencia disputas sobre os sentidos da violência de Estado, bem como sobre o lugar da polícia e da população negra nessas narrativas. Mostro como as Mães de Maio deslocam o eixo do debate ao afirmar que não são os policiais "que mais morrem", mas sim os jovens negros e periféricos vitimados pela ação estatal; e como reivindicam que o apoio psicológico deveria ser reconhecido como direito dos familiares das vítimas. Ao examinar a crítica radical que essas mulheres elaboram ao reformismo policial e às tentativas de "humanizar" instituições responsáveis pelo genocídio antinegro, argumento que sua luta autônoma produz um horizonte político abolicionista que reconfigura as fronteiras entre denúncia, memória e projeto de futuro. O artigo contribui para os debates antropológicos sobre violência estatal, movimentos negros, disputa política e abolicionismo no Brasil.

Palavras-chave: violência; polícia; Estado; mães de vítimas; abolicionismo.

The police who kill and die the most: radical controversies on state violence and the struggles of victims' families[1]

Matheus Almeida

INTRODUCTION

The assertion that the Brazilian Military Police[2] are those who both kill and die the most worldwide is widely circulated on social media and in public security reports, human rights forums and research on violence and police institutions.[3] The proliferation of this statement is matched only by the difficulty of tracing its precise origin. What is certain, though, is that it now encapsulates a progressive imaginary concerning the mode of existence of the police apparatus in Brazil. So much so that it even appears in the public policy sphere and among social movements, as witnessed at an event held in the city of São Paulo. Yet far from eliciting any cognitive consensus, the reception of this assertion differed between the representatives of institutional politics and social movements present, provoking divergent understandings of the reality of violence involving public security agents. As a result, a clash emerged between contrasting perceptions of violence, danger, (in)security and reparation.

In this article, I analyse the tense divergence on this issue that unfolded at this event, observed during the ethnographic fieldwork for my master's research, defended in the Postgraduate Programme in Social Anthropology at the University of São Paulo (Almeida 2021). Hosted in 2019 by the university's black movement, the event brought together members of the Mothers of May Independent Movement (*Movimento Independente Mães de Maio*) and

1 This article was first presented as a paper on Work Group 20: *Anthropology and Political Participation: Contributions from Victims' Activism*, coordinated by Gabriel Gatti (Universidad del País Vasco), Paula Lacerda (UERJ) and Virginia Vecchioli (UFSM), at the 14th Meeting of Mercosur Anthropology (RAM), held from 1 to 4 August 2023 at the Federal Fluminense University (UFF).

2 TN: In Brazil, the Military Police (*Polícia Militar*) are not part of the armed forces, but rather a state-level police force responsible for public order and policing of civilians. Their structure, discipline and hierarchy are militarised, however, and they operate separately from the Civil Police, which handles criminal investigations.

3 As exemplified in the works of Araújo (2021), Câmara (2020) and Monteiro and Pedrosa Jr. (2022).

a black parliamentarian from a left-wing party in São Paulo. The theme under discussion was a law bill proposed by the parliamentarian in question to provide psychological support to police officers as a strategy for reducing state violence.

By analysing this dispute, I seek to highlight the polysemy, uses and perceptions involved in different modes of narrating violence – particularly the violence committed by state agents and inflicted upon them – within a social field marked by frictions between activism and the formulation of public policies on lethality and reparation.

My argument is that the conflict analysed here, although involving people of the same gender, race and political spectrum, points to an underlying antagonism between distinct conceptions of the world, one autonomous, the other institutional; one abolitionist, the other reformist. From this starting point, I explore the various dimensions involved in the dispute. I begin by contextualising the state's use of lethal violence in the Crimes of May 2006, which gave rise to the Mothers of May Independent Movement. I then examine different notions of the category of 'violence' and modes of narrating the topic. I analyse the scene in which the conflict unfolded and then explore another framework introduced by my interlocutor for analysing the phenomenon of lethal violence and police illness. I problematise statistics asserting that the Brazilian police are those who die the most, discuss the native perception of psychological support as a strategy of reparation, and reflect on the struggle against the state as a modality of confronting state violence. Finally, I consider how the movement's autonomous activities operate vis-à-vis institutional structures and the militant protagonism of mothers.

The field methodology employed was participant observation (Albert 2014) of a significant event, understood from the viewpoint of a social situation (Gluckman 2010). This approach entails that, as in Gluckman's analysis of the bridge inauguration in Zululand, I observe how representatives of different groups – in this case not racial but political – came together in the social situation yet diverged in line with the relations they had previously developed. Approaching the event as a social situation allows for an analytical treatment of the broader context, the interactions between the groups involved and the contradictory values and motivations shaping their particular modes of participation in the event. It thus avoids reducing the discussion to the event itself, extending it instead insofar as it evokes a multitude of social issues.[4]

4 In the assessment of Peter Fry (2011: 12): 'one of the major problems in anthropological analysis is knowing where to begin and where to end, since everything we study is entangled with everything else. Social situations, such as the bridge opening in Gluckman's foundational work or the urban dance studied by Mitchell, have a beginning, a middle and an end. By starting in this way, describing the unfolding of a situation, we can then set out the theoretical questions to be examined in greater depth in later chapters. Another advantage of organising a text in this way is that the reader quickly becomes familiar with the material under analysis, facilitating their understanding of the ensuing discussion. Jaap van Velsen argued that this method is more honest than others, since the reader is given access to all the raw data and thus places them in a position to question the author's analysis and propose alternative interpretations. There is some truth to this observation. Yet, as we know perfectly well after so much critique of the classic monographs, the very writing of situations is always partial. Still, the acknowledgement of this partiality – the recognition that the point of view of one native is represented through the point of view of another who presents themself as an anthropologist – is an important step towards allowing the reader to grasp better with whom they are speaking.'

LETHAL STATE VIOLENCE IN THE CRIMES OF MAY 2006

What is violence? And what is state violence? Or, indeed, violence against the state? The definitions of violence – its forms, determinations and effects – are extensive. More than a conceptual phenomenon, violence acquires social significance as a concrete reality that impacts and changes the lives of countless people, groups and communities. One of those irreversibly marked by violence is the Mothers of May Movement.

Between 12 and 21 May 2006, more than 600 people were killed, hundreds injured and four individuals forcibly disappeared in different municipalities across the state of São Paulo. The vast majority of these deaths were perpetrated by police officers and members of death squads, as reported in various studies on the events.[5] The victims shared a common profile: they were predominantly men, young, black and living in areas of the urban periphery.

As a collateral effect of this mass killing, the Mothers of May Movement was born, formed by the mothers and other relatives of the victims of the Crimes of May 2006. Although this massacre was neither the first nor the only one committed by the state,[6] for several reasons it is paradigmatic for an analysis of the theme central to this article. One reason is the singular importance that the movement has come to wield within the social field composed of the numerous organisations of relatives of victims of state violence throughout Brazil. Another is the exponential scale attained by the Crimes of May. In a single week during a period of democratic government, more people were killed than the total number of 'political victims' during the entire military dictatorship.[7] For this motive, the massacre is identified as a turning point in the *democracia das chacinas* ('democracy of massacres': Mothers of May 2011, Almeida 2022).

The Crimes of May 2006 thus revealed the proliferation of violence concentrated within a specific temporality and a particular type of territory, directed against a certain form of life and affecting an exponential number of people. The violence perpetrated in these massacres was of the most irreversible kind, with fatal consequences. Violent death is, in itself, a devastating event for the relatives of the deceased, who also become victims of this violence. Thus, violent death strikes both the people who die and those who survive them.

However, the infliction of violent death by state security agents acquires even broader meanings, since it embodies not only the power to kill but also the legitimation of death, provided it is

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5 See the reports by the State Council for the Defence of Human Rights (CONDEPE) (Nogueira 2006), the Laboratory for the Analysis of Violence (LAV) at the State University of Rio de Janeiro and the NGO Conectas Human Rights (Cano and Alvadia 2008), the International Human Rights Clinic at Harvard Law School and the NGO Global Justice (Delgado *et al.* 2011) and the Centre for Anthropology and Forensic Archaeology (CAAF) at the Federal University of São Paulo together with the Latin American Centre, School of Interdisciplinary and Area Studies, University of Oxford (Amadeo 2018). See also the articles by the Mothers of May Movement (2011). An overview of these and other studies on the Crimes of May 2006 can be found in Almeida (2021).

6 Vedovello (2015) traces a genealogy of the massacres and slaughters committed by state agents during the current democratic period up to 2015. Almeida (2022) complements this bloody record with cases that occurred subsequently up to 2022.

7 On the problematisation of 'political' and 'common' victims of the dictatorship, see Azevedo (2018) and Ventura (2022).

inflicted on a certain group of people whose deaths are not socially lamented but often celebrated (Flauzina 2017). Who are these killable subjects in Brazil? The black population, which, as a sign of its killability, is associated with the 'dangerous classes' (Chalhoub 1996) and racialised territories – the 'place of the black,' in Gonzalez and Hasenbalg`s expression (2022) – equally killable.[8]

The consequences of the state's lethal violence are long-lasting and do not cease with the execution of the direct victim. Over time, its devastating effects are felt by the victims' relatives, who report feelings of anguish, sorrow, anger and despair, and suffer from trauma, psychological distress, severe illness and somatised pain. This suffering derives not only from the loss of a child in the critical event (Das 2020) but also from the realisation that the state is unwilling to ever assume responsibility for the death (Vianna and Farias 2011). The justice system has never provided satisfactory answers: much the opposite, it has exacerbated the families' vulnerability by forcing them to endure various forms of persecution, retaliation, defamation, accusation, insinuation and criminalisation (Almeida 2021).

It is essential to understand, therefore, that the lethal violence perpetrated by the state occupies a singular position in social reality and must be considered in its specificities – without, of course, disregarding the other notions contained in the broad category of what becomes labelled 'violence.' These diverse understandings do not exist in isolation, but often intersect and conflict, as we shall see in the case described below.

NOTIONS OF VIOLENCE AND NARRATIVE DISSONANCES

An extensive bibliography exists on the theme of violence in the human sciences, approached from a wide range of perspectives. My aim here is not to offer yet another review of this literature,[9] but simply to contribute to an understanding of the multiplicity of native conceptions of the topic.

In a seminal article from 1998, Theophilos Rifiotis argued for approaching violence as a polysemic category, imbued with a wide range of symbolic and cultural meanings. After all, the term identifies a broad set of practices, often only loosely connected to one another, and refers not merely to concrete facts but also to 'a system of classification and signification that guides our perception of phenomena' (Rifiotis 1998: 27). All these variations are homogenised under the single term 'violence,' resulting in its semantic complexity.

Violence can take extremely varied forms and involve a range of distinct factors. A broader classification of violence might seek to define it according to diverse elements: by its form (symbolic, physical, sexual and so on); by whom it is directed against (violence against women, children, the elderly, black people); by who commits it (police violence, institutional violence,

8 White people belonging to these classes and inhabiting these territories also figure among the victims of various massacres, due to their social proximity to those relegated to dehumanisation, existing in what Mbembe (2018a) has termed a zone of indistinction between life and death.

9 A brief search in academic databases reveals numerous literature reviews on violence across a wide range of domains: gender violence, domestic violence, obstetric violence, school violence, violence against the elderly, violence against children, et cetera.

medical violence); by where it occurs (urban violence, domestic violence, rural violence); by its purpose (revolutionary violence, repressive violence, and so on); or by its 'unconscious motivations' (recreational, reactive, compensatory, vindictive violence) (Viana 1999).

The semantic range of violence as a phenomenon shows how it can possess not just one single meaning but multiple simultaneous dimensions: it can be racial and urban, state-based, physical, symbolic and so forth. Determining the limits of violence is often an imprecise task, therefore, since many of its aspects may be interrelated and new meanings can even be condensed over time.[10] Likewise, perceptions of violence become porous, dissonant, blurred, antagonistic, hegemonic or marginalised. The mode in which violence is narrated thus refers to this interplay of forces, overlaps and interests among different narrators, such that questions like 'who committed this act of violence?' and 'against whom was it directed?' may carry greater perceptual and discursive weight than the violent act itself.

But what determines which cases of violence are more susceptible to divergent interpretations and which are taken as a matter of cognitive consensus? Which bodies are regarded as victims of illegitimate violence when they are violated and which are seen as the natural site of violence itself? For Fanon, the black body is the 'meeting point of multiple, diverse and repeated forms of violence' (Fanon 2021: 3), coming to symbolize everything that white bourgeois society claims to combat: criminality, prostitution, violence, marginalisation (Kilomba 2019). This black body, therefore, is perceived as the site of a legitimate – or rather legitimised – violence, sustained by the logic of racism that shapes notions, values and practices relating to life and death, safety and danger, the familiar and the strange, the beautiful and the repulsive, the valuable and the accursed.

Consequently, in terms of the physical and symbolic universe of black people, violence is far more readily regarded by broad sectors of the population and by institutions as legitimate, or even necessary, or indeed desirable. For social movements that confront racial genocide in Brazil, the arduous task exists of preventing this idea from becoming a cognitive consensus by publicly narrating these deaths, denouncing these forms of state violence and demanding dignity, memory and justice for victims and their families. This is precisely what the Mothers of May Movement aims to achieve.

Since the events of May 2006, the Mothers of May have debated and questioned wider aspects of state justice and politics in Brazil, as well as a series of genocidal practices carried out in the country. Along these lines, in their texts they have affirmed that

> the massacre also affects us vitally every time THE STATE DENIES US OUR MOST BASIC HUMAN RIGHTS: when it neglects our people in the Health Clinics; when it scraps the Education of our boys and girls; when it refuses to enforce the right to our Lands, Indigenous Reserves and original Quilombos; when it denies us the Fundamental Right to Housing; when it fails to ensure even the minimum level of Basic Sanitation and an Environment that allows us to survive; when it humiliates us with Public Transport that is gruelling, extortionately ex-

10 A case of physical violence may, over time, acquire symbolic dimensions as certain facts that were obscure at the time become known, for example.

> pensive and exclusionary; when it blocks our Right to Culture and to Popular, Independent and truly Free Communication; when it refuses to guarantee us even the minimum Right to Truth, Justice and all the Reparations that are historically OWED to us. (Mothers of May 2018: 11)

This perception of state violence extends across multiple dimensions of social life and indeed resembles the conception of violence proposed by Rifiotis, who notes that

> what we call violence encompasses very different phenomena that cannot be reduced to crime or institutional violence. Hence, in everyday life we speak of violence in sport, in traffic, in the streets, in prisons and also in relation to precarious living conditions, hunger and, of course, criminality; violence against women, against children, against nature; physical, psychological, symbolic and cognitive violence. This series, whose organising principle still remains invisible to us, may include relations of force, tensions, hierarchies, social inequalities and situations of conflict in general. (Rifiotis, 1998: 26-27)

The Mothers of May thus point to a wide-ranging modulation of violence that affects the black, poor and peripheral population. Police execution concentrates lethal violence, yet the population targeted by such acts also endures a series of systematic, everyday and continuous forms of violence, including the denial of rights, persecution and humiliation – distinct practices that precipitate death through the depletion of life and thus promote genocide.

If, as Rifiotis has argued, violence refers not only to concrete facts but also to distinct perceptions oriented and designated under this term, then in a society whose democracy is uneven or 'disjunctive' (Caldeira 2000) and where racism predominates in matters of public security, both the acts and the perceptions of violence are profoundly dissonant.

Caldeira alludes to various characteristics of the democracy instituted in Brazil since the military dictatorship, noting that 'the delegitimation of civil rights is deeply embedded in a history and culture in which the body is unbounded and manipulable' and 'pain and abuse are seen as instruments of moral development, knowledge, and order' (Caldeira 2000: 372).

If civil rights themselves are not guaranteed, human rights become mere prognoses, continually questioned by the practices and discourses of police, judicial and political institutions, as well as by large sectors of the population who – despite the mass killings carried out year after year in this 'democracy of massacres' – associate violence solely with the injuries and deaths suffered by the police or committed by criminals. Within this logic, violent actions committed by police agents are understood as 'deserved' when directed at criminals and 'a misfortune' when directed at ordinary citizens (Caldeira 2000).[11] Again Caldeira offers an explanation for this logic: the 'talk of crime' symbolically reorganises a disturbed universe, attributing violence with the moral and racial intelligibility identified above.

11 The exception is made when the individuals involved are white and belong to the upper classes, in which case the event is framed as a 'tragedy' and an 'unacceptable crime.'

If 'talk of crime' shapes the social imaginary of crime, it nonetheless fails to encompass the full amplitude of the phenomenon of violence, especially when it comes to state violence. 'Talk of crime' forms common sense attitudes, even though it also circulates in technical discourses, such as those of legal professionals who mobilise stereotypes. Yet while it is taken as common sense that Brazilian police officers are those who die the most – after all, being a police officer in Brazil is risky – it does *not* solidify into a widespread idea that state violence constitutes a 'crime.' Indeed, the impunity guaranteed to police officers by the Criminal Justice System, which as a rule endorses the lethal actions of the police (Godoi *et al.*, 2020), helps consolidate the notion that police executions are legitimate, provided they are directed at certain bodies and associated with certain legal devices justifying these actions (such as the *excludentes de ilicitude*).

When it comes to 'state violence,' therefore, the narrative dissonances become greater still, especially given this is such a controversial theme in Brazilian society. As the ethnographic scene discussed below suggests, understandings of state violence can vary even across the left, shaped by distinctions between social movements and political parties.

The Mothers of May conceive of state violence as 'the systematic violence of state agents against our own population,' which is 'one of the principal remnants of the slavery period and, more recently, of the Civil-Military Dictatorship' (Mothers of May 2018: 127). The movement highlights practices of state violence such as 'torture during routine police stops and in police stations, as a "technique" of "investigation,"' the 'mass incarceration of people' and, above all, 'the extrajudicial executions systematically perpetrated by state agents' (Mothers of May 2018: 127).

Hence, the Mothers of May conceive of State violence as a crime *par excellence*, a stance made explicit in the statement by Débora Maria da Silva (the movement's coordinator) during the event, when she affirmed: 'we're not here to excuse crime, because for us the real crime is the state. It does everything, and nothing happens. Because killing isn't a crime, but disobeying a command is.' The Mothers of May thus highlight the incidence of criminal practices by state agents, underscoring the state's violence as an unacceptable, systematic and continuous phenomenon directed against the black, impoverished and peripheral population.

MOTHERS OR POLICE? CONFLICT OVER THE PRIMARY TARGETS OF A POLICY OF PSYCHOLOGICAL SUPPORT DESIGNED TO COMBAT VIOLENCE

In October 2019, the Carolina Maria de Jesus Black Collective[12] (a group of black students from the University of São Paulo School of Public Health), the Department of Health, Life Cycles and Society, and Dr Érica Peçanha do Nascimento, with the support of the USP School of Public Health's Culture and Outreach Committee, organised the second edition of *Outubro Negro* (Black October), an annual three-day event featuring 'activities discussing the living and health conditions of the black population in Brazil, as well as the effects of

12 TN: In Portuguese, *Coletivo Negro Carolina Maria de Jesus*.

racism and the anti-racist struggle,' as declared in its promotional material. On the first evening, the event's opening panel was held in one of the School's auditoriums, with the theme *Who benefits from militarisation? State violence and the health of the Black population*. Two black women were invited to compose the panel: Débora Maria da Silva, founder and coordinator of the Mothers of May Movement, and a state deputy from São Paulo, a member of a parliamentary bloc of a left-wing party in the state capital.[13]

The Mothers of May Movement was launching its fourth book, *Memorial dos nossos filhos vivos* (Mothers of May 2019), which was on sale during the event at a stall located at the entrance to the auditorium. On the event's Facebook page, the organisers publicised the book with a statement that Débora had made, which at once explained the purpose of the work and illustrated the way in which these women speak of their children: 'All of Brazil knows the story of the Mothers of May, but it does not know who the children were. They remained only in the memory of the mothers whose homes were destroyed. They were not suspects. The suspects are the murderers of our children, who were forgiven by the impunity of our country.'

With an audience composed predominantly of young black students from USP, filling much of the auditorium (around a hundred seats), there was a clear interest among those present in hearing, within an academic space unaccustomed to these bodies, what black women recognised for their work in other arenas (Débora in social movements and the deputy in parliament) had to say.

At the front of the auditorium there was a stage with a table at which only Débora and the deputy were seated. Débora, a black woman, originally from Brazil's Northeast and living on the urban periphery of Santos, had been a homemaker until her son, Edson Rogério Silva dos Santos (29), was killed in May 2006. That was when she became the mother of a victim and joined forces with other mothers to form the Mothers of May Movement, becoming its founder and coordinator. The deputy, a young black woman, is a journalist, an environmental activist and, at the time, was in the first year of her first term as a state representative, elected as part of a collective candidacy of a left-wing party in the São Paulo capital.

In her opening remarks, Débora recounted the history of the Crimes of May 2006, reflecting on their racial character and linking the deaths of that period and their aftermath to the violations experienced by the black population in Brazil. Mindful of the space in which she was speaking, Débora made some critical observations about the university and the research produced there, which, she argued, did not serve any 'social transformation' but rather the interests of 'capital.' She addressed militarisation, understanding it as extending 'beyond the figure of the police officer' to include the judiciary, which she argued also needs to be demilitarised.

13 Although easily identifiable as a public figure in Brazil, the deputy has been kept anonymous in this work because, for the argument I develop here, the individual positions matter less than the collective positions of the actors involved. By contrast, the identity of the representative of the Mothers of May is disclosed not only because she is publicly known, but also because this is a movement that fights for visibility, meaning that anonymity in this case could be perceived as impeding this objective.

By contrast, the deputy's opening remarks were less a militant denunciation grounded in personal testimony, like those of Débora, and more akin to a scientific report based on data and public security cases reported during her collective mandate. She addressed instances of police violence, the conservatism of judicial state bodies and the structural racism operating in public security, as well as its harmful effects on the black population of São Paulo.

Each member of the panel spoke for around 30 minutes and, although differing in tone, they received one another's presentations positively, expressing their agreement and alignment on the issues raised. The auditorium audience applauded the speakers and a moderator invited those present to ask the panel questions, which would then be answered.

However, what none of us knew at that moment was that this agreement between the two speakers would soon be abruptly revised. When the audience's questions began and the answers were subsequently given, a point of dispute emerged. One of those listening, Francilene Gomes, sister of a man forcibly disappeared during the Crimes of May 2006 and an activist in the Mothers of May Movement, sat in the front row next to me, remarked that earlier that same day she had seen a Facebook post announcing that the left-wing party's parliamentary bloc had introduced a law bill aimed at 'protecting police officers who have received threats or whose families have been threatened' and at providing 'priority medical care, psychological treatment and therapy to the victim [the police officer] and their relatives.' She was referring to Bill no. 1,051 of 2019, submitted to the São Paulo State Legislative Assembly (ALESP) one month prior to the Black October event.

Francilene then questioned the deputy about certain details of the bill: where the funding would come from, and whether psychological support for mothers and relatives of victims of violence committed by police officers could be included in the bill, without excluding the police themselves from its scope. She justified her question by explaining that the victims' relatives felt 'abandoned by the state' and were living 'a perpetual execution,' paying 'the price for it for the rest of our lives, with no state support.' The deputy clarified that she herself was the author of the bill and offered some details about its provisions. In short, although the bill's focus was to guarantee, as a priority, 'care, protection and assistance' to police officers who had been threatened or had suffered violence in the exercise of their duties or because of them, the deputy argued that providing psychological treatment to police officers could help reduce police violence since it would remove officers experiencing severe mental distress from active duty, offering them therapeutic support and preventing them from committing violations on the street.

One emblematic phrase used by the parliamentarian – and commonly employed to justify highlighting the violence suffered by police officers – was that 'the police in Brazil kill the most in the world, but they are also the ones who die the most!' This statement, pronounced by a left-wing deputy at a black movement event, yet equally likely to be voiced by people politically opposed to her in entirely different settings, encapsulates a cognitive consensus that has formed around violence and public security in Brazil. This, however, was not Débora's perception.

When she was given the microphone again, following the deputy's responses, instead of addressing the questions that other audience members had asked her, Débora returned to the issue of the bill and expressed profound indignation at the proposed legislation. Her criticism of the initiative was directed both at the parliamentary bloc involved and at the left more generally. This critique consisted of four points.

Her first point focused on demilitarisation of the police – one of the themes of the event. Débora stated that 'rethinking militarisation is not only about thinking of the figure of the police officer.' She pointed out that not just the Military Police but 'the Civil Police are militarised as well.' For her, genuinely confronting police violence would depend on demilitarisation, which was why left-wing parties should concentrate on a campaign for the demilitarisation of the police forces.

Her second point was political investment in winning over the police institutions. Débora exclaimed that, instead of proposing demilitarisation, the left insists on keeping police officers embedded within the present militarised structure, seeking to increase its influence from within. Pursuing this theme, she recalled the progressive police officers who even publicly identify as antifascists and who are members of these parties, 'only no one wants to give up the badge.' She further stated that while 'there are party organisations that defend them as public security workers,' for them – the mothers of victims of state violence – 'we will never accept that being a killer is a profession.'

The third point concerned the proposal of a public policy of psychological treatment for police officers. Débora mentioned that, when she saw the bill, she posted on social media that this was an initiative 'to treat police officers so they can go on killing our children.' In her view, psychological support for police officers would not serve as a means of reducing police violence, as the bill and the deputy present claimed. Instead, it would provide treatment while they continued to kill other young, black, poor and peripheral people.

Her fourth point stressed that psychological treatment for police officers was being proposed as a priority in advance of treatment for the mothers and relatives of those executed by the police. This was unacceptable, she argued, 'because the first perspective that has to be considered is that of the victims these men produce.' For Débora, it is outrageous that these parties were willing to propose a law offering psychological support to police officers experiencing violence first rather than to those they have violated. In her view, 'rather than caring first for the police, they should care for those whom the police leave in agony.'

What stands out in Débora's critical response is the fact that politicians and left-wing parties were moved to take legislative measures to help the suffering of police officers as a priority, rather than the suffering of their victims' relatives. She asked, 'is it the police commander who studies human rights?' before asserting that 'the commander studied human rights right up until he carried out the Osasco Massacre.' Débora then questioned what makes an institution as overtly violent as the police so appealing to people and how police

officers can be regarded as victims, or as 'poor things,' when they cause so many deaths and persecute in such a 'cruel and calculating' manner.

In her speech, it became clear that, in her view, attention must be concentrated first on the mothers of victims of police violence because 'they suffer every kind of retaliation, criminalisation,' and they suffer this 'from the police officers who remain,' since 'they kill, and then they torture the family members' continuously. Débora then explained how she sees these police officers: 'they are psychopaths! The institution makes these men into psychopaths. And then, for sure, a psychopath becomes sick.' In contrast to providing this institutional service as a priority to police officers, she urged that care must be given to the mothers: 'now let's take care of the little mothers because you are taking care of your own mothers. The ones who are… suffering, the warriors.'

DEMILITARISATION OR CONTESTATION OF POLICE INSTITUTIONS? ANTAGONISM OVER HOW TO CONFRONT STATE VIOLENCE

The moment when Francilene asked her question about the law bill on psychological support for police officers, followed by the deputy's response, marked a turning point in the event. Until then, Débora and the deputy had maintained an amicable tone and, as black left-wing women, appeared to agree with each other's statements. This included the issue of demilitarisation, which the deputy herself had defended in her initial remarks after presenting cases of police violence.

However, from that providential moment onwards, I was able to observe that Débora recognised a critical dividing line between them as advocates of distinct projects for confronting state violence: on one side, demilitarisation as the central measure for addressing state violence; on the other, the contestation and occupation of police institutions as a fundamental strategy (although never openly stated in these terms) for achieving this objective. What was being traced out, in effect, was a line expressing a division not merely between the two women sharing the panel, but between two forms of politics: the autonomous and the institutional.[14] Each of the speakers at the event expressed the distinctions between these two modes of political action, which involve different, and very often antagonistic, interests, relations, social conditions and conceptions.

In Débora's view, the problem of police violence did not reside in any supposed lack of training, since the police are highly trained for the purpose they serve. Along these lines, she maintained that 'what we need is no police at all.' In other words, she opposed any reform of police institutions and instead advocated the abolition of the police. At the same time, she spoke of a 'demilitarisation of our lives.' To demilitarise life, in this sense, means stripping

14 On the autonomous struggle carried out by the Mothers of May Movement, see Almeida (2021).

all the institutions of their policing aspect and closing down the police forces themselves.[15] In her view, therefore, it was necessary to demilitarise the judiciary, along with the various other militarised institutions. For Débora, the militarisation of the judiciary is akin to the militarisation of the Civil Police, since 'both police forces are militarised' given that 'one kills and the other does not investigate.' As she explained on another occasion, in an interview with the journalist Thiago Borges (2014) in a piece entitled *The dictatorship continues on the peripheries*, 'when we talk about demilitarisation, we are talking not just about the police, but about politics, society and the judiciary. Because the stroke of a pen is a weapon that fires no bullets, yet it is the one that kills the most.'

From her perspective, it is shocking that, rather than demilitarisation taking place, militarisation has in fact been expanding through the increasingly frequent participation of police officers in electoral politics. In other settings, Débora drew attention to the percentage of Military Police officers granted leave to stand for election in 2020.[16] She was categorical in stating that they want 'to occupy power so they can have even more power to make laws against us' and that this is something social movements should fight to stop.

One of the consequences of the dispute over police institutions in which the left engages, designed to increase their influence and political capital in these sectors, would be the appointment of police officers to positions of power within the executive. This, in turn, would empower police officers to legislate in ways even more detrimental to the victims of state violence and their families and contribute to increased militarisation of life. The reason for Débora's opposition between demilitarisation and the contestation of the police institution thus became clear.

In making this contrast, Débora also situated left-wing parties alongside broad sectors of the population who identify with police institutions. Incredulous, she asked: 'what kind of power is this that our country grants, that citizens grant, to someone who keeps feeding on the blood of the poor, the black, the peripheral?'

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15 The history of the struggle for the demilitarisation of the police long predates the Crimes of May 2006. It can be traced back to debates on police reform in the early 1980s, in the context of drafting the government programmes of Franco Montoro, then candidate for the governorship of the state of São Paulo (Marques 2018). This agenda resurfaced in the early 2000s, around discussions for a National Public Security Plan advocated by the Workers' Party candidate for the presidency, Luiz Inácio Lula da Silva. Despite this institutional trajectory, no real progress was ever made in support of the proposal. From the 2010s onwards, the struggle for police demilitarisation began to be incorporated by black movements and by the movements of mothers of victims of police violence in São Paulo and Rio de Janeiro. It is thus an agenda conceived within institutional frameworks and later reappropriated by social activism. As can be imagined, over these many years and through so many reappropriations, the agenda has undergone numerous mutations, such that it is not exactly the same project when envisioned by differently situated actors. In the case of the Mothers of May, I understand the demand to be broader in scope, insofar as they speak of demilitarising all institutions, not just the police. I take the meaning of this demand for the mothers to be, more precisely, not the 'reform of the police' but the 'abolition of the police,' as Débora herself underscores in a number of her statements, and as the Mothers of May argue in their texts on demilitarisation (Mothers of May 2018).

16 Two examples were the candidacies of progressive police officers running as candidates for executive office for left-wing parties: in Salvador, Major Denice, who ran for mayor for the Workers' Party (PT), and in Rio de Janeiro, Colonel Ibis Pereira, who ran for deputy mayor for the Socialism and Freedom Party (PSOL). It is worth noting that right-wing parties have been fielding conservative police officers as electoral candidates for many years.

An almost morbid identification with the police can be found among these various sectors of the population, she implies, including some sectors of the left at certain moments, even if each alignment arose for distinct reasons — some out of admiration, others out of the desire to wield influence in order to promote some kind of change.

LETHAL VIOLENCE AND POLICE SICKNESS: ANOTHER ANALYTICAL KEY

From the perspective of the Mothers of May, how might police illness be explained? As is well known, a large number of police officers become sick, both physically and mentally, due to their work. Débora did not deny this fact. Yet once again she offered an explanation that diverged from the parliamentarian's views concerning the causes and consequences of police sickness.

In responding to the justifications the deputy had offered for the bill, the founder of the Mothers of May pointed out:

> We see this institution [the police] and the number of suicides. The mothers were talking… the research came out on the number of suicides among these officers and it's because they see our children dying and begging, pleading. They can't lay their heads on the pillow and sleep, because they have to take a spreadsheet to the command, for this public security to count as public security — otherwise, without the spreadsheet, it isn't.

Her comment reveals an interpretation – and a proposed solution – for the problem of psychological suffering among police officers that differs starkly from the viewpoint contained in the bill. Killing so many people strips police officers of their mental sanity. Thus the solution to the problem of police violence lies not in treating an *effect* of this violent relation (the mental suffering derived from the deaths officers inflict) but rather its origin: the social conditions that facilitate the executions carried out by police officers.

Within this framework, the Mothers of May diverged sharply from the perspective advanced by the party organisation and approximated instead the interpretation of military violence elaborated by Frantz Fanon in the context of the Algerian Revolution. As a psychiatrist working in a hospital in Algiers during the Algerian War of Independence, Fanon treated soldiers who had become sick and sought relief from their psychological suffering. When he asked them why they wished to undergo therapy, they replied: in order to continue killing but with less psychological pain (Fanon 2020). Alleviating this suffering would not prevent more deaths then – only an anticolonial social revolution, transforming the social reality that made such violence possible, could avert them.

Like Fanon, Débora did not believe that a therapeutic process would transform a police force that kills into an institution that would cease to practise lethal violence. Hence, the way in which the bill sought to address state violence seemed to her ineffective, as well as outrageous for giving priority in psychological care to police officers rather than to the mothers of victims of state violence. This shunning was all the more offensive to the families when the

causes of suffering were compared: security agents become ill from killing, whereas mothers and relatives become ill from death.[17]

Furthermore, the bill in question can be understood as yet another measure in a four-decade history of attempts to humanise public security, a project that emerged during Brazil's redemocratisation process when human rights, democracy and public security formed a triptych that ultimately promoted a securitarian expansion (Marques 2018) –evident ever since – whose social consequences have been harmful for large sectors of the population, as the mothers of victims of state violence can attest.

THE POLICE WHO MOST DIE: A STATISTICAL PROBLEMATISATION

Although the deputy's phrase justifying the bill is true – the Brazilian police are those who kill the most and also those who die the most – it is used in a way that does little to clarify the situation and indeed obscures certain aspects. What this assertion does not tell us is that the police kill at an overwhelmingly higher rate than they die. According to data released by the Brazilian Forum for Public Security (FBSP)[18] in the *Anuário Brasileiro de Segurança Pública 2020*,[19] in 2019 the police killed 6,375 people in Brazil, while 172 police officers were killed over the same period (FBSP 2020: 76 and 87). For every police officer killed, 37.06 people were killed by the police, meaning that the idea implied by the phrase – that the police suffer as much as they make others suffer – is false.

Comparing the two years, between 2018 and 2019 fewer police officers died and more people were killed by the police. While in 2018 a total of 313 police officers were killed, in 2019 this number fell to 172. In the case of victims of police homicide, however, 6,175 people were killed in 2018, whereas in 2019 this number rose to 6,375 people killed by police officers (FBSP 2020: 76 and 87).

In addition, another lesser-known fact that leads to mistaken conclusions is that the principal cause of death among police officers is not being killed in confrontations while on duty, but being killed off duty, when they are out of uniform and therefore not involved in 'high-risk' police operations or 'shoot-outs.'[20]

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17 As I have been discussing in my doctoral thesis, the death of a son, in many respects, mortifies the mother herself.

18 TN: In Portuguese, *Fórum Brasileiro de Segurança Pública*.

19 Although this edition of the *Anuário* is not the most recent at the time of this article's publication, it has been retained here because it contains the data for 2019, the year in which the analysed event took place. Furthermore, a review of subsequent editions of the *Anuário* shows that the argument presented here remains current.

20 Minayo and Adorno discuss the notion of 'risk' in police work. They emphasise the risk inherent to police operations, but point out that institutional directives and governmental public security policies (such as 'tough on crime' policies) can heighten this risk, as can the practice of taking on informal off-duty jobs in the private sector. In short, we may infer that both the politics of death and the pursuit of additional income outside official working hours can constitute major risk factors for security agents. At the same time, the authors argue, the police are an institution in which risk, as an individual choice, is foreseeable and consciously assumed, playing a role in the exercise of the profession. Police officers 'at once fear the difficulties and feel the dangers, yet report "the adrenaline addiction" that keeps them ready for action' (Minayo and Adorno 2013: 588).

Of the 172 military and civil police officers killed in 2019, '62 (6 civil police officers and 56 military police officers) were killed on duty, and 110 (9 civil police officers and 101 military police officers) were killed off duty' (FBSP 2020: 76), meaning that 64 per cent of the police officers killed were off duty. This is a significant figure given that much of the imaginary informing the cognitive consensus that 'the Brazilian police are the ones who die the most in the world' attributes this reality to police officers being killed while performing their work (in shoot-outs or police operations – scenarios frequently invoked to justify the deaths of people shot by security agents).

Suicide emerges as another cause of police death that is more frequent than homicide in the line of duty: in 2019, 91 active police officers died by suicide (FBSP 2020: 79), which likewise shows that 'the police who die the most' die in far smaller numbers from on-duty killings than from other causes.[21]

These statistics leave little doubt that psychological suffering contributes to the deaths of police officers, as shown by the number of suicides. It would also be reasonable to assume that psychological suffering plays a role in the number of deaths caused by police officers. Neither of these statements is particularly controversial. Yet if, on the basis of this second assertion, a policy is proposed of providing psychological support to police officers as a measure to combat state violence, the controversy discussed above immediately arises. Would 'mentally healthier' officers – whatever healthier might mean – within the police structure as it currently exists, in a country marked by historical genocide such as Brazil, commit fewer killings? Is investing in the care and support of police officers the primary way to combat state violence? For the Mothers of May, the answer is unequivocally no.

Hence, the statistical problematisation presented here does not downplay the claim that the Brazilian police are those who die the most in the world. Rather, it accompanies the political and intellectual gesture of the Mothers of May, who shift the parameters of comparison away from Brazilian and foreign police forces and redirect them to a comparison between the police in Brazil and the victims of police violence in the country. Because of this shift, the question becomes 'how much more' the Brazilian police die compared to 'how much more' they kill – that is, who has been dying in greater numbers within the deadly dynamic between police officers and their victims or alleged aggressors. Once this political and intellectual switch in viewpoint is made and we view the issue from the mothers' perspective, we can see that the victims of police homicides and their families have been far more affected by lethal violence than security agents themselves. For the Mothers of May, this reinforces the urgent need to prioritise reparation measures – such as psychological support – for the relatives of victims of state violence.

21 Miranda and Cruz (2024) suggest that the number of police suicides in Brazil is underreported given that not all the institutions expected to provide this information did so.

PSYCHOLOGICAL SUPPORT AS A REPARATION MEASURE

The mothers and other relatives of victims of state violence endure systematic, everyday and persistent forms of violence, and they fight for reparation as both an indispensable condition for the continuation of their lives and a central purpose of their movements. In this context, they also fight for psychological support as a measure of rehabilitation for these families, who endure severe psychological suffering, with insurmountable traumas that somatise and proliferate illness in their bodies, creating the need for medical care.[22] Without adequate support, they themselves become victims of each massacre, slowly dying over time as a consequence of the genocide.

For many years, mothers of victims of state violence have fought for psychological support to no avail while witnessing their fellow campaigners and relatives perish year by year.[23] By contrast, relatively few police officers, in general, seek psychological support,[24] yet they would nonetheless become the beneficiaries of such assistance – before the mothers – in a policy proposal drafted by a left-wing party. The perception of this discrepancy – this failure to empathise with the pains, needs and struggles of the mothers, accompanied by the simultaneous prioritisation of care for the repressive forces – provoked astonishment and anger among these families. Their outrage was exacerbated by the knowledge that this priority was attributed not by openly conservative and militaristic sectors, but by an organisation that identifies as left-wing, politically sympathetic to these movements and aligned with popular causes. This discrepancy sometimes generates a sense of abandonment, distrust or

22 The difficulties confronted by mothers of victims in accessing reparation measures, the limitations of these measures, the struggles social movements must undertake and the demands they make for reparation were the focus of Report no. 2 of the Reparations Project of the Centre for Anthropology and Forensic Archaeology (CAAF) at UNIFESP (Osmo *et al.* 2024).

23 See the report *Vozes da dor, da luta e da resistência das mulheres/mães de vítimas da violência de estado no Brasil*, on the sicknesses affecting mothers of victims of state violence, authored by leading mothers from different movements of relatives of victims and by researchers from UNIFESP and Harvard University (Assumpção *et al.* 2024). The authors describe severe forms of illness among victims' family members – especially mothers – including recurrent conditions such as cancer, depression, anxiety, panic disorder, suicidal thoughts, hormonal and gastric problems and high blood pressure, among other serious familial, financial, personal and social consequences.

24 In a study organised by Miranda in Rio de Janeiro, diverse factors were highlighted to explain the low uptake of psychological and psychiatric services by police officers: these included the fear of being seen as weak by colleagues for failing to embody the image of the heroic, warrior-like and unshakeable police officer; the stigma associated with presenting mental illness or suicidal behaviour; the fear of having their firearm withdrawn in a context where many rely on the weapon to earn additional income through private security work; and the loss of financial bonuses available to officers without medical restrictions on their ability to perform their duties (Miranda, 2016: 78–79). In the state of São Paulo, since 1997, a Mental Health System has operated among the Military Police (SiSMen), 'composed of a series of programmes and services aimed at mental health, the prevention of illness and suicide through interventions in the fields of psychology and social work' (quoted from the SisMen website). The São Paulo Civil Police, in turn, are assisted by the Psychological Guidance Centre (*Núcleo de Orientação Psicológica*: NOP) of the Dr Coriolano Nogueira Cobra Police Academy (Acadepol). There are, however, criticisms concerning the quality and capacity of these services to meet demand (Travassos, Costa Jr. and Ferreira 2024).

even betrayal, and a perception that the left (broadly speaking) bears some responsibility for the persistence of state violence.

Historical parallels can be made regarding the periodically conflictual relationship between the black movement and the political left in Brazil. In the late 1970s, black movement organisations such as the *Movimento Negro Unificado* (MNU) took part in the amnesty campaign in the hope that the police violence perpetrated against the black population would also be recognised as state violence requiring reparation.

Instead, through the amnesty campaign, dominated by a white, class-privileged left, a distinction was established between 'political' and 'common' victims. Only the former – the politically imprisoned, dead or disappeared – had the violence they suffered recognised and were granted the right to reparation; the latter – those imprisoned, killed or disappeared as so-called 'common' cases – were relegated to the sphere of ordinary violence. The victims classified as 'political' were generally white and from privileged classes. Those deemed 'common' were black and poor – the profile historically targeted by the repressive forces since colonial times (Ventura 2022). In this way, the Amnesty Law reinforced the depoliticization of racialised violence in the country.

But whereas in the context of redemocratisation the clash occurred between the black movement and a white left, in the scene described here the conflict unfolded between a movement of relatives of victims of state violence[25] and an institutional black left.[26] The actors involved have changed, yet disputes persist concerning the need to recognise the illegitimacy of police violence and the legitimacy of reparation for survivors and for the relatives of those killed by such violence.

Although 'reparation' is not a term deemed adequate by the relatives of victims, since the harm they have suffered with the death of a family member is irreparable (Eilbaum and Medeiros 2018), for the Mothers of May the struggle for reparation represents a vital necessity.

THE STRUGGLE AGAINST THE STATE AS A WAY OF CONFRONTING STATE VIOLENCE

Violence is a polysemic and diffuse category, as I have argued thus far. Within this imprecise profusion, worldviews spread, contrast and oppose one another. In the struggle waged by movements of relatives of victims of state violence, these margins of indeterminacy are disputed at every moment, insofar as their struggle is waged not only for certain aims (such as reparation) but also against certain actors (like the state).

The state is the principal target of the Mothers of May's struggle, with all the difficulties involved in undertaking such a campaign. After all, if the state is hard to define, it is even

25 The movement of relatives of victims of state violence, although in some places composed predominantly of black women, should not be conflated with the black movement. I examined some of the distinctions and conflicts between them in my master's dissertation (Almeida, 2021).

26 Likewise, in the context of Brazil's military dictatorship (1964-1985), Clovis Moura analysed certain conflicts between the institutional black movement and the autonomous black movement (Moura 2014). All these distinctions must be considered if we are to avoid falling back into the illusory notion of racial homogeneity.

harder to fight against. Furthermore, the difficulty of delineating the precise boundaries of the state is felt not only by the Mothers of May, but also within the social sciences. In Abrams's conception (2015), the difficulties of studying the state are an effect of politically institutionalised power itself, insofar as this power withholds information, blocks observation and dictates the terms of knowledge.

Exploring the distinctions between the 'idea' and the 'practice' of the state – through the concepts of the *state-idea* and the *state-system* – the author argues that we do not need to believe in the state (or the idea of the state). Instead, we can understand it as heterogeneous and polysemic, 'an institutional field that is, above all, a battlefield' (Abrams 2015: 58).

Developing this line of thought, Mitchell (2006: 170) posits that 'the state-idea and the state-system are better seen as two aspects of the same process.' One of the implications of this view – including for the analysis proposed here – is that the task is not to contrast native conceptions of the state with 'what the state really is.' After all, what we call the State 'arises from techniques that enable mundane material practices to take on the appearance of an abstract, nonmaterial form.' In this sense, the author argues that any attempt to distinguish the ideal or abstract appearance of the state from its concrete reality — taking that differentiation as given — would already fail to grasp it. This allows us to discuss which social practices are linked to the state and, by association, what 'effects of the state' are produced, since '[w]hat we call the state, and think of as an intrinsic object existing apart from society, is the sum of these structural effects' (Mitchell 2006: 180-181).

Observing what is associated with the state, we can concur with the assessment of Vianna and Lowenkron (2017: 2) that, more than a concept, it is a term that 'designates sociopolitical units, institutionalities and boundaries that shape and affect both macropolitical orders and the bureaucratic routines that govern us all on a daily basis.' These elements illustrate the multiplicity encompassed by the term 'state.' For Lacerda, 'the multiplicity of ideas associated with the notion of 'state,' despite generating imprecision in theoretical and analytical approaches, is a fundamental characteristic of the political process conducted by social agents who interact with various sectors of public administration.' According to the author, 'the polysemy contained in the category renders intelligible an activist's claim that this or that problem is a "state responsibility," or a mother's assertion that the "state kills people," symbolically or literally' (Lacerda 2015: 27). Thus, one outcome of this multiplicity of meanings is that it sustains the idea that the state is responsible for certain happenings or conditions imposed on our lives.

In this sense, among the Mothers of May the state is construed as an idealised entity, frequently invoked in broad and equally imprecise terms, although at certain moments anthropomorphised and delimited. In Vianna's view, 'the continuous reiteration of the unity and idealisation that surround and sustain [the state] do not contradict the constant denunciations of the misconduct and maladjustment of its parts' (Vianna 2013: 18). Lacerda supports this reading when

she argues that the state 'is deliberately referred to by subjects as an undifferentiated totality, undefined in the limits of its boundaries, which absolutely does not indicate ignorance of the different segments that compose it.' Indeed, as the author notes, it is precisely this imprecision that 'makes possible certain statements, positions, demands, [and] exemptions' (Lacerda 2015: 27). Involved, therefore, is a strategic mobilisation of the 'state' category by movements of relatives of victims of violence in order to effectuate their struggle (Almeida 2021).

As these movements frequently constitute themselves as a pole opposed to the state (Vianna and Farias 2011) by presenting themselves politically as relatives of victims and, simultaneously, denouncing the state's power to kill, they imply 'the responsibility of a wide range of people: police chiefs, prosecutors, judges, politicians, ombudspersons, ministers, the state governor and the president of the Republic…' (Lacerda 2015: 27-28). In this way, the latter author continues, 'by producing the indeterminacy of the boundaries of the 'state,' those who do so mark their own exteriority, exclusion and dissent' (Lacerda 2015: 28). For a similar reason, perhaps, Azevedo argues that 'the state as representation is, therefore, another element in a play of forces rooted in technical discourses, but also in strong moral and emotional contours' (Azevedo 2018: 219).

In acting both *for* certain aims and *against* something, 'two symbolic units become reified as central discursive entities: "the mothers" and "the state"' (Vianna and Farias 2011: 92). This reification polarises an antagonism in which the adversary is a state deemed to be 'directly responsible for the death of their children and other family members,' further reinforcing 'the illegality and injustice surrounding these same deaths, by failing to convict the guilty and by making no effort to investigate the conditions under which the fatal violence was exercised' (Vianna and Farias 2011: 92).

In holding the state responsible for the violence, since it enacts *state violence* not only in the killings perpetrated by public security agents but also in the subsequent treatment of these cases by other state bodies (like the judiciary),[27] the mothers envisage their struggle as not simply against a specific agent, but against this figure, sometimes indistinct, sometimes well-defined, designated as the state.

Thus the Mothers of May find themselves in a struggle against the state, not only due to their own initiatives but in response to a call issued by their dead, compelling them to fight for justice. In killing their children, the state set them on a collision course with itself. The mothers did not eschew that confrontation. For this reason, the Mothers of May have become a movement against the state, a stance that prompts reflection on what this kind of militancy entails and allows us to revisit Clastres's argument that the state is not an innate necessity of social life but, on the contrary, politics can exist beyond the state (Clastres

27 Numerous studies, such as those by Misse, Grillo and Neri (2015), Godoi *et al.* (2020) and Nachmanowicz (2024), have focused on the impunity granted by the judiciary in cases of homicides committed by police officers (*autos de resistência*, *resistência seguida de morte*, et cetera on killings after alleged resistance to arrest). The same applies to the case of the May 2006 Crimes (see Amadeo *et al.* 2018).

2013). The struggle of the Mothers of May is therefore directed against the coercive power that exercises both biopower (Foucault 2008) and necropolitics (Mbembe 2018b) over the population, particularly over the communities to which they belong.

The 'counter-state' is manifested both in the struggle of the Mothers of May and in their mode of thought. As Sztutman notes in his reading of Goldman on Deleuze and Guattari, themselves following Clastres's work, 'the counter-state, now also a form of thought, ceases to be confined to supposedly "primitive" societies and becomes an aspect of every human population, a vector of resistance to relations of power' (Sztutman 2011: 562). In constantly working to differentiate themselves from the state, the mothers practise, in their distancing from the state, 'a continual mechanism of the affirmation of freedom' (Sztutman 2011: 565), an affirmation of their autonomy, which manifests in both their militancy and their critical, independent and disruptive perspective.

The mothers' struggle is premised on the notion that another world is possible, a world built through counter-state thought and practice. In the formulation advanced by anarchist anthropologist David Graeber (2004: 35), 'counterpower is first and foremost rooted in the imagination.' The former student of Sahlins argues: 'In highly unequal societies, imaginative counterpower often defines itself against certain aspects of dominance that are seen as particularly obnoxious and can become an attempt to eliminate them from social relations completely. When it does, it becomes revolutionary' (Graeber 2004: 36).

However, the counter-state of the Mothers of May is not only a differentiating mode of thought, it is also an antagonistic practice, and both together constitute their *luta* (struggle) against the state. What made Débora's divergence in October 2019 on the panel at the USP School of Public Health so radical was not just the explicit content of her disagreement – the substance of the law bill – but the political philosophy informing each protagonist's position: institutional police reform on the part of the deputy; abolition of the police on the part of Débora. In saying that 'what we need is to have no police,' the representative from the Mothers of May was articulating an abolitionist perspective and, at the same time, counter-statizing the very question of public security. If, in Foucault's theory, the state consists merely of the shifting form assumed by processes of statisation (Foucault 2022) then the counter-state of the Mothers of May can be understood as a counter-statization of social life.

Taking my interlocutors seriously, as Viveiros de Castro (2002) proposes, in this instance compels me to respond to the challenge posed by Alves (2022) to think through the 'urgency of an anthropology of abolition.' Not just a new research agenda, this aim involves the abolition of the police as a vigorous demand of social movements fighting against the black genocide in Brazil, the United States and other countries of the African diaspora – a demand that, among other effects, echoes in the work of penal-abolitionist authors such as Alex S. Vitale (2021), Jaime A. Alves (2022), Acácio Augusto (2022) and Mariame Kaba and Andrea J. Ritchie (2022).

By establishing this radical controversy, Débora was ultimately calling into question what the anthropologist Savannah Shange (2019) has termed the 'carceral progressivism' of sectors of the left. Extending this provocation to academia, Jaime Alves defined carceral progressivism as a 'loyalty of police scholars to the law,' urging us to adopt an abolitionist anthropology 'that works against the police, not with them. Enough!' (Alves 2022: 1031). By confronting the radical nature of this political project articulated by the Mothers of May and echoed by other authors, we are, in a certain sense, weighing the possibility of us to 'engage with anthropology as a practice of abolition' (Shange 2019: 10).

If the Mothers of May propose a transformation that for many people might appear utopian, they do so through a dialogue with everyday concerns, since it is also by confronting the abandonment that follows the violent death of a family member that the mothers wage their struggle against the state. By fighting for reparation they do not suspend their counter-state struggle, but reinforce it with each measure they secure. In their texts, the mothers state that they are subjected every day to a 'physical, psychic, moral and material devastation,' and that the reparation owed to them by the state 'is the minimum that should be guaranteed to us, and which we insist on *wresting as a right to (re)existence*' (Silva and Dara 2015: 87).

Consequently, the demands of the Mothers of May Movement are understood not as favours to be granted through the benevolence of those in government, but as legitimate claims that always represent the bare minimum of what the state should do. The mothers understand the state to possess a 'historical debt' (Ventura 2021) to the black, poor and peripheral population, especially to those families whose loved ones were abruptly taken by state violence. Moreover, this unpayable debt (Ferreira da Silva 2019), which does not derive solely from May 2006, but from the centuries over which these families and their ancestors have been oppressed, violated and exploited, has not diminished but only accumulated over time.[28]

For these mothers, surviving in adversity (Hirata, 2021) is not to live despite the State but also against the State. In this sense, the Mothers of May offer us a path towards 're-encountering counter-state socialities at the very heart of state societies and thus seeking formulations that help traverse the chasm separating them' (Marques 2011: 649).

AUTONOMOUS ACTION IN RESPONSE TO INSTITUTIONAL STRUCTURES AND MATERNAL MILITANT PROTAGONISM

By comprehending the state from this viewpoint, movements like the Mothers of May pursue a path of autonomy vis-à-vis the state, which involves both dialogical and confrontational relations. The mothers establish dialogues with individuals linked to the state sympathetic to such movements, while confronting individuals, practices and policies they see as 'oppor-

28 As the researchers of the CAAF/UNIFESP Reparations Project concluded, the temporal extension of harm back to the earliest periods of Brazil's colonial history is one of the defining features of the debate on reparation from a racial perspective (Osmo *et al.* 2023).

tunistic' or as defenders of – and responsible for – state violence. In this way, a seemingly harmonious exchange with a parliamentarian with an activist trajectory at the roundtable of a black movement event can abruptly turn antagonistic. Situations of this kind become intelligible when we analyse the dynamics of the Mothers of May Movement's autonomy in relation to institutional structures.

We are speaking of mothers who organise themselves in a collective called the *Movimento Independente Mães de Maio*. This is a movement that defines itself as autonomous, similar to numerous other movements that conceive of themselves as 'autonomous, independent, horizontal, yet also decentralised, spontaneous and marked by direct action' (Maia 2016: 20).[29]

What these designations signify is a matter of much debate, but we can note that they imply the characterisation of specific forms of militancy. Maia (2016: 23) argues that 'when a given movement describes itself as autonomous, independent, horizontal and non-partisan, and prioritises direct action and combativeness, it is marking out a specific political spectrum, as well as delineating the way in which it will act, how it will do politics.'

For these movements, and particularly for the Mothers of May, defining themselves as autonomous implies adopting a counter-state politics, presenting 'a concrete negation of the common political practice of bourgeois institutionalism,' which no longer becomes acceptable 'as a form of political action' (Maia 2016: 25). Furthermore, insofar as they reject the path of state politics, they sometimes enter a collision course with institutions that adhere to the politics of the state (such as political parties) and put forward projects that diverge from the demands of these movements (such as reformist police bills).

It is essential to recognise that just as there is a multiplicity of conceptions of the state, so too is there a multiplicity of conceptions of autonomous militancy. In the case of the Mothers of May, autonomy is a political trajectory they construct not through isolation from institutions, but through dialogues and confrontations, proximities and distances – as occurred at the 2019 Black October panel. Autonomy and institutionality are thus not impermeable dimensions for these mothers, but unfold through continual frictions and interpenetrations in a dynamic frequently often marked by disputes and occasionally by cooperation. The mothers pursue their autonomous practice while dialoguing with institutional actors, using their vocabulary[30] and participating in institutional spaces,[31] without ever seeking to occupy

29 Over the past three decades, numerous movements and struggles have emphasised their autonomy, from the uprising of the Zapatista Army of National Liberation in Mexico to the 2013 *Jornadas de Junho* in Brazil, including the Argentine *Movimiento Piquetero*, the Anti-Globalisation Movement, the *Revolta do Buzu* in Salvador, the *Movimento Passe Livre*, Occupy Wall Street, the Arab Spring, Black Lives Matter or the occupation of schools by secondary students in São Paulo, among many other examples.

30 This recalls Kuper's (2002) analysis of social movements that appropriate anthropological concepts in their strategies for making political demands. Albert (2014) has likewise reflected on how, among indigenous peoples, the adoption of certain state languages and understandings can serve as a means of securing recognition of their demands by the public sphere and responses to them.

31 As in the case of the "institutional pilgrimages" discussed by Araújo (2014) and Farias (2020).

positions within these institutional structures. Unafraid of any 'institutional contamination,' therefore, the mothers argue that institutional processes should be carried out with the participation of autonomous actors, not only members of these institutions.

The mothers emphasise the necessity to occupy decision-making spaces, public policy arenas, judicial forums, scientific research environments and so on – any space through which matters relevant to their interests and needs circulate. What the mothers contest is not these spaces per se, but the indispensability of their participation within them as external, autonomous decision-making agents, representing civil society and social movements. Such spaces can promote changes in their lives and in society. Above all, though, they see themselves as fundamental agents in producing effective transformations in the field in which they struggle.

Débora's statement at the same panel where the clash with the parliamentarian occurred contains this meaning: she affirmed that the mothers enact the 'verb to fight' as a 'gift of those who give birth.' Mothers, she said, possess the 'gift of giving birth' and the duty to 'give birth to a new Brazil.' In this way, when they see political projects designed to confront state violence, support relatives of victims or address related issues being drafted without them, they feel excluded from their task and their unique capacity to combat genocide in Brazil. For this reason, they call for recognition of the mother's central place in the struggle, protesting against their eclipsing by other actors working with this issue (such as the black movement and the institutional left).[32]

Just as they demand that all sectors operating within the social field of human rights recognise the protagonism of mothers of victims in the struggle against genocide, they likewise insist that the full participation of these mothers is indispensable to the construction of public policies addressing state violence in Brazil. They demand to be heard and claim their place in shaping social change without having to plead for their inclusion at every new procedural step. They thus resist public security bills that reach them fully formed, drafted without their effective consultation or participation, such as the bill proposing psychological support for police officers. They refuse to be mere signatories to proposals that do not meet their demands, responding that the interests of mothers of victims of state violence can only be adequately contemplated if their protagonism – as women who have invested their lives in this struggle – is recognised. In doing so, they call for the joint action of institutional actors with their autonomous movements, while maintaining their autonomy through a continual process of dispute, critique and demands vis-à-vis the state.

32 This conflict may be read within the wider field of disputes between the Mothers of May and other social movements and institutions over the recognition of their protagonism in the struggle against black genocide, as I narrate in Almeida (2021).

FINAL REMARKS

Diverse studies have shown that for many years the Brazilian police have indeed been among those who both kill and die the most in the world (FBSP 2024, Amnesty International, 2016). Drawing on this assertion – which has become a refrain circulating as common sense in progressive circles as a way of denouncing the violent reality of policing – the deputy justified her bill at the Black October panel in 2019. Feeling provoked, Débora countered the deputy's intention without denying the reality, offering a different explanation for it instead.

In Débora's view, police officers kill because they work for an institution that 'makes these men become psychopaths' and, as a result of the atrocities they commit, they fall ill. In her words, 'and then, for sure, a psychopath becomes sick.' What Débora was doing in countering the deputy's argument was thus a narrative displacement of the pole of those who 'die the most' from the figure of the police officer to the victims of state violence. That is, the comparison was no longer between police forces of different countries, but between the Brazilian police and the targets of their actions. Seen from this new framework, the police kill far more than they die, and, year after year, they killed increasingly more while dying ever less. When they did die, it was not primarily due to being struck by direct violence against the state in performing their work (in the constantly invoked shoot-outs or police operations) but far more frequently from other causes, such as suicide.

While true that suicide results from mental suffering, which the bill sought to address, and thus it would be reasonable to suppose that police suicide rates might fall with such a measure, Débora deemed it implausible to assume that, with less mental suffering, police officers would commit fewer homicides. After all, this involved a back-to-front explanation: in her view, police homicides do not stem from mental disturbance (as the deputy claimed): rather, mental disturbance stems from police homicides. Consequently, those police officers who kill would themselves become mentally unwell.[33]

When violence against the state and state violence are contrasted, those who die as a result of police lethality — the victims of the state (whether considered innocent, criminal or so on: this distinction is immaterial to the argument) – are far more numerous than police officers killed by lethal violence. In this sense, there are far more victims of state violence than there are state agents victimised by violence. Those who 'die the most' are not the police, but their victims, demonstrating the urgency of measures aimed at supporting these cases. Rather than, at the outset, investing public policy efforts in providing psychological support to police officers, the institutional left (here represented by the deputy) should prioritise the mothers and families of victims of state violence when proposing public policies, thereby responding to the struggle for reparation of these subjects.

33 This does not mean inferring, even in Débora's own argument, that all police officers who experience mental illness are killers, nor that committing homicides is the only way in which police officers become mentally unwell.

The clash analysed here exposed divergent understandings of violence (state violence and violence against the state), discordant perceptions of how state violence should be confronted, and differing notions of reparation, debt, victimisation, demilitarisation and the contestation of police institutions for political capital. The controversy over the primary beneficiaries of a proposed policy for psychological support (police officers or the families of victims) thus expressed broader conflicts between distinct sectors working to confront genocide, albeit in dissimilar ways: the movement of families of victims of state violence and the institutional black left.

Translated by David Rodgers.
Received: June 19, 2024.
Approved: July 15, 2025.

This article was translated with support from 'The Vibrant Project: Publishing Indigenous and Black Brazilian Anthropologists in foreign languages,' funded by the Wenner-Gren Foundation for Anthropological Research as part of its Global Initiative Grant programme.

Data Availability Statement:
The entire data set supporting the results of this study cannot be shared openly, but is available upon request to the author.
The restriction of access is justified due to the nature of the relationship established between the author of the study and his interlocutors (mothers and family members of the Mothers of May Independent Movement), based on trust, ethics, and dialogue. Access to the ethnographic data from the research, collected directly from the interlocutors in sensitive situations, will only be granted with the agreement and authorization of the author and research interlocutors, in accordance with the provisions of the Code of Ethics of the Brazilian Association of Anthropology and resolution CNS 510/2016.

Funding
Doctoral fellow of FAPESP, funded under grant no. 2021/05179-5. Member of the Thematic Project *Arts and Semantics of Creation and Memory*, coordinated by Fernanda Arêas Peixoto and funded by FAPESP under grant no. 2020/07886-8.

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Black Brazilian Anthropology

‘Yes, I am black, as God created me’: reflections on the Black Catholic Movement in Brazil

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Abstract

This article examines how the Catholic Church in Brazil has incorporated elements of black activism, promoted actions to combat racism, and adopted symbols of African heritage in its liturgies. Three aspects are highlighted: the formation of the Black Catholic Movement, the role of inculturated liturgies, and the dialogues established between Catholics and African-based religions, particularly Candomblé and Umbanda. In addition to a review of the literature and an analysis of documents produced by Catholic agents, a multi-sited ethnography of the actions of the Afro-Brazilian Pastoral was carried out. The article argues that, by integrating into its liturgical elements from African-based religions – regarded as ‘Black cultural elements’ – the Afro Pastoral reinforces the view that, within the context of the terreiros, the symbols of African heritage were preserved in Brazil.

Keywords: Black Identity; Religions of African Origin; Afro-Brazilian Pastoral; Inculturation.

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e00802
https://doi.org/10.1590/1809-4341.2025v22e00802

‘Eu sou negro sim, como Deus criou’: reflexões sobre o Movimento Negro Católico no Brasil

Resumo

Nesse artigo, discute-se o modo pelo qual a Igreja Católica no Brasil tem incorporado em seu interior elementos da militância negra, promovido ações de combate ao racismo e adotado símbolos das heranças africanas em suas liturgias. Três pontos foram destacados: a formação do Movimento Negro Católico, o lugar das liturgias *inculturadas* e os diálogos entre católicos e religiões de matrizes africanas (especificamente do Candomblé e da Umbanda). Em conjunto com a revisão da bibliografia e a análise de documentos produzidos pelos agentes católicos, realizou-se uma etnografia multisituada das ações da Pastoral Afro-brasileira. Argumenta-se que ao assumir em suas liturgias elementos das religiões de matrizes africanas, considerando-os como “elementos culturais negros” a Pastoral Afro corrobora a perspectiva de que no contexto dos terreiros os símbolos das heranças africanas foram preservados no Brasil.

Palavras-chave: identidade negra; religiões de matrizes africanas; pastoral afro-brasileira; inculturação.

‘Yes, I am black, as God created me’: reflections on the Black Catholic Movement in Brazil

Rosenilton da Silva Oliveira

INTRODUCTION

In this article, I revisit certain arguments presented by myself elsewhere (Oliveira 2016) with the aim of reflecting on three aspects of the Black Catholic Movement and understanding how the so-called symbols of African heritage in Brazil are mobilised by its agents in political actions directed at the black population, both within and beyond the religious field. In other words, I seek to highlight elements that help us comprehend how these three spheres – black theology, a rereading of the history of black people in Brazil from a Catholic perspective, and the adoption of an inculturated liturgy – converge in practices that support specific agendas within the broader Black Movement and, at the same time, enable the construction of an institutional dialogue between the Catholic Church and representatives of religions of African origin.

The Black Catholic Movement – understood here as the set of groups that, since the 1970s, have been articulating activities aimed at promoting an institutional visibility of black people within the Church (Oliveira 2016) – organises its actions around three axes: the formulation of a ‘black theology’ (or a theology ‘on blackness’), the development of a narrative concerning the history of black people in Brazil (and within the Church) and the establishment of a ‘black liturgy.’ These three lines of action mobilise Catholic actors (and others associated with them) in coordinated initiatives, such that each dimension necessarily influences the others.

Within the scope of this research, the Black Catholic Movement also includes, to some extent, what is referred to as ‘Black Catholicism,’[1] insofar as it establishes, at least institutionally, a dialogue with black lay brotherhoods and confraternities, as well as with *congadas*, *moçambiques* and other groups that incorporate devotions and practices of African origin into official Catholic cosmology and liturgy. Along these lines, Rubens Alves da Silva (2010: 181), in his study of *congado* in Minas Gerais, has shown that ‘black identity is affirmed

1 There is an extensive literature on black popular Catholicism in Brazil; I highlight Silva’s (2010) reflection, which synthesises the main features of this form of worship. It is also important to note that some of these groups do not claim Catholic religious affiliation for themselves, or do so only critically (see Martins, 2021).

through concrete experience, through (co)living and socialisation in this religious-cultural milieu; that is, through effective participation in this ritual, with this identity being a process of construction rooted in the symbolic reinterpretation and articulation of diverse beliefs and religious values (Catholicism/Afro-Brazilian religions), as well as in differences (black/white).

Considering the breadth and diversity of this movement, I take as my empirical focus the actions of the Afro-Brazilian Pastoral, in coordination with the Mariama Institute (IMA) and the Group of Black and Indigenous Religious Men and Women (GRENI), with the aim of observing how the notion of ethno-racial identity and certain agendas of the black movement are mobilised.

Here I follow Stuart Hall's (1996) provocative question: 'what is this "black" in black popular culture'? In formulating this question, the author situates it within a more expansive debate on the pertinence of the notion of cultural identities in postmodernity, a moment in which the idea of an essence in the configuration of individuals and social collectives is ruptured, as the historically constructed meanings attached to categories denoting belonging start to be questioned. In this context, Hall argues in favour of retaining the identificatory category insofar as it operates 'under erasure': that is, with provisional and contextual meanings, 'in the interval between reversal and emergence; an idea which cannot be thought in the old way, but without which certain key questions cannot be thought at all.' (1996: 104).

Taking the notion of identity as a category under erasure allows us to reflect on the strategies used by particular groups seeking public recognition and access to social rights. Within the scope of this text, therefore, I pose the following question: what is this 'Catholicism' produced through the actions of various black groups since the 1970s?

As Oliveira (2019) has shown, leaders of religions of African origin have increasingly invested in presenting 'religion as culture,' understood as a powerful instrument for validating public policies intended to valorise the black community in general and religious terreiros in particular, as well as for confronting racism and religious intolerance (Silva Neto et al. 2019) In the context of Black Catholic activism, as discussed below, we find a distinct movement, one that seeks ever more forcefully to affirm a 'Church for black people' (Oliveira 2024).

I argue, therefore, that the institutionalisation of the Afro-Brazilian Pastoral is the outcome of attempts by black Catholic activists to develop a 'black theology' through the establishment of an 'inculturated liturgy,' mobilising elements of a certain 'Black Catholicism' – such as the worship of black saints (Saint Benedict, Saint Iphigenia and Our Lady of Aparecida) and the historical and religious valorising of black lay brotherhoods and confraternities – with the aim of compelling the ecclesiastical hierarchy to engage in a debate on ethno-racial relations within the Church.

The data for this research was collected at three complementary levels: (i) documentary, drawing on texts produced by the groups themselves (minutes of meetings, hymn books, liturgical scripts, training-course texts and so on); (ii) ethnographic, based on observations made at a range of events, such as the editions of the Pilgrimage of Black Catholic Communities to Aparecida (2012–2023), the National Congresses of Black Catholic Organisations, the meetings of the Catholic, Candomblé and Umbanda Dialogue Nucleus in São Paulo

(2009–2015), a meeting of the Reflection Group on Interreligious Dialogue (GREDIRE) in Belo Horizonte (2013), as well as regional meetings of the Afro-Brazilian Pastoral in the metropolitan region of São Paulo and diverse 'Afro-Brazilian inculturated Masses' held in the Northeast, Southeast and South of Brazil and the Federal District (Brasília); (iii) interviews with leaders and testimonies from participants in the pilgrimages and black congresses.

It should be emphasised that the choice of which events to observe was not random but followed the dynamics of the religious field in which actors connect with each other via multiple pathways, composing an intricate web of relations that must be analysed at different levels. The text that follows is organised in three parts: in the first, I revisit the work of the Afro-Brazilian Pastoral (PAB); next, I examine some aspects of inculturated liturgies; and finally, I offer a reflection on the relations between the Catholic Church and religions of African origin (Candomblé and Umbanda), highlighting their joint efforts in combating racism and religious intolerance.

PASTORING 'THE BLACK PEOPLE': AFRO-CATHOLIC GROUPS

The Second Vatican Council, held in Rome between 1962 and 1965, had a profound impact on the political actions undertaken within the Church and in civil society, establishing a new baseline for Roman Catholicism's positioning in response to the social transformations generated by modernity (Kloppenburg 2000). From this landmark onwards, themes such as changes to the liturgy, relations with the sciences and with other religions (particularly non-Christian), as well as the recognition of the ethno-racial and cultural diversity of congregations, emerged as significant challenges for Catholic actors (Oliveira 2016).

With the aim of constructing a shared agenda for action, meetings were convened across the Americas that brought together the bishops of Latin America and the Caribbean at the General Conferences of the Latin American and Caribbean Episcopal Council (CELAM). Although the Vatican set the guidelines and themes to be debated, it was up to the local episcopate to 'translate' these theological and pastoral directives of the universal Church into Latin American contexts. In this sense, the conferences held after the Council – in Medellín (1968), Puebla (1979), Santo Domingo (1992) and Aparecida (2007) – each reaffirmed in their own way aspects of Liberation Theology and its relevance for the development of ecclesial action in the Latin American region (Santos 2012).

As Lucilene Reginaldo (1995) demonstrated, some Catholic bishops had little familiarity with the cultural and ethno-racial diversity of the Brazilian population. A working group was therefore convened by the CNBB to provide support to the bishops due to participate in the Third Latin American Episcopal Conference (CELAM), held in Puebla de Los Ángeles (Mexico) from 27 January to 13 February 1979, whose central theme was 'The present and future of evangelisation in Latin America.' On this point, Dom José Maria Pires – known as

Dom Zumbi, Archbishop Emeritus of Paraíba – recalls that the Brazilian delegation needed to broaden its understanding of the diverse cultures making up the nation (Oliveira 2016).

Drawing on their experience in the working group, its members identified the need to continue the theological reflection on the black population, revisiting the history of black people in Brazil and their relationship with the Church. The group's format was therefore expanded with the founding of the Union and Black Consciousness Group (GRUCON) in 1980, still operating independently of the ecclesiastical hierarchy (Valente 1994).

Frei Davi de Oliveira, in an interview with Vanessa Alberti and Amílcar Araujo, notes that in the group's early years of activity in Rio de Janeiro, one of the strategies adopted was the production of slide shows that were projected in public spaces, such as Central do Brasil station in Rio city, as well as in other locations in the metropolitan Baixada Fluminense region. According to the friar, the objective was to provide the black population with a

> historical consciousness, because we understood that historical consciousness is the first step towards an awakening of consciousness in general. We produced these slide shows ourselves, a large team, with the support of Ibase.[2] One of them was called *The untold history*, the other, *Life reborn through struggle*. (…) We believe we made over 200 copies for the whole of Brazil. It was truly remarkable because we managed to hold many of these slide shows in the communities linked to the Catholic Church with large black populations (Alberti and Pereira 2005: 14).

For the members of GRUCON, it was not enough simply to revisit the history of the black population in Brazil: this history had to be narrated in light of other theoretical and political perspectives. This positioning forced the Church to confront the challenge of retelling its own history, publicly justifying its position in relation to slavery and the exclusion of black people, as well as adopting concrete measures to value black culture within Catholicism and to promote reparative actions. This movement assumed a more pragmatic orientation from 1988 onwards, during the Fraternity Campaign,[3] which took the black population as its central theme that year.

In parallel to the work of GRUCON, another group emerged within the Catholic context, this time with a stronger emphasis on faith: the Black Pastoral Agents (*Agentes de Pastoral Negros*: APNs). 'Having faith' was the minimum requirement for joining the group, as Father Jurandyr Azevedo stated in interview (Oliveira 2016). This approach, however, had two effects: on one hand, insofar as one wing of the APNs sought to advance the agenda of the

2 The Brazilian Institute for Social and Economic Analyses (*Instituto Brasileiro de Análises Sociais e Econômicas*: Ibase), founded in 1981 by Herbert de Souza (Betinho), Carlos Afonso and Marcos Arruda, works in defence of citizenship and human rights. See: https://ibase.br/quem-somos-2/

3 As Oliveira (2024) notes, 'the Fraternity Campaign is an initiative of the Catholic Church implemented through the CNBB and Caritas Brazil, the aim of which is to broaden evangelisation. It began as an initiative of Caritas Brazil to raise funds for charitable work and, once incorporated by the CNBB, transformed into a mechanism for defending the social interests of the underprivileged and a means of drawing attention to broader social problems, as well as securing resources for projects linked to the theme chosen each year.' Valente (1994), analysing the Black Pastoral Agents, followed the development of the 1988 campaign, while, in later research, Oliveira (2016) examined the impact of this mobilisation on the configuration of Afro liturgies.

black movement within the Catholic Church in Brazil, it increasingly distanced itself from some of the guidelines of the secular black movement (Valente, 1994); on the other hand, more intense dialogue with other groups from the black movement sharpened the racial debate within the Church.

Over time, it became clear that 'faith' and 'black activism' encompassed many meanings, some of them contradictory, depending on the vision of particular Catholic clerics, which led to the emergence of the Afro-Brazilian Pastoral in 1988 (Santos 2012). Indeed, there was considerable concern among religious figures to reflect on the place of black people within the Church and, on that basis, to introduce a religious expressiveness into Catholicism that took into account aspects of 'black culture.'

Once officially established, the Afro Pastoral began coordinating the work of the other bodies within the Black Catholic movement, without these being necessarily subordinated to it: the Mariama Institute (IMA) and the Group of Black and Indigenous Religious Men and Women (GRENI). In this context, the APNs gradually became more secularised, culminating in their formal separation from the Catholic Church at the end of the 2000s.

According to its founders, the IMA emerged in 1999 as an exclusive space in which black priests, deacons and bishops could discuss issues relating to the fact of being black Catholic clergy. They understood that since both the APNs and the Afro Pastoral dealt with broader themes, they lacked the conditions to undertake a more in-depth reflection, even though ordained ministers were included within their scope (Oliveira 2016).

One of the IMA's principal activities is to offer ongoing training to its members, both in the field of theology and on topics related to black people in Brazil. This is achieved through annual meetings, which combine moments of study, inculturated celebrations with local communities and visits to sites explicitly or implicitly connected to black artistic and cultural productions. For example, the organisation's 22nd Assembly was held in São João del Rei (Minas Gerais state) and addressed the themes 'Afro-Brazilian art in sacred art from Minas Gerais' and 'The Year of the Priest and black clergy in the Church in Brazil,' as well as the vocation and the situation of young people. While the latter two topics were addressed through lectures and group reflections alone, the discussion of sacred art included an invited historian whose presentation was complemented by a guided visit through São João del Rei and the neighbouring town of Tiradentes. The aim was to demonstrate the agency of Africans in the production of Minas Gerais's baroque sacred art.

The theme of the black person 'assuming' their ethno-racial belonging or developing 'consciousness' of their identity is a perennial issue among black activists. The underlying premise is that skin colour and the everyday experiences of racism are not in themselves sufficient: it is necessary to lead the person to understand that the discrimination they face and the difficulties they encounter in accessing goods and services have their roots in racism.

Impelled by the same principles that drove the clergy of the IMA, black religious men and women successfully obtained the formal establishment of the Group of Black and Indig-

enous Religious Men and Women (GRENI) during the general assembly of the Conference of Conference of Religious of Brazil (CRB).

One of the major differences between GRENI and the other bodies composing the Black Catholic movement is its inclusion of indigenous people. This is no coincidence. In Brazil, missionary work among indigenous populations dates back to the colonial period when Franciscans, Carmelites, Salesians and other orders crossed the country with the aim of catechising them (Montero 2006). It was also in the indigenous context that debates around the *inculturation* of the liturgy first began (Rufino 2006) and, thanks to the work of Dom Pedro Casaldáliga, the *Missa da Terra sem Males* ('Mass of the Land-without-Evil') was celebrated in 1978, the first systematic experiment in inculturation. It was on the basis of this celebration that the *Missa dos Quilombos* (1981) was conceived – that is, the first 'Afro Mass' (Oliveira 2016).

Although they were the pioneers, the role of religious men and women within the Black Catholic movement is less visible than that of the Afro Pastoral agents, perhaps for two reasons. First, some of the religious practitioners who are also priests belong to the IMA and are responsible for parishes and thus coordinate the local work of the Afro Pastoral. Secondly, the work of missionaries is often confined to rural communities or to the peripheries of large cities, where combating racism is just one among diverse concerns (alongside social inclusion, security, health and education).

Supporting theological and pastoral debate on black people in the Church, the Atabaque Group also emerged, formed by theologians and scholars from other areas of the humanities, with the aim of reflecting on questions of blackness in relation to theology. The group was 'ecumenical,'[4] based in São Paulo, and throughout its period of activity was led by Father Antônio Aparecido da Silva, 'Father Toninho,' parish priest of the Church of Our Lady of the Achiropita and provincial of the Little Work of Divine Providence (Don Orione) (Bina 2002).

As Oliveira (2024) argues, Father Toninho played a fundamental role in the discussion of racial issues and black activism within the Church, influencing the formation of many activists, especially during his tenure as rector of ITESP – the Theological Institute of São Paulo. His work as an activist and theologian was not detached from his ecclesiastical activity. As the priest responsible for the parish of Our Lady of the Achiropita (located in the Bixiga neighbourhood of São Paulo), therefore, he developed a series of initiatives aimed at welcoming the poor population, including especially work with vulnerable children and the founding of the Achiropita Afro Pastoral.

Meanwhile, the Atabaque Group, founded by Father Toninho and other members of the Afro Pastoral, became a space for theological debate and liturgical experimentation in São

4 As a category used by Catholic religious actors, 'ecumenism' refers to dialogue between some Christian churches. As we shall see below, relations with religions of African origin are defined rather as 'interreligious dialogue'. In this text, I treat both categories – ecumenism and interreligious dialogue – as native terms.

Paulo. The group discussed issues on which there is still no consensus within the Catholic Church in Brazil: 'dual belonging' (the possibility of someone professing Catholicism while also being a follower of a religion of African origin), the existence of a 'black theological thinking' and the establishment of a 'black way of praying' through the theological and pastoral justification of the so-called Afro-Brazilian inculturated liturgies (Jorge and Deus 2024).

In parallel, in other regions of Brazil, work also emerged on theology, liturgy and Afro-Brazilian history and culture, consolidating the development of 'black theology.' Its central themes included the spirituality of black people, Afro-Brazilian inculturated liturgy and the reconciliation of faith and activism –– some of which turned into academic studies, such as the dissertation by Sister Franziska C. Rehbein, *Candomblé e Salvação – a salvação na religião nagô à luz da teologia cristã* (1985); José Geraldo Rocha's master's dissertation (*Negro: um clamor de justiça*, 1993) and doctoral thesis (*Teologia e Negritude: um estudo sobre os Agentes de Pastoral Negros*, 1997), both defended in Rio de Janeiro; Gabriel Bina's research (2002) on the atabaque drum in the Church; and the collection organised by Ildo Bohn Gass, Selenir Correa Gonçalves Kronbauer and Sônia Querino dos Santos on the black presence in the Bible, especially the volume *Negra sim, negro sim, como Deus me criou: leitura da Bíblia na perspectiva da negritude* (2006). These works were accompanied by a substantial number of booklets, lectures and training sessions that highlight the relationships between racial belonging, the Catholic faith and its connections with African cosmoperceptions.

We can observe an intellectual endeavour to read the Catholic faith through certain black racial or 'cultural' presuppositions, or from the viewpoint of religions of African origin. This is largely attributable to two factors: first, the fact that the Black Catholic movement already emerged in close dialogue with Candomblé religious leaders (especially those who venerate the Orishas); and second, the fact that the diacritical signs allowing both the formulation of a 'Black Catholic identity' and the development of inculturated liturgies will be drawn from the repertoire of these religions.

In a way, the Atabaque Centre formed the nucleus of those directing Black Catholic theology. There were, however, other centres of debate spread across Brazil, such as the Archdiocesan Centre for Coordination of the Afro-Brazilian Pastoral (CAAPA, in the capital of Bahia), the state-level APN nuclei, the Father Batista Institute for Black People (São Paulo), the Mariama Institute (IMA), which provides a forum for black deacons, priests and bishops, and GRENI. Added to these groups were national discussion forums like the Congress of Black Catholic Organisations (CONENC), which brought together leaders from these various groups, as well as the Brotherhoods of Our Lady of the Rosary of Black Men (in São Paulo and Salvador) (Oliveira 2016).

The Black Catholic Movement has pursued a wide range of agendas: ranging from confronting racism within and outside of the Church, through debates on black representativity in the episcopate and other positions of power, to the formulation of an Afro-centred theology that recognises the legitimacy of incorporating symbols of African heritages in Brazil into Catholic rites, thereby shaping Afro-Brazilian inculturation.

The debate on the number of black Catholic bishops has been recurrent in recent years. Although the Catholic Church, via the Centre for Religious Statistics and Social Research (CERIS), has undertaken censuses of the faithful and ecclesiastical bodies, this data is not made regularly available, the most recent edition having been published in 2012. In 2015, during CONENC, Dom Zannoni Dementino de Castro (Archbishop of Feira de Santana, Bahia, and the bishop responsible for the Afro Pastoral) listed by name the 11 black bishops then in active service out of a total of 434. This information was also reproduced by official Church channels, such as Vatican Radio.[5] It should be emphasised that although this number has not been officially updated, not all black bishops participate actively in the Black Catholic Movement (Oliveira 2024).

Drawing on the fieldwork, the analysis of meeting minutes and the bibliographic review, we can observe that issues related to public policies benefiting the black population and actions aimed at combating racism once again became central themes from the fifth edition of CONENC, held in 2007, marking a return to certain positionings present in the movement's genesis.

Also perceptible over the years is the fact that the debates taking place within the Church are not isolated from the national context. For example, when the teaching of African and Afro-Brazilian history and culture became mandatory in basic education,[6] activists began to discuss how these principles might also be applied in catechesis (that is, in the religious instruction offered to Catholic children in each parish). Along these lines, the Black Women Educators' Study Group – a working group formed within the National Afro Pastoral – produced a booklet with guidelines for implementing these principles in local communities. The material was made available to Black Catholic activists in 2015 and the debate was taken up again at the CONENC held in Salvador (Bahia) in 2022.

Indeed, one of the constant preoccupations of Black Catholic activists since the movement`s formation in the 1970s has been the construction of a narrative about the history of black people in Brazil, presenting a history that was untold (Reginaldo 1995), revisiting processes and events with the aim of 'restoring the dignity of black people' and demanding reparations both from the public authorities and from the Church itself.

Returning to what I noted above, if we take the Second Vatican Council as the landmark for the emergence of the Black Catholic Movement, we can observe that the members of the Task Group, after completing their work of advising the bishops who participated in the Latin American Episcopal Conferences, did not disband. Instead, they began to reflect more systematically on race relations within the Catholic Church.

As we have seen above, over the years the members of the Black Catholic Movement succeeded in institutionalising the racial debate within the Catholic Church, both in Brazil

5 'Igreja Católica no Brasil tem poucos bispos negros.' Available at https://www.archivioradiovaticana.va/storico/2007/04/11/igreja_cat%C3%B3lica_no_brasil_tem_poucos_bispos_negros/bra-127744 Accessed 25 August 2025.

6 Law 10.639/2003, which amends the Law of Guidelines and Bases for Basic Education (Law 9.694/1996). On this topic, see Oliveira (2018).

and in Latin America more widely, through the Afro Pastoral. This achievement involved internal negotiations, confrontations with more conservative groups and the softening of certain demands present within the broader black movement.

This process became clearer during the activities of the 10th CONENC, held in Salvador in 2022. Under the theme *Black Communities: decolonising minds and knowledge; recovering historical memory; strengthening intercultural spaces and relationships*, the event brought together around one hundred participants, the majority of them women, from all five macro-regions of Brazil. The predominance of participants aged between 50 and 60 indicated that many of these leaders had been active in the Afro Pastoral since its early years. Nevertheless, almost one third were attending the Congress for the first time.

The meeting sought 'to deepen and reflect on liturgical-Christian spirituality, recognising black cultural identity as an enrichment of ecclesial life,' as recognised in the final document of the Latin American Episcopal Conference (CELAM) held in 2007 in Aparecida (São Paulo state) (CONENC 2022). In returning to the city of Salvador for another edition of the most important congress of the Black Catholic Movement, the organising committee announced an ambitious goal, described in the second specific objective of the preparatory document: 'to deepen content; to train, in an integral manner, the agents of the Afro-Brazilian Pastoral, with biblical, methodological and catechetical content, for quilombola communities and urban centres' (CONENC 2022). This intention became evident in the structure of the meeting: three lectures delivered by invited university professors, as well as working groups organised according to each of the regional delegations present.

Since the CONENC held in Duque de Caxias (Rio de Janeiro) in 2015, three principal concerns have occupied Afro-Catholic leadership: (a) the theological-pastoral, political-social and academic formation of its agents; (b) the reorganisation of grassroots groups, with the consequent renewal of their membership; and (c) the expansion of ecclesial action beyond the performance of inculturated liturgies.

With the multiplication of Afro Masses in parishes across the country and the constant confrontations experienced by pastoral agents – as I discuss below – the need for continuous formation processes became imperative. Local, regional and national meetings have sought to bring together leaders in formulating theological and socio-anthropological responses that justify the actions undertaken. This movement also includes the revision and updating of the document regulating the activities of the Afro-Brazilian Pastoral (Document 85 of the CNBB), which is currently being reformulated by a team of advisers comprising clergy (bishops and priests) and lay people (religious practitioners and academics). The revival of training courses for pastoral agents is also noteworthy.

In this respect, discussions have taken place on the refounding of the Atabaque Group – the theological school established by Father Toninho in São Paulo, whose central aim was

the production of an Afro-centred theology (Oliveira 2024). In parallel, there is an ongoing concern with the formation of new generations of pastoral agents.

During the acute phase of the Covid-19 pandemic between 2020 and 2022, when holding in-person meetings became impossible, the national and regional coordinations of the Afro Pastoral made use of technological resources to offer training courses for pastoral agents. Two editions reached a national audience, each with more than one hundred people enrolled. Lasting six months, the courses addressed the main themes of Catholic theology from an Afro-centred perspective, as well as offering specific classes on race relations, the black movement and Black Catholicism in Brazil. In this context, the researcher was invited to teach two classes in both editions, addressing the relationship between African populations and the Catholic Church in the context of the diaspora.

As Oliveira (2016) has already noted, the presence of intellectuals in the training processes of Catholic religious agents, drawing on their respective disciplinary fields (anthropology, history, sociology, etc.), is not something new. Catholic theological production, as well as its intervention in society, has never been separate from the scientific knowledge produced in universities. On this point, Father José Enes de Jesus – president of the Father Batista Institute for Black People in São Paulo and national secretary of the PAB – recalls that, even as a theology student, he was able to discuss racial issues with academic figures like Florestan Fernandes in the early 1980s.

At CONENC in Salvador, an agenda for action was developed based on the work of the anthropologist coordinating the activities on the second day of the event. This agenda set specific targets for each regional body for the forthcoming three-year period, to be presented and discussed at the next edition of the Congress. The objectives defined in this 'Pastoral Agenda 2022–2025' revolved around the three axes cited earlier: the formation of pastoral members, the renewal of the contingent of agents – with greater participation of young people – and the expansion of the field of action.

While the Afro-Brazilian Pastoral is now consolidated within the institutional structure of the Catholic Church in Brazil and, more broadly, in Latin America, in some contexts its activity has been progressively reduced to the liturgical sphere. In this regard, by returning to the concluding document of the Aparecida Conference, which highlights the role of the black population as both subject and agent of ecclesial action, members of the Pastoral seek to amplify the scope of their work.

During the debates held at CONENC, the need to reconfigure pastoral practice within the Church – without disregarding the importance of inculturated liturgy or the progress achieved in recent years – was repeatedly stressed. 'We need to be Afro Pastoral everywhere,' the participants insisted.

This reorganisation necessarily entails new negotiations not only over the place of the Afro-Brazilian Pastoral within the structure of the Catholic Church but also concerning the

ways in which the theme of ethno-racial difference, in an ample sense, and racism, more specifically, has been mobilised in the contemporary Christian religious field.

In the following section, I examine how the actions of the Afro Pastoral have been shaped within the Catholic Church.

'IT WAS OLORUM WHO SENT US': AFRO PASTORAL ACTION WITHIN THE CHURCH

The Catholic maxim 'we pray as we live, because we live as we pray' (Catechism of the Catholic Church 2725) resounds strongly in the actions of the Black Catholic Movement, which asserts 'our black way of celebrating' (Jorge and Deus 2024). In other words, in developing actions to combat racism and discrimination both within the Church and in society in general, the Afro Pastoral, the IMA and GRENI seek to reveal a way of being and professing the Catholic faith that necessarily passes through belonging. It is through this exercise of affirming a prominent space for Afro-Brazilian expressions within the Church itself that activist initiatives beyond the religious context are also energised.

In this section, drawing on reflections concerning 'Afro-Brazilian liturgies' and the pilgrimages of Black Catholic Communities to Aparecida, I argue that *inculturation*, as proposed by agents of the Afro Pastoral, functions as a device for the 'blackening' of the Catholic Church. articulating elements of Christian theology with principles of the racial debate present in African cosmoperceptions, activated by groups from Brazil's black movement. As a result, the circulation of people and symbols between Catholicism, Umbanda and Candomblé makes it possible for the same diacritical signs of blackness to acquire different meanings along a continuum from one segment to another. Belonging simultaneously to Catholicism and to a religion of African origin, although not identical, may thus be experienced by some individuals as interpenetrated, existing in a kind of religious 'dual belonging' (Souza Jr. 2001).

The analysis will focus on the actions of the Afro-Brazilian Pastoral, recognising that these are developments of the work carried out by black groups within the Catholic Church, especially the APNs (Rocha, 1997; Santos, 2012). Given that Caetana Damasceno (1990), Rosangela Borges (2001), Gabriel dos Santos (2012) and Oliveira (2016) have already undertaken analyses of inculturated liturgies, here I only highlight certain aspects of these rites.

In *Orixás – a manifestação cultural de Deus: uma análise das liturgias católicas inculturadas* (Oliveira 2016), I observed that the creation of inculturated liturgies through the incorporation of elements from religions of African origin establishes 'a new place for black people within Catholicism: the place of mediation between two religious systems. Like a hinge, Afro celebrations can symbolically turn towards each of the poles without, however, limiting themselves to one or the other. Perhaps we are witnessing a new moment in Catholicism in which the maxim "unity in diversity" is also finding expression in ritual` (Oliveira 2016: 167).

Indeed, agents of inculturation reproduce in the liturgy the same reconstructive movement observed in the formulation of a 'black identity,' starting out from a universal substratum ('we are all children of God') and adding diacritical signs of identification. It is worth noting that from its first edition – namely, the *Missa dos Quilombos*, held in 1986 in João Pessoa – these symbols were drawn from the Afro-religious field and re-signified in light of the experiences of members of the Black Catholic movement, as Father Jurandyr Azevedo recalls.

The rite of 'Afro-Brazilian inculturated Masses' follows the structure set out in the Church's official documents. The elements of 'inculturation' are visible in the liturgical vestments (which evoke an 'Afro aesthetic'), in the songs (accompanied by the atabaque drum) and in the dances (Oliveira 2016). The significant change lies precisely in the signs of blackness activated in the ritual, which undergo transformations provoked by three main factors: the sociocultural context in which the celebrations take place; the training in theological and African-studies; and the guidelines issued by the national coordination of the PAB. Thus, the variations observed in Afro Masses accompany the changes occurring within the Black Catholic movement, each influencing the other.

If the sociopolitical context of the 1970s prompted a more combative liturgy in the Missa dos Quilombos, for example, with its tone of denunciation, the celebrations of the 2000s adopted a festive ethos and an 'Afro' aesthetic, inspired by Candomblé, as representative of 'black culture.' From this perspective, an investment can be discerned in the notion of a tangible and identifiable material culture whose elements can be activated to express religious beliefs.

The ritual remains the same, Catholic, but some elements of Afro-Brazilian religions are inserted into its fissures through inculturation, transforming it into something 'Afro.' Since the state, with the support of religious figures and intellectuals, has conferred heritage status to these religions, they can now be inculturated by Catholics. In other words, Catholics recognise that the terreiros preserve symbols of African heritage in Brazil, which can be safeguarded as national cultural patrimony and, at the same time, mobilised to compose Afro liturgies.

In this dynamic, black saints perform an important role. As noted above, black theology (or 'the theology of blackness') initially sought to identify figures of African origin in the Bible. However, this project was abandoned for being considered of limited usefulness. Attention shifted instead to the mediation of saints. Mary, the mother of Jesus, occupies a privileged place, accompanied by saints with varying degrees of popular appeal like Saint Benedict, Saint Iphigenia, Saint Anthony of Categeró and Saint Elesban.

In the Catholic pantheon, Mary is invoked in a special way as the mother of the God-Son. Recognised under various titles, she is the patron saint of Brazil as Our Lady of Aparecida, whose statue was found in 1717 in the waters of the River Paraíba, close to the town of Guaratinguetá in the state of São Paulo. Dark in colour, her maternal figure was quickly associated with the marginalised and enslaved population and her presence is constant in the Black Catholic movement. Among the titles used in Afro liturgies are 'Mariama,' 'Qui-

lombola Mother,' 'Black Lady' and 'Black Mother Aparecida.'[7] A paradigmatic example is the feast of the 'Black Mother,' held annually in May at the Church of Our Lady Achiropita in São Paulo, which combines Mass, bean stew (*feijoada*), an Afro-themed market and samba performances, forming part of the city's tourist calendar.

Saint Benedict has historically enjoyed wide devotion among Catholic faithful. Countless *congadas*, *moçambiques*, brotherhoods and confraternities that take him as their patron. In the context of Afro activism, this repertoire is taken up and, as noted above, unlike the case of Mary – who is invoked as the welcoming mother ('Mariama'), warrior mother ('Quilombola Mother') and protector ('Our Lady Aparecida' / *sinhá querida*) – worship of Saint Benedict is mobilised as a 'Black Catholic cultural heritage.' In other words, the festivals dedicated to the saint combine the discourse on heritage with black religious expression.

In 2016, the São Paulo City Council, through the Municipal Secretariat for the Promotion of Racial Equality (SMPIR/SP), launched the 'Municipal Feast of Saint Benedict,' held annually in April in Largo do Paissandu, next to the Church of Our Lady of the Rosary of Black Men. The event features artistic performances, a market for black entrepreneurs and a food court.

The first edition took place from 16 April to 15 May 2016, announced months earlier, in November the year before during celebrations of the National Day of Black Consciousness, at an Afro Mass presided over by the auxiliary bishop of São Paulo, who is responsible for the Afro Pastoral in the archdiocese. The event was attended by officials from the SMPIR/SP, the Municipal Secretariat for Human Rights and Citizenship, city councillors, priests and *pais* and *mães de santo*. In his speech, the SMPIR secretary emphasised that, just as São Paulo has 'ethnic' neighbourhoods with well-known annual festivals (such as the Japanese Festival in Liberdade and the Achiropita Festival in Bixiga), a festival was needed that could bring together the black community, choosing the most popular Black saint for this purpose.

Although the organisation of the festival had a predominantly Catholic orientation, the performances were diverse: capoeira, *afoxés*, *maracatus* and samba groups and a gospel choir. This is the only public initiative observed that addresses the black community from a Catholic standpoint without taking religions of African origin as its primary reference, although religious leaders and some shows signal their presence, limited to the opening speeches denouncing religious intolerance.

Another axis of action of the Afro-Brazilian Pastoral is the Pilgrimage of Black Catholic Communities, or the 'Pilgrimage of the Black People,' held at the National Shrine of Aparecida. The two terms are used interchangeably with some subtle differences: 'black communities' emphasises the multiple groups making up the Black Catholic Movement, whereas 'Black people' also encompasses those who do not belong to these collectives but nonetheless participate in the activities.

7 In Portuguese, *Mãe Quilombola*, *Senhora Negra* and *Mãe Negra Aparecida*.

The pilgrimages take place annually, usually on the first Saturday of November, organised by the Pastoral's national coordination, with certain dioceses assuming responsibility for each edition. The event makes it possible to analyse (a) how pastoral agents negotiate with other Catholic entities and publicly present the image of the 'black Catholic'; and (b) which operational strategies are adopted to bring together participants from different regions of the country.

The pilgrimage begins with an inculturated Mass in the central nave of the National Shrine of Aparecida, presided over by the bishop responsible for the National Afro Pastoral and broadcast nationwide by TV Aparecida. This is followed by a number of cultural performances (*quizomba*) in one of the Shrine's atriums or halls.

The Afro Mass celebrated in Aparecida presents certain particular features in relation to those held in other churches: the duration of the celebration is shortened so that it can be completed in just 60 minutes (an Afro celebration normally lasts an average of 90 minutes and may extend to 120); the food items taken to the offertory are collected and distributed only among those taking part in the pilgrimage and not among all the participants of the Mass; and finally the master of ceremonies for the celebration does not belong to the Afro Pastoral but to the congregation that administers the Shrine.

In sum, the inculturated celebration is organised so as to comply with the directives established for all masses held at the Shrine. This fact reinforces the findings of earlier research (Oliveira 2016): Afro Masses have specific elements that identify them (vestments, songs, dances, an Afro-centred theological discourse, et cetera), which are materialised in ways that take into account the contexts in which they are performed. Despite the restrictions present in the Shrine's ceremonial norms, being able to hold this annual event in such a space constitutes an important landmark in the history of Black Catholic activism.

The second moment, known as the *quizomba*, is a kind of celebratory gathering that features musical and dance performances by the various groups that make up the Black Catholic movement across Brazil. These performances are defined in advance by the group responsible for organising the pilgrimage each year. The presentations are interspersed with exhortations by pastoral leaders, and it is also at this moment that the diocese responsible for organising the next edition of the event is chosen.

It is difficult to estimate the number of participants at each edition of the pilgrimage, since the national shrine comprises a complex with two basilica churches connected by a walkway, a set of halls, chapels, museums and shopping areas (in addition to the rooms for ex-votos and confessionals), and the faithful move continuously through these spaces. Even during the celebration of the Mass and the *quizomba*, the flow of people joining the pilgrims makes any reliable estimate of participants impossible. One strategy adopted by the organisers has been to record the dioceses represented by priests or groups of faithful (although this number is not disclosed).

Each year, the group responsible for organising the pilgrimage, together with the national coordination of the Afro Pastoral, prepares a booklet – a kind of guide – presenting the theme and motto chosen for that year and their respective theological-pastoral explanations. This guide contains a set of reflections on the 'journey of the black people' and suggestions for activities to be executed in advance by pastoral groups as a way of preparing for this major gathering.

In the words of the national coordination of the Afro-Brazilian Pastoral:

> Pilgrimage is a sign that people seek God. They pray with their minds and their lips, but also with their feet and with their whole bodies, setting out on the pathway. God is always ahead of us and calls us to walk: to leave ourselves and travel towards the foreign and sacred land of the 'other,' the one who is different. It is a path towards a better and deeper life. *Black people are a pilgrim people.* We are walkers. The Christian is dynamic, ever on the move. Whoever does not walk does not progress. Whoever wishes to build something in life must walk. The Twentieth Pilgrimage of Black Communities to the National Shrine of Our Lady of Aparecida will be held because she is our Black Mother and our *Mariama* – that is, Mary who loves. *Its aims are: to reclaim our culture by contemplating the face of the Black Mother, the Mother of Mercy, who has been present in our sad and painful history, in the joys of our achievements and in our responsibilities before the challenges posed by reality; to open the commemorations, events and activities in our Communities to celebrate 20 November, Black Consciousness Day; and to unite Black organisations in a great celebration (quizomba). In this way, it opens the month during which we celebrate our Black leader Zumbi dos Palmares and our liberation.* We, Afro-Brazilians, united with all Black organisations, with positive actions and with the journey of black communities in Brazil, rejoice in praising God with our song, our dance and our instruments. We celebrate our history of the cross, death, persecution and discrimination, but also our history of life and resurrection. *The victory of Jesus over death resounds in our drums as our victory.* (Invitation Letter to the Twentieth National Pilgrimage of Black Catholic Communities, 2016. My italics.)

The above excerpt illustrates the argument set out earlier: the Black Catholic Movement articulates traditional Catholic practices (like pilgrimages) with the political strategies of social movements (like manifestos). In other words, while highlighting both the importance of pilgrimages for popular piety and the idea that 'the black people are a pilgrim people,' the agents of the Afro Pastoral also stress the political character of the pilgrimage: it is configured as a march denouncing racism and celebrating Black Consciousness Day in a manner akin to a street protest.

This mode of action is not unprecedented within the Catholic Church, since, from the emergence of the Ecclesial Base Communities (CEBs), strongly shaped by Liberation Theology, many Catholic groups have articulated faith and social activism (Rocha 1997).

As in the CONENCs, each edition of the pilgrimage has a specific theme and motto that guide the year's reflections. The theme highlights the central motif of the edition and directs actions before and after the pilgrimage itself, such as training meetings and the preparation of documents, generally associated with the Fraternity Campaign or with events of significance for the Church or the black community. The fifteenth edition, for example, addressed the 'Year of the Afrodescendant' proposed by the UN, while the 2016 edition celebrated the

'Year of Mercy' proclaimed by Pope Francis. The motto, for its part, functions as a 'call to action,' succinctly conveying the proposals contained in the theme in practical terms.

It is notable that the mottos tend to reinforce a political stance confronting the violence suffered by the black population. Save for the editions of 2016, 2017 and 2021 – which celebrated the 300th anniversary of the discovery of the image of Our Lady of Aparecida and the 25th Pilgrimage – the remaining years emphasise two elements: (a) the black population as a central agent in overcoming inequalities; and (b) black people as subjects of violence who cry out for justice.

In sum, within the Catholic context, while the African heritages present in Candomblé terreiros are incorporated into inculturated liturgies as 'signs of black culture,' the Afro-Brazilian Pastoral also works to reconfigure the relations between Catholicism and religions of African origin in Brazil. The following section presents some aspects of this new paradigm.

AFRO-DIALOGUES: RELATIONS BETWEEN CATHOLICISM AND RELIGIONS OF AFRICAN ORIGIN

Relations between the Catholic Church and Afro-Brazilian religions have always been marked by ambiguity. Even during periods of explicit persecution and condemnation of Afro cults, some Catholics maintained close ties with terreiros. A more substantial shift in the Church's positioning becomes observable from the 1970s onwards in a distinctive social and political context: Brazil's process of redemocratisation after the dictatorship and the emergence of the Black Catholic movement.

As I argued above, between the 1970s and 1980s we can observe a process through which the black movement asserted itself within Catholicism. From the perspective of the ecclesial hierarchy, this discourse unfolded under the guise of pastoral concern – that is, oriented towards evangelisation — while the activists advocated a clearer and more effective form of social engagement.

If, up to the 1990s, it fell to the APNs to consolidate the foundations of Black Catholic activism, imbuing their work with a certain organisational shape (including articulating the Church's official position), today the Afro-Brazilian Pastoral represents the institutionalisation of the Catholic vision on ethno-racial issues. Paradoxically, its creation in the late 1980s represented a middle ground between the demands of black Catholics and the ecclesial hierarchy.

Three decades after the creation of the PAB, a new posture can be observed both among Catholics and among followers of religions of African origin, who have begun to establish – at least officially – a relationship of equals through the Catholic-Candomblé-Umbanda Dialogue Group (DCCU). Similar to what can be found with other religions such as Judaism and Islam, this space of dialogue is marked by complex events whose historical linearity is difficult to trace. Nor is there a uniform national position on the matter, given the internal diversity that characterises both the Afro-Brazilian and the Catholic contexts.

Here I highlight two initiatives led by the Afro-Brazilian Pastoral that seek to reconfigure the way in which the Catholic Church relates to Candomblé and Umbanda: the first in Salvador, the second in São Paulo.

According to the records of the Archdiocesan Centre for the Coordination of the Afro-Brazilian Pastoral (Salvador), the possibility of a Candomblé-Catholic Bilateral Commission was proposed by the president of the Pontifical Council for Interreligious Dialogue, Monsignor Michael Louis Fitzgerald, who, in early 2006, took part in three meetings, held in Salvador, with representatives of different religions, as well as an interreligious prayer at Ilê Axé Iyá Nassô Oká (known as Casa Branca, in the Vasco da Gama neighbourhood).

In response to the proposal presented by the Holy See via the aforementioned Pontifical Council, the CNBB asked one of its internal bodies – the Episcopal Pastoral Commission for Ecumenism and Interreligious Dialogue – to put this dialogue into effect.

Salvador was chosen as the venue and in 2006 the first meeting was held between Catholic and Candomblé leaders. Two Comboni missionary priests participated (one of them the coordinator of the Afro-Brazilian Pastoral of the Archdiocese of Salvador and of the Northeast Region), as well as the priests advising the National Afro-Brazilian Pastoral and the Episcopal Commission for Ecumenism and Interreligious Dialogue (both from the CNBB). On the side of the religions of African origin were the president of the Cultural Association for the Preservation of Bantu Heritage (ACBANTU, representing Bantu Candomblé) and a representative of the Palmares Cultural Foundation of Bahia. Already at this first meeting, the difficulty of including a representative from each Candomblé 'nation' became apparent – a difficulty that would also recur in the meetings held in São Paulo.

The minutes show that while the Catholics presented their concerns and sought to 'learn about the other for the good of each and of the world,' the Candomblé representatives highlighted, among other issues, the religious intolerance promoted by Pentecostal evangelical churches. This concern remained a constant: 'Allying with the Catholic Church is important if we are to confront the Pentecostals who persecute us,' one participant said (Minutes of the meeting in Salvador, 2006).

Despite an initial agenda of commitments, the second meeting scheduled for 2008 failed to take place due to the absence of Candomblé representatives. In 2009, the third meeting was held in Brasília with representatives from São Paulo, Brasília and Maranhão. Its aim was to map existing initiatives, analyse ongoing processes and discuss future prospects, including the organisation of a symposium in 2010. The absence of Afro-religious leaders once again made it impossible to hold meetings in 2010.

In early 2011, the first meeting was held in São Paulo, for which I was invited to give a presentation on the configuration of religions of African origin in Brazil. At first, I was informed that it would be an interreligious meeting; only on the day of the gathering did I realise that it was in fact a meeting between representatives of the Catholic Church and Candomblé.

Present on the Catholic side were: the priests who presided over the Mariama Institute (IMA) and the Father Batista Institute for Black People; the person responsible for interreligious dialogue and ecumenism in the Archdiocese of São Paulo; the national coordinator of the Afro Pastoral; and the representative from the CNBB for ecumenical and interreligious dialogue. Representing the religions of African origin were: the executive coordinator of the National Institute of Afro-Brazilian Tradition and Culture (INTECAB-SP)[8] and two members of the Interreligious Forum of the Secretariat of Justice and Citizenship of the State of São Paulo. This meeting revisited the same concerns as the previous encounters. From this point onwards, I began to follow the meetings as an invited observer.

Already at the first meeting, the mistrust of the *pais* and *mães-de-santo* present regarding the 'real' intentions of the Catholics became evident: 'But what do you actually want with this commission? […] We know the Pope is coming in 2013 and then what? What will happen then?' asked one *mãe-de-santo*. She continued: 'Because the enemies of the [Catholic] Church aren't the *povo de santo*, they're the evangelicals [Pentecostals].'[9]

After an intense debate on the issues raised, including the appropriate way to name the religions, and revisiting the historical positionings through which Catholicism condemned religions of African origin, a few basic points were defined to guide the following meetings: (a) recuperate the history of the arrival of Black people in Brazil; and (b) identify the theological continuities and ruptures between Catholicism and Candomblé with a view to fostering mutual respect.

Other difficulties concerned more practical questions: the composition of the group, the funding for the meetings and the definition of a meeting schedule. The CNBB's adviser for interreligious dialogue proposed inviting representatives from across the country and asking each participant to cover their own travel costs. Faced with these difficulties, it was decided instead that the group would be composed of ten people from São Paulo: five Catholics and five Candomblé practitioners (one representative from each Candomblé nation: Jeje, Nagô, Angola, Mina and Keto). The meetings were scheduled to be held at the Casa de Reconciliação, belonging to the Archdiocese of São Paulo. Lunch would be subsidised by the Catholics and each participant would be responsible for their own transport costs.

This organisational design shows us how the Catholic representatives struggled to comprehend the modes of organisation characteristic of religions of African origin. Wrongly assuming the existence of a hierarchical structure similar to that of the Catholic Church,

8 'INTECAB is not a religious institution of a liturgical nature, although composed mostly of members of the Afro-Brazilian spiritual community. Its aim is the preservation, continuity and expansion of the values of tradition, proposing to achieve this aim through theological and liturgical study, as well as through cultural expansion via exchanges and the sharing of experiences. INTECAB is a deliberative institute.' Available at http://intecabsp.wordpress.com/intecab-sp/ Accessed 15 February 2012. Six Catholic religious association that brings together black bishops, priests and deacons.

9 Although a relevant topic, I shall not explore the disputes between Catholics and evangelicals here, nor cases of racism and religious intolerance. On these issues, see Silva (2007), Sanchis (2001) and Oliveira (2024).

they suggested the presence of *pais* and *mães-de-santo* who could act as 'representatives' of the other Candomblé houses.

The next meeting was scheduled for early October the same year, its agenda set to define the aims, justifications and common principles for the Catholic-Candomblé dialogue. However, these issues could not be discussed, as considerable unease arose: one of the Catholic representatives objected to the presence of a *pai-de-santo* from Umbanda, going so far as to assert that the meeting was 'a dialogue between Candomblé and Catholics, not with Umbanda.' This priest was replaced and did not attend subsequent meetings. In his place a seminarian (today a priest) joined the group. Those present decided to accept the participation of the Umbanda practitioner, although without altering the group's name: the Catholic-Candomblé Bilateral Dialogue Group.

At the last meeting of 2011, an agenda was set for the following year: bimonthly meetings at which exclusively theological themes would be discussed. In making this decision, the Catholics, as well as reinforcing their position that the group should not yet be presented as an extension of the CNBB, also frustrated the expectations of some Candomblé practitioners that some form of official joint statement with the Church would be produced, or that the content of the discussions would be made public in some form. This became even more apparent at the April 2012 meeting, when it was decided that the minutes would record only the outcomes of the debates, not the various positions and interventions of the participants.

In 2013, the group finally became consolidated and held regular meetings, although there was still some inconsistency in the participation of Candomblé practitioners. With the active participation of a *mãe-de-santo* from Umbanda, the group officially adopted the title of the Catholic-Candomblé-Umbanda Trilateral Dialogue Group (*Núcleo de Diálogo Trilateral Católico-Candomblé-Umbanda*: DCCU).

While the group's agenda and objectives had been defined at least minimally, the same could not be said of the composition of the commission. On the Catholic side, the issue was settled with the nomination of five priests, in addition to my presence as a researcher. Among the practitioners of religions of African origin, however, several problems arose. According to the account of one *mãe-de-santo* (who later stopped attending the meetings), other priests questioned why they had not also been invited to join the commission. Meanwhile, some priests declined the invitation because they disagreed with the political stance of INTECAB-SP (all the more so because it was the institution's coordinator who had been tasked with making the arrangements). As a result, at each meeting a new *pai-de-santo* would appear and the same topics had to be at least partially revisited.

After years of persecution, it is understandable that Candomblé and Umbanda religious leaders would receive the Catholic proposal to form a bilateral dialogue commission with some apprehension – especially as they did not perceive the proposal as effective, given that they continued to be victims of acts of intolerance, particularly from charismatic Catholics.

Added to this mistrust was the inherent difficulty of identifying interlocutors among religions of African origin capable of presenting an 'official position' of the religion, given that these traditions are organised in such a way that each leadership operates autonomously from the others. Paradoxically, the *pais* and *mães-de-santo* who did take part in the meetings were satisfied with how the encounters were conducted, perceiving that a dialogue between the parties was genuinely taking place.

In this context, the goal of including one representative from each Candomblé tradition was abandoned. In April, twelve people were present (six Catholics, three from Candomblé and three from Umbanda) and these participants began to attend the meetings regularly. Father Jurandyr Azevedo, national adviser to the Afro Pastoral, led the meeting, giving a brief historical account of the group after the invited members had introduced themselves. It was agreed that, from that meeting onwards, each member of the group would be responsible for addressing a theological theme from the perspective of their own tradition. At the May meeting, therefore, Father José Bizon presented a synthesis of the decrees *Nostra Aetate* and *Dignitatis Humanae* (promulgated by the Second Vatican Council), which address the Church's relationship with non-Christian religions and human dignity with respect to religious freedom, respectively. At the June and October 2013 meetings, the *babalorixás* Badeladey and Carlos de Oxóssi presented aspects of Keto Candomblé.

The mistrust experienced during the initial meetings gradually diminished as they unfolded. The banner of 'mutual understanding' appears to have taken precedence over other more social or political demands. It is notable that those attending the meetings did not conceal their expectations – especially on the part of the Candomblé practitioners – that this relationship with the Catholic Church might bring some benefits in the combat against religious intolerance, albeit recognising that the path ahead is a long one. Controversial themes such as syncretism and animal sacrifice are avoided.

Over the three years in which I accompanied the activities of the DCCU group, both through its minutes and through conversations with its members, three juxtaposed positions became apparent. First, a moment of denunciation when Candomblé leaders told the Catholic representatives about the harms that people associated with the Church had caused, and continue to cause, to religions of African origin. Second, as a corollary to this first position, an underlying fear emerged that the Commission might represent yet another attempt at co-optation, or a surreptitious form of attack by the Church. And, finally, a demand for a public statement from the Catholic hierarchy in support of the claims of Afro-Brazilian religions, combined with a sense of satisfaction that – historically and for the first time – they had been officially invited to engage in a joint endeavour.

At the same time, the way in which the Catholics have participated in the meetings demonstrates just how unfamiliar they are with the organisational dynamics of Afro-Brazilian

religions, as I noted above. Although there are priests who are more knowledgeable of certain aspects of Afro religious practice, these are not necessarily members of the DCCU group.

The configuration of the DCCU in São Paulo points to a reworking of the relationship between Catholicism and Afro-Brazilian religions, in a manner that is symmetrically opposed to the relationship observed between terreiros and neo-Pentecostal churches. In the latter case, symbolic and political disputes prevail, at times involving physical confrontations (Silva 2007), while in the dialogue with Catholics a certain cordiality predominates – though without implying the complete absence of tension or conflict. Beneath the discourses of interreligious dialogue, peaceful coexistence and the defence of black cultural values, common interests emerge that draw the Church and terreiros closer together.

This relationship between Catholicism and Candomblé thus presents a paradox: on one hand, sectors of the Church still outrightly reject Candomblé practices and symbols; on the other, the Afro-Brazilian Pastoral legitimates these elements as expressions of black culture and develops a new ritual form known as 'Afro inculturated liturgies' (Oliveira 2016). In a broader sense, this bilateral dialogue reflects the contemporary Brazilian social context that, since the 1970s, has debated identficatory, cultural and religious plurality in the public sphere, while still having to confront diverse conflicts.

FINAL REMARKS: INCULTURATING RELIGION

In this article, I have discussed the ways in which the Catholic Church in Brazil has incorporated elements of black activism into its internal practices, promoted initiatives to combat racism and adopted symbols of African heritage in its liturgies. Three aspects were highlighted: the formation of the Black Catholic movement, the place of inculturated liturgies and the dialogues between Catholics and practitioners of religions of African origin.

In the 1970s, certain demands of the black movement began to be debated within the Church, generating a series of clashes between leaders regarded as 'progressive' and those seen as 'conservative.' It is true that Catholics were already strongly mobilised in favour of indigenous peoples and those living in situations of social vulnerability – orphans, homeless people, the poor and so on. However, the ethno-racial dimension had not yet been incorporated into the agenda. This occurred through a twofold movement: on one hand, the reforms introduced by the Second Vatican Council and the intensification of social campaigns for an end to the military dictatorship in force in Brazil since 1964; and, on the other, the preparations for the General Conference of the Latin American and Caribbean Episcopate, whose central theme would be 'culture.'

These events stimulated clergy, religious personnel and black Catholics to reflect on the place of black people within Catholicism beyond the spaces they had traditionally occupied, such as *congadas*, *moçambiques*, brotherhoods and confraternities. The first difficulty lay in reconciling the ethno-racial differences of the faithful within the axiom of 'Christian

universality.' For this reason, the movement's first step was to seek theological foundations capable of legitimising its aims, thereby enabling the subsequent definition of the concrete actions to be implemented.

Catholic activism, through the institution of Black Pastoral Agents, initially worked alongside the wider black movement, while also developing discussions directed towards the Church. This intermediate position between the 'religious' and the 'political' yielded some advances but also generated conflicts, culminating in institutional separation and the creation of the Afro-Brazilian Pastoral.

During the period when the Black Catholic Movement was becoming consolidated, theological study groups were indispensable, among which the Atabaque Group, coordinated by Father Toninho, stood out. The inculturated liturgies were gradually conceived within these groups. The first experiences of incorporating elements of Afro-Brazilian religions into the Catholic rite began in the context of these closed meetings, following the celebration of the *Missa dos Quilombos* in 1981.

By positioning itself in the public debate on policies aimed at the black population, the Catholic Church was forced to reassess both the place occupied by black people within its own structures and its official relationship with Afro-Brazilian religions. In some respects, the adoption of key elements of the black movement's agenda – the fight against racism, reparatory policies and respect for religious diversity – was relatively easy; in other aspects, internal adjustments were required, beginning with the 1988 Fraternity Campaign. By situating black people and their lived reality at the centre of the discussion, the Church acknowledged its historical complicity in the exclusion and exploitation suffered by the black population since the arrival of the first Africans as enslaved people. This reflection resulted in a proliferation of public apologies and the strengthening of the Afro Pastoral, the IMA and the GRENI.

Inculturated liturgies constitute, together with the 1988 Fraternity Campaign, one of the movement's principal achievements, although they are also a source of controversy both within and beyond Catholicism.

As discussed above, in surveying the national repertoire of symbols of African heritage in Brazil, the agents of Catholic inculturation incorporated a set of elements drawn from Afro-Brazilian religions into the Roman rite. The justification presented by the Church is that such elements are not exclusive to any one religion but express the 'black way of praying.' Since the terreiros are regarded as the 'locus of African cultures in Brazil,' it is common to resort to these spaces to access these symbols.

The Church appears to take seriously the process of the 'culturalisation' of Afro-Brazilian religions. Since the state – with the support of Afro-Brazilian religious leaders, intellectuals and artists – has recognised the terreiros as 'traditional African communities,' the incorporation of these symbols into Catholic liturgy represents a continuation, rather than a rupture, of this process. Transformed into 'culture,' Afro-Brazilian religions can be inculturated by

Catholicism. This process is not understood as syncretism, since both Afro-Brazilian and Catholic religious practitioners adopt a cultural reading of the religion. Outside the ritual domain, however, the relationship with the terreiros unfolds on a different plane, as evidenced in the meetings of the DCCU.

The inculturated liturgies contain elements that make evident how the Church has conceptualised black identity: bound to the material culture of Candomblé and reified by the state as African. These celebrations constitute one of the major achievements of the Black Catholic movement in the period following the 1988 Fraternity Campaign.

At the National Congress of Black Catholic Organisations (CONENC), held in February 2012 in Londrina (PR), the central theme was the 'Afro Mass.' More than debating which symbols were permitted or which ecclesiastical authorisations were required, the central concern was to establish the cultural and theological foundations for these celebrations. Advised by priests responsible for the liturgical dimension within the CNBB, participants sought to justify the presence of particular symbols, citing examples such as the Congolese rite approved in the Democratic Republic of Congo. At the same time, another adviser highlighted the need to reorganise the Afro-Brazilian Pastoral, mapping its activities and returning to the studies initiated by Fr Toninho.

Like the inculturated liturgies, the National Pilgrimages to Aparecida give visibility to the actions of the Black Catholic Movement. As festive celebrations, the pilgrimages are also political acts, producing new narratives about the black presence within the Church. These events mobilise not only the historical groups of Black Catholicism, like the *congadas*, *moçambiques* and confraternities, but also elements of black culture incorporated into the inculturated celebrations, in dialogue with Afro-Brazilian religions.

As noted above, in the 2012 edition we can observe the reproduction of a hegemonic syntax within the Black Catholic Movement: the presentation of an ethos akin to that of the *povo-de-santo* (Amaral 2002), characterised by informal gestures and speech, the shared meal after Mass and greetings including the expression *axé*. Together, these elements reinforce a particular conception of what it means to 'be black,' inspired by practices found in Candomblé terreiros.

In the most recent editions of the pilgrimage, no specific collectives such as *congadas* or brotherhoods were identified. The references now centre on (arch)dioceses and regional bodies, pointing to a semantic shift in the term 'Black Catholic communities,' which now encompasses a wider range of subjects. From this perspective, following Leda Maria Martins' (2021) analysis, it becomes relevant to assess the extent to which the Afro-Brazilian Pastoral has succeeded in institutionally articulating the diverse black groups connected to the Church.

Generally speaking, *congadas* do not participate regularly in the inculturated masses promoted by the Afro Pastoral, except in specific activities such as the feast of São Benedito at the Achiropita Church in São Paulo. Likewise, the Pastoral does not organise the annual

gathering of *congadeiros* in Aparecida. Nonetheless, it is important to emphasise the diversity of Catholic forms of action, linked to the plurality of existing groups, as already highlighted by Paula Montero (2006) and Pierre Sanchis (2001).

The Church's current position of recognising Afro-Brazilian religions as legitimate religious interlocutors, just as it already does with other denominations, is unprecedented. This has been a slow process, unfolding over more than a decade, and extends far beyond the ordinary meetings and joint events. What has impacted the Brazilian religious field is the shift in the stance of the actors involved. The apparent paradox of treating Afro-Brazilian religions sometimes as 'culture' and other times as 'religion' dissolves when we consider that identities are fashioned through the relations established in each context, even when this involves mobilising conflicting diacritical signs.

When Afro-Brazilian religions present themselves in public debates as 'traditional communities,' the Church recognises this identity claim and inculturates it. Within the religious field, *pais* and *mães-de-santo* are recognised as priests, establishing interreligious relations with Catholics, Buddhists, Jews and Muslims. Identificatory plasticity thus becomes essential for stabilising and surpassing boundaries.

Although not directly analysed in this article, it should be emphasised that the ethnography conducted with groups of the Catholic Black Movement did not suggest that their actions are connected to any strategy to stem the loss of followers experienced more recently by the Catholic Church. A preliminary examination of the last three demographic censuses (2000, 2010 and 2022) shows that the variation in the percentage of Catholics who self-identify as *pretos* or *pardos* (black or brown) broadly mirrors the fluctuations observed in the racial composition of Brazilian society. Between 2010 and 2022, for example, the proportion of *pardo* (brown) Catholics rose from 43% to 44%, while that of *pretos* (black) increased from 6.8% to 9.3% – a growth that corresponds closely to the shifts of approximately 1% and 3% recorded for the Brazilian population as a whole. In this sense, it would be productive to deepen the analysis of the census time series in order both to understand how racial and religious belonging interpenetrate and to assess the reach of pastoral and proselytising initiatives with a racial emphasis within the Church – but without reducing the investigation to the notion of a religious market, which would curb a more nuanced exploration of the complexity of Catholic modes of belonging.

Translated by David Rodgers.
Received: May 30, 2024.
Approved: August 25, 2024.

This article was translated with support from 'The Vibrant Project: Publishing Indigenous and Black Brazilian Anthropologists in foreign languages,' funded by the Wenner-Gren Foundation for Anthropological Research as part of its Global Initiative Grant programme.

Data Availability Statement:
The data that support the findings of this study are available from the University of São Paulo (USP), but restrictions apply to the availability of these data, which were used under license for the present study and are therefore not publicly accessible. However, the interview data may be obtained from the author upon reasonable request and with the permission of the research interlocutors.

Funding
This study was financed, in part, by the Coordenação de Aperfeiçoamento de Pessoal de Nível Superior – Brasil (CAPES) – Finance Code 001 (2009-2010) and São Paulo Research Foundation (FAPESP), Brasil. Process Number 2012/12372-7 (2012-2016).

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Black Brazilian Anthropology

Ethnic-racial relations: what we can learn from the notion of the crossroads

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Abstract

This article emerges from my contemplation of a question that surfaced recurrently among black teachers and students: what role do white teachers play in studies and research on ethnic-racial relations? I propose a moment of reflection, following the lead of anthropologist Marylin Strathern (2017) who challenges us to undertake anthropology in slow motion, taking seriously the importance of reflection without rushing to find quick and ready-made answers. In the words of philosopher Isabelle Stengers (2018), we need to slow down and pause to think. Taking up Strathern's proposal for a slow-motion anthropology, I explore ethnic-racial relations by first understanding the notion of relation. In this confluence of ideas, Nego Bispo's thought (2015) encounters Isabelle Stengers' cosmopolitical proposition, as well as the notion of the crossroads advanced by anthropologist José Carlos dos Anjos (2008) and the Pombogiras.

Keywords: Relation; Confluence; Cosmopolitics; Pombogiras; Experience.

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e00803
https://doi.org/10.1590/1809-4341.2025v22e00803

Relações étnico-raciais: o que podemos aprender com a noção de encruzilhada

Resumo

Esse artigo surge da reflexão de uma pergunta que era muito constante entre professores negros e estudantes: qual o papel dos professores brancos para os estudos e pesquisas em relações étnico-raciais? Proponho um momento de reflexão seguindo os passos da antropóloga Marylin Strathern (2017), que nos provoca a fazer uma antropologia em câmera lenta, levando a sério a importância da reflexão sem a pressa de encontrar respostas rápidas e prontas. Ou nas palavras da filósofa Isabelle Stengers (2018): é preciso desacelerar, e assim parar para pensar. Seguindo a proposta de fazer uma antropologia em câmera lenta da Strathern, me proponho a olhar para as relações étnico-raciais primeiro compreendendo a noção de relação. Nessa confluência, será realizado o encontro do pensamento de Nego Bispo (2015) com a proposição cosmopolítica de Isabelle Stengers, bem como com a noção de encruzilhada apresentada pelo antropólogo José Carlos dos Anjos (2008) e pelas Pombogiras.

Palavras-chave: relação; confluência; cosmopolítica; pombogiras: experiência.

Ethnic-racial relations: what we can learn from the notion of the crossroads

Humberto Manoel de Santana Jr.

This article arose from an invitation to take part in a panel discussion at the student colloquium of a postgraduate program. My experiences of teaching undergraduate and postgraduate courses alongside white professors inspired me to reflect on the diverse perspective from which ethnic-racial relations can be explored. One question in particular was heard recurrently among black professors and students: what role do white professors play in studies and research on ethnic-racial relations? We might equally ask: what role do black professors play? And where are the indigenous professors? Reflecting on the role of researchers in ethnic-racial relations should focus on the relation itself, rather than remain limited to points taken to be static and mutually opposed.

The easiest path for reflecting on ethnic-racial relations would be to imagine that the many years dedicated to research could provide answers rooted in what has already been produced. I could remain within the dichotomy posed by the question: what is the role of white professors in the study of ethnic-racial relations? But here I allow myself a moment of reflection by following the lead of anthropologist Marilyn Strathern (2017), who urges us to undertake a slow-motion anthropology, taking seriously the importance of reflecting without rushing to find quick ready-made answers. In the words of philosopher Isabelle Stengers (2018), we need to slow down and pause to think.

Another important element in this construction is the notion advanced by anthropologist Roy Wagner (2017) in *The Invention of Culture*, where he conceives of culture as invention and inventiveness. Wagner's proposal invokes the dimensions of creation and composition, inventing the new out of the preexisting. Wagnerian invention evokes continuous metamorphosis, a world in which forces and beings are forever being created and recreated from the pre-existent (Goldman 1997: 201). This mode of thought is very familiar – albeit far from simple – for anyone studying religions of African origin, for instance, since these are religions in which everything is made and remade in composition with something that already exists.

In this work, Roy Wagner (2017) points out that our own culture only becomes visible to us through cultural shock. The encounter between different cultures compels the anthro-

pologist to invent a particular culture so that the cultures can communicate. It is necessary to place them in relation.

Culture is thus a process of invention-creation that presents itself in composition. According to Wagner, it is essential to recognise that every community elaborates its own constructions of thought and invents culture: what distinguishes these communities are their styles of creativity.

Here I also make use of the notion of confluence formulated by the quilombola intellectual Antonio Bispo dos Santos, better known as Nego Bispo, who emphasises how things come together but do not merge (2015: 89). In this confluence, Nego Bispo's thought dialogues with Isabelle Stengers's (2018) cosmopolitical proposition, as well as the notion of the crossroads advanced by the anthropologist José Carlos dos Anjos (2008) and the Pombogiras Dona Maria, Dona Mulambo, Dona Padilha and Dona Sete Saias.

To enrich the discussion, the notion of the person discussed in this text is constructed from the perspective of the Pombogiras. In so doing, the body will be displaced as a point of reference in order to foreground the movement between the spiritual and the embodied. Just as the body ceases to serve as reference, the person here is understood as a composition, reflecting how the Pombogiras construct their relationships with those who seek them out. To comprehend ethnic-racial relations, we need to comprehend the person as a composition and the relations constructed between these compositions (Santana Jr. 2021).

Thinking ethnic-racial relations involves more than evoking resistance: it means demonstrating that black resistance was not simply a reaction to an imposed colonial system but, rather, the defence of modes of existence that predated the slave regime (Santana Júnior 2019: 70). By employing the notion of resistance as the defence of an existence based on values that already existed, we can expand our reflection on what may be learned from the crossroads and from the philosophy existing in the *terreiros*.[1] Hence, this text is an attempt to enable the confluence between different reflections that converge at a crossroads. It not only seeks to make possible the construction of new paths but also aims to offer an alternative way of thinking about relations and difference.

The inspiration for this reflection was lived constantly in academic corridors, classrooms and the student colloquium Embroidering Knowledge, in the Program in Ethnic-Racial Relations (PPRER/CEFET/RJ), where some professors would pose the question to students and follow with a provocation: what is the role of white professors in studies and research on ethnic-racial relations? This is a very important question, one which I believe can be reformulated to deepen our discussion. Approaching ethnic-racial relations from static points that might sometimes touch, or seeking to separate them as a potential answer, does not seem to be the best way forward. If we understand that a clash of civilisations occurred, then it

1 TN: A *terreiro* is the ritual space of Afro-Brazilian religions, a temple or sanctuary, encompassing both the physical grounds and the religious community.

must be recognised that one civilisation attempted to impose its own culture by annihilating another, while other civilisations were able to think and act through their relation to different ways of living, thinking and existing.

Reflecting on ethnic-racial relations does not simply involve speaking about black people or indigenous peoples, still less about white people. Here a discussion could be pursued on racism and how it affects black or indigenous peoples, making use of existing reflections – which are indeed hugely important in terms of paving the way for the formulation of new reflections. Such an approach would not be problematic, per se, but we might risk ceasing to produce knowledge and science just to reproduce knowledge that already exists. Nego Bispo (Santos 2019) already made this provocative observation in his text on synthetic and organic kinds of knowledge. In this work, he presents a comparison between organic forms of knowledge, which are produced and full of life, and synthetic knowledge, reproduced through a colonialist mode of thought and manifesting in fragmented, segmented and diseased form (Santos 2019: 27).

I could also draw on my own numerous years of research experience using theories of ethnic-racial relations, reflecting on how this anti-black system affects us all. However, in keeping with Strathern's proposal of doing anthropology in slow motion, I propose to contemplate ethnic-racial relations first by seeking to understand the notion of relation itself.

The concept of relation is presented as a notion applicable to any form of connection. According to Marilyn Strathern (2017), the relation is based on two properties. The first property is holographic with the relation characterised as an instance of the field that the relation itself occupies. In this sense, each of its parts contains information about the whole, just as information about the whole is contained in each of its parts (Strathern 2017: 240). The second property of the relation is complementary: in other words, it requires other elements to complete it and, for this reason, we must always consider the elements between which relations are established. As Strathern points out, we not only need to see the relation between things but also see things as relations (Strathern 2017: 241-242).

In making use of Strathern's (2017) notion of relation, it is important to emphasise that she did not originally employ it for a reflection on ethnic-racial relations in the way I propose to do here. Likewise, the ethnic-racial discussion does not form part of the repertoire of reflections of anthropologist Roy Wagner (2017), yet his thought offers us the possibility of continuing to construct knowledge in composition.

The reflection pursued in this text sets out from the notion of composition, but it is essential to recall that, as Kabengele Munanga (2000) points out, racism is a belief in the existence of naturally hierarchised races. As the author proceeds to observe, in the mind of the racist, race is a social group defined by physical characteristics, cultural traits and linguistic markers. The racist believes that this other group is naturally inferior to the one to which they themselves belong. Racism creates a belief in superiority in which the white person regards themselves as superior. In racializing black people, white people appear as if

without race, since the racialised is always the other and, seen from a white perspective, the other is whoever is different from the self.

Before deepening this reflection, an understanding of the notion of relation in this context also depends on exploring notions of whiteness, a rich field that features Guerreiro Ramos as one of its major exponents, exemplified by his text 'Social pathology of the "white" Brazilian'.[2] For Maria Aparecida Bento, 'whiteness is a complex register, a theory of actors defined by a politics of difference, subject to the inconstancy of history, power and culture' (Bento 2002: 163). Given the power relations imposed in Brazilian society, the simple fact of not having black skin already confers significant privilege. According to Sovik: '[…] to be white in Brazil is to have relatively light skin, functioning as a kind of visual and silent password for entering spaces of restricted access' (Sovik 2005: 171). Examining notions of whiteness and meritocracy, we can ask whether, in fact, being white is the special ability and source of merit that guarantees access to positions of privilege?

It is important to emphasise the existence of perspectives and positionings that complicate this understanding of whiteness. Lourenço Cardoso (2010) points out that critical whiteness includes a disapproval of the privileges obtained by means of racial identity, while in acritical whiteness subjects argue for racial superiority. Cardoso goes on to argue that 'an understanding of the multiple characteristic aspects of whiteness can result in a greater complexification of the different forms of privilege obtained by white people through, at times subtle, racist practices' (Cardoso 2010: 616). It is important, therefore, to take the notion of whiteness into consideration when reflecting on ethnic-racial relations.

Along these lines, thinking about ethnic-racial relations involves taking seriously – and indeed extrapolating to its ultimate consequences – the notion of relation in order to comprehend and reflect on the importance of continuing to speak about black and indigenous peoples alone and, sometimes, leaving out white people. Thinking about the relation is to assume that its two properties apply to ethnic-racial relations and, beyond bodies, place modes of thought in relation. Better still, we might say that we place means of thought (*meios de pensamento*) in relation, as Marcio Goldman advocated in the closing panel of the IX Meeting of the Anthropology of Science and Technology. On this occasion, Goldman presented a reflection formulated with Vladimir Moreira Lima on the notion of means of thought, recognising that we are speaking about movements that construct thought and thus present themselves as means for comprehending and intervening in the world. Consequently, we need to reflect on ethnic-racial relations while taking into account the differences between means of thought, made evident through the clash of civilisations.

When we think in terms of modes or forms of difference, we risk falling into the trap of models and formats, or even into the ambush of reproducing opposed points constructed

2 Original title: 'Patologia social do "branco" brasileiro' (Ramos 1995).

through annulment of the other. So would the best option really be to follow this path of a colonialist mode of thought – fragmented and diseased (Santos 2015) – using the very same weapons still wielded to destroy difference, nature and every form of life? By contrast, the notion of means of thought can offer us the necessary parameters for understanding a living thought, a thought in movement that emerges through its relation with the life around us, the beings that compose us and the full richness of the differences that surround us. The notion of means of thought is only possible because we are speaking of forms of knowledge constructed in movement.

Thinking about difference and ethnic-racial relations leads me to formulate a series of questions: to what extent do we foreground the notion of relation in order to conceptualise ethnic-racial relations? How far does the spectre of the problem of the black person still haunt our reflections? To place something in relation is, above all, to learn how to engage with difference.

I do not propose to provide ready answers, but rather to think about ethnic-racial relations slowly, looking to construct a reflection. Here, I also make use of the cosmopolitical proposition advanced by Isabelle Stengers, who affirms that this notion

> (...) only acquires meaning in concrete situations, in those places where practitioners work; and it requires practitioners who have learned to be indifferent to the pretensions of generalising theorists, those who tend to define practitioners as mere executors, responsible for 'applying' a theory or capturing their practice as an illustration of a theory. (Stengers 2018: 443)

Setting out from this proposal, I position myself as a practitioner of anthropology, not as an executor. Specialists present themselves as executors. In Stengers's words: 'The specialist is one whose practice is not threatened by the problem under discussion, and whose role will require them to present themselves, and present what they know, in a way that does not prejudge how this knowledge will be taken into account' (Stengers 2018: 460).

As a counterpoint to the specialist, Stengers cites Deleuze's conceptual persona of the 'idiot': 'the idiot asks us not to rush, not to feel authorised to think ourselves the possessors of the meaning of what we know' (Stengers 2018: 444). The idiot instils doubt. Here I could follow the path of an executor, relying on already produced knowledge and reaching the same answers. But, as Stengers points out, the problem resides not with the knowledge being articulated but with this knowledge not being questioned. As a practitioner of anthropology, I invite the reader to slow down and become immersed in the deeper levels that reflection can afford us.

To understand cosmopolitics in the sense invoked by Stengers is, above all, to recognise that, as the philosopher writes:

> The cosmos, as it figures in this term, cosmopolitical, designates the unknown that constitutes these multiple divergent worlds, which they can become capable of articulating, against the temptation of a peace that would supposedly be final, ecumenical, in the sense that a transcendence would have the power to demand that the divergent recognise itself as simply

> a particular expression of what constitutes the point of convergence of all and everything. (Stengers 2018: 447)

The cosmos presents itself as an encounter of differences that continue to coexist, but not harmoniously, since it also presents its dangers. Thinking the cosmopolitical means encountering and being encountered by these multiple and divergent worlds, which exist with all the tension and peril that the cosmos reveals to us. Hence, the term cosmopolitical is not intended to evoke an ecumenical peace, nor a synthesis that would or could overcome existing tensions in the name of a single point of convergence.

Based on the cosmopolitical proposition, I propose to think about the question of ethnic-racial relations not through binary oppositions such as black versus white or indigenous versus white, but rather through the effective construction of relations. Moreover, as a practitioner of anthropology, I shall base these reflections on ethnographic research with the Pombogiras.

ENTERING THE CROSSROADS

In broad terms, I present an ethnographic research project conducted with the Pombogiras Dona Maria, Dona Mulambo, Dona Padilha and Dona Sete Saias. The study followed the thought of these Pombogiras, seeking to comprehend their relations with people through the notion of *acertos*. An *acerto* – literally, an arrangement or settlement – is a concept specific to this field in which the Pombogiras present us with the construction of agreements mutually established and enacted between these female spirit entities and those who seek them out for advice and help. *Acerto* belongs to the order of movement and composition. In other words, an *acerto* is a composition of movements between the embodied and the spiritual.

In speaking of the spiritual and the embodied, we are not dealing with separate worlds but with one split world that presents itself as divided into two parts. This kind of modulation is common in religions of African origin. It is also found in the work of Godfrey Lienhardt, who writes in the introduction to his book *Divinity and Experience: The Religion of the Dinka* that his aim is 'to describe the structure of Dinka religious experience.' In the first chapter, he describes the basic structure of the Dinka universe, which appears split by a crucial division separating the human plane from the plane of mythical and divine powers (Goldman 2016: 25). Such a schema is extremely common in many of the world's religious mythologies, especially African. As Marcio Goldman (2016: 25) argues, it is not a matter of a separation into two worlds, much less of a distinction between the natural and the supernatural: there is just one world, even if split – hence there is just one experience, even if accounting for this lived experience demands the activation of forces that do not seem to be a direct part of the world.

For a better understanding of this split world, I invoke the Pombogiras to enrich our reflection. The Pombogira mediates the communication between divinities and humans.

She is the crossroads that makes possible the encounter of differences without excluding differences (Anjos 2006) but rather making them part of the composition. This encounter does not exclude difference, therefore, but neither should it be seen as a mere sum of sides: rather, it is a composition between the sides that form the world. Thus, the crossroads is the meeting point of different paths that do not become a unity but remain pluralities (Anjos 2008), both establishing communication and being communication itself. The crossroads is simultaneously a point of encounter and a choice of new possibilities, as well as the beginning and the continuation of the path. It is where construction occurs but also where paths may become closed. At the crossroads, good and evil are both part of the composition. In this composition, risk and tension will always be constant. Above all, the crossroads is movement.

Reflecting on this communication between the two sides of a split world, we can perceive that the experience of being in a *gira* (a ritual session in which entities are summoned) and conversing with the Pombogira involves making this encounter between different parts of the world visible to everyone. The Pombogira becomes visible at this moment, yet she is always present, even when do not see her. However, it is during the marked encounter of the *gira* that people experience their certainties being overturned, provoking them to reflect on and question their lives. She also teaches us to look beyond the body, since each person is a composition of Orixá, Caboclo, Exu and Pombogira.

Comprehending the person as a composition means displacing the body as the point of reference and grasping the split world also encountered within the body. This displacement of the body refers to a movement between the spiritual and embodied planes, not to a relation between two static points. Likewise, my proposal is to understand this movement from the perspective of the Pombogiras, but also by displacing the relation with the entity into the realm of experience. Here I follow the lead proposed by Lienhardt, who shifts from the idea of Divinity to the idea of Experience, as Marcio Goldman (2016) observes. We are dealing with a religion that does not present itself in theological form, but is constructed in experience, since the person is constituted over time through the strengthening of their composition. As a result, it is religious experience that is situated as the reference point for the constitution of the person. According to Marcio Goldman:

> It is the notion of *experience* in general that enabled Lienhardt to escape the dominant thought and major currents of British social anthropology of his time. A line of flight, probably, not intentional, but one that is the condition for a work able to problematise the 'given' and help foster the emergence of new ideas. (Goldman 2016: 45-46)

As well as helping us understand the relation between the spiritual and embodied sides, the notion of experience will be used here to deepen the discussion in dialogue with cosmopolitics. My aim is to stimulate a reflection on how we might approach ethnic-racial relations so as to promote the emergence of new ideas, based on the learning of practices involving the relation of the Pombogiras with those who seek them out and become part of the com-

position of this crossroads. The notion of experience will thus encounter the cosmopolitical proposition, creating a crossroads that enables the construction of new ideas and the creation of potential new paths.

Whether open or closed, the crossroads is among the spatial notions that form part of an entire cartography in religions of African origin (Anjos 2006). The crossroads is communication itself with the Pombogiras being the materialisation of this communication. Dona Padilha asserts that she is a spirit who embodies in Doté Ricardo and that, just like her, we too are embodied spirits. In her words: "I am a spirit embodied in my *cavalo* [horse],[3] just as you too are an embodied spirit. I am from the spiritual side, but I am here on this side through my *cavalo*." Dona Padilha makes clear that although we are all embodied spirits, this does not mean that we are all embodied spirits in the same way. We are spirits who compose ourselves differently with the embodied world, since, Dona Padilha says, for her a *parede* (wall) only exists when she occupies the Doté's body. Outside of it, she can be anywhere.

She explains that since they are spirits, they can enter anywhere and pass through any wall. Just as they traverse walls, they also move between the two sides, establishing communication. The Pombogiras move between the embodied and spiritual planes without being seen by most of the embodied. Only when she occupies the body of the *cavalo* (horse) can she be seen by everyone and in that moment she presents herself in a paradoxical form since in becoming visible in the *cavalo*'s body, she continues to communicate between both sides, yet she ceases to pass through walls since the body becomes a limit. This body, which in becoming a wall curbs movement, simultaneously enables the movement of her spirit to the embodied side. The body is a meeting point that enables the Pombogira to be seen by all those on the embodied side. It is the spirit that communicates with this embodied side, but without the body the spirit continues to move freely and can enter anywhere.

The Pombogira is a spirit that transits between the spiritual and embodied sides, the body comprising both the materialisation of communication and the limiter of her movements. The people who inhabit the embodied side are also embodied spirits but, in their case, the spirit requires the body in order to dwell on this side. While the spirit of the Pombogira is free to transit between sides and remains alive by moving, the spirits of people on the embodied side require the body as their place of dwelling. The body constitutes a limit for the Pombogira and, simultaneously, guarantees the existence of other spirits on the embodied side. Both are embodied spirits, yet while the Pombogira moves, being movement itself between the sides, the spirits of people on the embodied side live by occupying a body. The spirit of the Pombogira resides in movement and it is this movement from the spiritual side to the embodied that allows the spirit to inhabit the body of the embodied.

3 The *cavalo* (horse) is the person whose (material) body is occupied by the entity. The term Doté is the official title given to this person.

Dona Padilha affirms that everything is spiritual. We are embodied spirits who occupy different sides of this crossroads, yet this does not prevent the Pombogira from being present on both sides. What the Pombogira proposes is that we comprehend the composition of this crossroads from her own perspective. It is the encounter at the crossroads that can make visible the communication between the spiritual and the embodied. The encounter in the body of Doté Ricardo, which sets a limit on Dona Padilha, is also what makes the spirit visible to all those on the embodied side. Moreover, this means comprehending the body as a composition of Orixás, entities, Exu and Pombogira.[4] The person is thus far more than what we can see and it is from the composition of each being that the Pombogira builds her relationship with the embodied.

'Spirits are points of view that embody bodies' (Anjos 2006: 119), yet they are not just present through the bodies they occupy. The Pombogiras are spirits that embody bodies, yet they are also spirits that live among us without embodying bodies, making the crossroads their dwelling. We must understand that embodying bodies is part of a composition created through movement. In this composition, we are embodied spirits who occupy the embodied side through the movement of the spirit: 'we are not beings, we are vibrations, effects of resonance, "tonalities" of different frequencies' (Lapoujade 2012: 11). We are vibrations in composition that make the elements belonging to this composition resonate. This understanding entails going far beyond the visible and invisible worlds: it also means going beyond the body and thereby comprehending this world as composition.

The path proposed by Dona Padilha – the idea that we are embodied spirits –resonates with the notion that spirits are points of view that embody bodies (Anjos 2006), as well as with the idea that we are vibrations of different frequencies (Lapoujade 2012). Hence, the body is displaced as the point of reference and movement takes over. The body appears as a kind of territory in confluence where communication between the spiritual and the embodied sides generates movement. In the body of Doté Ricardo, there is a confluence of his spirit with the spirit of Dona Padilha. While the body sets a limit for Dona Padilha – since it forms walls that contain her spirit – for the embodied side the body enables the Doté's spirit to occupy this side with the movement of the spirit ensuring composition occurs.

When Dona Padilha says that everything is spiritual and we are embodied spirits, she also highlights the difference between these embodied spirits. She delineates a crossroads thought, a *pensamento em encruzilhada*, in which differences meet without excluding difference, making the crossroads a confluence between the spiritual and the embodied, since in this confluence 'things come together but do not merge' (Santos 2015). Confluence is a concept that evokes natural elements that join together but do not merge. The crossroads is the communication between the spiritual and embodied sides. At the crossroads, there is a

4 TN: Collectively, the Orixás are the Afro-Brazilian deities, while Exu is the Orixá of movement and communication, the messenger god.

confluence of the spiritual and the embodied where spirits meet and even occupy the same body, yet do not merge.

It is necessary for the spirit on the spiritual side to move for communication with the embodied side to be maintained. On the embodied side, it is important that the spirit not mix to the point of being confused with those who occupy the spiritual side, thereby running the risk of ceasing to inhabit the embodied side. It is important to stress that the idea that everything is spiritual does not exclude the existence of other sides or planes. However, it does mark the asymmetrical relation of forces with which we are in unceasing contact. The notion that we are embodied spirits and that the Pombogiras are also spirits embodied in bodies does not imply they are the same thing: rather, it points to a similarity of movements marked by difference between the relations.

Movement creates the composition for Dona Padilha to *come to earth*. The very expression *come to earth* already conveys the movement of the spirit that will compose the territory in confluence with the Doté. Another expression used to describe the arrival of Dona Padilha is to *turn* (*virar*). The experience of turning is marked by other words evoking action, such as *spin*, *catch*, *descend*, *give the saint*. *Turning*, therefore, is movement and transformation (Rabelo 2014). When the person *turns into the saint*, they divert (or turn away) from what they are (Opipari 2009) to become more than merely the support of the entity who occupies them, turning into the composition in which the territory in confluence can become visible to everyone. Those people who *turn* are called *rodantes* (literally, spinners or whirlers). The *rodantes* place the accent of turning on movement rather than on the body (Rabelo 2014). Turning into the Pombogira is turning to the side, a movement that makes the body part of the communication between spirits who occupy different sides, thereby making possible the composition of the territory in confluence.

The composition in constant motion that differentiates the Pombogiras – as displacements that move and embody within bodies, whether through persons or through an image that occupies their *assentamento* – shows us that they do not reside in any one place, except in the possibility of being present (Oro and Anjos 2009). It is displacement, movement, that ensures the Pombogiras are ever present.

The Pombogira can be among us without the need for bodies: the crossroads does not exist only when we see it in its traditional form on the road. The crossroads is communication between the spiritual side and the side we inhabit as embodied beings. It may also be present in bodies, in the terreiros, in the street, as a composition in constant movement. It is important to stress that, just as people are spiritual compositions, and it is through this notion of being that the Pombogira constructs her relation, so too the Pombogira herself is part of a composition with her *cavalo*, but also with the Orixás and the entities that compose her *cavalo*. The body presents itself as this crossroads that extends beyond what we can see. The physical crossroads renders intelligible and visible the process that creates communication

between the sides of the split world, as well as the person as composition. The crossroads resides in its own presence and this presence is the dwelling place of the Pombogiras. It is through presence that the crossroads extends beyond the road itself and materialises as communication in different bodies and at different moments, as a way of moving and transporting itself to wherever communication needs to be established.

'LIGHT THE LANTERN TO WELCOME A FRIENDLY PERSON'

I entered the room where the *giras* take place and immediately on the wall in front of me I saw an altar with small oratories. These oratories formed a kind of lozenge, longer on the horizontal axis. On this altar, in a vertical arrangement, Oxalufã could be seen at the top; just below and in the middle were Obaluaiê and Oxum, while further down, at the base, were Pombogira and Exu, forming the centre of the composition of the pantheon with the images of the Orixás. Beneath the shelves was a large wooden bench. On the left there was another bench where I encountered some people already seated and talking in anticipation of the arrival of Dona Maria Padilha. On the right towards the back was the bathroom. Beside the door there was a barrel with a herbal bath prepared for the *filhos da casa* (children of the house). I sat down on the side bench and soon a woman, Alessandra, began to talk with me about how good Dona Padilha was and how she came every week simply to thank her and embrace her. The *filhos da casa* were already present and tending to the preparations: lighting the candles of the *assentamentos*,[5] while others greeted those wishing to consult her. Amanda passed round an attendance list with two columns, one for the visitors, the other for those who wanted a private consultation.

Doté Ricardo issued instructions for the preparations for the arrival of the *Moça*.[6] He went round every corner of the house to check everything was ready and greeted those present. He then sat in the chair covered with red and black cloth, located in the corner to the right of the entrance door. Near the chair there was a window. Beneath it was a table on which the jewellery box rested. Under the table was a row of three candles: one white, one red and one red and black. In front of the jewellery box were the goblets of the Pombogira.

Doté Ricardo chatted for a short while with those present, good-humoured as usual, and asked one of his *filhos* to light the candles beneath the table. He was already sensing that the *Moça* was arriving. He asked them to check whether the candles of the *assentamentos* were lit. By this time, the benches were nearly full. Some people conversed among themselves, others talked to the Doté. Gradually, the *filhos de santo* of the house took their seats, composing the room. This space was also composed of a kind of mandala with the image of Dona

5 TN: In Afro-Brazilian religions, the shrine or altar where an Orixá or entity is 'seated,' embodied in ritual objects and tended by followers.

6 'Young Woman,' one of the ritual forms used to refer to the Pombogira.

Maria Padilha and a screen with the image of Seu Zé Pilintra by the side of the window. In one corner of the room, behind Dona Padilha's armchair, stood a piece of furniture at the height of the chair's backrest – a kind of altar – with images of Seu Zé Pilintra, Dona Maria Mulambo and Seu João Caveira. It was the corner of the street, inside the room.

In the middle of the Doté's conversation with those present, Dona Maria Padilha arrived and immediately began to dress herself. She said good evening to everyone. One of the *filhas da casa* brought the jewellery box and opened it so that Dona Padilha could choose what she wished to wear. As she selected her jewellery, Carla brought two goblets, the beer, the champagne and her cigarettes. Dona Padilha continued choosing which of her bracelets to wear and putting them on, gradually covering much of her forearm. She also chose a ring for each finger. Suddenly, she saw another ring and decided to swap. She began searching for her necklaces and selected three. She picked up her earrings to choose a pair while the *filhas da casa* looked on in admiration. Noticing this, Dona Maria Padilha said: 'Eyes off, it's mine!' and burst out laughing.

After she had finished donning her jewellery, she lit two cigarettes simultaneously and began to sing her *ponto* (chant): *If your catacomb has mystery, she is Maria Padilha of the cemetery. She is blonde with blue eyes. She is Maria Padilha, daughter of Seu Omolu.* She then turned to a woman called Andrea and asked her to sit in the chair beside her. She asked how her health was and Dona Andrea replied that she still felt some pain. Dona Maria Padilha said: 'You haven't been drinking the tea and you haven't been taking the milk bath I recommended. I know you don't like milk so that's why I prescribed the bath.' The woman replied that just thinking about milk made her feel nauseous and she sometimes forgot to drink the tea, although she had been taking it. Dona Maria Padilha replied: 'No, you haven't been taking it. The tea was meant to be drunk every day; it only works if you do so. Don't you eat every day? You have to drink the tea every day too. For you milk stinks, but do you think it's better to be sick then? Having poor health is better?' Dona Maria Padilha added that she would rather take a bath with something she disliked than be sick. And she continued: 'I counsel, but you all do as you wish.'

Dona Maria Padilha switched topic and asked how her retirement process was going. At that moment, Carla opened a beer and served it to Dona Padilha. Before the champagne was opened, the latter said: 'Don't shake it, I don't want to waste anything.' So Carla did what she requested, serving Dona Padilha. Dona Andrea explained that her retirement request had been turned down because, they said, she had filed for a widow's pension. Just then, the Doté's neighbour arrived with something in her hand and said: 'I came at the right time, you called for me, didn't you?' She showed the champagne cork that had just fallen into her house yard. This neighbour worked at the INSS (Brazil's social security institute) and, giving her opinion on Dona Andrea's case, said that they must have selected the wrong option at the time of the application. The neighbour sat with Andrea to discuss the matter and wrote

down her details to look into it. Dona Maria Padilha then began calling the Pombogira, the Cigana and the Exu of the *filhos da casa*, since the attendance list included two private consultations: when she left for these consultations, they would remain to receive the others. Dona Maria Mulambo, one of the *filhas da casa*, arrived first, followed by Seu Veludo and then Seu Marabô. Dona Padilha then went off to the private consultation.

The relation between Dona Andrea and Dona Padilha was constructed from Dona Andrea's composition, but also by establishing a relation between compositions. In bestowing her advice, Dona Padilha was already taking into consideration the entire composition that is Dona Andrea, including the spiritual side and how she composes herself on the embodied side. The Pombogira addressed her likes and dislikes, as well as her stubbornness, while treating her with the respect due to an elderly woman. Dona Padilha also demonstrated in practice the extent to which she establishes communication on the embodied side, making the champagne cork bring the neighbour to assist with Dona Andrea's retirement issue. Here she not only presented people as compositions, but also placed compositions in relation, always allowing for how each composition is constituted. Each person thus receives differential treatment such that her counsel becomes part of the encounter between these compositions.

Another evening, I arrived at the Centre for the scheduled meeting with Dona Maria Padilha. Some women were already there, seated on the benches. Slowly the *filhos da casa* began to arrive, bathing and putting on their white clothes. Two children, also *filhas da casa*, were dressed in white and talking with another child who was there with her mother, Alessandra.

Every time someone arrived who was unknown to Alessandra, she would ask whether the person already knew Dona Padilha and then tell them that she was very good, she always helped her a lot, which was why she was always in attendance. She would go on to say that she would not even ask for anything; she just came to give her a hug. Each time she did the same: she would stay for a while in the *gira*, then ask permission to leave and say goodbye with a hug. There were various *giras* in which Alessandra continued to follow this same movement.

In the middle of this conversation in which Alessandra was praising Dona Padilha, the *ekedi* Amanda arrived with a friend.[7] Amanda went straight to bathe, but this did not prevent her *irmãos de santo* from teasing her playfully about her lateness. At around 8:40 pm, Dona Maria Padilha *veio em terra* (literally, came to earth) said good evening to everyone and then asked Ana to fetch a bell. She explained that she needed the bell because without the *atabaque* (a tall ritual drum) there was no animation, the people would not sing or clap their hands. At that point, the *ekedi* Amanda said it would be better to fetch the *atabaque*, since there was an *ogã* in the house who could play.[8] Amanda then said, 'he is an ogã' and

7 *Ekedi* is a ritual title and female role in Candomblé, assigned to care for the Orixás and assist the *terreiro*. Among her responsibilities is tending to and guiding the Orixá when it manifests (*veio em terra*).

8 *Ogã* is a ritual title and male role in Candomblé, assigned to protect and assist the *terreiro*. Among his responsibilities is playing the *atabaque* to call the spiritual entities.

pointed to me. Dona Padilha asked me if I could play for her and I answered that I was still learning. She then said: 'It's enough to play samba de roda. You know it well. Your land has a lot of samba de roda.' Dona Padilha began to sing her *pontos*. At first, I found it difficult to accompany her as she sang more slowly and with a cadence different from Dona Maria, another Pombogira with whom I was accustomed to play. After singing her *pontos*, she began to converse with Rita and her mother-in-law, Paula. She asked Rita how her husband was and before she even received a reply, Dona Padilha said: 'You've already solved the car problem, haven't you?' Rita replied that yes, but he had lost his mobile phone and he was unable to work as an app-based driver without it.

Dona Maria Padilha began to explain that he was going through the *ano da praga* (year of affliction). She added that it would not be easy but it is always the same when someone *faz santo* (literally, 'makes the saint': becomes initiated and receives a specific saint/Orixá). She then asked: 'Do you know why the one-year obligation is performed?' Without waiting for anyone to answer, she said: 'To tell the Orixá that you have overcome the year of affliction. Many *casas* do not explain these things, but here my *cavalo* and I explain, because otherwise knowledge is lost.' Dona Padilha reminded Rita how her own *ano da praga* had also been extremely hard. She had even lived on the street. She explained that it was faith and the strength to fight that enabled her to show the Orixá that she had overcome the year of affliction. She also made clear that, after Rita performed the one-year obligation, many good things appeared along her path. 'For him it will be no different, he only has to keep his faith and believe in his own strength and in that of the Orixá.' She then asked Rita to tell him to prepare a meal for Ogum, so as to keep opening the way.

Dona Padilha told her that, in addition to the *ano da praga*, the house that Rita's husband attended had done things with which she disagreed, explaining: 'I am not saying it's wrong, only that on this ground we don't do it that way.' She then described how it was done there at the Centre: first food is given to Exu when food is offered to the Orixá and above all during the *feitura* (literally, 'making': initiation). Exu must be the first to eat. To back up what she was saying, Dona Padilha recounted the *itan* (sacred narrative) of the creation of the world:

> Olorun gave Oxalá responsibility for creating the world and entrusted him with the sack of creation. Orumilá told Oxalá to make an offering to Exu before creating the world. Oxalá went ahead without making any offering. Exu used his powers to leave Oxalá extremely thirsty. When Oxalá arrived at the place where the world was to be created, he found a palm tree and made a hole in it with his opaxorô [ritual staff]. He drank the wine and fell asleep beside the palm. Exu took the sack of creation and handed it to Oduduá. With Olorun's permission and after making the offerings, Oduduá executed the task of creating the world. When Oxalá awoke and saw that the world had already been created, he went to Olorun to explain what had happened. Olorun forgave him and Oxalá became the Orixá of forgiveness. Olorun then gave him the task of creating men and women. Oxalá took clay, shaped a man and a woman, and Olorun breathed life into them, animating the human beings modelled by Oxalá. Olorun then decreed that Exu must eat a portion of everything the Orixá eats and that Exu must always be the first to eat.

Dona Padilha went on to explain that, in the *casa* that Rita's husband attended, they had given food to Bará at the moment of the *feitura* (initiation). She stressed once again that, on her ground, food was only given to Bará, her individual Exu, at the three-year obligation. First, Exu, the *povo da rua* (people of the street), must be fed so that the paths are opened and the food will always be delivered to the Orixá when offered. She went on to tell Rita and her husband to keep their faith.

She then turned to Paula, Rita's mother-in-law, and said: 'You've been very worried. But don't worry, your son will be fine.' She asked Paula if she knew the power that a mother possesses and added: 'The mother is the first process of *feitura* that the child undergoes. You bled and spilled blood on him and for that reason you hold great power over his life. I have already told him to prepare the food for Oxalá and he will do so. But regardless of that, you can do the same, and he must not know. They are different requests. Offer the food and ask that Oxalá intercede for him and that Xangô enact justice as a mother asking on behalf of her son.'

Once again, Dona Padilha considered each composition as part of the process of knowing how to communicate and build relations. When she asked me to play, she asserted that I already knew: it was only a matter of playing *samba de roda*, with which I was very familiar. She referred to experiences no one else there could have known and, in referring to my composition, also made it clear that, in the land from which I came, *samba de roda* was common.

The advice given to Rita and Paula presents elements that are significant not only for comprehending the person as a composition, but also for understanding how the relation between these compositions becomes established. The advice is provided to Rita and Paula, but also to Rita's partner and Paula's son. Here, Dona Padilha is already constructing different relations between the compositions.

When Dona Padilha refers to Rita and how she can help her partner, she begins by explaining what she calls the *ano da praga* (year of affliction). This is the link she encounters between Rita's composition and that of her husband since, however much their compositions differ, it is through the experience of the *ano da feitura* (year of making/initiation) that she is able to place the couple in relation. Dona Padilha recognises that Rita endured some difficult situations but after the one-year obligation was performed, everything changed. Since Rita had already gone through the year of affliction and completed her one-year obligation, she was strengthened and could help her partner. Dona Padilha advises Rita to tell him to prepare food for Ogum, and to keep faith and strengthen his composition. The food for Ogum is to ensure that his paths remain open, using the force of the Orixá who can fight on his behalf to open the way.

When advising Dona Paula, the entire relation is constructed differently. Because she is a mother, she possesses greater force, since the two compositions share a direct bond. Dona Padilha explains that a person's first *feitura* is birth and the first blood to transmit the force of a *feitura* is that of the mother. As a result, she explains, the mother can call upon Xangô to intercede for her son as a mother beseeching the divinity on behalf of her child. While Dona

Padilha asks Paula's son to prepare food for Oxalá, his mother must direct her request to Xangô. Here we perceive the relation between compositions and the different paths presented by Dona Padilha to resolve the same situation. In accordance with each composition and the relations between compositions, the chosen paths complemented one another to form new compositions and build new ways forward. Each in their different form, they set energies in motion so that the construction of the *acerto* became possible. In this fashion, Dona Padilha made clear the importance of all three doing their part, while she continued to do her own.

During the *gira*, it was very common for Dona Padilha or Dona Mulambo to explain the importance of people making energies move: both women observed that people wanted the result but did not want to make the effort to obtain it. In their words: 'They want the miracle, but they do not say the prayer.' They emphasised that a person needs to understand that however much the Pombogiras may know what people desire, only each person by themselves can begin the work of achieving their objective. They would add that only after this work has started can they offer help, just as one can only help another person after first helping oneself.

This message may appear simple but it had to be continually reiterated because people often ended up doing things differently. Such was the case during the *gira* in which Dona Maria Padilha looked at a woman and began asking when she was going to *fazer as coisas* (do things: act), making it clear that she could not wait for her brother to sort out his life first. The woman replied that her brother did everything for their mother and, since she had recently taken on the role herself, she no longer had time to *cuidar das coisas dela* (look after her own affairs). Dona Padilha insisted that she needed to take care of her own affairs: she could not help her brother without first possessing the strength to do so. The woman needed to strengthen herself and strengthen her Orixás and entities in order truly to be able to help her brother. To help him, she first had to open her own paths.

Dona Padilha made a point of explaining that it was not the Orixá punishing the woman, but rather that the Orixá and her entities lacked the strength to protect her. Just as it is people themselves who need to know what they want and ensure that movement generates actions upon actions, so too they must feed their Orixás and entities. The Orixás and entities are the person, just as the person is a composition with the divinities and entities that accompany him or her. But for the composition to have strength, it needs to be fortified, only after which can the person think about helping whomever they wish.

This in mind, Dona Padilha explained that the woman should not worry about taking her brother out of the terreiro he attended and bringing him to hers. That would only become possible once she had done her own things (*fizesse as coisas dela*): opening her paths, strengthening herself and, consequently, acquiring the strength to help open his paths. Dona Padilha made clear that the woman could only resolve her brother's life if she began to take care of herself (*se cuidar*). She needed to understand that this was the best way to help him. The moment she opened her own paths, his would open in turn.

Once again, Dona Padilha highlighted the importance of the person strengthening their own composition: only then could another person be helped. She always said: 'In life it has to be you first, you second and you third.' In saying this, she also affirmed that it was not a question of selfishness: it was a matter of strengthening one's own composition as the primary condition for assisting another. Another important element was her explanation that it was not the Orixá punishing the woman but rather her Orixá needed to be strengthened in order to help her. She had to continue fortifying her composition to remain steadfast, be protected, but also augment her strength still further.

The composition between people, Orixás and spirits is a frequent theme during the *giras*. In one of these, before Dona Padilha's *quizila*[9], she summoned a woman to explain to her that she needed to take care of her own things (*fazer suas coisas*) and take care of her Pombogira. The woman replied that she knew this, but did not want to work with her Pombogira, as she did not agree with the way she went about resolving things. So Dona Padilha began to explain that she needed to learn how to build a relationship with her Pombogira, since she could only gain from doing so. She recounted that her own *cavalo* 'did indeed confront her and I have confronted him a lot, only that now I no longer do anything he does not want, because he once punished me by keeping me from coming to earth for six moons.[10] He knows how to do it, so I do not do it my way.' Dona Padilha continued: 'Once I made a spell of binding. I did everything correctly, placed a jewel inside, and when he returned he saw the spell and undid it. He gave me back the stone and said he was not going to do it. Afterwards, he even punished me.' In another *gira*, Dona Mulambo recounted the reason why the Doté had undone the spell: 'the Doté told the woman that it would ruin her life and her marriage, since her husband was a spiritist and would find out. Even with the spell undone, the husband discovered it and ended the marriage.' From this story of a spell made and undone, Dona Padilha explained to the woman concerned that she had to know how to deal with her Pombogira. But she replied that she had already suffered too much at the hands of her Pombogira and so would not even try.

In the end, Dona Padilha once again told the woman that she needed to take control, communicate and make *acertos* with her Pombogira. However, the woman insisted that she would not do what was asked of her. And so Dona Padilha did not return to the matter. When the woman left, Dona Padilha said once more that she did not challenge her *cavalo* and that the woman was afraid of her own Pombogira because she did not understand that she needed to work, become accustomed to the energy and control it. 'Today my *cavalo* has taught me that I must always do things by making *acertos* with him. But since the woman did not want to listen, I stopped talking. If she already thinks she knows everything, how can I help her?'

9 Interdiction or rejection caused by annoyance due to inappropriate conduct.

10 Six months.

To reach agreements between the *cavalo*, the Pombogira and the other entities, it is essential to allow the encounter, create their *acertos* and learn from the composition being shared. These *acertos* are also constructed amid the constant tension inherent to relations in Candomblé and all parties must allow themselves to engage in the encounter. Initially, this may not be harmonious, but over time, dedication, faith and mutual trust will give rhythm and form to this relation.

'WHEN YOU REACH THE CROSSROADS, DON'T FORGET TO LOOK BACK'

In attempting to understand the relation between the embodied and spiritual sides, my initial error was to act as an executor: in so doing, I was treating the relation between them as one between visible and invisible worlds. Prompted by the questioning and remarks of another practitioner of anthropology, Marcio Goldman, who pointed out that the best way to know which term to use in an ethnography was to ask one's friends, I realised it would be necessary to ask the Pombogiras. At that moment, I ceased to be an executor and repositioned myself as a practitioner of anthropology by asking the question. Dona Padilha responded with another: 'What is your problem with the spiritual?' Dona Padilha's reply presented a world in composition, in which movement is required from the spiritual side to the embodied. In this way, she emphasised movement and composition as ways of thinking the world.

The Pombogiras are spirits that move freely, like the wind, passing through walls and entering anywhere. Only when they are in the body of the priest or priestess do they encounter a limit and can no longer pass through walls. By contrast, embodied spirits require the body in order to exist.

By comprehending the relation between the embodied and the spiritual as movements that form a composition between two sides that coexist in the world, I was able to understand that this relation is, above all, movement. The relation between the spiritual and the embodied cannot be understood as two static points that touch: they are movements that encounter one another. They are relations that construct themselves. For the embodied spirit to exist, there must be movement from the spiritual to the embodied; likewise, for everyone to see the Pombogiras, this movement is required. Yet they do not cease to exist when they are not located in the body.

José Carlos dos Anjos (2006) recounts that a *mãe de santo* once rebuked him for sitting with his arms crossed, since his posture was blocking the passage of energies. This is only possible because the body presents itself as this movement from the spiritual plane to the embodied. The body is a crossroads that need to allow movement to happen. Once again, then, it is not a question of removing the body from the scene, but rather of constructing a notion of the body as composition, as movement between the spiritual and the embodied. It requires apprehending the body beyond the visual. We must displace this colonialist belief in

worldviews in order to allow ourselves to see the world as composition. In this composition, there are things we cannot see, but that does not mean they cease to be present.

The *terreiros* included both black people and white people among their *filhos* (initiates) and clients. As noted earlier, my research concerned the *acertos* that were constructed, which led me to reflect on the relations created between people and the Pombogiras. The Pombogiras explain that embodied spirits are more than a body: they are a composition of spirits, Orixás, Exus… It is through this composition that they give counsel to those who seek them out. The *acertos* are constructed not with reference to the body but rather to the spiritual composition. The body is removed from the point of reference in order to generate movement between the spiritual and embodied planes. Removing the body from the point of reference should not be confused with removing the body from the discussion. Instead, it means freeing ourselves from a construction of two static points – the body and the spirit – in order to understand the body as a composition in the movement between the spiritual and the embodied. In other words, it entails thinking of this composition as the relation per se between the spiritual side and the embodied side, which becomes visible through the body.

The Pombogiras make the crossroads their dwelling. The crossroads is the communication itself between the spiritual and the embodied, while the Pombogiras are the materialisation of this encounter. They can make themselves present anywhere and, at every crossroads, one must ask them for permission, for they will be there. The notion of the crossroads employed here draws on two ethnographic works: the research of anthropologist José Carlos dos Anjos (2006) on the Território da Linha Cruzada in Rio Grande do Sul and Humberto Santana Jr. (2021), about the thought of the Pombogiras.

As a junction, the crossroads is also a meeting point, a place where paths may open but also where they may close. Likewise, it is the place of choosing new paths and possibilities. It was through the thought of the crossroads that different African nations encountered one another and gave origin to Afro-Brazilian religions in Brazil. It is through this notion, too, that Catholic saints were incorporated into Afro-Brazilian religiosity. By including Catholic saints within their worship, the force that exists on the other side of the crossroads is recognised. In this context, Catholics saw the entities being worshipped as Catholic saints, since African divinities either did not exist or had no force (Oro and Anjos 2009). The crossroads is a counterpoint to syncretism given that syncretism entails a blockage of communication insofar as Catholics do not acknowledge the force of African divinities. By contrast, the crossroads allows practitioners of Candomblé to recognise the force and establish communication. The force is not denied: instead, it is placed in relation.

José Carlos dos Anjos (2008) presents the crossroads as a proposition of Afro-Brazilian religious philosophy in response to racism. The Pombogiras present the crossroads as communication between the spiritual and embodied worlds, an encounter that excludes neither difference nor the tension generated by the encounter.

It is this crossroads thought (*pensamento em encruzilhada*) that allowed Nego Bispo, when asked what he thought about the arrival of Evangelical churches in the quilombos, to reply that no problem exists since quilombos are polytheistic and now they will have one more weapon: in addition to the *feitço* (spell) they will also have the miracle to add to their struggle. On another occasion, when asked how white people are treated in the quilombo, he answered that in the quilombo the person needs to know how to show respect: if you do not know how, you will not be respected either, irrespective of whether you are white or black.

The Pombogiras also looked at people not by their colour, but by their spiritual composition. The crossroads continues to be important for reflecting on ethno-racial relations and on difference. The crossroads does not separate worlds: it enables their encounter and sets it in motion, creating compositions amid constant tensions. The crossroads is also the meeting point that makes possible the construction of new potential paths. It is the crux – the crucial point.

It is important to stress that tensions and risks are constant. I am not saying that the crossroads permits harmonious encounters and compositions. On the contrary, anyone familiar with Candomblé knows that equilibrium is achieved in movement: equilibrium is not static but dynamic. Clara Flaksman (2017) has already pointed out that the dynamics of Candomblé must be thought via the relation between order and disorder, since stagnant energy leads to chaos. For this reason, it is essential to remain in movement, as well as protect oneself always, since we live in a dangerous world. We need to strengthen our spiritual composition in order to face the dangers that await us.

With the Pombogiras, it became possible to understand that the encounter is a composition of misencounters and that for the encounter to happen, it is necessary to both encounter and be encountered. The encounter must be seen as a composition that is built in relation. The crossroads presents itself as a relation that utilizes difference as a form of composing forces.

In conversation with the geographer Andrelino Campos, he told me: 'Black people are entering the territory of the university and forgetting their place.' He went on: 'Their affective place, the house backyard, the terreiro, the roda de samba – these are the places from which we should be drawing our concepts and values.' Gilberto Gil once said: 'Affirmative action is an important step towards civilising the university.' The entry of black and indigenous academics serves precisely for our bodies and knowledge to produce new ways of thinking and make new reflections possible.

For the thought originating in the quilombos and terreiros, there is no problem in dealing with difference, since recognising difference is part of the very construction of these forms of knowledge, these lived experiences, and their importance in guaranteeing existence. It is by observing nature and life that such knowledge and their concepts are produced.

On the other hand, the academy long reproduced the kind of thought that Nego Bispo calls Euro-Christian-monotheist and cosmophobic. Audre Lorde (2019: 141) observes that Western European history teaches us ways not to know how to deal with differences. This

history conditions us to view human differences through simplistic oppositions: good/evil, dominant/subordinate, superior/inferior.

The clash of civilisations between different modes of thought and how to deal with difference offers important reflections that enrich our discussion of ethnic-racial relations. While Euro-Christian-monotheist and cosmophobic thought continues to sustain its claim to universality and imposes itself through the annulment of the different, the forms of knowledge emerging from quilombos and terreiros take difference as an essential part of their composition.

As a way of continuing to think about ethnic-racial relations via the notion of relation, I cite a lived moment from the classroom. The experience of practising anthropology while discussing ethnic-racial relations is a constant exercise in reflecting carefully, cultivating depth and avoiding the risk of quick answers. It was during a course on Afro-Brazilian religions on a Social Anthropology postgraduate program, with seven students enrolled in the class, that I witnessed a beautiful reflection from one of the students.

The class was made up of six people who attended terreiros of Afro-Brazilian religions, including a *babalorixá* (priest). Only one student, Elisângela, did not frequent a terreiro, knew virtually nothing about the subject and was Catholic. During the lessons, the entire class took great care in how they spoke and explained clearly what they were saying. Each time a term arose, everyone remembered that they needed to explain what it meant in detail, so that this one student could properly understand what was being discussed. These reactions were spontaneous, but they were not a way of confronting religious racism. They were primarily a form of attentiveness and care, ensuring that the student could feel part of the class, comprehend the issues being raised and participate in the collective construction of knowledge without excluding difference.

The classes were already stimulating reflections and practical actions on how to deal with difference respectfully and without exclusion. These were moments in which, even as we theorised about Afro-Brazilian religions and the crossroads, the practice itself was already a clear example of what we were discussing. It was a source of satisfaction for the class to see that Elisângela was able to follow the discussions and begin to understand something of the universe of Afro-Brazilian religions.

In the middle of the course, Elisângela presented us with a reflection important to understanding ethnic-racial relations, the crossroads as a philosophy of Afro-Brazilian religiosity and the lessons on how to deal with difference. Elisângela spoke about the significance of the class and the attentiveness that the group had shown to her. She emphasised that she was the only Christian in the group, everyone had made a point of checking whether she was understanding the discussion and, more than anything, she felt comfortable and welcomed. She went on to say that she knew very well how, were the situation reversed, a *candomblecista* would probably not feel the same and would not be welcomed.

Elisângela's reflection shows us the other side of the crossroads, the side accustomed to being the majority, being the only truth and the only path to be followed, facing a situation in which another religion does not impose its own way of thinking and professing faith, nor regarding her own faith and her very existence as something wrong, only as something different. I cite this example for us to think about ethnic-racial relations and the different ways of dealing with difference. The group on this course welcomed Elisângela not with the intention of excluding difference, but making use of the notion of relation through the crossroads.

To resume our discussion of the question about the role of white professors in studies and research on ethnic-racial relations, I shall turn to the example of two white women professors who research ethnic-racial relations and who belong to an institution that hosts a postgraduate program in this field. The first case concerns a white professor who researches whiteness and who always takes the opportunity to place other white professors in uncomfortable situations concerning racial relations. This professor is aware of her ability to cause discomfort and be heard because she is white. Making use of this position, she proposed that the course on Ethnic-Racial Relations be included across all undergraduate Engineering programs at the institution. The proposal was accepted and is already in the process of being implemented.

Another case arose from a situation of racism involving a male black postdoctoral researcher who had a meeting with another female white professor at the institution. Perceiving that the researcher had arrived upset and after asking what had happened, the professor suggested seeking out those responsible, eventually reaching the General Director. The conversation with the Director began with the professor insisting that it was necessary to do more than have a postgraduate program in Ethnic-Racial Relations, since its existence alone did not guarantee the implementation of anti-racist practices. Consequently, she demanded a concrete and official stance against racism. She made use of her position as a white professor, a researcher in ethnic-racial relations, and once again pressed the institution to fulfil its role in combating racism. In this specific case, the strategy had been agreed by the two researchers in advance, taking into consideration that, in addition to the professor being white – and thus likely to be heard – she had already been asking the Director to act in other situations. Here, a composition was formed between the black researcher and the white researcher so that the institution would take a stand, considering not only ethnic-racial relations but also foregrounding the very notion of relation.

When we set out to think about ethnic-racial relations on the basis of exclusion from spaces or the separation of knowledge – and even more so when we think in terms of excluding white people – are we, in fact, learning to deal with difference through what we have learned from the knowledge produced in the terreiros and quilombos and among indigenous peoples? Or are we instead learning from the colonialists and forgetting our own means of thought?

In a lecture given in the NAnSi research laboratory at the Federal University of Rio de Janeiro (UFRJ) entitled "Thinking on the edges of disaster: from slavery to environmental

cataclysm,' José Carlos dos Anjos posed the question of how far what we, as black persons, take to be success and the path we follow does not in fact repeat a trajectory that denies blackness (*negritude*) itself. By using what metrics do black people 'at the top' claim that success has been achieved? Is it the individual speaking in the name of the collective? In the same reflection, he points out how often we, as black people, must go on denying our blackness in order to occupy certain spaces.

I had the opportunity to see Nego Bispo on a panel at the Museu Nacional (UFRJ) alongside Eduardo Viveiros de Castro and Rita Segato. When asked about the role of black people in the university, he replied: *to make the colonizer's eggs rot*. The notions that Nego Bispo advances as counter-colonisation, aimed at combating colonialist thought, are not created by using Euro-Christian-monotheist thought, even as a framework for contesting it, less still by resorting to the coloniser's weapons, since it has already been proven that these arms only cause destruction.

When we speak about ethnic-racial relations, are we taking into account the notion of relation? Have we abandoned what the crossroads teaches us about dealing with difference, only to learn instead from the destructive appetite of colonialist thought? Does excluding white people solve our situation? How much of white thought is already embedded in the humiliations that black people direct at other black people? What is the effectiveness of conceiving ethnic-racial relations as a reflection among black people only? By excluding white and indigenous people from the discussion, are we not also excluding the notion of relation itself?

Here, I return to the notion of resistance introduced at the beginning of this text. If we choose to use resistance in the sense of reaction, we are once again denying the knowledge learned from African-derived philosophy, and in so doing also denying blackness itself in the name of a colonialist knowledge. By using resistance as the defence of a prior existence, instead, grounded in a philosophy that is likewise prior, we can allow ourselves to continue to learn from the crossroads.

I could have taken the path of an executor of theory and argued that the entry of Catholic saints into Candomblé occurred through the imposition of a colonialist culture and the need to conceal the worship of African divinities. But as a practitioner of anthropology, I have to understand that if there is any contradiction in having Catholic saints in Candomblé, it exists only for me, since I have not yet grasped the relation created. The Pombogiras teach that where power exists, we can use it in our favour. The entry of the Catholic saints was only possible because the very basis of this thought is its special capacity to manipulate different forms of energy. The Catholic saints entered, but they were made and prepared through the foundations, magic and spells of Candomblé. The Catholic saints were not denied: instead, a relation was constructed that respected difference and gave meaning to Candomblé. This is yet another lesson from the Afro-Brazilian religions in how to live with difference, how to construct a relation while respecting differences.

While we combat racism theoretically, Candomblé has already taught us the paths and even armed us with the richness of a philosophy that knows how to manipulate different

energies, a philosophy aware of how to put different energies into relation. In a religion where everything is made, even the divinities, what matters more than making is knowing how to make. What can we learn from this specialised knowledge that uses magic and spells to maintain a dynamic equilibrium and keep making us stronger? Magic and spells need to be freed from their ethnocentric dimension and valued as specialised knowledge that teaches us how to place different energies in relation, creating new movements, inventing compositions and giving us the possibility to create worlds where life itself is the point of reference.

The notion of relation presented by Marilyn Strathern has two properties: the holographic and the complementary. In apprehending these two properties, we perceive the need not only to see the relation between things, but also to see things as relations. If we are thinking about taking seriously the notion of ethno-racial relations, we must reflect on how far we are abandoning the philosophy and thought elaborated in the terreiros and quilombos and among indigenous peoples, unlearning how to deal with difference. Dealing with difference by annulling, excluding or destroying the other is a colonialist mode of thought. Following the path of the cosmopolitical proposition, will we continue to be mere executors within a field called ethno-racial relations, one that does not even intend to be a relation? Or can we be practitioners of a science in search of knowledge that is produced rather than reproduced?

The Pombogiras and the terreiros present ways of making life, allowing life to be lived within an anti-black system that wants us dead. It was not by defeating the other for being different that the Pombogiras taught us how to grow strong, but rather by strengthening our own spiritual composition. It was through the knowledge produced in the terreiros and presented by the Pombogiras that it became possible to understand the relations they constructed with different persons. Not only was it possible to comprehend the *acertos* and how our own composition is constructed, but also to see how *acertos* were continually constructed and renewed, giving rise to new compositions. For the *acertos* to be achieved, we had not only to search for the Pombogiras but also allow ourselves to be found.

It was the encounter with the thought of the Pombogiras that generated the possibility of creating reflections in dialogue with Stengers's cosmopolitical proposition. The power and efficacy of magic in enabling the construction of *acertos* led me to understand another specialised form of thought-making. And the presence of the Pombogiras allows us to apprehend the efficacy of the ritual of their summoning, which contains the power to develop reflections where once we saw only certainty. Here, we can perceive the equivalence between the efficacy of calling the Pombogiras and that of summoning the Goddess. Stengers (2018) emphasises the importance of the efficacy of the ritual of convoking the Goddess: as a presence that transforms the relations that each protagonist entertains with their own knowledge, hopes, fears and memories, and that allows the collective to bring forth what each of them alone would have been incapable of producing. It was through the encounter with the

Pombogiras that the deepest certainties were undone, giving way not to new certainties, but to new reflections. This is not a revelation, but a creation-composition achieved in presence.

We can follow this path and build our thinking on ethno-racial relations, transforming the relations we maintain with our own forms of knowledge and proposing new reflections in composition with the means of thought of the Pombogiras on difference and on persons as compositions that themselves form part of other compositions. It is thus essential to think composition itself when reflecting on ethno-racial relations.

Are we ready to abandon our certainties and allow ourselves to slow down in the name of a deeper reflection? Are we willing to take seriously the notion of relation contained in the formulation of ethno-racial relations, or will we continue to be mere executors of a colonialist mode of thought that believes it can only deal with difference through exclusion, destruction and death? What can thinking through the crossroads teach us about how to deal with difference?

LEARNING FROM THE CROSSROADS

This text is not an endpoint but the start of a reflective process that allows itself to take seriously the notion of ethno-racial relations through the encounter – with all the tensions and risks this entails. Being in relation means learning how to deal with difference. The crossroads can serve as a notion through which the encounter between different worlds becomes possible without excluding difference. Afro-Brazilian religions envisage the crossroads as a communication between the spiritual and embodied sides composing the world. It is a place of encounters, misencounters and possibilities for constructing new paths. When possibilities exist, the path to be taken is chosen and the outcome derives from that choice.

It is necessary not only to take seriously the notion of relation, but also to think of these relations as compositions. We must move beyond a static mode of thought that places two points in contact, viewing them separately, without truly establishing relations, and still less conceptualising these points themselves as relations. Another important dimension for the development of this reflection is the process of slowing down, allowing depth in the construction of scientific knowledge. The proposal here is to make scientific knowledge itself a composition between different kinds of thought via the crossroads.

The entry of Catholic saints into Candomblé, or the presence of white people in the terreiros, is not a problem for Candomblé, so long as the foundation is respected, the philosophy is respected and followed. But it is important to emphasise that the entry of both Catholic saints and white people adheres to the philosophy, foundation and black thought already present in the terreiros. So, should we abandon this way of thinking and begin to act like the colonialists? If everything in Candomblé is made – if even the saints are made in us and in our double – what advantage is there in abandoning this mode of thought and embracing the destructive thought of the colonialists? It is the destructive colonialist thought

that can destroy even the force of the Orixás, since the Orixás are forces of nature. So what advantage is there in aligning ourselves with colonialist thought? As Dona Padilha would say: *you are not obliged to do anything, but you are responsible for the consequences of what you do*. Another lesson we can learn from the Pombogiras is the need always to strengthen ourselves and be prepared for whatever may happen. By strengthening ourselves, by knowing our composition, we will be protected and able to carry on. By knowing our philosophy, the basis of the thought sustaining us, we can acquire the strength to continue.

For this text not to be the end of a discussion but rather the beginning of a reflection, we need to avoid seeing the crossroads as a static point of encounter. The crossroads already presents itself as relation, respecting the two properties presented, and it already situates time itself as relation. In this sense, we must learn from the notion of the crossroads that we need to approach ethno-racial relations not only by taking seriously the notion of relation, but also by freeing ourselves from a static and hurried gaze. It is worth emphasising that it is the crossroads that enables choice and the construction of new paths. What is required is not only to put in relation but to *be* relation, to enter into movement and allow the crossroads to provide the encounter that makes new compositions possible.

Translated by David Rodgers.
Received: May 27, 2024.
Approved: September 30, 2025.

This article was translated with support from 'The Vibrant Project: Publishing Indigenous and Black Brazilian Anthropologists in foreign languages,' funded by the Wenner-Gren Foundation for Anthropological Research as part of its Global Initiative Grant programme.

Data Availability Statement:
The author confirms that all data generated or analysed during this study are included in this published article.

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Black Brazilian Anthropology

Death in the field: ruptures, ethnographic rearrangements and reflections on producing anthropological knowledge

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Abstract

In this article we reflect on death as a disruptive event for social relations and social (re)arrangements, based on research carried out by the authors in Canto do Buriti, Piauí, Brazil, and in Timor-Leste, Southeast Asia. Based on ethnographic accounts, we discuss how the death of interlocutors expands knowledge about kinship and gift-giving relations, which inform the constitution of the person as a privileged social phenomenon for theoretical and analytical reflections. The article demonstrates that death, by representing a rupture in a vital course, initiates a series of other relational dynamics that reconfigure a person's sociability, as well as the ways of experiencing field research, relations of interlocution and ethnographic research and writing/production. It emphasises the theoretical importance of deaths as events whose impacts on social relations and the production of anthropological knowledge need to be approached with close heuristic and epistemological attention, beyond a discussion focused solely on categories like emotions and affects.

Keywords: Death; Anthropology; Anthropological Theory; Ethnography; Field Research.

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e00804
https://doi.org/10.1590/1809-4341.2025v22e00804

Morte em campo: rupturas, rearranjos etnográficos e reflexões sobre a produção de conhecimento antropológico

Resumo

Este artigo propõe uma reflexão sobre a morte como evento disruptivo em relações e para (re) arranjos sociais, a partir de pesquisas realizadas pelos autores em Canto do Buriti (PI), Brasil, e Timor-Leste, país insular do Sudeste Asiático. Discute-se, com base em relatos etnográficos, como a morte de interlocutores amplia (re)conhecimentos sobre as relações de parentesco e dádiva que informam sobre a constituição da pessoa enquanto fenômeno social privilegiado para reflexões teórico-analíticas. Demonstra-se que a morte, ao representar uma ruptura em um curso vital, inicia uma série de outras dinâmicas relacionais e que reconfiguram sociabilidades e formas de experimentar o campo de pesquisa, as relações de interlocução e a produção etnográfica. Destaca-se a importância teórica das mortes como eventos cujos impactos nas relações sociais e na produção de conhecimento antropológico precisam ser tomados com atenção heurística e epistemológica para além de uma discussão concentrada nos acionadores das emoções e afetos.

Palavras-chave: morte; antropologia; teoria antropológica; etnografia; pesquisa de campo.

Death in the field: ruptures, ethnographic rearrangements and reflections on producing anthropological knowledge

Ana Clara Sousa Damásio dos Santos; Miguel Antonio dos Santos Filho

PRELIMINARY REMARKS

Death, as a phenomenon or moment of social life, has received attention from diverse anthropologists concerned, in general, with the meanings, practices and rites involved in the various processes of dying, making people die or allowing them to die (Mauss 1979, Cunha 1978, Medeiros and Hattori 2020, Mbembe 2018, Medeiros 2017). These discussions have yielded many valuable insights for anthropological theory on social organisation and kinship, on juridical and political regimes and rights over persons, but also on practices of governance and population management. In this article, we revisit the debate surrounding various topics of classical anthropological theory in light of death events in two quite distinct ethnographic settings: Canto do Buriti in Piauí, northeastern Brazil, and Timor-Leste, an island nation in Southeast Asia.[1]

In our previous studies, the themes of kinship relations (Damásio 2022, 2023) and the relational construction of the person (Santos Filho 2019, 2022) – both fundamental issues for Anthropology as theoretical approaches – have been ever-present, considered primarily through the relationships established in the field with our interlocutors, in the everyday contact and conviviality with their actions and discourses. However, it is when we are confronted with the death of interlocutors that another universe of analytical possibilities opens up, with other kinds of reflections, albeit still supported by the framework of classical anthropological theory.[2] In this article, our aim is to highlight the nuances and intersections of kinship, reciprocity (more in its compulsory, demanding and expectant dimension than in its voluntary and cordial dimension) and conceptions of personhood in our respective ethnographic fields

1 We thank the reviewers of the original version of this article for their criticisms and recommendations, which proved invaluable for the preparation of this published version.

2 On the use of the term ‘classical’ to refer to authors and concepts in the field of anthropology, see, for example, the discussion of Teixeira and Cunha (2023).

in contexts shaped by death. Here, death is taken as a disruptive phenomenon that terminates one phase of the life course but simultaneously opens new forms of management, care, and maintenance of the social life of/for the deceased person. In doing so, we contribute to the debate that explores death as a physical, social and cultural phenomenon that potentializes theoretical reflections on the groups with whom we conduct research. Since while different groups and agents organise and manage death and dying (Medeiros and Hattori 2020), anthropologists must also contemplate the impact of this phenomenon on their own relationships with interlocutors and their groups, and on its repercussions for the production of knowledge within the anthropological discipline.

We therefore explore death in the field – or the death of interlocutors (at moments when we were not physically present in the field) – as disruptive events, investigating them along three axes: (1) how these deaths significantly affect the groups and individuals of their immediate social world, whether or not the people who died were our interlocutors in these specific ethnographic contexts; (2) how the deaths recounted here also impacted us personally, whether through the quality of the relationships we maintained with the deceased interlocutors or through our sense of concern for those who had been (even) more closely connected to them; (3) finally, the epistemological opening provoked by these significant events: (re)thinking analytical, theoretical and methodological questions through deaths that profoundly altered the social atmospheres in which they occurred, while also directing our attention towards the deceased persons themselves and the relations they constituted both in life and post-life.

This article divides into four sections in addition to these preliminary remarks. The first section presents the theoretical framework guiding our work, situating it within a debate on kinship, gifts and personhood, while also outlining the kind of ethnography we seek to produce. The second section introduces the first death event, which took place in Canto do Buriti, Piauí, Brazil, discussing how the death of the eldest member of a kin group generated frictions within the group through the distribution of the deceased's belongings. The third section describes a friendship between one of the authors (who was conducting research on gender and violence in Timor-Leste) and a Timorese man, which was abruptly ended with the latter's death. In our concluding remarks, we outline a connection between these two sombre events, discussing their analytical potential beyond the notions of affects and emotions.

THEORIES OF KINSHIP, PERSONHOOD AND RECIPROCITY: INITIATING DIALOGUES

From a phenomenological perspective, death can be conceived as the closure of a life cycle, the loss of consciousness, physical-material agency or self-determination, or even, from a theological perspective, as a transition from the carnal to the spiritual plane (Oliveira 2021). Although our aim is not to propose any kind of digression on the philosophical meanings about/for death, it is important to note that, in certain contexts, death can be taken as an

event that terminates one stage of the social life of a subject, while simultaneously inaugurating another moment in the social life of the person, understood here in its anthropological sense not confined to the bodily limitations of the individual (Mauss 2003). Setting out from this principle, reflecting on and analysing the social life of the deceased person directs our attention back to a series of fundamental and structuring questions of social relations, long identified among the core concerns of anthropological theory.[3]

If we consider that death is primarily realised, mourned, grieved and experienced among kin, then we need to situate it within the sphere of kinship and the relations that constitute it. In this discussion, we approach kinship as a field that involves the intersection of two approaches that may appear distinct but are in fact complementary since they make evident the complexities that compose both social structure and everyday practice: formal kinship (Miller 2007) and kinship as process (Carsten 1995). While the first approach conceives kinship predominantly in terms of explicit formal roles and norms, which are largely unaffected by major changes, the second emphasises kinship as a dynamic process in which familial bonds can be made, unmade and remade through everyday interactions within the family environment. Recognizing death as part of the process of kinship relations not only means analysing death in terms of its impact on people's everyday lives (though this of course happens), but also to contemplate how daily interactions between family members are immersed within a broader structure, encompassing the different roles performed by subjects within the family context. Not by chance, as Marshall Sahlins (2013) points out, kin live and die each other's lives.

Crucially, one of the principal outcomes of kinship relations is the social constitution of personhood. Understood in Mauss's (2003) terms, the person should not be confused with the individual, in the sense that Louis Dumont (1985) gave to the term, since the former is an eminently collective and inescapably relational construct. The person is a social and moral subject, enmeshed in complex moral and juridical relations, an entity on whom expectations of rights and obligations fall, a social reading is constructed, and solid and enduring relational apparatuses are invested that ensure its firm embedding in socialities (Strathern 2015). The person is, above all, a social perception of the subject, not an objective or universal reality, even though some ideological strands of human rights discourse seek to constitute it as such (Duarte 2003). Notions of what a person is are thus multiple and contextual, responding to the particularities attributed by different collectives to what they recognize as a person, as a full person and as categories of personhood,[4] including what or who does not qualify as a person in these terms.

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3 We adopt the category of the social life of the deceased person in allusion to the volume organised by Appadurai (2008), looking to discuss how death and the dead person are embedded within a living network of relations, which confers these deaths and the dead a life with particular characteristics that need to be socially embedded and conceptualized – something to which ethnographic and anthropological analysis can contribute.

4 The discussions of Tânia Salem (1992), Maurice Leenhardt (1997), Marcel Mauss (2003), Duarte (2003) and Simião (2017) are significant for this debate.

Specifically in relation to the two ethnographic contexts presented below, the discussion of personhood cannot overlook the classical contributions of Marcel Mauss (2003) on reciprocity and the gift. By showing the obligatory nature of gift relations, Mauss taught us that the extension of relations of reciprocity constitutes the subjects themselves involved in these networks. In other words, subjects, as persons, may be constituted as such through their own entanglement in exchange relations (Mauss 2003, Silva and Simião 2016). From *potlatch* to *kula*,[5] classical representations of circuits of circulation and reciprocal exchanges of goods and services, it has been argued that subjects and ritual actions, mediated by symbolic exchanges, are intertwined in the constitution of moral persons, socially (re)constructed and validated in the interplay of relations (Mauss 2003).

It is therefore crucial to understand that the constitution of the person, in different contexts, depends on a visceral engagement in relations of reciprocity, kinship and familial relationalities, spheres of life in which demands, expectations and obligations (debts), informed by the grammar of reciprocity, tend to be constitutive and (almost) inescapable (Strathern 2015). This is precisely the case in the two contexts presented below. Although geographically distant, Canto do Buriti and Timor-Leste share an important similarity in the way their social relations are constituted: reciprocity is indissociable from people's everyday experiences, responsible for the construction of relations, of subjects in their particular positions, and consequently of the expectations and prerogatives that compose relational webs. It follows that, in the narratives presented below, we can observe that moral and juridical demands on subjects, in life or after death, were activated and sustained by what was (or had been) expected of the protagonists of the events discussed here.

Our aim with these brief observations has been to foreground the connections between the notions of kinship, personhood and the gift, looking to show how they manifest in our ethnographic contexts, becoming even more evident through a commonplace phenomenon: death.

'REBINHA PASSED AWAY': WHEN THE ELDEST MEMBER OF THE KIN GROUP DIES[6]

In August 2023, in Taguatinga (Federal District), I received a phone call from Itamar, calling from Canto do Buriti (Piauí) to tell me: 'Rebinha passed away.' At first, the impact of the news was profound since I had been planning a trip to Canto do Buriti precisely to interview her. Despite being frequently bedridden, a constant issue over the past decades, Rebinha had always managed to recover and resume her routine as best she could. I had expected her new episode of illness to be like all the others. However, as Itamar, Rebinha's daughter, told me: 'She [Rebinha] lay down to sleep like every other day, but did not wake up again.'

5 All words in italic are emic categories.

6 This section is based on research conducted by Ana Clara Damásio, one of the authors of this work.

Rebinha was the eldest member of her kin group, the guardian of family memories that no one else possessed. At the same time, she was the only interlocutor who knew details about the life of her grandmother Regina, someone whom I had known very little about until then. Regina, as I later learned from other members of Rebinha's family (the same family that had been my interlocutors during my master's and doctoral research), had been born between the late 1890s and the early 1900s. As the sole surviving member of her generation, Rebinha was the only person who could take me back to that period – an era that interested me particularly, since it offered the possibility of ethnographically exploring the processes involved in the constitution and migration of Rebinha's entire family in the decades before and after her birth.

Rebinha's death, in the terms set out so far, went beyond a physical loss, since it also represented the end of a narrative. With her passing, I bade farewell not only to a person or interlocutor, but to an entire story that encapsulated a unique and meaningful time. Her absence left a void not only in the lives of those within her kin group, but also in the very fabric of the ethnography I had intended to produce. No one had told me that death in the field would generate inescapable situations for the ethnography and fieldwork. Nor had anyone told me that, from the event of death onwards, a new ethnography would have to be designed.

But who was Rebinha? Josefa Maria da Anunciação, a black woman, was born in São João do Piauí (Piauí state) on 1 November 1928. In her youth, she moved with her grandmother Regina and her siblings to Canto do Buriti, also in the state of Piauí, where she built her life, married, and raised five children, including Itamar (the one who telephoned me). During my fieldwork in Canto do Buriti in 2019 (Damásio 2020), Rebinha would speak at length about the lives of all her other relatives. This would have made it possible to undertake a longitudinal ethnography (Fonseca 2010), analysing family cycles and intergenerational relations.

With Rebinha's passing, I came to understand that death does not wait for the time of research but creates other ethnographic processes. At that moment, following Itamar's phone call, I was reminded of a reflection by Sahlins (2013) in *What Kinship Is… And Is Not*. As the author sketches out, kin are intrinsically part of one another's existence: they share a mutuality of being and are members of one another. We die the deaths of our kin and we also live their lives. And I was feeling this viscerally at that moment, since Rebinha, besides being an interlocutor, was also my great-grandmother (the only one I had the opportunity to know).

Since 2019, I have been theoretically exploring how creating a family is equivalent, in my case, to realizing an ethnography. A few years ago, I took the decision to look inside my own home and analyse my family as a group of kin-interlocutors. This choice led me to my current doctoral research, which focuses on examining how black women build their families, how they migrate in search of better living conditions and how race and gender play determining roles in various historically constructed processes of the precarisation of life, which continue to affect many black families to this day.

As we know, fieldwork is permeated by imponderables that cut across life and our relations in the field. Primarily and ultimately ethnographic data are not simply given in reality;

they are constructed along with the people who become our interlocutors. Although we frequently discuss the building of these relationships, we seldom investigate the ruptures or the moments when they fail to prosper or even when our interlocutors pass away. So what happened to the Silva Sousa family after Rebinha's death? Rebinha had received care, support and guardianship from her eldest son and his wife. After her death, a story began to circulate within the family, which I have called 'the story of the bedsheets.'

Some items from Rebinha's house had vanished. At first, I suspected that her house had been burgled or broken into. I was immediately corrected by one of Rebinha's granddaughters: 'As if! It smells like family to me. It must have been that woman who was looking after her.' At that moment, another world was unveiled before my eyes. Of course, I knew that inheritance is a sensitive topic when it comes to kinship relations, but I had yet to ethnographically follow the evolution of this kind of process during my research.

From then on, I resolutely tracked and tried to understand what had vanished' from Rebinha's house and realised that all the family members already knew which items were no longer there and which remained. The detailed description of the vanished items surprised me. It was not only a matter of bedsheets and kitchen utensils, but things like 'a blue bedsheet she received as a gift when one of the girls [daughters/granddaughters] arrived from São Paulo and brought it for her.' There was a deep knowledge on the part of Rebinha's closest relatives of everything inside her house, her personal belongings but also the plots of land that had not yet been sold, which Rebinha had promised, and even to whom she had promised to leave her house. Whether her wishes would be fulfilled, however, was another question entirely.

For some members of the family, the disappearance of these items from Rebinha's house was outrageous. As one of her daughters said: 'The body isn't even cold yet and they're already helping themselves.' That was when I realised how Rebinha's death shed light (or shadow) on something common in the Silva Sousa family (and in so many others): the conflicts and ruptures that occur between members of the same family over the division of a deceased relative's inheritance. I then came to hear stories to which I had not previously had access. One of them was that Rebinha's two sisters, who had already passed away, had gone through the same situation, though the details had differed.

One of her sisters, while still alive, had been left `with nothing but the clothes on her back.` The children of this sister of Rebinha had sold off all her plots of land in the town and her house, as well as withdrawing her money from the bank and even taking out loans in her name. In other words, what I had imagined was happening only with Rebinha's property at that moment had already occurred to two other members of the family, her late sisters. As I came to realise over time, these practices were not common to the Silva Sousa family only but were also widespread among other people in the town of Canto do Buriti and their respective families, as other interlocutors narrated to me.

Yet even though the disappearance of belongings was morally condemned by all these families, it continued to take place, since, as mentioned, it was a common and, above all, familiar practice. After the death of Rebinha's sister, various relatives wanted to know what had happened to all of the deceased woman's inheritance. At that moment, a period of tense conflict arose within the family. There were quarrels, arguments, threats and some relatives went years without even speaking to each another. Inheritance was a serious issue, as I came to realise. And this same period of tension emerged after Rebinha's death.

But while the division of an inheritance generates conflicts among the family group's members, this same event can also reunite other relatives (Carsten 2014). As the head of her family at the time, Rebinha had a kindred numbering more than seventy people. Each of her children had formed new families. Some of these families, as one of her daughters told me, 'thought they had more of a right than others.' Others threatened to take the whole process to court, which ideally would be 'resolved within the family.' Still others allied themselves with closer kin to claim the inheritance. These alliances were formed by those who felt wronged somehow or who believed that their common demands regarding the inheritance – which they insisted was theirs 'by right' – had been ignored.

The story of the pilfered bedsheets was just the start. The episode continued to reverberate in many other stories that emerged following Rebinha's death and the disputes over her legacy. From the events after her passing, I perceived that the family's main concern was what to do with 'what was left of her things,' not with her death itself. After all, her dying had long been anticipated, since Rebinha was already 95 years old. Who would keep the refrigerator? Did her house already have an heir? Had she left a will? Who had rights over what? These questions did not disappear with time and even today there are those who ask: 'Was he really supposed to get her smallholding? All of that?' While other branches of the family reply: 'Of course he was, he was the one who looked after her until the end.' And yet another side of the family retorts: 'He had to look after her given he ended up with the smallholding.'

The power of accusation and speculation stood out at this moment, intensifying as her legacy was divided up. Families, who frequently share gossip (Fonseca 2000) about their members, now saw these practices transform into accusations and speculations, strategies used to safeguard their rights over the inheritance. Questions like 'who got what' generated open conflicts between members, at times even resulting in physical violence. Moreover, there had already been cases of theft and fraud against older members of the Silva Sousa family, as had happened with Rebinha's late sisters. Even so, the situation was rarely treated as a 'crime' and the frequent threats of legal action never put into action, since everything was ultimately deemed a question to be 'resolved within the family' (Santos Filho and Damásio 2022).

Although recognised, this facet of family relations is rarely discussed outside the family circle. As an insider observer, I was able to follow the process closely, gaining access to the developments surrounding kin relations, inheritance and conflicts. The analysis of Rebinha's case and her (our)

family reveals a complex network of interests emergent after the death of a relative. Death not only ends a life within the family but also precipitates events that expose the challenges and conflicts inherent to the distribution of property and the preservation of family memory.

These events invite us to reflect more broadly on the role of death in the production of relations among the living, as in the case of inheritance disputes, which reformulate family dynamics. The event reveals the need for a theoretical elaboration of the challenges emerging after the death of a member of a kin group, insofar as this death generates new family dynamics. In the above case, the phenomenon affected not only family relations but also the personal and professional life of the anthropologist, doubly implicated in this arrangement as both researcher and great-granddaughter. It is a reminder that, just as ethnographic data is constructed with people in life, it is also constructed with and through their deaths.

DINO: PERSON/INDIVIDUAL IN LIFE AND DEATH[7]

In September 2015, during my first weeks of fieldwork in Dili, the capital of Timor-Leste, I made a friend and interlocutor who left a deep mark on both my ethnographic experience and my personal trajectory. Here I shall refer to this friend as Dino.[8] We first met through a Facebook community that advertised events due to take place in the city, in this case a fair due to be held in Dili's port, where Dino worked for a Chinese shipping company. The event was scheduled to take place later that September, the first of the four months I would spend in the country that year.

My stay in Timor-Leste was supported by an international cooperation agreement promoting the exchange of students between universities of the member nations of the Community of Portuguese Language Countries (CPLP). In addition to taking courses at the Faculty of Social and Political Sciences (FASIPOL) of the National University of Timor Lorosa'e (UNTL), I was conducting a research project seeking to understand the involvement of women's organisations and movements in the judicialization of domestic violence in Timor-Leste (Santos Filho 2022). Living in a new context and attempting to learn the language actually spoken by Timorese people in their daily lives – Tetum[9] – I longed for friends with whom I could socialise and build a truly dialogical experience.

In this sense, Dino, then aged 40, was more than just the company I was seeking. Having adapted to the work routines of the NGOs where I conducted my field research, I was a volunteer during business hours, Monday to Friday, from 8 am to 5 pm. At the same time, I was attending classes at the university two evenings a week. Friendship and conversation with

7 This section is based on research conducted by Miguel dos Santos Filho, one of the authors of this article.

8 I used this pseudonym to protect his identity and the privacy of his memory.

9 Tetum is a Creole language that combines words from Portuguese and Tetum Terik, a native language of Timor Island of Austronesian origin.

Dino were virtual refuges from the exhausting routine of fieldwork in bureaucratic settings. It was with him that I became immersed in diverse aspects of local life, which he carefully mediated, almost like a teacher of *kultura* in Timor – the term used locally and popularly to refer to practices understood as traditional (Silva 2014).

Dino shared with me stories about the Portuguese era (which ceased in 1974 with the end of Portuguese colonisation), about forms of slavery, about the now extinct practices of headhunting and about traditional marriages in which the groom's family was expected to offer seventy-seven cattle to the bride's family. We would go together to eat the traditional rice cake (*katupa*) with grilled fish at the fairs, but Dino also took me to eat fast food, assuming that this was what foreigners liked. He was one of the most generous people I had ever met. He was helpful to everyone around him, careful and attentive, extending to me the same kind of care he gave to his family and long-standing friends.

Dino was also deeply curious about life and the world. He had travelled to various countries in Europe and almost all the neighbouring countries of Southeast Asia, both for work and for leisure. As a result, he spoke at least five different languages (Tetum, English, Indonesian, Portuguese and his mother tongue, Fataluku). He would tell me about his adventures abroad while preparing Timorese food for the meals we shared together in his own house in a neighbourhood of Dili – purchased with money from his own work, not by inheritance, as he liked to stress. It was during those moments that we shared confidences, which he insisted remain strictly between us, always calling me *bro* – slang for 'brother' –while I called him *maun* (elder brother, in Tetum).

Dino confided to me that, since his youth, he had been in sexual and affective relationships with men. His most intimate secret was revealed neither to his many friends, nor his work colleagues and especially not to his family. Although the situation in Timor-Leste in terms of the freedom to express diverse sexualities and gender identities is not as restrictive as in neighbouring Southeast Asian countries[10] (which impose prohibitive legislation on non-heteronormative ways of being in the world), reprisals, intimidation and even physical assaults against members of the LGBTQIA+[11] community are frequent (Niner 2022, Hatutan 2018, Fidalgo-Castro, Silva and Santos Filho 2024). Although Dino would say that his 'private life was nobody else's affair,' he did not make the matter public, nor did he assume any of these identities as a form of political (self-)affirmation. He even seemed reconciled to the fact that he would marry a young woman from Lospalos, his hometown, something he had no wish

10 On this point, see the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) publication *Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions*, available at https://static.poder360.com.br/2021/12/Our_Identities_Under_Arrest_2021.pdf, consulted 02/01/2025.

11 The LGBTQIA+ acronym is used to refer to lesbian, gay, bisexual, transgender, queer, intersex and asexual people, as well as other identities and sexualities that diverge from cisgender, heterosexual, and heteronormative.

to do but considered mandatory: *tenke*, as he put it (a matter of duty, obligation, 'must do'), according to his *kultura*.

His family belonged to the local elite of Lospalos, in the far east of the island of Timor, around 200 kilometres from the capital, in the municipality of Lautém. Among his kin were *suku*[12] chiefs and village chiefs, teachers, police officers, traders, members of the military and some agricultural producers. Dino's family was extensive and highly valued by him. He, in turn, was also highly valued by his family members. Having lost both his father and mother during the violent and turbulent period of Indonesia's military occupation (from 1975 to 1999), Dino was raised by his father's sister, Sika, who still lived on his paternal family's lands, despite being married and having had several children.[13]

Dino had a large number of classificatory siblings (children of his parents' siblings). He referred to these people, the children of his uncles and aunts, as brothers and sisters, and to his father's brothers as fathers and his father's sisters as mothers, especially Sika, who had raised him. Thanks to these complex arrangements of adoption, fostering and bonds of kinship/affinity, he could only acknowledge the efforts of the many people who had participated, directly and indirectly, in his upbringing, reinforcing a position of indebtedness towards them all. In the Timorese context, the notion of debt concerns the obligatory recognition that a subject always has debts with other subjects and the ancestors (who bless life), meaning that it is ethical to express due deference to the persons to whom one is indebted, whether living or dead (Silva and Simião 2016).

In Dino's trajectory, these relations of expectations, obligations, gifts and debts were expressed in all kinds of moments from ritual impositions (when Dino was formally asked to contribute the goods required for the performance of weddings, births and funerary rites of his kin)[14] to the exchanges of courtesies and kindnesses he showed whenever he visited his family in his homeland during new year celebrations or extended holidays.

Excited for me to see his place of birth, Dino took me on a visit to his family's house in a village in the lowland region of Lautém. The journey took about eight hours by bus plus another hour by motorbike, leaving Dili at five in the morning. On the way, as soon as we

12 Following Law No. 11/2009, Timor-Leste is administratively divided into territories designated as municipalities, which are subdivided into administrative posts and, in turn, *sucos* (*suku* in Tetum). These *sucos* are made up of villages, each of which has chiefs and members who together form the *suco* councils, responsible for deliberating on political-administrative decisions at local level.

13 After marriage – particularly once the marital prestations from the husband's family to the wife's family have been fulfilled – the bride commonly takes up residence on the lands of her husband's family, so that the couple's children tend to follow the paternal line, belonging to their father's ritual House (*uma lisan*) (Silva 2010). In the case of Aunt Sika, however, her husband had not paid these prestations in full, which meant that he had to take up residence with his wife's family.

14 This was certainly not an obligation imposed solely on Dino, but something that forms part of the decorum of local social relations, which are thoroughly permeated by the various rituals that mark the stages of life and death (Fidalgo-Castro 2015).

boarded the bus, I noticed Dino urging the driver to take special care with a 20-kilogram sack of rice and two crates of beer he was bringing to distribute among his kin's households.

The journey was virtually a procession: we stopped at three households in different villages before reaching our final destination. At each home, he delivered something: the sack of rice went to the first house, inhabited by his sister and the aunts and uncles who had raised him, while the crates of beer were left at the houses of other relatives, where he insisted on stopping to pay his respects. Everywhere we passed, we were greeted with warmth and generosity. Dino was the guest of honour and was offered coffee, biscuits, cassava, boiled potatoes, fried bananas and beer, rice, more potatoes, chicken in sauce, fried pork, boiled vegetables, roasted peanuts and whatever else the household economies could provide. Children and younger people sought his blessing, lowering their heads and greeting him with hands clutched to their chests in a gesture of respect, all in order to welcome *maun bo'ot*, great brother Dino, in the manner befitting his position as a person.

During the days we stayed there, hosted in his parents' house, Dino insisted that everyone teach me words in Fataluku and take me to visit places where the true *kultura* of Timor could still be found – like cockfights (*futu manu*) and gatherings to drink palm wine (*tua sabu*) – and listen to stories about his family and other topics. Seeking to show me as much as possible of his life and history, Dino rented a small van to take me, along with his family, on a tour of the local tourist hotspots: Kom Beach and the viewing point at the Tutuala guesthouse, a building from the 1970s, dating back to the Portuguese late colonial period. Throughout the trip, Dino and Aunt Sika would walk together arm in arm or hugging, continually expressing their affection and tenderness for each other. The joy of having him there meant that not only Sika pampered him, but everyone else around him too.

Dino's prestige, and the numerous demonstrations of respect shown towards him by kin of varying degrees, were symptomatic of his position as a person and, above all, the relations that he cultivated. These same elements, although securing him certain privileges, also entangled him in webs of obligations that required him to meet expectations such as marrying a woman and forming a family to reproduce his prestigious lineage.

At a certain moment during my first visit to his homeland, we rode a motorbike down a road facing a verdant plain, a pasture with about fifty cattle and a few horses grazing in a paddock. He asked that we stop to look at the landscape and told me that some of those cattle belonged to one of his uncles and had already been promised to him to pay the *barlake* for his future bride.[15] Although he did not voice any complaint, I could sense, from the dryness of his words, the lack of enthusiasm he felt in telling me this. The bride did not yet exist, but sooner or later he would need to find her or else his uncles would indicate a suitable union.

15 The *barlake* is one of the sets of goods that make up the mariage prestations offered by the man's family to the woman's family in recognition of the bride's value or wealth (Silva 2010).

I left that place shaken by his expression as he gazed towards the horizon, as though his eyes passed through all those cattle to linger on something I could not see, breathing deeply.

I could only think – somewhat ethnocentrically and paternalistically, I admit – how unfair the situation was for my friend and interlocutor, who seemed to find it unthinkable that he might break with the expectations placed on him and declare his desire not to marry. The situation was certainly not so simple. It was not just a matter of a 'simple' choice or 'imposing his will' vis-à-vis relatives who 'valued tradition.' Precisely because the situation was not simple, neither were his choices and possibilities for agency. As Strathern (2015) reminds us, obligations imposed by family relations, anchored in the juridical language of kinship, create situations in which individual agency, guided by autonomous desires, tends not to be the ethos privileged by the conduct of subjects. It was precisely this kind of relationality that encapsulated Dino's experience at that point in his life.

This entire experience with my friend Dino enabled me to comprehend highly significant aspects of the constitution of the person (Mauss 2003), the networks of reciprocity and the debts and obligations as constituent elements of the moral person (Silva and Simião 2016). But it was only some years later that I became truly aware of how my friend's personal experience spoke volumes about the notion of individualism (Dumont 1985) and how such a notion – still incipient in diverse local arrangements in Timor-Leste – reveals much about the paradigm of 'modernisation' or the transposition to/into modernity (Silva 2014). Ideologies, also in the sense proposed by Louis Dumont (1985), concerning the self-determination of subjects in all their potentiality, valued positively in the 'Euro-American' world (Strathern 2015), or the universe of possibilities of personal will and autonomy, characteristic of free and independent subjects along the lines of what Michael J. Sandel (1984) called 'the unencumbered self,' are contextually constituted through small (and slow) sequences of events, occurring through the complex and concrete experiences of subjects like Dino, embedded in a context of intense ideological and ethical disputes in contemporary Timor-Leste, something that unfolds in a processual and negotiated manner. It was Dino's death that opened my eyes to these and other questions. I return to this point after one more brief paragraph concerning the relationship we had and how I learnt about his sad and premature death.

When I said goodbye to Dino in January 2016, I gave him a framed copy of a photograph I had taken of him with Aunt Sika at the Tutuala viewing point, a moment when they were walking in a hug with his right arm around her. I remember his joy on receiving the photograph and learning that I had also made another framed photograph for him to give to Aunt Sika. I could not have imagined that these would be my last memories of them both.[16]

On my return to Brazil, we kept in touch through Facebook and WhatsApp messages. In 2019, after trying to contact him for several days without a reply, I decided to reactivate my

16 Aunt Sika passed away in February 2020, shortly after Dino and just weeks before the arrival of the Covid-19 pandemic in Timor-Leste.

Facebook account in December. When I visited Dino's profile, I was stunned to find hundreds of posts from grieving friends and relatives lamenting his sudden passing. Dino had died in November 2019, from causes that remain mysterious. Although many people continue to speculate about the reasons to this day, not even his family – whom I visited again in 2022 during another period of fieldwork – were able to say precisely what had caused his death, referring only to complications from an unnameable and serious illness (*moras komplikadu*).

Looking at the photographs of Dino inside an ivory-coloured coffin, his face pale and lifeless, brought a lump to my throat. I thought of how his unexpected death had brought an end to the dilemmas he had been experiencing, including preparations for his wedding that had apparently been advancing.[17] Despite the intense emotions provoked, seeing the photos of his wake and his grandiose tomb – built in front of his sister's house in Lospalos,[18] more than a metre high and clad in ceramic – made me more sharply aware of his distinct social position, as did seeing how his coffin had been laid out in the Kampung Baru Church, on Comoro Avenue in Dili, a privilege granted only to people of influence in the city. All the photos of his wake, his funeral and even those of the later ritual marking the end of mourning for his kin (*koremetan*), held in 2021, depicted copious amounts of food, large gatherings of people and offerings of many different kinds, given by those who owed deference to him and his grieving kin.

Although I was unable to mourn my friend together with his other friends and family, I felt the impact of his death at an emotional and affective level. But I also realised that his death was a decisive event for my own intellectual reflections, especially on how death shapes the production of anthropological knowledge through ethnography. While Dino was first and foremost my friend, he became an even more emblematic interlocutor after his death, since it was from that moment on that many of the theoretical questions and anxieties loomed large: (1) the liminal trajectory of a subject with a well-established professional career and social position, deeply enmeshed in the webs of obligation and reciprocity of his *kultura*; (2) the incipience of the expression of autonomous, self-centred desires in the face of expectations of social reproduction within a well-defined model of conducts and possibilities for action; (3) the tenacious trajectory of a subject whose 'private life was nobody else's affair,' yet who was, above all, an adoptive eldest son, heir and well-regarded figure among aunts and uncles who entrusted him with the responsibility of perpetuating a ritual House (*lisan*) and lineage; (4) the subaltern place, in his trajectory, of identity politics and engagement with the demands of the expanding LGBTQIA+ movement in the country, reflecting the greater value he placed on what he understood as his *kultura*. In sum, observing how his relationships in life were constituted and how his social existence continued to be prestigious even after his death – probably because he had remained attentive to the expectations and relations of gift and

17 In one of our last conversations, Dino told me that the wedding would take place with a woman chosen by his uncles. He had already met her.

18 Returning again to the field in 2022, I visited his sister's home to light candles on his tomb.

debt – opens pathways for reflecting on this relation of interlocution (with him) through the memories we constructed together in 2015, but also through the dialogue with his relatives and friends who remained, lamenting his death since 2019.

THEORETICAL REFLECTIONS AND SOME POSSIBLE CONCLUSIONS

By taking death as an event that precipitates other relations, obligations and (diverse) rights in the social life of subjects – both living and dead – we can reapproach the debate on the notion of the person, understood as a conception that affords differentiated, distinct and special statuses to subjects (Mauss 2003). The two deceased persons presented in the preceding sections proved to be – even after death or indeed all the more so after their deaths – constituted by and through the networks of obligations and/or expectations in which they were still immersed once their life course had been completed.

They were also constituted as persons by those subjects still alive, who acquired obligations toward the deceased subjects by virtue of their special condition as dead persons, albeit with a new social life. At the same time, these persons (Rebinha and Dino) also emerged as entities actively participating in the construction of new arrangements (enmities, affiliations, resentments, obligations and so on) in the relationships of those who remained alive. Among other dimensions, this shows us how death and post-death reveal and produce the social continuity of these persons, something marked by obligations established within the sphere of kinship and reciprocity.

Thinking about the social life of the dead person through the experiences of the deaths of interlocutors, whether family or friends, beyond the affects stirred in researchers – which, again, is not our main object of discussion here – demands reflecting on the potential multiple agencies of the dead. The potentialities that dead people acquire in agentive terms, precisely at the moment of their physical/biological demise, have already been highlighted in the literature on Timor-Leste – for example, in the discussions of authors like Bovensiepen (2014) and Población and Castro (2014). Their explorations present local perspectives on the disastrous consequences of the actions of the dead on and in the lives of the living, should the former feel badly treated or insufficiently honoured with appropriate demonstrations of respect in the diverse mortuary rituals celebrated in the country. Represented as resentful or disrespected, the dead may mobilise sources of misfortune, illness and further deaths (Bovensiepen 2014), as Victor Turner (2013) similarly emphasised in relation to rituals among the Ndembu peoples.

Our provocations in thinking about the implications of death are not limited, however, to the issues that potentially arise when the dead feel offended by the actions of the living, as in the Timorese case. This discussion also seeks to incite reflections on what the living do in the wake of a relative's death, whether with their memory or with the property left behind, as suggested by the Canto do Buriti case narrated here. What emerges in this latter context is how the living (re)organise their relations on the basis of the social life of the deceased: a person who, enmeshed in webs of kinship and relationalities, becomes a source of anxieties

and disputes over the division of property, as well as narratives concerning which living subjects held (or should hold) rights and responsibilities over the inheritance.

Although we may contribute to reflections on how fieldwork is impacted by the death or passing of interlocutors or key persons, our objective is somewhat broader. Even though we were not in the field at the moments when we were affected by the loss of these people, we set out from the observation that death is a crucial element in the production of our ethnographies and thus in our production of anthropological knowledge too. We seek to draw attention, therefore, to how these funerary events were catalytic in our research and mobilised our production of knowledge, beyond the affective impact such situations produced. In other words, to speak of death in the field is not only to delimit how the researchers were affected by deaths at the moments when they happened, but also to consider how they caused the reorganisation of the relations that constituted the researched fields – fields which were themselves reconfigured by the deaths narrated here.

Here it is worth repeating Peirano's (2014) observation that ethnography should not be confused with fieldwork, nor is it limited to the period spent in the field. The impacts of a death may certainly be events that generate ruptures in the field itself, but they may also lead to redirections or clarifications in how we frame questions and (re)direct our concerns and interests. It may likewise be funerary events that enable us to rethink or (re)analyse trajectories, relations, the conduct of persons and the consequences of phenomena preceding and following experiences of death.

The narrative of Dino's life and death in Timor-Leste is richly illustrative of this potential: his life and the relations he cultivated while alive were permeated by gifts and debts that revealed much about the relational constitution of the person (Strathern 2015, Silva and Simião 2016). Yet it is his death – seen through the largely personal and affective concerns of the researcher/friend/interlocutor – that prompts another series of reflections, this time on individualism, autonomous agency and the freedoms and rights of subjects in a context of modernisation. The narrative on Rebinha's death, on the other hand, led the anthropologist/great-granddaughter to examine how, in the research context, dynamics of distancing and reconciliation within families occur following the passing of a person considered significant for the kin group. This event (death) mobilises the whole group around the possessions left by the deceased, unleashing new family dynamics.

A theoretical-analytical potential exists in analysing these phenomena that goes beyond the sphere of affects and emotions, which are the epistemological yields of such events or the questions that arise after and beyond them. These happenings certainly move, touch and affect us, but they go beyond discussions of this kind and therefore seem especially powerful. Indeed, one of Favret-Saada's (2005) most significant contributions, we would argue, was to demonstrate how lived experiences of suffering, shock and impact in the field generate theoretical and methodological reflections in anthropology. What some discussions do, however, distorting this potential offered by the French anthropologist, is to reduce debates on affect and emotions in the field to a

relational, episodic or even anecdotal dimension, often emotive in character. As memorials and records of the experiences of anthropologists, this approach can be productive. Yet we believe a greater potential is actualised when the relational dimension of striking events in the field is accompanied by a theoretical-methodological discussion aimed at contributing to the widening of debates on anthropological theory, ethnography or anthropological practice (methodology).

Estrangement and distancing from the discussion on emotions and equivocal uses of the notion of 'affect is necessary in this article, principally to avoid the superficiality of the debate on feeling/thinking/perceiving death in the field. The risk of approaching the issue from such a perspective is the reduction of a debate that is both powerful and fundamental, one that may even appear vile or abject from certain viewpoints that prefer to turn away from sombre phenomena. Events of this kind, which mess with our emotions, need to be reported as such, but can nonetheless remain attuned to the heuristic and epistemological criteria/care that frame them within a series of events significant in/for anthropological discussion.

Throughout this article, we have focused on discussing how the departure/death of people within a group enables reflection on this same group, its dynamics and its moral and juridical (re)arrangements, beyond an exclusive discussion on the trajectory of the person. Exploring death events, even in distinct fields and permeated (naturally) by distinct issues, allows a wider debate to take shape, addressing significant theoretical questions (such as the notion of the person, gift-giving and kinship), a critique of the somewhat careless use of notions like affect and the pertinence of revisiting the debate on death in the field from the sphere of emotions in order to consider the production of knowledge in anthropology. This is both a theoretical-methodological proposal and, simultaneously, a provocation to think about death in the field, bringing a serious debate about anthropology conducted by people and with people, with feelings and affects, but not limited to the field of emotions.

Translated by David Rodgers.
Received: May 29, 2024.
Approved: January 2, 2025.

This article was translated with support from 'The Vibrant Project: Publishing Indigenous and Black Brazilian Anthropologists in foreign languages,' funded by the Wenner-Gren Foundation for Anthropological Research as part of its Global Initiative Grant programme.

Data availability Statement:
All data supporting the findings of this study are fully included in the published article.

Declaration of individual author contributions
Ana Clara Sousa Damásio dos Santos contributed to the ethnographic discussion, the writing of the article, the text's theoretical framework and the final revision.
Miguel Antonio dos Santos Filho contributed to the ethnographic discussion, the writing of the article, the text's theoretical framework and the final revision.

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Black Brazilian Anthropology

The Tufo dance in Mozambique: creating sociability through dance

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Abstract

In this article, I investigate narratives on the flows and movements that compose the Mozambican tufo dance, exploring the diverse layers involved in the associated dynamics of sociability and poetic-musical performances contained in the lyrics and songs, focusing on their implications for Makua social life. My aim is to contribute to the mosaic of ethnographic knowledge on African performative practices, specifically in the Mozambique region.

Keywords: Makua; Tufo; Dance; Mozambique.

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e00805
https://doi.org/10.1590/1809-4341.2025v22e00805

O Tufo em Moçambique: convívio que se cria com dança

Resumo

Este artigo apresenta narrativas sobre fluxos e movimentos que integram a dança moçambicana tufo como um processo investigativo. Serão abordadas as camadas que envolvem as dinâmicas de sociabilidade associadas e as performances poético-musicais presentes nas letras e no canto, com foco nos seus desdobramentos na vida social makua. Nosso objetivo é contribuir para o mosaico de conhecimentos etnográficos sobre as práticas performáticas africanas, especificamente na região de Moçambique.

Palavras-chave: Makua; Tufo; Dança; Moçambique.

The Tufo dance in Mozambique: creating sociability through dance

Jaqueline de Oliveira e Silva

INTRODUCTION

This article examines tufo, a form of dance widespread in the northern region of Mozambique. Performed mainly by women, tufo is practiced by associations where mutual support among members plays a central role, including the dynamics of welcoming, advising and supporting members, earning money and pooling resources.

The present text develops earlier research into tufo and initiation rites (Silva 2021, 2023), offering a more in-depth analysis based on fieldwork conducted between 2017 and 2021. This research was primarily undertaken with five tufo groups in Mozambique: the Estrela Vermelha Association, the Tufo Familiar Association and the Mãos Dadas Association, all located on Mozambique Island, the Nikholane Association in Angoche, and the Tufo da Mafalala group in Maputo.

The article sets out to explore the layered activities involved in learning and teaching, the associated dynamics of sociability unfolding within these contexts, and the poetic-musical performances expressed through the song lyrics and vocal delivery, focusing especially on how these elements are implicated in Makua social life. Attentive to tufo dance's expressive and analytical potential for diverse areas of research – including the anthropology of dance and the anthropology produced on the African continent, especially the racially situated analyses developed by black scholars – my aim is to contribute to the mosaic of ethnographic knowledge on African performance practices, specifically in the northern region of Mozambique.

Dance in countries throughout Africa has been the subject of numerous studies that cross the boundaries between anthropology, ethnomusicology and cultural studies. In the Mozambican context, the academic literature on dance is notably rich, especially the studies on performance practices from the southern region of the country, such as timbila and marrabenta, as described in the work of Junod (1912, 1913, 1975), Wane (2010) and Tracey (2011, 2018) and the studies produced by Brazilian researchers like Pereira (2019) and Morais (2020a, 2020b), among others. In the north of Mozambique, research on dance includes important contributions on mapiko dance by Dias and Dias (1964) and Lopes (2019), as well as broader studies on Makua practices in dialogue with initiation rites and

religious dimensions, as seen in the publications of Armando (2023), Arnfred (2011, 2021), Cossa (2014), Macagno (2007), Mattos (2018, 2019) and Bussotti and Nhauleleque (2022). In the specific case of tufo, I highlight the work of Hebden (2020), Arnfrend (2004), Mattos (2019) and Kaarsholm (2014) on tufo in the city of Durban, South Africa. I also highlight the research – still unpublished in its entirety – conducted by researchers from ARPAC, the Mozambican Institute for Sociocultural Research. The collected material forms a valuable archive of interviews and audiovisual recordings produced in the context of submitting official documentation for tufo's recognition as intangible heritage – a process that had yet to be concluded at the time of writing. This archive, kindly made available by the institute's directorate, was one of the main sources for my research, along with interviews and observations made by myself between 2017 and 2020.

In addition to this body of research on dance, music and rituals, I believe it is essential, when approaching the narratives surrounding the tufo dance, to investigate the expressions of Islam developed in this region of Africa, as well as the dynamics involved in the circulation of people, knowledge, sounds and dances experienced for centuries across the terrestrial and maritime territories today known as Mozambique, Tanzania, the Comoros Islands, Mayotte, Kenya and southern Somalia, as discussed on diverse occasions by Bonate (2007a, 2007b, 2010) and Mutiua (2011), among others. Their connection to narratives on the origin of the tufo dance will be the focus of the first part of this article.

UNFOLDING THE LAYERS OF TUFO: ORIGIN NARRATIVES

Tufo dancing has two main starting positions: seated or standing. From this beginning, the bodies of the anawinnas – the Makua name for the women who dance – can trace out multiple possibilities, drawing both from a shared repertoire known by the various groups and from the creative input of the Queen and the line leaders (chefes de linha). The tufo group itself moves little: the space of the alpendre (veranda) is reserved for its performance. However, the group may move slightly forwards, backwards or sideways at certain points of the music. One of the reasons for this limited movement is the fact that the musicians have to remain still due to the instruments themselves: lacking stands or straps, they require the musiqueiras to remain seated in order to be played properly. Seated tufo appears in some narratives as the 'true' or 'the most traditional' tufo, emphasizing what is considered the defining feature of the dance: movements of the upper body. The standing version, by contrast, is seen as more modern, the modality que anima, 'that livens things up.'



Figure 1. *Photo of the Estrela Vermelha group on the wall of its headquarters, showing the seated modality. Mozambique Island*. Photograph by the author, 2018. Author of the original photo unknown.



Figure 2. *Photo of the Tufo Familiar Association group during rehearsal, showing the standing modality.* Mozambique Island. Photograph by the author with permission from the Association's director.

I approach tufo dance as part of an ethics of reciprocity involving the dancers themselves, the spectators and the people who make the dance possible – an ethics in which the dynamics of inviting and receiving are of central importance. Dancing enables women to circulate through each other's homes, in other communities and in the homes of friends, friends of

friends, and family members, as discussed in Hebden's (2020) work. Invitations to dance are never turned down: these actions imply sociability, religion and politics. The advice contained in the lyrics and gestures also informs sociability within an association.

Nampula Province in northern Mozambique, where the Makua population lives, is the main locality where the dance is performed. Although its epicentre is situated along the Nampula coastline, the tufo dance is found across various regions of the country, including Cabo Delgado, Zambézia and the capital, Maputo, where the dance groups are concentrated in the Mafalala neighbourhood. Mozambican migration has contributed to the dance's dispersion, taking it to cities like Durban in South Africa and Lisbon in Portugal.

The Island of Mozambique and other territories along the eastern coast – such as Angoche, the Comoros Islands and Zanzibar in Tanzania – were part of an extensive system of circulation of people, knowledge and practices, connected to various ports bordering the Indian Ocean, as observed by authors such as Regiane Mattos (2014, 2019), Nancy Hafkin (1973), Lizzie Bonate (2003, 2007a, 2007b, 2010, 2015), Edward Alpers (2019) and Luís Frederico Antunes (1996, 2007). The Arab, Persian and Indian presence in the region forms part of the so-called Swahili coast, a network connecting Africa, the Middle East and Asia that endured for centuries before substantial Portuguese incursions. Bodily movements, songs and musical instruments originating in Arab countries reached various parts of the world via the travellers who journeyed along this coast for some three centuries, acquiring distinct local characteristics at each port of call. These specificities were shaped by the political and economic dynamics of each region, in conjunction with factors such as language, kinship systems, gender and power relations, and the colonial experience.

In an interview given to ARPAC researchers, the president of one of the most traditional tufo associations in Angoche, the Associação Agueba de Angoche, cites the Kilwa region in present-day Tanzania as the place where the Arabs who taught tufo to their ancestors had settled:

> To answer your question [about the origin] of tufo, what I know is that it's a group that… well, a traditional group, which appeared at the time of the Arabs. At the time when they first arrived here, they settled on the island of Kilwa. They already danced back then and we learned from them, little by little, and we developed it. That's what I know. And later they gave it the name tufo. (...) It's a dance introduced by the Arabs and we kept it. That's my understanding of tufo.

The above narrative provided by Assano Sufo, aged 50, suggests that for practitioners, tufo is neither the direct transposition of a practice already existing in the same format elsewhere, nor a native dance that people knew simply by virtue of being born Makua. In a similar vein, Senhora Halifa Bebe – the name by which the healer and initiation rite guide from the Mafalala neighbourhood in Maputo prefers to be known – provided me with a compelling account of the origins of tufo during one of our conversations, highlighting other elements related to apprenticeship:

Halifa Bebe: That comes from over there, those Arabs are the ones who brought the music from there. Now, those workers on the boats, they came from over the sea, they learned it there, when they were sailing, they would play that music on the boat. They came and spilled it here, once they were here, right, so they taught others to do it, to play those drums, until today. Before I was born, maybe even before my parents were born… who knows, because they say it's from a long time ago… The period when the Arabs arrived here in Mozambique when they first appeared on the Island. Initially, they used to do that thing called *brazandi*. Tufo, the music, came from *brazandi*. But *brazandi* is for men, it's the men who sing. *Mawlid* and *barazandi*, in the mosques. Later it developed into tufo.

Researcher: So it first arrived up there, right? It's interesting how today *barazandi* doesn't really welcome dancing anymore, it doesn't open up so much to the drumming…

Halifa Bebe: It doesn't open up because for a long time there was no drumming *barazandi*… now they do play the drums, in tufo… But they used to play there too, because those Arabs also played, they were following the tradition of these new people who studied abroad, people belonging to the new Islamism, who say it's *haram*, forbidden, but it wasn't like that… and they used to perform it in their own land, dancing, singing those songs, and that's why the Makua… that's why their music is Arab music.

Researcher: You think Makua music is Arab music?

Halifa Bebe: Yes, it's Arab music, even their sound is Arab.

The origins of the Mafalala neighbourhood, where Halifa Bebe has lived since childhood, can be traced back to the arrival of Muslims in the region who settled there in the early twentieth century. Located on the outskirts of Maputo, the neighbourhood became a dynamic and diverse space, a point of convergence for migrant populations coming from diverse rural and semi-urban areas of Mozambique during the colonial period. For scholars such as António Rita-Ferreira (1967), Mafalala symbolised the phenomenon of: "detribalisation," as well as a marker of the separation between the cidade caniço (reed city) and the cidade de cimento (cement city). Between 1945 and 1975, the neighbourhood provided the setting for intense cultural and intellectual effervescence, notable for the presence and circulation of key figures in anticolonial thought.

According to Halifa Bebe's narrative, the encounters along the Swahili coast that occurred on northern islands like the Island of Mozambique – 'up there,' in the time of the ancestors – were repeated years later in the historic neighbourhood of Mafalala. On this point, the people she refers to as 'boat workers' may have been sailors arriving from Arab countries or from the Comoros Islands and Tanzania – people who found themselves in the former capital of colonial Mozambique – or they may have been Makua migrants themselves, arriving by boat from the Island of Mozambique and surrounding areas. What also calls my attention is that both Halifa Bebe and Senhor Assano, mentioned earlier, suggest that the practice of tufo was intentionally taught and learnt, rather than something absorbed spontaneously through day-to-day conviviality.

The Queen of Tufo Estrela Vermelha, Djanina Momade, recounts a similar narrative. Queen (Rainha) is a title given to the woman who leads a tufo group, whose responsibilities

include the overall organization and coordination of participants, composing the songs, choosing the costumes and distributing the financial resources received from performances. In an interview conducted at the headquarters of her group, Queen Djanina stated that tufo was disseminated on the Island of Mozambique by Sheikh Ussufo (or Issufo), who came from Tanzania, where the island of Kilwa is located. Sheikh Amur bin Jimba – then leader of the Shadhiliyya Sufi order – welcomed him and gathered various men to learn tufo. After Sheikh Ussufo returned to Tanzania, Sheikh Amur bin Jimba became one of the foremost tufo masters on the island, founding its first group in 1930, according to documents held at the Historical Archive of the Island of Mozambique accessed by Regiane Mattos (2019). The oldest tufo association still active is Estrela Vermelha, led by Queen Djanina until she passed away in 2020. Estrela Vermelha was officially formed on 2 January 1931 under the name Mahafil Islão, meaning 'a group of Muslims.'

It is important to note that the title Rainha or Raice (Queen) refers to the important figure of the pya-mwene, a role of great importance in the political organization of Makua groups in their matrilineal society. As Geffray (2000) observes, the *pya-mwene* is responsible for transmitting the right to use the land that men occupy through marriage. In the words of Regiane Mattos:

> *Apwya, pia-mwene,* or queens were the elder women who played a key role as the 'nurturing-mothers' of all the members of a social group. This figure centralized the relations of a broader community delimited by a territory, frequently defined by natural features like rivers and mountains. They were also responsible for transmitting the right to use the land, since men only gained access to the latter through marriage. In this way, female members maintained control over the territory (Mattos 2019: 10).

The political relevance of the Makua Queens has been a somewhat polemical topic. As Regiane Mattos (2012) notes, historiography has often sought to render invisible the role played by these Queens. Up to the completion of this research, I had been unable to find any reference linking the Queens of the tufo associations to the Makua Queens, but I consider this an important question to be analysed on a future occasion.

Each Queen confers on her group characteristics that reflect her own way of dancing and singing. However, she also directs the group's finances, including the distribution of money collected at the end of rehearsals. In the Mafalala Tufo Association, for example, there was little sense of playfulness or spontaneity given that all the women in Queen Saquia's group regarded her as very serious and strict. Because she understands her dance as work, she refers to herself as an artist and professional dancer. Accordingly, all the women who danced with her were expected to dedicate themselves fully as a condition for belonging to her group.

Returning to the narratives on the origins of tufo and its relationship to Islam, as Macagno (2007), Arnfred (2004) and Mattos (2019) point out, this religion has been present on the East African coast since the seventh century AD, brought by Persian and Arab sailors and traders who settled on the islands of Angoche and Mozambique, forming the early population hubs of

Sofala, Kilwa and Pemba. The strand of Islam that became the most popular in the territory were the Sufi brotherhoods, or *tariqas*, which established themselves on the Island of Mozambique between the second half of the nineteenth century and the early twentieth century.

During this period, three Sufi brotherhoods arrived in Mozambique via the inhabitants of the Comoros Islands, Madagascar and Zanzibar, becoming established first in the then-capital, the Island of Mozambique. These were the Rifa'iyya, Qadiriyya and Shadhiliyya brotherhoods, the last of which included the creator of the first tufo group. A brotherhood was responsible not just for religious worship but also for education through Qur'anic schools (*madrasas*) and for centralizing mutual support strategies among its members in rites of passage such as initiations, weddings and funerals, forming a system of care and protection that was later maintained by the tufo associations.

As the professor and researcher Chapane Mutiua explained to me in an interview conducted in Maputo in 2018, tufo was influenced by the poetic-musical practices of the Sufi Islamic brotherhoods. Sufism, most strongly observed within the larger Sunni tradition, is known as the mystical strand of Islam with practices involving dances and chants such as dhikr, brazandi and mawlidi. These developed along their own paths in Mozambique, functioning today as religious, poetic, and musical practices that assemble a diversity of meanings around themselves.

The practice of dhikr consists of the recitation of poems glorifying the names of God, passages from the Qur'an and special prayers in praise of Allah. Dhikr can take place in private gatherings at home or in mosques and may involve breathing techniques, similar to meditation, or bodily movements, such as continuously moving the torso forwards and backwards to the beat of percussion instruments, or even spinning, as performed by the whirling dervishes. Dhikr may be performed aloud or silently, when a person closes their eyes and lips and fixes their attention on inhalation and exhalation, thinking la ilaha (there is no God) as they exhale and illa Allah (except God) as they inhale (Campo 2009).

Brazandi (or barazande) and mawlidi were mentioned as 'men's tufo' in some of the interviews with the leaders of tufo groups, although these performances also include women, as in one instance I witnessed on the final day of a male initiation rite in Angoche. In the associations, however, performed as a non-religious practice outside the mosques, tufo was said to have been 'left to the women,' as we can observe in the following accounts:

> So, today, men have already abandoned this role, they've left it for the women. But now, when an event happens, a *mawlid* or a *barazande*, at a wedding, then, yes, the men's tufo may be presented symbolically, the way it used to be performed. But it isn't tufo, three times a week, like these [women] rehearse, we don't prepare in that way. (Estrela Vermelha, Nampula city, Carrupeia neighbourhood)

> The *barazande* explains what Muhammad did, he was beaten, insulted. But today we have reduced that aspect; today we only want to follow what is in the Qur'an. Those little games, we have left behind. We only do what is in the Qur'an. Because the men wanted to join together in the *barazande*, to perform their own tufo, yes. (Xipimpi Association in Angoche)

Tufo is also very similar to what is called *al-Barazandis*, which are religious poems sung on festive occasions.

In the Sunni tradition, Mawlid al-Barzanjī is the name of the book that narrates episodes from the life of the Prophet Muhammad. The author's full name is Ja'far b. Hasan b. Abd al-Karīm b. al-Sayyid Muḥammad b. Abd al-Rasūl al-Barzanji. People in Mozambique commonly refer to the poems contained in this book – and to the practice of reciting them – by a shortened version of the author's name: Al Barazandis, Barazandi or Brazandes. Among Muslim families in diverse Asian and African countries, barazandi poems are recited to ask for blessings on occasions such as the birth of a child, moving into a new house, opening a new business and during funeral rituals. As Chapane Mutiua explained in an interview, a topic also explored in a recent publication (Vierke and Mutiua, 2020), brazandis are poems sung during festive periods such as weddings and the emergence from male and female initiation rites.

From the above narratives we can observe that the practice of barazandi is sometimes referred to as the 'men's tufo,' even though its performance differs perceptibly from the tufo practiced by most of the associations. Women may also recite brazandi on the same occasions – for example, during initiation rites or on those mornings when karamas, the large gatherings of tufo groups, are held. Nevertheless, the recitation of brazandi poems is seen by men as a predominantly male event:

> Men take part when there is *barazandi*. When there is *barazandi*, it is men who usually go out and do that *mawlid* thing. *Barazandi* are the ones who usually read. From 11 am to 12 pm, it is the men in the *brazandi*. (Estrela Vermelha, Nampula city)

The term maulide, which refers to the men's dance of the Rifaiyya brotherhood, derives from Arabic and signifies the 'birthday of the Prophet.' In addition to celebrating the birth of Muhammad, mawlid alludes to the text especially composed and recited during the commemoration of the Prophet's nativity. Mawlid is celebrated in many Islamic countries and in other nations with large Muslim populations, where it is also called Eid Mawlid. These nations include Ethiopia, India, Turkey, Nigeria, Sri Lanka, France, Iraq, Iran, the Maldives, Morocco, Jordan and Libya. An important detail provides a clue to one of the characteristics of tufo songs: mawlid is also known as 'a text recited or sung on the day.' In other words, beyond the texts found in the sacred books, a mawlid poem may be composed for the occasion of welcoming an important authority – in this case, the Prophet. This is a key characteristic actualized in the tufo songs, which are primarily composed for occasions when a group is invited to take part in receptions for political leaders and events, weddings and the emergence from initiation rites. I discuss tufo songs in more detail later in this text.

In the quotations from the interviewees cited above, the Makua mawlid appears as a practice associated with tufo and considered the responsibility of men, much like the recitation of the barazandi. Although its influence on tufo traces back to its origins, today it

is enacted in contexts such as initiation rites. Initially integrated into the religious sphere and practised mainly in mosques, the tufo dance expanded beyond sacred spaces, finding a new home in community associations. As we shall see in the next section, this shift, which occurred mainly from the 1960s onwards, had a series of implications for the dance, which began to accrue new layers of meaning.

FROM MOSQUES TO ASSOCIATIONS

Until the mid-1960s, tufo was only performed in mosques and during religious ceremonies. According to an interview ceded by the researcher Chapane Mutiua, already cited in this text, and the work of Mattos (2019), the songs transmitted religious precepts and guided families on how to organize their lives, conduct their social relations and educate their daughters, drawing inspiration from Qur'anic passages that celebrate episodes from the life of Allah and the Prophet Muhammad. After this period, we observe an institutional shift of tufo from the brotherhoods to the associations, accompanied by an expansion in its thematic scope.

Associations of many different kinds – humanitarian, religious, student and political party youth leagues – emerged in large numbers throughout Mozambique in the late 1990s during the presidency of Joaquim Alberto Chissano (1986–2005). Cultural associations, in turn, spread throughout the country under the subsequent government of Armando Guebuza (2005–2015), who introduced financial incentives in the form of project-based funding, which could only be disbursed to entities with a legal status, as Joaquim Nazário, former head of the Culture Office on the Island of Mozambique, explained to me.

The widespread diffusion of tufo associations is one of the features that makes the dance one of the most emblematic and widely known among the Makua population. In an interview for ARPAC, the director Assano Sufo stated that in the 1990s the city of Angoche had a tufo group in every neighbourhood, a situation echoed in the city of Nampula. In the municipality of Mozambique Island, seen as tufo's birthplace in local narratives, the number of groups remains remarkably high. In the official count conducted in 2017 by the municipal government's Culture Office, then under the direction of Joaquim Nazário, when the island's population numbered 9,064 inhabitants, there were 57 groups, 13 of them in the insular region of the city. If we consider that each tufo group has an average of 25 members, we can infer that 29% of the insular population of Mozambique Island belonged to a tufo association registered at the Culture Office. Senhora Djanina, the Queen of Tufo Estrela Vermelha, when I asked where I might find tufo groups on the Island during one of our first conversations, told me: 'my daughter, wherever there are more than three Makua, you'll find a tufo.'

A tufo group may be ephemeral, formed solely for participation in one particular event. However, the most recognised and numerous groups are those formalised as associations. All of the tufo groups included in this research are organised as associations, including those

whose headquarters I visited, cited at the start of this article, as well as those whose performances I attended at public ceremonies and others whose existence I learnt about in the field, as well as those I analysed via online video. In most instances, dancing tufo signifies belonging to a tufo association, being involved in the everyday life of the women's collective and participating in the mutual support activities that coexist with dance within the associations.

The practice of xitique and the tufo dance converge in the associations as one of the principal moments of sociality for Makua women. Here I cite the narrative of Castro, 46 years old at the time and one of the interlocutors I first met in 2017 and encountered again in 2020. I showed Castro the video I had recorded during my fieldwork between 2017 and 2018 with dance groups from the Island, Angoche and Mafalala. He recognised all the groups by name, even those from Maputo. On seeing them, he told me:

> These are associations founded there in the neighbourhood. These associations, they are created for the purpose of saving [money] – most of them are formed around savings, right? So that group of women… the group they create, that nucleus of theirs, the women have to perform a dance in their gatherings, which usually brings in money, and each one contributes something. But this money is later returned to the person, it is a form of saving, a way of preserving their money. So they create it with dance. Some perform tufo. For those who don't have the means, this is a possibility, you know, a way of being together (...). People meet to dance until a tufo group emerges. Today there are many associations, many associations on the Island, across all of Nampula. On the day they collect their contributions, they can hold a big party. Sometimes, if they are from the Island, they may go on a trip to Nacala, Goa, even Pemba. Others have left here for Maputo. It depends on their circumstances and their earnings.

When Castro mentions people 'from the neighbourhood,' he is referring to the inhabitants of the cidade macuti on the Island of Mozambique, a region of the insular region of the city where most houses have palm-thatch roofs known as macuti. Walking through the streets of the cidade macuti neighbourhoods – like Santo Antônio, Areal and Litine – in the late afternoon, after the sun has gone down, various groups of women can indeed be seen gathered in house yards. Initially, it is not easy to tell whether these are meetings of an association or a tufo group. Musical instruments are not always present at the everyday meetings of these associations. In their rehearsals, no uniforms or matching capulanas are used, nor do the practices always involve bodily movements, since to dance is to sing. This singing is executed softly with the women sitting in a circle, following lyrics written on small sheets of paper. As a Brazilian anthropologist and dancer, immersed in the soundscape of these neighbourhoods shaped by the tufo drums, I let myself be swept up by the local sensations and experiences, suspending for a moment the comparisons or the search for continuities between the tufo dances and associations and the spaces of the Afro-Brazilian dance schools and collectives of which I have been a practitioner for nearly 20 years. I allowed myself to experience other corporealities and modes of performing dance that involve, for instance, dancing while seated, or understanding singing as an intrinsic part of dancing, without moving the body in space. I am reminded that doing

anthropology is also about discovering new worlds, seeking to understand different ways of being, and, in perceiving that things can be done multiple ways, anywhere and in any situation, also reflecting on one's own way of doing them – in my case, different ways of dancing. Here I echo the idea of anthropology formulated by Ingold (2015) when he proposes that:

> As in a dream, [to do anthropology] is continually to *open up* the world, rather than to seek closure. The endeavour is essentially comparative, but what it compares are not bounded objects or entities but ways of being. It is the constant awareness of alternative ways of being, and of the ever-present possibility of 'flipping' from one to another, that defines the anthropological attitude. It lies in what I would call the 'sideways glance.' Wherever we are, and whatever we may be doing, we are always aware that things might be done differently. (Ingold 2008: 84)

Immersed in this world, I trained and attuned my gaze and, learning about the associations through my interlocutors. I was able to identify how many courtyards were filled with women who gathered every day at sunset to dance.



Figure 3. *Participants of the Estrela Vermelha Tufo Association seated next to the entrance of its headquarters on Mozambique Island*. Photograph by the author with permission from the Association's director, 2017.

THE TUFO SONGS

Today tufo is performed to welcome, advise and celebrate. A performance may take place at weddings, during the closing moments of the pre-marriage female initiation rites called osinkiya, during girls' puberty rites known as emwali, during the final moments of boys' initiation rites, when the children return to their families, known as nivunko (or ekhalawa),

at birth celebrations and during political events such as rallies, school openings or when an authority visits. The situations vary greatly and, more than the occasion itself, it is the person who makes the invitation who determines both the presence of a group at a performance and the profile of the songs to be presented.

The lyrics of the songs may be written in Portuguese, in Makhuwa using Arabic script, or by mixing passages in Portuguese and Makhuwa. During dance rehearsals, the primary task is to learn the song lyrics. One of the main roles of the Queen of a tufo association is to compose these lyrics, select the best melody and, together with the instrumentalists, decide which rhythm best matches the composition. Other members of the leadership may also be present and assist in this process.

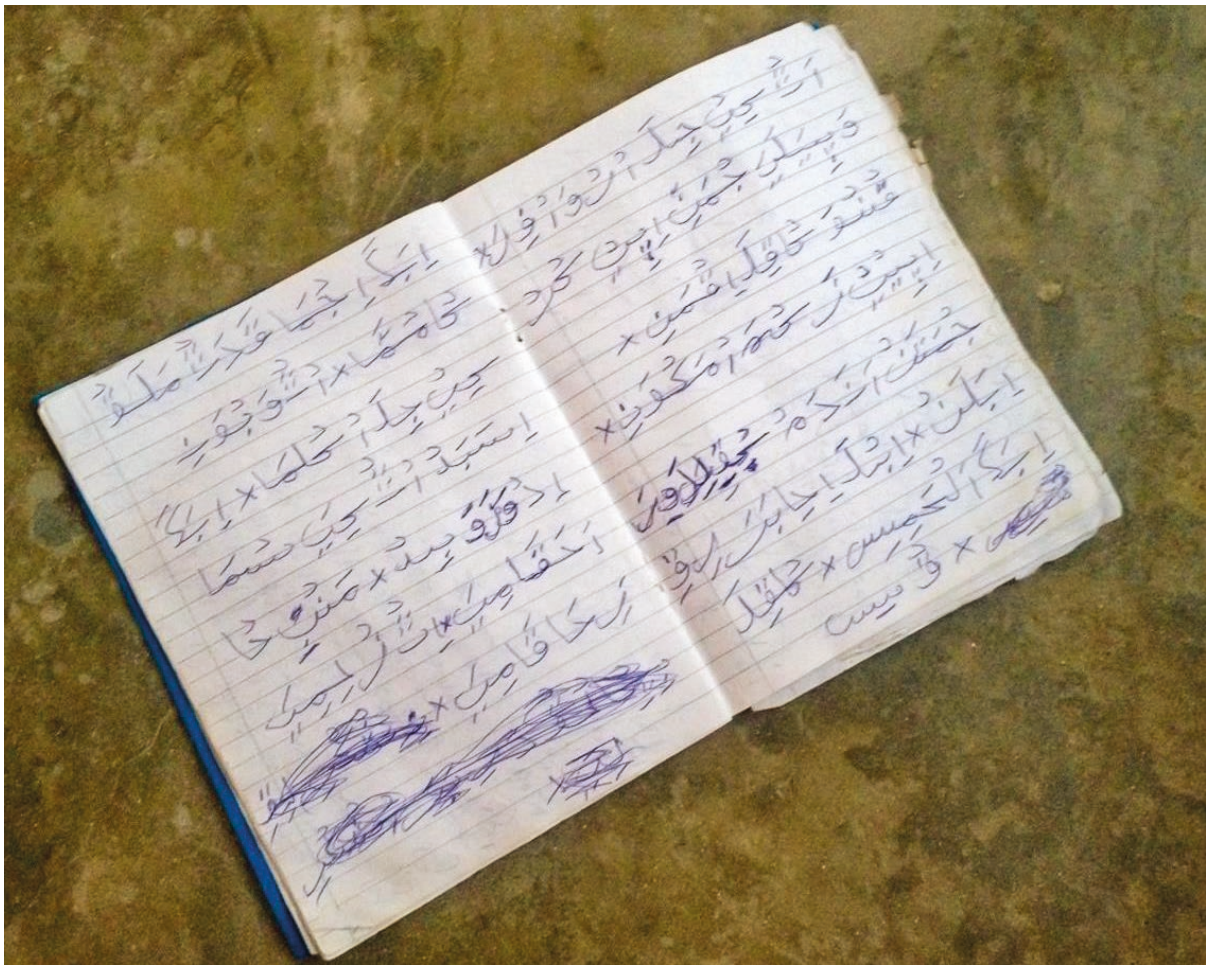


Figure 4. *Notebook with the songs of the Estrela Vermelha Tufo Association*. Photograph by the author with permission from the Association's director, 2017.

To assemble the repertoire presented at a given event, an association may draw on songs from a pre-existing set of compositions. However, the main songs performed at a presentation for authorities and political events – such as the opening of a school year – are composed specifically for the event. While the lyrics are as varied as the situations in which tufo may be performed, the research revealed some recurring themes in the songs. Here I consider four thematic categories

of songs: festive, critical, advisory and historical. This classification, formulated for didactic purposes, makes it possible to identify patterns and tendencies in the lyrics, contributing to a deeper understanding of the relationship between what is sung and what is danced.

INTRODUCTION: THE SONG

Based on the musical repertoires of the groups I was able to study during fieldwork, it was notable that songs often begin with an introduction sung by one or two voices, followed by the other women singing in chorus. This introduction is performed by the Queen, designated in the scheme presented below as wiipa 1 (singer 1), sung in a high pitch dominated by vowels. She is followed by another singer, wiipa 2 (singer 2), who in some groups is called the chefe de linha (line leader) or the 'Queen's secretary,' responsible for assisting the Queen in composing the lyrics, organising rehearsals and performances, and supporting the singing during presentations.

The entrance of wiipa 2's song is accompanied by the entrance of a lower-pitched drum, the kupurra. The sequences oioioi oioioi oioioioi and nena nena nena nená were perceptibly the most common. Sung at different pitches, this introduction by female voices produces a form that resembles the sonority of Arab songs and Indian classical music.

Below is an example of the division of voices between the Queen, the line leader and the other anawinnas in this introduction:

Simultaneous. May be repeated several times. This chant functions as an introduction to various songs, always in paired sequences.	E na nena nena nená (wiipa 1) E na nenaaaaaaaaaaa (wiipa 2) .....nena nena nená (chorus)

An example of the song performed in the introduction can be seen on YouTube,[1] in the presentation of the Mafalala Tufo in Maputo. After the introduction, the group presents itself, asking to be heard. This passage is repeated in the introduction to other songs with different themes.

Song 1: Mafalala Tufo Association
io io io io io io iô
Nimpatcha uavequela atchutene anweha nwelela
N'guelele molumo huala para ozwela.

Translation:
First I must ask everyone to listen to us
To hear all our words so they may know.

1 See https://www.youtube.com/watch?v=Wp3HfB1jekM beginning at 40 seconds.

Reflecting the interaction between drums and voices in tufo, the lower-pitched drum, the kupurra, enters together with wiipa 2, though it may also come in slightly before or after the singing, following a dynamic of non-symmetrical entrances. A deep muffled sound is produced by striking the centre of the kupurra, while higher-pitched tones are struck on its sides. When the musiqueiro plays two drums simultaneously – the kupurra and the ngajiza[2] – like Rosarosa, one of the most renowned and experienced musicians of Mozambique Island, he can alternate the low and high sounds between the two instruments.



Figure 5. *Tuning of the tufo drums by the musicians from the Mafalala Tufo Association.* Photo by the author with permission from the Association's director, 2018.

ANIMATING MUSIC: FESTIVE SONGS

The song presented below can be understood as one element in a set of festive pieces of music, which, in the performances I accompanied, were played towards the end when the tempo of the drums is quicker. Mixing verses in Emakua with others in Portuguese, this song allows non-Makua spectators to join in and dance along during this moment. In this case, the dance is livelier, faster paced and performed standing – a feature of the more modern form of tufo.

2 According to Lutero and Pereira (1980), the *kupurra* and the *ngajiza* form the rhythmic foundation of the dance, with characteristics closer to what they identify as Arab music. The other two drums – the *pústua* and the *duássi* – establish a Bantu four-beat cycle. The remaining instruments – the whistle, tambourine and rattles, when used –function as rhythmic adornments.

Song 2: Performed by the Mafalala Tufo and Hancauane Tufo[3]

This game we have already won (wiipa 1, 2. The wiipa may enter gradually as the phrase is sung)
In our direction we trust (chorus)

-

Uiassa! (wiipa 1)

Uiassa kana enecoto (chorus, louder, two tones higher)

(When I come, I don't come to fight)

Somente nimpela ecolo! (chorus, louder, two tones higher)

(I have only come to seek victory)

-[repeats]

The song lyrics highlight the competitive dimension of tufo, emphasising the idea of rivalry between the different associations. Although it was not possible to confirm in the field whether this lyric – performed by both the Tufo Association of Mafalala and the Hancaune Association of Mozambique Island – was created specifically for participation in festivals, this hypothesis is plausible given the broad involvement of these associations in regional and national festivals and their relationships with one another. Along these lines, Sara Morais's doctoral thesis on timbila (2020a) and her subsequent articles (2020b) offer valuable insights through her discussion of the dimensions of palco (stage) and mato (bush) as differentiated and constitutive spaces of cultural performance in southern Mozambique.

As well as the festivals, this type of song performs an important role during events like the karamo, a gathering of tufo groups that possess some kind of mutual relationship. The Tufo Estrela Vermelha of Mozambique Island, for example, the oldest group, has various affiliated groups throughout the country, including Estrela Vermelha of Pebane and Estrela Vermelha of Corrupéia. A karamo may also unite groups from the same city or founded by people connected by relations of compadrio (ritual kinship). This kind of event has a complex organisation, especially in relation to food, which is the responsibility of the oldest group, which issues the invitation. They are usually held during the dry season to facilitate travel and accommodation. Unlike the case of festivals, there is no competition, but the karamo is also a moment when dance provokes laughter, through playful jokes and teasing.

The Estrela Vermelha Tufo Association of Mozambique Island presented this festive song in three performances I attended. The performance shows the humorous dimension, references to the beauty of Makua women (who claim to be 'the most beautiful in Mozambique') and the island itself as an important historical reference point for this dance. The song tells us that the women of Estrela Vermelha are the most beautiful, eat only from crockery and not

3 Transcription and translation made with the assistance of Sanilza, in Jembesse, January 2018.

from plastic utensils (considered of lesser value) and are responsible for making the name of the island famous far and wide.[4]

CRITICAL SONGS

Another important theme in tufo songs is what some interlocutors like Mama Saquia, Queen of the Tufo da Mafalala, call criticism – songs that invoke the problems of everyday life in the neighbourhood or the country and offer advice on how to deal with these situations. In this field, the content is quite varied. During fieldwork, I witnessed associations performing songs about cholera, malaria and the need to drink filtered water, as well as lyrics encouraging good nutrition, personal hygiene and taking care of children.

In the song of the Forte Amizade Association, published in the Cultural Inventory of Mozambique Island (Arantes 2012), we encounter a political theme in which the government is urged to pay more attention to the issue of AIDS (Acquired Immunodeficiency Syndrome), a major public health concern in Mozambique.

Song 3: Forte Amizade Association
Ashulupale ninamovekelani mulumo ahu ala niweleleni
Apovo aninvekela ajuda oretta wa Sida woniphiya warohoni
Anti-retrovirais apovo annawurya massi khanwerya ovoniha
Erettela , nira ninvekele apoio nação sikina, epovo ennimala!
Ashulupale khuphanha murettaya Sida olola hannona yowirihani
Ninrowa ohiya woshukurelani vano noyarekeni, niwettanekeni.

Translation:
We ask the rulers to listen to our message.
The people ask for help with the AIDS disease, which preoccupies humanity.
The patients take antiretrovirals but they don't cure this disease.
We ask for help from other nations.
The people are dying!
If the rulers were able to mitigate AIDS,
We would have no idea how to thank them.

The song's lyrics ask the country's rulers for measures to combat HIV/AIDS. Notably, this appeal is directed not only to the government itself but also to other nations, whose presence is widely felt in Mozambique through international aid organisations, particularly in the fields of health and education.

4 The song can be seen and heard in the video https://www.youtube.com/watch?v=xQB72aFdolQ between minutes 4:30 and 6:00.

We can turn to another example, a performance by Tufo Estrela Vermelha of Pebane, recorded by researcher Ellen Hebden during a karamo at the Casa da Cultura in the city of Pebane in Zambézia Province.[5] Her recording begins with the group standing up to perform a song in Emakua that rouses the audience, who also respond in lively fashion to five women moving between the rear and sides of the space, waving their capulanas. From 4 minutes and 20 seconds onward, the group changes its movement and begins to perform kneeling with a song that mixes Emakua and Portuguese. I draw attention to the section presented from 5 minutes and 50 seconds, which contains the following lines:

Song 4: Estrela Vermelha Association of Pebane
The situation was terrible.
He didn't eat, food was much too expensive.
He picked food from the rubbish to make *matabixo* [breakfast].
(...)
The boy caught a disease.
It was cholera, with symptoms of anaemia.
The boy was wasting away.

At the moment of the lyrics I have highlighted above, the dance is performed kneeling, becomes highly expressive and assumes a more interpretive dimension with a more serious tone. The singing is in unison, which underscores the message being transmitted. At times, the gestures are more literal, such as when they sing about eating *mata-bixo*, the first meal of the day, and bring their hands to their mouths as if eating. At other times, the gestures are more metaphorical, as when they represent the disease contracted by the boy in the song and utter the word 'anaemia': the dancers tremble their hands, arms and shoulders while simultaneously arching their torsos backwards, a movement considered traditional within tufo. I see this moment as a creative act that links a recurrent tufo movement with gestures that highlight the message they wish to communicate.

In this case, there are no imperative phrases in the Portuguese verses telling people what they should or should not do. Instead, through their dancing, the group performs a critique of a given situation, which is also a way of suggesting a particular response to it.

HISTORICAL NARRATIVES

This set of songs is concentrated among tufo groups originating from Mozambique Island and neighbouring localities such as Nacala-a-Velha and Angoche. The song chosen here as an example narrates the arrival of Vasco da Gama and his encounter with the famous local

5 See https://www.youtube.com/watch?v=eAGk4IoYavc&t=2s.

chief Mussa'n Biki (Mussa Al Ambiki or Bique), said to have given his name to the island and the country. These are narratives that mainly disseminate a pacific aspect to this encounter:

Song 5: Estrela Vermelha Tufo Association[6]
Mozambique Island,
Land of Mussa al-Bique,
Land of the islanders,
World historical monument.
Many peoples passed through here,
Each one left a trace that adds to the wealth of this land.
City of Mozambique Island,
The continent lies on the other side,
It is very beautiful.
It is so called because it is surrounded by the sea.
We, all of its inhabitants,
We love this island.

The song's lyrics construct a narrative rooted in geographical, historical and identity-based references, assigning Mozambique Island the lead role. Elements such as 'Mozambique Island' and 'land of the islanders' reinforce the idea of local identity, the sense of community belonging and the construction of a collective imaginary about the place.

Regiane Mattos (2019) observes that narratives about the 'birth' of Mozambique Island generally evoke harmony, emphasising the influence of peoples arriving via the Indian Ocean, whose presence confers beauty and wealth to the territory and its local inhabitants. Yet this narrative silences other aspects such as conflict, resistance or the legacy of slavery that also profoundly marked the history of the island. Along these lines, Arnfred (2004) adds that in the collective memory of Mozambique Island, the Portuguese colonial period – when it served as the country's capital – is frequently recalled as the 'golden days,' an era during which the Island occupied a prominent position, reflecting an imaginary that privileges memories of prosperity and geopolitical importance over experiences of suffering and oppression.

OLAKA: SONGS AND COUNSEL

Finally, I turn to a set of tufo songs in which instruction, orientation and counsel predominate. Advice is conveyed not only through the comprehension of what is expressed verbally in the sung, but also through what is embodied in the movements as the anawinnas – the women who dance – perform it. In these performances, women learn how to move the shoulders, the correct way to look, how to position oneself on the dance alpendre. Through the dance,

6 Taken from Mattos (2019: 31).

women learn the respect due to elder women and the importance of being together, lessons that are reproduced in other spaces.

In both the movements and the song lyrics, we can observe the presence of knowledge understood as olaka. Meaning 'counsel' in Emakhua, olaka is a broad category that signifies guiding others about what is considered right, stating what is forbidden and what is permitted, emphasising what is valued and what is considered beautiful. It is about bringing creativity and humour into the songs in a danced form, since it is through dance that the person learns what may be joked about and what may not, what may be found amusing and what may not. Here we can turn to the lyrics of the following song by the Forte Amizade Association, also published in the Cultural Inventory of Mozambique Island:

Song 6: Forte Amizade Association

Mwenhe Harusi na Associação Olelo Niweleleni,
Ninweleleni olelo mossivelana, mothelihassiwa
Olá muarinhu olelo munanmukusha munorowana wutheliyani
Adjama omitekoni kahiyena ovuriya naru vakhani
Khiyathimakela ohinha .
Vano mwenhe Harusi olá mwanninyu
Nthu khaninvura mwannawe niyaru vapuwani mwikho,
Ashinamwane yowehakani aipo sanyu sinachiwa nmawani

Translation
Title: Marriage

To the bride and groom, we are the Forte Amizade cultural association.
Today you love each other and are celebrating your marriage.
Groom, this is your wife whom you take today.
A man must not pull his wife's ear in front of other people.
And bride, this is your husband. A woman must not disobey her spouse.
You should not run back to your parents because of a small tug on your ear.
Family life is like working in an institution, it requires professional secrecy from the staff.
So the couple must not resolve their problems outside the bedroom,
Lest they damage the image of their home.

Without denying the extremely complex nature of this content – which leads us to reflect on how Makua matrilineality, which confers a certain power to women, as discussed by Meneses (2008) and Mattos (2012), continues to coexist with machismo, a topic addressed in the works of Signe Arnfred (2011, 2015) and Geffray (2000) – the issue I wish to empha-

sise here is the moral role and function of counselling through song assumed by tufo when a woman marries.

This topic was frequently mentioned by one of my interlocutors on Mozambique Island, Saida Ossufo. Saida lives on the mainland part of the island, in Jembesse. When I met her – through a Brazilian researcher – she had recently become a *halifa*, the title given regionally to a woman who follows the precepts of Islam more strictly. She wore a veil, only ever black, covering her entire body. Saida had used to dance tufo, but left the association because her religion no longer allowed her to participate in these activities, which were considered *haram* (forbidden by Islamic law). She had previously been a counsellor both in puberty rites and in marriage rites.

I was keen to ask Saida about her previous involvement in tufo and discover what she could tell me about the music and the dance. However, our conversation essentially reproduced the content of the advice given during the puberty rite. Below is an excerpt from our dialogue about this counsel, which closely mirrors the tufo lyrics cited above:

> **Saida:** So, there they begin to dance, these initiation rite things, they begin to sing and start to say: 'the night is turning me over, the afternoon is turning me over, I wish dawn would come so that I could rest a little' [laughter]. This is the sex song they usually sing, which is why they say these *mamaolakas* are the ones who give advice, it's a type of counsel. And we begin to speak, explaining to the woman: that's how you will work. Have you already begun? You're going to work, have you started? This is how you will begin your work, these are the things couples do, bed things. A woman must not deny a man in bed. If you refuse a man at the moment he wants [sex], it [the penis] becomes strong and will kill the son of its owner, because that thing hurts; when a man's penis becomes erect, it cannot stay still without doing that thing, and when the man grows stronger, he feels more desire and the penis right away… sex hurts. So we explain to the woman, we advise her, we tell her that a man must not be refused; if you refuse your husband, you will kill him.[7]

In this passage, we can see that Saida compares the sexual act to a form of work that a woman must perform and then says that a woman must not refuse sex to her husband, since he may suffer physical consequences that will be her fault, such as pain during intercourse or even death.

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7 Original text: É, então, ali começam a dançar, essas coisas de rito de iniciação, começam a cantar e começam a dizer - "a noite está a me virar, a tarde está a me virar, gostaria que amanhecesse para eu descansar um pouco" [risos]. Esse é o canto do sexo que costumam cantar, por isso que dizem esses mamaolakas que costumam dar conselhos, é um tipo de conselho assim mesmo. E começamos a dizer, começamos a explicar para aquela mulher, que é assim que vais trabalhar, já começastes? Vais para o serviço, já começaste? Assim vais começar a trabalhar, são coisas de casal, coisas da cama. Ao homem não se nega na cama. Se você negar aquele homem, o tempo que ele quer, fica forte e vai matar o filho do dono, porque aquela coisa dói, quando um homem levanta o seu pênis, o pênis não fica sossegado sem fazer aquela coisa, e quando o homem fica mais forte, fica com mais desejo, e o pênis logo... o sexo dói, então nós explicamos àquela mulher, aconselhamos ela, que o homem não se nega, se você negar seu marido, vai matar o seu marido . Interview by the author, Jembesse, Mozambique Island, December 2019.

In tufo, advice reinforces what is taught to women during initiation rites, reiterating how they should conduct themselves in society. This carries a heightened moral weight at the moment of marriage, as we can see in the passage stating that 'the couple must not resolve their problems outside the bedroom, lest they damage the image of their home.' The emphasis on the bedroom as the place for resolving marital disputes may highlight the importance of sexual relations as something that provides a solution to the couple's problems.

CONCLUSION: SOCIABILITY CREATED THROUGH DANCE

This article has explored dance as a practice that interweaves multiple dimensions, including historical, cultural and social aspects. By revisiting origin narratives and their relationship to Islam, we can perceive how these elements interconnect and remain present today, not merely as memories of the past but as part of a continuous creative process. The relationship between dance, music and song lyrics reveals an interaction that goes beyond the simple combination of movements and sounds. The discussion of time proposed by Leda Martins (2021) suggests that present and past are sustained in relation to one another in a spiralling movement, integrating the notion of ancestrality.

> In many cultures, ancestrality is a founding concept, diffused and imbued in all social practices, expressing an apprehension of both the subject and the cosmos in all their dimensions, from the most intimate family relations to the broadest and most diverse social and communal practices and expressions. So how does this sophisticated experience of ancestrality and the immanent presence of the ancestor in everyday life also inscribe a singular understanding and experience of temporality, as a *sophya*? How do the times and intervals of the calendars likewise mark and dilate the conception of a time that bends forward and backward simultaneously, always in a process of both prospection and retrospection, at once remembrance and becoming? (Martins, 2021: 23).

Martins's reading helps us appreciate how contemporary dance is not just an expression of the moment or a practice that contains traces of a distant past; it also creates and reconfigures reality through its multiple dimensions. In her account, ancestrality manifests itself in social practices at a deep level, establishing a singular comprehension of time as a process of simultaneous prospection and retrospection.

In relation to collectivity, the role of the brotherhoods – which involved advice and mutual support among their members – can be seen to continue in the tufo associations. These give new life to the ancestral function of counsel, integrating it into the tufo dance, which permeates Makua society more widely, overlapping with diverse other cultural practices, including initiation rites. On this point, I argue that the very act of dancing is not just an expression but also an action that creates and reinforces what is spoken. Advice, therefore, goes beyond the dramatization of values present in everyday life: the dance creates, reinforces and renews what is transmitted.

Finally, looking at tufo stimulates us to think of dance as an open-ended concept, a fabric woven with both material and immaterial aspects. I do not see it as a mere expression or manifestation of invisible social values, but as a living practice that forms part of the ontological fabric of those who perform it, an element that both nourishes and is nourished by the interactions within the group.

Translated by David Rodgers.
Received: June 20, 2024.
Approved: July 15, 2025.

This article was translated with support from 'The Vibrant Project: Publishing Indigenous and Black Brazilian Anthropologists in foreign languages,' funded by the Wenner-Gren Foundation for Anthropological Research as part of its Global Initiative Grant programme.

Data Availability Statement:
The primary data underlying this study were collected by the author between 2017 and 2020 and are not publicly available due to ethical restrictions and confidentiality agreements. The interviews provided by ARPAC-Mozambique can be accessed upon reasonable request and in accordance with the guidelines of the institution holding the rights. The videos mentioned in the article are publicly available on the YouTube channel, accessible at: https://www.youtube.com/channel/UC7Gp-0skSPi6eBCJTIjBfjQ.

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Black Brazilian Anthropology

Sonic politics: technique, work and musical production in funk carioca

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Abstract

This article results from fieldwork I have been conducting since 2014 with funk artists, especially the funk produced in Rio de Janeiro's favelas. Using both historical and ethnographic material, I reflect on the way DJs and MCs design sonic forms that challenge the hegemonic music industry through musical production techniques. Focusing on funk studios in favelas, I explore the creative processes of the artists, the technological resources they mobilize and how they connect with everyday life in favelas. To trace theses connections, I consider the artists' activities as both 'technologies of enchantment' (Gell 1998) and work, which in a capitalist context implies relations permeated by the dimensions of class and race.

Keywords: Funk; Favela; Technic; Capitalism; Race.

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e00806
https://doi.org/10.1590/1809-4341.2025v22e00806

Políticas sônicas: técnica, trabalho e produção musical no funk carioca

Resumo

Este artigo é fruto de um trabalho de campo que teve início em 2014 junto a artistas de funk, especialmente o funk produzido nas favelas do Rio de Janeiro. A partir de material histórico e etnográfico, reflito sobre o modo como DJs e MCs desenham formas sonoras que desafiam a indústria da música hegemônica por meio de técnicas de produção musical. Focando nos estúdios de funk em favelas, abordo os processos criativos destes artistas, os recursos tecnológicos que mobilizam e sua conexão com a vida cotidiana nas favelas. Para operar estas conexões, considero as atividades destes artistas ao mesmo tempo como "tecnologias do encantamento" (Gell 1998) e como trabalho, o que num contexto capitalista implica relações permeadas pelas dimensões de classe e raça.

Palavras-chave: funk carioca; favela; técnica; capitalismo; raça

INTRODUCTION

Funk is one of the most popular musical genres in Brazil. Its origins can be traced back to the *bailes black* held in Rio de Janeiro in the 1970s. These were parties that attracted a mostly black public from the city's poorer neighbourhoods to dance to the funk and soul being produced in the United States. It was only in the 1990s that Rio de Janeiro's favelas, the city's poorest areas, became the principal centres of funk production and consumption. The *bailes* held in the favelas, as well as the studios where MCs and DJs produce their tracks, today sustain an economy that enables a certain degree of professionalisation among artists and producers. Built on economically precarious foundations, it is the funk economy's collective dimension, as a form of 'popular mass culture,' that enables its persistence and generates its multiplying effects. While the *bailes* have created possibilities for a degree of professionalisation, this professionalisation is continually threatened by the difficulties inherent to a setting where simple subsistence remains uncertain. Yet faced with the near-certainty of becoming exploited labour in a system that feeds on inequality, art as work offers a glimmer of hope. As the anthropologist Adriana Facina, who has researched artistic production in the favelas for decades, observes: 'opposed to alienated labour, dreamed-of work is a path to be chiselled out of stone by these youths' (Facina 2019: 105).

In this article, I reflect on the ways in which funk artists, using musical production techniques, craft sonic forms that challenge the hegemonic music industry. Based on historical and ethnographic research in Rio de Janeiro's favelas, I look at the creative processes of these artists, the technological resources they mobilise and how they connect to everyday life in the favelas. The first section offers a brief historical overview of funk produced in Rio de Janeiro. Despite the difficulties inherent to producing a synthesis that attempts to cover fifty years of history in just a few pages, I consider this a necessary endeavour. The research that generated the questions discussed in this article was based on interviews and participant observation with DJs and MCs from various generations. Many of the phenomena highlighted by these artists during our encounters concerned the technical, stylistic and thematic transformations experienced by this musical genre over time. The aim of the first section, therefore, is to situate – however provisionally – these different periods and points of inflection.

In the second section, I provide a more detailed description of a lived experience from my fieldwork in the company of DJ Bel, an important DJ from Cidade de Deus, the favela where I lived in 2017 and 2018. Working as a music producer with Bel and his friends afforded me a clearer understanding of how questions of style and the formal aspects of sonic organisation are fundamental to the types of circulation that tracks may – or may not – achieve. The third section proposes an analysis of favela studios and the ways in which they give sound to different circuits, each with distinct levels of commodification. The circulation of tracks made for favela *bailes* often resembles a form of gift exchange: a mode of circulation in which fame does not necessarily correspond to financial return. In my concluding remarks, I reflect on the connections between race and class and the sonic features of the funk produced in Rio's favelas.

A SHORT HISTORICAL OVERVIEW OF FUNK CARIOCA

It is possible to trace the emergence of funk carioca through various distinct points of inflection over time. Although use of the expression *baile funk* to refer to the parties held in Rio de Janeiro's suburbs only became consolidated in the 1980s, the origins of funk as a musical genre lie in the *bailes black* of the 1970s. These parties brought together suburban black youth to dance to African-American music, especially the funk and soul then being produced in the United States (Vianna 1987, Essinger 2005, Peixoto and Sebadelhe 2016). This movement was baptised 'Black Rio' (in English) by the journalist Lena Frias in an article published in the *Jornal do Brasil* in 1976 (Frias 1976). The scene described by Frias was striking in terms of its scale: hundreds of sound systems animated dances in suburban clubs and attracted hundreds of thousands of young, poor black people every weekend.

The interviews conducted by the journalist made clear that those who frequented the *bailes* were fully aware of the racism they faced in their everyday lives. Among sound-system owners, DJs and dancers, it was common to invoke both a transnational black identity and the myth of 'racial democracy.' Accused of 'bringing racism to Brazil,' the Black Rio movement was criticised by sectors of the media and by intellectuals from across the political spectrum. Its leading figures were even persecuted by the dictatorship's censorship bodies, which sought to identify possible connections with the Black Panther Party (Pedretti 2018. The *blacks* were labelled as submissive to North American culture and accused by critics and opponents of devaluing the 'roots of Brazil's black population,' whose quintessential cultural production, they argued, should be samba (Alberto 2009, Palombini 2009, Oliveira 2019).

The *bailes black* fostered a vibrant economy sustained by the dance parties themselves, by the importation of vinyl records and by the release of music compilations produced by the sound-system crews. DJs, sound-system owners and intermediaries travelled frequently to the United States – especially Miami and New York – to bring the latest musical releases back to Brazil. This constituted a market of its own since most of these new tracks fell outside the repertoire of the mainstream recording industry in Brazil, despite their enormous success among the *bailes* public. The *bailes black* experienced a turbulent transition in the late 1970s for three main reasons. First, Frias's article attracted unwanted attention from critics and from the dictatorship's security agencies. Added to this was the controversy surrounding the musical scene's alleged opposition to samba. Finally, there was what Dom Filó described as the 'coup de grâce': the rise of the discothèque (Essinger 2005: 42). As the musicologist Carlos Palombini aptly put it: 'Black or not, for Brazilian DJs of the seventies and eighties, disco was that bland, white thing that had put an end to the *bailes*' (Palombini 2009: 46).

Convinced that the disco wave would end up diluting the ideological content of the Black Rio movement, Dom Filó left Soul Grand Prix and broke with Nirto, his cousin and business partner in the sound system, who was more accommodating towards the changing times and the need to 'play the commercial game' (Essinger 2005: 44). Although the transformations

of the period frustrated those producers and regulars more firmly committed to funk and soul like Dom Filó, they did not mark the end of the *bailes* or the sound-system crews. On the contrary, while Frias's report on Black Rio estimated around three hundred sound-system crews at the time, data gathered by the anthropologist Hermano Vianna a decade later recorded around seven hundred *bailes* taking place every weekend in Rio de Janeiro and its metropolitan region: 'making a conservative estimate, it is possible to state that one million young people attend these dances every Saturday and Sunday' (Vianna 1987: 6).

The sound of the electronic drum machine spread around the world in the 1980s and the *bailes* of Rio de Janeiro were no exception. During this period, the term 'funk' began to be used generically to refer to a variety of musical genres such as Latin freestyle, Miami bass, electro funk and hip-hop. It was also in the 1980s that the first academic study of this musical movement appeared. Hermano Vianna, an anthropologist affiliated with the Museu Nacional, published a master's dissertation that would later become a book: *O mundo funk carioca* (Vianna 1987). At the end of his research, Hermano gave a drum machine as a present to a friend who had assisted him considerably during his fieldwork. At the time, this kind of item seldom circulated among funk enthusiasts due to its high cost. The gift served as an incentive for DJ Marlboro to make the first funk record sung in Portuguese, *Funk Brasil*, released in 1989. Despite his pioneering role, Marlboro was not the only one investing in producing Brazilian funk. A few months later, another DJ, Grandmaster Raphael, independently released his own record in Portuguese, *Super Quente* (Super Hot).

These albums opened the door for young people who had previously just frequented dance parties but could now have their own tracks recorded. Some of these tracks took inspiration from the melodies of Miami bass classics and other genres mentioned above, while others combined elements taken from samba, capoeira and Afro-Brazilian musical expressions. Many of these tracks became national hits and consolidated funk carioca as one of the most popular musical movements of the 1990s. These recordings frequently used instrumental tracks from US musical genres as their rhythmic base. Among them, the most popular was the 'volt-mix,' taken from the B-side of a record by DJ Battery Brain, an artist based in Los Angeles whose work is more closely aligned with electro funk (Palombini 2016).

Since the 1980s, a phenomenon known as *bailes de briga* ('fight parties') had been taking place – a variation of *baile* widespread in the funk world. At these events, groups of young people gathered to dance and, sometimes, to fight rivals inside the clubs. The groups were organised according to where participants lived. There was no relation between them and the drug factions then vying for control of territory in Rio's favelas. The fights were institutionalised and the excitement they generated formed part of the entertainment. Like an LP, the party was divided into a Side A and a Side B, a boundary sometimes marked out by a rope, which, at the height of the music-induced euphoria, would be lowered so that the two sides could confront each other. These *bailes* continued into the 1990s and were cited by the corporate media and state agents as evidence of the allegedly violent and dangerous

potential of young people, thereby justifying crackdowns against the events. As several authors have emphasised, news outlets had already begun to associate funk and favela youths with drug trafficking and urban violence in the early 1990s (Lopes 2011, Herschman 1997, Facina 2010, Mattos 2006). These youths came to be seen as a 'dangerous class' whose funk music represented an 'uncivilised battle cry' against the 'prevailing civilised values' (Facina 2010). The stigma that associated favela-dwelling young black people and funk music with criminality was reiterated throughout the 1990s by state policies and the mainstream media, producing not only an enemy but also their accompanying soundtrack.

In response to these attempts at criminalisation, *funkeiros*, club owners and sound-system crews created the *festivais de galera*, which sought to channel rivalries through dance and music. During this period, *pede a paz* (ask for peace) raps became prominent, exalting local communities and calling for an end to violence (Mattos 2006: 34). These appeals for peace, however, did not stop the *bailes* from being gradually closed down until, by the end of the 1990s, most club-based *bailes* had disappeared. After the demise of the clubs, *bailes* in the favelas became the principal setting for enjoying funk. These *bailes* had existed since the 1980s but they neither had the scale they would later acquire nor occupied a central place in the funk world. Aside from the crackdown against the club *bailes*, another key factor in the consolidation of favela *bailes* in the late 1990s was the falling cost of equipment such as mixers, samplers and microphones. Until the 1990s, the high cost of musical devices meant that the production of Brazilian funk remained concentrated in the hands of large sound-system crews like Furacão 2000, Cashbox and Pipo's, or controlled by major record labels that invested in more pop-oriented styles of funk. The increased availability of recording and sound-production devices enabled favela DJs to produce their own tracks independently. Favela *bailes* thus came to be fuelled primarily by music created within the favelas themselves by local MCs and DJs.

One favela in particular came to the fore at the turn of the 2000s. Located in Rio de Janeiro's West Zone, Cidade de Deus launched various artists who would define a second wave of national success for funk. Deize Tigrona, Tati Quebra-Barraco, Bonde do Tigrão and Bonde do Vinho were among the artists and groups from Cidade de Deus who recorded hit tracks now eternalised in the national imagination. These MCs helped consolidate a new subgenre within funk carioca that featured more explicit sexuality and became known as *putaria*.[1] A distinctive feature of this style was the strong presence of women artists, something previously rare to the genre. The label *putaria*, however, was not initially adopted by the artists themselves, especially by the female MCs, who referred to their work instead as 'sensual funk' or 'double-entendre funk.' The work of these women prompted important reflections on gender and sexuality in funk carioca (Lopes 2011, Moreira 2014 Gomes 2015).

1 *Putaria* is a Brazilian Portuguese term referring to something overtly sexual or lewd, originally derived from the term *puta* (masculine *puto*) meaning prostitute. Used in funk to refer to explicitly sexual lyrics or themes, the term can be translated colloquially as 'raunchy' or 'explicit,' though within funk carioca it possesses aesthetic, political and gendered connotations not captured by any direct English equivalent.

Another major legacy of this generation from Cidade de Deus was the *tamborzão* ('big drum') sound. Although not the creator of this electronic drum pattern, DJ Duda was responsible for using the *tamborzão* on the tracks of all the aforementioned artists, making the rhythmic style so popular that its sound became virtually indistinguishable from the identity of funk itself. This rhythmic base synthesises US electronic genres with elements of Afro-Brazilian music, especially *maculelê* (Moutinho 2020). The *tamborzão* was quickly adopted by DJs from other favelas and contributed to the nationwide success of funk in the 2000s. Despite its prominence, the Cidade de Deus *baile* was only one among hundreds taking place across Rio's favelas.

The first decade of the 2000s was also marked by the success of another subgenre, the *proibidão* ('prohibited'), at the time also known as *neurótico* ('neurotic'). These categories refer to musical tracks that narrate the world of criminality, touching on the everyday life and sociabilities linked to the notion of the *bandido* ('bandit': crime gang member). This style of funk had already existed since the 1990s, but the consolidation of the favela *bailes* allowed these tracks to achieve greater prominence, narrating the hardships of a violent daily life shaped by the war on drugs and by inequality. In contrast to the official and media discourse that treats *bandidos* as abject beings, the *proibidões* depict these figures as complex subjects with critical perspectives on what society is and what it could be. A discourse 'from the favela, about the favela, for the favela' (Caceres, Ferrari and Palombini 2014: 178), these narratives expose the contradictions of state policies that treat favela bodies as lives of less worth.

Favela *bailes* drive a million-real economy that sustains hundreds of families, providing them with their primary source of income. Funded largely by the contributions of the *barraqueiros* who sell drinks and food, the *bailes* generate employment for sound-system owners, speaker haulers and sound technicians, as well as DJs and MCs. It is this collaborative, community-based economy that financed one of the country's most powerful cultural movements. The golden era of these *bailes*, however, was abruptly halted by the arrival of the Pacifying Police Units (*Unidades de Polícia Pacificadora*: UPPs), a public-security policy that proposed to 'permanently retake communities controlled by drug gangs.'[2] In practice, the UPPs resulted in numerous violations of the rights of favela residents and proved to be a policy aimed solely at preparing the city of Rio de Janeiro for mega-events such as the 2014 World Cup and the 2016 Olympics. The first UPP was installed in 2008 in the Santa Marta favela, followed by another 37 in diverse favelas across the city of Rio de Janeiro and the Baixada Fluminense. As Marcia Leite emphasises, this number was far from covering Rio's more than one thousand favelas (Leite 2012) but it did affect some of the main producers and disseminators of funk carioca, extinguishing some of the most important *bailes*. The UPPs were a central factor in the national epicentre of funk production shifting from Rio de Janeiro to São Paulo in the early 2010s.

2 This description featured on the website of the UPPs themselves, no longer available online.

In 2011, a young director named Konrad Dantas, originally from the Baixada Santista region of São Paulo state, created Kondzilla, a YouTube channel that produces music videos for funk artists. This company quickly became the main platform for promoting funk, developing an aesthetic inspired by North American gangsta rap videos. Kondzilla was also responsible for increasing the visibility of São Paulo-based productions in general: these came to dominate the Brazilian scene, gradually displacing Rio de Janeiro's hegemony over the production of funk. By 2012, the channel already had around 22 million subscribers on YouTube and was considered the most popular channel in Latin America. Today that number has surpassed 66.9 million,[3] placing the production company among the largest music channels globally.

Kondzilla's productions possess a distinctive aesthetic that revolves around luxury cars, bundles of cash and mansions, which led to its early videos acquiring the epithet *funk ostentação* ('ostentation funk'). These themes were already present lyrically in Rio's *proibidão*, whose artists served as inspiration for MCs from the Baixada Santista. Even so, the company carefully avoids publishing any explicit reference to the world of crime (Facina et al. 2019: 7). 'Avoiding the explicit' is, in fact, one of Kondzilla's defining characteristics, not only in relation to criminality but also sexuality. Unlike funk carioca, the lyrics of these songs generally avoid taboo or 'vulgar' terms, even when the content is markedly erotic. In keeping with this 'moral cleanliness,' the musical productions released by Kondzilla also tend to feature a higher degree of 'professionalism' with arrangements and equalisation more palatable to radio stations and television networks. This trait can be heard in the increasing use of harmonic progressions in these productions, in contrast to funk carioca: 'the melodies of funk carioca may suggest harmonisations but, before the 2010s, most of them dispensed with chords or interpolated chord sequences and avoided overlapping with the vocal line' (Palombini *et al.* 2018: 235).

Although primarily a video-production company, Kondzilla stimulated the emergence of a range of business enterprises in São Paulo that invest in the careers of MCs and manage their public image, compositions and actual musical production. The scale of this market – its levels of 'professionalisation' and profitability – was incomparably larger than the Rio de Janeiro market in the 2010s, a period during which the city's funk economy was smothered by the implementation of the UPPs. The hegemony of São Paulo funk sparked a series of debates among DJs, MCs and entrepreneurs in funk carioca, who attributed Rio's declining presence in the recording industry to the city's supposed 'amateurism.'

Over time, constant reports of rights violations, the financial crisis in Rio de Janeiro state and the completion of mega-events such as the World Cup and the Olympics all contributed to the collapse of this policing initiative. Today, the UPPs are practically extinct, unable to curb the trade in illicit drugs as they had once promised. Based on a conceptual repertoire revolving around the metaphor of war (Leite 2012), this policy succumbed to the conse-

3 These figures correspond to February 2024.

quences of its original sin: namely, treating the favela population as a mass to be controlled rather than as citizens whose rights should be protected (Birman 2008). This failure, still not officially acknowledged by state agents, contributed to the re-emergence of funk carioca, particularly from 2016 onwards.

During this period, a group of young DJs from the Complexo da Maré began to explore a musical technique that, although not new to funk, had never been pushed to these new limits. Tracks that had previously been produced at a tempo of around 130 beats per minute (BPM) began to be played at 150 BPM. By accelerating the tempo, they created a cadence that spurred dancers into a heightened state of agitation – so much so that, progressively, funk played at the tempo that had characterised the genre for the previous twenty years became increasingly rare in Rio's *bailes*. This generation of DJs and MCs came to be known as the '150 BPM movement.' As well as the accelerated tempo, some of the defining features of this movement were the central role of DJs rather than MCs, the intensive use of digital platforms like YouTube and SoundCloud for distributing tracks, the mixture of *proibidão* and *putaria* in the lyrics, and the use of *carimbos* ('tags'): hundreds of different versions of the same track, each personalized with the names of specific people or favelas.

The internet was a crucial refuge for Rio's DJs and MCs during this period. Their productions were disseminated mainly via small YouTube channels, often run by fans who were not necessarily DJs or MCs themselves. The spread of computers in the favelas, especially through lan houses, enabled a proliferation of DJs who began producing an endless number of tracks and sharing them on digital platforms. Young people – not all of them DJs – created YouTube channels where they posted their favourite funk music. Some of these channels grew relatively large and their owners became known initially as 'internet DJs.' They were the ones who most quickly embraced the 150 BPM innovation, circulating the earliest productions of the DJs rising to prominence in the favela *bailes*. The era of the UPPs and the emergence of the 150 BPM movement in Rio's *bailes* coincided with the period in which I began my fieldwork among funk artists – a research project that started in 2014 and, in many respects, continues to this day. In the following sections, I turn to one particular fieldwork experience that prompted the reflections orienting this article.

PRODUCTION STYLES AND MUSICAL CIRCUITS

Between 2014 and 2016, I was able to interview DJs and MCs from different generations, accompany them in their studios and performances, and attend – often intensively – the *bailes* that still existed and resisted at the time. The Pacifying Police Units, racism, the criminalisation of poverty and the disruptive potential of funk proibidão were the focus of my master's dissertation, entitled *Funk Proibidão: música e poder nas favelas cariocas* (Novaes 2016). My exploration of the history and backstage world of funk carioca acquired new contours and tones at the end of 2016, when I moved to Cidade de Deus, a favela located in Rio de

Janeiro's West Zone. Living in Cidade de Deus, I closely observed the conflicts with the local UPP and the violent operations carried out by the Armed Forces during the period of Federal Intervention in 2018 and 2019. As a parallel activity to some extent more distant from the focus of my fieldwork, I contributed to the creation of a community pre-university course as a teacher of philosophy and sociology, and also worked as a volunteer guitar teacher for children and adolescents at the Centro de Referência da Juventude.

My work as a guitar teacher attracted the attention of a well-known DJ from Cidade de Deus, DJ Bel, who was interested in playing guitar and asked whether I could teach him some basic notions of music theory. In exchange, he began giving me lessons in music production in funk carioca. What began as a reciprocal teaching relationship soon became a close friendship and a working partnership. By mid-2017 we had started producing a number of tracks together and for about a year I spent time daily at Malibu Produções, Bel's studio in Cidade de Deus, working as a music producer and recording keyboard arrangements for several funk tracks. Bel's trajectory resembles that of many of the artists I interviewed over the years. He began as a DJ in the early 2000s and rapidly became the music producer for a group that subsequently achieved considerable national success, Bonde dos Hawaianos. Their success brought a period of prosperity for all members of the group, as well as Bel, who built a house for his mother and an apartment for himself, both in Cidade de Deus. But the group broke up in 2011 and shortly afterwards Bel also left the Hawaianos, entering a period of financial hardship. When we met, he was still struggling to make a living from his art, trying to avoid the kinds of jobs that most of his friends in Cidade de Deus relied on like construction work, driving or delivery-app jobs.

When I first arrived at Malibu Produções, Bel was committed to developing a technique then still relatively uncommon in favela studios: 'harmonising' a funk track. At the time, it was rare to hear productions that used keyboards in funk carioca and he wanted to be among the pioneers of this practice. The vocal and compositional style of the Hawaianos is known in the funk world as *montagem*.[4] This involves a type of vocal delivery in which there is no particular concern with melody, nor necessarily any harmonic relationship between the MC's vocals and the track's rhythmic base. In other words, over the course of his career as a DJ, Bel's production techniques had not depended on any specifically 'harmonic' knowledge. The basic mode of production used by DJs in the 1990s and 2000s involved three elements: the beat, the rhythmic pattern that underpins the track; the *pontos* or points/stitches, that is, short sonic fragments drawn from various sources, also known as samples (in English); and the acapellas, the MCs' vocal lines. One of the most polysemic terms in the funk lexicon, the *ponto* has elsewhere been defined as 'a short, recurrent melodic or rhythmic phrase, in the manner of a vocal or instrumental riff, which the DJ-producer adds to the combination of

4 A polysemic term that translates variously as editing (a film or music), assemblage (of elements), sampling (music) or mounting (an exhibition), for example, depending on context.

the base' (Palombini *et al*. 2018: 9). This type of production can be heard in various tracks by the Hawaianos released between 2005 and 2011.[5]

Bel's dedication to mastering the keyboard and acquiring some basic notions of harmony was driven in part by his desire to produce work capable of reaching a public beyond the circuit of favela *bailes* and the limits that this circuit set on earning a living. In other words, Bel wanted to produce tracks that not only became hits but also generated income. Success and money do not necessarily go hand in hand in funk carioca. A track may explode in the favela *bailes* and become widely known among regular frequenters, but since these events involve no collection of copyright royalties and artists often perform for free, success in the *bailes* does not necessarily translate into financial return. Bel wanted to make the leap into more lucrative musical circuits, following the example of the most successful production style at the time: São Paulo funk. It was as if there were some kind of magical property in the harmonies and in the melodic delivery of the MCs. Something in the very structure of the tracks that could account for their success, their effectiveness. Together, Bel and I began working intensively in the studio, trying to create arrangements inspired by what the DJs in São Paulo were producing, engaging in a series of sonic experiments that sought to emulate the same magical effect. The studio functioned as a kind of laboratory in which we tried, through trial and error, to develop the most effective *feitiço* ('magic spell') to achieve success.

The funk produced in Rio de Janeiro's favelas during this same period displayed very different characteristics. The explicitly sexual content of the music, the references to the trade in illicit drugs, the intensive use of samples and mixes, as well as the short formats – with songs often consisting of just one or two phrases – made this style of funk far less marketable to a mass audience, despite being extremely popular in Rio's favelas. The hundreds of *bailes* that take place every weekend are the main context in which the city's favela DJs practise their art. The *bailes* thus constitute a circuit of musical production and enjoyment that generates its own characteristic codes, values and affects. Through my daily work in the studio, I learned that for DJ Bel and other artists, the *form of a track* – what I call its *sonic design* – can be a decisive factor in its circulation or commercialization. *Technical* issues relating to sound quality, compositional format, lyrics, styles of *montagem* ('editing') and modes of production are fundamental in determining how a track will circulate. Moreover, Bel was not the only artist who recognised the relationship between these elements and the different circuits. Many of his views were widely shared among funk artists, as illustrated by debates surrounding a highly popular type of production in Rio's favela *bailes*: the *carimbadas* – tracks with short lyrics that suit the dynamics of the *bailes*, where *montagens* (edits) predominate.

Carimbadas are composed with 'blank spaces' that can be filled in as needed. DJs favour the circulation of these tracks as a way of drawing attention to themselves and demonstrating

5 One example is the song 'Sequência do Pente,' released by Furacão 2000 in 2007: https://www.youtube.com/watch?v=1IauTSswbQE

that they are important references in the funk world – important enough to receive this kind of homage from MCs. *Bandidos* also often frequently ask for these tracks to be played as they connote status. The MCs, for their part, record these versions because they know how much these customised tracks can enhance the visibility of their work: indeed, those who adopt this format in many of their compositions tend to achieve far above-average prominence in funk carioca. Tracks structured in the *carimbada* format were hegemonic when UPP activities were at their peak. One of the most famous Rio MCs between 2014 and 2017 was TH, an icon of this style. The sheer number of *carimbadas* recorded by him makes it impossible to speak of any 'original' version that would have primacy over the others. One example is the track 'Rei Delas' (Their King):

Nós é os porra louca, os tralha cheio de pepeca	We're the crazy lot, the crew with all the pussy
Pra mamãe _____, pras malandras rei delas	For the mamas _____, for the bad girls, their king
Pra mamãe_____, pras malandras rei delas	For the mamas _____, for the bad girls, their king
Marrento, bem cheiroso, gostosin pra elas	Cocky and smelling good, tasty for them

(MC TH – 'Rei Delas')[6]

Nonetheless, the characteristics of the success achieved by TH reveal the limitations of the *carimbadas* and their consequences for MCs. Although the examples cited above were played endlessly by favela DJs, the tracks that actually propelled the MC to success on radio stations in Rio de Janeiro and other Brazilian states followed a different structure. One example was 'Vidro Fumê' (Tinted Glass), released in 2015:

Vidro fumê, rolando vários becks	Tinted glass, rolling joints
Som no último volume, escutando Felipe Ret	Sound turned right up, listening to Felipe Rat
Do jeito que elas gosta, hoje eu tô carente demais	Just how the women like it, today I'm real needy
Os menor é sagaz, é os que te satisfaz	The boys are cunning, ready to satisfy you
Várias danadinhas no contatinho do pai	Some wicked girls on daddy's contact list
Faz ela sentir prazer, dá linguada que ela se contrai	Let her feel the pleasure, a lick that makes her squirm
O macete é tu deixar com gostinho de quero mais	The knack is to leave her with the taste for more
Várias danadinha no contatinho do pai	Some wicked girls on daddy's contact list

(MC TH – 'Vidro Fumê')

In this second example, in addition to the longer sets of lyrics, there is no room for references to DJs or their communities of origin. Unlike the *carimbadas* (tags) created to be incorporated into DJs' *montagens* (edits), compositions such as 'Vidro Fumê' foreground the MCs and are more marketable products for radio stations or for music-distribution platforms in general. *Carimbadas* and their relationship to DJ *montagens* have since become a recurrent topic of

6 Light version: https://www.youtube.com/watch?v=kQLDOONE0dE. Favela version: https://www.youtube.com/watch?v=a6hxdCjMtu8

debate among DJs and MCs. In their *montagens* at favela *bailes*, DJs combine a series of tracks, or track excerpts, like the ones mentioned above. When these *montagens* are made available on digital platforms, authorship is not attributed to the MCs who contributed the vocal lines but to the DJ who produced the mix. This dynamic has plunged the vast majority of MCs into anonymity while propelling DJs into an unprecedented prominence. Not infrequently, the imbalance between these two categories of artists generates indignant reactions, as in a Facebook post made by MC Rian in August 2018 and shared by many of his colleagues:

> The MC records, records, records and puts out vocals, records the *carimbos* and in the end? Nobody releases them, nobody plays them, and on YouTube the MC's name doesn't appear, only the DJ–producer's! DJs on a roll grab the vocals and only release the *carimbos*!
>
> No one has the guts to record and then watch their work go nowhere! To all the DJs out there, the DJs who ask me for *carimbos* in the chat [saying] 'with all due respect' and to DJs in general [who say] 'sadly I only play *carimbo*, only editing acapellas!' (...) This business of free vocals in Rio is over. MCs and DJs together we're stronger and together with friends I'm backing this idea as well! All for a better funk! #RJ150BPM (MC Rian)

Rian's tone of revolt in the post is comprehensible. That same year, one of the most played tracks in Rio de Janeiro would receive music video treatment on Kondzilla. 'DJ do Baile Toca Aquela,' performed by MC Novinho from Cidade de Deus, was a smash hit throughout Rio's favelas. Despite its success, the track consisted of an astonishing two verses: 'DJ ___, play that one! / DJ from ___, play-play that one!' The track's phenomenal popularity owed much to the MC's smartness, which in a sense captured an era marked by the intense demand for *carimbos* among DJs, and, of course, to Novinho's willingness to record several hundred versions. To justify filming a music video, he had to create two additional verses and then repeat the entire composition several times over the three-minute track. The five hundred thousand views achieved by 'DJ do Baile Toca Aquela' can be considered a failure compared to other videos on the channel. Also in 2018, another post went viral among funk carioca MCs:

> I don't much like exposing my personal life on social media, but we need to open this up for debate. *Carimbos,* do you really think they're still effective? Working as a street vendor, I saved up the money needed to buy a brand-new motorbike in cash, but I chose to invest in my dream and build my studio from scratch. And I did it in six months. Then I spent another six months recording every day for everyone who asked, famous or not, for a packed *baile* or playing in a bar. Out of every ten *montagens* in 2015 and 2016, five had my vocals. (...) And now today we're fighting for a right that should be ours, recognition for the work we create, and there are still people out there who go against us and say we're talking too much. #McNãoéMontagem (MC DK)

On one hand, *carimbadas* continue the references to places and people typical to funk carioca over the years. Yet the spread of music production technologies – especially personal computers – has restructured the tendency that predominated in previous decades in which live productions leaned towards specificity and studio productions towards generality. Con-

trary to what the earlier tendency might have suggested, the end of live recordings led to an intensification of specificity in the references: artists now record multiple versions for particular DJs and favelas. To a large extent, this is the result of an increasing 'de-industrialisation' of the funk carioca world, driven by the decline of the favela *bailes* and by the hegemony of São Paulo funk spearheaded by Kondzilla. By de-industrialisation I mean the inability to generate profit from music-*qua*-product – that is, to enable the circulation of these tracks through channels that pay copyright royalties.

In the 1990s and 2000s, the mediation between favela *bailes* and the wider recording industry promoted by sound-system crews like Furacão 2000 helped drive a tendency towards generality – towards tracks of a more or less standardised length and, simultaneously, towards the MC as a marketable product. The *montagens* created by DJs, by contrast, are conceived to be performed for the here-and-now moment of the party. They do not fit the three-minute song time that has prevailed in popular music ever since the advent of sound recording. With the shrinking of spaces in which they could present their compositions, MCs found themselves reduced to mere raw material for the *montagens*. And in the absence of a market in which they could generate income from music – whether through radio, television or performances where copyright royalties were collected – what remained was the pursuit of 'fame':

> As iconic and reflexive code, fame is the *virtual form of influence*. Without fame, a man's influence would, as it were, go nowhere; successful acts would in effect remain locked within themselves in given times and places of their occurrence or be limited to immediate transactors. The circulation of names frees them, detaching them from these particularities and making them the topic of discourse through which they become available in other times and places. Since fame is the circulation of persons via their names (...) it typifies the capacity for subjective relocation and positive reconstitution of the self that is fundamental to the transaction process. (...) fame reflects the influential acts of the actor back to himself from an external source (...) the actor knows himself as someone known by others. (Munn 1986: 117, cited in Gell 2001: 285)

This passage from Nancy Munn's work resonates in a surprising way with the question of the *carimbadas*. The context in which the author developed this reflection, however, was quite different, the Kula ring in Papua New Guinea, a system of ritual exchanges that enables participants to accumulate prestige by carrying out successful transactions. The point of intersection between two such distinct contexts – the Kula and the *carimbadas* – lies in the fact that in both cases the objective of actors 'is not the acquisition of wealth as such, or the power which wealth confers, but the transformation of the self into a spatio-temporally expanded form' (Gell 2001: 284) – in other words, fame.[7]

In highlighting this aspect of the *carimbadas*, I do not mean to suggest that they are not commodities – or, rather, not commodities at some moment in their careers as things.

7 It is worth noting that the exploitation and erasure of MCs has a long history in funk carioca, as already highlighted by Adriana Lopes (2011) and Micael Herschmann (2005).

As Timothy Taylor observes: 'Without capitalism, after all, most of what we think about music wouldn't be possible. (...) Capitalism has power fully shaped not only the production, consumption, and distribution of music but also the roles that music plays in people's lives' (Taylor 2016: 2). Yet although it may often appear inescapable, capitalism is not monolithic. Once produced, things are subject to rearrangements that make their status as commodities, to some extent, contextual: 'Out of the total range of things available in a society, only some of them are considered appropriate for marking as commodities. Moreover, the same thing may be treated as a commodity at one time and not at another' (Kopytoff 1986: 64).

Marx held that the value of a commodity derives from the social relations involved in its production and that the system of exchange is responsible for 'masking' this value. The commodity's capacity to detach itself from its real value leads to its fetishisation. But, as Kopytoff observed, 'some of that power is attributed to commodities after they are produced' (1986: 83). The author argues that commoditisation is a process rather than an absolute state of things. The intensity of this process depends on two factors: '(a) with respect to each thing, by making it exchangeable for more and more other things, and (b) with respect to the system as a whole, by making more and more different things more widely exchangeable' (1986: 73). The opposite process would be that of singularisation in which things are either too important or too insignificant to be commoditised. Absolute commoditisation and absolute singularisation, as the author himself recognises, are non-actualised poles in real life, where things exist along a continuum. My argument here is that the *carimbadas* are both products and agents of a cycle of de-commoditisation. On one hand, they are a response to the difficulties faced by the funk carioca economy in generating profit through the commoditisation of its music; on the other, they become singularised and, by their very constitution, harder to commoditise. This cycle produces effects that have been particularly detrimental for the MCs associated with the circuit of favela *bailes*.

In this scenario, the MCs are able to disseminate the tracks through the *carimbos*, but not their own names. By accumulating *carimbos* in a substantial number of tracks, the DJs see their names expand, nurturing the ambition of becoming 'Big Men' one day. A post from February 2020, published by DJ Lucian da Silva, raised in the Antares favela in Rio de Janeiro's West Zone, describes the conflicts that this dynamic generates between the interests of MCs and those of DJs:

> Cool, I think it's great when an MC's track goes big. But the only chance a guy (a DJ) who's just starting out today has of getting a hit is by making a *montagem*. And another thing: a high-level MC isn't going to send exclusive vocals or hand over some 'hit' to an unknown DJ – we've all lived that moment. The MC who sometimes records with you often doesn't believe in your potential, he sends vocals to everyone, and that's why the only way the *menor* [kid] can see his work getting played – even if only on the street corner or at the *bailes* where he appears – is through *montagem*.

The difficulty of projecting *carimbadas* beyond the circuit of favela *bailes* has led some MCs and DJs to cease composing tracks in this style or producing *carimbada* versions altogether. This is one example of how production and compositional techniques connect to the accumulation of economic capital or prestige –– an example linked chiefly to the form of the lyrics. There is, however, an eminently sonic dimension in which these kinds of disputes unfold beyond words. This will be the theme of the next section.

AUDIBLE MARKETS: STUDIOS AND DIFFERENT REGIMES OF EXCHANGE

One way of thinking about the connection between these musicalities and the circuits for which they are produced is to focus on the practice of the remix. The contemporary notion of the remix originated in the music industry and gained popularity through the radical experiments of hip-hop DJs in the 1970s. By cutting and layering fragments of particular tracks to create 'new' sonic objects, these DJs sparked debates around issues such as creativity, authorship and intellectual property (Rose 1994, Katz 2010). These techniques of (re)mixing anticipated to some extent a range of practices that spread throughout the twenty-first century, while simultaneously renewing discussions about older concepts such as 'bricolage.' In a broad sense, as Eduardo Navas (2018) has argued, the remix can be understood as the continual recycling and re-signification of material and immaterial things.

Today there exists a vast field of academic work known as remix studies, concerned both with understanding these artistic and creative phenomena and with the epistemological implications of the notion of remix itself. First, we need to clarify what is meant here by remix and how authors working on the theme have approached this notion. I draw inspiration here primarily from the collection *Keywords in Remix Studies*, edited by Eduardo Navas, Owen Gallagher and xtine burrough (2018). In this brilliant and provocative volume, the authors select one specific concept to open the collection: 'appropriation.' Appropriation can be considered the basic act that connects all practices understood as 'remixes.' At the same time, inherent in the notion of 'appropriation' is an assumption grounded in the idea of ownership. In the words of Owen Gallagher:

> Remix artists, due to their ongoing reevaluation of authorship in relation to creativity, are usually explicit about their borrowing, whereas the majority of 'original' authors borrow heavily from others without acknowledging their contribution in the new work. (...) The individual artist is always dependent upon external sources. The artist and author are merely secondary facilitators of cultural texts, weaving together tapestries of citations, intertextual artworks built upon explicit and implicit references to previous works, codified and connected to all other artworks that came before. Culture may be conceptualized as consisting of bricolage, remediation, and implicit participation. (Gallagher 2018: 16)

Gallagher's reflections simultaneously encompass the politics that permeates the act of appropriation, the relationship of this act to the creative process more generally and the ways in which this notion becomes entangled with the idea of 'culture.' In addition, he introduces another concept often treated as synonymous with remix: 'bricolage.'

Exploring the similarities and differences between remix and bricolage, Annette N. Markham (2018) recognises that the two notions resemble each other to a considerable extent. Although she maintains that using one or the other as synonyms is not necessarily problematic, Markham undertakes a reflective effort to distinguish them. First, she argues, there is a difference of status: the notion of bricolage, ever since it was systematised by Claude Lévi-Strauss, has become commonplace in academic usage, whereas remix is a relatively recent term. Second, there is a difference concerning the 'product.' Bricolage presupposes a more or less finished product, the outcome of a process of assemblage, whereas the notion of 'remix,' according to the author, focuses on the continuous and inherently open-ended process of remixing, fixing our attention 'on the way temporally situated arguments are assembled and reassembled as they traverse various audiences' (Markham 2018: 51).

Despite these qualifications, Markham agrees with other authors that there are more similarities than differences between the notions of remix and bricolage, proposing that the recognition of these practices as constitutive of knowledge production entails a new epistemology. Bricolage, or remix, would be ways of constructing a relational understanding of the world – not an explanation of nature, but an explanation of our relationship with nature. Citing Derrida, she observes 'if we accept how culture and knowledge is enacted, understood, or made sense of, everything could be considered bricolage' (Markham 2018: 47).

The remix practices associated with the emergence of hip-hop in the Bronx and Jamaican reggae, as well as Brazilian hip-hop and funk, are profoundly linked to the African diaspora. In her classic article 'A categoria político-cultural de amefricanidade,' the anthropologist Lélia Gonzalez argues that the concept of *amefricanidade* is capable of encompassing 'the entire historical process of intense cultural dynamism (adaptation, resistance, reinterpretation and the creation of new forms) that is Afro-centred' (Gonzalez 2020: 135). For Lélia Gonzalez, the African diaspora – as a historical experience shared by *amefricanos* – involved processes of cultural reinterpretation and re-creation even within a racially hierarchical system produced by colonial violence (2020: 133). The author also highlights the fact that these re-creations produced by the colonised had an impact on the coloniser, as exemplified by the Portuguese spoken in Brazil, which she calls *pretuguês* because of the contributions of the Africans brought to the country by force. Something similar was observed by Stuart Hall (2003) and by Kobena Mercer (2010), the latter through the idea of 'cosmopolitan contact zones.' The formal aspects of musical production in funk carioca are therefore connected to a musical economy that involves remix practices, market dynamics and a racial politics.

For the purposes of the present article, I propose two 'ideal types' as a way to differentiate 'Rio de Janeiro' and 'São Paulo' styles of musical production: the Sampler-DJ (*DJ-Sampleador*) and the Arranger-DJ (*DJ-Arranjador*), respectively. I refer to these as 'ideal types' because we can identify numerous São Paulo productions that follow a sample-based *montagem* style similar to the kind predominant in Rio de Janeiro's favela *bailes*. The reverse also occurs:

productions featuring the harmonic arrangements popularised by Kondzilla are now quite common among Rio DJs, although they remain extremely rare within the *bailes* themselves. The distinction between Rio de Janeiro and São Paulo, though, formed part of the lexicon of my interlocutors during the period when I conducted the fieldwork informing this article and so I have retained it here. Among the many possible examples of each production type, I select two that are chronologically close. The set by DJ Zóin from Cidade de Deus, released in 2018, fits what I refer to here as the Sampler-DJ.

In DJ Zóin's set, the act of sampling comes to the fore. He clearly appropriates sonic fragments from diverse sources to create a very specific sonic object, designed to be effective in a *baile funk*. The voices of the MCs are sliced into short segments – small phrases – meaning that the result diverges from the pattern of commercialised 'songs' broadcast on radio or television. There is also no concern about copyright with the music aimed squarely at its narrower audience: the favela *bailes* of Rio de Janeiro. The appropriations made by DJ Zóin are not just copies, however: funk carioca DJs have developed a high degree of skill not only in identifying an interesting sound but in sensing what that sound *might become*. In other words, the fragments they appropriate are clipped and transformed through a range of techniques until they become 'new.'

In São Paulo, by contrast, a full-blown industry has developed and a new kind of funk has achieved success, characterised above all by the use of harmonies. One example is the track 'Fazer Falta' produced by DJ Perera and performed by Livinho, one of Brazil's most famous MCs, both of them from São Paulo.[8] Although this is not immediately evident in the work of the São Paulo producer Perera – an ideal-type of Arranger-DJ' – he also appropriates compositional, arrangement and production techniques from other artists. This has been demonstrated with aplomb by the musicologist Carlos Palombini (Palombini et al. 2018) who undertook a kind of 'archaeology' of the harmonic experiments undertaken by various DJs, culminating in the type of harmonic production exemplified by Perera. Returning to Gallagher's observations, the 'original author' is simply more effective at 'concealing' the borrowed sources (Gallagher 2018). Perera's production also contains other important formal features: it provides the base for a single MC, following the more marketable song format, and is more like 'pop' music, reaching audiences far beyond the favela *bailes* and neatly fitting the YouTube channel for which it was produced.

In calling attention to the formal differences between these two types of production, I evoke the notion of style presented by Alfred Gell in both *Art and Agency* (1998) and *The Art of Anthropology* (1999). For Gell, style is constituted as 'relations between relations' in which artworks must be understood through the formal characteristics they share with other artworks. Different artistic practices are not merely repositories of symbolic propo-

8 https://www.youtube.com/watch?v=b9jo4mk0VQU This particular track was released on the 'GR6 Explode' channel, the second largest in the genre and also based in São Paulo.

sitions about the world but forms of action that seek to transform it (Gell 1998: 6). Rather than looking for some kind of 'representation' in artworks, we must understand them as the products of a technical system.

How can we think about artistic agency through production techniques in relation to time? In *The Anthropology of Time*, Alfred Gell proposes an approach to the cognition of time based on the philosopher Edmund Husserl's protentional-retentional model. Rather than treating the 'now' as a boundary between absolute past and absolute future, Husserl's model considers the 'present' as a kind of temporal horizon. This horizon is formed by retentions and protensions: the former are the projections we make from the past from our viewpoint in the 'now,' while the latter are the 'perspectival visions we have of the immediate future' (2001: 224. Husserl's theory challenges models based on the opposition between a dynamic present and a supposedly fixed and immutable past, proposing instead a system in which past, present and future are equally dynamic and where any alteration in one of these dimensions affects the others (Gell 1999: 240).

Owing to their formal properties, both of the tracks presented here can be viewed as later developments of funk styles recorded in earlier decades – retentions and protensions of their formal characteristics. The styles developed by Zóin and Perera radicalise earlier experiments with the possibilities offered by previous works, but their formal experimentations are guided by their implications for different audiences, techniques and modes of musical distribution. In the explicit or implicit use of samples, in the prevalence or absence of the commercial song format sung by an MC, there is a style – and with it, a politics – linked to creative practice and to the collectivities with which these works engage. Not styles as symbolic representations of those collectivities, but as technical systems that act upon them. The trajectories and interviews of producers, DJs, entrepreneurs and MCs reveal the different positions within this continuum as the outcome of fabrication processes, grounded in specific modes of production, techniques and apparatuses. These processes are generally linked to particular regimes of exchange. Studios are privileged spaces for observing this sequence as a whole because it is in the studios that production occurs and, for precisely this reason, they materialise the different levels of capital accumulation that the musical tracks enable, depending on the regimes of exchange into which they are integrated.

In his research on the French recording industry in the late 1970s, Antoine Hennion defined the process of producing pop music as the 'art of pleasing' (Hennion 1983: 188). The differences between his research context and the one informing the present work do not obscure several relevant issues raised by the author. By choosing as the focus of his analysis the work of musicians, producers, sound technicians and songwriters employed by major record labels, he saw in the activity of these professionals a 'permanent and organised quest for what holds meaning for the public' (1983: 160). More than a product of manipulation or a top-down imposition, the success of pop music is, in Hennion's view, the outcome of a

constant mediation in which studio professionals seek to capture – or anticipate – the 'public imaginary.' The resulting song is not produced first to be consumed later; rather, it is 'rather a simultaneous production-consumption process takes place first inside the studio, and the impact on those present must be repeated later on outside the studio' (Hennion 1983: 190). To 'introduce the public into the studio,' these professionals mobilise at least three basic resources: '(a) through techniques of cutting and mixing which introduce elements of everyday reality into the song; (b) through the presence of witnesses (...) and representatives of the public; and (c) through the working relationships, constituted by mutual criticism (...) by subjective listening (...) and by collective anticipation' (1983: 189).

Far from being exclusive to major record labels, I believe that the phenomena analysed by Hennion are constitutive if not of recording studios in general then at least of those dedicated to popular music. This is partly due to the fact that, in the context of his research, 'pop' refers to popularity in the sense of massification and dissemination among a broad public, rather than a specific production style, as in the case analysed here. Hennion's effort to counter authors who focused on the particularities of the culture industry as a product of a capitalist system – including Benjamin, Adorno and Horkheimer among others – ultimately limits his analysis. Undeniably, the ways in which studio professionals mediate between the public and the record labels are fundamental to the success of the 'music-object' – to use Hennion's terminology. Yet his approach fails to explain why, within the universe of songs resulting from the mediation between producers and audiences, only some attain mass success.

The type of mediation described by Hennion resembles what Mylene Mizrahi observed in her research on the collective of MCs and DJs with whom Mr Catra – one of the best-known artists in funk carioca – performed. Drawing on her field experiences, Mizrahi argues that 'funk artists also find pleasure in pure creation but also they never cease to openly express their desire for their output to circulate. For them, art is that which circulates, not something that remains confined to the sphere of the extraordinary' (Mizrahi 2016: 255). Taking circulation as an objective requires an exercise in anticipating what the public wants, as well as anticipating *which* public this involves: 'creation (...) places production and consumption into relation, since "everything has a circuit" and it is this "circuit" that provides the "standard," the touchstone for the production and variation of tracks. It is the public and the reception that must be prioritized' (2016: 262). As an example of adaptation to this circuit, Mizrahi cites the fact that in the first decade of the 2000s artists previously associated with *proibidões* migrated towards *putaria* in search of increased circulation of their output.

The desire for musical production to circulate, the mediations that enable this desire to be realised and the existence of different circuits were all features I also observed in my own fieldwork experiences, as will be developed in the following sections. However, the author's focus on Mr Catra and his immediate network of relations led her to a somewhat distorted view of how these circuits were articulated during the period. In the first half of the 2000s,

Catra made a successful transition to *putaria* and became one of the main exponents of this subgenre. According to Mizrahi, this transition was the result of *proibidão* being 'suffocated,' largely as a result of police repression targeting the leading exponents of the style (Mizrahi 2016: 265). In Rio's favelas, however, the second half of the 2000s – the period in which most of Mizrahi's ethnography is concentrated – can be considered the most productive moment for *proibidão* performers, a success propelled by the rise of the Chatuba *baile* as one of the epicentres of funk carioca production and enjoyment (Facina and Palombini 2017). Pointing out that *proibidão* was not necessarily experiencing a period of decline in the latter half of the 2000s does not contradict the author's observations regarding the greater 'permeability and acceptance' of *putaria* (Mizrahi 2016: 266). My intention is simply to emphasise that Catra and his associates were producing their work with an eye to a wider circuit of listeners, not limited to the favela *bailes*. Through its permeability, *putaria* was able to mediate access to more expansive and consequently more lucrative circuits. Compared to the *proibidões*, whose thematic content was closely linked to everyday life of Rio's favelas, the sexuality expressed in *putaria* had wider appeal.

The *putaria* style enabled a wave of media visibility for funk carioca at the turn of the millennium, with performances on television programmes and strong commercial success – always, of course, in its light versions. Popularity did not make it a 'pop' genre, though.[9] In their production techniques, vocal styles and compositional forms, the tracks made by Tati Quebra-Barraco, Bonde do Tigrão and others condensed the inventive agency of the contexts in which they were created: the *bailes* of Rio's favelas. It was in dialogue with the expectations of this listening public that the *putaria* DJs and MCs created the songs that became nationwide hits. In Alfred Gell's terms, these tracks can be considered indices of the agency of their producers and, consequently, of the contexts in which they were created. Once detached from their 'neighbourhood of relations,' they come to inhabit a range of different contexts and are re-signified in diverse ways. Yet the transformations they undergo over the course of their careers, on the paths along which they circulate, inevitably engage with their own characteristics – with the types of abduction of agency they afford. Detached from their original contexts yet simultaneously a condensation of those contexts, the tracks act as 'ambassadors' of their creators and as indices of their social agency.[10]

What I am proposing is that this notion of social agency materialised in the 'sound object' must necessarily consider the 'mode of production' – the kinds of labour relations through which the music was produced. For example, the idea that time spent in the studio

9 This is not a characteristic exclusive to putaria or to funk but is also found in various musical genres that, despite their popularity, are not considered 'pop.' The argument advanced here applies to all such cases and focuses on the relation between particularity and generality, constructed simultaneously as an audible and a discursive phenomenon.

10 In the words of Gell: 'The ideas of "representing" (like a picture) and "representing" (like an ambassador) are distinct, but none the less linked. An ambassador is a spatio-temporally detached fragment of his nation, who travels abroad and with whom foreigners can speak, "as if" they were speaking to his national government' (Gell 1998: 98).

should be paid for by the artist did not apply at 'Malibu Produções,' the name of DJ Bel's studio in Cidade de Deus. In favela studios there is a level of informality uncommon in other contexts. I frequently compared the dynamics at Malibu with those of other studios where I had recorded or rehearsed as a musician. In the latter rehearsals, a specific time slot had to be booked and the period of use paid for – a policy strictly observed by the staff member in charge. Recording sessions were even more complex since they required lengthy periods of work and generally cost more per hour of studio time. To minimise expenses, musicians with lower budgets typically rehearse obsessively to avoid mistakes in the recording studio. Concerns of this kind are rare in funk studios in Rio's favelas.

Studios more intensely oriented by a capitalist rationality impose a series of demands on the professionals who work in them. In the edited volume *Palavra Cantada*, the vocal coach Felipe Abreu describes his contribution to a singer's performance as follows: 'When it comes to rehearsals and recording studios, the saying *time is money* holds true. This foments the expectation among others that the singer's performance should be more productive and efficient, using the shortest possible time (studios, musicians and sound technicians all charge by the hour)' (Abreu 2008: 125). According to Abreu, the vocal coach helps singers without formal training to optimise their time in the studio through warm-up and vocal placement techniques, thereby avoiding the need to repeat the songs excessively to obtain the best takes. Written by someone who has closely observed the day-to-day life of professional recording studios, Abreu's observations are highly representative of the logic that governs such spaces. Moreover, they reveal how the mode of production influences artistic practice and contributes to the shaping of particular sonorities.

Favela studios, by contrast, tend to be little concerned – if at all – with this rationing of time. A simple acapella recording, which could take less than five minutes, can easily stretch into an entire afternoon of conversation, joking around and, not infrequently, gossip. In these studios, what prevails is what Milton Santos called 'the time of slow men.' It may seem contradictory to describe as 'slow' the everyday life of artists who are constantly online, who manipulate foreign audio-editing software while assembling sonic fragments from global sources. Yet, as Santos notes, the logic of capital demands a rationalisation of space, modes of production and communication systems to optimise the flow of commodities. The profound inequality that shapes cities is, simultaneously, an inequality in the rationalisation of space: 'in this sense, urban ghettos, when compared with other areas of the city, tend to attribute relations of proximity with an even greater communicational content, due to a clearer perception of personal or group situations and to an affinity in terms of fate – an economic or cultural affinity' (Santos 2002: 324).

In this case, slowness contrasts with the universalising tendency of standardising rationality, creating space instead for proximity where the order of affective relations prevails and, as a result, place acquires prominence: 'popular culture has roots in the land where one lives: it

symbolises the person and their surroundings and embodies the desire to confront the future without severing ties with place and to obtain continuity through change. Its frame and its limit are the deep relations established between people and their milieu, but its reach is the world' (Santos 2002: 327). The focus on the circuit of the *bailes* is linked to the low level of concern with certain aspects of production such as mastering or vocal finishing, which are marginalised in favour of others – vocal delivery and the rhythmic base, for example. The scenario changes when other circuits come into view.

Studios are privileged environments for observing the different kinds of mediation undertaken by artists and, consequently, the type of circuit they aim to reach. At the same time, through their working relations and the technical apparatuses that enable (or fail to enable) this work, they *materialise* the different levels of capital accumulation permitted by these circuits. Finally, in the networks of people they mobilise, studios unite specific kinds of techniques incorporated by the artists who engage in them. These techniques, accumulated in accordance with each artist's context and trajectory, are linked to characteristic sonorities. These three elements interpenetrate: (1) the circuits with which artists align themselves, (2) the accumulation of capital materialised in the equipment, and (3) the technical repertoire of the artists. The techniques deployed by an artist can approximate or distance their music vis-à-vis a given circuit and thus influence the level of capital accumulation. Capital, in turn, enables or precludes the hiring of certain professionals, for example, and their respective technical repertoires.

At least three production/distribution circuits have shaped funk carioca since favela *bailes* became the primary centres for the genre's production and enjoyment. The first is, of course, the *bailes* themselves: an economy large enough to sustain a certain level of professionalisation among artists, yet highly dispersed, which results in a relatively low ceiling for individual capital accumulation. At the opposite pole stand the major record labels, concentrated around just a few artists, entrepreneurs and producers with significant capital at their disposal. Between these poles, different circuits have played a mediating role, occupied once by Furacão 2000, for example, and today by Kondzilla. The varying degrees of commercialisation of recorded music promoted by these circuits compose what I call 'regimes of exchange.' How, then, do these elements mesh with the question raised at the beginning of this section? In other words, what imaginary is mobilised when certain tracks are labelled as pop or not?

In an interview with the anthropologist Mylene Mizrahi, DJ Sandro, one of the artists who worked with Mr Catra, listed 'grittiness' (*sujeira*)[11] and 'low sound quality' as stylistic traits of funk carioca, while global electronic music, by contrast, would be more 'centred,' 'clean' and 'equalised' (Mizrahi 2016: 271). Discourses of this kind describe the continuum spanning from the funk produced in Rio's favelas to 'pop funk' as a process of 'cleaning up' or 'domesticating'

11 TN: The term *sujeira* translates more directly as 'dirt' or 'filth': in this context it approximates to 'noise' and suggests a similar aesthetic (albeit not the same musical style) to 'grunge.'

the music. Such cleaning involves a distancing from the favela. A wide range of techniques and devices are used to achieve this sanitisation. One of the most evident strategies is found in the construction of the lyrics themselves. As well as 'light' versions, in which some of the lyrics are altered, the thematic as a whole becomes a distinctive element. In this sense, *proibidões* tend to be intrinsically associated with the circuit of the favela *bailes*, while *putaria* is frequently seen as more permeable to other contexts. Another factor, again linked to the MCs, is the vocal style. In this case, mastery of melodic singing is crucial for making the leap between circuits. Slang, accent, colloquial pronunciation or syntax likewise operate as markers of where the musician is positioned within this spectrum. Humour is another salient feature. In the favela *bailes*, parodies – or versions – of well-known songs are commonplace, although for legal reasons they rarely circulate in contexts where copyright may apply.

Musical production as a whole is no less important. Audio fidelity and distortion levels in beats, *pontos* (samples) and vocals are just as significant as the lyrics of the songs themselves. For instance, certain types of backing tracks, such as heavier and more distorted drums, are routinely associated with *proibidão* by the DJs in the favelas. As we saw in the debates around 150 BPM, this does not mean that favela DJs lack aesthetic judgements about the quality of the audio and the material presented. Rather, a 'calculated grittiness' is involved, seeking to anticipate listeners' expectations by producing a track or set in the *pique do baile*,[12] while simultaneously maintaining particular concerns with quality, originality and so on. The type of equalisation applied to a track intended for playback on a huge sound system with the aim of making bodies of dancers shake at a favela *baile* is not the same as the type used for a track designed to be heard on domestic loudspeakers, for example. It is precisely in these mediations, focused on the circuit for which the music is intended and the technical skill of producers in adapting their work to the circuit in question, that particular sonorities take shape and simultaneously come to define how they sound. Audio fidelity – another factor that affects a track's capacity to signal 'cleanness' – also depends on the technical apparatus available to the artists. As we saw earlier in relation to DJs, personal computers significantly reduced the distance between musicians with lower and higher purchasing power. Even so, the effects of investing in equipment can still be heard, especially by trained ears.

Finally, we need to consider another major factor distinguishing the favela *baile* circuit from the 'pop' circuit: the use of harmonies. Since the consolidation of *montagens* (edits) as the principal production technique in funk carioca, most tracks have structurally depended on the triad of beats, *pontos* (samples) and acapellas. Throughout the 1990s and 2000s, *pontos* rarely performed as a harmonic component capable of supporting the vocal line. In other words, acapellas and *pontos* were kept separate rather than superimposed. This feature would have been an almost universal rule within the genre were it not for a style known as

12 TN: The expression *no pique do baile*, roughly 'in the dance party vibe,' widely used by favela DJs and MCs, refers to a style of production designed to appeal to the favela *baile* audience.

'funk melody' – a more 'palatable' or 'pop' strand of funk, produced through a mixture of production techniques. Major record labels and intermediaries like Furacão 2000 were able to hire professionals adept in using a technical repertoire foreign to the kind prevalent in the *bailes* – in other words, musicians, instrumentalists and producers trained on instruments such as guitar, bass, electric guitar and drums. Nevertheless, the fact that the use of harmony as a technique plays such an important role in distinguishing styles – and thus the different circuits in which they circulate – does not make this distinction any less arbitrary.

The home-grown production style, the use of low-quality equipment, the minimalism of the constituent elements, the off-key singing – in short, the sonic 'grittiness' – were defining features of another musical movement, lo-fi. An abbreviation of 'low fidelity,' this movement emerged in the 1990s as a kind of update of punk and its 'do-it-yourself' ethos. It is not a musical genre but a production style. As soon as the first recordings considered representative of lo-fi appeared, US newspapers and magazines began to describe it as a return to the era of garage bands, whose intimate ambience and certain amateurism were perceived as an antidote to the mainstream of the 1990s, 'too clean' thanks to advanced audio-editing technologies (Grajeda 2002: 357-358). As Tony Grajeda has shown, critics and journalists contributed to producing lo-fi as a discursive phenomenon through their writing, attributing an aura of authenticity to the style in contrast to the 'fakeness' of mainstream music and its technological manipulation. The irony, as the author notes, is that lo-fi was also invariably achieved through the use of high-end studio equipment and its 'rawness' – celebrated by some as 'authenticity' – was simply another technologically mediated mode of musical production (2002: 359).

Celebrated as indices of romantic authenticity in lo-fi productions, similar characteristics are frequently identified in funk carioca as signs of amateurism or a lack of technical mastery on the part of its artists. In both cases, we are faced with discursive practices concerning production techniques that have real effects on how the music is produced, received and, in a capitalist context, commercialised. The configuration of the different circuits of production-consumption in funk carioca also takes shape through discursive practices that help delineate symbolic boundaries. While these circuits take solid form – materialised in equipment, spaces of musical enjoyment and so on – they are not hermetically sealed, nor the positions that artists and songs occupy within them. As indices of the agency of their creators, yet detached from them, these musical tracks are capable of mobilising audiences in diverse contexts and can thereby mediate shifts within circuits or even profoundly reconfigure them.

FINAL REMARKS: CLASS, RACE AND SURVIVAL IN FUNK AS WORK

Funk is work. That is how many of the artists I interviewed and worked with over the years put it. The use of the term *work* signals that even in the favelas of Rio de Janeiro – where music circulates in a space that inhabits the threshold between commodity and gift – funk

is a source of income for artists and for the entire network of workers who revolve around its central institution: the *baile*. As we have seen, the *bailes* did not originate in the favelas, but they were the prime mover of funk as we know it today. Even now, it is largely through them that *funkeiros* dance, enjoy themselves and create. Musical production in the circuit of the favela *bailes* often runs counter to commodification processes.

The dilemmas faced by DJs and MCs from Rio's favelas – encapsulated at the time in the dualities of 'funk paulista' versus 'funk carioca,' 'professionalism' versus 'amateurism,' 'pop' versus 'favela *baile*' – speak simultaneously to sonic and market concerns. From either pole, however, producing music is work: a creative exercise aimed at being effective within a given circuit. From a commercial perspective, the favela *baile* may appear 'irrational.' *Músicas carimbadas*, 'calculated grittiness,' references to criminal factions and explicit sexuality are features that frequently hinder their commodification. In sonic terms, something akin to what Milton Santos observed about the poorer zones of cities occurs: *opaque areas* that resist hegemonic standardisation and are, for that very reason, producers of 'counter-rationalities' with a disruptive potential that challenges the dominant order by showing other possible orders and rationalities, vital for survival (Santos 2002).

As an ideal, 'pop' is frequently the locus of cleanness, purification and technicism where the 'ideal song,' the maximum sonic fidelity, the perfect construction of arrangements and technical mastery of instruments are treated as virtues 'in themselves.' This is the kind of technicism that Stefano Harney and Fred Moten (2013) associate with the neoliberal ideal of 'governance' – an ideal that is also racialised, a spectre that accompanies whiteness, as the authors note: 'governance is the extension of whiteness on a global scale' (Harney and Moten 2013: 56). Seeking to challenge and escape this standardising pretension, artists oriented towards the favela *bailes* produce 'objects that resist' (Moten 2023): sonic objects produced from, and for, the opaque zones that, owing to the inequality intrinsic to the reproduction of capital, elude the homogenising standardisation designed to facilitate the circulation of commodities.

This does not necessarily mean that we are speaking only of a *resistance* to capitalism, although, since it is produced in territories where its contradictions are the starkest, funk exposes its horrors and gestures towards dreams of other possible futures. In their discussion of the concept of survival, Facina, Silva and Lopes observe that 'the notion of survival – the agentive interval between living and dying, this suspension, the moment of the now – is also a set of tactics and strategies that correspond only partially to the notion of resistance' (2019: 20). The desire expressed by Bel and other artists to produce music for more lucrative circuits is bound up with the need to obtain just remuneration for artistic labour, something fundamental to their own subsistence. Even so, these artists continue to take the favela *bailes* as their principal circuit and point of interlocution. Negotiation and conflict are not perceived as opposites in this politics of survival.

Received: June 29, 2024.
Approved: July 21, 2025.
Translated by David Rodgers

This article was translated with support from 'The Vibrant Project: Publishing Indigenous and Black Brazilian Anthropologists in foreign languages,' funded by the Wenner-Gren Foundation for Anthropological Research as part of its Global Initiative Grant programme.

Acknowledgments
My thanks to the anonymous reviewers for the important provocations that contributed to the final version of this article.

Funding
Research funded by the Carlos Chagas Filho Foundation for Research Support of the State of Rio de Janeiro (FAPERJ).

Data Availability Statement:
The entire dataset supporting the results of this study was published in the article itself.

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Black Brazilian Anthropology

A critique of the anthropology of knowledge: experience and research

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Abstract

This article sets out to analyse a number of research approaches in light of Tim Ingold's provocations regarding anthropology as both a means of knowledge production and a field of knowledge, in communion and correspondence with life, people and things. Drawing from fourteen years of experience in different knowledge traditions – especially Capoeira Angola – I reflect on how these ways of knowing connect with academic practices and their specific professional methods. Ethnographic premises, I argue, especially those developed through autoethnography, should not be dismissed on the basis of Ingold's critique of ethnography. Finally, the article proposes that an expanded notion of knowledge can contribute to rethinking the epistemology of academic traditions, especially within Ethnography and Sociology.

Keywords: Anthropology; Knowledge; Ethnography; Autoethnography; Research.

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e00807
https://doi.org/10.1590/1809-4341.2025v22e00807

Uma crítica à Antropologia do conhecimento: experiência e pesquisa

Resumo

Este artigo propõe analisar algumas abordagens de pesquisa a partir das provocações ingoldianas sobre a Antropologia como um meio de produção e uma área do conhecimento, em comunhão e correspondência com a vida, pessoas e coisas. Assim, intento demonstrar, tendo em vista uma vivência de quatorze anos em distintas tradições de conhecimento, partindo de modo central da Capoeira Angola, como essas se conectam enquanto saber junto às tradições acadêmicas e seus métodos específicos de ofício profissional. Além disso, a ideia é também propor que os pressupostos etnográficos, tendo em vista a Autoetnografia como seu desdobramento, não podem ser desprezados com base na crítica ingoldiana da Etnografia, e que a noção ampla de conhecimento pode ser útil para pensar a epistemologia das tradições acadêmicas, que ademais se abrem em torno de inúmeras perspectivas a partir da Etnografia e da Sociologia.

Palavras-chave: Antropologia; Conhecimento; Etnografia; Autoetnografia; Pesquisa.

A critique of the anthropology of knowledge: experience and research

Luís Felipe Cardoso Mont'mór

INTRODUCTION

In this article, I discuss my fourteen-year research trajectory among diverse knowledge traditions, focusing primarily on Capoeira Angola, and encompassing the people and things that inhabit the locality where I lived these experiences, namely, the northeastern region of Brazil, along the coasts of Paraíba, especially, as well as Rio Grande do Norte and parts of Bahia. The concept of knowledge tradition I use here is taken from the research developed by Barth (2000b), in which the author examines social groups and their specialists as transactors of cultural knowledge. These traditions can also be understood as the diverse ways in which a group of specialists organises its understanding of reality (Barth, 1987) within a concrete world of objects. In this sense, scientists – and anthropologists, in particular – can be conceived as part of this same world, imbuing the notion of knowledge with a resonance that extends far beyond academic study to include local traditional knowledges, ethnographies and autoethnographies, constituting an expansive multidisciplinary field.

Accepting this premise, I wish to explore how anthropology, and more recently autoethnography, have contributed as practices of knowledge production and transformative reflection within my research, which I aim to extend through writing to a wider readership, based on my experience in the field. Accordingly, the article seeks to reflect on local modes of knowing and on epistemology, while also discussing the possibilities for developing anthropological and ethnographic research in a critical manner. Ultimately, the various critiques highlighted here can be seen to converge towards the same objective: an anthropological science more deeply connected to the self-in-the-world.

Along these lines, I wish to discuss the themes of learning and education by problematising the status of the apprentice in two knowledge traditions with which I have had direct experience: an Afro-Brazilian martial art (Capoeira Angola) and an Afro-Amerindian religion (Jurema), which will receive less emphasis here. This discussion will involve revisiting certain anthropological propositions from a critical vantage point, drawing on Ingold's provocations concerning anthropology and ethnography, while also including autoethnography and carnal sociology (Wacquant 2002), among other theoretical approaches with analogous objectives.

My intention is to use these methodological provocations to reflect on diverse epistemologies. I should make clear that I do not propose to conduct a full autoethnography here: instead, I discuss this mode of research alongside other methodologies – notwithstanding the recurring debate over method and theory – and how these approaches have dialogued with my ongoing doctoral research on Capoeira Angola.

I begin, therefore, by exploring the thought of Ingold (2010, 2015, 2020). In these three works, the author is emphatic about the role of anthropology as an education in practical attention to the world, involving both people and things. In one of these works (Ingold, 2015), where the author develops the notion of anthropology as education through the philosophy of Dewey, the notion of the *taskscape* is mobilised as a 'dynamic of landscapes' and 'joint tasks' within which individual skill is acquired. Through various analogies designed to ground these concepts, Ingold seeks to leave behind earlier anthropological ideas that tend to close off the discipline from the world, such as the distinction between nature and culture, environment and mind, and even society and life. Writing against these dualist philosophical notions, he advances his critique by revisiting, for example, Radcliffe-Brown's (1952) proposal (cited in Ingold 2015) to establish an 'analogy' between life and society rather than an identity, as Ingold proposes in his attempt to transcend this dualism. His critique extends to his understanding of landscape (not conceived as merely a repository of the mind). From my own perspective, I tend to agree with his critical position regarding dualism.

Ingold (2015; 2020) questions the premises separating university-based knowledge from knowledge transmitted outside the academy, located in what we customarily call the 'field,' which forms the basis of his critique of ethnography. Anthropology needs to transcend ethnography, he contends, since the latter, in his view, separates the subjects and objects of research, rather than fostering dialogue and learning between people in different positions. Ingold thus invokes the provocative idea of an *antidiscipline* (Ingold 2013b: 12, cited in Ingold 2020).

According to Cohen (2012), the anthropologist's task is to communicate knowledge and transcribe it through experience, remaining faithful to the data. Anthropologists thus engage with multiple aspects of behaviour in diverse contexts of cultural learning practices. In this way, they occupy a privileged position from which to describe how knowledge is created and transformed. Hence, we can identify two similar propositions in the authors cited above: first, anthropology as a form of knowledge and an education of attention within a lived environment; second, the privileged position held by anthropologists vis-à-vis contexts of practice and learning, placing them in a singular professional role of describing how knowledge is produced, mediating between distinct contexts that transform reality. Anthropologists can be said to work precisely where different forms of practical knowledge are generated, promoting dialogue between diverse modes of thought, which does not necessarily result in culturalism.

Drawing on my fieldwork experience as a trainee professional, occupying a position of privileged mediation, I intend to reflect, therefore, on how these two places of learning – situated inside and outside academia – overlap and how they are also imbued with complex

relations in the construction of the self as an experimental professional (setting out from the experiment of a relationship with the world) and with knowledge that is transformed through research experiences.

However, does the anthropological proposal of freedom and antidiscipline (to use Ingold's term) tend to converge towards a role more strongly idealised by the scientist in relation to the real, as Weber (2001) proposes? Yet it seems to me closer to the contingent complexity of reality than to an organising position on the part of scientists and their ideal types, for example. Conversely, the reality of knowledge traditions, including the academic tradition itself, is that of an environment controlled by its specialists and by status relations,[1] aimed primarily at maintaining its own reality. This leads me to wonder whether this antidisciplinary freedom is truly possible when the researcher is part of the same environment of practice that he or she researches, as is my case, and as becomes evident in autoethnographic research.

Abu-Lughod (2018) begins her inquiry by criticising Clifford and Marcus (1986) for omitting 'two fundamental groups' in their critiques of cultural anthropology: feminists and 'halfies' (mestizos). In response, she brilliantly proposes both a writing 'against culture' and an 'ethnography of the particular.' The latter, she explains, entails a form of writing that corresponds to the actions of individuals in their particular lives, without excluding extralocal considerations. It is, she suggests, a question of telling stories about individuals as a way to avoid the cultural generalisations of 'otherness.' This reminds us that individuals are always socially positioned through their distinct social and political attributions.

Ingold's notion of *antidiscipline*, on the other hand, names an academic practice that eschews rigid parameters, but perhaps may not apply to knowledge produced outside academia – and perhaps not even within it, depending on the situation, as I intend to discuss below. However, if these two places are blurred, then this provocation must hold for both insofar as the possibility of such experimentalism is concerned. In this sense, it is important to mobilise formulations relating to autoethnography, which seek to address this dual relationship between the professional researcher (ideally distanced) and the researcher who inhabits the world and experiences it through a range of emotions and sensations. Both positions are crucial for epistemological reflection, clearing space for a more robust discussion of the researcher's position in relation to those who inhabit the field of study, situating us within a space where the notion of the other is continuously under debate.

To develop this proposal, I turn now to a discussion of the knowledge traditions embedded and manipulated by local practice groups. Knowledge traditions are maintained by groups and their specialists. Evans-Pritchard (2005) had already observed that a group – conceived here as one preserving a given tradition – comprises a set of people internally distinguished by reciprocal relations and who differentiate themselves from other people, thus acting in

1 See Barth (2000a).

relation to their interior and exterior. A person, Evans-Pritchard proceeds to observe, may simultaneously be a member of a group and excluded from it, insofar as the values guiding both the person and the group are conflictual and situational. Thus, the cohesion of a group depends on diverse kinds of forces.

I raise these questions precisely to stimulate a reflection on the production of knowledge within anthropology as a discipline, as well as the vital knowledge produced by social groups, both human and non-human, often beyond academic settings – the kind of provocation Ingold himself poses in his critique of ethnography. Anthropological and ethnographic debates can become particularly fertile when they expose the conflicts, power relations and hierarchies shaping the sites where knowledge is produced. In this way, the anthropologist's role comes into sharper focus: in my own case, as an apprentice who is at once subordinate and deeply engaged in the knowledge involved and who also transmits written, filmed, photographed or drawn materials far from their 'original' sources, generating new reflections in the process. This position, Ingold (2020) argues, should be that of an apprentice. It is important to emphasise, therefore, that a power relation always exists in the production of such vital knowledge and that the dual boundaries between the local and the universal – to which academic knowledge sometimes tends – can be critiqued by understanding the learning process as a general, situated experience in the world. In this sense, learning is not necessarily a free and boundless practice.

Nonetheless, it is still possible for the anthropologist to act as a participant observer with a rebellious potential – exploring the critical potential that Ingold's approach affords – while also moving between and comparing different forms of knowledge across multiple environments. In other words, the anthropologist can (and generally does) traverse distinct groups and localities. It is in this sense that I intend to explore this double belonging, considering the status of the apprentice anthropologist in a broad sense: as both a 'professional' researcher and a person who practises a particular knowledge tradition, someone who may also be a professional within the tradition concerned – in this case, Capoeira Angola.

APPRENTICESHIP, EDUCATION AND STATUS THROUGH RESEARCH EXPERIENCE AND HOW THESE NOTIONS INTERCONNECT

In seeking to allow these notions to converge, my aim is to explore apprenticeship and education within a specific tradition, emphasising how these processes also occur in anthropological research too – that is, how knowledge is formulated in a situation of learning, but also in a research context that involves a readership and the issue of representation, as Abu-Lughod (2018) highlights. Yet beyond this aim, my primary concern is to examine how a researcher learns in the situational context of anthropological investigation.

When I first set out to conduct fieldwork, I found myself faced with knowledge traditions that, while part of my familial and geographical reality, were somewhat distant from

my primary process of socialisation (Berger and Luckmann, 1985). This distance became clearer when I began to take an interest in studies of the Jurema religion, a context that also elicited questions of familial and consanguineal belonging, since my great-grandmother had been a priestess within the tradition. I was unable to learn about this religion while she was alive, however – an experience that would only come about later when I entered the university, exploring a dual pathway of self-knowledge and academic research. So these works, which I began to undertake after entering the university, functioned as a new perceptual opening – in Ingold's (2010) sense – on both sides of what is typically conceived as the divide between academia (the university) and life, a separation that both Ingold's thought and the autoethnographic perspective tend to reject. This situation should also be comprehended as an initiation into a new professional field – in this instance, the world of academic research –which can also be viewed as part of a new perception of reality. When I speak of knowledge, here, I am referring to the social construction of reality, both academic and what might be considered non-academic.

In this regard, there exists a diverse range of studies addressing knowledge and learning, within which I locate Ingold's perspective as a provocative guiding thread for this work –though other approaches could be cited. It is important to emphasise that when dealing with the anthropology of knowledge, we need to consider multiple and not always convergent perspectives, as well as the specific contexts in which such knowledge is produced and reproduced, since these are of profound relevance to the systems emergent from them.

Lave (2015), a key scholar of learning and knowledge, posits that culture and learning are situated in relation to one another in the moment of practice. For her, it is impossible for us to speak of learning without reckoning with its contextual, political, cultural and historical entanglements, problematizing both its coherences and incoherences. Although her approach resembles Ingold's in various respects, the latter critiques the premises of cultural transmission, while Lave does not problematise them as such, since, for her, learning is the implicit outcome of social coexistence – something that, for Ingold, cannot be distinguished from organic and perceptual life.

In other approaches pertinent to the study of knowledge, we find the institutional affiliations of individuals, which shape and recreate distinct technical objectives. This type of knowledge is understood as *situated* (Uribe 2014), a notion first introduced by Lave (2015). In this sense, it becomes possible to distinguish, for example, between data produced in controlled environments like laboratories and data generated in the field. Through the notion of *technological transfer*, one flow of data can be conceived to influence the other, especially, as Uribe discusses, in the context of scientific projects conducted in collaboration with rural communities.

This moment of experiential exchange, so to speak, in contact with the environment generates new forms of knowledge (Uribe 2014). Following Lave's premises still, culture is neither something transmitted nor acquired – or, rather, this is not the right question to ask. Instead,

she argues, we need to focus on how the practical changes involved in cultural, collective and personal processes are historically situated and shaped by these scenarios (Lave 2014). The conception of history as transformative is also central to Ingold's position, although he does not attribute significance to the concept of culture.

According to Nazarea, when it comes to advancing studies of knowledge, two types of work exist that focus on local knowledge: one concerned with the internal coherence of so-called native knowledge systems, and another that seeks to demonstrate the universal primacy of the intellect by comparing non-Western native forms of knowledge with Western varieties. Through the framework of *cultural ecology*, Nazarea argues, we can distinguish between native knowledge and ethnological categories. At this intersection between research and native knowledge, the positionality of individuals the existence of hierarchies can be rendered visible, thereby highlighting perceptual environmental data and historical, social and economic components (Nazarea 2006).

This appears to be a useful complement, allowing us to work with both the perceptual and skill-based arguments developed by Ingold and the influential elements of power relations, less explicitly addressed in his work.

Continuing the autobiographical narrative explored in my research, while field experience offered me a reality distinct from my own, albeit still part of my wider cultural environment,[2] my experience at university brought other kinds of learning, more universal and comparative. These functioned as tools for explaining the experiences I was living and the new perceptions that emerged in my social life through my engagement with earlier academic theorists. So novelty was present in both settings: the academic (more universalist) and the extra-academic, what we conventionally call the 'field,' but which was, in my case, part of my own neighbourhood. In Barth's (2000a) terms, this can be understood as an experience of diversity within a complex society, grounded in the recognition that diverse traditions exist, generating multiple cultural flows within the same territory. Furthermore, the notion of technological transfer, discussed earlier, can also be invoked here, to describe the circulation of knowledge products through distinct situational contexts.

While I was emerging in the academy as a researcher beginning to learn how to study my own locality, the places where I conducted field research demanded a presence that went beyond that of a university researcher: they required me to be a co-participant within those groups, practising their knowledges and advancing through their initiatory stages. In both environments I was learning, though not always and not in every case. What I learned was something that had to be practised, since the process demanded ritual initiations and a hierarchical submission for which I was not prepared to follow. At the same time, my identity as

2 Culture is understood here in Barth's (2005) terms, as the creative materials manipulated by social groups.

a researcher was also present since I identified myself as such on entering the field[3] and did not necessarily wish to be initiated and become an insider. Here, above all, what came into play were relations of distancing and close experimentation of the knowledge I encountered.

According to Ingold (2020), knowledge is acquired in a peaceful manner and the discoverer acts through a certain passivity in relation to the experiential world – though this passive stance is, paradoxically, itself a form of action. Ingold proposes, therefore, to organise the activity of knowing within a dual triad: volition, agency and intentionality; and habit, *agencement* and attention (Manning 2016: 6, cited in Ingold 2020: 45, author's emphasis). The author conceives science as a correspondence that is not detached from the empirical world, but rather unfolds with things and people, guided by organic impulses that later become reflexive. In this sense, anthropology becomes an educational process in which we place ourselves in a position of vulnerability and, I would add, disequilibrium, as I propose here through capoeira[4] training and games, as well as through the intoxication of the spiritual entities of the *terreiro*.[5] The vulnerable state, therefore, should be seen as the central point at which the researcher enters into a complex interplay of knowledge production.

In a capoeira game, the two participants seek to maintain their own balance while simultaneously unbalancing their opponent. This dynamic involves an education of attention and continuous training to maintain the skills needed for this endeavour. The outcome of this performance translates into status within the martial art tradition and its maintenance through the relationship between subjects and objects of the action who – as Mura (2011) observes – are in a state of constant permutation based on skill. Turning to de Certeau, Gravina (2009) asserts that the capoeira game is defined by tactics, which in turn depend on the relationship with the other.

An environment of practice and knowledge production is permeated, therefore, by diverse kinds of interests (Weber 2001). Moreover, although from a Weberian perspective, ideal types must be synthesised by the scientist for a clearer explanation of reality to emerge, it is only within practical reality that sensory experience can provide the perceptual cues needed for learning to occur.[6] These interests, given the [re]active position occupied by the researcher/

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3 This unfolded somewhat differently in the case of capoeira, which I became involved in almost simultaneously – as a practitioner and soon afterwards as an academic researcher – although my initial interest was in its religious dimensions, which I also found, in a certain sense, n capoeira. I turn later to the question of how capoeira may be defined as a knowledge tradition, as already indicated.

4 At this moment, I do not intend to focus on the different styles of capoeira practice. For now, the reader need only know that capoeira is an Afro-Brazilian martial art that incorporates diverse other ethnic elements – combat techniques, dance, theatre and music. I have been a practitioner of this tradition since 2013 and currently hold the status of *treinel* in the Capoeira Angola style, meaning a training assistant who is also authorised to give lessons. At times, I shall use capoeira to refer to the tradition in general, and at other moments Capoeira Angola to specify the particular style I practise. As already mentioned, I do not dwell on stylistic distinctions in this text. The term *jogo* (game) refers to the moment within the *roda de capoeira* when practitioners perform their bodily techniques.

5 The term for Afro-Amerindian places of worship where ancestral spirits are invoked to become present among ritual practitioners for a certain period of time.

6 Rosaldo had already addressed this discussion of the supposed objectivity and separation of scientific knowledge in Weber (2001).

apprentice, situate us within a complex web of relations determining the production of knowledge. We are thus left to ask: what are the social and material constraints that shape the transmission of this cultural knowledge?[7]

In the relationship between body, brain and environment, therefore, the understanding of knowledge can be either facilitated or constrained (Cohen 2012). These environments are natural insofar as our biological and organic perception operates within them, and social given that they manifest the hierarchical and organising relations of learning established by specialist individuals in a given profession or discipline. In the case of capoeira, these relations are embodied above all by the *mestres* or masters, while in Jurema they are manifested by spiritual entities – the *Mestres* and *Caboclos* – who act spiritually through trance on their leaders and ritual specialists (Mont'mor 2017).



Figure 1. *Jurema ritual* (*Mestres* dancing). Photograph by José Paulo, 2017, Caaporã, PB.

In Almeida's (2023) research, situated in the context of a Chinese martial art, knowledge is accessed in two ways: one offered by the master and another emerging through the practitioner's own 'autodidactic' openness. Learning thus occurs at both an individual and a collective level. A similar dynamic can be observed in Wacquant's (2002) study, where boxing is approached as a form of individual and collective learning, taking place within the enclosed and controlled environment of the gym.[8] Access to a practice may be peripheral or central, therefore, depending on an array of conditions – such as the structuring of classes, the practitioners' life histories and the environmental characteristics (Almeida 2023).

Along these lines, we can turn to the following provocation:

7 Transmission and transaction are terms used by various authors working on the theme of knowledge, including Barth and Cohen, both of whom are cited in this article. I believe that both terms are valid for describing the movement of knowledge between people, although I take into account Ingold's (2010) critique of transmission as implying the mere copying of information.

8 In his research, the author seeks to highlight the concept of *habitus* as something acquired through the body, drawing on what he terms 'carnal sociology,' a methodological approach that seeks to understand these acquisitions in sociological terms through bodily experience.

> The notion of training allows knowledge to be approached as a *situated activity*, acknowledging its spatio-temporal coordinates and its intersubjective and contextual nature of production. In contrast to the ahistorical approaches that long prevailed in the anthropological use of the notions of transmission and internalisation, legitimate peripheral participation enables us to address learning processes while recognising the conflictual nature of social practices: the relationships that novices and experienced practitioners establish around 'know-how' shape processes of social transformation at the everyday level. (Lave and Wenger 2007: 48, quoted in Padawer 2020: 17)

The above passage points to a sociological perspective based on the fact that, through practice and learning, people modify their social contexts and that these contexts may also be sites of conflict. Approaching from a different angle, Ingold (2020) attempts to explore education in terms of initiatory and perceptual changes, paying less attention to social transformations and conflicts. What emerges here, then, are two key elements: situated learning and the conflictual processes of social transformation, which, combining these two perspectives, also make it possible to consider transformations at an individual level.[9]

Since the beginning of my own research on Capoeira Angola and Jurema (Mont'mor 2015 – the former an African-derived martial art, incorporating diverse elements such as dance and music, the latter a distinctly indigenous religion that I have explored via the notion of *encantaria*, which constitutes an experience of relativising death for all beings, human and non-human alike, by combining historical and symbolic elements with the diverse understandings of ritual specialists concerning the dwelling places of ancestral spirits – it became apparent that learning in both traditions involves an engagement in social relations that are at once conflictual and collaborative. Access can be either facilitated or denied by senior specialists, whether living or ancestral, based on networks of value and kinship that are also inherently political, as noted by Evans-Pritchard (2005) in his treatment of group relations. Here we must also consider the enablements and constraints shaped by each apprentice's life history.

Discussing religion, Velho (2010) argues that it constitutes a form of transformation of the individual and, as such, a form of knowledge. Pursuing this idea, the author raises an epistemological question of particular interest here, expressed as follows:

> Instead of opposing ethnography and theory, anthropologists would do better to recognise the difference between scientific discourse and actual scientific practices, something that scientists in general (also, non-propositionally!) seem to do rather well. This, in fact, suggests that it may be a corporatist illusion to suppose that only anthropology possesses an artisanal and personalised mode of knowledge. Perhaps it is our particular (and somewhat embarrassing) difficulty in acknowledging the difference between discourse and practice that explains (at least in part) the strong influence among us by the positivist view of knowledge. (Velho 2010: 24)

9 In his 2023 thesis, Almeida articulates the ideas of Ingold and Jean Lave, highlighting both their differences and their convergences as explored here too.

Here, conversely, the critique is directed at anthropology itself as an exclusively particularist and experimental science, which, in this case, counters Ingold's (2015) position arguing for the closer proximity between anthropology and philosophy. For Velho (2010), it is the knowledge present in religion that constitutes a valid and productive mode of knowing, a mode we may fail to recognise because of the positivist paradigms applied to anthropology as a legitimate science. Drawing on the critiques of Ardener (1985) and Strathern (1990) concerning the end of modernist anthropology, Velho (2010: 23) suggests 'a new operational stance, even an experimental one.' Accordingly, the way I propose to approach the knowledge traditions in which I have past and present research experience is to treat them as modes of knowing the world, experimental and productive in themselves. This, in my view, is a point of convergence among the authors discussed so far, despite their specific divergences.

Hence, the role of the researcher who is also regarded as a member by veteran specialists in these traditions, seen to be contributing to their collective endeavour, has always been framed as a mode of engagement in research and in the understanding of the self and the tradition in an ontogenetic sense (Simondon 2020). To think of tradition ontogenetically is to conceptualise it in terms of its development over time (in its becoming) as it transforms through the actions of individuals and the formation of a collective. What remains, then, is to consider the status of apprentice and academic researcher as an integral part of this complexity.

In his seminal text on knowledge traditions in Southeast Asia and Melanesia, Barth (2000b) offers a crucial perspective on the problems inherent in the transaction of knowledge within these two regions. The performative processes of ritual concealment and revelation, as well as the transmission of knowledge across large distances – mediated by *guru*-type figures, individuals specialised in the accumulation and dissemination of a tradition's cultural content – unfold within complex social relations, particularly with regard to the maintenance of the status of these individuals.

In another text, Barth (1983) observes that in a large city where the most highly valued knowledge tradition is Islam, individuals differentiate themselves according to social position, determined by class, ethnic group, kinship and various other factors. Accordingly, people occupy particular social statuses that demand specific practical skills. What the author sets out to demonstrate is that a sociocultural reality is not constituted by apparent similarities between people, but rather by their diversity and difference, arranged in specific configurations as the outcome of temporal processes. Social identities and categories thus organise groups and offer individuals alternative positions from which to act, depending on where they perceive greater personal advantage or likelihood of success.

What emerges as a provocation for the present observations on learning in relation to status is that these two phenomena are deeply shaped by the social relations described above. The learner's position within a tradition becomes a determining condition for their access to knowledge and this, in turn, influences how such learning is later rendered into anthropological

writing when research is involved. In my own field contexts, the position of apprentice, while facilitating proximity, can also lead to the concealment of knowledge by more experienced specialists from the novice seeking to attain a new status, as Barth (2000b) himself remarks in his discussion of the different types of knowledge transactors.

According to Gravina's (2009) research, several factors may influence access to knowledge and the dissemination of the capoeira tradition. These include militant political processes linked to ethnicity, as well as a somewhat indeterminate notion of competitiveness and the sport-like nature of capoeira. Such factors vary according to each practitioner's interpretation in practice and their local context. Recognition of a practitioner's status depends above all on the continuous demonstration and reproduction of their skills within the *roda de capoeira* (capoeira circle) over time.



Figure 2. *Capoeira circle*. Photo from the Archive of Mestre Naldinho. [n.d.], João Pessoa, PB.

What was observable in my research is that a newcomer who provides valuable resources to the groups – such as financial support, human resources or prestige – may be welcomed and acquire significant access to knowledge or to the affective positions associated with the masters, thereby attaining a high status within the tradition. Such cases relativise notions of the time usually required for changes in status. It is possible to distinguish between external members who support the groups and internal members who work to become skilled *capoeiristas* and seek mastery. Until quite recently, I considered myself to be an internal member, seeking access to the group and the development of skills and status. However, I later realised that the logic of belonging has to be maintained in various more or less costly ways.

In my case and from the outset, belonging to the two traditions of knowledge (the academic and the incursions into local non-academic traditions) has always placed me in an ambivalent position: on one hand, submissive to local hierarchies of knowledge and their political relations; on the other, actively writing, observing these relations and testing my capacity (or not) to meet the expectations of more experienced practitioners, such as keeping up with their pace of training. In the case of capoeira, as Zonzon (2019) asserts, political relations of status unfold across

diverse categories (gender, social class, nationality and affective relations with the masters of each group) which function as a 'sieve' (*peneira*), a term present in the tradition – one I have adopted – to refer to those who persist and those who abandon the practice.

These sievings take place in relation to values shared between apprentices and masters, as well as performance in the game, the skills developed and, above all, what Ingold (2015) refers to as *wandering* and individual learning. This allows the apprentice to migrate from group to group, from master to master, and, according to the status they attain, to found their own group, thereby disseminating the tradition across space and time. This depends on the moment at which the practitioner is recognised as such,[10] on the number of followers they are able to gather around them, and on their endurance in sustaining the arduous training.

The power to recruit new members in Capoeira Angola groups is assigned to a few individuals: the masters and their closest, most trusted assistants. There is a seasonal turnover of novices or 'sponsored novices,' that is, experienced capoeiristas who have left other groups due to conflicts or other circumstances and who are taken in by specialists from other groups. In this way, they can continue their work under the protection of the new group, expanding both own activity and that of the group that has recruited them.

Recruitment within Capoeira Angola groups, which Zonzon (2019) also discusses under the term of 'new identities,' occurs for a variety of reasons, such as survival and the periodic increase in membership, financial factors and so on. In the case of capoeira, belonging to the group as a community of values is expressed through uniforms and commitments, never fully observed, or even through the conception of the group as a personal enterprise of a master, similar to a company with its employees and logos.

A Capoeira Angola group, for instance, is typically characterised by its own uniform and logo, often bearing the name or image of the founding *mestre*, which may be displayed on walls and other objects, as well as by specific technical movements developed by the *mestre* and perceptible in their disciples. The group is also sustained by values of loyalty and reciprocity.[11] This means that a *capoeirista* cannot simply develop their movements as they wish while under the tutelage of a more experienced specialist, since they will tend to follow the bodily techniques taught to them and reproduce these as faithfully and skilfully as possible within the educational context.

Many of the musical chants in the traditions I have researched convey messages stating that remaining within them is not for everyone: certain abilities are required for continued participation. In the case of capoeira, these include virility, rigorous training, having students, making financial contributions and having the political skills needed to foster the group's

10 Evans-Pritchard (2005), in his discussion of lineage segmentation among the Nuer, shows that although every male member is capable of founding a lineage, not all actually do so since it is necessary to be remembered and possess a distinct personality to achieve this feat. In the cases presented here, we can observe similar dynamics among practitioners who leave one group and join another due to conflicts or incompatibilities, as well as *mestres* who are more or less remembered through oral tradition.

11 For an analysis of the fundamental relationships between apprentices and the mestre, see Varela (2021).

material growth. This last capacity has given rise to a particular type of member, one that might be described as an external member responsible for securing resources for popular culture.[12] This has become one of the most effective means of exchanging favours between *mestres* and novice apprentices through relations of monetisation, which are widespread, though not necessarily or directly linked to the payment of monthly fees, the more common form of contribution. This relation may be based, for example, on more recent phenomena, such as the registration of capoeira groups and *mestres* in public funding schemes and cultural award programmes run by the federal government.

Although controversial, since *mestres* sometimes insist that knowledge should not be sold but lived, at other times the discourse takes the opposite direction, with specialists in these traditions complaining about the lack of payment for their activities. By way of comparison, they often cite other, better-paid martial arts and sports, such as bodybuilding gyms.[13] Capoeira thus occupies an intersection between a sport and a tradition regarded as ancestral and 'against the monetary–capitalist system,' as frequently asserted in the discourse of some capoeiristas. According to Gravina (2009), categorical definitions of capoeira do not follow a binary logic but reflect the dynamic situation of transition among multiple situational factors.

In the case of learning relationships within knowledge traditions like those of Capoeira Angola or the Afro-Amerindian religion I studied, it is possible to approach them in similar terms, especially with regard to the conflicts that arise and, consequently, the segmentation of groups into different localities based on individual relations of skill and efficacy between specialists and their disciples.[14]

In my fieldwork, I have observed the importance of member recruitment and the status positions that are attained, both of which can lead to the outflow of other members. A new member, depending on the interest of a group's *mestre*, may rapidly acquire a significant status within the new group. This makes migration advantageous and a phenomenon common in capoeira when it comes to acquiring knowledge. Medeiros (2011) describes these segmentations as 'impacts and processes of negotiation' in João Pessoa (PB) following the arrival of Mestre Zumbi Bahia. I would take issue, however, with her interpretation of causality in this case and her identification of conflicts based on the movements of *mestres* as cause-effect relations.

With regard to the system of lineages, the contact that produces segmentation also takes place through the capoeira game, a combat full of codes that generates either contingent segmentation or the maintenance of status through technical efficacy (Mauss 2007), as

12 In informal conversations, I have even heard people who fit this profile use expressions like 'I take care of *Mestre* X,' referring to the *mestre* whom they assist in securing funding.

13 There is a common idea that if a *capoeirista* has achieved financial success through capoeira, they should give back what they have gained. As practitioners say of the *mestre*: 'To him I owe money, health and obligation!'

14 Just to note that what I am saying here is not entirely new: Brito (2015) conducted research on the transnationalisation of Capoeira Angola, its lineage system, and traced connections with the material found in Evans-Pritchard's (2005) work. What I have done here is to extend that argument to other contextual analyses.

well as through the conflict and cooperation intrinsic to the game and central to its public, performative character.[15] In my own case, the apprentice relationship has shown me that the coexistence between *mestres* and disciples is simultaneously cooperative and conflictual, permeated by interests and emotions, and sustained through the wandering (Ingold 2015) of apprentices through different environments and *mestres*. These movements generate whispered conversations, conflicts and rivalries that are manifested both within and beyond the *roda*. Recognition thus becomes a cornerstone that is constantly sought, yet difficult to attain, especially when the skills developed fail to produce an effective performance, whether in the game itself or in the social relations surrounding it.

In this way, since my concern here is to discuss status and its relationship to learning and knowledge, I now turn to some ideas taken once again from Mura's (2017) research on technique and the use of objects among the Guarani Kaiowá of Mato Grosso do Sul, a study highly relevant to the discussion of knowledge traditions. As he writes:

> [...] the world is also constituted by objects, delimited through constraining actions, the outcome of deliberate acts shaped by the properties of the social world, whose highest expression, in my view, is operative political behaviour. (Mura 2017: 44)[16]

For the Kaiowá, the author observes, human actions and consequently the functioning of the cosmos arise from relations between people who alternately occupy the positions of subjects and objects of an operative action, with operation itself understood as a performance. In question, therefore, is a sphere of political action. Mura emphasises that Kaiowá people act through strategies and decisions that are fundamentally political in nature – or rather, they develop politics as a technical and figurative status, one that entails specific modes of using things (Mura 2017). Leroi-Gourhan (2002), upon whom Mura draws and whose analytical framework I also find pertinent, conceives both aesthetics and functionality as divided into functional, physiological, and figurative dimensions. Figuration, according to this French author, emerges from the social group through deliberate and constraining acts. I would argue that the *capoeira* game likewise expresses an exchange of positions between subjects and objects of action, and that its figuration is political in nature—manifested as a style practised by individuals who continually shift between the roles of subject and object, in line with Mura's (2017) formulation. Leroi-Gourhan (2002), whose work Mura draws on and whose analytical framework I also find pertinent, conceives both aesthetics and functionality

15 Today, with the massive presence of online video, it is not uncommon for *capoeiristas* whose games are filmed and posted on social media to edit and share only their best moments, those in which they have gained some technical advantage over their opponent, thereby showcasing their situational skills. The *roda* is thus continually a space of competitiveness and status maintenance, but also one of camaraderie and celebration.

16 It is important to emphasise that his results are highly contextual, grounded in his fieldwork among the Guarani Kaiowá, an indigenous people often in conflict with landowners. However, these analyses do not preclude making analogies with the logics of object use in other social contexts involving the pursuit of status, knowledge and technique.

as divided into functional, physiological and figurative dimensions. According to the French author, figuration emerges from the social group through deliberate and constraining acts. I would argue that the capoeira game likewise expresses an exchange of positions between the subjects and objects of an action. Moreover, its figuration is political in nature, manifested as a style practised by individuals in distinct positions, continually shifting between subject and object, as Mura (2017) proposes.

My interpretation, therefore, is that political relations in Capoeira Angola involve robust strategies developed over time that, as Mura (2017) posits, transform people both morally and cognitively. In the situations of learning and knowledge acquisition that I am analysing and in which I have been participating, these dynamics situation the relationship between masters and apprentices within a relational logic of power, technical status and personal transformation, foregrounding the importance of educational experience.

ON AUTOETHNOGRAPHY

Various *capoeirista* researchers have used their own experience as apprentices to develop studies of the theme. However, most have not placed any strong emphasis on self-exposure in their research, focusing instead on explaining the concepts of Capoeira Angola for an outside readership, generally seeking to achieve a form of 'cultural translation.' Examples include Varela (2021) and Magalhães Filho (2011). In addition, there have been *mestres* who have written in more or less autobiographical ways about capoeira, such as Capoeira (1999) and Pastinha (1960; 1988). Both authors, however, go beyond personal narratives to develop critical reflections on the tradition and the body.

It cannot be said that any ethnographic text written in the first person qualifies as an autoethnography. An autoethnographic study involves a much deeper exposition of subjectivity. What I mean here, however, is that different researchers who, in various ways, have sought to explore themselves have done so with the aim of breaking with dualisms they believed to be unproductive, thereby opening up new perspectives and political possibilities.

My immersion in the academic study of the practices examined here did not arise from institutional projects or similar demands aimed at a professional researcher, but rather in a more or less unplanned way. Wacquant, when he first entered the boxing gym in Chicago, had no interest in developing the research that he eventually produced. Yet through his immersion, under the influence of Bourdieu, he was able to create a new way of apprehending the pugilistic *habitus* (Wacquant 2013a; 2013b).

In autoethnographic language, these studies can be called 'opportunistic,' which is when researchers connect with people and with the subject of their research before having formally decided to undertake research (Douglas & Carless 2016). This suggests that our social and perceptual positions may themselves lead us to develop more formal research and reflections on particular topics that capture our interest.

Speaking about oneself is not easy, however, given the inherent problem of exposing both oneself and those others involved in the research relationship. It requires a certain technique to ensure that writing up the research does not reveal too much, either of oneself or one's companions. Indeed, there is not necessarily any reason for researchers to expose themselves unless this forms part of their methodological focus. The ethical issues associated with autoethnography are not unique to this approach, yet they are distinctive in that they lead us, together with the research itself, into places beyond our control, as Douglas and Carless (2016) have shown.

In terms of my own writing, for example, how should I deal with my temporary distancing from the group, stemming from feelings and interests related to the practice that not even I can clearly define? Can this be regarded as a departure from the 'field of research'? Or a shift in horizons?

As I have been outlining, one of the objectives of this article is to analyse the role of anthropology through Ingold's provocations, approaching anthropology itself as both a means of producing knowledge and a field of knowledge, in communion and correspondence with life, people and things (human and non-human). I have already noted, however, that Velho (2010) questions anthropology's claim to a specifically experimental nature. I first became aware of autoethnography during my doctorate, when I entered more deeply into anthropology, having previously completed a master's degree in religious science, where I had already made partial use of ethnographic studies.

Here Abu-Lughod's (2018) discussions become particularly relevant, specifically her endeavour to show how 'halfie' and feminist anthropologies have helped clarify the 'self/other' distinction, cited by here as central to the anthropological paradigm. In her critique of Strathern, Abu-Lughod argues that the geographic division of power led anthropology to construct selves that are 'diametrically opposed' (Abu-Lughod 2018: 195). She contends that the creation of a self through opposition to an other entails a form of 'repressive violence' exerted 'on other forms of difference' (Abu-Lughod 2018: 195).

According to the author, the 'halfie' is blocked from assuming the self in a confident and assured way within anthropology. As she writes:

> Feminists and halfie anthropologists cannot easily avoid the issue of positionality. Standing on shifting ground makes it clear that every view is a view from somewhere and every act of speaking a speaking from somewhere. Cultural anthropologists have never been fully convinced of the ideology of science and have long questioned the value, possibility, and definition of objectivity. But they still seem reluctant to examine the implications of the actual situatedness of their knowledge. (Abu-Lughod 2018: 197)

Here, as in the works of Ingold and Velho, the critiques are directed toward the bias of scientific objectivity. These authors have sought new and critical ways of doing anthropology, based on differing perspectives and above all the idea of situatedness – a theme developed

by Lave and also explored by Abu-Lughod. Inspired by Ingold's provocations concerning ethnography and anthropology, where he proposes, as noted earlier, the education of attention and philosophy as epistemological approaches (Ingold 2010; 2015; 2020), I have come to regard his ideas as a suggestion for an experimental living practice and mode of research. But what then becomes of the roles of ethnography and autoethnography, if anthropology itself is conceived as the study of life, already achieving the purposes that these approaches propose and perhaps in a less problematic way?

Let us consider, therefore, some autoethnographic premises in order to, through Ingold's provocations, discern the similarities between his approach and autoethnography, showing that they are not in fact mutually exclusive. Initially, given my dual and complex insertion/relation with my 'object' of knowledge, I thought about abandoning autoethnography, especially after contact with Ingold's critiques (2015; 2020). However, after reading further work on autoethnography, I was able to reappraise my questions.[17] According to Ellis (2016), autoethnography functions as a way of being in the world that is conscious, emotional and reflexive.

The performative dimension of this approach also applies neatly to bodily practices (Jones, Adams and Ellis 2016), as in the case of martial arts. Ingold (2020), in proposing anthropology as an education of attention within the experiential world, grounds his argument in the idea of a relation of communion between the person and the world – a communion that, he suggests, is disrupted by the elitist notion of ethnography as the description of the other, which fails to see the classroom, for instance, as a potentially experimental and anthropologically analytical environment.

However, the autoethnographic ideas developed, for example, by Jones, Adams and Ellis (2016) treat autoethnography precisely as a literary style that seeks this communion with the world and with the narratives about it. I would contend that these proposals on, in Ingold's (2015) philosophical formulation, dwelling in the world and reflecting on the self, can also be aligned with the 'postmodern' and reflexive styles of autoethnography. In this sense, I do not believe that the proposals concerning habitation, reflection, education and knowledge can be separated from the other approaches discussed here. These visions converge on most points.

Returning to Abu-Lughod (2018) and her discussion of the 'halfie''s position – also where I situate myself – it becomes possible to reflect on the dilemma at the core of this debate, in which the author critiques the notion of the 'external' situated in a political and historical complex. These notions, I would add, can be both political and ecological, tending to unsettle dualisms. According to Abu-Lughod, 'halfie' researchers face particular ethical challenges, as they are speaking about themselves and their communities, problems that likewise pertain to autoethnographic practice.

17 I would like to thank Gabriel Guarino de Almeida, Fabio Mura and Alexandra Barbosa da Silva for encouraging me to persist with both autoethnography and ethnography.

Peirano (2014), in turn, questions ethnography as a method and conceives of it instead as an instinct – that is, as a way of producing knowledge through dwelling in the world via the senses. Although her critique differs from Ingold's, it similarly points to knowledge as an embodied, sensorial practice, aligning in many ways with the proposals of Ingold himself (2015; 2020) and Jones, Adams and Ellis (2016). Ultimately these are educational modes of being and feeling. What autoethnography proposes, therefore, is that people, through their lived experiences, are led to explicate their political and emotional identities as constitutive of their own act of knowing the world and within the world. In my own case, I have sought to reflect on how I first approached the practice of Capoeira Angola and how I gradually began to construct an identity as a *capoeirista*, leading me to consider the ontogenesis of this knowledge tradition – and of myself as a researcher-practitioner – as one of its components.

These processes have revealed how my perceptions of practice, for example, have shifted from an initially external approach to a more advanced immersion in the hierarchical levels of the tradition. Over time, I developed a more reflexive and academic relationship with capoeira, adopting a professional stance from the outset, even though I did not then perceive that this approach was simultaneously bound to a mystical and romanticised view of belonging and forming an identity. I now see this more as a form of work and a concern with both bodily and textual performance. Conversely, the knowledge to which I was denied access, along with the demands placed on me by experienced *mestres*, demonstrate what can be viewed as formative experiences in shaping an individual practitioner within a given tradition, conceived in its sociological and educational dimensions.

In the field of martial arts studies, Almeida's (2023) work is particularly relevant here with the author employing another kind of ethnographic methodology called 'performance ethnography.' As an apprentice within a community of practice, Almeida sought to access the knowledge of *Tai Chi Chuan* from the Chen family lineage, aiming to highlighting an apprenticeship in Chinese culture through this art form. This example illustrates how ethnography has diversified into innumerable possibilities, depending on the ways in which researchers choose to engage with their subjects and their environments of practice.

In Mura (2019), we can observe how knowledge is enacted among the Guarani Kaiowá, where social mechanisms generate concepts formulated in shamanic narratives, musical chants and ritual performances. The social mechanisms in question here concern the legitimacy of the speaking subject and the moral evaluations to which individuals must correspond. Knowledge operates through a ritual construction aimed at constructing a cosmology in continual transformation, within which individuals manipulate objects and reflect on the natural world in which they live their everyday lives (Barth 1987).

Let us look at an example from Mura's thesis:

> The corpus of knowledge concerning the order and transformative processes of the universe allows the shaman to turn the normative framework into a regulatory device, one that does not prohibit specific behaviours or the utilization of techniques, materials and objects not originally attributed to the Kaiowá, but rather limits or conditions their influx, subjecting them to the rules of *ñande reko* (the indigenous way of being), that is, to the knowledge tradition itself. (Mura 2019: 320)

A way of being thus comes to be reflected as an identity, a *habitus* in Wacquant's (2002) terms, but one that cannot be understood through its outward expression alone. Instead, it should be seen as a processual development that integrates a range of factors to be analysed by the researcher. Knowledge, therefore, does not operate merely through initiation at a specific ritual moment, but develops across the individual's organic phases of life (Mura 2019) and their gradual attainment of seniority vis-à-vis the social world.

With reference to these perceptual and gradated levels of an individual's life, Oyěwùmí (2002) foregrounds the fact that, in Yoruba societies, seniority is a defining principle in relation to forms of knowledge that possess both visual and oral dimensions (Abimbola 1976, cited in Oyěwùmí 2002).

Once again, Gravina (2009), in her research on capoeira in France, shows how one of her interlocutors admitted that, when she first began practising, she had no idea what she was getting involved in. Only later did she come to understand the many elements composing the knowledge tradition in question. Other interlocutors, by contrast, approached the practice through a racial or ancestral framework. Since capoeira is a public performance composed of multiple situational elements, many of which are not immediately evident to those not initiated into the practice, it can be apprehended, at first contact, in diverse possible ways.[18]

From this, I propose that processes of education and learning are not merely passive or peaceful, but tense and conflictual. The segmentation of knowledge traditions can, in fact, be generated by such conflicts within learning environments, leading to the dissemination of the tradition across geographical space through migrant-apprentices, as in my own case. In sum, this can be understood as an ontogenesis emergent from dynamic, informative and relational processes that combine forces and technical operations (Simondon 2020).

In this way, I find myself disinclined to continue within the capoeira community of practice, not because I am seeking to join another group, but because, after all these years, this particular community no longer generates the effects that meet my current aims, especially as a space capable of providing emotional and professional fulfilment, both of which are subjective in nature.

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18 Cavanellas (2023), drawing on Mura (2011), concludes that a repertoire of possibilities exists in the Ketu tradition of Candomblé (Mura 2011, cited in Cavanellas 2023) when it comes to the distribution of various priestly roles and their meanings within the tradition. Similarly, in capoeira, we encounter multiple understandings and attributions of meaning that a practitioner may develop regarding the practice, whether in its musical, bodily or other expressive dimensions.

On the other hand, certain contingent aspects of the practice have also made me uneasy about the moral rules that have to be followed. These have also shown me that I do not depend on capoeira as I initially thought. As I asked earlier: does this amount to a distancing from the field, an abandonment of practice, a period of reflection? Or am I, in a sense, betraying my long-time companions due to my academic commitments?

Thus, having returned to weight training, a more solitary activity, I found myself reflecting on this transition. In conversation with a friend, the teacher and philosopher Felipe Araújo, also a practitioner of capoeira and kung fu, he told me that after a certain period of dedication to martial arts, starting to teach becomes an attractive proposition. We agreed that giving lessons transforms how we view our engagement. It marks a passage of status within the traditional system from the apprentice to the person who transacts knowledge – a status carefully regulated by specialists and demanding some exertion from the practitioner to attain.

Yet both he and I reached a similar conclusion: we are not individuals with strong professional ambitions within the practice, nor do we engage in capoeira as a daily compulsion (as we believe some specialists in the tradition do) – since we had been talking about the theme of compulsions and altered states of consciousness achieved through the use of drugs. So, we concluded, regardless of the status held within a knowledge tradition, there are multiple ways of being in a tradition and developing personal abilities through it, in the sense of dwelling, as Ingold (2021) would put it, and, in this case, through an academic investigation and a form of writing that is also performative and evocative (Gannon 2016).

Up to this point, it has been important to recognise that anthropology, as Ingold proposes, can be understood as a form of knowledge about and within the world that is not separate from other modes of knowing – at least not from those more conscious ways of practising academic traditions more attuned to the local knowledge of the diverse social groups they seek to study, traditions like anthropology itself, ethnography and autoethnography.

FINAL REMARKS

My aim here has been to provide an overview of my anthropological experience in an ontogenetic way, describing my immersion in the knowledge traditions I have researched, seeking to transgress disciplinary boundaries and consider this entire complex as an act of vital knowledge making, formative of the researcher's identity in correspondence with the world. And however much I am currently somewhat distanced from the practices I learnt, I have not ceased to reflect on them in textual form. I have been weaving new ways of being with my long-time research companions. Recently, for example, after acquiring a car, I was able to transport *mestres* and *contramestres* to capoeira events far from our home cities, establishing other ways of being present.

In a sense, this may seem like a withdrawal from the field to the writing desk, though not from the world, nor from myself as an ontological reality. This is especially true because, in

autoethnography, the field itself can become a space that exposes the researcher's vulnerability. Moreover, this perspective demonstrates that research does not conclude with the 'end of the field' (Gubrium and Holstein 1997, cited in Anderson and Glass-Coffin 2016: 58), a view that resonates with Ingold's viewpoint (2015; 2020).

In other words, my distancing from engagement in the *taskscape* (Ingold 2021) may expose this condition of vulnerability, my feeling less adapted and more uneasy within the environment of practice, or even physically resistant to training and the anticipated affects after years of involvement. This emerges from the collaborative yet also conflictual dynamics of teaching and learning, as I now find myself more immersed in reflection, questioning and academic performance. As Laurendeau, Jenks, and Ellis (2004, cited in Anderson and Glass-Coffin 2016) suggest, autoethnography also allows research to take on a memorial quality, in which the researcher can access vignettes of remembered experience. The field can become a space for self-reflection, for revisiting experiences with others, or even a state of mind (Richardson 1994, cited in Anderson and Glass-Coffin 2016). These factors are important since my distance from the practices I once researched and embodied sometimes manifests to me more like a demand to be and be present.

As I have sought to show, moreover, conflicts are constitutive of social relations and knowledge, opening possibilities for new realities. They can lead individuals to movement and wandering in search of further knowledge, enabling them to approach different communities of practitioners and encounter new correspondences.

Finally, it should be emphasised that the relationship between apprentices and specialists unfolds within contexts involving the use of bodies and objects, and, furthermore, it is through these that new forms of knowledge are produced. As Foucault (1979) argues, the power–knowledge relation is productive: the more power is dispersed, the more effective it becomes. In this way, groups also become spread out in space, since the productive potential of power-knowledge allows for the continual generation of new knowledge.

My experience with academia and the wider world has been shaped by a continuity of knowledge, mediated through different traditions, including those connected to my own locality, such as Jurema, which also possesses a personal and consanguineal dimension through my great-grandmother, who founded a *terreiro* in the city of João Pessoa (PB). These forms of belonging have continually prompted me to question my position as both apprentice and intellectual researcher, observing that this duality, as understood in the academic tradition, already becomes problematised here. So, given the increasing number of researchers who study their own environments and themselves, it remains for us to conceptualise the emergence of a more critical form of writing, one that reflects on and elucidates the processes in which we are involved, not merely as a legitimisation of traditions seen through an insider gaze. While such approaches remain peripheral, they invite us to imagine and create a more

habitable world – assuming such a thing is still possible – through an epistemological inquiry that allows us to reflect on our own cultural traditions.

In this sense, autoethnography also becomes a positive approach, making possible a mode of writing that reveals both individual and community values, such as seeing positively the exposition of spiritual beliefs (Bonnie, cited in Anderson and Glass-Coffin 2016). The power relations and the exhaustion associated with the capoeira profession are often romanticised by practitioners as a task 'done for love.' Moreover, the way in which Capoeira Angola has become inserted into the monetized sporting and transnational market logic must be registered and discussed through our own experiences as practitioners and through the diverse approaches expounded in this article (as has increasingly been the case among researchers from diverse backgrounds and viewpoints). This must, of course, be undertaken respecting the ethics of anthropological practice, but also with an openness to speaking about our experiences and impressions in a careful, critical and productive way. Such a role can be best expressed precisely through autoethnography, through the proposals of ecological anthropology and through 'carnal sociology,' as per Wacquant's (2002) contributions briefly cited above.

Although, throughout the text, the concepts of autoethnography and the anthropology of knowledge may appear to blur, this occurs precisely because both approaches are deeply attuned to the act of knowing. While they are capable of communicating with each other, they possess their own specific limitations that merit further discussion, especially with regard to overcoming the dualisms of body and mind, or body and discourse. I believe these dichotomies are increasingly being transcended by autoethnography, Ingoldian anthropology and even ethnography more broadly speaking. Finally, perhaps it is worth thinking less in terms of boundary-defining labels and more within a critical and scientific perspective that is more inclusive. What I have sought to demonstrate here are precisely these points of connection and the validity of them all.

Translated by David Rodgers.
Received: June 26, 2024.
Approved: July 15, 2025.

This article was translated with support from 'The Vibrant Project: Publishing Indigenous and Black Brazilian Anthropologists in foreign languages,' funded by the Wenner-Gren Foundation for Anthropological Research as part of its Global Initiative Grant programme.

Data availability statement:
The entire dataset supporting the results of this study is published within the article itself.

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Black Brazilian Anthropology

Politics of exoticisation: elephants, zoos and eugenics in colonial fractures

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Abstract

This article offers an ethnography of human-elephant relations, focusing on the entanglement of environmental and colonial issues. To explore this theme, I describe the troubling presence of elephants in South American zoos. Discussing these grandiose yet solitary elephants, my proposal is to understand the history of zoos as an incubator of ideas of a white humanity. Approaching from a critical perspective, I point out the interconnections between the civility represented by earliest zoos and contemporaneous hygienist policies. While these different materials show multispecies assemblies centred on elephants and their life histories, they also make explicit the historical relationship between elephants as a symbol of the triumph of colonialism. Elucidating this entanglement is politically important in terms of situating multispecies ethnographies not only within debates on the plantationocene, but also in relation to race as a historical referent in multispecies relations, providing a powerful tool for rethinking engagements in anthropological practice.

Keywords: Elephants; Multispecies Ethnography; Esct; Sanctuaries; Zoos; Colonialis.

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e00808
https://doi.org/10.1590/1809-4341.2025v22e00808

Políticas da exotização: elefantes, zoológicos e eugenia nas fraturas coloniais

Resumo

Trata-se de uma etnografia da relação entre humanos e elefantes que tem como foco o entrelaçamento de questões ambientais e coloniais. Para isso, descrevo a incômoda presença de elefantes em zoológicos da América do Sul. A proposta é compreender a história de Zoológicos como criadora de ideias de uma humanidade branca a partir da presença de elefantes grandiosos e solitários. Nessa perspectiva crítica, aponto entrelaçamentos entre a civilidade que os zoológicos representavam em sua origem com as políticas higienistas. De um lado, esses diferentes materiais mostram assembleias multiespécies em torno de elefantes e suas histórias de vida; por outro, explicita a histórica relação entre elefantes como símbolo do triunfo colonial. Evidenciar esse imbricamento tem a importância política de situar etnografias multiespécies não apenas em discussões sobre o plantationceno, mas também frente ao tema da racialidade como referente histórico das relações multiespécies e como potente para repensar engajamentos na prática antropológica.

Palavras-chave: etnografia multiespécie; ESCT; santuários; zoológicos; colonialismo.

Politics of exoticisation: elephants, zoos and eugenics in colonial fractures

Ana Cecília Tonka Campos

INTRODUCTION

Elephants are not beings encountered with much frequency in South America. Yet although the three extant species of elephant are native to the African and Asian continents only, a lasting fascination with their image seems to be globally widespread. This allure surfaces in everyday objects like decorative paintings, key rings and children's books, as well as metaphors such as 'an elephant in the room' or 'a white elephant.' This curious enchantment still provoked by the figure of the elephant has its roots in colonial history and in its enduring effects, which, as I shall argue and explore here, connect raciality and eugenics to the history of zoos.

From the colonial period to the present, the elephant population on the African continent is estimated to have fallen by 98% (Chase *et al.* 2016, Gross and Heinsohn 2023). The situation for Asian elephants is equally severe with fewer than 60,000 remaining (Jiang and Liu 2023). In South America, beyond the elephants endlessly reproduced across such a huge variety of everyday images and objects, there are also more than thirty elephants living their lives far from the humid forests of Asia and the African savannas. For these elephants, life and memory are marked by displacement from their territories, severe restrictions on their movements and physical violence. This was the narrative conveyed by interlocutors from ElephantVoices who work on research and advocacy for elephants globally. Over the course of this article, this situation emerges in accounts about elephants living in two zoos – one in Brazil, the other in Argentina – and in the ways their histories intersect with colonial history.

The numerous ethnographies on elephants, in addition to ecological studies, show how their lives interconnect with those of humans whether through conflicts associated with territorial use (Su 2020, Evans and Adams 2018), relations between elephants and humans in zoological contexts (Woods 2002, Kreger and Mench 1995, Gurusamy *et al.* 2015), the

threats of extinction and the global circulation of elephants (Lowe and Muster 2016, Barua 2014) or h innovative ethnographic approaches that treat these non-humans as interlocutors (Locke 2017). The approach adopted here seeks to highlight yet another dimension of these connections, its themes shifting from multispecies relations to comprehending the violence of colonial exoticisation as a series of practices that cut across highly diverse collectives and the land itself. At first glance, these may appear somewhat disparate themes. What this approach proposes, however, is an ethnographic strategy for presenting connections that challenge existing understandings.

To this end, the discussion opens with an ethnographic account of an elephant living in solitude in a zoo in the interior of São Paulo state in Brazil. I then briefly examine a theoretical connection between studies of multispecies ethnography and the notion of the 'colonial double fracture,' a concept developed by the Martinican philosopher Malcom Ferdinand (2022). The ethnographic account shifts to the presence of elephants in the first zoo established in South America, in Buenos Aires, which allows us to discern how zoos reveal more about their own structures and political projects than about the ecologies of the species they contain. The argument then moves towards a critical perspective on the history of zoos by tracing connections between the well-known naturalist Clemente Onelli and the animal trader Karl Hagenbeck. At this point, the connections become clearer between the civilising aspirations expressed in the project of the zoo and the development of scientific racism and hygienist policies in South America during the era. The next section intensifies the alignment between multispecies ethnographies and the lasting effects of colonial history for humans and non-humans alike. In conclusion, I emphasise the importance of black intellectuality and its capacity to retell narratives in ways that open new paths for anthropology, science and our relations with the land.

The wider research included documenting the activities of the ElephantVoices network, analysing social media, consulting institutional documents, conducting interviews with directors, veterinarians and keepers, and undertaking fieldwork[1] – activities carried out over a five--year period. The sections that follow draw on a portion of this investigation, foregrounding the lives of three elephants: Sandro, an Asian elephant living in Sorocaba Zoo (São Paulo, Brazil), as described by visitors to his enclosure; and Pupy and Kuky, who live in the EcoParque de Palermo (Buenos Aires, Argentina) and whose presence has become a landmark in institutional transformations. Here, the narratives centre on the connections between these beings who live in zoos, colonial history and the animalisation of black bodies.

1 I worked as a volunteer over a four-week period inside the Sanctuary itself, in 2022, assisting keepers and the virtual outreach team during the arrival of new female elephants. At the Buenos Aires EcoParque, I carried out three months of fieldwork in 2022, including interviews with the then director, keepers, biologists and veterinarians, as well as visits to laboratories and research facilities, breeding bases for local endangered-species and elephant-training sessions. At Sorocaba Zoo, eleven visits were made between 2022 and 2023. Research funded by the São Paulo Research Foundation (Fapesp Process 2019/07570-3).

Although these themes are often treated as distinct research objects, the article proposes a way of analytically suturing the rupture between multispecies relations and raciality created by colonial history.

SANDRO THE ELEPHANT AND THE REFUSAL OF THE WORLD: FROM A TINY ENCLOSURE TO THE COLONIAL HOUSE

July 2023, a group of visitors was gathered near the enclosure of the elephant Sandro at the Quintino de Barros Zoo in Sorocaba, in the interior of São Paulo state (Brazil). Their comments had something of a paradoxical quality, a mixture of both enchantment and sorrow. Their remarks sounded as though they had been scripted to be unsettling. Fragments of these conversations revealed speculations about the male elephant's emotional state and his strange dwelling:

- Old. Lonely, isn't he, son? Lonely. The female died. Come out here. It's too small for him. The jaguar used to be here, it died. Lazy elephant.
- He's hiding, he's staying hidden, he's tucked away. Elephant, come here and see us.
- What happened to him? He's tired, he's worked a lot today. I want to see the alligator. Bye, have a good rest.
- And what about his family?
- They left; they took his family elsewhere.

It quickly became clear that there, communication at the fence of Sandro's enclosure unfolded in a curiously speculative manner. These fleeting visits often lasted no more than a few seconds, just long enough for the simple realisation that Sandro was located in the interior part of his enclosure, for an attempt to take a photograph and for visitors to briefly voice an idea of what may have happened: 'they've taken him away,' 'the elephant is sleeping.' Other remarks recalled previous visits to the zoo: 'there used to be an elephant here, it died,' 'this used to be where the giraffe was.'



Figure 1. *Sandro in the interior section of his enclosure*. Photograph in the field by Tonka Campos. July 2023.

Curiously, the comments made when Sandro was 'inside his house' inverted the usual logic of the zoo when children shouted 'elephant, come and see us' or when adults explained that the elephant was uninterested in seeing them: he was stuck-up, shy or temperamental. In these verbal exchanges it was not only humans who moved closer to view the other species; they were also, in turn, seen by them. The curiosity that visitors expressed about Sandro was not always reciprocated. Other comments referred to Raissa, the female elephant who lived with Sandro until 2020. The death of his companion sparked debates about Sandro's emotional state and the possibility of transferring him to a space where he could have contact with other members of his species.

Sandro's house also provoked unease. One child sang, 'it was a very funny house, it had no roof, it had nothing.' Others joked, 'they built the house around him and now he can't get out.' Indeed, the unevenness of the terrain and Sandro's size gave the impression that he could neither enter the house nor leave it. Sandro's orange house is a masonry structure with rounded sides and three doors, which, for some children, indicated that it must be a house occupied by three elephants. Because of the height of the entrances, Sandro's back seemed almost to scrape on the concrete as he shuffled his way inside. Very little of the dark interior was visible to visitors, only dimly lit movements were apparent in the shadows and half-light. Children called out to Sandro in an annoyed tone, almost like a summons marked by an oxytone cadence: 'ElephANT, elephANT, come outside,' or they announced what they could glimpse in the gloom as though making a new discovery: 'I can see him, look – his little trunk!'



Figure 2. *Visitors speculating about Sandro*. Photograph in the field by Tonka Campos, July 2023.

The speculations that surfaced when Sandro was on the terrain outside his house were equally curious. Visitors expressed worries about his emotional state (whether he was sad or lonely) and about his ordinary activities (playing and bathing). The elephant stories I had collated over the previous years of research gradually provided me with images of elephants in starkly different situations across the world: the female elephant who killed a woman hunter and returned for her funeral to trample her again; elephants feeding at a garbage dump in Sri Lanka; the Mabenzi family of elephants shielding their calves by forming a physical barrier and advancing against safari vehicles; Pocha, an elephant born in a South American zoo, touching soil for the first time. Among all these stories, the image of Sandro appeared disconcertingly apt. There he was, isolated, separated from a world in which living-with-others might be possible: the house disproportionate to his size, the sign reading 'Asian elephant,' the marked and yet indifferent interest of the people who came to see him. Sandro seemed to fit well the description of a being for whom *the world is refused* (Ferdinand 2022).

A few metres from Sandro's enclosure, another structure evoked this fracture. On passing through the zoo's entrance, the first viewing area was not an enclosure holding an exotic species but

a colonial house dating from 1780, converted into a museum in 1968 for the zoo's inauguration. The Sorocaba Historical Museum (*Museu Histórico Sorocabano*: MHS) had been established in the *casa-grande*, the colonial house, the operational centre of what had once been a slave-based plantation. The legacy of the people of Sorocaba is presented in a collection including indigenous funerary urns, stone arrow-making tools, paintings and everyday objects from the colonial period, as well as stirrups and combs carved from horn. With a small collection, the house itself now seems to stand as its legacy. As the Caribbean philosopher Malcom Ferdinand recalls (2022: 61): 'The master's habitation is meant to last. It embodies the trace of the slave-making world and more singularly the trace of the colonist's place. This trace of colonial inhabitation is long-lasting.' The *casa-grande* itself is thus the museum's principal artefact (Ocar 2025).

Hence the zoo was situated within a former colonial plantation. This conceptual framing of a zoo inside an old slaveholding property brings into association different beings for whom the world is refused. In Ferdinand's terms (2022: 60): 'Negroes are the many (human and non-human) off-worlders whose vital energy is forcibly dedicated to fuel the lifestyles and ways of inhabiting the Earth of a minority while being denied an existence of their own in the world.' Sandro's 'off-worlder' status invited reflection on other ways of 'staying with the trouble' in multispecies ethnographies.[2] For a racialised researcher, the zoo as a site of ethnographic inquiry can bring to the surface the exoticisation and animalisation imposed on certain bodies as an on-going effect of coloniality.

The Museum, however, appears as something alien to the entire context of the surrounding zoo. In this sense, it is its own enclosure, closed off by gates that seal in its history as though separate from that of the zoo. Yet there is another way of comprehending this history and the very name of the zoo reminds us of this alternative: Quintino de Barros had been the last inhabitant of the *casa-grande*. The *colonial fracture* is expressed in the gates that separate the enclosures of the zoological species from the history of the Negrocene[3] with which the zoo interconnects: 'The Negrocene names the era when the productive work of the Negro, directed at expanding colonial inhabitation, played a fundamental role in the Earth's ecological and environmental changes' (Ferdinand 2022: 58). The plantation estate transformed into a zoo narrated the continuity of colonial violence, extending from the *casa-grande* to the enclosures of 'exotic species.'

FROM MULTISPECIES RELATIONS TO THE SCRUTINY OF COLONIAL HISTORY

The research that gives rise to descriptions like the one in the previous section –apropos Sandro and the unease of the visitors to the zoo where he lives – aligns with an emerging

2 A reference to Haraway's (2016) thought-provoking proposition, here placed in dialogue with the effects of thinking from a black critical perspective.

3 Throughout the text, when I shift from the term *plantationocene* to Ferdinand's (2022) concept of the *Negrocene*, I do so to foreground how colonial force traverses humans, non-humans and the land itself, placing a black perspective at the centre of the analysis.

field usually referred to as 'multispecies ethnography' (Kirksey and Helmreich 2020). Eben Kirksey and Stefan Helmreich remind us that, since the earliest anthropological ethnographies, different species have been present in descriptive accounts, whether as setting, symbols or representations (Segata and Lewgoy 2016). There are, without doubt, many examples among the classics of anthropology. One such case is Edward Evans-Pritchard's (2007) ethnographic depiction of the relationship between the Nuer and their cattle. Clifford Geertz (2008) also observed the male obsession with fighting cocks in Bali. Claude Lévi-Strauss (1970) argued against the then-dominant view that the naming and classification of animals among 'primitive' peoples were associated with their utilitarian value. In an analysis of US society and its relations with oxen, pigs, horses and dogs, Marshall Sahlins (2003) considers relations of edibility and inedibility. These are just a few of the many examples indicating that the presence of diverse species in ethnographic work is not exactly a new issue. What multispecies ethnographies offer as an innovative proposal is the shift away from the peripheral or pictorial place that 'animals' have occupied in other studies towards a focus on the intersection of three fields: environmental studies, science and technology studies (STS) and animal studies (Kirksey and Helmreich 2020). It is interesting to observe how various studies on elephants draw on all three of these analytic strands.

From the perspective of science and technology studies, research on elephant ethology and ecology offers an intriguing field for exploring how classifications in scientific papers and studies influence decision-making spheres concerning the territories of these large mammals (Creado 2010, Creado *et al.* 2015). Elephants have featured in biological research ever since Linnaeus's description of the genus Elephas in 1758. It is from the 1960s onwards, however, that we can observe a marked increase in studies on elephant behaviour and a growing concern over population declines among its three extant species (Buss 1961, Adams and Berg 1980, Buss and Johnson 1967). These descriptions leave behind the taxonomic emphasis of the earlier morphological accounts, or the simple interest in species classification, and turn instead to the task of delineating the social characteristics of these species – increasingly described in parallel with those of humans in terms such as parental care, social hierarchies, group bonds, consanguineal and affinal ties, highly developed communication and even cultures (Buss and Smith 1966, Douglas-Hamilton 1967, 1969).

Consequently, the relationship between elephants and people is approached along very broad lines in animal studies. This includes descriptions of their uses in rituals, warfare and transport, but also considerations of the deep social bonds they develop not only within their herds but also with humans (Naveh and Bird-David 2014). Elephants also appear in a range of works that cite the ways in which they have historically partnered humans in warfare, entertainment and exhibitions (Mitchell 2009). They also feature in academic works highlighting the relationships between trainers and elephants (Chin *et al.* 2008) and those between elephants and their handlers in tourism contexts in Asia (Hart 1997).

From an environmental perspective, elephants comprise particularly compelling research subjects when it comes to their encounters with humans. On one hand, they are emblematic of key conservation categories such as flagship species and umbrella species (Barua 2011. As flagship species, they serve to increase the visibility of environmental causes; as umbrella species, protecting elephants also entails conserving their habitats and the other beings sharing territories with them. At the same time, perceived as charismatic species, they are used in a range of environmental education projects (McGowan et al 2020, Van de Water *et al*. 2022). This also reflects the fact that their territories have been hugely affected by anthropogenic actions to the point that the species are now at risk of extinction – an issue that resonates with debates on the Anthropocene (Straus and Ristau 2023).

Still following Kirksey and Helmreich (2010), the Anthropocene[4] is a decisive context in multispecies ethnographies for the kind of engagement these descriptions seek to propose. It marks an era in which anthropogenic actions have assumed geological dimensions, becoming the principal drivers of alterations to the Earth's climatic cycles, directly implicated in the current process of mass extinction: 'Multispecies ethnography involves writing culture in the anthropocene, attending to the remaking of anthropos as well as its companion and stranger species on planet Earth' (Kirksey and Helmreich 2010: 549. Approaches developed by leading figures like Donna Haraway (2022, 2016), Vinciane Despret (2014), Marisol de la Cadena (2016), Anna Tsing (2019) and Isabelle Stengers (2015, 2002) demonstrate how studies that decentre the human amount to deeply political interventions, whether because of the circumstances generated by a planet in ruins or because of the beautiful and profound associations that emerge between humans and all kinds of different species. Here, though, my interest resides in another mode of politicising multispecies studies and science – specifically, by emphasising critiques of the colonial force made evident in instruments of capture, exhibition and killing directed at exoticised subjects, whether human or non-human.

The numerical decline faced by elephant species, as mentioned above, is no isolated phenomenon. Since 1970, the global population of vertebrates has fallen by around 69% (WWF 2022). Mass extinction is one of the most visible features of the Anthropocene and a genuine threat to elephant species.

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4 Here the term 'Anthropocene' refers to a wide-ranging dialogue emergent over the first two decades of the present century and which, in general terms, calls attention to the ways in which human actions have acquired geologically scaled effects on the Earth and its systems. This debate first surfaced in geological discussions but soon spread to philosophical, political and social domains (Malhi 2017, Chakrabarty 2016, Crutzen and Stoermer 2000). In anthropology, discussion of the issue is connected to investigations into ways of inhabiting the Earth that might allow for a collective future (Latour et al. 2014, 2019, Viveiros de Castro and Danowski 2018, de la Cadena 2016). Donna Haraway reviews various inflections of the term, highlighting its associations with the history of capitalism (Capitalocene), with the intimate entanglements of humans and non-humans in tentacular practices (Chthulucene) and with extractivist and slave-based modes of production (Plantationocene) (Haraway 2015). Comprehensive revisions of the thematic have been provided by the aforementioned authors. What the present research highlights, however, is the way reflection on the current geological epoch connects with the exploitation of black subjects by colonial force, a process that continues to inform the hierarchisation of multispecies relations and the everyday procedures through which racialisation operates.

The ethnographic material presented here aligns with the three intersecting areas constituting multispecies ethnographies – environmental studies, science and technology studies (STS) and animal studies – whose themes have intensified in the context of the Anthropocene. In describing the emergence of multispecies ethnographies, Kirksey and Helmreich (2010) note a profusion of works concerned with relations involving fungi, or so-called unloved species, species with whom life is shared, creatures that provoke fear or revulsion, and the intersections of art and science. In Brazil, a multiplicity of non-humans have likewise featured prominently in multispecies ethnographies: turtles, primates, jaguars and laboratory rats occupy a central place in reflections that intersect politics and science (Creado 2014, Sá 2012, Süssekind 2018, Marras 2014, Carvalho 2016). Such research also engages with themes including ecofeminism, rights, public policies for non-human species (Vernal *et al*. 2015), conservation (Süssekind 2016, Sá 2013 and the ways in which beings are perceived by indigenous peoples and by various forms of traditional knowledge (Morawska et al 2021, Taddei 2017, Cabral de Oliveira 2016, Rieth *et al*. 2016, Arisi 2016).

The politicisation of this debate becomes especially potent when we consider the importance of describing relations in order to imagine how they might be recomposed in a world already in ruins (Tsing 2019). Resistances to this world are multiple: they are struggles that reposition the contours and limits of the living and the non-living, which become part of a single substance (Povinelli 2016). As Nego Bispo suggests (Santos 2015), territories and ways of life forged against colonisers engender relations that convoke a communal mode of living through relations that encompass winds, rivers, earth and a multiplicity of beings in bio-interaction.

There is, however, another possible sense in which these studies may be politicised, one still seldom explored by multispecies ethnographies, which involves understanding how colonial history permeates human relations with other species and with the land itself. What the philosopher Malcom Ferdinand (2022) calls the 'double fracture' consists of the separation of colonial and environmental questions as though they belonged to entirely distinct orders. Multispecies ethnography does not seemingly escape this same pattern. While powerful studies have successfully displaced the centrality of the human, they often find it less easy to address the colonial origins of that centrality, and still less to identify whiteness as the force shaping that humanity and the multiple racialised sub-humanities that accompany it. As Ferdinand (2022: 3) observes:

> This fracture separates the colonial history of the world from its environmental history. This can be seen in the divide between environmental and ecological movements, on the one hand, and postcolonial and antiracist movements, on the other, where both express themselves in the streets and in the universities without speaking to each other. This fracture is also revealed on a daily basis by the striking absence of Blacks and other people of color in the arenas of environmental discourse production, as well as in the theoretical tools used to conceptualize the ecological crisis.

In this sense, the ethnographic approach at the epicentre of this research aims to support efforts to recompose the fracture produced by colonial history and colonial violence. As Sandro's house – situated on a former plantation – reminds us, such continuities persist. Like many zoos in South America, it makes evident the connection between colonial and environmental debates. In the case of elephants, this fracture is especially explicit. According to the historian of science Marianna Szczygielska (2020), elephants have historically been regarded as symbols of colonial power and triumph. From an ethnographic viewpoint, addressing the double fracture exposes the colonial history of zoos.

This section experiments with associating two issues: on one side, the history of the conceptual and physical reformulation of a zoo, told through the presence of two African female elephants living in the former Buenos Aires Zoological Garden; on the other, a critical survey of the historical narrative of zoos as a colonial project. To this end, I begin by introducing the recent transformations of the EcoParque and the transfer of the elephants Pupy and Kuky to the SEB as emblematic of these changes. Next, I trace the creation of the zoo in the nineteenth century as a cultural archive of a modern Buenos Aires. Here the relationship emerges between zoos, science, civility and exoticisation, seen through the encounter between the zoo director Clemente Onelli and the animal trader Carl Hagenbeck. In this context, zoos formed part of the civilising aspirations of the nineteenth and twentieth centuries and elephants appeared as emblematic beings in the consolidation of these spaces. Observing the history of one zoo, taking the presence of elephants as a guiding thread, thus reveals the stitching together of the exoticisation of human and non-human bodies.

ELEPHANTS AND THE TRANSFORMATION OF A ZOO – OR ELEPHANTS AND THE COLONIAL TRIUMPH

The environmental historian Regina Horta Duarte (2017) identifies the presence of zoos in Latin America as a political, cultural and historical issue, reflecting 'nationalist aspirations, civilising projects and social transformations' (Duarte 2017: 1). This is undoubtedly the case for the Buenos Aires Zoo, both at the time of its inauguration and in its current transformation into an EcoParque. In both periods, the presence of elephants has been a defining feature in the consolidation of the institution and its operational paradigms.

As part of its activities for publicising the changes to its space and modus operandi, the Buenos Aires EcoParque offered the public a guided tour, *El camino de Kuky y Pupy*. On this tour, environmental education instructors led visitors through the park, pointing out its conceptual and infrastructural transformations. 'Do you remember which animal used to live here?' asked Ludmila Medina, the guide leading the visit. This type of guided tour had first taken place in 1889 when the site was initially designed (Vasta 2019) but here it acquired a new meaning. The new route through the renovated areas played an important role in narrating to visitors how the Park had refocused its work on protecting species typical

of Argentine flora and fauna, a process began in 2016. The transfer of exotic species to specialised sanctuaries was a landmark event in this change. As the group made its way to the elephant area, the guide explained that the EcoParque's mission had concentrated in recent years on the preservation of local species, the expansion of Argentina's native fauna and flora, and the remodelling of the space in accordance with the area's original characteristics: a marshland region, rich in plants and small animals.



Figure 4. *Sign at the EcoParque announcing* El camino de Kuky y Pupy *among the special visits*. Photograph in the field by Tonka Campos, November 2022.

According to Alexia Silva, the park's communications director, the changes arose primarily in response to public criticism and protests against the zoo. The central strategy in the paradigm shift described by Silva was to transfer exotic species to specialised facilities as quickly as possible and to open areas of the EcoParque gradually as soon as they were ready. By October 2022, 923 exotic animals had been transferred to specialised sanctuaries and the renovation of the physical areas was expected to be finalised by 2024. Next on the list for transfer were Pupy and Kuky, the African elephants who had lived in the former zoo since they were calves. Although the two female elephants were no longer visible to the general public, they could be seen on the special tour. As the description of the tour on the park's Instagram profile explained: 'We are preparing to transport Pupy and Kuky to the Elephant Sanctuary Brazil.[5] Join this tour and learn everything about their journey. The funds raised will allow us to continue rescuing, caring for and releasing endangered species throughout

5 The Elephant Sanctuary Brazil (*Santuário de Elefantes Brasil*, SEB) was the first sanctuary created by Global Sanctuary, established in 2016. Its founding mission is to shelter elephants that have lived in circuses and zoos, enabling them to form herds, graze on vegetation, cover themselves in mud, develop robust social bonds and live 'as elephants' during the final years of their lives. The sanctuary comprises more than 1,100 hectares in the cerrado region of Mato Grosso, near the Chapada dos Guimarães. To this end, it collaborates with zoos willing to transfer elephants under their care, while also forming partnerships in legal cases that report abuses in zoos and advocate for the relocation of elephants to its protected space. Its operations rely on an international network of donors, mobilised actively in virtual environments via social media platforms and websites.

Argentina.'[6] In this way, the visit to the African elephants' enclosure was associated with the broader project of rescuing and preserving threatened native species.



Figure 5. *A few metres from the starting point of* El camino de Kuky y Pupy, *Buenos Aires EcoParque*. Photograph in the field by Tonka Campos, November 2022.

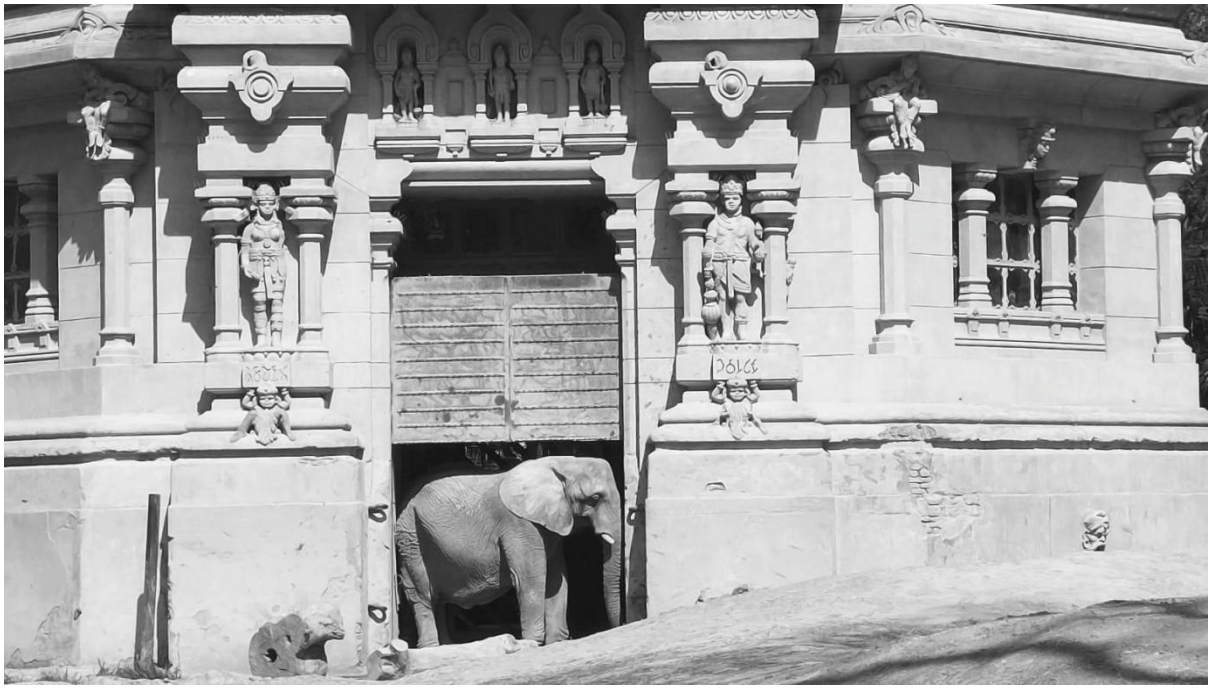


Figure 6. *Exterior of the Hindu temple, Buenos Aires EcoParque*. Photograph in the field by Tonka Campos, November 2022.

6 Instagram Stories highlighted as *Visita Especial* (Special Tour) on the Buenos Aires EcoParque profile, available at https://www.instagram.com/stories/highlights/17988621304518951/. Accessed 23 August 2023.

In the elephants' enclosure, the Hindu temple appeared grandiose from the outside. Built in 1904, the structure had been designed to house two elephants from the start. The Italian architect Virgilio Cestari intended the building to evoke the species' place of origin. A gate at the rear of the temple reinforced the fact that the area was restricted to staff. Passing through the gate, Pupy and Kuky, together with two trainers, awaited the visitors to demonstrate their training routine, which consisted primarily of three procedures: first, the feet were assessed and cared for; second, blood was collected from the area near the ears; and finally, a forceful exhalation was used to evaluate lung health. The internal area was divided into two enclosures separated by bars: on the right-hand side were Kuky and the trainers, and on the left an enclosure where Pupy stayed. Tall bars – higher than the elephants themselves and approaching the full height of the Hindu temple's vaulted ceiling – separated the elephants from the visitors by a distance of roughly three metres.

There the trainers explained that for much of their lives Pupy and Kuky had shared the space with the elephant Mara, who now lived at the Elephant Sanctuary Brazil, where Pupy and Kuky would also soon be transferred. There, they added, the elephants would be able to live outdoors in a spacious and natural environment. Both Pupy and Kuky had been born in Kruger Park in South Africa and, according to the park staff, had been spared from being culled for hunting trophies. The narrative connecting the presence of elephants in zoos to trophy hunting recalled the explanations I had heard at the sanctuary concerning this subject: trophy hunting and the sale of elephants to zoos and circuses constitute a single business model with two interlinked lines of operation.[7]

Kuky was presented as the matriarch, the more energetic of the two and the leader of the small two-elephant herd. The keepers guiding the tour explained how the training for the transfer of the elephants to Brazil was implemented. Using positive reinforcement with fruit rewards, they asked Kuky to lift her foot so that her nails and the palmar area could be examined; they also trained the collecting of blood from the area near her ear using blunt needles; and finally, they demonstrated a sample of fluid aspirated by the elephant and released into a container for laboratory tests. These training routines complied with the Brazilian and Argentine regulations for the transfer that both elephants were awaiting. Their feet were cared for daily to prevent infection. This was not treatment specific to the transfer but ensured their health until they could walk freely in the sanctuary. For the journey to Brazil, the blood test would detect any infections and provide the veterinarians accompanying the transport operation with information about their general health, while the laboratory analysis of the aspirated fluid aimed to identify tuberculosis, given the risk of transmission to the other elephants in the herd already waiting for Pupy and Kuky at the SEB. The look of exhilaration on the visitors' faces, as the veterinarian responsible for environmental education at the park remarked, was a constant feature of the visits I observed.

7 Conversation with Trish London, veterinarian at the SEB, and Scott Blais, director of the SEB, May 2022.

In the words of Joaquim Gargano, head of environmental education at the newly established EcoParque, the public's reaction on seeing the elephants reflects not only their relationship with Pupy and Kuky, but with nature itself. For Gargano, visitors whose lives had been marked at different moments by the presence of Mara, Pupy and Kuky shared in the joy of knowing that the elephants would soon be transferred.



Figure 7. *Pupy and Kuky in the outdoor area of their enclosure. In the background can be seen the outline of buildings in the busy Palermo neighbourhood*. Photograph in the field by Tonka Campos, October 2022.

The emotion and tears shed by visitors as they imagine the elephants' transfer to an 'open-air' and 'totally natural' sanctuary, according to Gargano, reflect a personal and affective bond, highlighting the presence of the elephants (and the park) as a 'cultural archive' of Buenos Aires city.

So while Mara lived in the 'natural' space of the sanctuary, Pupy and Kuky awaited their transfer. These were not the first elephants to mark significant changes in the history of this space. At various moments, elephants had served as symbols of the zoo's institutional projects. In 1889, for example, one of the first measures taken to implement the Zoological Garden was the purchase of two Indian elephants, along with other large exotic animals like felines and bears, their sale negotiated by the leading animal trader of the period, Carl Hagenbeck (Vasta 2017). In 1905, a newborn elephant at the zoo was named Phua Victoria Porteña – a historical landmark remembered as the first documented birth of an elephant in a zoo anywhere in the world (Vasta 2017). In the early years of the twentieth century, elephant rides were among the zoo's main attractions. Just as elephants served as emblematic figures in the early years of the Zoological Garden, so too they functioned as significant markers of change during the transformation of its institutional model in 2016.

The idea that elephants and the Park form a constitutive part of the Argentine capital is not new, having marked the emergence of the zoo at the end of the nineteenth century. When the first zoological gardens began to appear in South America, they represented the modernisation of cities (Leal 2021). During this period, across the world, colonial traders were responsible for capturing and selling 'exotic' animals that crossed the oceans by ship (Fausto 2017). This was not solely a monetary exchange. In the case of the Palermo Zoo, its directors exchanged scientific information with the leading animal trader of the time, Carl Hagenbeck, while also exchanging tropical flora and fauna (Rothfels 2002).

As we shall see, this is how Hagenbeck's ethnological exhibitions – also known as human zoos – arrived in Argentina in the nineteenth century. While in Europe they served to sustain the idea that racialised peoples were primitive and bestial in contrast to Europeans, depicted as civilised and evolved (Rothfels 2002), the following section suggests that in South America these exhibitions similarly helped feed hygienist and fantastical notions of whitening as synonymous with civility.

ZOOS, CIVILITY AND SCIENTIFIC RACISM

At the end of the nineteenth century, when the Buenos Aires Zoological Garden was founded, zoos across the world were symbols of civility and urban cosmopolitanism (Leal 2021, Fausto 2017). They formed part of a wider trend to set aside areas of cities for 'natural' spaces – such as leafy squares and wooded parks – in parallel to the increasing modernisation of buildings and urban infrastructure. Thus, in 1875 a zoological section was established in a park in the Argentine capital, and eleven years later the Buenos Aires Zoological Garden became an autonomous institution (Vasta 2019). The history of zoos, however, long predates this period. Historians trace animal collections back to Pharaonic Egypt, the Zhou Dynasty in China and medieval kingdoms, as well as the Aztec Empire under Moctezuma II in the sixteenth century AD, where archaeological records point to the existence of collections of animals (Croke 1998, Duarte 2017). Collections known as menageries had also become increasingly common in Europe up to the nineteenth century, whether in royal assemblages or in travelling shows that exhibited animals deemed rare. However, the notion of the modern zoo began to appear with the fusion of a model of exhibition that reproduced 'natural' settings with scientific and educational ambitions, also intertwined with the large-scale trade in animals (Rothfels 2002).

These spaces represented not only institutions for the appreciation of exotic species but also centres of scientific production and exchange (Leal 2021). It is unsurprising, therefore, that Eduardo Ladislao Holmberg, the first director of the Buenos Aires Zoo between 1888 and 1903, was also responsible for the institution's first scientific publication, *Revista del Jardín*. The journal was reissued later between 1904 and 1924 under the directorship of Clemente Onelli. In the museum that tells the history of the site, located within the EcoParque, a large

display screen presents each of the zoo's directors, highlighting their respective contributions. The museum makes clear that scientific production has been one of the institution's central pillars since its inception. It also shows how science and exoticisation have combined throughout the history of zoos.

The establishment of the Buenos Aires Zoological Garden (JZBA) and other green spaces in the city was modelled on European and North American cities, as the Spanish historian of science Oliver Hochade (2022) has shown. Hochade (2022) stresses the importance of the Buenos Aires Zoo in the scientific exchanges between the Global South and North, emphasising in particular the figure of Clemente Onelli, who directed the institution between 1909 and 1924 and became known for transforming it into a site of 'innovative scientific research' (Hochade 2022: 790).

In this narrative, the JZBA played an important role not only in the establishment of science in the country, but also in the modernisation of the city, sustaining its status as a metropolis and placing South America on the map of global research (Hochade 2022). Hochade offers two examples. The first is the zoo's relationship with the notorious German animal trader Carl Hagenbeck, responsible for importing a wide range of species from Asia and Africa into Europe for the first time. The list is long: black rhinoceroses, Sumatran rhinoceroses, Somali wild asses, the gerenuk, the pygmy hippopotamus, the African manatee, the Persian leopard, the elephant seal, the Caucasian bison and the rare and endangered Bornean pygmy elephant (Rothfels 2002). In the 1870s, the shiploads of animals transported by Hagenbeck became increasingly large and frequent, marking a historical turning point. An illustrative example is a shipment from Egypt to Italy that included one rhinoceros, five elephants, two warthogs, fourteen giraffes, twenty antelopes and gazelles, seven lions, and eight leopards and cheetahs (Rothfels 2002). Zoos had emerged long before the German trader began his exhibitions, but Hagenbeck's difference lay in uniting a number of diverse factors: the large-scale commercial trade of major species, an exhibition model capable of provoking in visitors the fantasy of encountering a wild landscape, combined with a broader context in which science was becoming politically and epistemologically allied to ideas of civility (Rothfels 2002).

It is no surprise, therefore, that among scholars of zoo history Hagenbeck is remembered for having opened his first zoo as a solution to the need for somewhere to keep the animals while awaiting sale.[8] The temporary space soon became a site for panoramic exhibitions where the public viewed animals across a kind of moat. This was itself an innovation: in the menageries of the period, animals were typically displayed in small spaces enclosed by iron bars – essentially large cages. The trade in zoo animals, and Hagenbeck's role in this commerce, extended across both geography and time. In more recent history, for example, Mara – the

8 This reflection draws from conversations and an interview with Igor Morais, who has an MSc in Zoology, specializing in zoos, and in-depth research experience in the history of zoological institutions in Brazil.

Asian elephant born in India who had passed through several circuses and countries in South America – had originally been purchased from Tierpark Hagenbeck, a zoo in Germany.[9]

As Hochade (2022) argues, the relationship between Onelli and Hagenbeck was decisive not only for the circulation of animals from Hagenbeck's zoo, but also for the transfer of South American animals to Europe. At a time when the commercial exchange of animals between zoos also signified academic exchanges between scientists, the link between Onelli and Hagenbeck had the effect of placing scientific work from the Global South on the European map (Hochade 2022). For the author, the connection with such a prominent a figure in the history of zoos is interpreted as an aspiration to 'overcome hierarchies' in the production of science from the Global South (Hochade 2022: 807). However, other readings of the encounter between these two historical figures are just as possible.

While Hagenbeck is remembered as a pioneer of the modern zoo, he is also notorious for the exhibitions that became known as human zoos. In these ethnological spectacles, Hagenbeck displayed in his zoo and in travelling shows peoples classified as primitive and savage. Among the groups were Somalis, Inuit and Fuegians, with each 'ethnic group' presented as an evolutionary link between 'European man' and non-human primates. These exhibitions became a huge success not only in Germany but across Europe, attracting vast crowds. In 1886, for example, over the course of two and a half months in Paris, one of these exhibitions received around one million visitors (Rothfels 2002).

The philosopher Juliana Fausto (2017) reminds us that such exhibitions were associated with the theoretical premises of *On the Origin of Species*, published in 1859 by Charles Darwin, extending evolutionary interpretations to racist social dynamics (Fausto 2017). These ethnographic shows were instrumental in consolidating the idea of race among non-specialist audiences, reinforcing a duality that placed white Europeans and civility on one side and indigenous and black peoples and savagery on the other (Mesarič 2021). In the words of the migration specialist Andreja Mesarič, these performances were decisive in creating referential frameworks of civility and modernity whose legacies remain very much alive today (Mesarič 2021).

Making explicit the association of this legacy to zoos allows us to recompose colonial fractures, revealing how non-human and racialised narratives are interconnected. We can imagine that the shows that arrived in Argentina in the 1910s played a similar role in shaping imaginaries of race in the country: a kind of hierarchy in which Europeans – who migrated to Argentina as part of state policies – embodied civility and modernity while black and indigenous peoples were perceived as closer to savagery and bestiality. In the year following Hagenbeck's exhibitions in Argentina, the Buenos Aires Zoological Garden received more visitors than those of London and New York during the same period – over 1,500,000 people (Duarte 2017).

9 Information available at https://www.nytimes.com/2020/08/09/science/coronavirus-elephants-wildlife-zoo.html. Accessed 23 August 2023.

The zoo project, fuelled by a civilising aspiration, succeeded on diverse fronts: by establishing exchanges in the trade of species and the production of knowledge with European countries; by attracting record public numbers visiting the site in Buenos Aires; but also by reinforcing exoticising notions of savagery and Eurocentric models of humanity. It is worth recalling that Clemente Onelli, one of the figures responsible for this project and who likewise took part in the violent demarcation of Argentina's borders and the creation of its national parks, believed that the disappearance of indigenous peoples in Argentina would be a 'necessary and inevitable consequence of progress' (Kerr 2019: 28).[10]

The imaginary of the disappearance of some groups and the expansion of others as markers of progress also found expression in state policy. One of the key references in this process is President Justo José de Urquiza, in office between 1854 and 1860, who promoted European immigration as a government policy and as a whitening strategy, both objectives already present in the country's first constitution. True enough, similar strategies can be observed in countries such as Uruguay and Brazil, but Argentina was particularly successful in constructing an image of itself as a white nation (Adamovsky 2020, Mesarič 2021).[11] A few years after Urquiza's policy, another president, Domingo Faustino Sarmiento (1868-1874), stated in celebratory tones: 'within twenty years it will be necessary to go to Brazil to see blacks in the purity of the race' (Garrels 1997).

The human zoos or ethnological exhibitions created by Hagenbeck constitute an uncomfortable topic, to say the least, when we consider their close relationship to the formulation of a referential model of humanity based on the subalternisation – and consequent abjection – of a supposedly savage and uncivilised other, embodied in this case in indigenous and black corporealities.[12] Seeing the 'savages' across the fence also guaranteed seeing oneself as the ideal representative of the desirable traits defining true humanity.[13] On the other hand, hegemonic narratives about science continue to recount the history of zoos, scientific production and Hagenbeck himself as elements independent of the eugenic projects articulated by nation-states and by the development of racialist scientific theories not only in Germany and

10 The demarcation of the frontier between Argentina and Chile, initiated by the 1881 Treaty of Limits and extended by the 1884 Organic Law of National Territories, was a joint undertaking by the Chilean and Argentine governments and resulted in the expulsion and extermination of the Tehuelche, Ona, Yaghan and Alacaluf peoples who lived in Patagonian lands (Kerr 2019).

11 Contemporary political and artistic mobilisations have been particularly powerful in presenting alternative narratives of the nation. During my time in Argentina, contact with the artistic collective Kukily and with a series of anti-racist initiatives based at the Museo de Arte Latinoamericano de Buenos Aires (MALBA) – on the occasion of an exhibition by Brazilian artist Rosana Paulino – made clear how the notion of a white Argentina is contested and strongly criticised by Afro-descendant movements in the country. The work of the intellectual and activist Miriam Victoria Gomes (Gomes 2002) shows how the Afro-descendant presence has shaped, and continues to shape, Argentina.

12 The history of ethnological exhibitions – also referred to as human zoos – is undoubtedly disturbing and prompts reflection on how they should be named. The German anthropologist Hilke Thode-Arora (2021) discusses her decision not to use the term human zoos, preferring instead to refer to them simply as *ethnic shows*.

13 This dialogues with the proposal of the gender studies scholar Neel Ahuja (2009) to disentangle what he calls the 'entangled webs' of species and race, intertwined through the circuits of imperial power.

Europe as a whole, but also in former colonies (as the Argentine case illustrates). Here, the history of exoticised humans intersects with the history of the 'wild beasts' of the Asian and African continents, as well as with the invasion of indigenous territories in South America.

The scientific, educational and recreational tendencies of zoos were thus intimately aligned with the formulation of a Eurocentric ideal of humanity. Examining this history means questioning the fantasy of a science commonly depicted as neutral and apolitical. In the forceful critique of the philosopher Juliana Fausto (2017: 15), zoos can be viewed 'as a model of human politics comprehended as pathological due to the ways in which it is anti-life and anti-becoming.' In the Buenos Aires Zoological Garden, elephants formed part of a project aimed at constructing a modern vision of the nation for foreign observers – a vision that emerged with explicitly civilising ambitions. As the historian of science Marianna Szczygielska (2020) argues, elephants are symbols of colonial triumph. If this is evident in big game trophies and the widespread use of ivory throughout the nineteenth century, it is also just as clear in the history of zoos. Especially in those zoos established in provincial cities of former colonies, which sought a place for themselves within an emergent civility, elephants served as powerful symbols of the modernity to which they aspired (Szczygielska 2020). In the case of the Buenos Aires Zoological Garden, the notion of a 'cultural archive' attributed to elephants makes this clear. Yet the first elephants that arrived through the Hagenbeck trade network or even Phua, the elephant born in the zoo, were not the only markers of this process. The history of the exoticisation of humans in zoos and exhibitions also makes explicit the colonial violence involved in constructing an idealised humanity by distancing it from a racialised referent of 'savage peoples' – whether originating in Latin America or forcibly taken there.

In the case of the Hagenbeck exhibition, it is no exaggeration to state that elephants, giraffes and large felines shared the ship holds of the world with racialised, non-white humans (Ferdinand 2022). They not only shared these ship holds, but also the fences, enclosures and diverse forms of violence. Companions of the hold. Companions of the fence and the enclosure. The Hagenbeck family zoo, still open today, could scarcely preserve this memory in a more curious way: today, the elephants are exhibited in the same area once used for the ethnological shows. Here, then, the notion of the companion species acquires another dimension altogether – the sharing of a colonial past that is renewed daily (Kilomba 2019).

Conducting an ethnography with elephants in zoos in Argentina and Brazil prompts us to examine the history of these institutions. The link I propose here – seen, for example, between elephant tusks in zoos and colonial dynamics – is not new (Szczygielska 2020), yet it still lacks experiments capable of describing the connections in ethnographic detail. This is especially so in South America, a continent that, although it has no elephants native to its biomes, has hosted elephants in exhibition spaces for more than two centuries.

In this respect, the present article combines forces with other initiatives that see in the encounters between people and elephants far more than a behavioural proximity between species,

discerning instead the reverberations of colonial history and the racialisation of different bodies (Szczygielska 2020, Rothfels 2002). Politicising multispecies ethnography through this discussion entails recognising that the encounter visible in the zoo is not merely that of distinct species looking at one another through bars, but also the resonance of a colonial history that determines which forms of exoticisation are displayed. Nineteenth-century zoos did not merely exhibit an imaginary projection of the 'wild world': they were co-producers of colonial practice and played a decisive role in shaping and consolidating state projects of civility and eugenics. In so doing, they were fundamental to the construction of what was construed as natural and human.

In response to the persistence of a colonial violence that simultaneously engenders and exoticises humans and non-humans alike, the ethnographic movement may at times demand recognising, in the ethnographer's own corporeality, the marks of colonial exoticisation. The frequent reflections on animality in multispecies studies often seem to eschew critiques of the colonial endeavour that has historically placed racialised humans in bestial and exoticised positions.[14] In multispecies ethnographies, humanity is stretched, undone and reconstituted in encounters and relations between different companion species within more-than-human assemblages. Yet a further question arises: for those bodies for whom humanity has never been guaranteed, how does the multispecies encounter unfold within ethnography? This research suggests an encounter between companion species not only in terms of space, coexistence and the Anthropocene, but also as companions in a shared colonial history. Despite the many studies and experiences that describe the animalisation of racialised bodies, historical processes of racialisation and multispecies relations still seem to be mutually distant themes. The argument advanced here suggests that it is the weight of colonial history that makes these themes appear not to encounter each other, yet it is precisely because of this apparent misalignment that we need to explore the issue as a powerful means of politicising multispecies ethnography and developing a critique of the animalisation imposed on black subjects.

In the next section, I explore how animalisation has been described as a colonial strategy imposed on black corporealities. My aim is to show that, although the theme is rarely addressed in the field of multispecies ethnography, it is fundamental to reconstituting what counts as humanity and as animality.

COLONIAL ANIMALISATION AND BLACK INTELLECTUALITY AS RESISTANCE

The Portuguese intellectual and multi-disciplinary artist Grada Kilomba (2019) highlights the lyrics to a German colonial song as an example of discursive (rather than biological) racism in which black people are metaphorically represented as monkeys. Kilomba observes a sequence of images and words that transfer by association an animalistic, inferior and 'savage' meaning to black people, fixing their identities through a colonial fantasy: *African*

14 In other approaches, this discussion is also analysed through the category of 'power' (Ahuja 2019, Fausto 2017).

- *Africa - jungle - savage - primitive - inferior - animal - monkey* (Kilomba 2019: 130). In another moment, Kilomba remarks on the 'immediate metamorphosis from person to animal' (2019: 128). She presents animalisation as a colonial fantasy in which black people are rendered equivalent to, or associated with, notions of savagery, naturalness, animality and primitiveness, while simultaneously embodying traits that are seen as both abject and desirable by white subjects. Desirable in an erotic and sexualised sense, insofar as they represent what whiteness lost when it became discursively distanced from the 'natural' (Kilomba 2019). At the same time, abject because they present characteristics inferior to the aspirational notions of civility and evolution. Whiteness thus appears as the ultimate representative of humanity itself, 'the true human condition' (2019: 14), while creating an equivalence between black subjects and animalistic, 'savage' meanings. In order to engage with these narratives, I draw here on several of Kilomba's powerful definitions for thinking about multispecies relations and the ways in which they are nourished by colonial fantasies:

> *Primitivisation*. The *black* subject becomes the personification of the uncivilised – the 'savage,' the backward, the basic or the 'natural' – the one closest to nature. (...) *Animalisation*. The *black* subject becomes the personification of the animal – the wild, the primate, the monkey, the 'King Kong' figure – another form of humanity. (Kilomba 2019: 79)

In this argument, these terms emerge from the weight of colonial history. In narratives on the enslavement of black people on plantations, notions of animality are likewise used in reference to the brutality with which enslaved subjects were treated.[15]

In bell hooks' review of detailed descriptions of the treatment inflicted by enslavers aboard slave ships, terms commonly used in relation to the taming of animals frequently appear. The forms of violence employed on the slave ship were described as ways of 'breaking them in or taming them' or as domesticating strategies deployed so they 'would be marketable as a 'docile' slave in the American colonies' (hooks 2013: 22 and 23). The terms 'docility' and 'taming' reveal the animalistic comparison that also marks the reproductive dimensions of enslaved life: 'as much attention is paid to the breeding and growth of negroes as to that of horses and mules. (...) A breeding woman is worth from one-sixth to one-fourth more than one that does not breed' (hooks 2013: 39. Once again, the terms ('breeder,' 'breeding') and the comparisons (horses and mules) mark the imposed animalisation.

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15 This theme has also been explored within what has come to be called multispecies intersectionality, which demonstrates how colonial power traverses different dimensions from gender and class to the multispecies realm. Anthropologist Andrea Petitt (2023) notes that the concept of intersectionality, developed by black feminists to describe how gender, racialisation and class mutually constitute and interconnect with each another, is also linked to the decentring of the human advanced by multispecies critique. Associating these two fields of knowledge, the concept of multispecies intersectionality highlights how the articulations of power evident in categories such as gender and ethnicity likewise cut across all species involved in everyday lived relations. The gender studies scholar Kuura Irni (2023) and collaborators have added further complexity to this debate by arguing that, when applied carelessly to any context, the notion of intersectionality can end up muting the critique of racism. The entanglement of corporeality and multispecies politics is also evident in the work of Camila Fontenele de Miranda (2024), who explores themes of animality and monstrosity in research centred on whales and the fat body.

It was only through reading black women writers, therefore, that I came to recognise the animalisation of different bodies as part of the brutal strategies of enslavement and the colonial enterprise, even though I was already immersed in studies of human-animal relations.[16] The proximity between enslavement and the 'animal condition' is also described by the Brazilian intellectual Abdias Nascimento, who recalls how 'the animal condition' emerges as a state produced by the hands of the enslavers (Nascimento 2016).

The Martinican intellectual Frantz Fanon also refers to this animalising objectification when he ironically narrates the process of abolition orchestrated by the white coloniser himself: 'one day, a kind white gentleman of some influence said to his colleagues: "Let us be kind to the blacks." And so the white gentlemen, grumbling – for it was still difficult –decided to raise machine-men-animals to the supreme position of men' (Fanon 2008: 182). In this scenario, the humanity of black people appears as a condition granted only by whiteness, while animality is depicted as innate. The bestial, savage, primitive, animalistic position that emerged with enslavement on the plantations survived institutional abolition. Abolition without policies of inclusion and historical reparation was insufficient to unsettle the colonial fantasy of whiteness in which black people continue to occupy the place of the animalised.

As the examples in the preceding sections have shown, throughout the nineteenth century a series of exhibitions mobilised the imaginary that a threshold – a missing link –existed between what was deemed properly human (white and European) and the primate apes. The human zoos displayed racialised 'types' taken from around the world, confined in cages alongside other species. Almost naked bodies were exhibited alongside narratives that emphasised a primitive, 'savage' eroticism, thereby consolidating an image of the sexualisation of certain races.

One of the most striking examples of this violent history is, without doubt, Saartjie Baartman, known as the Black Venus, who was exhibited in several countries and 'examined' by numerous scientists both during her life and after her death, among them the palaeontologist Georges Cuvier. Cuvier is remembered as the first to describe extinction as a scientific phenomenon, through his analysis of elephant fossils. While Cuvier identified the boundaries between species and geological periods in his examination of the jaws of mammoths and elephants, in his analysis of Baartman his scientific arsenal was mobilised to map another kind of boundary: Baartman was made to represent a link between humans and savages, the point where civility and bestiality supposedly met. The dissection of her body concluded that it was closer to that of large non-human primates than to *Homo sapiens* (Kerseboom 2011).[17]

16 This theme is hinted at by various celebrated authors: Haraway (2009), for instance, includes in footnotes explicit acknowledgements of the work and contributions of black intersectional feminists. Despret (2014) likewise notes the blurring of the 'boundaries of humanity' in technologies tested both on non-human animals and on humans living in conditions of social vulnerability.

17 The fascination with what is deemed properly human is one of the topics addressed by Ingold (1995) in his defence of a human science that does not restrict itself to *Homo sapiens*. Unlike Ingold's discussion, however, the focus here is on showing how, within a certain approach, what counts as 'properly human' is in fact circumscribed by the particularities of whiteness.

According to Nigel Rothfels (2002), a German specialist on the history of human zoos, this kind of exhibition was not only decisive in nurturing the supposed separation between white Europeans and the racialised, non-white peoples of the jungles of the colonised world, it also helped construct the very idea of what counts as 'animal' – a theme still seldom explored in multispecies studies. The proximity of racialised black subjects to primitivist and animalised notions continued to feed colonial imaginaries. Especially with the physical anthropology of the early nineteenth century, such fantasies came to enjoy strong scientific support. The very idea of race exposes this history. Kabengele Munanga (2004: 17) notes that the notion of race, originally used by Linnaeus, the father of modern taxonomy, to classify plants, was already employed in 1684 by the anthropologist François Bernier, who 'utilized the term in the modern sense of the word, to classify human diversity into physically contrasting groups, called races.' With the supposed 'discovery' by Europeans of peoples occupying territories newly known beyond the seas – from Amerindians to Black Africans and Melanesians – a science began to be developed to support the questioning of humanity as those in Europe had hitherto conceived it. Differences were subsequently hierarchised: levels of melanin concentration were added to morphological descriptions of skull size, mouth and nose shape and then associated with moral and intellectual characteristics (Munanga 2004).

Science contributed substantially to an ideal of whiteness as the benchmark of racial purity. It is no coincidence that whitening became state policy in Brazil, one of its features being the encouragement of immigration from Europe. Sueli Carneiro (2011) reminds us: 'the racist intellectuals of the late nineteenth and early twentieth centuries estimated that by around 2015 Brazil would be rid of the "Black stain"' (Carneiro 2011: 80). The idea that black corporeality is 'stained' remains alive in everyday terms, erotically animalising us and suggesting a supposed unsuitability for intellectual practice.

This fantasy continues to manifest in the associative chains of language. In interviews conducted over more than three years with white interlocutors, Fanon mapped the terms most frequently associated with 'black.' Among the most common were: sex, strong, savage and animal (Fanon 2008). The corporeal and sexual emphasis appears as a major justification for subordination (Ferdinand 2022). Lélia Gonzalez (2020) likewise observes a duality of opposed domains – intellectuality and sexuality – in her analysis of the term *mulata*, showing how the indicators of animality attributed to black women continue to operate in the image of a mindless body, animalised and primitivised. Thus, the same colonial history that positions black people within animalised narratives also assumes as 'properly human' (that is, intellectuality) what is taken to be particularly white.

Despite the violent colonial exercise of separating the body from intellectual labour, the black intellectual tradition from which I draw here approaches corporeality as a fertile site for intellectual practice. This is what Audre Lorde (2020) shows us when she reflects on how her own body and desire traverse her poetic and intellectual production. Moreover, as Lélia

Gonzalez (2020) reminds us, it is possible to investigate the intellectual implications of the diaspora as a collective experience. Such reflections offer important gains for ethnographic research and underscore the need to reposition the question of anthropological ethics by making explicit the racial hierarchies that accompany black women ethnographers in their research practices (Castro 2022). In these works, the body – which in the colonial narrative marks the supposed incapacity of black people for intellectual production – is understood as a locus from which intellectual life develops. Being, corporeality, skin and embodied memory thus shift from a position of incivility and primitivisation (which the persistence of colonial history tends to stabilise) to become a place of affirmation for the construction of a theoretical and political argument.

CONCLUSION

What subjects are considered appropriate for black scholars to study? Which themes should be the focus of research among Afro-descendant communities? The inclusion policies that have improved access to higher education for black people in Brazil over recent decades[18] – and the ancestral struggle for the right to intellectual production – can bring these questions into focus. This article is, above all, a defence of the presence of Afrodiasporic intellectuals across the widest range of research areas and fields of knowledge. In my own case, multispecies ethnographies have guided my investigations toward the colonial history embedded in interspecific relations with elephants, while simultaneously exposing the colonial strategies of animalising black bodies.[19] In this sense, the approach developed here is also a defence of black intellectuality as a strategy for opposing the colonial fiction that black subjects are incapable of sophisticated intellectual work.

As noted earlier, the kinds of thematic associations involved in the anthropological approach I propose here may provoke in the reader a sense of misalignment, a thematic dislocation. For this reason, I borrow the image conjured by the visual artist Rosana Paulino (2011) in *As riquezas desta terra*. Paulino combines materials that are markedly distinct: photographs from physical anthropology during the colonial era, drawings of bones, paintings, images of Portuguese tiles. The result is a stitching that works as a suture of a time whose duration has been prolonged in the racialisation of bodies. The work bears a striking sense of disjunction: the fabrics are not sewn to form a perfectly straight outline; some pieces and threads overlap; the images do not align smoothly; the seams, rather than being internal and discreet, are

18 Some examples of these policies are presented with long-term monitoring of their ongoing effects and challenges (Bevilaqua 2015, Freitas 2014, Gomes 2011). It is important to emphasise that the present volume, the Black Brazilian Anthropology Dossier, forms part of these initiatives to counter the colonial practices that still persist in science, the bases of which are delineated in this article.

19 In this sense, I concur with the argument advanced by the anthropologist Susan Haris (2022), who calls for a rapprochement between postcolonial and multispecies approaches. Haris (2022) outlines five points of convergence between these bodies of work, including decolonisation itself.

themselves part of the visible work; and finally the finishing leaves loose threads hanging – threads that are neither cut nor hidden. A type of connection that exposes the underside of the colonial seam. This suture recalls Grada Kilomba's (2019: 71) description of colonialism as 'a wound that has never been treated, a wound that always hurts, sometimes becomes infected, and at other times bleeds.'



Figure 8. *As riquezas desta terra*. Digital print on fabric, linoleum, cut-outs, ink and stitching, 96 × 126 cm, by Rosana Paulino, 2017.

In the mismatch, the leftover fabric and the threads left hanging, Paulino's (2011) work animates history, refiguring the shapes and contours of the place accorded to black bodies in the colonial narrative.[20] My intention here is to juxtapose distinct issues so as to make the stitching, the fabrics with their images and their mismatched leftovers all the more visible. This is a mode of production nourished by black experience in the world, one that resonates across heterogeneous (at times multispecies) lives, and which clearly converges with the notions of *escrevivência* and *oralitura*, where black lived experience constitutes a point of departure for intellectual labour (Evaristo 2017, Martins 2003). As the writer from Minas Gerais, Conceição Evaristo, says of her own work, it is 'profoundly contaminated by my condition as a black woman. (...) My personal experiences, my subjectivities, the social place

20 Rosana Paulino's work – and the narrative form she forges through suturing — has also been mobilised by the anthropologist Jacqueline Ferraz de Lima (2022) to describe the practices through which women in the cerrado region of Minas Gerais resist the concentration of land and income.

to which I belong – all this seeps into my writing in some way.'[21] This kind of contamination in Evaristo's fiction also invites us to think about what forms of contamination occur in the persuasive fictions of anthropology when they are similarly infused by the conditions of black subjecthood in the world.

Sutures. Put explicitly, the seams in this article appear in specific concepts: decolonial ecology, multispecies relations, memory, intellectuality. The materials I associate here – the images I connect – derive both from ethnographic research with specialists in elephants and from my own experience as a black woman ethnographer. Making explicit the *but*, the thematic mismatch, is part of the experiment of producing multispecies research from a body racialised as black. Over the course of my research, this an ever-denser engagement with the debate on raciality and colonialism. This discussion surfaced in Sandro's 'absence of world' and in the recurrence of colonial models of exhibition, exacerbated by the proximity of the colonial house as part of the displays at the Sorocaba Zoo. The elephants arriving from Africa exposed an enduring tendency to intertwine the exoticisation of human and non-human beings. These contexts, connected by the politics and histories of confinement and display, illuminate a fiction that must be sutured between colonial and environmental debates.

Making these procedures explicit is intended to encourage younger researchers to risk ethnographic experiments in which our own black corporeality feeds an intellectual production that intersects themes, revisits colonial narratives and reconstitutes memory in an engaged fashion. Such movements can undoubtedly open for anthropology new, necessary and stimulating pathways: a critique of the colonial history embedded in multispecies relations and an imagining of new sutures for a possible future.

Translated by David Rodgers.
Received: July 7, 2024.
Approved: June 8, 2025.

Data Availability Statement:
This article presents a portion of the data compiled from a broader research project. The remaining data from this research is organized in reports submitted to São Paulo Research Foundation (Fapesp Process 2019/07570-3). Such data can be accessed upon request.

21 Article on Conceição Evaristo in the newspaper *Correio do Cidadão*, available at https://www.correiodocidadao.com.br/curta/minha-escrita-e-contaminada-pela-minha-condicao-de-mulher-negra/. Accessed 12 June 2023.

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Black Brazilian Anthropology

The condemned crab: dilemmas in the conversion of crustaceans into commodities

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Abstract

This photographic essay explores the engagements between crabs, crab-harvesters (*caranguejeiros*) and their bosses in the e Parnaíba Delta Marine Extractive Reserve. Through its images, the essay shows a crucial moment in the conversion of crabs into commodities: the *cut*, when crabs in poor condition for sale are separated from the rest. The aim is to demonstrate how the *cut* simultaneously brings into relation labour practices, technical processes and interactions between humans and other living beings in contemporary capitalism. Hence, the crab-commodity is not produced solely through a commercial relationship but is mediated by an orchestrated set of dynamics involving people, crustaceans and the paths along which they circulate.

Keywords: Human-animal relations. Commodities. Capitalism. Artisanal fishing. Caranguejo-uçá. Visual ethnography.

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https://doi.org/10.1590/1809-4341.2025v22e00809

O caranguejo condenado: dilemas da conversão de crustáceos em mercadorias

Resumo

Este ensaio fotográfico se debruça sobre os engajamentos entre caranguejos, caranguejeiros e seus patrões na Reserva Extrativista Marinha do Delta do Parnaíba. Através das imagens, o trabalho mostra um momento crucial na conversão dos caranguejos em mercadorias: o corte, quando caranguejos em más condições de comercialização são separados do restante. A ideia do ensaio é mostrar como o corte relaciona, a um só tempo, relações de trabalho, processos técnicos e interações entre humanos e outros viventes no capitalismo contemporâneo. Assim, o caranguejo-mercadoria não se faz apenas a partir de uma relação comercial, mas mediado por um conjunto orquestrado de dinâmicas entre pessoas, crustáceos e os caminhos pelos quais circulam.

Palavras-chave: Relações Humanos-animal. Mercadoria. Capitalismo. Pesca artesanal. Caranguejo-uçá. Etnografia visual.

The condemned crab: dilemmas in the conversion of crustaceans into commodities

Lucas Coelho Pereira

After roughly seven hours spent in the mangroves, the crab-harvesters make their way back to their canoes. The men carry with them dozens of crustaceans that will be passed on to their *patrões* (bosses) and later sold on to other intermediaries. However, the conversion of a crab into a commodity involves a set of processes that resist reduction to what appears to be – an appearance only – a simple act of buying and selling. This essay explores this question through the idea of the *corte*, the cut, a specific moment in the cycle via which crustaceans are transformed into commercially selected products. In this sense, the cut is the cut-off point that determines which live crabs will continue along the commercial pathway and which will be discarded.

Discussing the *cut* through this visual essay leads to a reflection on two points. First, the relations among diverse living beings (human and non-human) that constitute the production of the *caranguejo-uçá*, the swamp ghost crab (*Ucides cordatus*), in northeastern Brazil; and second, the crafting of visual ethnographies in collaboration with traditional fishing communities – specifically, groups of artisanal fishers engaged in crab harvesting, the *caranguejeiros*. In the Parnaíba Delta, crab harvesting is an overwhelmingly male occupation, carried out predominantly by black men. Here it is worth noting that the mangroves of northeastern Brazil are a source of life and labour for diverse fishing communities, especially for black and indigenous collectives – usually organised in the fight for freedom and autonomy, rooted in their relations with the mangroves, the land and the waters (Silveira 2020, 2023, Sacramento 2019).

The images presented here were taken over fourteen months of fieldwork conducted between 2018 and 2019 in the Parnaíba Delta Marine Extractive Reserve (Resex Delta do Parnaíba), located on the border between the states of Piauí and Maranhão in northeastern Brazil. This conservation unit was created in 2000 amid a series of debates about the harvesting of the swamp ghost crab and the conservation of local coastal ecosystems, especially the mangroves (Coelho Pereira 2021). The reserve covers an area of 27,000 hectares and includes parts of the municipalities of Ilha Grande, in Piauí, and Água Doce and Araioses, in Maranhão.

In the Resex Delta do Parnaíba, I was able to accompany the crab-harvesters (*caranguejeiros*) in their everyday fishing activities. My hosts organised themselves into *turmas*, the term used for groups of crab-harvesters led by a *patrão*, a boss, who in this case is the first

buyer of the crustaceans they capture. It is common for bosses to be people within the crab-harvesters' own kinship or friendship networks: neighbours, uncles, *compadres*. People who are very close and generally live in the same community. Sometimes, the boss provides the crab-harvester with the boat and the fuel needed to travel to the mangrove. He may even distribute food for the harvesters and their families when searching for crabs demands spending days away from home. None of this, however, creates an unbreakable bond between fishers and their bosses. A *caranguejeiro* may switch *turma*, or even form his own, whenever he wishes (or has the means to manage other crab-harvesters).

The broad notion of the 'fisher' – as well as characterising collectives with their own forms of labour and political organisation (Colaço 2012, Maldonado 1986) – is generally employed in the anthropological literature to refer to subjects who inhabit the conflictual space between the uncertainty of the catch and mercantile production (Alencar 1991, Diegues 1983). Yet it is only possible to apprehend the full meaning of this category when we also attend to the engagements of fishers with very specific kinds of 'catch' (Sautchuk 2007, Silveira *et al*. 2013, Ramalho 2016). By this I mean that each specific fishing practice shapes distinct kinds of fishers through their interactions with an assemblage of living beings, tools, materials and environments (Sautchuk 2010). This in turn leads us to use methodologies that, beyond humans, attend to the pathways and engagements of other beings: fish, plants, fungi and so on (Tsing 2015, 2019, Kirksey & Helmreich, 2010). Pursuing this line of inquiry, the following question also arises: given the multispecies assemblages that constitute them, how are crabs transformed into commodities? This photographic essay focuses on a crucial point for understanding this issue, since the crab-commodity does not come into being only at the moment when the animal reaches its final buyer, but is constituted through a series of transformations starting the moment it is captured. In the *corte*, questions related to the crab's size and quality, for instance, are brought into play. It is the moment when the commodity or *mercadoria* – as my *caranguejeiro* friends would say – arrives in the hands of the boss, the first in the sequence of intermediaries that will follow.

The 'production' of the swamp ghost crab involves entanglements of vital processes, beginning in the mangrove and marked by developmental cycles such as birth, fattening and growth (Pitrou 2017a, 2017b), followed by technical processes (like those involved in the capturing of the crabs) and market processes. In this last regard, the *corte* occupies a special place: it is at this moment that crabs that fail to meet commercial standards, or conform to the regulations established by environmental agencies, are discarded. Crabs must be sold alive: it is thus a commerce organised around careful attention to the crustacean's vitality, since they generally die between two to four days after being extracted from the mangroves. A trade conducted with living beings, then. This enables us to perceive – inspired by Bear, Ho, Tsing and Yanagisako (2015) – how capitalism transforms people, vital processes, plants and animals into resources, through productive dynamics capable of encompassing both humans and non-humans.

The visual essay presented below was produced as part of my doctoral research (Coelho Pereira 2021) and primarily accompanies the movements of Zequinha. who, at the time, was a middle-aged man and one of the bosses with the largest number of *caranguejeiros* in his *turma*, based in the community of Torto, municipality of Araioses, Maranhão, within the Parnaíba Delta Marine Extractive Reserve.

Following Zequinha's movements around the mangrove – including his gestures and the multiplicity of interactions he establishes – affords a reflection on the production of images with different peoples and traditional communities (Fagundes 2019, Villas Boas 2016, Cardoso 2018). In this context, the making of photographic images, far from being a mere visual record, becomes an ethnographic tool that enables us to inquire into the ways our interlocutors relate to their environment, other living beings and, indeed, the capitalist and commercial dynamics that traverse their everyday lives. Understanding the *corte* as part of the crab trade means attending to the processual character of the conversion of crustaceans into commodities.

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Image 1. In the community of Torto, located within the Parnaíba Delta Marine Extractive Reserve, the *caranguejeiros* or crab-harvesters usually leave the mangrove around 1 pm, the exact time varying according to the day's tidal conditions. Zequinha, one of Torto's *patrões*, knowing roughly when the crab-harvesters from his *turma* will arrive, wanders down to the riverbank. He needs to receive the merchandise.



Image 2. Not all *caranguejeiros* travel to the mangrove on foot. Those who choose to harvest crabs in more distant mangrove areas use boats.



Image 3. At least two kinds of intermediaries are involved in the crab trade: those who live within the community, as in Zequinha's case, and those who reside in nearby urban centres, such as the city of Parnaíba, in Piauí. The latter resell the crabs to markets and restaurants along the coast of Piauí and Ceará.



Image 4. A 'crab string' (*corda de caranguejo*) is composed of four crustaceans and is assembled while still in the mangrove. Defining the exact moment when the living crab is converted into a commodity is difficult. In fact, this ambiguity – living being/commodity – is constitutive of all relations between my crab-harvester hosts and the crabs themselves. In the *corda*, this ambiguity becomes even more pronounced.



Image 5. Only male crabs may be harvested, a regulation established by environmental agencies and a practice traditionally followed by the harvesters themselves. Within the Resex Delta do Parnaíba, the minimum size for captured crustaceans is seven centimetres. In addition, in the *corda* – a string of four crabs – the larger ones are placed on top and the smaller ones below, in order to make the string more appealing to the bosses and other buyers.



Image 6. External intermediaries order crabs by the unit, not by the *corda*. Zequinha was perhaps the only boss in Torto who selected his crabs before selling them to outside buyers. In this way, he maintained greater control over how many crabs in perfect condition he was selling, he told me. Suspicious.



Image 7. The smaller bucket holds the crabs that have been *condenados*, condemned, those that do not make the *corte* or the cut – that is, the boss's selection – either because they are too small, they have lost their larger claws, or they display weak vital reflexes due to the exertion involved in their capture.



Image 8. Condemned crabs are not purchased by the boss. This is one of the main points of conflict between *caranguejeiros* and *turma* leaders. Complaints that the boss is discarding crabs in good selling condition, merely because they are not as large as he would like, are a constant refrain among the crab-harvesters.



Image 9. Not every crustacean captured becomes a commodity. Some die along the way, while others are returned alive to the mangrove because they are too small for their meat to be useful. As in this case, in which the crab is still alive.



Image 10. The crab must remain alive throughout the commercialisation process. From the Resex, in the municipality of Araioses, Maranhão, the crabs are taken to the neighbouring town of Ilha Grande, in Piauí, where they are placed in *basquetas* – plastic crates – lined with layers of moistened foam.



Image 11. Generally, each harvester passes on one *amarrado* (bundle) to his boss at the end of the day. An *amarrado* is, par excellence, a bundle of crab-commodities. It is also a unit of measurement: it corresponds to forty crabs or ten *cordas*. After the *corte*, the crabs continue their journey.

Translated by David Rodgers.
Received: October 10, 2024.
Approved: August 5, 2025.

This work was carried out with research grants and funding from the National Council for Scientific and Technological Development, the Coordination for the Improvement of Higher Education Personnel, and the Joaquim Nabuco Foundation.

This article was translated with support from 'The Vibrant Project: Publishing Indigenous and Black Brazilian Anthropologists in foreign languages,' funded by the Wenner-Gren Foundation for Anthropological Research as part of its Global Initiative Grant programme.

Data Availability Statement:
The data generated or analyzed during this study are included in this article. The doctoral thesis related to the research that originated the text can be consulted in the University of Brasília Repository through the following link: https://repositorio.unb.br/handle/10482/43278?mode=full

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

Introducción: un panorama analítico sobre los peritajes en la actualidad

Introdução: um panorama analítico sobre as perícias na atualidade

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e01000
https://doi.org/10.1590/1809-4341.2025v22e01000

Introducción: un panorama analítico sobre los peritajes en la actualidad

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En la actualidad, en buena parte de América Latina, los laudos antropológicos (estudios e informes antropológicos para el ámbito administrativo y civil, y peritajes en procesos judiciales) son reconocidos como producción científica antropológica. Al poner en tensión una visión esquemática del trabajo intelectual como restringido a la academia (O'Dwyer 2008), esta situación es, sin duda, un corolario de los cambios impulsados por los movimientos sociales organizados y, en consecuencia, de los cambios en las disposiciones constitucionales de la región, que han traído consigo el reconocimiento en sus Estados nacionales de su diversidad étnica y cultural, y la obligación de velar por su cumplimiento. En este escenario, la *expertise* antropológica ha ido cobrando relevancia, como algo necesario en las mediaciones para viabilizar los derechos étnicos y/o socioculturales. De hecho, este reconocimiento es comprensible en la medida en que, para promover la justicia y definir sanciones, el aparato legal a menudo necesita conocimientos de diversas áreas (incluida la antropología), que van más allá del ámbito del Derecho.

No obstante ello, las políticas en la región continúan siendo direccionadas por una hegemonía del neoliberalismo, cuyas facetas y disposiciones, aunque varíen en cada país y en cada momento, han estado (y siguen estando) orientadas hacia la explotación de las *commodities*. Esta dirección de las acciones y políticas ha resultado devastadora para los pueblos indígenas y las comunidades, quilombolas y tradicionales en general, que también se ven afectadas por el desarrollo de infraestructuras para la producción y distribución de estas *commodities*, y de energía, así como por otras actividades que implican la explotación masiva de los recursos naturales. De por sí, esta situación presenta serios obstáculos para que los derechos legalmente establecidos sean efectivamente respetados, así como para que los peritajes antropológicos tengan un impacto positivo sobre estos derechos, en lo que los ordenamientos jurídicos reconocen como su lugar.

Es obvio que este panorama se complejiza todavía más cuando en los peritajes tenemos que lidiar, forzosamente con el mundo del Derecho, ese lugar que vigila y custodia los parámet-

ros e instrumentos de lo que se establece como ley (en otras palabras, la verdad normativa de una sociedad, en cada Estado nación), y que también organiza y estructura los rituales de juzgamiento contra los actos que violarían dichas leyes; en definitiva, es el espacio/lugar que vela por la garantía de los derechos (así como de los deberes), y donde los laudos son evaluados, y validados (o no) sus fundamentos.

Como se advierte, este panorama pone en evidencia el lugar y el papel de los peritajes como instrumentos para la toma de decisiones. Sería entonces necesario, por un lado, reflexionar sobre cómo entender y, por otro, cómo sopesar científica y éticamente el lugar, y el papel, del antropólogo en los procesos administrativos y legales impulsados por el Estado, en su variedad de agencias y agentes, dentro de sus diversas instancias, en la promoción de los derechos que le corresponde atender –lo que ocurre, por lo general, y fundamentalmente, por la presión ejercida por los grupos sociales destinatarios y detentores de esos derechos–.[1]

Pero más allá de esto, lo que vemos posicionarse, y sobre lo que vale la pena detenerse, son tres cuestiones correlacionadas, que son centrales para los peritajes y para la propia antropología; el ejercicio aquí es, precisamente, escudriñarlas. La primera es la práctica antropológica, en un debate interno a la propia disciplina, en un continuo movimiento de autorreflexión, de carácter teórico-metodológico y ético, que la ha caracterizado en todo el mundo. La segunda es la relación "hacia afuera" de la antropología, con el mundo del Derecho, necesaria si queremos producir información para la toma de decisiones en –y por parte de– instancias jurídicas. El tercer orden de cuestiones refiere a distinciones dentro del propio Derecho que, a su vez, acaban afectando a la recepción y evaluación del propio peritaje. En este último caso, a veces se producen amplios desacuerdos, según se basen en mayor o menor grado en un positivismo de estricta consideración de la letra de la ley, con tendencia a ignorar los complejos contextos sociales de su aplicación (en términos económicos, étnicos, raciales, culturales, etc. de las personas implicadas) o al contrario. Además, también existe una diferencia significativa en la orientación de un derecho resultante de la elección de guiarse, o no, por disposiciones específicas dirigidas a los derechos étnicos y culturales.

En esos términos, la modalidad del trabajo antropológico que los peritajes nos proporcionan acaba por configurar todo un abanico de cuestiones que tocan, de forma directa, el tejido social como un todo, donde se ejercen tanto el Derecho como la Antropología, y es éste un dato de extrema relevancia. No es casual que se asista en Brasil a un ataque frontal y directo a las antropólogas y antropólogos, y a los peritajes antropológicos, desde que quedó establecido, a partir del texto de la Constitución de 1988, que los derechos territoriales de grupos en el país, diferenciados en términos étnicos y culturales, deben estar respaldados por estudios antropológicos. Nos detendremos más adelante sobre este último punto.

1 Barbosa da Silva (2015) reflexiona precisamente sobre esta complejidad, utilizando la noción de *proceso etnográfico* para evaluar este lugar altamente tenso que, como antropólogas y antropólogos, experimentamos en la realización de peritajes.

En relación al primer orden de cuestiones indicado, a fines de los años 1980 y en los 1990, se entablaba en Brasil un debate sobre si los peritajes aportaban nuevas formas de conocimiento, o si eran una especie de apéndice de la Antropología, caracterizado por la mera aplicación de lo que se producía al interior de la disciplina.[2] Evidentemente, esta segunda percepción supondría pensar en la antropología como algo *a priori* y externo a los peritajes, sin considerar que las situaciones de campo y la redacción de informes requieren fundamentalmente de instrumentos que son propios del área (métodos, teoría y técnicas de producción de conocimiento), que se desarrollan de manera continua precisamente por la fricción que nos provoca el campo, generando así nuevas preguntas y avanzando en formulaciones teóricas para abordarlas. Así, los instrumentos utilizados son los mismos, siendo los peritajes un tipo de trabajo específico de la Antropología. No es casualidad que Pacheco de Oliveira (1994) señalara la importancia de no intentar mimetizarnos en los peritajes, utilizando conceptos e instrumentos distintos de los nuestros; al contrario, son éstos los que garantizan que podamos navegar con seguridad en el terreno de los peritajes antropológicos.

En cuanto a la segunda de las cuestiones mencionadas –nuestra relación con el Derecho– tal como ya remarcara el mismo Pacheco de Oliveira (1994), no siempre se da propiamente como un diálogo fluido, sino más bien como tensiones, que se derivan de los marcos de formación distintos y específicos de cada una de estas disciplinas y, por tanto, de malentendidos conceptuales. Sin embargo, somos conscientes de que dichas tensiones no son en sí mismas negativas; de hecho, impulsan la importancia de una profundización en la comprensión de los constructos explicativos relacionados con los derechos, cuyos efectos conciernen tanto al conocimiento antropológico como al jurídico. En Brasil, no deben pasarse por alto los avances que se han producido en este sentido a lo largo de casi cuatro décadas de diálogo entre antropólogos/as y fiscales de la República; éstos últimos, como agentes del Derecho que, por mandato constitucional, deben defender los derechos diferenciados de los grupos étnicos y sociales en el Estado nacional brasileño.[3]

Con relación al tercer punto, hay un aspecto extremadamente importante a considerar. Se refiere a la existencia de diferentes corrientes hermenéuticas al interior del propio Derecho, orientadas, como se ha dicho, por una visión más o menos positivista de la ley en sí, por una parte, mientras que también, por otra, se orientan, apropian y sirven de modo diferenciado de un *corpus* formado por diversos dispositivos jurídicos, valorizándolos más o menos, unos en relación a los otros. Por ejemplo, apelando (o no) en mayor medida a ciertas disposiciones internacionales, como la Declaración de los Derechos Indígenas de la ONU y el Convenio 169 de la Organización Internacional del Trabajo (OIT), para tratar de contrarrestar o

2 Sobre este debate, véanse los textos de Silva (1994) y de Novaes (1994).

3 Este esfuerzo ha sido liderado de manera significativa por la Asociación Brasileña de Antropología (ABA), en seminarios, talleres y otras reuniones científicas organizadas con la participación de sus miembros y fiscales del Ministerio Público Federal (MPF) y de la Procuraduría General de la República (PGR). Incluso se firmó un convenio entre la ABA y la PGR durante el período 1986-1988 de gestión de la ABA (Laraia 1994), que se ha renovado periódicamente. La última vez fue durante el período 2019-2020.

centrarse en una perspectiva más dialógica y orientada hacia la pluralidad y la diversidad, las disposiciones de derecho civil o penal de cada país, que generalmente tienen como centrales y determinantes principios como los derechos individuales y la propiedad privada, sobrevalorándolos en relación con otros derechos de carácter colectivo, como los derechos étnicos y los derechos de las colectividades sociales. De hecho, este es precisamente el punto neurálgico hoy en día en gran parte del mundo, considerando las agendas y políticas liberales o neoliberales, comunes a gobiernos de diferentes espectros políticos. Así, como se puede ver, estas diferencias no son de menor importancia, o externas a los efectos que tienen sobre la forma en que los derechos previstos por la ley terminan siendo efectivamente aplicados.

En este sentido, queda claro que los peritajes se basan de manera determinante no sólo en cómo se establecen las afirmaciones consideradas verdaderas, sino sobre todo en los diferentes medios e instrumentos para mantener e imponer estas verdades (Barbosa da Silva 2015; Mura 2015; Ferreira 2015). Por lo tanto, su poder siempre depende de los espacios de toma de decisiones en el ámbito jurídico.

Cabe destacar, por otra parte, que esta dinámica en sí misma es indicativa de la forma en que, en cada Estado nacional, se desarrollan los enfrentamientos sociales y políticos entre sus múltiples segmentos sociales y sus diversas esferas del poder legalmente constituido (Legislativo, Judicial y Ejecutivo), según una distribución variable del poder de controlar los escenarios en los que se mueven los actores sociales, es decir, el *poder táctico* u *organizativo*, tal y como lo definió Wolf (2003: 326): "aquél que controla los escenarios en los que las personas pueden mostrar sus potencialidades e interactuar con los demás", en el sentido de cómo un actor ejerce fuerza sobre otro actor en un escenario determinado.

Al mismo tiempo, no hay duda de que los diferentes dispositivos legales de cada Estado nacional tienen implicaciones para el propio encuadre de las demandas de sus grupos cultural, étnica y/o socialmente diferenciados, tales como, por ejemplo, los pueblos y comunidades indígenas, y las comunidades de ascendencia africana negra que han sufrido regímenes coloniales esclavistas (que en Brasil se reconocen como "quilombolas"), precisamente las dos colectividades sociales a las que se refieren los textos de este dossier.

En estos términos, otro reto que se plantea es la garantía de los principios organizativos propios de estos pueblos y comunidades. La judicialización, por parte de pueblos y/u organizaciones indígenas y quilombolas, es decir, el recurso al sistema judicial oficial para tener protagonismo en cuestiones que ellos mismos definen como importantes para sus vidas, en cuestiones que les afectan directamente, también ha dado relevancia a la experiencia antropológica, en relación con la creciente importancia de la perspectiva de los derechos humanos en las resoluciones jurisdiccionales (nacionales e internacionales). En este sentido, cabe señalar que en Brasil es una novedad la presencia de estudiantes y profesionales ya titulados, procedentes de diversos pueblos indígenas y comunidades quilombolas, en estudios de grado y posgrado en Antropología. Éstos pasan, por lo tanto, a tener la doble condición de representarse a sí mismos en diversos espacios de las esferas pública y social, es decir, las

condiciones de antropólogos/as e indígenas o, como a menudo prefieren remarcar dentro del campo disciplinario, como indígenas o quilombolas antropólogos/as, al igual que hay indígenas con formación en Derecho que defienden las agendas de los pueblos indígenas en los tribunales de justicia del país y en los internacionales. Esto es sin duda un indicio de que se están generando nuevas cuestiones, tanto en el ámbito de la producción de conocimiento (ya sea en Antropología o en Derecho) como en el político y, en definitiva, de una reconfiguración de la propia sociedad brasileña como tal.[4]

En México, donde el indigenismo se desarrolló desde principios del siglo XX de forma institucionalizada en el Estado, sirviendo incluso de modelo para toda América Latina, el ejercicio antropológico en el ámbito de los informes periciales tiene una larga trayectoria. Así, en los últimos años se ha puesto de manifiesto que las investigaciones y opiniones científicamente fundamentadas de los/as antropólogos/as, basadas en sus cánones, están siendo utilizadas por agentes del Derecho en la lucha por el respeto, el reconocimiento y la creación de sistemas electorales, y de gobiernos, basados en sistemas normativos indígenas propios, fundados en el derecho a la libre determinación, también como vía de acceso a la efectividad de otros derechos, como los sociales y territoriales, por ejemplo.

Por otro lado, es bastante revelador que en Argentina, un Estado nacional que se enfrenta a un movimiento reciente de reconocimiento de su diversidad étnica y cultural —en medio de un proyecto nacional marcado por una versión de la colonización totalmente de origen europeo blanco, con un borrado de la presencia indígena (tanto a través de una política de masacres genocidas como del silenciamiento de esta presencia en la historia)— un aspecto clave sea el desafío metodológico y disciplinario que implican los peritajes, poniendo en juego, por un lado, diferentes aspectos de la disciplina y por otro, la relación con nuevos ámbitos institucionales, como el poder judicial.

Sin embargo, si hablamos de los avances en Brasil fruto del diálogo entre antropólogos/as y fiscales federales, en lo que respecta al sistema judicial en su conjunto, en estos tres Estados nacionales se puede decir que la interculturalidad, como reconocimiento (en el sentido tanto de comprensión como de aceptación) de la diversidad cultural y étnica, así como el acercamiento a un pluralismo jurídico, se encuentra apenas en sus inicios. Estos conceptos están restringidos a unos pocos espacios, principalmente académicos, y no se encuentran (al menos todavía) difundidos en el tejido social en su conjunto. Por lo tanto, no está actualmente garantizado que prevalezcan. En ese marco, por ejemplo, en contextos coloniales de relaciones interétnicas entre indígenas y no indígenas de siglos, con el casi exterminio de algunos pueblos indígenas, una afirmación del argumento antropológico en una cuestión tan central como es la identidad étnica, como algo que no está ligado a un imaginario idílico e idealizado de tiempos inmemoriales, así como a una distinción humana, social y cultural

4 Esta es una de las discusiones más importantes del momento, fundamental cuando se trata de pensar los caminos futuros también de la antropología en Brasil, pero que por ahora escapa al alcance del presente dossier.

radical e inmutable en el tiempo, se vuelve altamente frágil, en un ámbito que, al fin y al cabo, es político. Lo que está en juego aquí es quién tiene el poder de reconocer (y, por lo tanto, definir) tanto quién es –y quién no es– indígena, quilombola (y así, sucesivamente), como de definir la aplicación de los derechos que están relacionados con estas identidades, como los territoriales, los sanitarios, los laborales, etc.

El tipo de atención que la antropología establece y exige a lo que es diverso respecto de los patrones dominantes (culturales, étnicos, raciales, de género, de clase, etc.) obliga a ver y reconocer una diversidad que a veces no es la deseada por los poderes hegemónicos. Sin embargo, el punto realmente neurálgico es cuando dicha diversidad compite por los recursos que las fuerzas productivas fundadas en bases capitalistas –y, fundamentalmente, sus agentes y agencias– anhelan, para reproducirse y aumentar sus ganancias. En un mundo globalizado, el neocolonialismo transnacional se integra con nuevas formas de colonialismo interno, alimentando y retroalimentando acuerdos de poder altamente desiguales y jerárquicos. La antropología, en este caso, por su papel de reveladora de estas asimetrías, se sitúa en un lugar incómodo, que puede resultar indeseable para los poderes hegemónicos.

En Brasil, como decíamos, la Constitución Federal de 1988 (promulgada tras una dictadura que duró veintiún años) reconoce las especificidades culturales y socio-organizativas de los pueblos indígenas y comunidades quilombolas, estableciendo el deber del Estado de identificar, delimitar y demarcar sus tierras. Sin embargo, estas demarcaciones no son automáticas, sino que se realizan a partir de las demandas de las colectividades sociales interesadas y de estudios que demuestren la tradicionalidad del uso, y de la ocupación, es decir, la forma específica y particular en que se ocupa este territorio. Por lo tanto, dichos estudios deben ser fundamentalmente de naturaleza antropológica, aunque también deban incluir, de forma complementaria, estudios históricos, sociológicos, ambientales y documentales. Por lo tanto, el informe antropológico es el primer documento oficial para el reconocimiento de los territorios étnicos, que fundamentará y respaldará la tarea del Estado.

Precisamente por ello, lo que se ha observado es que los segmentos y grupos contrarios a tales derechos diferenciados han promovido, en un movimiento orquestado en varios frentes y de forma continuada, incluso (y de manera preponderante) en el Poder Legislativo, formas y mecanismos de descalificación de esta área de producción de conocimiento que es la Antropología. Todo este movimiento se basa, también y de manera fundamental, en la acusación de falta de imparcialidad y objetividad de los/as antropólogos/as, quienes, al desarrollar sus estudios necesariamente en proximidad con grupos sociales, culturales y étnicamente diferenciados, supuestamente carecerían de la imparcialidad (entendida como distancia) exigida a los expertos. Así, la sospecha recae no sólo sobre los antropólogos, sino sobre la propia Antropología en sí misma.[5]

5 Para una profundización de esta cuestión, véase Barbosa da Silva 2015.

Paralelamente, la ABA viene elaborando documentos –como la Carta de Ponta das Canas (véase Leite 2005), el Protocolo de Brasilia (Souza Lima y Beltrão 2015) y una Resolución sobre los peritajes–, así como diversas publicaciones (disponibles en su sitio web) para dejar claras las cuestiones relevantes para la elaboración de un informe, así como los criterios y cualificaciones de los/as antropólogos/as profesionales que deben observarse para garantizar la calidad de los peritajes.

En 1999, se instaló en el Congreso Nacional una "Comisión Parlamentaria de Investigación" (CPI), con poderes de policía, con el objetivo de investigar los criterios para la demarcación de tierras indígenas (TI), a partir de una supuesta demarcación de tierras sin justificación por parte del Estado brasileño, a través de su órgano indigenista, la entonces "Fundación Nacional del Indio" (FUNAI) –que en 2023 pasó a denominarse "Fundación Nacional de los Pueblos Indígenas"–. En los años siguientes, se presentaron varios proyectos de ley en el Congreso con el fin de modificar las formas en que son demarcadas las tierras indígenas. Ya en 2015-2016, se creó una nueva CPI, esta vez centrada directamente en investigar a los líderes indígenas y del indigenismo brasileño, así como a los/as antropólogos/as que realizaron peritajes antropológicos para la demarcación de territorios étnicos. La acusación era la "invención" de tierras indígenas y tierras de comunidades quilombolas, bajo criterios considerados "subjetivos" y fraudulentos.

Es importante destacar que dicha comisión parlamentaria fue creada y compuesta por diputados ruralistas, quienes, como se puede ver, tienen un interés directo (económico y político) en la cuestión. Sobre este tema, y su relevancia para los peritajes antropológicos, precisamente en el presente dossier pueden encontrarse textos que abordan la CPI (el de O'Dwyer et al., el de Carvalho, y el de Koch et al.), que amplían los escritos de Dalla Costa (2019) y de Barbosa da Silva y Pinheiro (2022), entre otros.

También es significativo señalar que otra ofensiva contra los derechos territoriales indígenas tuvo lugar a partir de 2020, ya en el Tribunal Supremo de Brasil, el Supremo Tribunal Federal (STF), donde se inició un juicio de extrema importancia para el destino de la demarcación de los territorios de estos pueblos. Se evaluó la llamada "tesis del marco temporal", según la cual la posesión de la tierra por un pueblo indígena sólo se produciría si ésta obedecía a un marco temporal, es decir, si se hubiese estado ocupando la tierra el 5 de octubre de 1988 (fecha de promulgación de la Constitución Federal).

Inaceptable desde el punto de vista de la diversidad de dinámicas de uso y ocupación territorial indígena, e ignorando las expulsiones y expropiaciones sistemáticas que estos indígenas sufrieron a lo largo del proceso de colonización nacional, esta tesis, tras mucha repercusión (precisamente por la polémica que suscitaba), fue rechazada por el Tribunal Supremo Federal. Sin embargo, inmediatamente después, el Congreso Nacional ignoró esta decisión del Supremo. Aprobó (en una votación muy rápida) la "Ley 14.701/2023", que pasó a denominarse comúnmente "ley del marco temporal", la cual establece la obligatoriedad del reconocimiento del referido marco temporal.

Cabe destacar que esta ley también atacó, violó y, en última instancia, trató de inviabilizar el método antropológico en los procesos de identificación y delimitación de tierras indígenas en Brasil. Establece requisitos para la investigación sobre el uso y la ocupación tradicionales del territorio por los pueblos indígenas que no tienen nada de antropológico. Por el contrario, exige, por ejemplo, que la información oral procedente de personas indígenas "sólo tendrá efectos probatorios" si se "graba electrónicamente en audio y vídeo" o, caso contrario, en audiencias públicas. De una forma u otra, se establece aquí un principio de tergiversación sobre el propio medio de producción de datos: por un lado, las audiencias públicas, un rito del Estado, requieren actuaciones, en las que los hechos y los datos se generan, y construyen, a partir de meros testimonios, interrogatorios o relatos instantáneos. Y lo que es más importante: fuera del contexto cotidiano de la vida de las comunidades indígenas, en toda su complejidad. Por otro lado, y aún más complicado desde el punto de vista metodológico, como señalara F. Mura (véase Barbosa da Silva 2011), la inserción de elementos de control, con el registro en audio o audiovisual, por un lado, parte del presupuesto de una sospecha que recae sobre las personas indígenas, como sobre el/la antropólogo/a y su trabajo; y por otro, establece una interferencia externa que acaba alterando la característica de la producción de conocimiento en Antropología.

Lo que se deduce de esto es que la validez y la calidad de los datos no serán evaluadas por el propio antropólogo, a partir de su propia investigación empírica y de marcos teóricos, sino por terceros, legos en antropología, que por lo tanto no tienen ni la cualificación profesional ni el control sobre el complejo contexto de vida de las comunidades indígenas implicadas; y esto ocurre, además, en un momento posterior y externo al propio universo de vida de las comunidades. La pregunta que surge inmediatamente es: ¿la tarea de reconstruir todo un modo de uso y ocupación tradicional de un pueblo (como se ha dicho, tarea que corresponde precisamente a los estudios realizados por el/la antropólogo/a para la identificación y delimitación del territorio), cuyas bases fundamentales son la investigación teórica y empírica, puede sustituirse simplemente por registros de declaraciones de los interlocutores indígenas equiparados a los procedimientos de las investigaciones policiales? En términos técnico-científicos antropológicos, la respuesta es: obviamente no.

En este enfrentamiento, protagonizado por partes con intereses contrapuestos, como ya hemos señalado, no hay que perder de vista en el análisis que los dispositivos legales se manejan en contextos sociohistóricos y políticos particulares. Siguiendo a Pacheco de Oliveira (1988) con el concepto de *situación histórica* (entendiendo por ello cuadros históricos específicos, con sus diseños de distribución del poder), hay que darse cuenta de que, aunque el *poder estructural* (Wolf 2003: 326)[6] sea imperativo, los marcos coyunturales pueden

6 Para Wolf, más allá del *poder táctico* (que controla los escenarios en los que las personas pueden mostrar su potencial e interactuar con los demás), el *poder estructural* organiza y orquesta esos mismos escenarios. Wolf afirma que éste sería el tipo de poder "al que se refería Marx cuando hablaba del poder del capital para utilizar y asignar la fuerza de trabajo", y que sería "el telón de fondo" de la noción de gobernanza del siglo XVI de Foucault, en el sentido de "la capacidad de estructurar el campo posible de acción de los demás" (Foucault *apud* Wolf 2003: 326).

caracterizarse (y en general se caracterizan) por tensiones que impulsan, de alguna manera, las negociaciones y generan, así, variaciones circunstanciales en la distribución del poder. El resultado acumulado de estas variaciones puede producir cambios, aunque sean pequeños. Esto es precisamente lo que ocurrió durante la promulgación de las actuales constituciones federales en América Latina.

Es en este movimiento lento y minucioso, con avances que a menudo pueden parecer imperceptibles, donde los grupos subalternizados logran obtener ganancias. Ante un poder neocolonial y neoliberal que se impone en la América Latina actual, todo apunta a que las ganancias serán necesariamente minúsculas y muy lentas. Pero no por ello se pueden descartar, so pena de menospreciar todo el esfuerzo real realizado para que se produzcan. Es este movimiento el que obliga al *poder estructural*, operado por los grupos dominantes, a generar continuamente flujos reaccionarios.

A su vez, los peritajes antropológicos, y la propia Antropología expresada a través de los mismos, se revelan parte constitutiva de este cambio, en la medida en que, al aportar sus datos y contextos desde el interior de universos de prácticas, modos de vida, conocimientos y saberes de los pueblos y comunidades subalternizados, introducen en la arena de disputas del mundo jurídico algo que históricamente ha estado ausente, es decir, estos elementos de vidas que son específicas y diversas. Se trata, pues, de introducir nuevas verdades –aquellas que, en palabras de Foucault (1984), serían *verdades subversivas*– en un espacio de producción de verdades últimas, que es el poder judicial (en sus diversas instancias: local, nacional e internacional), en la medida en que son los tribunales de justicia los que, a pesar de no producir las leyes, deciden cuál sería su correcta interpretación y entendimiento.

En este punto, vale la pena centrarse ahora en un debate que se ha planteado con fuerza en los ámbitos jurídico y político en Brasil. Se trata de la autoatribución de la identidad, a efectos de derechos de carácter étnico. El debate se inició a partir de los derechos de las comunidades quilombolas, en relación con el término "remanentes". El artículo 68 del Acta de Disposiciones Constitucionales Transitorias (ADCT) de la Constitución Federal de 1988 establece que: "A los remanentes de las comunidades quilombolas que ocupen sus tierras se les reconoce la propiedad definitiva, debiendo el Estado expedirles los respectivos títulos".

El significado en juego se refiere a la cuestión de la continuidad de las colectividades negras originadas en el orden esclavista en Brasil, que constituían agrupaciones organizadas a partir de la fuga de esclavos (es decir, los quilombos). Así, para la aplicación de la norma de reconocimiento de las tierras a los "remanentes de las comunidades de quilombos", el uso por parte de la Constitución del término *quilombo* –hasta entonces sin significado fuera del orden esclavista– plantea a los legisladores y a los operadores del derecho la cuestión de buscar la referencia social del término en la actualidad.

En el contexto de los debates sobre la aplicación del artículo 68 del ADCT, algunos de ellos celebrados en el Congreso Nacional y en diálogo con el Ministerio Público Federal, la

ABA, como asociación de Antropología del país, se ha manifestado a partir de interlocuciones académicas y reflexiones disciplinarias de la misma Antropología basadas en el conocimiento empírico de los/las investigadores/as que la integran. Estas posturas han cuestionado el uso de formas de identificación y clasificación ajenas a los propios actores sociales. Por el contrario, los antropólogos han insistido en la comprensión de los nuevos significados que adquiere el uso de términos como "remanentes de quilombos" en las acciones sociales de los propios actores, orientados por el dispositivo constitucional. Aunque se producen contemporáneamente en el ámbito del Estado-Nación, los grupos humanos así definidos por un etnónimo retomado del período de la historia colonial hasta la abolición de la esclavitud en Brasil, se reapropian de él y pasan a utilizarlo como signo de reconocimiento.

El partido con fuerte representación del agronegocio, el entonces Partido del Frente Liberal, interpuso en 2004 una Acción Directa de Inconstitucionalidad (ADI) contra el Decreto presidencial n.º 4.887/2003. El principal cuestionamiento se centraba en el criterio de autoatribución (de las comunidades remanentes de quilombos). La ADI cuestionaba cómo un individuo y/o grupo social define por sí mismo un nombre y pasa a ser identificado como tal, a efectos del reconocimiento de los derechos constitucionales a sus formas de organización social, prácticas culturales y tierras que ocupan tradicionalmente.

En defensa del mencionado decreto, la Fiscalía General de la República y la Procuraduría General de la Unión utilizaron los argumentos desarrollados por las/los antropólogas/os en sus investigaciones, principalmente a partir del criterio de autoadscripción étnica, en los términos de Barth, o sea, una clasificación categorial que "clasifica a una persona de acuerdo con su identidad básica y más general", en una relación con su origen y su formación (véase Barth 1976: 15), como es, por ejemplo, el caso de los grupos indígenas y las denominadas comunidades negras rurales (quilombolas).

El 8 de febrero de 2018, el Superior Tribunal Federal emitió su sentencia. Por mayoría de votos, el pleno del STF concluyó el juicio de la ADI y declaró la validez del Decreto 4.887/2003. Sin embargo, esta decisión no dio lugar a la regularización inmediata de los territorios de estas comunidades. Los movimientos organizados de quilombolas han denunciado, de hecho, la lentitud del INCRA (Instituto Nacional de Colonización y Reforma Agraria) para llevar a cabo esta tarea.

Algunos/as antropólogos/as que han trabajado directamente con cuestiones relacionadas con peritajes antropológicos en territorios quilombolas nos ofrecen en este dossier reflexiones particulares y muy ilustrativas del panorama actual en Brasil. De hecho, el artículo de Carvalho ofrece un balance de la génesis del campo de reconocimiento de derechos territoriales a las llamadas comunidades "remanentes de quilombos", según el artículo 68 del ADCT de la Constitución de 1988, desde las investigaciones antropológicas en los años inmediatamente previos a la constituyente, hasta los estudios posteriores a la promulgación de la referida Constitución. Cabe señalar que la propia autora tiene experiencia en la elaboración de estos peritajes en diversos contextos. En este artículo se hace también una "reflexión sobre el pro-

ceso de institucionalización de los peritajes antropológicos de identificación de territorios quilombolas en Brasil como campo de actuación profesional". A lo largo del texto se abordan las condiciones en las que los quilombolas se tornan sujetos de derechos, la cuestión de la resemantización del concepto de quilombo, y se describen los intentos de aplicación del artículo 68 del ADCT de la CF/1988, y la actuación de la ABA en esos contextos.

Por su parte, el artículo de Koch, Dalla Costa y Santos, tres antropólogas que trabajan en el Instituto Nacional de Colonización y Reforma Agraria (INCRA), tiene como objetivo reflexionar sobre sus prácticas profesionales de producción de conocimiento antropológico en el ámbito estatal, con el fin, por un lado, de "retratar los grupos étnicos estudiados y sus prácticas constructivas" y, por otro, de "hacer inteligibles las demandas de dichos grupos para el Estado", con el objetivo de garantizar los derechos socioculturales protegidos constitucionalmente. De este modo, resulta algo innovador el hecho de que la práctica antropológica en el INCRA es aquí objeto de autorreflexión, a partir de los diarios de campo, el registro fotográfico y las reacciones de los propios trabajos técnicos, desarrollados mediante contestaciones administrativas y judiciales. En la investigación antropológica con las comunidades quilombolas, el artículo analiza los procesos de despojo territorial y la resistencia al racismo, la existencia de documentos históricos y notariales, y la cuestión de la pertenencia étnico-territorial con la construcción de fronteras étnicas.

Otra discusión en la que nuestra *expertise* ha sido cada vez más solicitada se refiere a la situación de las personas indígenas en procesos penales. Cabe destacar el hecho de que existe un borrado inicial de la identidad de estas personas indígenas, ya sea desde las indagaciones iniciales o en las prisiones, donde sus registros de ingreso no tienen en cuenta su etnia. Por lo tanto, una dificultad determinante para garantizar los derechos humanos de las personas indígenas en situación carcelaria en el país es, precisamente, este hecho, que hace que prácticamente desaparezcan para el Estado, en su especificidad sociocultural (Teófilo da Silva 2013, Baines 2015). Además (y como consecuencia de ello), el poder judicial, en sus diversas instancias, no se ha mostrado en absoluto preparado para tratar cuestiones relacionadas con estas personas, cuya primera cuestión es precisamente la de su identidad étnica.

Ante este panorama, en 2019, el Consejo Nacional de Justicia (CNJ), órgano de supervisión y control del Poder Judicial, publicó una resolución (Res. n.º 287/2019), seguida de un manual, destinados a la consideración de los casos de los/as indígenas. Allí, el CNJ estableció recomendaciones (es decir, orientaciones de procedimiento) para que en los procesos penales haya, por ejemplo, intérpretes lingüísticos y profesionales que elaboren estudios sobre la situación de la persona acusada, en términos de su etnia. Esta resolución preveía una amplia gama de profesionales que podían desempeñar esa función, siempre que fueran especialistas en la cuestión indígena. Tres años más tarde, el Consejo editó una nueva resolución (Res. n.º 454/2022), en cuya formulación colaboraron antropólogos/as del Comité de Dictámenes y de la Comisión de Asuntos Indígenas de la Asociación Brasileña de Antropología, en la

medida en que exigía que el/la profesional cualificado/a para realizar dichos estudios fuera un/a antropólogo/a.

Sin embargo, las consecuencias de estas disposiciones aún están lejos de ser percibidas en el respeto de los derechos de las personas indígenas, como nos informan los textos recopilados por Amado (2020). Como se podrá ver, esta temática, muy poco abordada, se trata en el presente dossier con tres artículos. Desde una perspectiva muy interesante de investigación interdisciplinaria entre profesionales de la Antropología y del Derecho, el texto de Urquiza, Galicia y Rodrigues nos ofrece una reflexión crítica sobre las narrativas en un proceso penal que involucra a personas indígenas del pueblo Terena, en el estado de Mato Grosso do Sul (región Centro-Oeste), estado con un gran y variado número de pueblos indígenas en el país, todos ellos víctimas de una violencia extrema, incluso armada, por parte de latifundistas y pequeños y medianos productores no indígenas. Para llevar a cabo su trabajo, los autores echaron mano al análisis del proceso judicial, además de realizar una bibliografía y un trabajo de campo, con visitas a prisiones y aldeas. Sus conclusiones apuntan, según afirman, a que "en los conflictos criminales que involucran a pueblos indígenas existe una tendencia etnocéntrica en la actuación de los actores no indígenas, lo que potencia un abismo entre el saber jurídico formal y las comunidades tradicionales".

Por su parte, Kamaroski y Giordano reflexionan sobre los problemas que orbitan el encarcelamiento estatal de personas indígenas y sobre la importancia de la elaboración del peritaje antropológico criminal en el contexto del sistema de justicia penal brasileño. Con una trayectoria de conocimiento junto a comunidades del pueblo indígena kaingang, de la región sur de Brasil, destacan lo que perciben como efectos de los procesos coloniales en el país, tanto en el texto de la ley como en la efectividad de los derechos de los indígenas kaingang que responden a procesos penales, o que se encuentran encarcelados. Consideran tres casos distintos en los que la tramitación del proceso judicial violentó la vida de los indígenas acusados y de sus familiares. No hay que olvidar el trasfondo de violaciones generalizadas de derechos en una región ocupada masivamente en el siglo XIX por no indígenas, con una política de colonización del Estado brasileño que importaba mano de obra campesina, principalmente alemana e italiana, pero también de otras nacionalidades.

Por último, Hilgert se asoma a los enfrentamientos que actualmente marcan la pericia antropológica en procesos penales y/o detención de personas indígenas, tomando como punto de partida las resoluciones del Consejo Nacional de Justicia. La autora recupera así las lagunas del sistema judicial brasileño, situando el tema en relación con las normas de la Ley 6.001/1973 (el "Estatuto del Indio"), de la Convención Constituyente de 1986-1988, de la Constitución Federal de 1988 y del Convenio 169 de la OIT. Si bien se trata de una investigación en curso, el trabajo de Hilgert ya indica, al menos, que "la elaboración de las nuevas resoluciones ha suscitado el debate sobre la identidad indígena en el tratamiento jurídico-penal brasileño, abriendo espacio para el tema".

Pero, como decíamos antes, la fiebre por la explotación de las *commodities* (y la generación de medios para hacerlas circular) ha impuesto un modelo productivo que ejerce una presión constante sobre los pueblos tradicionales y las comunidades rurales, así como, de modo reflejo, sobre las comunidades y poblaciones urbanas. De hecho, otros dos artículos centrados también en Brasil, que tratan de explorar la posición de las colectividades étnicas indígenas y quilombolas frente al Estado, se dedican, por un lado, a considerar los efectos de la explotación comercial de los recursos en la región amazónica, mientras que, por otro, tienen en cuenta las repercusiones de la distribución de la energía eléctrica en la región noreste del país. En el primer caso, O'Dwyer, Santos y Silva trazan un complejo panorama de las presiones que se vienen ejerciendo sobre las comunidades indígenas y quilombolas en general, centrándose en el estado de Pará, donde hoy en día existe un alto nivel de conflictividad. Abordan la ocupación de áreas que hasta hace poco estaban fuera del mercado inmobiliario, indicando cómo un panorama de acciones coordinadas entre el poder legislativo y el ejecutivo (en los ámbitos local y nacional) ha contribuido enormemente a ello, con un punto álgido en el período 2015-2022. El eje central de estas presiones también está relacionado con la expansión de los terminales fluviales, con el objetivo de aumentar la capacidad de exportación del estado. Los intereses económicos y políticos que están en juego aquí repercuten en varios frentes de ataque a los peritajes antropológicos, como demuestran las autoras.

Por su parte, el artículo de Scott, antropólogo que ha aplicado sus conocimientos en la elaboración de pericias, se centra en el caso del pueblo Truká en Pernambuco (noreste de Brasil), cuya tierra indígena fue atravesada por una línea del sistema de distribución de energía. El foco de la comunidad estuvo en la búsqueda de una indemnización por los efectos negativos derivados de esta instalación. Se presentan, entonces, detalles sobre la situación que provocó la disputa y las acciones de los indígenas, las instituciones y los expertos en materia energética en torno a la tierra indígena. A continuación, vemos cómo la judicialización con vistas a obtener una indemnización, da lugar a prácticas y surte efectos, a través de los relatos y las acciones de los distintos agentes. En este sentido, una contribución del texto es destacar la relevancia de las iniciativas del propio pueblo indígena ante las decisiones que le afectan, y cómo estas iniciativas son el motor para la efectiva operatividad de los derechos.

Ahora, dirigiendo la atención a la Argentina, encontramos que el desarrollo de las pericias en el país está marcado por ser más reciente que en Brasil, y con una todavía escasa sistematización de la temática en trabajos (véase, en este sentido, Tozzini 2010, Briones 2018, Manzano 2019).

Los textos reunidos aquí, en su conjunto, ponen a disposición de las y los lectores la experiencia de diferentes pericias antropológicas y lo que ha implicado la realización de estos trabajos en Argentina. Evidentemente, la etapa en la que nos encontramos implica una importante necesidad de mostrar estas experiencias y a partir de allí problematizar, en clave de las implicancias disciplinares. De alguna manera, estamos haciendo un camino de la "experiencia" a la "sistematización de la experiencia", y a profundizar en las cuestiones epistemológicas metodológicas.

Los artículos tienen, más allá de sus especificidades y las situaciones de caso presentadas, un recorrido común. Por un lado, todos remarcan el hecho de que el desarrollo de las pericias antropológicas, como práctica profesional, es relativamente reciente en Argentina. A partir de la década de 1990 se van efectuando cada vez más estudios dedicados la fundamentación de derechos de propiedad de la tierra por parte de comunidades indígenas y a la determinación de la identidad de los restos de víctimas del terrorismo de Estado (que tuvo lugar en Argentina ya en los meses previos al Golpe Militar de 1976-1983). Ahora bien, tal como coinciden las y los diferentes autoras y autores, en los últimos años este escenario ha cambiado. Por un lado, se trata de una práctica cada vez más generalizada que, de a poco, va asumiendo mayor institucionalización. Por otro, aun cuando algunas circunstancias por las que nos pueden convocar como antropólogos y antropólogas para intervenir son más frecuentes, o tienen mayor visibilidad que otras, es evidente que se han multiplicado los espacios posibles de trabajo para nosotros/as, en relación con la administración judicial de los conflictos.

Al igual que lo que sucede con otros países, como Brasil, es necesario entender los cambios que se fueron dando en la década de 1980, en la que se fueron desplegando políticas de reconocimiento estatal de los pueblos indígenas, comprendiendo, de manera progresiva, una serie de derechos diferenciales derivados del recorte de su condición específica como sujetos colectivos. Allí se sitúan las reformas constitucionales provinciales y luego la nacional, junto a la sanción de diferentes normativas. En efecto, con la reforma de la Constitución Nacional del año 1994, se modificó un arcaico capítulo –que databa del año 1853– y se estableció en su lugar, en el Artículo 75, inciso 17, el reconocimiento de la preexistencia étnica y cultural de los pueblos indígenas argentinos.[7]

Estos cambios se enmarcan en lo que diferentes autores como Hale (2002) han denominado "multiculturalismo neoliberal" asociado precisamente a la producción de sujetos específicos como forma neoliberal de administración de las diferencias al interior de los espacios nacionales. Así se comprende cómo, unos años después, fueron sancionadas diversas leyes cuya importancia resulta crucial para garantizar la protección de los derechos territoriales de los pueblos indígenas (N° 26.160, en 2006, de "Emergencia en materia de posesión y propiedad de las tierras que tradicionalmente ocupan las comunidades indígenas"; y N° 26.331, en 2007, de "Presupuestos mínimos de protección ambiental de los bosques nativos"). Ahora bien, la conflictividad, lejos de apaciguarse, se recrea de manera sistemática –y se intensifica con el avance de políticas de seguridad de carácter represivo–, al solaparse, sobre los terri-

7 El Artículo 75, inciso 17, de la Constitución Nacional, en efecto reconoce la preexistencia étnica y cultural de los pueblos indígenas argentinos; garantiza el respeto a su identidad y el derecho a una educación bilingüe e intercultural; reconoce la personería jurídica de sus comunidades y la posesión, y propiedad, comunitarias de las tierras que tradicionalmente ocupan; y regula la entrega de otras, aptas y suficientes para el desarrollo humano (ninguna de ellas será enajenable, transmisible ni susceptible de gravámenes o embargos); y asegura su participación en la gestión referida a sus recursos naturales y a los demás intereses que los afecten.

torios indígenas, las tierras en las que se producen las materias primas y que crecientemente se valorizan para diferentes emprendimientos.

A partir de este cuadro, analizando los cuatro artículos sobre Argentina, la totalidad de los trabajos corresponden a la temática de los pueblos indígenas, y no es casualidad que todos ellos se refieren al pueblo originario mapuche asentado en el sur argentino, y al creciente nivel de conflictividad que lo involucra. Uno de los aportes aborda también, en forma conjunta, a comunidades de la Región Metropolitana de Buenos Aires (RMBA).

El artículo de Ana Margarita Ramos recupera el aspecto irónico –y a la vez sumamente representativo del lenguaje judicial– de la expresión "no ha lugar", como muestra de validez y potencial utilización de las pericias antropológicas. En este sentido, la autora problematiza la credibilidad de la prueba antropológica Se pregunta por algunos de los presupuestos que su uso actualiza, en los intercambios entre los campos disciplinares de la Antropología y el Derecho en los procesos judiciales. Si bien la categoría de "no ha lugar" tiene significados profesionales y normativas específicas de aplicación jurídica, Ramos la utiliza –en un sentido amplio– para dar cuenta de las múltiples y diversas formas de considerar como improcedente o irrelevante la participación antropológica en el transcurso de una causa judicial. Para efectuar esta argumentación retoma algunas de las experiencias ocurridas en los tribunales federales y provinciales de la provincia de Río Negro (en el sur argentino) en los últimos años, centrándose particularmente en aquellos en los que la pertinencia o rechazo de la pericia antropológica pasó a formar parte de los intercambios registrados en un expediente. La negación de la prueba antropológica suele basarse en su supuesta irrelevancia para el caso en cuestión; pero en ocasiones, también en la falta de credibilidad del/a perito/a.

El trabajo de Valeria Iñigo Carrera efectúa, en primer lugar, una contextualización de reconocimiento en materia legislativa hacia los pueblos indígenas, circunscribiendo el cambio de paradigma, por un lado, al efectuar el reconocimiento en diferentes normas y legislaciones, y por otro, situando en la misma línea la sanción de diferentes legislaciones específicas, como las arriba mencionadas. Luego, desarrolla el concepto de territorio, los usos del territorio por parte de los diferentes grupos humanos y pueblos, y cómo la disciplina antropológica ha ido efectuando un uso de ese término, no sólo como sinónimo de espacio, sino en su asociación con la historia de un grupo y las concepciones de los propios pueblos, siguiendo patrones que se tiende a denominar como de tipo "tradicionales". La autora explicita los derroteros del uso del concepto de "territorio", destacando cómo su utilización, en los últimos años, se ha generalizado, pasando de un uso del concepto de espacio, a una específica apropiación y/o dominación social del espacio.

Como parte de este recorrido, Iñigo Carrera explica en qué consiste la elaboración de una pericia, con la consiguiente explicitación de un lenguaje antropológico que debe ser comprensible para un público más allá del propio ámbito disciplinar. Repasa los usos que se efectúa en las pericias antropológicas de la apropiación y uso de los territorios que no sólo se

refiere a los usos que conceptualizamos como "materiales" del mismo, sino en relación a la producción de los propios sujetos colectivos, a partir de las representaciones que los sujetos hacen del mismo, o los significados que le otorgan desde su experiencia.

Entendemos que el trabajo de esta autora resulta un destacado aporte en esta línea, una sistematización por demás necesaria frente a la falta de trabajos en la materia, y un mayor detalle de qué implican los usos del territorio, y cuáles son los "mojones" que permiten la traducción, desde la Antropología hasta el lenguaje judicial como parte de una prueba.

En tanto, el trabajo de Catalina Maldonado reflexiona en torno al proceso de elaboración de un informe histórico antropológico solicitado por la comunidad mapuche-tehuelche Newen Mapu, de la localidad de Catriel (departamento General Roca), ubicado al noroeste de la provincia patagónica de Río Negro. El trabajo de Maldonado presenta diversos desafíos, y los acuerdos teórico-metodológicos necesarios para su elaboración. En este sentido, la autora detalla pormenorizadamente cómo fue su llegada al campo; el pedido por parte de la comunidad de realizar una pericia antropológica; la situación derivada de la distancia entre el campo y su lugar de residencia; la cuestión de los costos de las pericias. Y a la vez, recupera diferentes aportes teóricos que alimentan su trabajo, entre los que se encuentran los conceptos de "genocidio" y de "territorio".

Maldonado enfatiza otras cuestiones que resultan muy importantes a la hora de desentrañar la compleja trama de las pericias, como carácter interdisciplinario de las mismas, en especial, en interacción con el ámbito del Derecho y de la Historia, lo que –consideramos– constituye un destacado aporte a disposición de las y los lectores de *Vibrant*. Esta autora ahonda, en fin, en una cuestión también central en lo referente al quehacer antropológico, como es el propio vínculo con la comunidad, la relación producto de haber efectuado la pericia, y luego, llevarles los resultados.

El artículo de Juan Engelman y Sebastián Valverde constituye el único trabajo del contexto argentino que no se refiere apenas al pueblo mapuche –ya que lo aborda, pero sólo en uno de los casos presentados– sino que también abarca una comunidad pluricultural de diferentes pueblos del Área Metropolitana de Buenos Aires, además de comunidades del sur argentino. Al igual que en los otros textos, los autores abordan diferentes aspectos teórico-metodológicos y disciplinares, como la esencialización de la noción de "cultura" en el campo jurídico; hecho que se agrava cuando hay un territorio indígena en disputa, subsumido, ante la relevancia de la propiedad privada.

Otra de las cuestiones que se reiteran en los tópicos abordados por los autores anteriores es la noción de "comunidad" y de "territorio indígena". Estos autores retoman especialmente esta última noción, y enfatizan además la importancia del trabajo interdisciplinario, en particular con la Historia y la Antropología histórica. Uno de los aspectos abordados en estas investigaciones —dirigidas a elaborar pericias para ser presentadas ante organismos correspondientes— es el origen, desarrollo y persistencia hasta la actualidad de la práctica

tradicional conocida como "trashumancia". El manejo trashumante de la ganadería representa una práctica tradicional del pueblo mapuche (como de otros pueblos indígenas) que evidencia la continuidad histórica entre esta práctica tradicional –que se retrotrae a siglos atrás, desarrollada en las comunidades donde hemos efectuado estas pericias–, hasta las décadas de 1960-1970. Otro de los aspectos presentados es el profundo conocimiento sobre cada una de las áreas que conforman los territorios tradicionales que puede observarse en los testimonios de los miembros "mayores" de estas comunidades.

Creemos que los trabajos reunidos en este dossier constituyen un buen punto de partida para contar con reflexiones de tipo antropológico sobre el desarrollo disciplinar, y al mismo tiempo para retomar y profundizar aportes futuros en una temática tan actual en Argentina. Esta problemática representa un desafío, tanto para los recorridos disciplinares como para la creciente apertura e interrelación con ámbitos político-institucionales, con los que la disciplina no estaba acostumbrada a vincularse, y que conllevan tensiones, desafíos e implicancias significativas. Indudablemente, uno de los desafíos a futuro es que en una nueva compilación, similar a la presente, se incluyan también trabajos sobre otras temáticas, como los contextos urbanos (reasentamientos y regularización de territorios de barrios en situación de vulnerabilidad), colectivos migrantes, niñeces y diversidades de género.

Otro de los aspectos remite al particular escenario socioeconómico y político en el que nos encontramos actualmente en Argentina, marcado por la instrumentación de políticas neoliberales (en su version más radical o extrema) y por un plan que promueve la puesta en valor de los territorios con fines de exportación de materias primas. En definitiva, se trata de un proyecto que implica una nueva —y aún más feroz que en otros períodos— arremetida extractivista o neoextractivista, que anticipa una creciente disputa por los territorios ancestrales y tradicionales con los pueblos originarios y los pequeños productores rurales (o productores familiares).

Con la atención puesta ahora en México, la experiencia mexicana muestra que el peritaje antropológico no sólo puede reproducir relaciones estructurales de desigualdad, siendo usado como una herramienta de control y subordinación, sino que éste también puede convertirse en un instrumento en los procesos de resistencia y de lucha de las comunidades indígenas. Es así que, a lo largo de su trayectoria, no se puede dejar de lado su incorporación al ámbito penal y su relación con la noción de "atraso cultural" como atenuante en hechos criminalizados por las leyes estatales, como tampoco su reciente apropiación y uso por las comunidades en la búsqueda de acceso a la justicia y respeto a sus derechos colectivos.

La trayectoria y diversificación del peritaje antropológico en México ha generado preocupaciones sobre los retos metodológicos y epistemológicos que implican el contacto entre los campos del Derecho y la Antropología (CEAS 2012; Loperena, Hernández y Mora 2018). En éstas aparece el interés por determinar sus inicios dentro y fuera del país, para contribuir a explicar sus limitaciones presentes y posibilidades futuras. Es así que los peritajes pueden

aparecer como una actividad reciente en el campo profesional de la Antropología social (Herrera 2010) o, por el contrario, ubicarse en los inicios de la propia disciplina, promovidos por los profesionales del ámbito jurídico a principios del siglo XX (Ortiz 2018), aunque otros trazan sus orígenes en un pasado más distante y no por ello ajeno, haciendo evidente su relación con la imposición, continuidad y vigencia de la condición colonial (Escalante 2021).

El peritaje antropológico se incorporó explícitamente hace más de tres décadas al ámbito penal, en el marco de las primeras políticas multiculturales. Una reforma en la materia abrió la puerta a su aplicación en procesos en los que se imputaba a individuos de pueblos indígenas. En 1991, el Código Federal de Procedimientos Penales y el Código de Procedimientos Penales para el Distrito Federal establecieron que "Cuando el inculpado pertenezca a un grupo étnico indígena, se procurará allegarse dictámenes periciales, a fin de que el juzgador ahonde en el conocimiento de su personalidad y capte su diferencia cultural respecto a la cultura media nacional" (DOF 1991: art. 220 bis).

Las críticas a dicha norma fueron recurrentes, en parte debido a su noción ambigua de cultura, un concepto tan difícil de aprehender e inviable de medir (Valdivia, 2009), pero al mismo tiempo tan fácil de emplear para encubrir el racialismo del sistema jurídico nacional y sus operadores (Escalante Betancourt 2015). No obstante, dos décadas después de su aparición, el peritaje en el ámbito penal se convirtió en una herramienta recurrente. En su trabajo, Herrera y El Mekkaoui (2016) identificaron tan sólo para la península de Yucatán 73 peritajes realizados entre 2010 y 2013, mismos que fueron solicitados por 11 entidades públicas diferentes. Asimismo, es una actividad reconocida en el ámbito profesional. Por caso, el Instituto Nacional de Antropología e Historia (INAH) lleva más de una década impartiendo el diplomado en peritaje antropológico (Zolueta 2017).

Avanzando en el tiempo, en 2011 otra reforma a nivel federal generó nuevas condiciones para incorporar los peritajes antropológicos a otras ramas del Derecho. En ese año, el artículo 1º de la Constitución incorporó los derechos humanos de los tratados internacionales como derechos constitucionales. Los aportes de México que se presentan en este dossier se enmarcan en este último contexto; hay una correlación, que no causalidad, entre este cambio y el reconocimiento de derechos colectivos en años recientes por las altas cortes del país, como son el Tribunal Electoral del Poder Judicial de la Federación (TEPJF) y la Suprema Corte de Justicia de la Nación (SCJN), involucrando en dichos procesos peritajes antropológicos.

Uno de los campos en lo que esta reforma ha tenido mayores alcances es el ámbito electoral, en cuyos tribunales ya se ejercía el control de convencionalidad. En estos años el TEPJF ha generado una jurisprudencia con un impacto concreto en la realidad de las comunidades indígenas (Gómez Pérez 2019). Entre éstas se encuentran casos paradigmáticos, como el reconocimiento de municipios indígenas con gobiernos comunitarios regidos por sistemas normativos propios, como Cherán en Michoacán (2011) y Ayutla de los Libres en Guerrero (2015). O el reconocimiento del derecho a la administración directa de recursos proporcionales

de la hacienda municipal por una autoridad electa por la propia comunidad indígena, en el caso de la submunicipalidad de San Francisco Pichátaro, Michoacán (2016). Estos precedentes permitieron hacer efectivos derechos colectivos de las comunidades involucradas, apelando para ello tanto a derechos constitucionales como a instrumentos internacionales.

El trabajo presentando en este dossier por Atzimba Alejos y Fernando Vargas permite matizar lo arriba señalado, ya que aborda lo que llaman la "irrupción del peritaje antropológico" en la justicia electoral, y en particular, las formas en que dichos estudios son solicitados y usados. Su trabajo es de interés para este número por ofrecer una visión panorámica y compleja del tema, donde confluyen tanto el conocimiento del perito como la experiencia del funcionamiento de los tribunales. Los autores son conscientes del mutuo hechizo que con frecuencia ejercen las profesiones jurídica y antropológica, en buena medida resultado de una incomprensión recíproca que aquí tratan de franquear. En el trabajo, es notable su caracterización de las salas regionales de justicia electoral respecto a su actitud para con el peritaje antropológico, ya que muestran el funcionamiento diferenciado y heterogéneo de los organismos jurisdiccionales en el país, incluso en relación con su propia Sala Superior. Sobre ello, llama la atención que la sala regional que ha resuelto algunos de los casos más importantes de forma favorable para las comunidades, sobre la elección de representantes indígenas y otras dimensiones fundamentales de la autonomía, haya prescindido de ordenar realizar peritajes.

El segundo aporte mexicano al dossier es una muestra más de la variabilidad en las justicias estatales, así como de la fragmentación y la heterogeneidad temporal de los espacios mexicanos. Se trata de un trabajo situado en Oaxaca, epítome de la diversidad étnica en México, una entidad que tiene su propia historia en materia de reconocimiento de derechos indígenas y que, en muchos aspectos, contrasta con la de gran parte del país. Allí, desde hace una década, se ha ido construyendo una vía al reconocimiento de la jurisdicción indígena, en la cual el peritaje antropológico ha estado presente. Entre sus precedentes se encuentra la declinación de la justicia federal a favor de la jurisdicción indígena comunitaria (Martínez 2017), así como la creación de una Sala de Justicia Indígena (SJI) en el Tribunal Superior de Justicia estatal, instancia garante de los derechos de los pueblos indígenas y órgano de validación de las resoluciones dictadas por las comunidades (Cordero y Juan 2021).

En su trabajo, Indira Velasco nos presenta su experiencia como parte del equipo de investigación en un peritaje, así como algunos de los resultados de esa incursión. La experiencia versa sobre la situación de una comunidad indígena de la Mixteca Alta oaxaqueña, evidenciando la presencia y vigencia de un sistema normativo propio, el cuál ha sido establecido por la comunidad para conservar el equilibrio que mantiene con el frágil ecosistema que caracteriza a su entorno. Si bien la impartición de justicia por las propias comunidades es una actividad cotidiana y frecuentemente documentada, la investigación es relevante al tratarse de un asunto que pasó por la SJI y que fue atraído por la SCJN, tribunal que para resolver

tomó como principio la maximización de la autonomía, sentando un precedente importante a nivel nacional que posibilitaría el reconocimiento de las autoridades, los procesos y las normas indígenas (Ramírez Espinosa 2021).

No obstante que el peritaje antropológico como aquí se presenta pueda ser visto como una herramienta que facilita el camino para una comprensión intercultural en el ámbito de la justicia (Valladares 2011), estas intervenciones hacen resurgir algunos de los cuestionamientos que han perseguido a la disciplina, específicamente, el riesgo de reproducir jerarquías donde el conocimiento académico sobre las culturas y derechos indígenas se coloca por encima del conocimiento de sus propios miembros. Lo anterior ha llevado a la búsqueda de metodologías dialógicas (Hernández 2018), así como a apelar por la validación del auto peritaje como reconocimiento efectivo del derecho a la libre determinación y autonomía (Escalante Betancourt 2021). Aquí valdría también buscar nuevas formas de colaboración y trabajo, como lo que algunos investigadores llaman "antropología jurídica militante" (Aragón y Bárcena 2022) que, entre otros compromisos, implicaría un mayor involucramiento de los antropólogos en los procesos jurídicos, siempre en diálogo con las personas y comunidades cuyos derechos se hayan en la disputa.

Este cuadro de cuestiones planteadas aquí para México, en comparación con Brasil y Argentina, señala una vez más que la forma en que se operacionalizan, evalúan y delimitan los peritajes debe partir, necesaria y fundamentalmente, de sus marcos nacionales y –sobre todo– sociohistóricos específicos. Es decir, de forma bastante obvia, pero no por ello menos importante, estos productos antropológicos deben evaluarse en cada momento, en el contexto de cada Estado nacional en el que se inscriben y en los marcos de distribución del poder entre los agentes en conflicto (incluidos los judiciales).

Para concluir con una amplia gama de cuestiones que hoy en día conforman lo que se nos exige (y se concreta) a través de los peritajes, queda por abordar un fenómeno que se ha venido presentando en Brasil desde la década de 1990, cuya discusión aún no está muy sistematizada en términos de reflexión teórica propiamente dicha. Se refiere a lo que se ha dado en llamar comúnmente "contraperitaje".

Si, como hemos visto, en términos de marco legal se han producido avances en el reconocimiento por parte del Estado de las especificidades socioculturales (a veces, en el caso de los quilombolas, relacionadas con la cuestión racial), es un hecho que, como también hemos visto, los segmentos sociales, económicos y políticos (en la mayoría de los casos, todos estos aspectos están interrelacionados) con interés directo en contrarrestar dicho reconocimiento se han movilizado y han actuado para impedir que se materialicen sus efectos. Más allá de lo ya dicho, uno de los medios más utilizados es la judicialización de los procesos administrativos del Estado para esta regularización territorial. En la medida en que los estudios antropológicos son la base inicial para el reconocimiento (y posterior demarcación) de estos territorios, también son impugnados judicialmente. Lo que se instaura, entonces, es un rito

de producción de elementos considerados como prueba y contraprueba. Dado el derecho a la libre defensa y al contradictorio, se contrata a profesionales para que realicen pericias que refuten la veracidad del peritaje antropológico original. En estos casos, es habitual que se presente cualquier tipo de argumento, aunque no tenga carácter antropológico. Sin embargo, considerando que la profesión de antropólogo no está regulada en el país, profesionales de diversas áreas (ingenieros agrónomos e historiadores, principalmente) han elaborado peritajes contrarios, como si fueran de carácter antropológico. Sin embargo, a partir de la década de 2000, también antropólogos con formación de posgrado han comenzado a producir estos peritajes contrarios a los originales (de ahí el nombre "contraperitajes").

Atenta a los problemas (de carácter ético y metodológico) que se derivan de este marco, la Asociación Brasileña de Antropología (ABA) ha desarrollado debates internos, incluyendo la discusión sobre la regulación de la profesión. Esta última vía pasa necesariamente por el Congreso Nacional, lugar que, como hemos visto, ha presentado concretamente diversas formas de obstaculizar la garantía del derecho territorial que la Constitución Federal estableció para los pueblos indígenas y las comunidades quilombolas. No obstante, la ABA, a través de sus asociados/as, ha estimulado y participado en debates con instancias del poder judicial —sobre todo el Ministerio Público Federal—, además de contribuir con análisis criteriosos, a partir de denuncias de estas colectividades sobre peritajes que niegan tanto su propia identidad étnica como los elementos que refutarían su derecho territorial.

El texto de Santos y Dourado en este dossier aporta una contribución muy interesante, en una de las posibles vías para comprender los contraperitajes. Tras explicar los trámites administrativos de los estudios de identificación y delimitación de territorios quilombolas realizados por el INCRA, se abordan las "vías de impugnación" de estos informes técnicos de identificación y delimitación (RTID), caracterizados como "contrainformes" o "contraperitajes" interpuestos ante los poderes públicos. Así, las llamadas "vías de impugnación" constituyen la acumulación de estas innumerables acciones de contraperitajes. En el análisis de dos casos de contraperitajes, se describe la dinámica de estos procesos de impugnación. Los autores constatan que los intentos de los contraperitajes son igualmente de reposicionar la noción de "quilombo", según una perspectiva antropológica, basándose a menudo en datos historiográficos, lo que constituye una "literatura especializada" propagadora del "antiquilombismo", negando, por lo tanto, como se percibe, un lugar de plena ciudadanía a las colectividades quilombolas en el país.

En conclusión, con el conjunto de cuestiones aquí expuestas, este número de *Vibrant* aporta información sobre Brasil, Argentina y México, como Estados nacionales con una historia común de enfrentamientos coloniales, violencia, desigualdad y luchas por el reconocimiento de la diversidad, por la codificación de los derechos específicos de esta diversidad en las leyes, así como por la generación de los más diversos obstáculos para la plena efectividad de estos derechos. Esperamos, por un lado, que sea una referencia para los aún escasos estudios

académicos sobre los peritajes en Antropología, considerando su alcance fundamental y amplio y su relevancia para esta disciplina como área de producción de conocimiento, atentos también a la importancia de su constante actualización. Por otro lado, que pueda contribuir ante la falta de una sistematización conjunta de las experiencias en estos tres Estados nacionales, una muestra, en medida significativa, del contexto más general de la América Latina actual. Objetivamos, igualmente, dibujar un panorama de especificidades en términos sociopolíticos y culturales, y de la institucionalización de los peritajes como hacer antropológico en cada caso nacional abordado. Los textos que siguen nos guiarán en cierta medida en esta dirección, enriqueciendo sin duda lo que podemos llamar nuestra tradición antropológica.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

Antropología del tiempo presente: colonialidad del poder, la praxis antropológica y el reconocimiento de derechos

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Resumen:

El objetivo de este artículo es desarrollar nuevas reflexiones a partir de la investigación etnográfica y de las prácticas antropológicas en la realización de laudos e informes sobre tierras indígenas y quilombolas en el contexto etnográfico del bajo Amazonas, en situaciones sociales que han sido investigadas en condiciones de trabajo de campo, en las que se implementan proyectos de desarrollo promovidos por empresas capitalistas y por el Estado modernizador. En este contexto social, nuestras prácticas han registrado la hegemonía de las fuerzas económicas corporativas y de las acciones estatales impuestas en nombre del "progreso", en el que las formas culturales tradicionales sólo han sido reconocidas, a través de categorías jurídicas y administrativas, como pueblos indígenas y quilombolas. Tomando como objeto los argumentos esgrimidos por la CPI de la FUNAI y el INCRA, y la votación del Proyecto de Ley de Marco Temporal, podemos comprender los efectos de la manipulación de los aparatos políticos al servicio de intereses muy alejados de aquellos basados en el reconocimiento de los derechos territoriales y culturales protegidos por el Estado brasileño. Para concluir, en lugar de retomar los argumentos desarrollados en el artículo, presentamos algunos comentarios sobre los enfrentamientos entre actores políticos opuestos en el orden institucional del Estado brasileño.

Palabras clave: praxis antropológica; CPI; marco temporal; bancada ruralista

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e01001
https://doi.org/10.1590/1809-4341.2025v22e01001

Anthropology of the Present Time: Coloniality of Power, Anthropological Praxis and the Recognition of Rights

Abstract:

The objective of this article is to develop new reflections based on ethnographic research and anthropological practices in the creation of expert reports and assessments concerning indigenous and quilombola lands within the ethnographic context of the Lower Amazon. This specifically addresses social situations investigated through fieldwork, where development projects promoted by capitalist enterprises and the modernizing state are being implemented. It's within this social context that our practices have documented the hegemony of corporate economic forces and state actions imposed in the name of "progress," a scenario in which traditional cultural forms have only been recognized through legal and administrative categories like indigenous peoples and quilombolas. By examining the arguments presented by the Parliamentary Commission of Inquiry (CPI) on FUNAI and INCRA, and the vote on the "Marco Temporal", we can understand how political mechanisms are manipulated to serve interests far removed from those based on the recognition of territorial and cultural rights protected by the Brazilian state. To conclude, instead of revisiting the arguments developed in the article, we offer some comments on the clashes between opposing political actors within the institutional order of the Brazilian state.

Keywords: Anthropological Praxis, CPI, Timeframe Thesis, Rural Bench

Antropologia do tempo presente: colonialidade do poder, a práxis antropológica e o reconhecimento de direitos

Resumo:

O objetivo deste artigo é desenvolver novas reflexões a partir de pesquisas etnográficas e práticas antropológicas na realização de laudos e relatórios sobre terras indígenas e de quilombo no contexto etnográfico do baixo Amazonas, em situações sociais que vêm sendo investigadas em condições de trabalhos de campo nas quais são implementados projetos desenvolvimentistas promovidos por empreendimentos capitalistas e o estado modernizante. É neste contexto social que a partir de nossas práticas temos registrado a hegemonia de forças econômicas empresariais e ações de estado que se impõem em nome do "progresso", diante do qual as formas culturais tradicionais só têm sido reconhecidas mediante categorias jurídicas e administrativas como indígenas e quilombolas. Ao tomar como objeto os argumentos trazidos pela CPI da Funai e do Incra e da votação da PL do marco temporal, podemos compreender os efeitos da manipulação de aparatos políticos para atendimento a interesses muito distantes daqueles pautados no reconhecimento de direitos territoriais e culturais protegidos pelo estado brasileiro. Para concluir, ao invés de retomarmos os argumentos desenvolvidos no artigo, apresentamos alguns comentários sobre os embates entre atores políticos que se contrapõem na ordem institucional do estado brasileiro.

Palavras-chave: fazer antropológico; CPI; marco temporal; bancada ruralista.

Antropología del tiempo presente: colonialidad del poder, la praxis antropológica y el reconocimiento de derechos

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INTRODUCCIÓN

El objetivo de este artículo es desarrollar nuevas reflexiones a partir de investigaciones etnográficas y prácticas antropológicas en la realización de laudos e informes sobre tierras indígenas y quilombolas, en el contexto etnográfico del bajo Amazonas,[1] en situaciones sociales que vienen siendo investigadas en condiciones de trabajo de campo desde hace dos décadas. En ese período, han sido implementados proyectos desarrollistas promovidos por emprendimientos capitalistas y el estado modernizante, considerados como los dos más importantes poderes que organizan el espacio en la actualidad (Asad 1993; O'Dwyer 2018).

Esta región del noroeste del estado de Pará forma parte de la frontera amazónica, caracterizada por la "existencia de un inmenso espacio interior, con recursos ambientales considerados valiosos para el mercado internacional, y que pueden ser explotados directamente por alguna forma de colaboración con agentes económicos nacionales", según la perspectiva señalada por Pacheco de Oliveira (2012: 78). En ese sentido, "tales espacios son habitados por pueblos originarios o poblaciones que allí se refugiaron huyendo de la esclavitud, del latifundio o de las relaciones de producción vigentes en la economía capitalista llamada moderna" (Oliveira 2012).

Aunque los paisajes construidos de la frontera amazónica sugieren imágenes de territorios desocupados y un cierto grado de aislamiento para sus poblaciones, existe una continua expansión de la frontera a través del movimiento de interiorización de la Amazonia y la "ruptura del aislamiento" provocada por procesos descriptos desde un punto de vista económico como "desmarginalización". Ello se debe a la progresiva integración de la llamada agricultura de

1 La región del Bajo Amazonas está conformada por las ciudades de Alenquer, Almerim, Belterra, Curuá, Faro, Juruti, Mojuí dos Campos, Óbidos, Oriximiná, Prainha, Santarém y Terra Alta.

subsistencia y del "campesinado marginal tradicional" a los mercados del Centro-Sur del país (Velho 1976: 203-239), que en lugar de dar lugar a una creciente homogeneización social, ha dado cabida a la variabilidad de los "sujetos históricos" (Trouillot 1991: 39), antes considerados "marginales".

La caracterización de los llamados "negros aislados" y "campesinos aislados" en la literatura especializada sobre la Amazonia, considerados según la visión evolucionista como en vías de extinción, también se ha convertido en objeto de crítica con referencia a procesos históricos que marcan la crisis del sistema agrario exportador desde finales del siglo XVIII, con la quiebra de las plantaciones de algodón y caña de azúcar, los llamados "ingenios", principalmente en los estados de Maranhão y Pará. Esto llevó a la constitución de un tipo específico de campesinado, diferente de las situaciones pensadas sobre su formación en la región, a través de una frontera en expansión (Almeida 1993).

En el caso de los pueblos indígenas de la Amazonia, la versión de que forman "entidades discontinuas y discretas" ha sido contrapuesta a los "indios mixturados" del Nordeste. Definidas como "remanentes indígenas" por estar incorporadas tanto a la economía como a la sociedad regionales y consideradas carentes de "fuertes contrastes culturales", las poblaciones indígenas del Nordeste pasaron a ser tratadas como objeto de una "etnología menor" (Oliveira 1998: 48-52).

De todos modos, se debe repensar este tipo de clasificación de sentido común, incluso académico, a partir de nuevos enfoques teóricos de la antropología, que consideran el "contexto intersocietario" en el que se constituyen diferentes grupos étnicos y sus relaciones con el Estado (Oliveira 1998: 55). Por consiguiente, la idea de "indios puros" en la frontera se relaciona al presupuesto de un relativo *aislamiento*, basado igualmente en las "imágenes arquitectónicas de sistemas cerrados" (Oliveira 1998: 69).

Desde nuestro punto de vista, la naturalización de las ideas de "aislado social" y/o "aislado cultural" deja fuera, en los márgenes de las descripciones etnográficas, diferentes procesos históricos y sociales que resultan en la construcción de un "aislamiento consciente", basado en la memoria histórica y genealógica de estos grupos. Este es el caso de nuestro estudio monográfico sobre las colectividades que se definen legalmente como "remanentes de quilombos" y viven en territorios separados en el alto del río Trombetas y su afluente Erepecuru, que practican un aislamiento defensivo frente a la entrada de extraños, al crear una serie de dificultades para el acceso de personas de afuera, hasta cuando sus intenciones son definidas en términos de puro conocimiento (O'Dwyer 2021).

El "aislamiento consciente", que ha caracterizado a los grupos étnicos en sus acciones orientadas por la creencia de un origen común y destinos compartidos –y demarca los límites de una "comunidad política" (Weber 1991)–, constituye, por lo tanto, una cuestión que se ha impuesto a nuestra atención en el trabajo de campo, a través de las condiciones y relaciones de investigación. De acuerdo con Trouillot, "decir que los otros son siempre específicos e históricos es rechazar su marginalidad: (Trouillot 1991: 39). De este modo, este artículo

pretende contribuir a la construcción de una "antropología del presente, una antropología del mundo en transformación y sus historias irreductibles" (Trouillot 1991: 40), apartada de cualquier presupuesto de la Amazonia como el lugar de una "grieta salvaje", que termina negando la "especificidad de la diversidad" (Trouillot 1991: 40).

La "reapertura de la frontera amazónica" (Oliveira 2012: 97) es alimentada por el proyecto político de desarrollo y agroexportación, que también se basa, según Quijano (2014: 820), en una rearticulación de la "colonialidad del poder" sobre nuevas bases institucionales que, después de la Constitución Federal de 1988, han sido redimensionadas, especialmente en los últimos cinco años, por formas de gubernamentalidad establecidas en los niveles políticos nacional, regional y local. Por un lado, frente a una racionalizada o intencional parálisis de los procesos de reconocimiento de tierras tradicionalmente ocupadas y de titulación de áreas de agricultura familiar; por otro, por la flexibilización y desregulación de la legislación ambiental y agraria (O'Dwyer et al. 2021; Da Silva y Sauer 2022).

Es en el contexto social del Bajo Amazonas donde nuestras prácticas de investigación antropológica han observado, y registrado, la hegemonía de fuerzas económicas empresariales y acciones del estado que se imponen en nombre del "progreso". Frente a ello, las formas culturales tradicionales sólo han sido reconocidas, mediante categorías jurídicas y administrativas, como indígenas y quilombolas, definidas en contraste con la modernidad y en relación a la cual la denominación tradicional señala la sujeción de la vida de esos grupos a los cambios, que se pretenden modernizadores, y son considerados como fuentes de salvación de la economía, de la política y del Estado-nación.[2]

De este modo, se construyen nuevas identidades sociales como formas de resistencia a los efectos de este tipo de modernización conservadora que niega, en la práctica, el derecho a las tierras tradicionalmente ocupadas que garantiza la Constitución Federal de 1988. Al reivindicar el reconocimiento de derechos territoriales y culturales al Estado brasileño, los grupos étnicos y sociales han orientado sus acciones según el marco constitucional vigente, como se desarrolla a continuación.

LAUDOS E INFORMES ANTROPOLÓGICOS EN EL RECONOCIMIENTO DE DERECHOS TERRITORIALES

Los laudos e informes antropológicos constituyen piezas técnicas decisivas en los procesos administrativos y en las acciones judiciales de reconocimiento, de tierras indígenas, tierras de quilombo y de otros pueblos tradicionales. Según los cánones de la disciplina, dicha práctica profesional en el reconocimiento de derechos territoriales ha contribuido igualmente a la construcción de una antropología de la acción, que caracteriza lo que hay de nuevo en

2 Al conceptualizar el Estado nación, seguimos la premisa de Verdery (2000), según la cual "en el mundo actual, la participación está legitimada por la idea de nación –de Estados-nación–, incluso cuando en un caso empírico dado realiza imperfectamente la forma clásica del Estado-nación" (Verdery 2000: 245).

la antropología hecha en Brasil, en relación a otros centros hegemónicos de producción del saber académico (O'Dwyer 2015; 2018).

A través de la Asociación Brasileña de Antropología, los antropólogos han desempeñado un papel decisivo en el reconocimiento de los derechos indígenas. Lo hacen al rebatir ideas de comunidades de origen vinculadas a la noción de raza natural (ABA 2017), y reconocer los derechos de pueblos tradicionales en base a la auto-atribución y la construcción de una identidad étnica relacionada a formas específicas de territorialización, así como el reconocimiento de las identidades de minorías en cuestión de derechos humanos.

Para la aplicación de la norma de reconocimiento de tierras a los "remanentes de comunidades de quilombos", la utilización del término quilombo por parte de la nueva Carta Constitucional –hasta entonces, sin significado fuera del orden esclavista, cuando designaba a "negros huidos del cautiverio"– plantea a los legisladores y a los operadores del derecho la cuestión de buscar la referencia social actual del mismo.

En el contexto de los debates sobre la aplicación del artículo 68 del Acta de Disposiciones Constitucionales Transitorias (ADCT), que trata de la titulación de tierras quilombolas, algunos de los cuales se han entablado en el Congreso Nacional y en diálogo con el Ministerio Público Federal (MPF), la Asociación Brasileña de Antropología (ABA 2015), como asociación científica, se ha expresado mediante el diálogo académico y las reflexiones disciplinarias sobre la antropología basadas en el conocimiento experiencial de los investigadores que la integran.

Tales posicionamientos han cuestionado la utilización de formas de identificación y clasificación ajenas a los propios actores sociales, basadas en criterios "historiográficos", "arqueológicos", "raciales" y/o "culturales", en busca del "sentido" considerado "correcto", "válido" y "verdadero", como ha dicho Weber sobre las "ciencias dogmáticas" (Weber 1991: 4). Por el contrario, los antropólogos han insistido en la comprensión de los nuevos significados que el uso de términos como "remanentes de quilombos" adquieren en acciones sociales orientadas por la existencia del dispositivo constitucional.

En los laudos e informes antropológicos, el territorio ocupado es un espacio primordialmente etnográfico, y debe ser definido en conexión con la identidad étnica *quilombola*, referida al origen común presunto de grupos que orientan sus acciones por la aplicación del precepto constitucional (art. 68º del ADCT), así como por diferentes contextos y prácticas sociales que le confieren significado (Amselle 1999).[3]

De este modo, en la perspectiva antropológica "el fenómeno de la territorialidad [puede estar] en conexión con el de la identidad étnica" (Cardoso de Oliveira 2006: 24), como en los casos de los pueblos indígenas y de las llamadas poblaciones tradicionales, entre ellas, los quilombolas, insertas en la temática de la etnicidad.

3 Según Amselle, retomando las reflexiones de Barth, una atribución categórica es una atribución étnica si clasifica a una persona en función de su identidad básica y más general, que se supone determinada por su origen y educación. En la medida en que los actores utilizan identidades étnicas para categorizarse a sí mismos y a los demás con fines de interacción, forman grupos étnicos en el sentido organizacional del término (Amselle 1999: 18).

En el campo de la aplicación de los derechos jurídico-constitucionales, la etnicidad ha sido conceptualizada como un tipo de proceso social en el que los grupos orientan sus acciones al reconocimiento territorial de las áreas que ocupan, en base a signos étnicos cargados de metáforas, incluso biologicistas, referendos a una afirmación positiva de los estereotipos de una identidad étnica y racial, para reclamar al Estado brasileño los derechos de una ciudadanía diferenciada. Estas consideraciones expresan un punto de vista disciplinario sobre la cuestión de la identidad étnica y/o social, "considerada[s] en su acepción de identidad[es] contrastiva[s]" (Cardoso de Oliveira 2006: 22) y relacionadas a un espacio territorial. La propia delimitación espacios de una comunidad, asociada a un área ecológica, existe en tanto materialización de límites dados a partir de relaciones sociales.

Por consiguiente, los usos del término "quilombo", como categoría de auto-atribución identitaria, demarcan fronteras étnicas que deben ser consideradas no sólo en sus límites geográficos, sino también como sistemas sociales de clasificación. Aunque se produzcan contemporáneamente en el marco del Estado-nación, los grupos humanos así definidos por un etnónimo tomado del período de la historia colonial hasta la abolición de la esclavitud en Brasil, se lo reapropian como reivindicación legítima y comienzan a utilizarlo como signo de reconocimiento.

Considerar los puntos de vista de grupos, "comunidades" y/o poblaciones, sus formas de organización social y prácticas culturales diferenciadas, no implica caracterizarlos como ejemplares de sistemas socioculturales exóticos, como en las ciencias naturales, que deben preservarse en la medida en que constituyen un patrimonio nacional. Se trata de poner en discusión, en el ámbito de nuestras disciplinas académicas, las relaciones de poder impuestas en la organización del espacio territorial por el Estado-Nación, porque "cualquier objeto [de estudio] que es subordinado y manipulado es, en parte, producto de una relación de poder, e ignorar este hecho es no comprender la naturaleza de este objeto" (Asad 1993: 18, nuestra traducción). Así, sustraer las diferencias culturales, en las que grupos y "comunidades" se reconocen y se hacen reconocibles, de la situación social y de los contextos de interacción en los que se encuentran, acaba por "negar la existencia del poder y de la hegemonía en el mundo" (Barth 1995: 65). Del mismo modo,

> [concebir la] cultura como un modo de conocimiento que personas y grupos utilizan en la acción social y en su compromiso con el mundo puede representar una gran apertura entre nuestro(s) conocimiento(s) (...) (científicos) y otros modos de conocimiento, (es decir) otras culturas, que pueden operar contra la hegemonía académica en nuestras interacciones y concepciones al incorporar otras percepciones y experiencias vitales (Barth 1995: 66).

Si nada viene de la nada, los ataques a los antropólogos y a la ABA en el contexto de la Comisión Parlamentaria de Investigación (CPI) sobre la Fundación Nacional de los Pueblos Indígenas (FUNAI) y el Instituto Nacional de Colonización y Reforma Agraria (INCRA) –conducida por el Congreso Nacional en 2015/2016 – deben remitirse a las críticas contundentes

con alcance en foros mediáticos más amplios sobre el trabajo antropológico en situaciones de conflicto ambiental (Coutinho, Paulin y Medeiros 2010).

De esta forma, decir que los antropólogos inventan los grupos que son sujetos de derechos individuales y colectivos es una forma descuidada de atender a la naturaleza de la acción social, "a través de la actitud de deformar, por el pensamiento y la palabra, todo lo que claramente se presenta como un hecho real" (Arendt 2007: 9); es decir, la existencia de sujetos colectivos que se autoasignan identidades indígenas, quilombolas, recolectores de caucho y otras, con el objetivo de reconocer derechos territoriales ante el Estado brasileño.

La "trama mentirosa" y las versiones difundidas en los medios de comunicación cambiando los hechos fueron "preparadas con la intención pública de afectar la credibilidad" (Arendt 2007: 11) de los investigadores involucrados en la producción de conocimiento sobre situaciones sociales de conflicto ambiental y derechos territoriales.[4] Se trata de propagandas organizadas por agentes del campo político, dirigidas a su propia imagen y a la consecución de objetivos definidos por grupos y coaliciones de intereses, económicos y de poder. De esta forma, en nombre de la supuesta "inseguridad jurídica" y de una "seguridad nacional", se ejerce el poder de filtrar sin más la información que realmente interesa al público, interpretando el mundo social a su manera y con sus propias intenciones.

En cuanto a los criterios de auto-atribución –en el caso de las identidades étnico-raciales utilizadas por los pueblos indígenas, quilombolas y otras comunidades tradicionales–, garantizados por el Convenio 169 de la OIT, estos procesos sociopolíticos deben contrastarse con los procesos de autodeclaración emitidos en el marco de programas de regularización fundiaria como Tierra Legal y Registro Ambiental Rural (CAR, por su sigla en portugués), especialmente después del *impeachment* de la presidenta Dilma Rousseff.

Y, a contramano de la implementación de una legislación ambiental robusta, el desmantelamiento de los órganos de fiscalización, como señalan Da Silva y Sauer (2022), el Registro Ambiental Rural ha sido utilizado en este contexto como instrumento para regularizar la posesión ilegal de tierras públicas o comunes.

Del mismo modo, en la Acción Directa de Inconstitucionalidad (ADI) 3239, presentada por el Partido Frente Liberal (ahora DEM) contra el Decreto 4.887 de 2003, la cuestión principal era el criterio de auto-atribución de las Comunidades Remanentes de Quilombos. La ADI cuestionaba cómo un individuo o grupo social define un nombre para sí mismo y llega a ser identificado como tal, a los efectos del reconocimiento de derechos constitucionales a sus formas de organización social, prácticas culturales y tierras tradicionalmente ocupadas por ellos.

En defensa del mencionado decreto, la Procuración General de la República (PGR) y el Ministerio Público Fiscal (AGU, por su sigla en portugués) utilizaron los argumentos

4 Adoptamos la interpretación de Gupta y Ferguson (2000) de la categoría conflicto, entendida a partir del contexto de interconexión de espacios y relaciones de poder que, según Zhouri y Oliveira (2007), cuando se accionan en torno a la apropiación y significación del territorio, conducen al surgimiento de la alteridad.

desarrollados por antropólogos en sus investigaciones, principalmente sobre el criterio de auto-atribución, como la "característica crítica (...) que viene a clasificar a una persona en términos de su identidad básica, más general" (Barth 2000: 32). Esta categoría identitaria es considerada una "atribución étnica" cuando se refiere a un presunto origen común y a "circunstancias de conformación" (2000), por ejemplo en el caso de los grupos indígenas y de las llamadas comunidades negras rurales quilombolas.

En una sentencia histórica del 8 de febrero de 2018, el Supremo Tribunal Federal (STF) dictaminó que el caso había sido desestimado y que se había garantizado la propiedad colectiva de las tierras de los quilombos, sin la tesis del hito temporal. Esta tesis es defendida por el Frente Parlamentario Agrario (FPA), conocido como caucus ruralista, que pretende restringir el derecho de ocupación a la posesión de las tierras reivindicadas al 5 de octubre de 1988.

También es importante destacar una distinción que marca la diferencia entre defender intereses colectivos en la demarcación de tierras tradicionalmente ocupadas y definirse individualmente como propietario de una tierra. Especialmente en las zonas de frontera agrícola y en los contextos amazónico y del cerrado brasileño, la autodeclaración de propiedad de la tierra se ha utilizado para regularizar las tierras públicas federales no destinadas, es decir, las que (todavía) no han sido reconocidas como reservas indígenas, comunidades quilombolas y/o unidades de conservación. Los efectos de estas políticas de autodeclaración de propiedad individual han sido, precisamente, la reconcentración fundiaria, la especulación inmobiliaria y la apertura de nuevas fronteras agrícolas utilizadas por el agronegocio tras la reanudación y ampliación del Programa Terra Legal por la Ley 13.465 de 2017.

En el caso del Registro Ambiental Rural (CAR, su sigla en portugués), que se convirtió en el principal instrumento de institucionalización del nuevo Código Forestal, su justificación fue la necesidad de modernizar la regulación fundiaria y ambiental para conciliar "la conservación de los bosques con la creciente demanda de producción agrícola". Sin embargo, la flexibilización del licenciamiento ambiental busca sobre todo favorecer a las empresas capitalistas, en consonancia con los intereses económicos y políticos hegemónicos en los estados de la Amazonia Legal y del Cerrado, donde se están implantando proyectos de desarrollo en la producción de *commodities*.

¿Quién tiene miedo de los antropólogos? Los intereses privatistas, representados desde la CPI de la FUNAI y del INCRA por la bancada ruralista del Congreso Nacional, que en el escenario político más reciente, ha apostado por el debilitamiento de la capacidad de regulación del Estado, mediante la flexibilización y transformación de los marcos legales. Así, los eventos resultantes de la implementación de metas públicas definidas como desarrollistas, al enfrentar a actores sociales con intereses económicos y gubernamentales en las formas de apropiación social de los ecosistemas, cuentan igualmente con la participación de representantes de los emprendimientos y técnicos "especialistas" que acaban ejerciendo un poder de exclusión sobre los grupos y comunidades afectados por estas políticas con su repertorio de valores, significados y experiencias de vida.

En este contexto de flexibilización de los marcos legales, demostraremos a continuación cómo los miembros del CPI de la FUNAI y el INCRA manipularon las herramientas estatales para promover el silenciamiento, cercenando la libertad académica, en particular, atacando al trabajo antropológico y a los antropólogos. En este sentido, han criminalizado los laudos e informes antropológicos como instrumentos utilizados para garantizar derechos constitucionales.

ATAQUES A LOS LAUDOS E INFORMES ANTROPOLÓGICOS

Fue contra los derechos diferenciados de ciudadanía que se constituyó la CPI del FUNAI y el INCRA (2015-2016) que, en última instancia, buscó atentar contra los derechos territoriales y culturales de los pueblos tradicionales a través de estrategias de criminalización de los investigadores. La criminalización actúa para descalificar las investigaciones académicas, así como los estudios realizados para la elaboración de informes técnicos antropológicos y laudos periciales judiciales, que pudieran resultar en la garantía de derechos territoriales y en el cuestionamiento de dramáticos efectos socioambientales. Estos estudios demuestran que la implementación de los objetivos públicos definidos por el proyecto modernizador afecta la continuidad de las formas tradicionales de hacer, crear y vivir.

Así, los laudos e informes antropológicos han sido objeto de ataques sistemáticos en el contexto de la CPI del FUNAI y el INCRA, creada por la bancada ruralista en el Congreso Nacional, que promueve acusaciones infundadas de "parcialidad" y de activismo político[5], incluyendo la acusación de los profesionales responsables de la autoría de estos documentos, producidos como resultado de la investigación etnográfica realizada en el contexto de las demandas legales y administrativas, especialmente después de la Constitución Federal de 1988[6].

La CPI de la FUNAI y del INCRA está marcada por un contexto de flexibilización de la legislación agraria y laboral, y de violación de los derechos territoriales en Brasil, que ha alcanzado una mayor escala debido a la inseguridad e ilegibilidad de las normas legales, al

5 Tales acusaciones se pueden encontrar en el Requerimiento 86/2016 de la CPI de la FUNAI y el INCRA de la Cámara de Diputados (Brasil 2015a), cuando menciona el compromiso significativo, si no total, de la "capacidad de desinterés e imparcialidad de los antropólogos" (Brasil 2015a: 16); y del activismo político cometido por la ABA e "individuos" que estaban "orientados y comprometidos [a] proporcionar el aparato teórico [para] indicar [concluyentemente] la presencia de ocupación tradicional del territorio, a pesar de no existir los requisitos para ello, lo que daría lugar a una serie de fraudes, constitutivos de diversas infracciones penales y administrativas" (2015a: 13). También se acusa a la ABA de "cometer delitos penales bajo el falso argumento del ejercicio profesional regular, cooptando –por no decir capturando– a las propias instituciones estatales (en este caso, la FUNAI y el INCRA) y coordinando, en favor de intereses privados e internacionales, políticas que deberían ser públicas" (Brasil 2015a).

6 El trabajo antropológico que orienta la elaboración de laudos e informes forma parte de procesos judiciales y/o administrativos, respectivamente, de acuerdo con las exigencias de la esfera jurídica –Justicia Federal, Estadual, Ministerio Público Federal y otras instancias del Poder Judicial– y/o administrativa, como la FUNAI y el INCRA. Para la elaboración los laudos e informes antropológicos, la ABA ha insistido, ante los programas de posgrado en antropología del país, en la necesidad de contar con profesionales plenamente formados en la disciplina. Así, el acuerdo de cooperación técnica firmado entre la ABA y el MPF estipula que los informes antropológicos deben ser realizados por investigadores que hayan obtenido el grado de maestría y/o doctorado en reconocidas instituciones de enseñanza e investigación en antropología.

promover la expropiación territorial y extinguir prácticas culturales y formas organizativas de grupos indígenas, quilombolas y otras comunidades tradicionales. Esta flexibilización de la legislación ha sido promovida de acuerdo con las directrices del agronegocio y de los proyectos desarrollistas de construcción de represas, como la Hidroeléctrica de Belo Monte y el complejo hidroeléctrico en los ríos Tapajós-Arapiuns, así como los proyectos mineros en el alto Trombetas y la explotación forestal, entre muchos otros, considerados desde el punto de vista de las élites gobernantes como una fuente de salvación para la economía y el Estado-Nación, en contra de la Constitución Federal de 1988, que reconoce el carácter multiétnico y multicultural de la nación brasileña.

Esta CPI buscó, en última instancia, atentar contra los derechos territoriales y culturales de los pueblos tradicionales a través de estrategias de criminalización de los investigadores como forma de descalificación de los estudios e investigaciones académicas, así como de los estudios realizados para la elaboración de informes antropológicos. En especial, aquellos que resultan en el cuestionamiento de dramáticos efectos socioambientales que afectan las formas tradicionales de hacer, crear y vivir, en función de la implementación de metas públicas definidas por el proyecto modernizador.

La criminalización de las prácticas de investigación mediante el uso de supuestos criterios de "imparcialidad"[7] y neutralidad del conocimiento reformulados y regidos por otros regímenes de "verdad y poder" representa un intento de colonizar las reglas de producción de conocimiento internas al campo científico e incluso las conceptualizaciones debatidas entre sus pares con el fin de garantizar la exclusión de toda crítica.

Sin embargo, desde nuestro punto de vista, es difícil para los investigadores plenamente formados en humanidades y ciencias sociales separar la práctica política de la ciudadanía de la práctica antropológica, a través de una forma de imbricación que no sólo desafía la responsabilidad social del antropólogo, sino que también nos libera de la "teorización objetivante" heredada de las ciencias naturales. Este proceso, según Habermas (1989), se distingue de una ciencia comprensiva influida por la hermenéutica y nos permite comprender el mundo de una forma más participativa, en la que el observador sólo puede conocer el fenómeno a través de la interacción directa y la participación con él. Sobre la cuestión de la imparcialidad, el mismo autor afirma que la búsqueda de la "verdad" es la de una verdad contextualizada, una verdad real, no abstracta, que depende de las circunstancias en que se produce el conocimiento (Habermas 1989: 43).

La producción de conocimiento antropológico depende, por lo tanto, de los procesos interactivos y dialógicos presentes en las condiciones del trabajo de campo y en la propia escritura etnográfica. En cuanto a la elaboración de laudos e informes antropológicos, podemos concebirlos como una práctica científica disciplinar que no sólo informa la política pública,

7 Véase el Requerimiento 86/2016 de la CPI de la FUNAI y del INCRA, item 1.2. "A atuação da ABA no contexto demarcatório: interesses escusos e imparcialidade comprometida" (Brasil 2015a: 12).

sino que también puede aportarle significados independientes, producidos por actores sociales, en procesos políticos que involucran metas públicas definidas a través de otros modelos de organización del espacio y del ejercicio del poder.

En el período entre 2015 y 2022 El Estado brasileño ha sido, a un tiempo, experimentado y deshecho en la ilegibilidad de sus propias prácticas administrativas. En la incertidumbre de las normas legales, la autoridad de la ley busca certeza imponiéndose desde fuera.

De esta forma, en el contexto de la CPI de la FUNAI y del INCRA, se han utilizado estrategias de inhibición del debate académico que lesionan la "libertad de aprender, enseñar, investigar y difundir el pensamiento y el conocimiento", garantizada en Brasil por la Constitución Federal de 1988 (artículo 206), y que tiene como beneficiarias a la universidad y a las instituciones académicas, contra el uso del poder político, directa o indirectamente, sobre el campo científico. Este tipo de acoso procesal, cometido contra la libertad académica y la práctica antropológica, ocurre en el contexto de políticas públicas que producen impactos socioambientales asociados a proyectos de desarrollo impuestos autoritariamente (O'Dwyer 2014: 11-25).

Tras el período de investigación de la CPI, con la imputación de varios antropólogos responsables de la elaboración de laudos e informes antropológicos sobre tierras indígenas y quilombolas, más recientemente se han creado comisiones parlamentarias especiales para estudiar la proliferación de etnias y territorios en diversos municipios brasileños, especialmente en la Amazonia. A continuación profundizaremos en esta cuestión.

LAS CONSECUENCIAS DE LA CPI DE LA FUNAI Y EL INCRA: LA COMISIÓN ESPECIAL DE ESTUDIOS PARLAMENTARIOS SOBRE LA PROLIFERACIÓN DE GRUPOS ÉTNICOS EN SANTARÉM

Los últimos cuatro años han sido dramáticos para la conservación de los bosques y la seguridad de los pueblos indígenas. Con la reactivación de las concepciones geopolíticas autoritarias y el desmantelamiento del sistema brasileño de regulación ambiental (Barreto Filho 2020), ha habido un aumento de la deforestación (Ramos 2021) y de la violencia contra los pueblos indígenas y quilombolas y los activistas ambientales y de derechos humanos (Cimi 2021; Silva 2022).

En 2018, a raíz del contexto de persecución de grupos étnicos que cobraría fuerza entre 2018 y 2022, se articularon políticamente y se crearon cuatro Comisiones Parlamentarias Especiales de Estudio, en municipios que presentaban estudios de demarcación: en Guaíra (Paraná), Santa Isabel do Rio Negro (Amazonas), Formoso do Araguaia (Tocantins) y Santarém (Pará). En esta sección analizaremos el caso específico de este último municipio, en el cual los derechos territoriales y la conservación de los bosques se han visto afectados por el avance del monocultivo de soja. En la situación etnográfica estudiada, la presencia indígena y quilombola, junto con sus acciones políticas, mitigan los impactos de la expansión de la frontera agrícola, pero resulta en un escenario de dinámicas territoriales complejas y violentas (Silva et al. 2022).

La creación de la Comisión Especial de Estudios Parlamentarios sobre la proliferación de grupos étnicos (en adelante, la Comisión) por el Concejo Municipal de Santarém está directamente relacionada con la Acción Civil Pública (ACP) n.º 1000141-38.2018.4.01.3902 interpuesta por el Ministerio Público Federal de Santarém en mayo de 2018, con el objetivo de agilizar el proceso de estudios para la demarcación de las Tierras Indígenas (TI) Munduruku y Apiaká del Planalto Santareno, en el bajo Amazonas.

Esta ACP resultó en la creación del Grupo Técnico (GT) multidisciplinar de la Fundación Nacional de los Pueblos Indígenas (FUNAI) para identificar y demarcar las Tierras Indígenas Munduruku y Apiaká en octubre de 2018.[8] Este GT, debido a la articulación del movimiento indígena con diversos sectores del Estado y a la existencia de un acuerdo judicial, fue uno de los pocos que logró realizar trabajo de campo durante los cuatro años del gobierno Bolsonaro y el período de enfrentamiento a la pandemia del Covid-19.

En noviembre de 2018, pocas semanas después de las elecciones por mayoría, la aldea de Açaizal, ubicada en el territorio Munduruku, en el Planalto Santareno, recibió la visita de la Comisión Interamericana de Derechos Humanos (CIDH), órgano vinculado a la Organización de Estados Americanos (OEA). El objetivo de la visita era escuchar a los indígenas y quilombolas, registrar las situaciones de violencia y conflictos agrarios en la región, y elaborar un informe sobre la experiencia. La reunión se vio interrumpida por la llegada de un grupo de representantes del Sindicato Rural de Santarém (Sirsan), conocidos en la región como los "sojeros", que con intimidaciones exigían participar en el debate.

Los "sojeros" abordaron a los miembros de la CIDH y argumentaron que el Convenio 169 de la Organización Internacional del Trabajo (OIT) era un error para la nación brasileña, ya que permitía la "invención de indios" en la región y, en consecuencia, el reconocimiento de territorios indígenas y quilombolas obstaculizaba el progreso y el desarrollo de Santarém. Uno de los miembros de la CIDH respondió alegando que la Comisión estaba en Brasil por invitación del Estado y tenía autonomía internacional para escuchar y reunirse con quien quisiera. Los "sojeros" llegaron para "perturbar la reunión", según un dirigente munduruku, y ésta sólo pudo comenzar tras la llegada de la Policía Federal.

En noviembre de ese año, la CIDH emitió un comunicado de prensa en el que destacaba los "crecientes obstáculos a la demarcación de sus tierras y las dificultades que presenta la tesis del marco temporal" y resumía su experiencia en la región:

> La comunidad indígena de la Aldea Açaizal, en Santarém/Pará, también es objeto de coacción, amenazas e intentos de intimidación por ejercer la defensa de sus derechos. En este sentido, la CIDH desea dejar constancia pública de que no sólo ha recibido denuncias sobre estas prácticas, sino que también ha sido blanco directo de intimidaciones en la localidad (CIDH 2018).

8 Según Resolución n°1.387, del 24 de octubre de 2018.

Ese encuentro fue importante para dar visibilidad a los conflictos agrarios, amenazas y violencia, que los indígenas y quilombolas enfrentan con mayor crudeza desde la llegada del monocultivo de soja a la región. Los miembros de la CIDH adelantaron que se elaboraría un informe con recomendaciones para que el Estado cumpla con sus obligaciones internacionales en materia de derechos humanos.

Dos meses después de la creación del GT y semanas después de la reunión de la CIDH, el entonces concejal comisario Jardel Guimarães (PODEMOS), propuso la creación de una "Comisión parlamentaria especial de estudio sobre la proliferación de etnias y territorios en el municipio de Santarém - PA"[9]. La Comisión se creó bajo la presión de los miembros del Sirsan, asesorados por una consultora,[10] basándose en el discurso desarrollista, según el cual la presencia indígena y quilombola representa un obstáculo para el crecimiento económico del agronegocio, es decir, para el progreso regional. Este discurso se apoya en la "ideología del desarrollo", según la cual la presencia de los pueblos indígenas y tradicionales en la Amazonia supuestamente representa un atraso para la región, como lo planteara el concejal Jardel Guimarães en la solicitud de apertura de la Comisión especial.

Por otro lado, hay estudios que muestran que las Tierras Indígenas (TIs) son modelos eficientes de preservación y conservación de los bosques, pues son responsables por la reducción de la deforestación, de los incendios y de las emisiones de carbono (Silva-Junior et al. 2023), destacando su importancia para la protección de los bosques y la regulación del clima global. Investigaciones recientes (Lapola et al. 2023) también señalan que el trabajo colaborativo entre pueblos indígenas, quilombolas y otros actores sociales, como científicos, activistas y gobiernos, es esencial para operacionalizar el monitoreo y el control de las diferentes amenazas a la degradación forestal.

La creación de la "Comisión Especial" también puede entenderse a través de la idea de agroestrategias (Almeida 2010), es decir, estrategias políticas de alianzas entre el agronegocio y sectores políticos del Estado, con el objetivo de ampliar el control territorial y despojar de sus derechos territoriales y étnicos a los pueblos indígenas, quilombolas y tradicionales, a través de alianzas en las tres esferas del poder (Judicial, Legislativo y Ejecutivo). En este caso, como consecuencia de la constitución de la CPI en FUNAI e INCRA hace años.

La Comisión especial fue ampliamente difundida en las redes sociales de sus integrantes y en uno de sus posteos, en diciembre de 2018, el concejal afirma que "este aumento de grupos

9 Requerimiento nº 1.819, disponible en la página web del Municipio de Santarém. Disponible en: https://sapl.santarem.pa.leg.br/materia/7993. Última consulta: 20 de marzo de 2020.

10 "CARGILL compra soja de fincas que se superponen con territorio indígena en Santarém (PA)". *De olho nos Ruralistas: observatório do agronegócio no Brasil*, 27 oct. 2020". Disponible en: https://deolhonosruralistas.com.br/ 2020/10/27/cargill-compra-soja-de-fazendas-sobrepostas-a-territorio-indigena-em-santarem-pa/. Última consulta: 20.01.2022.

que se autodenominan "indígenas" y "quilombolas" viene creciendo de manera alarmante, y con ello afectando el desarrollo económico de nuestra ciudad"[11].

Así, destacamos el posicionamiento político y las acciones de algunos concejales de Santarém durante la legislatura 2017-2020, y su asociación con los sectores empresariales. La creación de la "Comisión Especial" puede verse como un ejemplo de derivaciones de la CPI de la FUNAI y el INCRA, ya que presentan argumentos similares, cuyo elemento principal es el obstáculo al desarrollo. Las alianzas y articulaciones entre sectores empresariales y políticos no son nada nuevo, sino que constituyen un complejo proceso de colonización local y de diversos programas gubernamentales.

A pesar de los esfuerzos del concejal por atender la solicitud de los empresarios agroindustriales, el proceso de creación de la comisión especial no fue rápido, como señaló el delegado Jardel en su intervención en la sesión ordinaria de la cámara del 16 de abril de 2019, en la que expuso las presiones ejercidas por Sirsan sobre los concejales. Sólo cinco meses después de la aprobación de la solicitud nº 1.819/18 se constituyó la comisión especial con carácter temporal durante 120 días[12], con los siguientes miembros: Alaércio Magalhães Cardoso (Partido Republicano Progresista - PRP), como presidente; Dayan Serique dos Santos (Partido Popular Socialista - PPS[13]); Jackson Douglas Santana Ferreira (Partido Social Liberal - PSL); Francisco Sousa (Partido de la Social Democracia Brasileña - PSDB); y Rogélio Cebuliski (Partido Socialista Brasileño - PSB).

El concejal Chiquinho (PMDB) muestra su preocupación[14], en una sesión ordinaria el 13 de junio de 2019, con los trabajos del GT Munduruku y Apiaká del Planalto Santareno:

> un equipo de la FUNAI en posesión de una ordenanza de 2018 estaría estudiando la creación de un área indígena en esa región. Se mostró preocupado porque, según el parlamentario, se trata de un área ya consolidada por los agricultores. Afirmó que la Cámara no se quedaría de brazos cruzados y que se movilizaría con los habitantes de la región y con el Ejecutivo para que, junto con el nuevo presidente de la FUNAI y el Gobierno Federal, pudieran tratar el asunto (Santarém 2019b).

El entonces concejal Rogélio Cebulisk, conocido como Gaúcho, señaló que "la Cámara necesita acompañar la situación" del GT de la FUNAI, especialmente en lo que se refiere al trabajo de campo, y dijo que participaría en una reunión con el presidente de FUNAI y otras organizaciones, con el objetivo de demostrar la preocupación de los concejales y ruralistas con el trabajo del GT. El concejal Alaércio Magalhães, en respuesta a esta supuesta "amenaza"

11 Disponible en: https://www.facebook.com/delegadojardel.1/posts/2292866030945598. Última consulta: 20.03.2020.

12 Resolución nº 008, del 28 de mayo de 2019.

13 En septiembre de 2019, el Tribunal Superior Electoral (TSE) aprobó cambiar el nombre del Partido Popular Socialista (PPS) por el de Ciudadanía.

14 Acta de la cuadragésima sesión ordinaria del Concejo Municipal de Santarém, del 3 de junio de 2019. Disponible en: https://sapl.santarem.pa.leg.br/materia/10141.

de la FUNAI, destacó el compromiso de los concejales miembros de la Comisión Especial con los sectores económicos y empresariales de la región.

Así, en ese momento, parte del segmento político santareno se oponía totalmente a los derechos territoriales de indígenas y quilombolas, defendiertindo intereses rurales y desarrollistas, y reforzando la amenaza que el GT representaba para ellos. El discurso de los concejales contenía la defensa a una supuesta ocupación consolidada del Planalto Santareno por agricultores no indígenas, ignorando totalmente la presencia de indígenas y quilombolas en la región, así como la articulación entre empresarios y políticos, y la negación de la diversidad étnica regional. Según un líder kumaruara, el concejal Delegado Jardel intentó acercarse en 2019, a través de mensajes en las redes sociales. El líder se mostró sorprendido por este contacto, ya que el concejal había sido uno de los responsables de la creación de la Comisión Especial, respondiéndole que tenía intereses y un "formato racista".

No fue posible encontrar en los canales oficiales ningún documento, como un informe parcial o final sobre el trabajo de la comisión especial, que demostrara una actuación efectiva de los concejales. Al parecer, su investigación sobre la "proliferación de grupos étnicos" en Santarém tenía un objetivo concreto: el seguimiento del trabajo del GT Munduruku y Apiaká del Planalto Santareno, que afecta directamente a los objetivos de los grupos aliados a los intereses del agronegocio.

El único registro encontrado en el sitio web del ayuntamiento de Santarém sobre el trabajo de la "Comisión Especial" fue la rendición de cuentas del viaje realizado por el concejal Chiquinho a Brasilia (Distrito Federal) para reunirse con el entonces presidente de la FUNAI y otros políticos, con el fin de tratar cuestiones relacionadas con los pueblos indígenas.[15]

Seis meses después de su creación, la "Comisión Especial" fue desactivada y su informe no está disponible en la página web del Municipio de Santarém. Entre las diversas cuestiones que surgen del análisis de la creación de la Comisión Especial, llama la atención la utilización de mecanismos estatales para organizar el paso del "gran cerco de paz" al "gran cerco del agronegocio" en torno a los territorios indígenas y quilombolas. (Souza Lima 1995)

La presencia y las resistencias indígenas, y quilombolas, enfrentan a estos empresarios, pues las formas tradicionales de ocupación de estos territorios son consideradas incompatibles con el avance de la producción de *commodities* como la soja. De esta forma, el reclamo de demarcación de territorios étnicos representa no sólo la protección del medio ambiente, sino también la reproducción de prácticas culturales antagónicas al actual proyecto de Estado-nación desarrollista puesto en práctica por diversos gobiernos brasileños.

En este contexto regional, la relación entre los municipios, el estado y el gobierno federal establece una conexión entre las élites políticas locales y las autoridades, estatales y federales,

15 Conforme al acta de la decimosegunda sesión ordinaria, realizada el 9 de septiembre de 2019.

como parte de un "sistema" construido sobre un "juego de coerción y cooptación ejercido a nivel nacional" (Carvalho 2012: 12).

Cuando consideramos las conexiones a nivel federal, emergen las redes de relaciones formadas entre los representantes de la llamada bancada ruralista y los miembros de la CPI de la FUNAI y el INCRA, y los efectos de estas alianzas en el avance de los frentes de expansión sobre los territorios protegidos. El sistema de actuación de las fuerzas políticas que representan estos intereses predominantes en defensa de un modelo desarrollista de flexibilización de la legislación ambiental, con vistas al avance del agronegocio, será descrito en el próximo apartado.

LA COMISIÓN PARLAMENTARIA DE INVESTIGACIÓN (CPI) Y LA BANCADA RURALISTA EN EL CONGRESO NACIONAL

En el plano federal, la CPI de la FUNAI y el INCRA, creada en noviembre de 2015 por el Congreso Nacional[16], sirvió de modelo a las Comisiones especiales que le siguieron, como la de Santarém. La especificidad de esta CPI del Congreso Nacional se relaciona con la forma en que sus acciones se alinean con otras innumerables inversiones en la apropiación de "dispositivos de naturaleza esencialmente estratégica" que, en la perspectiva de Foucault (1979), han producido relaciones de poder como dispositivo político, que han tenido impacto en los derechos territoriales, ambientales, culturales e incluso individuales y colectivos.

Una atenta lectura al conjunto documental producido por la CPI ha permitido la identificación de las racionalidades que permitieron la modificación de un determinado estado de cosas, mediante la producción de verdades, el abuso de poder y la manipulación de los instrumentos estatales al servicio de intereses alejados de los basados en el reconocimiento de los derechos territoriales y culturales. El examen de fenómenos dinámicos en términos de procesos de toma de decisiones y resolución de conflictos, en contextos culturales y territoriales, como los abordados por esta Comisión, puso de relieve la dimensión procedimental de la política.[17]

En un intento de identificar los elementos que componen la CPI FUNAI/INCRA, hemos realizado un mapeo de las trayectorias políticas de los diputados participantes en esta Comis-

16 Creada el 11/11/2015, la Comisión Parlamentaria de Investigación sobre la FUNAI y el INCRA fue presidida por el diputado Alceu Moreira (PMDB/RS), quien condujo su actuación con el objetivo de investigar el trabajo de los antropólogos de la FUNAI y el INCRA, especialmente en lo que respecta al uso de criterios para la demarcación de las tierras indígenas y las tierras remanentes de quilombos. También pretendía averiguar "las causas y los efectos de los conflictos sociales y territoriales en el proceso de demarcación de tierras indígenas y áreas remanentes de quilombos" supuestamente desencadenados por estas instituciones (como se cita en el Plan de Trabajo, Brasil 2015a: 3), poniendo en peligro el reconocimiento de los derechos territoriales y culturales, y creando un escenario de inestabilidad e incertidumbre política.

17 Para este análisis, me valgo de la definición de política propuesta por Swartz, Turner & Tuden (1966) que consideran que el estudio de la política es el estudio de los procesos implicados en la determinación e instrumentalización de los objetivos públicos y en la conquista, y uso diferencial, del poder por parte de los miembros del grupo en relación con estos objetivos (Swartz, Turner y Tuden 1966: 105).

ión. Por lo que pudimos saber, sus miembros se sitúan como elementos de este dispositivo esencialmente estratégico, defensor de los intereses privados de una élite rural, lo que puede demostrarse siguiendo su trayectoria política, pero también su distribución partidaria. En este sentido, a partir de las aportaciones de los autores mencionados, observamos cómo los distintos partidos y sus miembros operan, y manipulan, las creencias de los distintos grupos para servir a sus intereses. Como destacan: "las creencias se conciben en un proceso dinámico dentro de la vida social cotidiana y la creación y desarrollo de nuevos grupos y relaciones" (Swartz, Turner y Tuden 1966: 102).[18]

Las regiones que son el foco de la investigación del IPC corresponden a territorios en constante disputa, como es el caso de la mayoría de los estados de la región norte del país (Amazonas, Pará, Acre, Rondônia, Tocantins y Amapá). Al contrastar estos datos con la información recogida por el Censo Agropecuario (IBGE 2017) sobre la ocupación de la tierra en Brasil, se observa la concentración de empresas capitalistas, especialmente establecimientos agropecuarios, en todas las regiones del país. Al analizar estos datos, queda claro que los miembros de la mencionada Comisión utilizan situaciones de conflicto social y territorial como casos emblemáticos para atacar los criterios utilizados por la FUNAI y el INCRA para demarcar las tierras indígenas y los remanentes de quilombos. Según Swartz, Turner y Tuden (1966), las metas corresponden a un fin político deseado que está presente, aunque no se dé universalmente. Estas prácticas convergen en áreas donde operan empresas capitalistas, principalmente agroindustrias, ganaderías y empresas mineras. En términos de los autores,

Es verdad que la política siempre tiene que ver con metas, pero es útil reconocer que meta no es un concepto unívoco y que lo aquí se requiere es que haya un forcejeo por algo que está en competencia. Esta competencia, sin embargo, debe ser de una clase particular y, para explicarla, es necesario mirar brevemente lo que se quiere decir con que sea el "tamaño del grupo" (Swartz, Turner y Tuden 1966: 103).

En este sentido, cabe preguntarse: ¿qué grupos están implicados en esta CPI y qué objetivos defienden? En la Audiencia Pública, contrariamente a los argumentos esgrimidos por esta CPI, la narrativa presentada por uno de los diputados presentes parecía responder a esta pregunta, trayendo a la memoria el trabajo histórico de la Comisión Parlamentaria de Investigación sobre la FUNAI y el INCRA. En opinión del entonces diputado João Daniel (PT), tanto la FUNAI como el INCRA se enfrentaron a procesos de desmantelamiento y ataques destinados a desmovilizar la estructura organizativa e impedir así la continuidad de los procesos de titulación y demarcación territorial. En este sentido, afirmó:

18 En un análisis de las condiciones de posibilidad de la jusdiversidad en un contexto poscolonial, a través de investigaciones etnográficas realizadas en el estado de Roraima (Comunidad Manoá - Tierra Indígena Manoá-Pium) y en la Tierra Indígena Raposa Serra do Sol (Comunidad Enseada y Comunidad Orinduque); y en el estado de Mato Grosso, en la Tierra Indígena Capoto-Jarina, Tardelli, Oliveira y Lobão (2020) han llamado la atención sobre cómo, en estos tres casos, la actualización y el ejercicio del poder tutelar que afecta a los pueblos indígenas es un modo de poder que revela un *modus operandi* de este poder tutelar del Estado y que es también un poder de gubernamentalización.

> Esta no es una CPI para perseguir a dos organismos desestructurados, que necesitan ser estructurados para cuidar de lo que es un patrimonio fundamental de la historia y de la cultura brasileña, que son los pueblos rurales, que son los pueblos indígenas, que son las comunidades tradicionales, que son los quilombolas.

Y fue a través del Incra y de la Funai que la mayoría de las políticas fueron implementadas. Fueron, porque estamos viendo un gobierno débil en políticas sociales, en políticas agrarias y en políticas indígenas. Así que hay preocupación y estamos interesados en recibir este informe y dar nuestra opinión y nuestra contribución.

Ahora vengo de la comisión de agricultura y creo que estaremos aquí para contribuir, dando ideas para este informe, pero al mismo tiempo defendiendo con mucha firmeza que queremos un estado donde haya organismos públicos y autarquías que sirvan para implementar políticas nacionales, especialmente para la gente más pobre de este país que son los pueblos indígenas, que son los quilombolas, sin tierra, ocupantes ilegales, ribereños que son atendidos por estos dos órganos (Diputado João Daniel, PT/SA, 3ª Audiencia Pública, 23/11/2016)

La descalificación de los argumentos presentados en los laudos e informes antropológicos, apoyados en investigaciones etnográficas y empíricas, posibilitó que fueran apropiados como pruebas testimoniales contrarias a los objetivos para los que fueron concebidos, sirviendo a los resultados orquestados por la CPI FUNAI/INCRA sobre situaciones de conflictos territoriales y demandas de reconocimiento de derechos culturales por parte de indígenas, quilombolas, poblaciones ribereñas y otros pueblos, y poblaciones, tradicionales.

El método inductivo adoptado por los diputados en función investigativa sirvió a los propósitos de la CPI de cuestionar los procesos de demarcación de los territorios indígenas y quilombolas en el país, en áreas donde los parlamentarios tenían intereses en sus estados de origen y/o donde se expandían empresas capitalistas, como en el caso de la frontera amazónica. En este sentido, el Informe de la CPI es el resultado de un proceso de constantes negociaciones, manipulaciones, elecciones y decisiones arbitrarias, frente a una realidad normativa que ha negado –desconociendo normas constitucionales y disposiciones legales– derechos culturales, y territoriales, a los pueblos y poblaciones tradicionales. Los Informes Técnicos de Identificación y Delimitación (RTID/Incra, por sus siglas en portugués) y la Ordenanza Declaratoria de Posesión Tradicional Indígena (PDPTI, en portugués) que fueron investigados en el ámbito de este IPC, por región, son los siguientes:

En Rio Grande do Sul: los territorios indígenas Votouro-Kaingang, Votouro-Guarani, Ventarra, Monte Caseros, Serrinha y Nonoai; la Comunidad Remanente del Quilombo de Morro Alto; la Comunidad Remanente del Quilombo de Rio Pardo;

En Santa Catarina: Tierra Indígena Morro dos Cavalos;

En Pará: Tierra Indígena Apyterewa; Proyecto de Asentamiento Belauto;

En Mato Grosso do Sul: Comunidad Indígena Amambai;

En Mato Grosso: Tierra Indígena Pequizal de Naruvôtu; Tierra Indígena Kapotnhinore; Tierra Indígena Maraiwãtsédé;

En Bahia: Tierra Indígena Tupinambá de Olivença.

Todos estos casos de reconocimiento de derechos territoriales fueron definidos por la CPI como "trapazas antropológicas", al ser juzgados en base a parámetros y procedimientos alejados de la práctica antropológica. Además, en el proceso de criminalización de antropólogos y movimientos sociales en el ámbito de la CPI, aparece la acusación de compromiso ideológico "sin la imparcialidad necesaria", elaborada en interés de grupos extranjeros, fundaciones, ONG que financiaron "la masa de maniobra para las reivindicaciones territoriales" (Brasil 2015b: 1621)

Las acciones de la Comisión Parlamentaria en cuestión muestran un claro interés en satisfacer las demandas y propósitos de este espacio semántico y social, que evoca para sí "el poder de influir en la narrativa" (Bensa 1998: 51), un poder que asegura la continuidad de la realidad social, como en casa, incluyendo la 'casa' legislativa. En este sentido, el desenvolvimiento de esta CPI puede entenderse, en la coyuntura actual, a partir del uso de la máquina burocrática y del fácil acceso al funcionamiento de la estructura pública por parte de los diputados del Frente Agrario Parlamentario, que desde entonces vienen promoviendo acciones para responsabilizar a presuntos infractores, especialmente a aquellos que impidieron o dificultaron la expansión de prácticas desarrollistas en territorios y espacios protegidos.

Como ejercicio analítico para mostrar al lector una de estas redes que atraviesa la CPI, pero que no se agota en ella, elegimos el caso de una empresa capitalista que, desde hace más de dos décadas, compite por la explotación comercial de recursos en la región de Santarém (PA). La empresa, fundada a mediados de la década de 1960 y con sede en São Paulo, tiene como actividad principal la fabricación de aceites vegetales refinados, así como el comercio al por mayor de materias primas agrícolas con actividades asociadas de fraccionamiento y envasado, entre otras. A pesar de tener sede nacional, se trata de una multinacional americana (Cargill) que produce y procesa alimentos. La empresa tiene cerca de 180 sucursales, diez de ellas en la región de Pará (en los municipios de Medicilândia, Paragominas, Santarém, Abaetetuba, Altamira, Castanhal, Belém y Uruará), además de seis unidades en Rondônia y tres en Tocantins.

Las actividades de la empresa en la región de Santarém han llamado especialmente la atención por el incumplimiento de las condiciones del estudio de impacto ambiental que, a lo largo de más de dos décadas, a pesar de las deficiencias históricas, ha hecho que se le renovaran las licencias de explotación del Puerto, y está asociada al crecimiento de la producción de soja en el municipio, según datos recogidos por Terra de Direitos (2021).

Farias (2023), en un estudio sobre los impactos del Distrito Industrial Barcarena/PA, mostró cómo las acciones de los grandes proyectos en la Amazonia están subordinadas a intereses externos a la región. Según este autor, se trata de un proceso históricamente relacionado con el mercado global de *commodities*, bajo el régimen de *plantation* que, como ya señalamos en este texto, se encarna en un tipo de poder autocrático del sistema coronelismo, azada y voto.

El caso analizado por Farias (2023) es otro caso ejemplar para pensar las contradicciones entre impactos ambientales y conflictos, revelando procesos de desterritorialización, procesos de expansión habitacional en áreas ambientales frágiles, así como procesos de segregación socioespacial que exacerban nuevos impactos ambientales, y conflictos que movilizan sujetos institucionales históricos, grupos sociales y empresarios. Como hemos señalado en este artículo, se trata de un formato que se reproduce en diferentes situaciones de conflicto.

Según las denuncias, la llegada de la multinacional a la región provocó un proceso de cambios en el uso y ocupación del suelo, expulsando a los pequeños agricultores y generando una fuerte presión sobre las áreas boscosas para cultivo. Datos del Instituto Nacional de Investigaciones Espaciales indican que, desde la implantación de la agroindustria en el municipio de Santarém, entre 2000 y 2018, se han reducido más de 1.000 kilómetros cuadrados de bosque (el equivalente a 100.000 campos de fútbol). En el mismo estudio, Terra de Direitos (2021) señaló que, con la llegada del cultivo de soja, se produjo un proceso de valorización de la tierra y la consiguiente expropiación de pequeños agricultores que, presionados, abandonaron sus tierras. A este proceso se suma la contaminación de los cuerpos de agua y la extinción de animales, debida a la aplicación de agrotóxicos.[19]

Los efectos adversos causados por la implantación de la multinacional Cargill en el estado de Pará también apuntan a la violación de los derechos indígenas y de las comunidades tradicionales por el auge de la soja en áreas protegidas. La terminal portuaria para la exportación de granos, una de las principales actividades de la empresa, fue construida sobre un cementerio indígena ancestral del pueblo Tapajós, los primeros ocupantes de la región. Como símbolo de la destrucción en nombre del desarrollo, las consecuencias para los pueblos y poblaciones tradicionales de las Tierras Indígenas Munduruku y Apiaká, en la meseta de Santarém, y de los Quilombos Maicá-Ituqui, son desastrosas y están empujando a los territorios quilombolas e indígenas hacia la desaparición (Rego & Vieira 2023).

En el caso de la Tierra Indígena Apyterewa y el Asentamiento Belauto, el Tribunal Supremo dictó en 2019, en nombre de la pacificación de los conflictos sociales y la garantía de los derechos, una medida cautelar:

> (...) las decisiones causan graves daños a la seguridad pública al crear la posibilidad de que personas no indígenas regresen a la Tierra Indígena Apyterewa, ya que ellos pueden ser expulsados del asentamiento en cualquier momento y no recibir recursos para iniciar o continuar el proceso de producción agrícola en el asentamiento. En este sentido, argumenta que el eventual retorno de los colonos a la Tierra Indígena Apyterewa, en contra de su voluntad, podría exacerbar el conflicto que ya existe entre ellos en el proceso de expulsión.

19 Silva y Santos (2023) llaman la atención sobre lo que llaman la "escalada de plaguicidas" durante el gobierno de Bolsonaro. Según los autores, a partir de una investigación cuantitativa sobre el uso de agroquímicos en Brasil, se ha flexibilizado y liberado el uso de más de 2.000 productos agroquímicos, frente a las 48 nuevas sustancias agroquímicas liberadas por el Ministerio de Agricultura durante el gobierno de Lula, según los datos de los autores (Silva y Santos 2023: 22).

Por último, el demandante informa de la existencia de una investigación policial contra individuos que afirman ser los legítimos propietarios de la *Fazenda* Belauto, por amenazar de muerte a los colonos para que abandonaran la granja y por intentar ilegalmente obtener la posesión de la *fazenda* destruyendo bienes públicos pertenecientes al INCRA (Jusbrasil 2019).

La sentencia se dictó en el proceso de recuperación de la posesión de las tierras por parte de los indígenas en el asentamiento de Belauto. Según los autos del caso judicial, cerca de 200 familias no indígenas fueron asentadas por la FUNAI tras el proceso de expulsión de la Tierra Indígena Apyterewa. La sentencia paraliza la ejecución del asentamiento, con repercusiones directas en la demarcación de la tierra indígena.

Los conflictos derivados de la expansión del agronegocio en territorios de ocupación tradicional en el estado de Pará convergen con las inversiones en la ampliación de la terminal de Santarém y la construcción de la Estación de Transbordo de Cargas de Miritituba, junto a la adquisición de una flota fluvial (con el objetivo de aumentar la capacidad de exportación de la terminal de 2 a 5 millones de toneladas/año).

La expansión del agronegocio en la región se ha posicionado estratégicamente a través de una fuerte actuación en las instancias de legitimación y consagración del desarrollo, a cualquier precio y como una necesidad impostergable. La flexibilización de las normas ambientales y la facilitación de la apertura del mercado de tierras protegidas para la explotación capitalista han sido orquestadas por miembros del Frente Parlamentario Agropecuario (FPA).

Según datos del Observatorio del Agronegocio en Brasil, en 2019, el Instituto Pensar Agro (IPA), financiado por 38 asociaciones del agronegocio, recibió cerca de 760 mil reales por mes. El Instituto es el motor logístico del FPA, que da soporte técnico al grupo de 257 diputados y senadores, la mayor bancada del Congreso Nacional. No es coincidencia que el actual presidente – el Diputado Alceu Moreira (sucesor de la exministra de Agricultura Tereza Cristina) – también presidiera la CPI de la Funai y del Incra en 2015. Así, con el pago de una mensualidad de 20 mil reales cada una, las 38 asociaciones dirigen sus recursos al IPA, y ambas (IPA y FPA) comparten la misma dirección en Brasilia.

La extensa lista de patrocinadores de la bancada ruralista incluye, por lo tanto, a multinacionales y a empresas brasileñas, organizadas en asociaciones, como es el caso de la Asociación Brasileña de Productores de Semillas de Soja, la Asociación Brasileña de Proteína Animal, la Unión de la Industria de la Caña de Azúcar, la Asociación Brasileña de la Industria del Tabaco, la Asociación Brasileña de la Industria de Aceites Vegetales, además del Sindicato Nacional de la Industria de Alimentación Animal, el Sindicato Nacional de la Industria de Productos para la Salud Animal y el Sindicato Nacional de la Industria de Productos para la Defensa Vegetal. Cabe destacar aquí que la empresa mencionada en el texto, cuyas actividades se concentran en Santarém, financia a dos de estos apoyadores del IPA: a la Asociación Brasileña de la Industria de Aceites Vegetales y al Sindicato Nacional de la Industria de Productos para la Salud Animal.

El IPA tiene un papel fundamental en la legitimación del desarrollo, produciendo material de apoyo para la formulación de proyectos de ley y las discusiones que han sido protagonizadas por sus diputados en el FPA. Así, con el 44% del total de votos en el Senado (el grupo ocupa 32 de las 81 bancas), son decisivos para derribar cualquier interés contrario a la política desarrollista de producción y exportación de materias primas.

Con el objetivo de mapear las trayectorias de estos diputados, especialmente aquellos que integraron la CPI de la FUNAI y del INCRA, se pudo observar su destacada actuación en comisiones cuya agenda está asociada a los intereses de la actividad agropecuaria, de actividades extractivas y mineras, como es el caso de las Comisiones: de Agricultura, Ganadería, Abastecimiento y Desarrollo Rural; Desarrollo Económico, Industria, Comercio y Servicios; Medio Ambiente y Desarrollo Sostenible; Integración Nacional, Desarrollo Regional y de la Amazonía; Minas y Energía. Además, participaron en la votación de Propuestas de Enmiendas Constitucionales y Proyectos de Ley (como, por ejemplo, la PEC 215/00 sobre la demarcación de tierras indígenas; la PEC 1610/96 sobre la explotación de recursos en tierras indígenas; el PL 0037/11 sobre minería) que suman esfuerzos que van más allá del periodo de esta CPI, pero que la complementan en el logro de intereses estrechamente relacionados con la expansión de emprendimientos capitalistas en el país, especialmente del (de los) agronegocio(s), como lo menciona Santos (2021; 2022).

También vale la pena mencionar el papel decisivo desempeñado por los miembros del FPA en el éxito del proceso de destitución de la presidenta Dilma Rousseff en 2016 (50% de los votos) y la retención del presidente Michel Temer en 2017 (con el 55% de los votos válidos). En 2018, los recursos del FPA se utilizaron para financiar la campaña del expresidente Jair Bolsonaro.

Así, los miembros del FPA se sitúan como elementos de este dispositivo esencialmente estratégico, defendiendo los intereses privados de los grupos rurales y los objetivos públicos nacionales. Como demuestra Santos (2022), Las instancias de legitimación y consagración de los argumentos movilizados por los miembros de la CPI, en especial aquellos identificados con la bancada ruralista, "terminan por informar planes, programas, proyectos y demás formas de poder del Estado" y otros operadores de esta sofisticada tecnología de poder movilizada por el propio Estado, pero también las provenientes de inversiones extranjeras cuyo discurso es facilitar las transacciones comerciales y abrir el mercado de tierras, a proyectos agrícolas y de *commodities* minerales y agrícolas, muchas de las cuales gozan de incentivos fiscales y crediticios, en nombre del desarrollo financiado por el Banco Mundial (BIRF) y el Banco Interamericano de Desarrollo (BID), agencias internacionales de cooperación financiera (Almeida 2008: 13). Los planes presentados por el Frente Agrario Parlamentario están en consonancia con la tesis defendida por el marco temporal, restringiendo el derecho de ocupación a la posesión de tierras reivindicadas en la fecha de publicación de la Constitución Federal de 1988, como analizaremos a continuación.

LA TESIS DEL MARCO TEMPORAL

La tesis jurídica del marco temporal ha sido encabezada por la bancada ruralista en el Congreso Nacional, según la cual los pueblos indígenas sólo tendrían derecho a las tierras ya ocupadas al 5 de octubre de 1988, cuando se promulgó la Constitución Federal.

La aprobación de esta tesis significará que cerca de 300 procesos de demarcación de tierras indígenas en el país quedarán estancados, a la espera de una decisión de la Corte Suprema. Bajo el argumento de garantizar la seguridad jurídica, en 2021, el juez Nunes Marques votó a favor del marco temporal basándose en el conflicto entre indígenas Xokleng y agricultores. La tierra indígena Ibirama-Laklãnõ, de aproximadamente 80.000 metros cuadrados y ocupada por los Xokleng desde 2003, viene siendo objeto de disputas judiciales.

Según los argumentos del ministro, la supuesta seguridad jurídica está asociada a la necesidad de frenar la "expansión ilimitada" en áreas que ya han sido incorporadas al mercado de tierras; es decir, tierras públicas que ya han sido incorporadas al patrimonio privado de los agricultores del país.

Esta tesis del marco temporal es defendida en el Proyecto de Ley (PL) 2.903/2023 (Senado Federal 2023), que propone la modificación del artículo 231 de la Constitución Federal, para disponer sobre el reconocimiento, la demarcación, el uso y la gestión de las tierras indígenas; así como alterar la aplicación de las Leyes nº 11.460, del 21 de marzo de 2007; nº 4.132, del 10 de septiembre de 1962; y nº 6.001, del 19 de diciembre de 1973. El PL fue aprobado por el Senado Federal con el objetivo de reglamentar los derechos originarios de los pueblos indígenas sobre las tierras que ocupan. Así lo define el artículo 4º:

Son tierras tradicionalmente ocupadas por indígenas brasileños aquellas que, en la fecha de la promulgación de la Constitución Federal, estaban simultáneamente:

> I - habitadas por ellos de forma permanente;
>
> II - utilizadas para sus actividades productivas;
>
> III - esenciales para la preservación de los recursos ambientales necesarios a su bienestar;
>
> IV - necesarias para su reproducción física y cultural, de acuerdo con sus usos, costumbres y tradiciones (PL 2.903/2023).

Los requisitos legales impuestos se basan en criterios llamados "objetivos", siendo que "la ausencia de la comunidad indígena al 5 de octubre de 1988 en el área pretendida excluye su encuadramiento en el inciso I" ("habitada por ellos de forma permanente"). Además, con 43 votos a favor (y sólo 21 en contra), el proyecto autoriza la explotación económica de las tierras indígenas (objeto de otro proyecto que pasó por el Congreso en 1996, el PL 1.610/1996; así como del PEC 215/00, que proponía una revisión de los criterios de demarcación de las tierras indígenas). Ambas propuestas contaron con la participación de la

bancada ruralista, que desempeñó un papel significativo durante la CPI sobre la FUNAI y el INCRA (2015-2016). Cuando la presidenta Dilma Roussef fue destituida en 2021, el FPA tenía 39 senadores. En 2023, este número llegó a 50.[20] Los senadores que votaron a favor del proyecto son miembros del FPA y, como resultado de la votación, se observa que las alianzas formadas por sus miembros fueron decisivas para la aprobación del Proyecto de ley del marco temporal, concentrando el 80% de los votos. Los argumentos esgrimidos por los senadores corresponden a la necesidad de devolver la seguridad jurídica a quienes están "en el campo trabajando y produciendo" (como dijo el senador Marcos Rogério). En la misma línea, la senadora Zequinha Marinho y la senadora Margareth Buzetti también hicieron hincapié en que el papel del Senado es legislar "para que otros no hagan su papel".

La necesidad de dar una respuesta de extrema importancia para contribuir a la pacificación del país fue otro argumento esgrimido por los senadores, como se defendió en el voto de la senadora Tereza Cristina; llevar "paz al campo, paz a la ciudad"[21] remite a una propuesta de silenciamiento del debate político, plagado de inconstitucionalidades, como intento de deslegitimar la decisión sobre el marco temporal que debe dictar el Supremo Tribunal Federal.

Tomando como objeto los argumentos esgrimidos por la CPI de la FUNAI y el INCRA, y la votación del Proyecto de Ley de Marco Temporal, podemos comprender los efectos de la manipulación de los aparatos políticos para servir a intereses muy alejados de los basados en el reconocimiento de los derechos territoriales y culturales protegidos por el Estado brasileño.

Para concluir, en lugar de retomar los argumentos desarrollados en el artículo, presentaremos algunos comentarios sobre los enfrentamientos entre actores políticos opuestos en el orden institucional del Estado brasileño.

El 30 de agosto de 2023, el Supremo Tribunal Federal (STF) reanudó el debate de la tesis del marco temporal, que establece la fecha del 5 de octubre de 1988 como marco jurídico para la demarcación de las tierras indígenas – el mismo año en que se promulgó la llamada Constitución Ciudadana, considerada un símbolo del proceso de redemocratización nacional – aunque sin tener en cuenta las injusticias históricas cometidas y la expansión de la frontera agrícola sobre territorios tradicionalmente ocupados e áreas protegidas de la Unión.

Desde 2021, esta sentencia ha movilizado a los pueblos indígenas de Brasil y a sus asociaciones, que actualmente están representadas por su propio Ministerio en el Gobierno asumido recientemente. Según denuncian, el marco temporal amenaza la supervivencia de muchas comunidades indígenas y de sus áreas de bosque preservadas.

En el Supremo Tribunal Federal, la tesis del marco temporal ya había sido rechazada por el voto del relator, el Ministro Edson Fachin, argumentando que "la Constitución reconoce

20 Disponible en: https://fpagropecuaria.org.br/todos-os-membros/

21 Disponible en: https://shorturl.at/wvm4r.

que el derecho de los pueblos indígenas a sus tierras de ocupación tradicional es un derecho originario, es decir, anterior a la propia formación del Estado".

Anticipándose a la reanudación de este juicio por parte de aquella Corte, la Comisión de Agricultura y Reforma Agraria (CRA) del Senado, representada principalmente por miembros de la bancada ruralista del Congreso Nacional, siguiendo una decisión ya tomada por la Cámara de Diputados en mayo de ese año, votó el 23 de agosto de 2023 a favor de la aprobación de la tesis del marco temporal (Proyectos de Ley 2.903/2023 y PL 490/2007, respectivamente).

Esta decisión, que reglamenta el marco temporal, ha sido celebrada por los políticos en redes sociales como una victoria, y reabre viejas heridas que sugieren un tipo de poder autocrático encarnado en un nuevo "coronelismo, azada y voto", ya analizado por Victor Nunes Leal, ex miembro del Tribunal Supremo destituido por la dictadura militar.

El 21 de septiembre de 2023, la Corte Suprema revocó la tesis del marco temporal para la demarcación de las tierras indígenas, decidiendo por 9 votos contra 2 que no depende de si las comunidades estaban ocupando o disputando el área en la fecha de promulgación de la Constitución Federal. La decisión fue tomada en el contexto de la sentencia del Recurso Extraordinario (RE) 1017365, con repercusión general (Tema 1.031), cuya tesis fue fijada como parámetro para tratar otros 226 casos similares en suspenso, en espera de esta definición.

Esta votación fue seguida multitudinariamente por indígenas y sus representantes en el Plenario del STF, incluyendo acampadas en el patio del estacionamiento en Brasilia. El voto de los magistrados, especialmente el de la jueza Rosa Weber, destacó que:

> la posesión de la tierra por parte de los pueblos indígenas está relacionada con la tradición, y no con la posesión inmemorial. (...) Se trata de derechos fundamentales que no pueden ser mitigados. (...) que la posesión tradicional no se agota con la posesión actual o la posesión física de la tierra.

En este contexto, la tesis del marco temporal de las tierras indígenas, que respeta únicamente el área de tierra ocupada por los pueblos originarios hasta la fecha de la promulgación de la Constitución, y no en cualquier momento, fue considerada inconstitucional.

Sin embargo, el 14 de diciembre de 2023, el Congreso Nacional votó el veto de forma fragmentaria y volvió a convertir en ley el apartado que daba nombre al proyecto, definiendo las tierras tradicionalmente ocupadas como aquellas habitadas y utilizadas por los indígenas para sus actividades productivas a la fecha de promulgación de la Constitución Federal de 1988. Este punto específico, analizado individualmente a través de un destaque, recibió 53 votos por el rechazo y 19 por su mantenimiento en el Senado, y 321 votos por revocarla y 137 por mantenerla en la Cámara de Diputados. Así, con el rechazo del veto, los indígenas sólo tendrán derecho a la demarcación de las áreas que ocuparon hasta el 5 de octubre de 1988, volviendo a la tesis original del Proyecto de Ley 2.903/2023 presentado por el ex diputado Homero Pereira (MT), bajo informe del senador Marcos Rogério (RO). Cabe señalar que el

presidente Lula ya había vetado el proyecto de ley con el argumento de que los vetos eran necesarios debido a la decisión del STF, ratificando la tesis emitida el 21 de septiembre.

Finalmente, utilizando el concepto de coronelismo de Victor Nunes Leal, interpretado por José Murilo de Carvalho (2012), hemos querido reflexionar sobre cómo, en este caso, el orden privado y la organización política nacional se imbrican, y dictan el curso de las políticas agrícolas desarrollistas orientadas a la exportación de monocultivos y a la producción de *commodities* desde una perspectiva histórica, nacional y global.

Desde el punto de vista del movimiento y las organizaciones indígenas, el marco temporal representa un riesgo para el reconocimiento y demarcación de las tierras indígenas y vulnera el derecho a la consulta previa, libre e informada, garantizado por el Convenio 169 de la Organización Internacional del Trabajo, según el cual los pueblos indígenas y tribales deben participar en el proceso de toma de decisiones administrativas y legales que les afectan directamente.

Desde esta perspectiva, también cabe destacar que la exclusión de los pueblos indígenas de este tipo de juicio del marco temporal en el Congreso Nacional, a pesar de sus posiciones contrarias ampliamente difundidas en el ámbito público, socava los supuestos éticos que pueden regular la relación entre las minorías étnicas y el Estado-nación brasileño.

La sentencia del STF contraria al marco temporal y, consecuentemente, la votación del proyecto de ley. defendida por la Bancada Ruralista y aprobada por el Senado Federal, plantea la cuestión de la moralidad de las acciones promovidas por el Estado nacional en relación a sus minorías étnicas y raciales, así como la relevancia de "una ética que pueda regular las relaciones entre los pueblos indígenas", otras minorías y el Estado-nación (Cardoso de Oliveira 1996: 33).

Este enfrentamiento entre actores institucionales como el Tribunal Supremo y el Congreso Nacional, representado por la Bancada Ruralista con ramificaciones en el ámbito político local y sus élites agrarias, pone en juego los principios que deben regir nuestra moral institucional y política para toda la sociedad brasileña, más allá de la cuestión de los derechos territoriales y culturales de los pueblos indígenas.

Translated by Federico Lavezzo.
Received: March 4, 2024.
Approved: November 5, 2024.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Apéndice 1

Cuadro 1 – Senadores que votaron favorablemente al marco temporal y la composición del FPA (2023)

Nome do senador	FPA
Alan Rick	Sim
Carlos Viana	Sim
Ciro Nogueira	Não
Cleitinho	Sim
Damares Alves	Sim
Daniella Ribeiro	Não
Davi Alcolumbre	Não
Dr. Hiran	Sim
Eduardo Girão	Sim
Eduardo Gomes	Sim
Efraim Filho	Sim
Esperidião Amin	Sim
Fernando Dueire	Sim
Fernando Farias	Sim
Flávio Arns	Sim
Hamilton Mourão	Sim
Jaime Bagattoli	Sim
Jayme Campos	Sim
Jorge Kajuru	Sim
Jorge Seif	Sim
Laércio Oliveira	Sim
Lucas Barreto	Não
Magno Malta	Sim
Marcio Bittar	Sim
Marcos Rogério	Sim
Marcos do Val	Não
Margareth Buzetti	Sim
Mauro Carvalho Junior	Sim
Mecias de Jesus	Sim
Oriovisto Guimarães	Sim
Plínio Valério	Não
Professora Dorinha Seabra	Sim
Renan Calheiros	Não
Rodrigo Cunha	Sim
Rodrigo Pacheco	Não
Rogerio Marinho	Sim

Sergio Moro	Sim
Soraya Thronicke	Sim
Styvenson Valentim	Não
Tereza Cristina	Sim
Vanderlan Cardoso	Sim
Weverton	Sim
Wilder Morais	Sim
Zequinha Marinho	Sim

Fonte: Dados elaborados pelas autoras. CNJ, 2023.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

Tácticas de desmantelamiento y dilación de una indemnización residual para los Truká del Río São Francisco: pueblos indígenas, justicia y laudos antropológicos

Parry Scott [1]

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Resumen:

Este artículo examina una disputa sobre el cálculo del importe de una indemnización al pueblo indígena Truká del río São Francisco, en un caso judicial sobre una línea de transmisión eléctrica construida por la Compañía Hidroeléctrica São Francisco (CHESF) para suministrar energía a los agricultores reasentados afectados por una presa, que causó daños a su paso por tierras indígenas (TI). El texto presenta la ocupación tradicional, la expulsión irregular y la recuperación de la TI, destacando la actuación de los indígenas, de los tribunales y de un informe antropológico en su reconocimiento. Se detallan los efectos del proceso de indemnización residual en las tácticas de desmantelamiento utilizadas por la empresa para retrasar y reducir el importe de la indemnización: desmoralización, metamorfosis institucional, abandono planificado e incorporación burocrática. El artículo concluye discutiendo la colaboración y la fiabilidad en la redacción de los laudos periciales; los significados divergentes del término "valor", las nociones intercambiadas de deudor y acreedor, y la importancia de las iniciativas indígenas en un sistema de justicia y una coyuntura conscientes del tratamiento de los pueblos tradicionales en la Constitución.

Palabras clave: pueblo indígena Truká; indemnización residual; informes; tácticas de desmantelamiento.

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e01002
https://doi.org/10.1590/1809-4341.2025v22e01002

Dismantling Tactics and The Delay of a Residual Indemnification Gained for the Truká of the São Francisco River: Indigenous people, Justice and Anthropological Reports

Abstract:

This article examines a dispute over the calculation of the value of compensation due to the Truká indigenous people in a legal process concerning a transmission line built by the CHESF electricity company to provide energy to resettled farmers affected by a dam, causing damage when passing through indigenous land. Narrating traditional occupation, irregular expulsion and retaking of indigenous land, it emphasizes actions of indigenous peoples, justice and an anthropological report on land recognition. It details the effects of the residual indemnification process on dismantling tactics used by the company to postpone and decrease the amount of compensation: demoralization, institutional metamorphosis, planned abandonment, and bureaucratic incorporation. It discusses collaboration and reliability in the preparation of reports; divergent meanings of the term "value", changed meanings of debtor and creditor, and the importance of indigenous initiatives in a justice system and conjuncture aware of the treatment of traditional peoples in the Constitution.

Keywords: Truká Indigenous People; Residual Indemnity; Reports; Dismantling Tactics.

Táticas de desmonte e a protelação de um ganho indenizatório residual para os Truká do Rio São Francisco: indígenas, justiça e laudos antropológicos

Resumo:

O artigo examina uma disputa sobre o cálculo do valor de uma indenização devida aos indígenas Truká no Rio São Francisco num processo jurídico sobre uma linha de transmissão construída pela Companhia Hidro-Elétrica do São Francisco (CHESF) para fornecer energia a agricultores reassentados atingidos por uma barragem, causando danos ao passar pela terra indígena (TI). O texto apresenta a ocupação tradicional, expulsão irregular e retomada da TI ressaltando as ações dos indígenas, da justiça e de um laudo antropológico no seu reconhecimento. Detalham-se efeitos do processo da indenização residual nas táticas de desmonte às quais a companhia recorre para adiar e diminuir o montante de compensações: desmoralização, metamorfose institucional, abandono planejado e incorporação burocrática. O trabalho finaliza discutindo colaboração e confiabilidade na elaboração de laudos; significados divergentes do termo "valor", noções trocadas de devedor e credor, e a importância das iniciativas indígenas numa justiça e conjuntura cientes do tratamento de povos tradicionais na Constituição.

Palavras-chave: indígenas Truká; indenização residual; laudos; táticas de desmonte.

Tácticas de desmantelamiento y dilación de una indemnización residual para los Truká del Río São Francisco: pueblos indígenas, justicia y laudos antropológicos

Parry Scott

Cada disputa que genera la demanda de un laudo antropológico tiene sus especificidades, que suscitan comparaciones con situaciones semejantes, al tiempo que señalan particularidades. En dichos laudos, el incremento de las acciones y las transformaciones ocurridas con posterioridad a la promulgación de la Constitución de 1988 – momento crucial en la regularización de los derechos de los pueblos tradicionales – ha llevado a situaciones inusitadas que exigen nuevas formas de poner en práctica el reconocido conjunto de modos de investigación y escrita profesionales, que marcan la *expertise* antropológica, a partir de la experiencia directa con las poblaciones en cuestión, elaborando etnografías y refiriéndose a la convivencia, contextualización y utilización de una multiplicidad de fuentes de datos de diversas procedencias. La elaboración de un laudo es siempre una reafirmación de la perspectiva de conocimiento cultivado y dialogado históricamente en la tradición disciplinar, como bien defienden los organizadores y autores de colecciones sobre el tema (Silva et al. 1994; Leite 2005; Oliveira et al. 2015). Cuando participé como coordinador de los informes socioambientales y antropológicos que respondían al pliego de especificaciones técnicas "Estudios de los impactos socioambientales y valoración económica de los daños ambientales causados por la línea de transmisión Cabrobó/Pedra Branca 69 kV que atraviesa la Tierra Indígena Truká" (2010)[1], experimenté esta combinación de prácticas establecidas en las experiencias de investigación antropológica, el aumento del protagonismo indígena significativo, reforzado

1 La Especificación Técnica DEMG 007/2010 - R4, de la licitación nacional CN-1.92.2012.2470, atiende fielmente las demandas del Ministerio Público Federal realizadas a través del Proceso Administrativo Nº 1.26.001.000006/2002 - 85 en nombre de la comunidad indígena de la etnia Truká, reclamando el pago de indemnización por el daño ambiental causado por la construcción y operación de la línea de transmisión de 69 kV Cabrobó/Pedra Branca, implantada en su reserva desde 1993.

por las garantías de los artículos 215 y 216 de la Constitución de 1988[2] y del Convenio 169 de la OIT (Organización Internacional del Trabajo)[3], y la legibilidad de las tácticas dilatorias y desmanteladoras[4] que los agentes institucionales del desarrollo emplean para evitar las indemnizaciones que perciben como daños.

Este artículo, en primer lugar, expone detalles de la situación que llevó a la disputa y las acciones de indígenas, instituciones y expertos en torno a la Tierra Indígena. A continuación, examina cómo una judicialización, con carácter de garantía de indemnización residual, surte efectos y se traduce en prácticas, en las narrativas y acciones de los diversos agentes. El enfoque recae en la organización y discusión de cuatro tácticas conocidas para reducir la resistencia, dilatar juicios y dificultar la indemnización: desmoralización, metamorfosis institucional, abandono planificado e incorporación burocrática. El texto pasa a señalar la creación colectiva de confiabilidad y a disipar las acusaciones de parcialidad, de ideas poco convergentes sobre valores, sobre la inversión de los significados de deudor y acreedor, y termina destacando la importancia fundamental de las iniciativas del propio pueblo indígena en contextos favorables.

LA SITUACIÓN: LÍNEA DE TRANSMISIÓN, TIERRA INDÍGENA TRUKÁ Y DEUDA POR INDEMNIZACIONES[5]

En 2002, cuando el cacique Ailson dos Santos, del Pueblo Truká, presentó una demanda ante el Ministerio Público solicitando una indemnización para el pueblo Truká del archipiélago donde se encuentra Ilha de Assunção, en el río São Francisco; se enfrentaba a un caso ganado, pero efectivamente sin resolver. Como parte del sistema Eletrobrás, la Compañía Hidroeléctrica del São Francisco (CHESF) expulsó a una población rural de 40.000 personas de las zonas afectadas por el lago de Itaparica, planificado durante décadas, ante la necesidad de aumentar la producción de energía. Catorce años antes de la demanda, en 1988, se inau-

2 Los artículos 215 y 216 de la Constitución Federal establecen: "Art. 215. El Estado garantizará a todos el pleno ejercicio de los derechos culturales y el acceso a las fuentes de la cultura nacional, y apoyará, y estimulará la valorización, y difusión, de las manifestaciones culturales. § 1º - El Estado protegerá las manifestaciones de las culturas populares, indígenas y afrobrasileñas, y las de otros grupos participantes en el proceso civilizatorio nacional. § 2º - La ley dispondrá el establecimiento de fechas conmemorativas de alto significado para los diferentes segmentos étnicos nacionales. (...) Art. 216. El patrimonio cultural brasileño comprende los bienes de naturaleza material e inmaterial, considerados individualmente o en conjunto, que porten referencia a la identidad, a la acción y a la memoria de los diferentes grupos que componen la sociedad brasileña, incluyendo: I - formas de expresión; II - modos de crear, hacer y vivir; III - las creaciones científicas, artísticas y tecnológicas; IV - las obras, objetos, documentos, edificaciones y otros espacios destinados a manifestaciones artísticas y culturales; V - los conjuntos urbanos y sitios de valor histórico, paisajístico, artístico, arqueológico, paleontológico, ecológico y científico. § 1º - El Poder Público, con la colaboración de la comunidad, promoverá y protegerá el patrimonio cultural brasileño, por medio de inventarios, registros, vigilancia, catalogación, expropiación y otras formas de protección, y preservación".

3 La Convención 169 de la Organización Internacional del Trabajo (OIT), suscripta por Brasil en 1989, describe la idea de una política de pueblos tradicionales, disponible en: http://www.justica.pr.gov.br/Pagina/Povos-eComunidades-Tradicionais. Última consulta: 16.06.2020.

4 Para una sistematización de esa discusión, véase Castro (2018) y especialmente Hernández y Magalhães (2011).

5 Véase el mapa de delimitación de la Fundación Nacional del Indio (FUNAI) en anexo.

guró la presa Luiz Gonzaga entre Petrolândia, en el estado de Pernambuco, y Nova Glória, en el de Bahía. Se tardó mucho tiempo en proporcionar la electrificación – prometida en la indemnización – a la población afectada, reasentada en las numerosas agro-aldeas construidas en zonas evaluadas por la CHESF como aptas para la agricultura irrigada.

Los sindicatos rurales, que representaban a los afectados en el campo, habían luchado con el lema "tierra por tierra a la orilla del lago", para permanecer cerca de sus hogares perdidos (Pandolfi 1986); pero el criterio de la fertilidad potencial del suelo con irrigación se juzgó técnicamente más justo, debido a que los estudios encargados por el proyecto demostraban que en la orilla del lago no habría ni depósitos aluviales igual de fértiles que los que tenía la ribera preexistente, ni suelos con un potencial viable para el regadío. La población quedó muy dispersa, en nuevas viviendas con parcelas para riego proporcionadas por constructores contratados y pagados por la CHESF (CHESF 1985; Araújo et. al. 2000; Scott 2009).

A lo largo de más de diez municipios, en una extensión de más de 300 kilómetros desde aguas abajo hasta el lejano río arriba de la presa, la población rural fue reasentada en Proyectos Especiales de numerosas agroaldeas, de unas 50 familias cada una, con electricidad y agua bombeada. El ritmo de instalación de los equipos de riego en las parcelas y de las líneas de transmisión varió mucho de un lugar a otro. La electrificación hasta los sitios en los municipios de Abaré y Curaçá, en Bahía –los municipios más distantes de todos– recién se produjo en 1991, tres años después de que se abrieran las compuertas. Había allí campesinos reasentados en el Proyecto Especial Pedra Branca, en tierras fértiles disputadas por la población indígena local, los Tumbulalá, pero planificadas años antes por los responsables de la limpieza de la zona del embalse como lugares de reasentamiento de los afectados.

La línea de transmisión se instaló a principios de los años 1990. La línea pasaba desde la subestación de Cabrobó hasta el reasentamiento de Pedra Branca, a decenas de kilómetros de la orilla del río. Cerca de su punto de partida, en el barrio de la Subestación de Cabrobó, en Pernambuco, los 6,6 kilómetros de líneas de transmisión de 69 kv comenzaban su travesía por el brazo pequeño del río São Francisco, pasaban por la isla de Assunção, donde había residentes no indígenas, plantaciones, ganado y tierras de reserva ambiental, para volver a cruzar parte del río y llegar a la isla menor de Pambuzinho, donde los residentes eran indígenas Truká; y luego, tras una tercera travesía del río, llegaban a la orilla bahiana. A continuación, las líneas seguían las decenas de kilómetros de tierra seca para llegar a la zona más viable desde el punto de vista agrícola, donde los reasentados se encontraban en sus agroaldeas, para disgusto de los indígenas que habitaban la región desde hacía muchos años: los Tumbalalá, parientes cercanos de los Truká. Las líneas que cruzaban el río y las islas provocaron contenciosos entre la CHESF y la población indígena por las indemnizaciones, y llevaron a accionar al Ministerio Público, con sede en Salgueiro (Pernambuco), en 2002, pocos meses después de que todo el archipiélago, incluidas las islas de Assunção y Pambuzinho, hubiera sido declarado tierra indígena por la justicia.

Actuando de acuerdo con la ocupación de la Isla de Assunção en la época en que se construyó la línea, con poseedores agricultores y pequeños ganaderos, y con una estación estatal de procesamiento de semillas en funcionamiento, la CHESF procedió a indemnizar a los poseedores [*posseiros*], porque tenían la titularidad de la tierra. Los poseedores y la estación de semillas que atendía sus necesidades y las de otros agricultores en ese momento vivían en un clima tenso, por ser objeto de acciones por parte del pueblo indígena Truká para la restitución de las islas, cuya referencia histórica de memoria étnica son las islas del río São Francisco. Más aún, su derecho a la tierra ya había sido registrado en una demanda judicial, a partir de una iniciativa indígena a comienzos de la década de 1980. En 1984, consiguieron iniciar un proceso de demarcación y un pedido de desalojo. La historia de ocupación, de siglos, del pueblo Truká (véase Batista 1992; 2000; 2005) se ha visto gravemente dañada desde los años 1920. En esa década, perdieron sus tierras en acciones de dudosa legitimidad por parte de la Iglesia Católica, que afirmaba haber recibido las tierras "donadas por los indígenas", sin tener de ello ninguna prueba. A continuación, la Iglesia vendió las tierras a particulares, que se convirtieron en los nuevos ocupantes, con títulos cuestionables, de las tierras de las islas. Los indígenas fueron maltratados y dispersados, a menudo violentamente, por los ocupantes ilegales. Se refugiaron en islas menores y en tierra firme con parientes, antiguos terratenientes y simpatizantes, siempre que fue posible cerca de sus tierras originales. Se reforzaron las prácticas de restitución para reclamar sus tierras.

La indemnización de los poseedores y la mera existencia de la línea de transmisión constituyeron obstáculos para los Truká. Fueron completamente excluidos del proceso cuando se instaló la línea. Tras más de una década de enfrentamientos diversos, una decisión judicial, basada en el reciente contexto de refuerzo del derecho de los pueblos tradicionales a sus tierras – por los artículos 215 y 216 de la Constitución brasileña de 1988 y el Convenio 169 de la OIT –, inició el proceso formal de demarcación como tierra indígena (TI) en 1996, y tras otros seis años la declaración como tierra indígena, que tuvo lugar en la resolución 26 del 28 de enero de 2002. El retorno de los indígenas a la tierra se intensificó, aumentando en más de un 50%, y llegó a cerca de 7.000 indígenas en 2010. La isla de Assunção tiene una extensión de más de 30 kilómetros, y hay otras islas, habitadas y deshabitadas. La Tierra Indígena (TI) abarca 5.769 hectáreas.

Había indicadores formales de que la titularidad de la tierra estaba discutida al momento de instalarse las líneas. Desde la perspectiva indígena, la presencia de las líneas eléctricas intensificó la desconsideración a sus derechos al territorio y a una vida digna. Indemnizar a poseedores era insuficiente, e incluso se percibía como un insulto. No resolvía las pendencias de indemnización con los habitantes legalmente reconocidos: los indígenas. En una fracasada tentativa de conciliación –los indígenas, el mismo año, habían sido reconocidos como propietarios de la tierra– los Truká pidieron que las líneas de transmisión fueran retiradas de la isla, tomando otra ruta. La CHESF se negó a hacerlo, y ella misma sugirió que pidieran una indemnización en lugar de pleitear el retiro y reubicación de las líneas. En la

negociación posterior, ofreció una compensación para mantener la línea donde estaba, inferior a las expectativas de los indígenas. Evidentemente, la CHESF consideraba que desviar la línea supondría un gasto excesivo e innecesario, como señalaron los propios directivos de la empresa. Sin resolución, cuando el cacique presentó el caso ante la Fiscalía, se identificó y registró como un derecho a una "indemnización residual", reconocido por ambas partes. Era una causa ganada, pero persistía el problema de la cuantía indemnizatoria.

Los hechos antes descritos movilizaron dos procesos de elaboración de informes en los que participaron antropólogos. El primero incluyó un informe elaborado a fines de la década de 1990 por la antropóloga de la Universidad Federal de Campina Grande, Mércia Batista (2000, 2005) y fue una pieza clave para fundar el reconocimiento de los derechos del pueblo Truká de Assunção, y de todo el archipiélago ribereño, como Tierra Indígena.

A partir de 2002, el segundo proceso devino de la iniciativa, descrita anteriormente, del líder indígena frente al Ministerio Público, ante el hecho de que el pago de la indemnización residual no se resolvía mediante intentos de acuerdos. Necesitaban una estimación del monto, el cual, debido a que los indígenas y CHESF no se ponían de acuerdo en cuánto sería, la CHESF no podía pagar. A pedido del Ministerio Público y diez años después, a partir de la "ESPECIFICACIÓN TÉCNICA ET-DEMG-007/2010 - R3" basada en las directrices de la CGPIMA/FUNAI, la CHESF abrió una licitación nacional para realizar estudios socioambientales y calcular el valor, delineando detalladamente los ítems a tratar y contextualizando la situación, con instrucciones detalladas sobre las demandas (CHESF 2012). La empresa vencedora tendría que contratar a un antropólogo calificado, que asumiría la responsabilidad de coordinar el conjunto de estudios socioambientales

> (...) caracterizados por la interdisciplinariedad, donde deberían utilizarse elementos de metodologías de los campos de las ciencias humanas y sociales (Antropología, Sociología, Historia, Economía y Geografía) y de las ciencias exactas y naturales (Biología, Ingeniería Forestal, Ingeniería Civil, Agronomía y Geología) (CHESF 2012, Anexo 2: 17).

Como consecuencia de dicha instrucción, se produjo la contratación del antropólogo autor de este artículo, como coordinador del conjunto. Los demás desarrollos implicaron que habría un equipo antropológico específico, un equipo sociológico, un equipo de Diagnóstico Ambiental para los medios físico y antrópico, un equipo de estudio fitosociológico (biológico), un equipo de geoprocesamiento para el área abarcada y, separado de todos ellos, pero en diálogo con ellos, un equipo de estudio de valoración económica. La licitación fue ganada por una empresa consultora dirigida por un antiguo empleado jubilado de la CHESF, ingeniero hidráulico especializado en estudios de hidrología y saneamiento, frecuentemente solicitados por la CHESF.

Los demás trabajos de la empresa no habían requerido formalmente la presencia de antropólogos profesionales, y la empresa consultora fue muy hábil al contratar a un especialista en medio ambiente, Paulo Borba, para tender puentes con la dirección de la empresa, entre los miembros de los distintos equipos y, entre éstos y la población indígena. La incorporación

de dos científicas sociales con trabajos de contenido antropológico sobre los Truká reforzó el equipo de cinco personas, que también incluía a tres estudiantes investigadores. Las antropólogas eran Eliana de Barros Monteiro, doctora, que había realizado una tesis de maestría sobre los indígenas truká (Monteiro 2008) y que seguía en contacto con ellos en el marco de su labor profesional como profesora de la Universidad del Valle de São Francisco (UNIVASF); y Gabriella Andrade, licenciada en Derecho sobre los indígenas con la orientación del antropólogo autor de este trabajo (Andrade 2010). La orientación en la especificación técnica, informada por la experiencia y la autoridad de la Fundación Nacional del Indio (FUNAI), incluyó la formalización de una colaboración en el campo, que incluía a dos indígenas Truká remunerados que estaban bien situados en términos de comprensión, integración y fiabilidad de la propia etnia en el trabajo. Los indígenas Antônio Jerônimo y Lauane Santos estuvieron muy presentes en la interacción e implicación con los equipos y la coordinación.

La judicialización lleva tiempo, puede fracasar y adoptar distintas formas. Al impulso del desacuerdo y contención entre al menos dos agentes, cuando la conciliación no consigue llegar a un acuerdo, los mecanismos de los procesos judiciales garantizan que la decisión se retrase. Procesos judiciales habitualmente largos tienen a menudo parte de su razón de ser en la propia demora, especialmente para los demandados, que pueden aplazar o incluso librarse de sus costas. Su omnipresencia en los casos es una de las observaciones más recurrentes en los estudios periciales:

> Los intereses anti-indígenas buscan asegurar el continuo aplazamiento de las decisiones administrativas, hasta agotar todos los recursos, a través de sucesivos procesos de judicialización. Como en la cultura y tradición de nuestro sistema judicial, los recursos suelen ser ad infinitum para quienes pueden pagarlos; esto asegura que la homologación de las tierras indígenas sea postergada, estrangulada en continuos cuellos de botella legales (Ioris y Darella 2015: 226).

> (...) los sectores más ricos de la sociedad brasileña, ... buscan judicializar los procesos administrativos no tanto por la convicción de que al final tendrán éxito, sino por los beneficios de la paralización por tiempo indeterminado que tales acciones conllevan (Silva y Mura 2015: 21).

En el caso de una indemnización residual, la probabilidad de librarse de lo que ha sido admitido como deuda legalmente existente es remota. Así, para la empresa que indemniza, la estrategia puede consistir en alegar repetidamente inconsistencias o desacuerdos y esperar la dilación, o incluso el improbable – pero posible – desistimiento por transcurso del tiempo u olvido provocado; resultados más probables que una revocación en el juicio de responsabilidad.

En este sentido, este relato caracteriza la participación del autor en la elaboración del segundo informe antropológico, la interacción con otros equipos, con la empresa consultora, con la CHESF y con el pueblo Truká. Considero que el proceso es diferente, porque se trata de una indemnización que se debe, pero también está marcado por la confrontación de tácticas para desmantelar la indemnización, destinadas a retrasar la aplicación de una decisión. Habrá un

objetivo corporativo de no causar daños a la empresa hidroeléctrica, pasando a un segundo plano frente al alcance de la decisión sobre la indemnización. Esto es lo que denomino negligencia planificada (Scott 2009; 2012; 2022). A continuación, examino las cuestiones tratadas como componentes de las tácticas de desmantelamiento que buscan debilitar la resistencia y reducir los costes de indemnización: "desmoralización", "metamorfosis institucional", "abandono planificado" e "incorporación burocrática". El propósito es contribuir a la comprensión de sus efectos y acciones, articulados de forma entrelazada con la marcha de este tipo particular de proceso judicial, y reflexionar sobre las especificidades para este grupo indígena, y el trabajo del antropólogo, coproductor del laudo con sus colegas profesionales.

DESMORALIZACIÓN: UNA TÁCTICA CRUCIAL, LEVEMENTE IMPEDIDA

Entre octubre de 2011 y agosto de 2012, durante el segundo mandato del presidente Luís Inácio Lula da Silva, los estudios para calcular el importe adeudado a los Truká estaban en plena preparación y se entregaron en el plazo estipulado. El país atravesaba coyuntura de valoración positiva de las políticas públicas inclusivas que reconocían los derechos de las poblaciones indígenas, en un contexto histórico de difícil lucha contra los prejuicios étnicos institucionalizados que persistían. Como ejemplo de las contradicciones dentro del propio gobierno que promovía políticas inclusivas, estaba la publicidad y promoción gubernamental de los potenciales beneficios económicos de la Usina de Belo Monte, en construcción en Pará (inaugurada en 2016), que prestaba mucha más atención a las ganancias esperadas en la generación de energía que a los derechos de los indígenas y otras poblaciones afectadas. Los indígenas no se defendían en el vacío, con defensores y estudiosos externos al gobierno, y también varios miembros del Ministerio Público, y sectores sensibles a sus demandas en las instituciones de gestión, pero ciertamente no con la prioridad del Estado y de las empresas constructoras y distribuidoras, de represas y energía, respectivamente (Hernández y Magalhães 2011; Castro 2018).

Las políticas indígenas, con cierto refuerzo de las políticas medioambientales, hicieron mucho por fomentar el reconocimiento de los derechos y cualidades indígenas en su uso de la tierra y los espacios vitales (Scott 2020). En general, sin embargo, persistía el trato racial y étnicamente discriminatorio, sobre todo en los lugares donde se establecían relaciones interétnicas competitivas sobre territorios, productos y significados. Mucho más allá de las caracterizaciones despectivas y perjudiciales, esto dio lugar a conflictos abiertos y violentos. El conflicto histórico entre indígenas y agentes de desarrollo en el río São Francisco no era un hecho aislado en Cabrobó. Se repetía, con particularidades locales, a lo largo del río. En las reuniones con técnicos y gestores interesados en el aprovechamiento productivo de la energía y otros bienes, siempre había una tensión, subyacente o implícita, cuando surgía el tema de los indígenas de la región. En las conversaciones con la población local no indígena, los Truká eran retratados predominantemente como adversarios y no como colaboradores

en los espacios de poder local donde, a través de su propia iniciativa colectiva, habían conseguido elegir concejales y abrir un espacio indígena en el gobierno municipal, además de producir material educativo específicamente relacionado con su experiencia (OPIT 2007).

Tanto los habitantes locales como los técnicos del desarrollo, al enfatizar las características descriptivas de los indígenas en sus conversaciones y prácticas, a menudo transmitían un mensaje crítico hacia ellos como grupo, a veces de forma explícita y otras implícitamente. Esto es independiente del contenido específico de la caracterización, a menudo contradictoria pero sistemáticamente discriminatoria (violentos o pasivos; excesivamente solidarios entre sí o internamente divididos; verdaderos o falsos; políticamente interesados o ingenuos dependientes de la FUNAI o muy rebeldes hacia ella). Pero esta desmoralización étnica tan presente no consigue un apoyo formal significativo en el proceso legal debido a que el grupo tiene reconocimiento legal como grupo étnico, con territorio propio basado en la aplicación de la Constitución. La indemnización "residual" no es un reconocimiento del error de la primera indemnización (a los poseedores), sino un reconocimiento de que los otros, indígenas, también deben ser incluidos en la indemnización. Su actuación como grupo combativo en defensa de sus derechos, es decir, como grupo, hace que el cuestionamiento de su merecimiento, criterio descriptivo clave utilizado por los estudiosos de los traslados forzosos (Kopper y Richmond 2021), fuera difícilmente cuestionable en lo que respecta a la acción judicial.

Muy llamativo y revelador de la actitud que desvalorizaba a los indígenas en general, fue cuando un técnico, invitado a una conversación entre la CHESF y el equipo consultor sobre el avance de los estudios, intentó aplicar una regla percibida a partir de su experiencia personal con el sistema Eletrobrás y asociada a su ingeniería de generación y distribución de energía. Cuando dijo: "La regla que he visto cuando se trata de compensar a las poblaciones indígenas por las líneas de transmisión es que no debe ser más de cinco millones de reales", estaba eliminando la especificidad de la cuestión en la isla de Assunção, o en cualquier otro lugar. Homogeneizaba a todas las poblaciones indígenas. ¡Era un intento de superponer los intereses económicos de las empresas constructoras a cualquier apreciación de la especificidad de la historia de cada población! Lo importante para él era que la población indígena no representara un costo elevado para la empresa.

La población que vivía en la isla de Pambuzinho, más pequeña, que siempre había tenido población indígena y no convivía directamente con poseedores de tierra, aún tenía un fuerte recuerdo de lo ocurrido cuando se levantaron en la isla de las torres de la línea de transmisión. Los constructores excavaron en la tierra y encontraron enterrados huesos y adornos indígenas (*maracás* y cachimbas *quaquis*). Conmovidos por el descubrimiento, los indígenas se sorprendieron cuando los constructores ignoraron la importancia de estos hallazgos y no propusieron ninguna acción para contribuir a la preservación de la identidad indígena, dejando una sensación de desprecio y devaluación de su presencia y memoria.

METAMORFOSIS INSTITUCIONAL: UNA TÁCTICA INVERSA

Cuando una institución que necesita compensar va cambiando los interlocutores con los que debe interactuar la población a ser indemnizada, alega querer agilizar o adaptar la burocracia a la acción pretendida. Pero esto suele dificultar la eficacia de la acción, al modificar las relaciones establecidas y los caminos conocidos. Este cambio hace que las narrativas deban repetirse, retomarse o modificarse, en función del nuevo espacio de supuesto "diálogo" reinventado por la institución y su red de colaboradores. La población no sabe con quién hablar ni cómo hacerlo, hasta que entiende el nuevo espacio. En este caso, hubo una inversión, porque la CHESF, que pensaba que sólo debía compensar a los poseedores con títulos, sin tener en cuenta el conflicto por la tierra entre éstos y los indígenas, descubrió que había otra población a la que indemnizar. En este proceso, con amplios repertorios de confrontación ya demostrados por ambas partes (Tilly 2008), la elección de seguir al pie de la letra la sugerencia del representante de la CHESF – de que los indígenas llevaran su demanda ante el Ministerio Público– fue una iniciativa para definir el espacio de diálogo, de modo que las instituciones colaboradoras, la FUNAI, y el representante de la indemnizadora (el Departamento de Medio Ambiente de la CHESF), quedaran atados a las exigencias de la judicialización por parte del Ministerio Público, en Salgueiro. El reconocimiento de la tierra indígena (TI) por parte de los tribunales era reciente, y la CHESF, con experiencia en acciones legales, sabía cómo dilatar. Sin embargo, era más inexperta, o incluso menos amena, cuando se enfrentaba al hecho de tener que aplicar la legislación reforzada a poblaciones tradicionales que saben protagonizar sus propios intereses. Le resultó difícil encontrar otros escenarios para buscar acuerdos.

En tanto deudora confesa, la responsabilidad de CHESF consistió en financiar el estudio de valorización y, de una forma excéntrica aunque bastante habitual en el sector, ser la principal responsable de los trámites de aprobación del propio informe, determinando la secuencia de su tramitación por parte de los demás órganos legalmente exigidos para poder finalizar el proceso. El encargo del informe a un consultor muy activo en otras comisiones técnicas (principalmente hidráulicas) generó confianza en la CHESF, que valoró la capacidad técnica del agente y su simpatía con la empresa. La exigencia del Pliego Técnico remitido por el Ministerio Público de incluir especialistas interdisciplinarios, abarcando medio ambiente, biología, cartografía, antropología, sociología y economía, conformó un equipo diverso, cuyos integrantes combinaron la participación con antiguos colaboradores técnicos, así como con nuevos actores que representaron contrapuntos y novedades para la consultora responsable y con una imparcialidad profesional a demostrar.

La innovación de incluir a dos indígenas para acompañar los trabajos de principio a fin, por exigencia legal, así como la participación activa de líderes indígenas colaboradores, se sumó a la participación de la población indígena para una mayor calidad interactiva en las reuniones de presentación convocadas conjuntamente entre la CHESF y los líderes indígenas,

para discutir los estudios y aportar sugerencias. El respeto al uso de los espacios consuetudinarios de los Truká también marcó la importancia del grupo. Aunque se tratara de definir compensaciones, fue imposible evitar por completo lo que se ha observado en experiencias de diálogo previas a la aprobación de licencias y ejecución de obras cuyos aspectos estructurales de "inseguridad administrada" (Scott 2006, 2009, 2022; Zhouri 2011) generaban más aprensión y desconfianza, cuando el Estado y sus colaboradores se acercaban a las poblaciones locales. En estos proyectos, las "dudosas audiencias o consultas previas" en las que las poblaciones locales recibían charlas que no entendían y eran escuchadas de forma limitada, acabaron siendo señuelos con actuaciones técnicamente necesarias para permitir la concesión de licencias de construcción, y no pueden calificarse de "consultas" en las que los consultados tuvieran voz efectiva en la decisión. En el caso de la indemnización de los Truká, estas reuniones generaron algunas expectativas un poco más positivas, en el sentido de destacar que el proceso de tramitación de la indemnización estaba avanzando, en lugar de informar sobre una remoción o pérdida proyectada.

Como continuación de una acción judicial favorable que les había reconocido el derecho al territorio que ahora volvían a habitar, la metamorfosis institucional fue menos una táctica de la institución de compensación, al instituirse con protagonismo indígena. El hecho de que la acción fuera iniciada por el cacique Truká aportó un poco más de fiabilidad a los indígenas. No aliviaba totalmente sus sospechas sobre la intención de no pagar, o de retrasar el proceso lo máximo posible. Al final de las reuniones con los indígenas, las preguntas sobre cuándo y cómo se tomaría la decisión final fueron formuladas repetidamente a los técnicos, siempre en tonos que revelaban el conocimiento de la población indígena sobre la probable lentitud e insensibilidad de las acciones burocratizadas.

También es importante contextualizar históricamente que la resolución de la indemnización residual ocurría paralelamente a un nuevo compromiso de las constructoras y del gobierno con la construcción del eje oeste de la transposición del río São Francisco, donde los conflictos entre indígenas, quilombolas y Estado estaban siendo provocados por la muy visible presencia física de las operaciones en plena ejecución (Andrade 2010). Esto tuvo al menos dos consecuencias: una fue la expectativa por parte de algunos agricultores indígenas de involucrarse más en la agricultura irrigada comercial en el futuro; y en segundo lugar, el refuerzo de la desconfianza de que las acciones promovidas en nombre del desarrollo pudieran perjudicar nuevamente a la población, intensificada por el ejemplo de una disputa entre indígenas y quilombolas por las obras de transposición y la instalación de una zona de obras en medio de tierras indígenas. Lo que mitigaba parcialmente ese efecto para el caso en cuestión era el hecho de que el área de Ilha de Assunção, directamente afectada por esta acción, era la más occidental, y las líneas de transmisión en cuestión en el proceso estaban a casi treinta kilómetros de distancia, en la parte más oriental de la transposición. Los más implicados en el debate fueron los pobladores más cercanos a las líneas.

ABANDONO PLANIFICADO: LA TÁCTICA PRIVILEGIADA

La aceptación de una deuda de indemnización residual no es, evidentemente, la concesión de un compromiso con la comunidad indígena. El abandono planificado no es simplemente negar algo. El abandono planificado se manifiesta en la consecución de una calidad reducida en la compensación, de materiales y técnicas inferiores a los utilizados en la entrega de una construcción o servicio entendido como indemnización, o en una cantidad de dinero inferior a la necesaria para que los indemnizados puedan restablecerse a un nivel considerado adecuado por la magnitud percibida del daño sufrido. La postura de los Truká –exigir el retiro de la línea de transmisión y su paso por otra ruta–, que justificaban alegando que nunca se les había consultado sobre su instalación, presentaba claros problemas técnicos y contables para CHESF. Sería oneroso y técnicamente exigente desmantelar la línea, como también costoso colocarla en otra ubicación – y aún más costoso – ya que daría lugar a una nueva ronda de indemnizaciones a nuevas poblaciones afectadas. Se dejó claro que era imposible que la empresa aceptara, lo que recalcaron repetidamente los funcionarios responsables de este proceso. Ofrecieron una suma de dinero reducida, por debajo de las expectativas de los indígenas, lo que provocó que las dos partes siguieran en desacuerdo. La combinación haber ofrecido dinero y de que se hubiera reconocido la legalidad de las islas del archipiélago como territorio indígena, ocupado irregularmente por personas e instituciones, dificultó la opción de la CHESF de impugnar directamente su deuda. La cuestión acuciante era cómo mantener el importe bajo, cómo hacer la menor "pérdida".

Las anteojeras técnico-contables de la empresa energética contribuyeron a una menor consideración de los cálculos especializados del valor de los daños sufridos por los Truká. El informe de los economistas de la consultora encargada de calcular el valor se basó en: a) la bibliografía especializada, b) el conjunto de información de las encuestas socioambientales; y c) se realizó mediante un método reconocido de "valorización contingente", preguntando directamente a un centenar de miembros de la etnia sobre sus prácticas de organización financiera, previstas y reales. Se llegó a un valor que no se ajustaba a las expectativas de la CHESF, muy superior al que proponían con el anterior acuerdo conciliatorio rechazado antes de que los Truká tomaran la iniciativa de llevar el asunto ante los tribunales. Los laudos antropológicos y sociológicos, con el uso de múltiples fuentes, conversaciones y la amplia experiencia de los responsables de los equipos versados en los métodos de la disciplina, señalaron pérdidas tangibles, que se incrementaron cuando la presencia de las líneas de transmisión traían a la luz muchas pérdidas intangibles, redobladas por la reiterada falta de consideración de su identidad y vivienda tradicionales. Estas pérdidas, en los lugares por donde pasaron los 6,6 kilómetros de líneas, reforzaron otras tendencias generales que los indígenas en general enumeraron como pérdidas:

- algunas pérdidas limitadas de especies animales y vegetales, y una baja en la diversidad;

- daños ambientales semejantes a los ocurridos repetidamente en el sertón, en general, pero muy notables por ocurrir en las tierras más fértiles, próximas al río;

- incremento en la escasez de peces, dificultando mucho la pesca fluvial;

- limitaciones de uso e instrucciones, y mantenimiento de las zonas de protección formal de torres y líneas;

- invasión de zonas de preservación de la caatinga que albergaban plantas sagradas para los rituales indígenas, incluido un proyecto de desarrollo, con financiación de la banca nacional, para árboles frutales (guayaba) incendiados;

- la afrenta de ver las líneas eléctricas pasar por encima de la tierra de Truká, destinadas a un grupo de otros "invasores" reasentados en una tierra lejana disputada con un grupo étnico emparentado con ellos;

- una preocupación por la aparición de más malformaciones fetales que antes, hecho que la población autóctona relacionaba con los campos de energía alrededor de las líneas (refutado tajantemente desde el punto de vista técnico por el sector eléctrico);[6]

- el hecho de que no hubiera suministro y regularización de la energía para ellos, con tanta electricidad disponible y gestionable por la CHESF, efectivamente suministrada a otros;

- del endeudamiento con el "sector eléctrico", ocurrido luego de que un proyecto para regularizar líneas de baja tensión independientes, por parte de la compañía eléctrica del estado de Pernambuco, se llevara a cabo de forma precaria por la empresa, sin cumplir con el curso de formación prometido a la población indígena local durante un trimestre, tal y como estaba estipulado. En este proyecto, instalaron medidores técnicamente incapaces de individualizar el consumo, lo que dio lugar a cobros inexactos y cuestionables, y a la inclusión de la mayoría de la población indígena en la lista de deudores de Serasa[7], impidiéndoles acceder a créditos para invertir en su propio consumo o producción.

La tensión en la región llegó a un punto crítico, cuando fueron derribadas las torres de transmisión en 2007, tanto en el Reasentamiento del Proyecto Pedra Branca como en la Isla de Assunção; una escalada de conflictos entre indígenas y no indígenas, que incluyó la

6 Entre los puntos discutidos para su inclusión en la "indemnización residual", el equipo del estudio abogó por la financiación de un estudio técnico sobre la relación entre la instalación de líneas eléctricas y las malformaciones fetales, con el fin de descartar o ratificar la sospecha indígena de que los casos recientes en la zona de Truká fueron causados por las líneas eléctricas. La exclusión de este punto fue solicitada por el equipo de financiación institucional de la CHESF, como condición para aceptar la última versión del informe, con el argumento de que existían otros estudios que demostraban que no existía tal relación, y que sería muy inconveniente reabrir este buzón de dudas que repercutiría en todas las actuaciones en el sector eléctrico relacionadas con las líneas de transmisión eléctrica.

7 N. de T. Serasa Experian es una empresa privada brasileña de información y análisis para decisiones crediticias.

muerte y el encarcelamiento de indígenas, señaló muy claramente que las torres y las líneas de transmisión en la Tierra Indígena Truká, de forma similar a lo que representaban, en otras áreas y épocas en el río São Francisco (Silva Filho 1992), marcaron un continuo tratamiento de daños, desarticulación con la "naturaleza" y creación de inferioridad de la población indígena, con su exclusión de la plena participación en la sociedad local.

La valorización de los datos y de las consideraciones de los diversos equipos del estudio socioambiental dieron sustento a la lógica de los cálculos de los economistas. El estudio de valorización final –cuyos autores tuvieron acceso, uso y diálogo con los demás estudios y sus autores–, con la asistencia del equipo técnico contratado por la consultoría, caracterizó su enfoque de valorización como "neoclásico". Tuvo en cuenta toda la información para hacer un cálculo sensible al modo de vida Truká. Como ya se mencionara, el valor determinado superaba la estimación de la CHESF y su disposición a pagar.

La tramitación burocrática del estudio, que tenía que pasar por las instituciones responsables de los asuntos indígenas, en la FUNAI y en el área ambiental, fue silenciosa, mientras la CHESF alegaba que había problemas técnicos con los estudios, informando a la empresa consultora de sus reticencias sólo parcialmente. El estudio quedó paralizado y abandonado. En diciembre de 2020, un fiscal recién nombrado en el Ministerio Público de Salgueiro, alegando al asumir el cargo su sorpresa al encontrar que el proceso había estado estancado durante tanto tiempo, decidió insistir en averiguar las razones del desacuerdo entre varios de los agentes sobre la no continuación del mismo, citando a testigos a una audiencia para entender la situación. Dicha audiencia se celebró por Internet, debido a los procedimientos de protección de la pandemia Covid-19. Dos años y dos meses más tarde, en febrero de 2023, otra citación fue emitida por la fiscalía de Salgueiro, nuevamente para escuchar a los diversos actores (incluídos la autora del estudio para el reconocimiento, la Dra. Mércia Batista; la Dra. Eliana Barros Monteiro del equipo antropológico; y el autor de este trabajo, coordinador del estudio), esta vez en una audiencia en la que la invitación indica que IBAMA y FUNAI han identificado a los testigos; mientras los representantes del sector eléctrico, la CHESF y la compañía eléctrica de Bahía COELBA, aún no habían aportado a los suyos. El proceso de abandono planificado está aconteciendo por sucesivos retrasos, aun con los intentos del Ministerio Público de "retomar" el caso; pero la última noticia, cuando se preguntó a los organizadores de la audiencia sobre el avance previsto, fue que "las partes serán citadas para los alegatos finales, tras lo cual el juez dictará sentencia. Aún podría haber apelación. Así que realmente no hay una previsión exacta". Parece que aún queda mucho camino por recorrer.

INCORPORACIÓN BUROCRÁTICA: AÚN NO ES OPERATIVA

La incorporación burocrática se produce cuando la participación de los indemnizados o de sus representantes en la ejecución de actividades relacionadas con la indemnización sirve para eliminar el aspecto reivindicativo de sus acciones. Existe una delgada línea entre

participar en la correcta identificación de quién merece indemnización de acuerdo con la preparación de información para, o la ejecución de los términos de una sentencia, como un acto de vigilancia por parte del indemnizado sobre el indemnizador, y ser aprovechado para que, en nombre de esa participación, el indemnizador pueda reducir los costos implicados en la realización de las tareas necesarias para cumplir la sentencia. La incorporación suele incorporar un nivel adicional de autoridad entre el indemnizado y su grupo de pertenencia, requiriendo el acuerdo de quienes indemnizan. Un ejemplo ya documentado sería cuando un sindicato reclama y obtiene unas cisternas como indemnización, pero al recibirlas en sentencia favorable tiene que ir más allá de reconocer quién tendría derecho a recibirlas, teniendo que llevar a cabo la instalación a su costa en términos de tiempo y recursos, lo que también podría suponer no poder dedicarse a sus otras actividades más directamente relacionadas con las acciones sindicales.

Como el proceso de indemnización residual aún no se ha decidido, es importante que los Truká mantengan una vigilancia, discutiendo posibilidades e informándose sobre el avance de las demandas. Un representante indígena del grupo estuvo presente en la audiencia como el primero de la lista de convocados. Repetidamente exteriorizan su descontento por el retraso de la decisión. La colaboración fluyó bien durante los períodos de relevamiento con los equipos, movilizados por la empresa consultora y una remuneración, aunque modesta, de los dos indígenas que participaban directamente. El líder de la etnia también se mostró muy activo y colaborador con el equipo de investigación de valorización, compartiendo ideas, tiempo y acciones para facilitar los contactos durante el período de campo y velando por los intereses de la comunidad. Pero los períodos de falta de movimiento en el proceso enfriaron el seguimiento y la colaboración. En los dos nuevos movimientos del Ministerio Público, descritos anteriormente, la citación de representantes directos del grupo indígena permitió que fueran escuchados directamente, precisamente por ser el grupo que ordenó la acción judicial. El hecho de que el Ministerio Público haya reconocido al grupo indígena como "parte interesada" ha sido ciertamente una protección contra posibles incorporaciones burocráticas anticipadas. También será importante en el futuro, siempre y cuando se definan las formas y medios de compensación; importante para asegurar que se preste atención a no confundir participación, consulta y verificación con la ejecución de los servicios y acciones contemplados.

LAUDOS Y ANTROPÓLOGOS EN EL CONTEXTO DE INDEMNIZACIONES RESIDUALES

Que un pueblo: a) haya sido expulsado; b) haya retomado un territorio que le era propio; c) haya logrado el reconocimiento legal como propio; d) que ese territorio haya sido objeto de una acción de desarrollo que exija una reparación por parte de los responsables de la acción; y e) que los responsables de la acción de desarrollo hayan asumido la responsabilidad de indemnizar; representa una convergencia es muy específica. Sin embargo, caracterizarla

simplemente como excepcional sería enmascarar el hecho de que elementos replicables (con secuencias variadas) configuran fenómenos que se producen de forma similar en muchos lugares.

A fin de concluir estas consideraciones, retomamos las reflexiones sobre las condiciones de elaboración de laudos antropológicos. Hemos abordado las cuestiones de la colaboración y la desconfianza a la hora de establecer imparcialidad y calidad; la complejidad del proceso de valorización; y las relaciones de poder que se establecen en la relación deudor/acreedor. Son puntos importantes para contextualizar la comprensión de la actuación de las partes interesadas en la resolución de un conflicto en sede judicial, con atención al papel de los laudos y profesionales antropológicos, destacando los puntos más relevantes relacionados con lo aquí expuesto, para finalizar con una observación sobre la agencia e iniciativa de los indígenas en un contexto histórico favorable.

La primera reflexión es sobre la importancia de la colaboración en la preparación de un laudo o informe, con una constante vigilancia antropológica profesional frente a las recurrentes acusaciones de parcialidad. Implica el reconocimiento de la pericia y de las prácticas que son los faros del conocimiento sistemático y relevante, con procedimientos reconocidos, históricamente fundamentados y constantemente reflexionados, como bien señalan los autores en sus consideraciones en volúmenes y reuniones profesionales sobre laudos (Oliveira 1994; Oliveira et al. 2015; Leite 2005; Silva, Luz y Helm 1994).

Al tratar el tema de la formación del antropólogo y su capacitación para elaborar laudos, Fialho (2015) afirma que "dos principios sustentan la formación del antropólogo: el énfasis en la realización de etnografías de forma competente y la capacidad de situar la realización de pericias más allá de cualquier tecnicismo" (2015: 314). El "más allá de cualquier tecnicismo" se refiere también al aspecto asumido del antropólogo como un "traductor" que torna más legibles las percepciones de los agentes implicados, los unos para otros y, sobre todo, dentro del sistema judicial (O'Dwyer 2015; Oliveira 2015). João Pacheco de Oliveira amplía esta idea:

> Dentro de un peritaje, el antropólogo, en su papel de traductor cultural, no estará simplemente recomponiendo, a los ojos de quienes deciden, los "códigos tradicionales", algo supuestamente inmemorial y único, destilado de influencias externas e interacciones ocurridas en la historia. Lo que en realidad podrá hacer es recuperar un conjunto de procedimientos adaptativos de los indígenas, tácticas y estrategias sin las cuales esas familias y colectividades no podrían mantenerse vivas y, de alguna manera, volver a actualizar su forma de vida y los valores implícitos en ella (Oliveira 2015: 195).

En la investigación, identificamos tres niveles de colaboración que contribuyeron de manera diferente a que ocurriese esta legibilidad traducida:

La colaboración más intensa y significativa se dio entre los propios antropólogos que conocen la zona y el conjunto de fuerzas que circulan, cuando se busca aplicar el conocimiento a una resolución del conflicto con información reflexivamente traducida, para que haya un

reconocimiento de lo que es relevante, a fin de entender el impacto en la forma en que es vivido por la población. Precisamente por eso, la Asociación Brasileña de Antropología (ABA) recibe consultas sobre la pertinencia de la experiencia y capacidad profesional de los involucrados en la elaboración de un laudo (ABA 2014). La aceptación por parte de una asociación profesional de renombre refuerza la credibilidad de la voz expresada en el laudo. Además de la credibilidad que aporta la comunidad profesional, es muy importante la relación entre los profesionales que han trabajado sobre el terreno. La participación activa del equipo en los informes añade densidad, comprensión y credibilidad al trabajo. Se contó con un profesor de la Universidad Federal del Valle del São Francisco (UNIVASF), un licenciado de la UFPE – ambos con experiencia de campo y escritos sobre la población –; y con el conocimiento del coordinador responsable del estudio antropológico, Parry Scott, sin experiencia previa en la tierra específica de Truká, pero con décadas de experiencia en la región del río São Francisco en cuestiones relacionadas con lo que desencadenó el desacuerdo. Todos juntos dieron densidad a la comprensión. La cooperación entre antropólogos aumenta la credibilidad del conjunto. Fue absolutamente clave estar en contacto y conversación regular, incluso comprobando y aportando información, valiosa y precisa, con la compañera de profesión Mércia Batista (Universidad Federal de Campina Grande - UFCG), autora del laudo antropológico que formó parte del proceso de reconocimiento de la zona como territorio indígena. No todos los procesos pueden remitirse a dos estudios, absolutamente complementarios, y que se refuerzan mutuamente. El compromiso histórico de estos antropólogos, formados y en formación, y el conocimiento de sus posiciones con la población indígena, así como la presencia diaria de indígenas con los miembros de nuestro equipo, contribuyeron a que no hubiera extrañeza entre los Truká y el equipo, aparte de la expectativa inherente a lo que el informe a los tribunales afectaría en sus vidas.

Como resulta evidente en las voces de muchos autores con experiencia en la elaboración de laudos, una reflexión que se desarrolla constantemente, desde la colección de Silva, Luz & Helm (1994) hasta la de Oliveira, Mura y Silva (2015), es el celo de las prácticas disciplinarias establecidas que es necesario obedecer para hacer frente a las acusaciones de parcialidad. Como destacan estos autores en su introducción al hablar de los dilemas a los que se enfrentan al realizar informes para los tribunales,

> El marco descrito ha favorecido la connotación del antropólogo como potencialmente sospechoso de parcialidad, debido a la especificidad de sus métodos, que hace de la intimidad con los grupos estudiados una garantía de mayor calidad de los datos recogidos (Oliveira, Mura y Silva 2015: 13).

Cuando la situación lo exige, determinando la interacción disciplinaria, ofrece también una oportunidad para la mutua apreciación y colaboración con otros campos del conocimiento. Es posible que su capacidad de traducción pueda verse más como una *expertise* pericial que como un relato parcial. En la experiencia del proceso de indemnización residual, esta

colaboración, prevista en el pliego de condiciones técnicas para orientar los estudios, tuvo que reafirmarse en la actuación del equipo. Coordinado por el consultor, el equipo multidisciplinar tuvo que seguir al pie de la letra ese pliego de condiciones. Las acciones de cada equipo fueron hábilmente dirigidas por el de la consultora, con dos jóvenes activos y formados en el área ambiental, asistiendo al director y promoviendo la coordinación operativa, con la dirección de la consultora y el antropólogo, autor de este artículo y responsable de todos los estudios socioambientales. Asomarse e intercambiar ideas sobre los detalles en la práctica y en los estudios de otros profesionales proporcionó un marco multidisciplinario que complementaba lo sociológico y lo antropológico con información profundizada sobre la convivencia de los Truká. A partir de su relación con el medio ambiente y sus transformaciones en términos de fauna, flora, medio físico y con la documentación, cartográfica y fotográfica, se ampliaron el alcance y la exhaustividad de las reflexiones. Involucrar a los economistas en la comprensión de este conjunto para finalizar el estudio con la elaboración de un documento específico de su ámbito, con una metodología de valorización legible, contribuyó a la armonía del trabajo como un todo. La legibilidad de los estudios interdisciplinares se vio favorecida por la actuación traductora de los antropólogos y, en este caso, ayudó a mitigar posibles acusaciones de sesgo disciplinario.

Otra colaboración necesaria y muy valiosa fue la de la propia CHESF, que, habiendo aceptado que debía una indemnización, estaba interesada en que se definiera su cuantía. En la decisión del tribunal, para conocer su parte de la deuda, se la consideró formalmente responsable de la financiación, colaboración y aprobación de la investigación. Durante el período de ejecución, la empresa sinceró sus preocupaciones, que incluían la calidad de cada uno de los trabajos y la imparcialidad (tal como la percibía). Al mismo tiempo, se mostró dispuesta a compartir y discutir información clave para llegar a los resultados y comprender su pertinencia para la justicia. Esta colaboración, aunque muy eficaz y técnicamente capaz, provenía del papel decisivo que el trabajo podía tener en la decisión judicial, atemperada por el respeto a la independencia informada y a nuestra autoría en una relación históricamente establecida, trabajando en diversos temas de interés para la institución. Luego de la entrega del informe consolidado por parte de la consultora, la continuación de la etapa de aceptación y prosecución – con los responsables institucionales identificados como parte del avance requerido por el Ministerio Público –, marcó un quiebre en el intercambio colaborativo abierto. Los impedimentos formales para su autorización fueron descubiertos de manera oblicua.

Una característica notable de este trabajo fue haber tenido que comprender los significados atribuidos al "valor". Estos significados constituyeron un terreno fértil para los desacuerdos, no sólo porque era el objeto explícito de todo el proceso, sino porque era un término clave para no limitarse a lo que antes llamábamos "anteojeras contables". Las preguntas sobre la cuantificación del alcance de las pérdidas y la falta de diversidad de especies y tierras cultivables, y el papel de las líneas de transmisión en esta cuantificación, parecían sugerir que el único daño

reparable era cuantificable, o tangible. El laudo antropológico abordaba esta información y su prevalencia en la región y en la zona concreta, pero era imposible limitar la cuestión a ella. No podían quedar fuera del informe antropológico la observación de las tensiones y la enumeración de los elementos que contribuían a la exclusión y discriminación de los Truká, dificultando sus vidas. Era importante entender como "valor" por qué ni siquiera querían que las líneas de transmisión quedaran en el área, y tenían como primera solución su retiro. La energía – a la que no podían acceder – pasaba por su territorio para compensar a otros, y cuando hubo una mala gestión del acceso a líneas eléctricas complementarias en sus tierras, eso resultó en la pérdida de acceso al crédito para mucha gente. Era imposible en el laudo ignorar agravios tan presentes en esta suma de múltiples factores, tangibles e intangibles, para calcular lo que había que tener en cuenta para estimar un valor de indemnización. La sensibilidad jurídica hacia el daño que va más allá del daño material, situándose en el terreno de los significados jurídicos del daño moral, a menudo problematizados en la literatura jurídica, nos permitió evitar ceñirnos a una noción estrechamente material, tangible, de lo que sería "valioso", pero que orienta a un poderoso segmento del sector del sistema de producción de energía.

Una tercera reflexión es que reconocer el derecho a una "indemnización residual" recuerda el dicho popular: "Debo, no lo niego. Cuando pueda, pago". El dicho suele implicar que el deudor se enfrenta a una dificultad que debe resolver para pagar la deuda. Al mismo tiempo, el acreedor está controlando, directa o indirectamente, el destino del presupuesto del deudor. El sector de la energía suele ser mucho más poderoso económica y políticamente que las poblaciones afectadas por sus obras, que generan desplazamientos y daños. En palabras de Silva y Mura (2015), forma parte de los "sectores más opulentos". Esas acciones son institucionalmente relegadas a ser consideradas como productoras de poblaciones receptoras de "mitigación", sobre las que rigen por una serie de normas, directrices y delimitadores estimulados internacionalmente, ratificados y forjados en sus especificidades en el ámbito nacional. En la legislación nacional brasileña, los artículos 215 y 216 de la Constitución de 1988 marcan este avance histórico en el derecho de las poblaciones tradicionales a la compensación, prevista incluso antes de la concesión de las obras, pero a menudo controvertida y discutida en su definición, y poco fiable en su ejecución (Zhouri 2011). El antropólogo que, como dicen Oliveira (2015) y O'Dwyer (2015), hace pericias para traducirlas en un relato comprensible y creíble, está atento a los múltiples niveles y redes articuladas de relaciones sociales que pueden subvertir los esfuerzos por respetar los derechos de las poblaciones que, claramente, merecen una compensación respaldada por la justicia, cuando ésta es sensible a las poblaciones tradicionales. Como han observado los organizadores de la colección "Laudos Antropológicos en perspectiva", los laudos suelen tener lugar en situaciones, incluso con derechos anunciados, en las que la relación entre pequeños productores y pueblos tradicionales puede escalar, enfrentando a "pobres" contra "pobres" (Oliveira et al. 2015: 11). Si la admisión de una indemnización residual puede reducir este clima de confrontación

abierta, sin embargo no anula la relevancia de descubrir cómo se ha desarrollado históricamente el conflicto. Y si no la anula, al menos suaviza la "inseguridad administrada" que instaura la presencia de agentes del desarrollo aliados al Estado e insertos en fuertes redes de circulación de bienes, en las áreas afectadas por sus obras (Scott 2006). Los poseedores en Tierra Indígena Truká, a pesar de haber sido fuertes opositores a las enajenaciones realizadas por los indígenas, han sido indemnizados como resultado de las obras. Ya no son tan enteramente adversarios. La CHESF, al suscribir jurídicamente su posición de deudora de la indemnización residual, no sigue una estrategia de negación de estos derechos, ni está promoviendo una nueva confrontación directa entre el acceso comparativo al derecho con un "acreedor" ante el Estado. Los mismos autores citados anteriormente (Oliveira et al. 2015: 11) advierten que, en estas condiciones, la estrategia de los deudores responsables fuertes se produce cuando actúan para:

> (...) crear y mantener una situación de parálisis, con un doble objetivo. Por un lado, ganar tiempo frente a las constataciones de los laudos antropológicos; por otro, promover o apoyar cambios en el ámbito administrativo, en la legislación e incluso en la Constitución, con el objetivo de dificultar o incluso imposibilitar la ejecución de los derechos en cuestión.

Promover una solución reconociendo que se debe una indemnización residual no cuestiona la legislación. Simplemente desplaza el foco hacia el valor y permite operaciones dilatorias igualmente perjudiciales para la efectivización de los derechos de la población indígena.

Es en situaciones así cuando estas poblaciones se convierten en acreedoras frente a deudores tan poderosos. Contra la desmoralización y la falta de respeto, que se combaten constantemente en los más diversos repertorios de confrontación de los grupos afectados, sean indígenas o no, llegar a la situación de admisión pública de una deuda ante los tribunales es un paso adelante y una protección parcial contra la desmoralización, aunque no saque a los "acreedores" de la condición de "mitigados". En la experiencia de la confrontación entre la CHESF y el pueblo Truká por la cuantía de la indemnización, los laudos antropológicos, entre otros estudios exigidos por los tribunales, son capaces de hacer visible el alcance de los daños.

La admisión de la existencia de una indemnización residual se debió, en gran medida, al reconocimiento judicial del archipiélago de la isla de la Assunção como tierra indígena, como demuestra claramente el laudo antropológico anterior. Aun así, las tácticas de desmantelamiento desplegadas por CHESF son la otra cara de la moneda de la consecución ágil de los derechos de la población. La CHESF, deudora confesa, sigue implicada en una red compleja y activa, con prácticas reconocibles de dilación ante la justicia y la posibilidad de abandono planificado e incorporación burocrática de compensaciones de valores adecuados, provenientes de los efectos deletéreos y reforzadores de la desmoralización y exclusión de los Truká.

Cuando la justicia considera que está en posesión válida de los estudios socio-ambientales y el estudio de valoración, solicitados por ella en el pliego de condiciones técnicas y debidamente informados en la audiencia, y otras posibles intimaciones para aclarar dudas,

la cuestión que perdura depende de la dinámica de lectura y comprensión de la información, la interacción de los agentes y la declaración de la decisión por parte del Ministerio Público. ¡A no ser que haya recurso!

Finalmente, para no terminar con una nota pesimista, uno de los elementos más fuertes que aporta esta experiencia de laudo es la conciencia de que son los propios indígenas –actuando en un contexto con nuevas sensibilidades frente a los derechos reconocidos a los pueblos tradicionales, favorecidos en las instituciones jurídicas posibilitadas por la aplicación de la Constitución y del Convenio 169– quienes están ocupando, con iniciativa y sabiduría, un frente intenso e históricamente fortalecido en su propia defensa.

Translated by Federico Lavezzo.
Received: February 27, 2023.
Approved: July 2, 2024.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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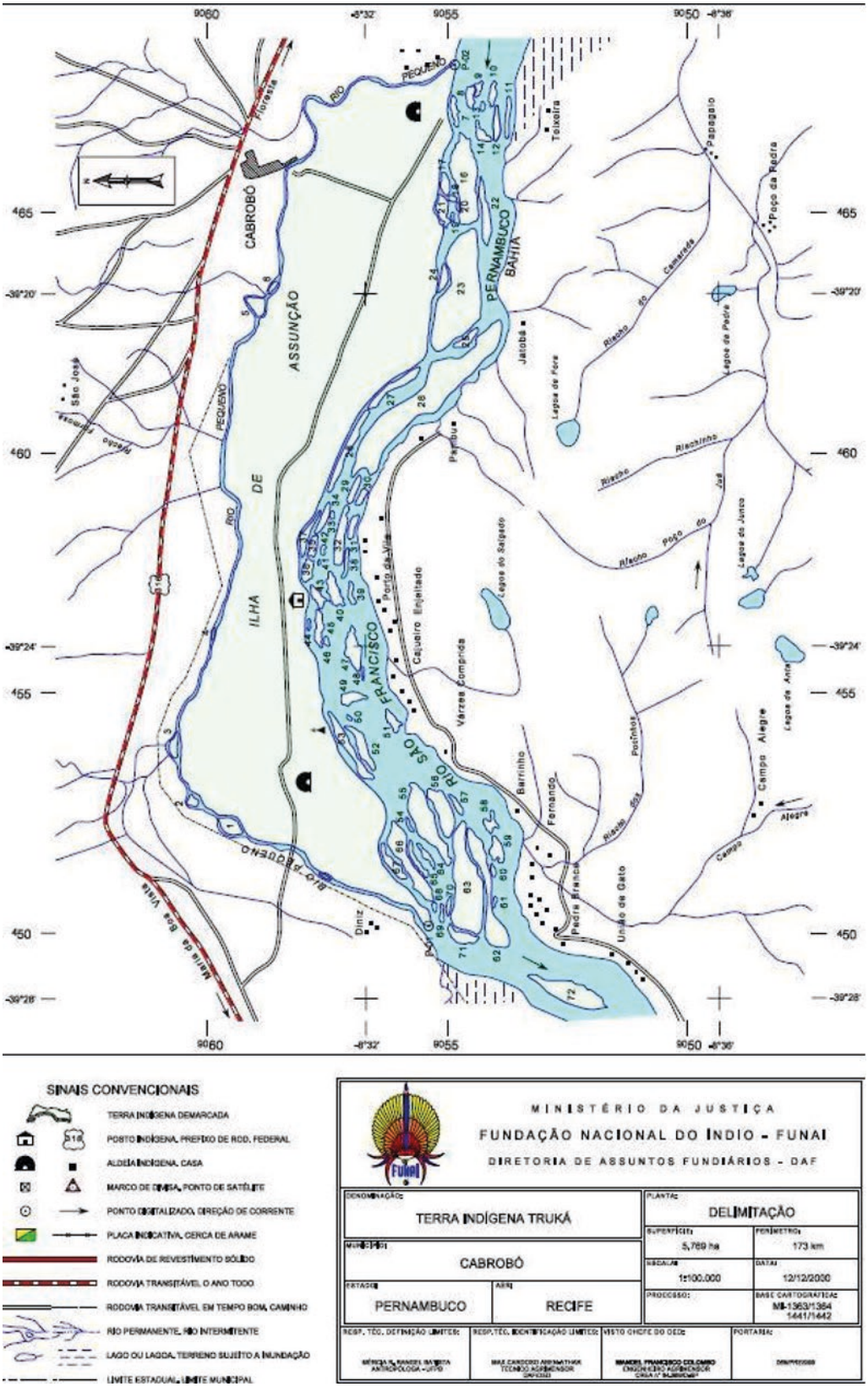
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Anexo

Figura 1 - Mapa do Territorio Indigena Truká (Fonte FUNAI)



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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

La pericia antropológica y el proceso penal: reflexiones sobre narrativas y contribuciones de las pericias al poder judicial

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Resumen:

A partir de una experiencia de investigación multidisciplinaria, este artículo reflexiona críticamente sobre las narrativas en procesos penales que involucran a acusados del pueblo Terana, en el estado de Mato Grosso do Sul. El diálogo de la antropología y el derecho, en la confección de laudos antropológicos se remonta al acuerdo de cooperación técnica entre la Asociación Brasileña de Antropología y el Ministerio Público Federal brasileño, pasando por el Seminario de Pericias Antropológicas en Procesos Judiciales (1991), y se consolida con la Carta de Ponta das Canas (ABA 2000). Esta interfaz es retomada a partir del estudio de caso en la elaboración de una pericia criminal, con énfasis en las narrativas oficiales y "otras verdades", a partir de la experiencia de campo y el ejercicio de la práctica etnográfica. Se analizó el proceso judicial, además de un relevamiento bibliográfico y trabajo de campo con visitas a presidios y aldeas. Se constata, en los conflictos criminales que involucran a pueblos indígenas, la existencia de una tendencia etnocéntrica de actuación de los actores no indígenas, que potencializa un abismo entre el saber jurídico formal y las comunidades tradicionales.

Palabras clave: sistema de justicia penal; pueblos indígenas; Pueblo Terena; encarcelamiento; pericia antropológica.

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e01003
https://doi.org/10.1590/1809-4341.2025v22e01003

Forensic Anthropological Analysis and Criminal Procedure: Reflections on Narratives and the Contributions of Forensic Expertise to the Judiciary

Abstract:

Based on a multidisciplinary research experience, this article critically reflects on narratives in criminal proceedings involving defendants from the Terena people, in the state of Mato Grosso do Sul. The dialogue between anthropology and law in the preparation of anthropological reports dates back to the technical cooperation agreement between the Brazilian Association of Anthropology and the Brazilian Federal Public Prosecutor's Office, going through the Seminar on Anthropological Expertise in Judicial Processes (1991), and consolidating with the Ponta das Canas Charter (ABA 2000). This interface is revisited through a case study in the preparation of a criminal expert report, with an emphasis on official narratives and "other truths," drawing on fieldwork experience and the practice of ethnographic methodology. The judicial process was analyzed alongside a literature review and fieldwork, which included visits to prisons and villages. The study reveals that, in criminal conflicts involving Indigenous peoples, there is a prevailing ethnocentric tendency among non-Indigenous actors, which widens the gap between formal legal knowledge and traditional communities.

Keywords: Criminal Justice System; Indigenous Peoples; Terena People; Incarceration; Anthropological Expertise.

A perícia antropológica e o processo criminal: reflexões sobre narrativas e a contribuição da perícia para o Judiciário

Resumo:

A partir da experiência de pesquisa interdisciplinar, o texto reflete criticamente acerca das narrativas em processo criminal envolvendo acusados do povo Terena, no estado de Mato Grosso do Sul. O diálogo da Antropologia com o Direito para confecção de laudos antropológicos remonta ao acordo de cooperação técnica entre a ABA e o MPF, passando pelo Seminário Perícia Antropológica em Processos Judiciais (1991) e consolidado com a Carta de Ponta das Canas (2000). Essa interface é retomada a partir do estudo de caso na elaboração de uma perícia criminal, dando ênfase para as narrativas oficiais e "outras verdades", a partir da experiência de campo e o exercício da prática etnográfica. Analisou-se processo judicial, assim como levantamento bibliográfico e trabalho de campo envolvendo visitas aos presídios e aldeias. Constatamos que nos conflitos criminais envolvendo povos indígenas existe uma tendência etnocêntrica de atuação dos atores não indígenas que potencializa abismo entre o saber jurídico formal e as comunidades tradicionais.

Palavras-chave: Sistema de justiça criminal, Povos indígenas, Encarceramento, Laudo antropológico.

La pericia antropológica y el proceso penal: reflexiones sobre narrativas y contribuciones de las pericias al poder judicial

Antonio Hilario Aguilera Urquiz; Caíque Ribeiro Galícia; Andréa Lúcia Cavararo Rodrigues

CONSIDERACIONES INICIALES

El presente relato de investigación, y las reflexiones originadas en la misma, están contextualizadas en la experiencia de realización de una pericia antropológica[1] en una comunidad indígena en el marco de un proceso penal. La colaboración de una antropóloga y un antropólogo con un profesor de derecho penal, en la realización de este trabajo, se dio a partir del vínculo académico (pasantía postdoctoral) desarrollado precisamente en una zona de intersección entre la Antropología y el Derecho.

La primera consideración refiere a la ambivalencia: hacer jurídico versus hacer antropológico. Es allí donde nace no sólo la inquietud sino también la motivación para unir esfuerzos de diferentes campos de conocimiento, partiendo de distintas metodologías, con efectos y objetivos diversos en el desarrollo del tema.

Más allá de las áreas, esta ambivalencia alcanza también a los sujetos involucrados: se trata de la interacción entre una persona con formación académica en el área jurídica y otras dos con formación en el área de la antropología, unidos para un estudio de caso (Van Velsen, 1987) y para producir una pericia antropológica. Este diálogo entre saberes y sujetos se torna más complejo cuanto más nos adentramos en el caso y en nosotros mismos.

Como afirma la declaración conocida como "Carta de Ponta das Canas" (ABA 2000), las constantes e inevitables tensiones entre estos dos campos profesionales forma parte de las herramientas propias de cada uno, expresando diferentes poderes, aunque desiguales; y

1 N. del T. A la hora de ofrecer una versión de este artículo –originalmente en portugués– a un vasto abanico de lectores de lengua castellana, es pertinente consignar lo señalado por Valladares de la Cruz (2012: 11-20): "Iniciaré señalando que la figura de perito en antropología tiene referentes desde hace, por lo menos, década y media en diferentes países y se le conoce con diferentes denominaciones: *expertaje* en Guatemala, *peritazgo* en Colombia, *pericia* en Argentina, *laudo* en Uruguay y *expert testimony* en Estados Unidos".

entendemos en este sentido, especialmente a partir de la Resolución 287/2019 del Consejo Nacional de Justicia (CNJ), la enorme importancia de la realización de pericias antropológicas en el marco de procesos judiciales que involucran a indígenas, buscando disminuir el abismo existente entre la práctica de justicia y el cotidiano de los pueblos indígenas en Brasil.

Partiendo de esa propuesta, la presente investigación se produjo a partir del relevamiento documental y bibliográfico, como una de las estrategias metodológicas más utilizadas en el campo del derecho, y tensionada a partir de la etnografía, lo que permite expandir espacios de reflexión tanto en el campo jurídico cuanto en el antropológico. Conscientes de las limitaciones y problemáticas que implica esta toma de decisión, la propuesta se orienta a avanzar en la aproximación entre estos dos campos que, especialmente en lo referido a investigaciones que involucran a pueblos indígenas y al sistema de justicia penal, presentan desafíos que es preciso enfrentar.

EL CAMINO ENTRE LA NARRATIVA OFICIAL Y EL CAMPO EMPÍRICO: ¿CUÁNTAS VERDADES?'

La imagen de un grupo de *homo sapiens* utilizando un pedazo de hueso como herramienta para expulsar a otro grupo de una fuente de agua en las escenas iniciales de "2001, odisea del espacio", está cargada de mucho simbolismo.[2] La escena está plena de violencia, pero es poco clara – y provocativa – respecto de la ponderación de lo que sea justo o no en aquel contexto.

Una de sus posibles lecturas se despliega en la dicotomía delito-violencia. Mientras que la violencia puede entenderse como constitutiva de las sociedades y, por lo tanto, provoca sensaciones aún no del todo comprendidas por la ciencia, el delito es la racionalización y formalización de consensos entre grupos, con la función principal de regular las sociedades a través del control social, utilizando normas prohibitivas pasibles de sanción jurídico-penal.[3]

El presente relato de investigación utiliza documentos y entrevistas obtenidas durante la realización de una pericia antropológica a pedido del Poder Judicial de Mato Grosso do Sul, fundado en la Resolución Nº 287/2019 del CNJ. De acuerdo a la denuncia, se trata del delito de homicidio cuya víctima era un niño indígena de 9 meses de edad, nacido en la comunidad

2 No es casual que la primera parte del film dirigido por Stanley Kubrick se llame "El nacimiento de la Humanidad" (en el original, *The dawn of man*).

3 Se trata de una discusión bastante profunda y compleja, que no es fruto específico del abordaje en este artículo, pero afrontar el tema no puede ignorar tales complejidades. Se cita, como un ejemplo bastate claro, el caso del Código Criminal de 1830, que en el caso de violación (art. 219) preveía: "Desflorar a mujer virgen, menor de diez y siete años. Pena de destierro fuera de la comarca en que residiera la desflorada, por uno a tres años, y de dotar a ésta. Si se siguiera el casamiento, no tendrán lugar las penas (sic)". Es decir que la violencia contra la dignidad sexual de una mujer era "sanada" y reconocida legítima en el caso de que estuviera seguida de casamiento. Otro caso bastante emblemático es el de la capoeira: el Código Penal de 1890 preveía el delito en su art. 402, como la conducta prohibida consistente en "Hacer en las calles y plazas públicas ejercicios de agilidad y destreza corporal conocidos por la denominación *capoeiragem*; andar en correrías, con armas o instrumentos capaces de producir lesiones corporales, provocando tumultos o desórdenes, amenazando a una persona cierta o incierta, o infundirle temor de daño: Pena de prisión en celda por dos a seis meses". Cabe destacar en este caso que el proceso de esclavización había terminado formalmente en 1888, pero dos años después se criminaliza la conducta que normalmente se vincula con prácticas culturales de los pueblos esclavizados.

indígena de Bananal, en el municipio de Miranda, estado de Mato Grosso do Sul, y cuyos supuestos autores serían los respectivos padres y tíos del niño. Las violencias incluyen, más allá del acto materia que supuestamente ocasionó la muerte del niño, violencia institucional, religiosa, étnica, etc., que puede constatarse por la existencia misma de un proceso penal oficial que afecta a los padres, los tíos, y a toda la comunidad indígena de Bananal.

Tratándose de un fenómeno complejo, sería muy difícil abordar todas las posibilidades de análisis que el caso presenta. Por eso, este artículo se limitará a la tensión entre la construcción de la verdad jurídica, que se materializa como respuesta oficial del Estado (*saber jurídico*) y la verdad constatada empíricamente, a partir de entrevistas con los involucrados y visitas a la comunidad indígena (*saber antropológico*).

La noticia de un caso de homicidio de un niño indígena bastaría para suscitar diversas sensaciones e ideas previamente construidas que son, en parte, herencias establecidas dentro de un sistema estructural de cultura (Laraia 2005: 61).[4] Existe, inicialmente, un choque de verdades, entre lo que oficialmente se formaliza y lo que empíricamente se constata.

No pretendemos superar dicha tensión, sino traerla como fuente de conocimiento y reflexión sobre el funcionamiento de las instituciones y la dinámica de los ritos jurídicos en el contexto regional, así como problematizar el propio "derecho producido por el Estado para los pueblos indígenas, o sea, un derecho impuesto, construido y aplicado sin la participación de los pueblos originarios" (Eloy Amado 2022: 20). También reconocemos la importancia de este tipo de relatos que, además de permitir el desarrollo de nuevas pautas de investigación, sirven de palanca para que diversos actores jurídicos tengan una visión más amplia y compleja del proceso de toma de decisiones y de sus implicancias concretas para la comunidad.

LA NARRATIVA OFICIAL: CONSTRUCCIÓN DE VERDADES JURÍDICAS

La narrativa oficial está representada por lo que se formaliza en el proceso judicial y producen las personas que actuaron en el caso (policía, ministerio fiscal, defensa privada y poder judicial). Este relato de investigación ha utilizado como fuente lo extraído de los siguientes documentos: (1) El escrito del Ministerio Público sobre la solicitud de prisión preventiva formulada por el jefe de policía; (2) La resolución judicial sobre la solicitud de prisión preventiva; (3) El acta de la audiencia de custodia celebrada con posterioridad a la prisión preventiva de los imputados; y (4) Las preguntas elaboradas por la defensa de los imputados para ser respondidas por los peritos.

La noticia del crimen partió de una médica de guardia del Hospital Municipal de Miranda, que "advirtió que el niño presentaba numerosas lesiones típicas de quemaduras, al parecer

4 Se refiere a la posición de Claude Lévi-Strauss al reconocer la "cultura como un sistema simbólico que es una creación acumulativa de la mente humana" (Laraia, 2005: 61).

hechas con cigarrillos",[5] e hizo la denuncia ante la Policía Civil del municipio de Miranda/MS. La policía inició su investigación oficial de los hechos, denominándola "Operación Magia Negra",[6] lo que indica desde el principio la línea de pesquisa definida por la autoridad policial y el grado de prejuicio que encierra la expresión.

El hecho aconteció en enero de 2021 y la Policía Civil concluyó que "era evidente[7] que el niño fue sometido a un tratamiento ritual cruel durante cierto tiempo, que le ocasionó la muerte", confirmando la línea investigativa de los inicios de la operación policial. Cabe agregar que para la norma procesal penal brasileña, la investigación policial conforma una fase inicial, administrativa, que no puede arrojar un juicio definitivo sobre si una persona cometió o no un hecho. Esto es así porque falta un elemento esencial para la construcción de la verdad jurídica: el contradictorio.

En la dinámica procesal brasileña, antes de decidir si ordena o no la prisión, el poder judicial remite la solicitud de la policía al Ministerio Público para que se manifieste. Parte de la justificación de este procedimiento se relaciona con el hecho de que, en Brasil, el Ministerio Público tiene la atribución de promover acciones penales de iniciativa pública (art. 129, inc. I, de la Constitución Federal de 1988).

En consecuencia, el Ministerio Fiscal es el responsable último de analizar el caso y decidir si debe ser sometido a juicio (ya que la investigación policial es una fase inicial de la investigación). Por esta razón, la percepción del Ministerio Público de los elementos encontrados en la investigación es esencial para establecer si el caso va a juicio o no.

Inicialmente, la policía solicitó al Poder Judicial la detención de cinco personas (además de los progenitores y tíos, una mujer no indígena –casada con un indígena y residente en la aldea– que es una curandera muy conocida y respetada en la región). Cabe señalar que las normas procesales penales establecen que el decreto de prisión preventiva debe basarse en la existencia de (i) elementos concretos de que existe un delito y de que las personas que van a ser detenidas tienen alguna participación en la práctica delictiva; y (ii) elementos concretos de que las personas que han participado en el delito suponen un riesgo para el avance del caso (pueden huir, obstaculizar la investigación, destruir pruebas, etc.). Todo ello procede de la lectura sistemática de los artículos 312 y sucesivos del Código de Procedimiento Penal, y de la Constitución Federal.

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5 Según consta en la foja 1 de la resolución judicial decretando la prisión preventiva de los(as) acusados(as).

6 Hoy en día es muy común utilizar nombres rimbombantes para las operaciones policiales, como un modo de crear lazos de empatía y ya cargados de juicios de valor sobre cómo se llevará a cabo la operación. Normalmente se utilizan nombres que aluden a algún factor que llama mucho la atención sobre el caso investigado. El primer reflejo de esta estrategia (poner nombres pegadizos a las operaciones) es que sirve de disparador para la prensa y, en consecuencia, para los espectadores. Es mucho mejor y más "digerible" llamarla "operación magia negra" que "investigación nº 123.456/2021".

7 El término "evidente" se utiliza con mucha frecuencia en la redacción jurídica y suele servir como refuerzo argumentativo al margen de criterios científicos. De hecho, según Rui Cunha Martins, "lo que es evidente no requiere prueba. Simulacro de autorreferencialidad, pretensión de justificación centrada en sí misma, la evidencia corresponde a una satisfacción demasiado rápida frente a indicadores de mera verosimilitud. De alguna manera, la evidencia instaura un desamor del contradictorio" (Martins 2013: 2).

En este caso específico, se debe llamar la atención al hecho de que el Código de Proceso Penal brasileño fue redactado en 1941, durante el gobierno de Getúlio Vargas, y se inspiró en el Código italiano de la época de Mussolini. Así, existe una tendencia a disposiciones que permiten el encarcelamiento de personas con un alto grado de subjetividad, otorgando al poder judicial el poder de restringir la libertad de las personas con un amplio margen de discrecionalidad y de difícil impugnación, lo que es típico de los regímenes autoritarios. En esta línea, los estudiosos más críticos cuestionan parte del Código Procesal Penal precisamente porque no se apoya en la Constitución Federal de 1988, lo que no es aceptado por buena parte del Poder Judicial (Lopes Jr. 2022; Lopes Jr. Gloeckner, 2013).

Analizada la solicitud, el Ministerio Público entendió que procedían las detenciones con base en dos argumentos principales para fundamentar los elementos concretos de peligro para el proceso. En primer lugar, alegó que se trataba de un delito grave, que requeriría de una "acción contundente" para "proteger a la comunidad" debido al malestar social, especialmente "en las aldeas indígenas". Para ello, utilizó el testimonio de médicos y enfermeros, que no son indígenas ni atienden en comunidades indígenas, es decir, que conocen muy poco de las especificidades culturales de ese pueblo. El Ministerio Público especuló que los padres sólo habían llevado al niño al hospital "para tratar de despistar la conducta homicida", sin que existiera prueba alguna que sustentara esta afirmación. Es importante destacar esta conclusión, porque se construyó sobre una hipótesis sin un anclaje en elementos concretos que la respalden.[8]

Además, informaron que los padres del niño tenían otros hijos menores de edad y que, junto con los tíos y la curandera, estaban "practicando la curandería desmedida", lo que sería un riesgo para las comunidades indígenas. Una vez más, la afirmación del Ministerio Público se hizo sin ningún fundamento concreto y, lo que es más importante para el desarrollo de este trabajo, emitiendo un juicio de valor sobre lo que sería mejor para el pueblo, en su calidad de "defensor de la comunidad indígena"[9] sin haber escuchado a ningún representante de la comunidad indígena antes de pronunciarse sobre el caso.

En segundo lugar, en relación a los elementos concretos de que se cometió un delito y de que existían vínculos entre las personas que podían ser detenidas y cierta probabilidad de que fueran los autores del delito, se trata ya de una situación algo más subjetiva. De hecho, en este punto de la investigación del hecho delictivo, la mayoría de los elementos son circunstanciales, y correspondería a la acusación demostrar los vínculos causales entre el delito y las personas involucradas.

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8 Al tratarse de un campo de conocimiento que se desarrolla a partir de la dinámica de la confrontación (litigio), es habitual que los actores jurídicos utilicen un lenguaje exagerado en la construcción de sus argumentos con el objetivo de convencer. A veces, esta construcción retórica puede basarse en mínimos elementos, pero aparece en el relato como algo "evidente". En algunos casos más radicales, incluso es posible observar un distanciamiento de los hechos concretos percibidos. De ahí viene una de las justificaciones de la garantía del proceso contradictorio, para que el poder judicial pueda tomar una decisión.

9 La Constitución Federal de 1988 atribuye al Ministerio Público (art. 129) la función de "defender judicialmente los derechos e intereses de las poblaciones indígenas" (inciso V). Sucede que el caso es bastante emblemático, ya que no hay defensa de las poblaciones implicadas, sino el ejercicio habitual propio del órgano acusatorio.

Queremos llamar la atención sobre la apropiación de lo que sea mejor para la comunidad indígena, sin ninguna participación suya en el proceso, reproduciendo la lógica de la colonialidad (Lander 2005; Mata 2014). Los autores de la pieza procesal acusatoria no sólo no escucharon a los sujetos del proceso, sino que desconocieron su peculiaridad como miembros de una comunidad tradicional, con especificidades culturales propias. En este sentido, la Declaración de Barbados (1971) ya afirmaba que:

> Es necesario tener presente que la liberación de las poblaciones indígenas es realizada por ellas mismas, o no es liberación. Cuando elementos ajenos a ellas pretenden representarlas o tomar la dirección de su lucha de liberación, se crea una forma de colonialismo que expropia a las poblaciones indígenas su derecho inalienable a ser protagonistas de su propia lucha (Barbados 1971).

Frente a las manifestaciones de la policía y del Ministerio Público, correspondió al Poder Judicial decidir si hay o no lugar a la detención. Gran parte de esta lógica inicial de tutela de los pueblos indígenas por parte del Ministerio Público fue reproducida por el Poder Judicial al examinar el pedido de detención. Después de presentar el informe (indicando lo que se le presentó), decidió sobre la solicitud abordando, en primer lugar, la materialidad del delito de homicidio.

En concreto, el homicidio quedó probado por el "informe forense", que apuntaba a "la infección generalizada generada precisamente por esta lesión en la zona inguinal izquierda (...) se puede decir que la causa de la muerte fue la infección generada por las lesiones en la ingle (...)". Un hecho que en otros casos sería casi irrelevante, pero que exige una mirada más crítica, es la coincidencia de los apellidos (nombres de familia de antiguos terratenientes de la región)[10] de las dos médicas que trabajaron en el caso: una que atendió en primer lugar al niño, certificando la muerte, y otra que realizó el informe sobre el cadáver del niño.

Cabe mencionar que Miranda es una ciudad del interior de Mato Grosso do Sul, localizada en el noroeste del estado y en la parte sur del Pantanal. Según el Instituto Brasileño de Geografía y Estadísticas (IBGE 2022), Miranda tenía una población de 25.536 personas en 2022, con una densidad poblacional de 4,67 habitantes por kilómetro cuadrado, lo que la caracteriza como una ciudad pequeña, sobre todo teniendo en cuenta que su territorio es extenso (5.471,436 km²) y que parte de la población vive, y trabaja, en zonas rurales.[11]

Este panorama, de acuerdo con las características de la región, indica que las relaciones entre personas que ocupan posiciones sociales privilegiadas, como médicos, abogados, empresarios, políticos, etc., tienden a ser más estrechas. El hecho de que exista un posible parentesco entre las dos médicas (sugerido por el mismo apellido) que trabajaron en el caso, uno de las cuales certificó la muerte y la otra elaboró el informe forense, es muy relevante, dado el choque

10 Es importante señalar que algunos apellidos son comunes y pueden coincidir frecuentemente, incluso en familias que no están emparentadas. Este no parece ser el caso, ya que se trata de un nombre peculiar que es poco probable, en un pueblo pequeño, que se repita sin lazos de parentesco. Se ha omitido el apellido para preservar la integridad ética del relato de la investigación y también la intimidad de las personas involucradas.

11 Información disponible en: <https://cidades.ibge.gov.br/brasil/ms/miranda/panorama>. Última consulta: 02.11.2023.

intercultural que propició y marcó el caso, entendido aquí como algo muy alejado de la realidad de estas personas en un contexto urbano y de familias de propietarios rurales. Cuando se encontraron con quemaduras en la zona inguinal de la víctima (hecho que se detallará más adelante), concluyeron que se trataba de violencia perpetrada por adultos contra el niño.

Además, la resolución judicial que ordenó la detención de los implicados analizó la materialidad del delito (constatación de que se había producido un homicidio) haciendo referencia al informe elaborado por la médica. Sin embargo, al existir la necesidad de vincular a los sujetos con el crimen para justificar la orden de detención, se observa una cierta "evolución" en la gravedad del caso y en la relación causa-efecto del hecho criminal, que pudo estar influenciada por la tensión entre no indígenas e indígenas.

En este sentido, la resolución utilizó parte del informe pericial que daba fe de una infección generalizada originada en la zona inguinal del niño. Citó el testimonio del padre y de la madre para contextualizar de que hubo una práctica de "curanderismo" con el uso de cenizas de cigarrillo en el niño, por lo que "es innegable que existe una relación directa de causa y efecto entre las acciones llevadas a cabo [por los progenitores] y la muerte impuesta al niño".

La sentencia va más allá, al afirmar -sin ningún elemento técnico para ello- que la violencia "reside en el acto de quemar a un niño de nueve meses con un cigarrillo durante días seguidos". En otras palabras, la construcción narrativa de la resolución, que inicialmente comienza con el uso de cenizas calientes sobre el niño, se convierte en un supuesto (¿imaginario?) uso del propio cigarrillo para llevar a cabo el hecho.[12]

Otro punto sensible en la construcción de la resolución que vale la pena mencionar es que el magistrado concluyó que a los progenitores no les importaba el resultado de la muerte. Toda la retórica en torno a este "no preocuparse" se refiere al hecho de que practicaban "curandería" y no buscaron asistencia médica. Es una conclusión importante porque jurídicamente, desde el punto de vista probatorio, indica que el juez, incluso sin haber tenido contacto con la versión de la defensa (el contradictorio), ha adelantado su convicción de que se trata de un delito de homicidio doloso (intencional).

En otras palabras, el hecho de que los padres indígenas buscaran la asistencia de curaciones tradicionales fue entendido por el magistrado como un factor preponderante para indicar que querían que el niño muriera. Es decir, en ningún momento se tuvo en cuenta el hecho de que los pueblos indígenas han practicado su medicina tradicional durante siglos, como uno de los principales conocimientos transmitidos por sus antepasados (Ferreira 2013).

Diversos intelectuales indígenas han producido investigaciones sobre este conocimiento ancestral, también conocido como etnoconocimiento (Seizer da Silva 2016; Sebastião 2018; Eloy Amado 2019; Baltazar 2022), como la afirmación de Lindomar Terena: "Estos conocimientos son saberes milenarios, que consiste en el mantenimiento de creencias, conocimientos y curas

12 Es importante señalar que ambos comportamientos son, en abstracto, muy graves. La realidad es que existen dos pesos jurídicos y fisiológicos distintos en relación con el uso de ceniza caliente o el uso de un cigarrillo.

con hierbas medicinales; en particular, las mujeres viejas, cuya importante presencia y acciones reconocemos a través de este saber proveniente de la tradición" (Sebastião 2018: 138).

De este modo, desconociendo dichos conocimientos tradicionales de las comunidades indígenas, el magistrado decretó la prisión de los padres del niño y de los tíos, afirmando además:

> [...] al someter al niño a lo que llamaron "simpatías" quemándolo con ceniza de cigarrillos, con el fin de identificar si actuaban por costumbre cultural étnica o por creencia religiosa. La autoridad policial aclara incluso que el procedimiento tiene por naturaleza el Umbanda, religión de la que uno de las implicadas es adepta y practicante en la aldea. Sin embargo, ya se trate de una acción de carácter cultural, de creencias religiosas o incluso de ambas, las prácticas están sujetas a los límites del ejercicio de dichas libertades fundamentales (Extracto de la resolución del magistrado).

En este fragmento de la resolución, el magistrado añadió el elemento religioso de origen africano (Umbanda) con un juicio de valor negativo, en línea con la tesis inicial de que se trataba de la "Operación Magia Negra".

En la misma resolución, el magistrado denegó la petición de prisión contra la curandera porque "se había limitado a rezar, cantar, bendecir y frotar un aceite con una semilla por todo el niño, sin mencionar específicamente el uso de cigarrillos o cenizas". En otras palabras, la oración con elementos cristianos fue reconocida socialmente como algo positivo y suficiente para que la curandera no fuera detenida, incluso frente a los testimonios de los implicados que apuntaban a la "magia negra". El padre del niño dijo en su declaración que "ella hacía rituales satánicos y magia negra, pero de todos modos llevó a su hijo, porque haría cualquier cosa para intentar salvarlo (...) que [la curandera] aplicó un aceite con una semilla en el cuerpo del niño, que [la curandera] entonaba canciones que involucraban demonios y espíritus, que después [la curandera] ordenó que [el niño] fuera llevado al médico".[13]

El etnocentrismo es flagrante en esta narración oficial, no sólo en el magistrado, sino en toda la pieza procesal, que toma como referencia el eje de la cultura cristiana occidental, tergiversando y demonizando otras formas de creencias y prácticas curativas y asistenciales, en este caso practicadas por los Terena.

OTRAS VERDADES: LOS OJOS ABIERTOS DE LA ANTROPOLOGÍA

Como conocimiento predominantemente empírico, la antropología ya ha roto con la ciencia clásica en su separación de objeto e investigador para seguir la dinámica de la observación participante (Laplantine 2007). Esto representa el primer choque con la lógica del derecho, puesto que "la práctica antropológica presupone la relativización de las verdades establecidas, mientras que la práctica jurídica se reproduce a través de ellas, y este contraste metodológico es un obstáculo significativo para el diálogo entre estos campos" (Lima & Baptista 2014: 9).

13 Los nombres de la curandera y del niño han sido omitidos, y cambiados por "curandera" y "niño".

Cabe destacar que la contribución del conocimiento antropológico en este caso se produjo a través de un pedido del Poder Judicial basado en la Resolución 287/2019 del Consejo Nacional de Justicia (CNJ) para la realización de una pericia antropológica. La resolución en cuestión establece que la pericia "aportará información para establecer la responsabilidad de las personas imputadas" (art. 6) y deberá contener datos, por ejemplo, sobre "los usos, costumbres y tradiciones de la comunidad indígena a la que se vincula" (punto III) y relacionados con la "comprensión de la comunidad indígena en relación con la conducta típica imputada, así como los mecanismos propios de juzgamiento y sanción adoptados para sus miembros" (punto IV).

La pericia del caso (el asesinato de un niño indígena) fue llevada a cabo por un equipo multidisciplinario de tres personas,[14] y se organizó en tres etapas: la primera consistió en profundizar en el caso mediante la lectura de los documentos oficiales y la organización del trabajo de campo; la segunda supuso la realización del trabajo de campo, que incluyó entrevistas con los cuatro indígenas detenidos (padres y tíos), líderes indígenas y familiares; la tercera etapa tuvo como objetivo recopilar y sistematizar los datos, contrastar la información y elaborar el informe final (pericia antropológica) presentado ante los tribunales.

Como es típico de cualquier peritaje, mucha información se produjo en el campo, y lo que se presentará en este relato fue seleccionado porque se relaciona con las afirmaciones de la narrativa oficial, que es parte del objetivo de este artículo. Las entrevistas con las personas detenidas tuvieron lugar en dos establecimientos penitenciarios diferentes (uno para hombres, en el municipio de Dois Irmãos do Buriti/MS, y otro para mujeres, en el municipio de Corumbá/MS)[15], así como entrevistas con líderes indígenas y familiares en dos comunidades indígenas diferentes (Aldea Bananal y Aldea Cachoeirinha), en los municipios de Aquidauana/MS y Miranda/MS, respectivamente.En el penal masculino se entrevistó al padre y al tío del niño. La entrevista tuvo lugar sin la presencia de agentes estatales y en una sala reservada, ocupada únicamente por los peritos y los entrevistados, respetando los protocolos de bioseguridad, ya que aún era una época de restricciones en relación con la pandemia del COVID-19.

El tío del niño dijo que no conocía la "magia negra" y no podía explicar qué significaba ese término, pero añadió que procedía de una familia tradicional de la aldea y que su padre era un curandero muy respetado (también conocido internamente como "*purungueiro*", el que maneja la "*porunga*" o calabaza en los rituales religiosos). En cuanto a la muerte de su sobrino, dijo que sólo rezó para que se pusiera mejor y que notó unas ampollas en la ingle del niño, y utilizó un bolígrafo de tinta roja para hacer círculos alrededor de las ampollas para que no se extendieran, como dicta el conocimiento tradicional de las prácticas curativas en su comunidad.

14 El equipo estaba formado por los autores de este artículo, un máster en Antropología Social, un doctor en Antropología y un doctor en Ciencias Penales.

15 Además, cabe destacar que el crimen ocurrió en el municipio de Miranda/MS, que está a 220 km. del municipio de Corumbá/MS y a 139 km. de Dois Irmãos do Buriti/MS, lo que significa que los indígenas perdieron completamente sus lazos familiares durante el período de su encarcelamiento.

Dijo que, aunque había salido de la aldea varias veces, había nacido y crecido allí compartiendo los códigos y tradiciones de la comunidad. Además, aunque podía hablar y entender el portugués, tenía dificultades para comprender plenamente los códigos de la llamada "cultura occidental".

En cuanto al caso en sí, contó que su hermana llevó al niño al centro médico, pero no había ningún profesional para atenderlo debido a la pandemia de Covid-19, por lo que empezaron a rezar oraciones que (según constataron los expertos) representan un sincretismo religioso entre tradiciones indígenas y cristianas. Esta narración fue más o menos repetida por la madre y la tía de la niña.

En relación a la entrevista con el padre (como los demás, un indígena de la etnia Terena), un hecho se tornó muy importante para construir algún esclarecimiento del caso. Al contar su historia de vida (una preocupación latente del conocimiento antropológico, que no siempre es acompañada por el saber jurídico), el padre del niño dijo que nació en Campo Grande/MS (capital del estado de Mato Grosso do Sul), estudió hasta sexto grado y vivió en la ciudad de Terenos/MS (aproximadamente a 30 km. de la capital) hasta 2009, cuando se casó y se mudó para la aldea. Así que tenemos información de que el padre del niño fallecido nació en la capital del estado, lejos de la comunidad indígena de origen, y se declaró evangélico, aunque respetaba las prácticas tradicionales del pueblo Terena.

La pericia pudo constatar que existe una diferencia significativa entre el padre del niño en términos de prácticas religiosas (practicante de la fe evangélica) y los demás implicados: la madre y los tíos (que, aunque se declaran cristianos/católicos, están más ligados a las prácticas tradicionales Terena). Aunque no se pueda afirmar, aun cuando todos los involucrados sean indígenas, la formación religiosa en diferentes credos – teniendo especialmente en cuenta que las religiones evangélicas tienen como práctica ubicar a otras manifestaciones religiosas, en especial, las de matriz africana, como "cosas del diablo" – es un hecho relevante para comprender en parte el caso.

Este detalle permitió a los peritos identificar que el caso involucraba tensiones entre diferentes pensamientos religiosos y cosmo-percepciones (Vaz & Ramos 2021). Es decir, pone en evidencia que dentro de los pueblos indígenas existe una serie de conflictos que muchas veces son ignorados por los no indígenas al poner a todos "en la misma caja" como "indios".

Así, el padre del niño, a diferencia de la madre y los tíos, habla poco la lengua materna (lengua Terena), pero la pericia pudo comprobar que domina perfectamente los códigos de la lengua portuguesa (a diferencia de la madre y los tíos). También tiene automóvil y licencia de conducir, con lo que gana jornales como conductor en la comunidad en la que vive.

En cuanto al caso, cuenta que su hijo nació sano, pero cuando enfermó, acudieron al agente de salud indígena de la aldea, que les dijo que el médico no vendría hasta dentro de unos días[16], pero les indicó que le aplicaran una pomada en las heridas. Como no mejoraba, acudieron a sus tíos (hermanos de su mujer) para que rezaran por la curación de su hijo. Dijo que el niño mejoró

16 Debido a la pandemia de Covid-19, el número de días de atención médica en el centro de salud de la aldea se redujo a menos días.

durante un tiempo, pero luego empezó a llorar de nuevo. Según el padre, al día siguiente llevó a su mujer y a su hijo a casa de los parientes de su mujer y no volvió a recogerlos hasta las 5 de la tarde.

Dijo que no vio a nadie quemando a su hijo con cigarrillos y que la sala donde tuvo lugar la oración estaba con la puerta abierta, apenas con velas y muchas imágenes en el altar.

Es importante señalar que, para la mayoría de las religiones evangélicas, en general, la asociación de imágenes de santos no suele reconocerse como una práctica religiosa legítima. Sin embargo, en este caso, existe un elemento potenciador: las manifestaciones relacionadas con las religiones de origen africano son estereotipadas como cosas "del demonio".

Durante el trabajo de campo, los peritos se trasladaron al lugar donde se rezó y se bendijo al niño. Cuando llegaron, vieron a la abuela del niño recostada en una cama bajo un árbol, rodeada por un grupo de oración de la Iglesia católica. La abuela del niño no habla portugués, pero, con la ayuda de uno de sus hijos, dijo que estaba muy enferma y que se sentía triste por la muerte de su marido (ocurrida en 2019) y por todo el suceso en el que estaban implicados sus hijos, su yerno y su nieto.

Los peritos se dirigieron entonces a la sala donde estaba el altar (figura 1) y encontraron una serie de imágenes que hacen referencia tanto a la Iglesia católica (Nuestra Señora de Aparecida, San Sebastián) como a las religiones africanas (Iemanjá y Preto Velho). Esto forma parte del sincretismo religioso típico de la región, donde existe una mixtura de imágenes más heterogénea que la comúnmente compartida entre los no indígenas.

Figura 1: *altar en el lugar donde el niño fue bendecido*. Fotografía de Andrea Cavararo, 10 de octubre de 2021.[17]



17 Foto que muestra un altar con imágenes de diversas entidades sobre una mesa con un mantel de "Papá Noel" con espacios para velas y donde se puede ver en la mesa (de izquierda a derecha) alineados en la parte posterior: una imagen de un santo junto a una pequeña estatua de Nuestra Señora de Aparecida. Delante (de izquierda a derecha): San Sebastián, Nuestra Señora de Aparecida, San Jorge. Justo delante de una de las imágenes de Nuestra Señora de Aparecida, hay 4 (cuatro) fotos de 3x4 de los hijos de la matriarca (la madre y los tíos del niño).

Figura 2: *Imagen externa del lugar donde se encuentra el Altar*. Fotografía de Andrea Cavararo, 10 de octubre de 2021.[18]



Es decir que la representación de "Iemanjá", "Preto Velho", "San Sebastián" y "Nuestra Señora de Aparecida", por caso, tienen un valor espiritual que no coincide exactamente con el pensamiento del contexto externo a la comunidad indígena (caracterizado por una completa separación de dichas figuras). Como se muestra en la foto de abajo, se puede ver este sincretismo representado por la mezcla de varios símbolos y entidades de distintas religiones, pero con el objetivo general de "ofrecer protección".

Los relatos de las personas (padres y tíos) sobre el hecho investigado por la justicia, van en el mismo sentido: después de llevar al niño a recibir asistencia médica y sin posibilidad de recibir atención, se lo bendijo (oraciones y cánticos), se le colocó un "rosario" en el cuello, se rodearon las heridas con un bolígrafo de tinta roja para que no se propagara la infección y se le aplicaron cenizas (que no estaban calientes) en el cuerpo para aliviar el dolor, como dicta la forma tradicional de curación del pueblo Terena.

Durante el trabajo de campo, el contacto con la familia y los líderes indígenas ayudó a comprender la dinámica de la comunidad y ayudó a entender el caso. La entrevista con el cacique de la aldea donde vivían los acusados fue esencial porque, además de esclarecer el comportamiento general de las personas involucradas, demostró que toda la comunidad

18 Imagen externa que muestra dos construcciones de mampostería y un pequeño cobertizo de follaje seco, donde tienen lugar las actividades de preparación de los alimentos. El edificio más grande es donde solía estar el altar y servía de dormitorio/depósito. Cabe señalar que no hay ventanas, lo que hace que la iluminación de la zona sea bastante precaria.

estaba impactada por el caso de la muerte del niño y la acusación "injusta" hecha contra los padres y los tíos.

El cacique, aclarando que es evangélico, pero que comparte las enseñanzas tradicionales de la comunidad, dijo que el abuelo del niño (fallecido en 2019) era un *purungueiro/pajé*[19] muy conocido y respetado en la región. También compartió que se comentaba en la comunidad, en el momento de los hechos, que el niño se había caído, y en la tradición todos entienden que cuando un niño se cae, el cuajo[20] del niño se da vuelta, y no se trata de llevarlo al médico, sino de que el rezador "se lo saque", si no se lo saca, o se lo lleva al médico primero, el niño comienza a sentirse mal, y puede morir a los pocos días. En su opinión de cacique, lo que ocurrió con el niño fue una tragedia, porque los padres siempre habían sido muy celosos en la crianza de sus hijos, sin caracterizarse en ningún momento por el abandono o la negligencia, sobre todo porque el primer paso fue llevar al niño al agente sanitario del pueblo. Destacó, especialmente, la ancestralidad de la familia implicada en el caso: sus parientes son de familias antiguas y tradicionales de la aldea de Bananal.

A partir de los relatos obtenidos durante las entrevistas (13 personas fueron entrevistadas)[21], la realización de una investigación forense basada en la práctica de la etnografía y en procedimientos ampliamente reconocidos en el campo de la antropología (cuaderno de campo, estudio de caso, diagrama de parentesco, entre otros), permite el esclarecimiento parcial de los hechos, especialmente a partir de la experiencia de escuchar al "otro" e intentar ejercer la alteridad, ponerse en el lugar del "otro", para comprender lo mejor posible los hechos a partir de la comprensión de los involucrados.

En cuanto a la comprensión de la idea de "justicia", las comunidades Terena tienen tradicionalmente una organización social propia con atribuciones colectivas, y todas las decisiones, intervenciones o negociaciones son tomadas por las autoridades locales representadas por los líderes (Seizer da Silva 2009), basándose en el "derecho consuetudinario". De las entrevistas con los padres y tíos del niño se desprende que su comprensión de la "justicia" proporcionada por el sistema jurídico del Estado brasileño es percibida a veces con respeto y a veces con incomprensión, dadas sus particularidades culturales. Tienen poco conocimiento del sistema jurídico formal o incluso del Código Penal, porque viven en un contexto rural, lejos de los grandes centros, y también porque rara vez necesitan recurrir a los tribunales.

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19 Además del *purungueiro*, existe la figura del *pajé*, que bendice y cura a un enfermo, hace remedios caseros si es necesario, y también utiliza la *purunga* (una especie de calabaza en forma de sonajero), pero se diferencia del *purungueiro* porque éste canta y reza para toda la comunidad y el *pajé* sólo atiende a sus pacientes (Sobrinho 2010: 45).

20 Esta figura del "cuajo" también existe entre los Guaraní (Kaiowá y Ñandeva en Mato Grosso do Sul) y puede significar un elemento físico-espiritual interior de los niños. En este caso concreto, cuando un niño cae al suelo (da una voltereta), el "cuajo se da la vuelta", y sólo la oración/ bendición puede resolverlo. Según el líder, es tradición en la comunidad que en estos casos no tiene sentido ir al médico, porque primero hay que hacer la bendición/ rezo del niño y luego acudir a la medicina del "blanco".

21 Los padres (2) y tíos (3) del niño, el abuelo (1), el cacique y su esposa (2) familiares del padre (4), la curandera de Miranda (1).

Durante las entrevistas, realizadas individualmente, se le hizo la misma pregunta a cada uno de los reos, referida al proceso que los afectaba. Todos manifestaban estar injustamente presos, porque ninguno de los involucrados había tenido la intención de matar al niño, sino por el contrario, buscaban una cura. El sentido de justicia de los imputados es confrontado con la prisión compulsiva decidida por la "justicia de los *purutuye*" (forma como denominan a los no indígenas). Según las entrevistas, ellos siguieron sus propias tradiciones y prácticas tradicionales, de cura y cuidado. Y si hubieran cometido algún tipo de violencia, habrían sido llamados y amonestados/juzgados por el propio consejo de la comunidad indígena, según sus tradiciones legales y de resolución de conflictos.

En cuanto a las prácticas religiosas, quedó muy claro que la rutina de la comunidad implica un sincretismo principalmente entre religiones cristianas (católicos y evangélicos) y prácticas tradicionales indígenas (rezadores, curanderos y *raizeiros*), pero siempre son prácticas orientadas al bienestar y a la búsqueda de cura de enfermedades. Cabe destacar que cuando se les preguntó sobre sus opciones religiosas, tanto los padres como los tíos dijeron que eran cristianos (evangélicos o católicos), pero que no dejaban de creer en las prácticas tradicionales (*purungueiros*, rezos, etc.).

Es importante subrayar que la visión de "sentido común" de los "grados de integración" se basa en una idea binaria de religión/espiritualidad que ignora el sincretismo religioso típico de las religiones/prácticas espirituales africanas y/o indígenas. No es casualidad que haya mucho prejuicio, precisamente por la falta de comprensión de los significados y representaciones para estos pueblos.

Como se puede ver en este caso, el altar (figura 1) expone este sincretismo entre la tradición Terena y la tradición cristiana. Por lo tanto, considerarse cristiano, en el contexto de la comunidad donde se realizó la pericia, no representa el abandono total de las prácticas tradicionales del grupo étnico al que pertenecen.

En las comunidades donde se realizó la investigación, se observa que las familias indígenas de la Aldea Bananal buscan cultivar y vivir la tradición del pueblo Terena. Mantienen huertas familiares y tradiciones religiosas, aspectos importantes y fundamentales de su tradición indígena. Según el Cacique, aunque aproximadamente el 90% de los residentes sean cristianos, la cultura tradicional permanece, lo que significa que no han dejado de practicar y creer en las tradiciones que les enseñaron sus antepasados.

> Soy evangélico, usted sabe… Vengo de la iglesia. Pero voy a ver el "trabajo" del *koixomuneti* (risas). Uno nunca sabe cuando lo va a necesitar. Hay cosas que no podemos pedir dentro de la iglesia, porque es pecado, pero los "espíritus" de nuestro pueblo entienden nuestras necesidades y hacen lo que queremos... También llevo a los niños, tienen que conocer las tradiciones de nuestro pueblo... Vamos, vengan, va a estar bien... ("Seo" Martins, anciano de la aldea de Bananal citado por Seizer da Silva, 2009:28).

Ante la enfermedad del niño, los padres y los tíos, además de la ayuda de la medicina, buscaron el apoyo del pensamiento religioso tradicionalmente reconocido en la comunidad

en la que viven. Según las narrativas indígenas, los líderes religiosos ahuyentan a los malos espíritus que traen la enfermedad, invocando la prosperidad para la comunidad.

Los *purungueiros* aparecen ataviados y pintados, y pasan la noche en vela invocando prosperidad, abundancia, salud y defensa contra los hechizos enviados por sus enemigos. Creen que su "guía espiritual", ese "espíritu compañero", puede librarlos de la desgracia (Seizer da Silva 2009: 28).

El peritaje antropológico presentado al juez presentaba hechos y percepciones totalmente contrarios a los que constaba en la narrativa oficial, especialmente en el dictamen acusatorio. El desarrollo y los efectos jurídicos concretos del caso son irrelevantes para la propuesta de reflexión de este texto, pero la información pública más llamativa fue que una semana después de la entrega de la pericia antropológica, el magistrado ordenó la liberación de los cuatro acusados y dispuso que afrontarían el proceso en libertad, lo que demuestra la importancia del peritaje antropológico para la comprensión de casos de este tipo.

Cabe aclarar que el trabajo de la pericia – y su éxito como herramienta – no puede estar relacionado con el resultado jurídico: la divergencia entre el hacer antropológico y el hacer jurídico también influencian la construcción de verdades complejas y a veces distintas.

LA CEGUERA DE LA JUSTICIA Y LA PERICIA ANTROPOLÓGICA EN UN CASO CON INDÍGENAS

Posiblemente una de las primeras ideas que un estudiante de Derecho tiene durante sus estudios es que el ideal de "justicia ciega" está asociado al hecho de que "lo que no consta en autos no existe en el mundo".[22] Esta idea, que tiene su origen en el Derecho Romano, parece ser una valiosa lección para los estudiantes porque delimita el objeto de análisis jurídico en casos concretos y establece parámetros para la construcción de una decisión judicial.

En primer lugar, consiste en garantizar una cierta racionalización de la decisión que tienda a descartar juicios muy subjetivos, elementos metafísicos o "irracionales" por parte del juez al momento de juzgar. Así, el juicio racional basado en lo que consta en el expediente está relacionado con el concepto de "justo" (no como atributo de la justicia abstracta, sino como resultado de la labor aparentemente neutral e imparcial del órgano juzgador). En segundo lugar, representa una limitación del ejercicio del poder judicial a la hora de inmiscuirse en la vida de un ciudadano, limitándose a examinar únicamente lo que consta oficialmente en el expediente.

Por otro lado, también es cierto que la idea de que el magistrado debe valorar "sólo lo que consta en autos" se asocia a una falsa comprensión de lo que sea la "verdad" y puede conducir al decisionismo. Y es precisamente en este punto donde el estudiante de Derecho se

22 En latín, "Quod non est in actis non est in mundo", la asociación entre "autos" y "verdad" ocupa un amplio espacio en el Derecho en la medida en que también representa una doble función: limita tanto la utilización de elementos sobrenaturales o "irracionales', pero también sirve de freno a las arbitrariedades que el poder judicial podría cometer en una sentencia.

topará con otras dos concepciones clásicas del Derecho: (i) el Derecho como autoridad, entendido por tanto como un "sistema de normatividad jurídica emanado del poder público"; (ii) el Derecho sólo como norma jurídica, lo que representa la "negación de la existencia, dentro del espacio-tiempo social, de fenómenos investigables bajo el enfoque jurídico, generados por la diferenciación de las relaciones sociales" (Marques Neto 2001: 86).

En este sentido, cabe señalar que el Derecho como ciencia es cuestionado por diversas corrientes críticas, ya que gran parte de su manifestación (especialmente en lo que se refiere a la judicialización) acaba constituyéndose como conocimiento instrumental. Esto se debe a que, en su mayor parte, la cientificidad del Derecho se relaciona con una lógica puramente interna desvinculada de factores externos al sistema jurídico (Cunha Filho 2021).

Sucede que llegados al siglo XX, la ciencia (actitud científica) pasó a ocupar cada vez más espacio y se judicializaron diversas cuestiones que requerían conocimientos científicos muy específicos (aborto, drogas, células madre, inteligencia artificial, etc.). Por esta razón, se solicitó la opinión de especialistas/científicos para ayudar a construir la decisión judicial, con el caso emblemático de Brown vs. Board of Education (1954), juzgado por el Tribunal Supremo de los EE.UU., que utilizó datos de investigaciones sociales y estudios psicológicos para ayudar a construir la resolución judicial que reconoció "los efectos deletéreos que la segregación racial del acceso a las escuelas públicas tiene sobre los niños negros" (Cunha Filho 2021: 6).

Históricamente, el derecho se ha limitado "a los autos" como protección contra el cuestionamiento de las verdades construidas, en la medida en que la decisión judicial es, en última instancia, una imposición de la autoridad judicial. Esto es, por principio, contrario a la actitud científica (McIntyre 2019), que se basa en verdades que son infinitamente cuestionadas, reevaluadas, refutadas, etc. Por ello, cabe destacar que el Derecho ha comenzado a incorporar conocimientos de otras áreas a su práctica, con el objetivo de mejorar las decisiones judiciales.

En el área penal, los estudios criminalísticos ayudan a comprender el caso y a reconstruir la historia de las dinámicas que tuvieron lugar, proporcionando a los sujetos procesales información para que luego puedan construir sus argumentos. Sin embargo, aquí es necesario considerar la tensión entre el saber jurídico y el saber científico, en la medida en que diversos conceptos científicos (y de otros campos del saber) se insertan en las normas y deben orientar al magistrado al momento de tomar una decisión, como en el caso de la peligrosidad, la capacidad de comprensión del carácter ilícito de una conducta, etc.

La pericia se inscribe precisamente en el ámbito de la cientificidad (actitud científica) para aportar elementos al poder judicial y ayudar a la toma de decisiones. Según las normas de procedimiento, el magistrado no está obligado a utilizar todos los elementos del informe pericial y puede incluso ir en contra de las conclusiones, apoyándose en otros elementos (artículo 182 del Código de Procedimiento Penal). Por esta razón, el laudo pericial forma parte del expediente como "prueba documental" y las partes (acusación y defensa) pueden formular preguntas a las que deberán responder los peritos durante la realización de la pericia.

En efecto, el peritaje antropológico fue ampliamente utilizado en casos de conflictos fundiarios y tenía como objetivo principal establecer características más generales sobre una determinada comunidad indígena, por ejemplo, el acceso al espacio de circulación, la tradicionalidad, etc. De hecho, João Pacheco de Oliveira se interroga: "¿Puede el antropólogo establecer con precisión, ante un determinado grupo étnico, qué territorio le corresponde? Son preguntas muy complejas desde el punto de vista antropológico, pero para las cuales jueces, fiscales y abogados esperan respuestas precisas" (Oliveira Filho 2002: 257-258).

Y es precisamente en este punto donde se revela el conflicto metodológico, ya que el trabajo antropológico presupone la relativización de las verdades establecidas (actitud científica) y el trabajo jurídico se reproduce a partir de las verdades establecidas (actitud no científica), revelando parte de los obstáculos para el diálogo entre estos campos (Lima & Baptista 2014).

Así, al desafiar el campo jurídico, la pericia antropológica en casos penales que involucran a indígenas puede convertirse en un instrumento a través del cual el magistrado profundice en circunstancias del caso que la posición de poder típicamente reconocida no permite formalmente. La práctica jurídica está aún permeada por ritos que sobredimensionan el formalismo en detrimento del conocimiento directo del caso, fruto de una imaginaria "neutralidad".

Sucede que las instituciones (y el poder judicial, por tanto) tienen reglas que limitan su ejercicio concreto que antes no existían, por lo que es posible pensar que la justicia del siglo XXI pueda quitarse las vendas de los ojos, mirar, sentir, escuchar, sin perder la cualidad imparcial de la labor de juzgar (y no del sujeto juzgador). El conocimiento antropológico, que en forma de peritaje aporta información más compleja y percepciones etnográficas al expediente, puede servir para proporcionar una comprensión más amplia, que tienda a ser más justa, para que el servidor de la justicia pueda llevar a cabo su labor.

CONSIDERACIONES FINALES

La construcción del conocimiento científico se guía por la premisa de la superación de verdades, mientras que el saber jurídico se basa principalmente en un conocimiento instrumental orientado a la certeza permanente. Esta tensión podría ser naturalmente irreconciliable si no fuera por la constatación de que, además de ser saberes diferentes, ambos campos tienen funciones distintas y eventualmente complementarias.

Ante un hecho delictivo, el sistema de justicia establece límites normativos a la actuación de los actores con el fin de crear un espacio de reconstrucción del caso que permita un juicio justo. En el caso de los conflictos penales que involucran a pueblos indígenas, existe un componente crítico, en la medida en que la tendencia etnocéntrica de la actuación de los actores jurídicos no indígenas aumenta la brecha que ya existe entre el conocimiento jurídico formal y estas comunidades tradicionales. Recordemos que esta distancia no se refiere a un esencialismo: los propios indígenas oscilan entre las prácticas jurídicas tradicionales, provenientes de su ancestralidad, y las prácticas estatales.

En tal contexto, este artículo ha intentado presentar un caso penal a partir de dos ópticas diferentes que observan el mismo fenómeno. Por un lado, la narrativa construida oficialmente a partir de aspectos legales, normalmente basada en una lógica del convencimiento (argumento de autoridad) con muchos elementos circunstanciales y pocas pruebas empíricas. Por otro lado, el conocimiento antropológico, que entra en la comprensión del caso a través del trabajo de campo, vivenciando el campo empírico y produciendo información complementaria para ser vista por los demás actores jurídicos. De hecho, es aquí donde reside la relevancia y la fuerza analítica de la perspectiva antropológica, especialmente, su capacidad de diálogo y de mediación cualificada, cuando el caso presentado es un caso de choque intercultural, en el que el sistema de justicia del Estado y el de los Terena tienen comprensiones diferentes en todas las fases del proceso: en las actitudes culturalmente específicas adoptadas ante la enfermedad del niño (quemaduras por cuajo dado vuelta), en las prácticas curativas empleadas (rituales de bendición/protección por quemaduras), en el proceso de investigación, acusación y condena, y en la reacción ante las condenas. En realidad, se trata de diferentes posiciones en un claro conflicto marcado por el choque intercultural, en el que inicialmente se produjo la detención y la antropología aportó a la resolución judicial para la posterior liberación de los indígenas acusados.

Queda establecida, así, la relevante contribución de la antropología, en especial de la pericia antropológica, para la comprensión de los casos penales que involucran a pueblos indígenas, en consonancia con lo dispuesto por la Res. CNJ Nº 287/2019. Desplegando la norma programática de la Constitución Federal (art. 231), la resolución en cuestión crea parámetros de validez para el campo jurídico del conocimiento antropológico como vía de escape/complemento para comprender el fenómeno concreto investigado, a saber, la capacidad de incluir el conocimiento tradicional (a través del trabajo de campo) y el conocimiento jurídico en el mismo campo de investigación.

Si bien la propuesta de esta reflexión aún permite desarrollar una serie de nuevos lineamientos de investigación, ha servido para resaltar la contribución del conocimiento antropológico a la promoción de la justicia en el ámbito penal en conflictos que involucran a pueblos indígenas.

Translated by Federico Lavezzo
Received: February 27, 2024.
Accepted: May 2, 2024.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

Justicia(s) en perspectiva: reflexiones sobre la elaboración de laudos antropológicos en causas penales

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Resumen:

Este artículo reflexiona sobre los problemas que rodean el encarcelamiento estatal de indígenas y la importancia de la producción de un laudo antropológico criminal en el contexto del sistema de Justicia Penal brasileña. El recorte escogido como base para estas reflexiones surge de la experiencia de campo de ambos investigadores con grupos Kaingang del sur de Brasil. En la primera parte, establecemos cómo los procesos coloniales, que aún están presentes tanto en el texto de la ley como en términos de la efectivización de los derechos indígenas, impactan en la vida de los indígenas kaingang que están siendo procesados o que ya están encarcelados. En la segunda parte, presentamos tres casos diferentes en los que la dirección del rito procesal causó diversas formas de violencia en la vida de estos indígenas y de sus familiares.

Palabras clave: Pluralismo jurídico; Antropología del Derecho; Laudo antropológico; Kaingang; Delito.

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e01004
https://doi.org/10.1590/1809-4341.2025v22e01004

Justice(s) in Perspective: Reflections on the Development of Anthropological Reports in Criminal Cases

Abstract:

This article reflects on the issues surrounding the incarceration of Indigenous people and on the importance of producing the criminal anthropological report within the context of the Brazilian Criminal Justice System. The focus chosen to ground these reflections arises from the fieldwork experience of both researchers with Kaingang groups in southern Brazil. In the first part, we establish how colonial processes, still present both in the text of the law and in the implementation of Indigenous rights, affect the lives of those Kaingang individuals who are facing legal proceedings or are already incarcerated. In the second part, we present three distinct cases in which the conduct of the procedural ritual caused various forms of violence in the lives of those Indigenous people and their relatives.

Keywords: Legal Pluralism; Anthropology of Law; Anthropological Report; Kaingang; Crime.

Justiça(s) em perspectiva: reflexões sobre a produção de laudos antropológicos em processos criminais

Resumo:

Este artigo reflete sobre as problemáticas que orbitam o encarceramento estatal de pessoas indígenas e sobre a importância da produção do laudo antropológico criminal no contexto do Sistema de Justiça Criminal brasileiro. O recorte escolhido para embasar as reflexões surge a partir da experiência de campo de ambos os pesquisadores com grupos Kaingang do sul do Brasil. Na primeira parte, estabelecemos como os processos coloniais, ainda presentes tanto no texto da lei quanto no que se refere a efetivação de direitos indígenas, impactam a vida daqueles indígenas kaingang que respondem processos ou já estão encarcerados. Na segunda parte apresentamos três casos distintos em que a condução do rito processual causou diversas violências na vida daqueles indígenas e de seus parentes.

Palavras-chave: pluralismo jurídico; antropologia do Direito; laudo antropológico; Kaingang; crime.

INTRODUCCIÓN

La reflexión propuesta en este artículo surge de inquietudes de campo de los investigadores, a partir de experiencias que tienen en cuenta el trabajo profesional de la antropología en la producción de laudos antropológicos, específicamente los producidos en el contexto del Sistema de Justicia Penal (SJC, por su sigla en portugués). Inicialmente, es importante distinguir entre laudos producidos en el contexto penal y los elaborados en el marco de la concesión de licencias ambientales o de regularización territorial. Son universos de actuación diversos. Los estudios ambientales o fundiarios tienden a centrarse en las dimensiones colectivas del derecho, algo que no es necesariamente cierto cuando se trata de la esfera penal. Para establecer una base de reflexión, partiremos de casos penales en los que la persona investigada, acusada o condenada, es indígena, específicamente de la etnia Kaingang. El recorte es fruto de la experiencia, es decir, surge de una reflexión sobre el trabajo de uno de los autores como penalista experto en antropología y la otra como antropólogo en estudios ambientales y fundiarios. Este artículo es un debate que hace converger posibilidades de reflexión sobre el hacer profesional antropológico en un contexto singular.

La relevancia de esta sección específica se debe a la historia de conflictos políticos entre grupos kaingang y agentes estatales. La mayoría de estos conflictos están relacionados con cuestiones territoriales. Al fin y al cabo, la desterritorialización forzosa de estas poblaciones forma parte de la historia del sur de Brasil. No por casualidad la región central del estado de Paraná fue considerada durante mucho tiempo por los historiadores como un vacío demográfico (Mota 2008: 17), una tierra a ser colonizada. Venciendo la superficialidad de la historiografía oficial, advertimos que la presencia indígena forma parte de todos los momentos de la historia.

Como en otras partes de Brasil, en Paraná el siglo XIX puede definirse como un siglo de "Catequesis y Civilización" (Chagas Lima 1842), marcado por masacres, conflictos y reducciones de los indígenas en aldeas. La violencia de este encuentro colonial está ampliamente registrada en la documentación oficial y extraoficial (Amoroso 1998; Mota 2008; Moreira Neto 1971). A principios del siglo XX, se implementó una política de demarcación de tierras para los kaingang en todo el sur de Brasil. Entre 1900 y 1918, hubo dieciséis demarcaciones de tierras, siete en Paraná y nueve en Rio Grande do Sul.

Es importante destacar tres puntos sobre los procesos de demarcación de tierras para los indígenas en el sur de Brasil. En primer lugar, los gobiernos estatales demarcaron tierras para los indígenas en nombre de sus caciques, vinculando tierra y política, tierra y poder de

mando.[1] En segundo lugar, las tierras demarcadas para los indígenas a principios del siglo XX fueron expropiadas por el propio Estado, que durante la década de 1940 (gobiernos de Getúlio Vargas y Moysés Lupion) redujo drásticamente estas áreas, concentrando la población y liberando nuevas áreas para la colonización.[2] En tercer lugar, con la concentración de indígenas, los recursos de sus tierras pasaron a ser explotados por el propio Servicio de Protección al Indio (SPI), que instaló aserraderos, haciendas ganaderas y granjas colectivas. La expropiación territorial, acompañada de marginación socioeconómica y cultural, fue y es terreno fértil para la violencia simbólica y concreta, intra e interétnica.

En este artículo, los tres casos que analizamos tuvieron lugar en la última década.[3] Por lo tanto, no es razonable basar todo el análisis en argumentos históricos. Hay aspectos contemporáneos que deben tenerse en cuenta, sea en cuanto a la aplicación de la ley, el concepto de delito y castigo, sea en el plano del diálogo o la falta de diálogo intercultural que suscita cada caso. En el primer caso, analizamos el asesinato de un hombre blanco por una mujer Kaingang, que en aquel momento vivía en situación de calle en Curitiba, capital del estado de Paraná, pero originaria de la Tierra Indígena (TI) Ivaí. El segundo caso fue la presunta violación de una persona vulnerable atribuida a un hombre Kaingang, delito que habría tenido lugar en el contexto social de la Tierra Indígena Ivaí, caso que judicializa a la pareja, al hombre como presunto autor, y a su compañera como presunta víctima. El último caso –al igual que el segundo– trata de una acusación de violación a una persona vulnerable. Lo que difiere en este último es la sentencia dictada y el hecho de que el acusado ya está en prisión, a diferencia de los dos primeros casos que aún no han sido definidos por el Poder Judicial.

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1 Ejemplos de decretos del gobierno del estado de Paraná: Decreto nº 8, de 09/09/1901: "Las tierras vacantes comprendidas entre el río Peixe o Ubásinho, desde su cabecera hasta su desembocadura en el río Ivahy, este río hasta la desembocadura del arroyo Jacaré, éste hasta su cabecera y la cumbre de la sierra de Apucarana, en el municipio de Guarapuava, quedan reservadas para el establecimiento de indios de la tribu de los Coroados, bajo el mando de Paulino Arak-xó y Pedro dos Santos y otras tribus".
Decreto nº 64, de 02/03/1903: "Se reservan para el establecimiento de tribus indígenas las tierras ocupadas por los cabildas del cacique Cretãn con los siguientes límites". Decreto nº 7, de 18 de junio de 1902: "Se reserva para el establecimiento de la tribu de indígenas Coroados al mando del cacique Vaincrê, un área de tierra dentro de los siguientes límites, salvo derechos de terceros: desde el río Chapecó, por el camino que se dirige al sur, hasta el paso del río Chapecozinho, y a lo largo de estos dos ríos hasta donde hacen barra."

2 "En la década de 1940, la reducción de las áreas indígenas formaba parte de la política estatal y federal. En 1945, mediante el Decreto 7.692, el gobierno del presidente Getúlio Vargas inició un drástico proceso de reducción de las áreas reservadas a los kaingang en la cuenca del Tibagi. La reserva de São Jerônimo fue reducida de 34.000 hectáreas a 5.000 hectáreas, siendo dividida en dos áreas separadas, la actual Tierra Indígena de São Jerônimo y la Tierra Indígena de Barão de Antonina. En 1949, el gobierno del estado de Moysés Lupion firmó un acuerdo con el gobierno federal con el objetivo de regularizar todas las áreas indígenas de Paraná. La antropóloga Kimiye Tommasino (et al., 2002) demuestra que, con el argumento de la necesidad de disponibilizar tierras para colonización, los indios perdieron en promedio el 90% de sus tierras. El área de Apucarana pasó de 54.000 a 6.300 hectáreas y el área de Queimadas pasó de 26.000 a 1.700 ha (posteriormente ampliada a las 3.771 has. actuales)" (Fernandes & Góes, 2022:56).

3 Además de los casos que se presentan aquí, también se analizarán entrevistas y actividades realizadas por el Poder Ejecutivo en las que el foco ha sido la situación penal de indígenas en el estado de Paraná. Se destaca para esta reflexión la audiencia pública titulada Situación Carcelaria de los Indígenas en Paraná, en la cual los investigadores que estudian el tema abrieron el encuentro, explicando el contexto de la investigación que enumera los problemas involucrados en la descaracterización étnica que sufren los indígenas cuando son encarcelados en las prisiones estaduales.

Sin embargo, es necesario comentar brevemente dos conceptos fundamentales: la práctica forense y la antropología aplicada al proceso penal. El término forense hace referencia a aquellos conocimientos o técnicas que se emplean en un contexto jurídico en favor de una actividad judicial. La antropología aplicada a casos penales, por su parte, se utiliza como área de investigación de actividades singulares relacionadas con grupos étnicamente identificados. En este artículo, la antropología aplicada al proceso penal no debe confundirse con la antropología forense instalada en diversas unidades de policía científica, encargadas de analizar material biológico de origen humano y otros estudios técnicos al servicio de la investigación criminal. Estos estudios son radicalmente diferentes de la práctica de la antropología social en el contexto del análisis de procesos penales que involucran a indígenas, que a su vez se dedica a mediar en los conflictos entre el poder judicial y las comunidades tradicionales en el ámbito penal.

EL LAUDO ANTROPOLÓGICO COMO PIEZA DE VISIBILIDAD Y DERECHOS EXCLUSIVOS

Dentro de un panorama histórico del hacer antropológico en contextos de producción científica para el poder judicial, se destaca el papel fundamental de la Asociación Brasileña de Antropología (ABA) en lo referente al posicionamiento y reivindicación de varias generaciones de antropólogos para legitimar la mediación entre la justicia indígena y la justicia de los *fóg* (término kaingang para designar a los no-indígenas). En ese sentido, ya en la década de 1980, Silvio Coelho dos Santos organizó un simposio temático titulado "El indio frente al Derecho" y, como resultado de la iniciativa, se publicó un volumen con los debates producidos. Algunos de los puntos más destacados fueron el cuestionamiento de la figura y la definición de tutela, impuesta por las normas coloniales; la crítica al papel de los órganos ejecutores de la política indigenista oficial; observaciones sobre los impactos de la construcción de represas en términos de los derechos de los pueblos indígenas como colectivo; así como la demarcación de una posición contraria a la política expansionista que veía en los territorios indígenas una frontera de riquezas (Santos 1980).

Los debates en torno a la efectivización de los derechos indígenas volvieron a ocupar un lugar central durante el período constitucional. En la Reunión Brasileña de Antropología (RBA) de 1986, celebrada en Curitiba, se destacó la necesidad de afirmar los derechos exclusivos de los indígenas, que tuvo su reverberación más tarde, cuando en 1988 se promulgó la Constitución (Corrêa 2003: 56-57).

Hasta la década de 1990, el debate en torno a la producción antropológica en el poder judicial brasileño estuvo pautodo en una perspectiva de derechos indígenas colectivos. Aunque tuvimos algunos hitos importantes, como la renovación de convenios con órganos judiciales (como fue el caso de la Procuraduría General de la República). La pericia de carácter antropológico se enfocaba en un panorama de derechos como pueblos, es decir, en tanto colectivos de personas, en detrimento de la posibilidad de considerar la justicia indígena como legítima frente al Estado (ABA 2015).

Creemos que no existe oposición entre la defensa de los derechos colectivos y el reconocimiento de los sistemas de justicia indígena. Sin embargo, esta investigación busca privilegiar la posibilidad de pensar y reconocer la no universalidad de la justicia como concepto estático. Por lo tanto, si los enfoques y producciones científicas dentro de la antropología valoran mínimamente la posibilidad de la existencia de la justicia en los moldes del Otro, es necesario que el debate en torno a los derechos indígenas no se restrinja únicamente al carácter colectivo del reconocimiento de derechos. Históricamente, esto no ha sido considerado dentro de un amplio debate nacional.

Todavía en el panorama de la acción política de los antropólogos en lo que se refiere a la producción de laudos antropológicos, dos documentos son piedras angulares para entender cómo se estableció el debate en torno a la pericia antropológica. Cronológicamente, la Carta de Pontas das Canas, documento elaborado a principios de la década de 2000, especializó el debate y postuló algunas directrices relevantes, que serían apreciadas años más tarde. Fue en este documento donde se hizo evidente la tensión entre antropología y derecho, dejando al descubierto algunos factores asimétricos que era necesario desarrollar. Por ejemplo, cuando se redactó la Carta fue que surgió el debate sobre la definición técnica de "laudo" desde una perspectiva antropológica de producción de conocimiento, y si este documento debía diferenciarse de la producción de materiales de investigación (como artículos y trabajos académicos en general). Por lo tanto, fue a partir de este debate que surgió la noción de laudo como un producto de investigación que debe ser analizado en el ámbito jurídico (Leite 2005). También en este contexto, la ABA firmó en 2001 un Convenio de Cooperación Técnica con el Ministerio Público fiscal, en virtud del cual la Asociación de Antropología propondría a la fiscalía a profesionales de la antropología que siguieran y estuvieran de acuerdo con los preceptos defendidos en su código de ética

Años más tarde, en 2015, el Protocolo de Brasilia actualizó las intenciones de la Carta de Ponta das Canas, aunque una vez más no hubo una posición clara sobre el trabajo antropológico en la esfera penal. Si se consideran los fenómenos de borrado étnico y la interacción entre los diferentes sistemas de justicia (indígena y estatal), se vislumbra una dimensión separada de la producción de laudos antropológicos en el ámbito penal. Aún así, el protocolo enfatiza la creciente preocupación por el uso y descalificación del trabajo antropológico en casos que deslegitiman o incluso persiguen a los antropólogos, en favor de intereses políticos y territoriales.

A favor de una perspectiva de justicia que tenga en cuenta el pluralismo jurídico, los laudos antropológicos son herramientas con un potencial único cuando consideramos perspectivas penales diferenciadas. En Brasil, los marcos normativos que mencionan la necesidad de este tipo de dispositivo son, ambas, Resoluciones del Consejo Nacional de Justicia (CNJ). La Resolución 287/2019[4] y la Resolución 454/2022[5] del CNJ son disposiciones relativamente recientes,

4 Esta resolución establece procedimientos para el tratamiento de los indígenas imputados, procesados, condenados o privados de su libertad, y da pautas para garantizar los derechos de esta población en el ámbito penal del Poder Judicial.

5 Establece directrices y procedimientos para garantizar el derecho de acceso al poder judicial de los indígenas.

todavía poco utilizadas en las decisiones del Poder Judicial (Brasil 2019; 2022). Aunque estas Resoluciones asuman los principios de autoidentificación, interculturalidad, territorialidad, autodeterminación y prohibición del régimen de tutela, las decisiones, en los casos estudiados, van en la dirección opuesta, ignorando o negando la especificidad de la condición indígena. Son muchas las razones que explican la escasa utilización de estas resoluciones. Podemos considerar desde la formación de los operadores del derecho hasta sus inclinaciones políticas o sus convicciones morales. Objetivamente, puede afirmarse que, en Brasil, la situación carcelaria de los indígenas es un tema todavía poco conocido por el público en general, por los investigadores, así como por los profesionales del derecho, los agentes de la policía y los del sistema penitenciario. Los datos son inexactos y, por lo general, están distorsionados.

A finales de 2021, todavía durante el periodo de pandemia, se celebró una audiencia pública sobre la Situación Carcelaria de los Indígenas en Paraná.[6] La audiencia fue una respuesta de la Comisión de Derechos Humanos y Ciudadanía de la Asamblea Legislativa de Paraná a una carta de denuncia que describía las diversas violaciones de derechos humanos sufridas por indígenas encarcelados en prisiones estatales. La más común de estas violaciones: el borrado de la identidad étnica del sistema oficial de datos del Departamento Penitenciario Nacional (Depen).

En 2020, la Depen publicó una nota técnica como resultado de relevamiento interno que contabilizaba el número de indígenas encarcelados en todo el país. Según el documento, no había ningún indígena preso en Paraná (Brasil, 2020). Sin embargo, sabíamos que eso no era verdad, pues ya habíamos identificado al menos un indígena en esa condición. La información provenía de un Kaingang que en aquel momento cursaba un doctorado en Antropología en la UFPR y sabía, a través de familiares, que un joven indígena había sido detenido inicialmente en la aldea y posteriormente llevado al sistema penitenciario estatal, como ellos dicen, la cárcel de los *fóg*. En aquel momento, los familiares no sabían dónde, ni en qué condiciones, estaba detenido el joven. A pesar del sufrimiento y de la búsqueda de sus familiares, los datos oficiales no lo identificaban como indígena.

El fenómeno del borramiento étnico tiene varios orígenes. Ciertamente la falta de preparación de los operadores; podríamos decir que la cultura institucional del sistema penitenciario no está preparada para ver la condición indígena como una cuestión relevante, especialmente en el sur de Brasil. Pero también hay razones técnicas que contribuyen al borramiento étnico. En los casos estudiados, identificamos errores en la cumplimentación del formulario de perfil de las personas presas. Se observó que el campo de autodeclaración, donde debía constar "indígena", seguido de la etnia y la lengua hablada, era rellenado por los funcionarios de prisiones como "pardo". En el sistema de datos, la categoría "indígena" se convertía en "pardo": datos distorsionados, realidad borrada, identidad anulada. En otras palabras, en el formulario Depen, la condición de indígena se convirtió en color de piel.

6 La audiencia puede consultarse em: https://www.youtube.com/watch?v=kB_XVcz6jls.

La distorsión de datos es, de hecho, un problema generalizado. Es curioso, o más bien lamentable, que meses antes de la audiencia pública en la Asamblea Legislativa, el Sistema de Ejecución Unificada (SEEU, por sus iniciales en portugués)[7] contabilizara sólo siete personas que se autodeclaraban indígenas en las cárceles del Estado. Ese número aumentó a cuarenta y ocho en los días siguientes a la audiencia.

Este proceso de invisibilización y borrado étnico en las prisiones fue observado por Baines (2015). Los casos analizados por el investigador tuvieron lugar en Roraima y muestran similitudes muy claras con los casos paranaenses, aunque en el contexto presentado por Baines, la región fronteriza tiene una influencia directa en el tipo penal atribuido a los indígenas allí encarcelados.

Tal vez la dificultad más evidente en cualquier investigación sobre información penitenciaria, especialmente una que involucre a indígenas, sea la recolección de los datos. Los contextos varían, pero el procesamiento de datos en relación con el perfil de las personas en prisión se realiza mediante un formulario de identificación rellenado por el responsable de la unidad penitenciaria. Este proceso es defectuoso, en la medida en que el formulario es una recopilación de toda la información contenida en el sistema de información disponible in situ. En consecuencia, información incorrecta e inexacta pasa de los registros a los formularios sin ser verificada. El sistema de información presenta los datos basándose en cómo los registró el agente de policía o el operador judicial cuando investigó a la persona en cuestión, o cuando fue detenida. No es infrecuente que la visión del mundo del agente tenga más peso que la palabra de la persona cuando se trata de afirmar su identificación étnica (Faria 2021; Baines 2015; Kamaroski 2022).

En los casos analizados durante la investigación, quedó claro que los registros de la policía civil tenían poca o ninguna repercusión cuando se tenía en cuenta el factor de la identidad étnica. No pocas veces aparecia información sobre la etnia, aunque no cambiara nada en el desarrollo procesal.

Muchos indígenas que viven o están de paso por las grandes ciudades sufren con mayor dureza la negación de sus derechos porque se les considera integrados en la sociedad. De hecho, un argumento recurrente entre los operadoras y operadores del derecho es que el uso del concepto de integrado es habitual en el ámbito del derecho. Este argumento encuentra resonancia en los términos de la Ley 6001/73, el Estatuto del Indio. En el primer artículo de la ley, encontramos su objeto, descrito de la siguiente manera: "La presente Ley regula la situación jurídica de los indios o silvícolas y de las comunidades indígenas, con el propósito de preservar su cultura e integrarlos, progresiva y armónicamente, a la comunidad nacional" (Brasil 1973). En todos los casos analizados, términos como "silvícola", "integrado", "asimilado" o "salvaje" aparecen en el cuerpo del texto procesal. Incluso con el derecho a la diferencia garantizado en los artículos 231 y 232 de la Constitución Federal de 1988 (Brasil 1988), los conceptos de grados de integración aparecen en los diversos casos analizados. El

7 Es un sistema de información que sirve de herramienta para centralizar y normalizar la gestión de los procedimientos de ejecución penal en todo el país.

artículo 4º del Estatuto del Indio establece diferentes grados de integración de los indígenas en la sociedad nacional: aislados; en proceso de integración; e integrados.[8]

La ley integracionista de 1973, que expresa la lógica colonial de tutela que considera al indígena incapaz ante la ley, pervive en diversos discursos y decisiones del Poder Judicial brasileño. El reciente caso de un indígena condenado en 2022 por feminicidio en la Tierra Indígena Apucaraninha, en el centro-leste de Paraná, mostró cómo la lógica asimilacionista sigue presente a pesar de los avances políticos en la agenda indígena. En aquella ocasión, el juez negó al indígena guaraní el derecho a un laudo antropológico penal, con el argumento de que ya no era un indígena, puesto que conducía una motocicleta y utilizaba un teléfono móvil. Dentro del rito procesal, el juez suele ser quien tiene la potestad de definir quién es o no indígena. Como muestra la sentencia, esta actuación forma parte del poder que se ejerce dentro de los tribunales. Sin embargo, los datos de campo han demostrado que la falta de preparación de los agentes en los distintos niveles y momentos del proceso refuerza el hecho de que el reconocimiento étnico por parte del Poder Judicial es una distorsión más, esta vez vinculada a la cosmovisión de estos agentes estatales de la primera hora.

La barrera para la autoidentificación radica necesariamente en el poder político que ejercen los operadores y operadoras del derecho dentro del contexto penal. Sin la sensibilidad y capacitación para comprender la interculturalidad y los impactos reales de las violaciones a los derechos humanos indígenas, los operadores y operadoras del derecho se enfrentan a una situación límite, cuando el factor lingüístico entra en la ecuación. De hecho, la imposibilidad de comunicarse fue recurrente en los casos analizados. La falta de intérpretes en la etapa de investigación policial dio lugar a una serie de informaciones paradójicas que entorpecieron el proceso y la defensa en todos los casos analizados. En el caso más grave, el nombre de una mujer Kaingang detenida en Curitiba fue inventado por el personal sanitario. En el proceso penal, el nombre inventado fue sustituido por su nombre real.[9] En los meses siguientes a la liberación de la mujer, ella y sus familiares no pudieron acceder a los programas de asistencia social del gobierno porque el nombre que figuraba en el expediente del caso no coincidía con los datos de las bases de datos del Estado. Hubo sospechas de falsedad ideológica. Esta serie de equívocos sólo se reveló cuando fue designado un intérprete de lengua kaingang para actuar en el proceso penal.

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8 "Art. 4º - Los indios se consideran: I - Aislados - Cuando viven en grupos desconocidos o de los que se tiene poca o vaga información a través de contactos ocasionales con miembros de la comunidad nacional; II - En vías de integración - Cuando, en contacto intermitente o permanente con grupos extraños, conservan algunas o la mayoría de las condiciones de su vida autóctona, pero aceptan algunas prácticas y formas de existencia comunes a otros sectores de la comunidad nacional, de la que necesitan cada vez más para su propio sustento; III - Integrados - Cuando son incorporados a la comunidad nacional y se les reconoce el pleno ejercicio de sus derechos civiles, aunque conserven usos, costumbres y tradiciones característicos de su cultura" (Brasil, 1973).

9 A pesar de que el laudo antropológico planteaba el problema del nombre incorrecto, indicando posibles embrollos futuros con la justicia, el contenido del laudo fue ignorado por la autoridad procesal del caso, que decidió continuar con el procedimiento.

En este caso, la designación sólo tuvo lugar después de que el defensor público asignado al caso no consiguiera comunicarse con la mujer encarcelada. Parece impensable, pero los representantes del Ministerio Público y del tribunal que llevaron a cabo la audiencia de custodia del caso no señalaron ningún problema de comunicación. El vídeo de esta audiencia está disponible en el expediente del juicio. Durante toda la audiencia, la mujer kaingang permaneció en silencio y se negó a responder. Al final, se generó un documento en el que se informaba lo sucedido durante la sesión. Nada consta sobre las dificultades de comunicación. Con la demanda de la Defensoría Pública, que exigió un intérprete, este caso empezó a resolverse. Todos estos problemas podrían haberse evitado si los intérpretes de lenguas indígenas hubieran estado presentes desde las primeras etapas del proceso penal. Como una forma de mitigar el problema, los tribunales del país cuentan con sistemas de información para el registro de intérpretes interesados en ser nombrados y actuar en los casos. Se trata de una iniciativa positiva, pero no parece funcionar porque en algunos estados se exige a los intérpretes un diploma que acredite sus conocimientos técnicos del idioma. Este requisito está muy alejado de la realidad de los intérpretes y traductores indígenas, cuyo conocimiento de la lengua se transmite a través de sus experiencias vitales y no de conocimientos académicos formales, como exigen los tribunales.

El desconocimiento por parte de los operadores y operadoras judiciales del derecho a la autoidentificación y de las implicancias de los códigos normativos constitucionales, sumado a las imprecisiones técnicas de los registros y a las actitudes de los magistrados para definir la etnicidad de terceros, crean una dificultad ideológica y burocrática en el proceso de reconocimiento de los indígenas. La incomprensión del derecho a la diferencia se revela en dos nociones que aparecen comúnmente en las sentencias. La primera: todos somos iguales ante la ley. La segunda: todos somos el mismo pueblo, parte de una misma unidad e identidad nacional. Dos falacias que ignoran el derecho a la diferencia, pero que se justifican como una producción de verdad vinculada al texto legal.

La manifestación corriente de discursos jurídicos que ignoran el posicionamiento étnico de los considerados diferentes resulta en un lento y penoso proceso de invisibilización. En este contexto, los datos oficiales que describen el perfil carcelario de las personas presas en Brasil son inútiles, toda vez que no reflejan la realidad. Como consecuencia directa, las políticas públicas y las acciones para mitigar el racismo en el Poder Judicial acaban convirtiéndose en algo puntual. Después de todo, ¿cómo fundar un plan de acción eficaz sin la posibilidad de dimensionar el tamaño real del problema? Antes de proyectar una posible solución en relación a los datos, es necesario reconocer la falta de preparación de los agentes en el trato directo con los grupos étnicamente identificados, ya que ellos serán los productores de esas verdades jurídicas creadas en los procesos y en los bancos de información oficiales. Al final de este proceso de borrado e invisibilización está la comunidad del condenado, obligada a convivir con el tormento de la ausencia motivada por la desaparición intencional.

EL MONISMO JURÍDICO COMO POLÍTICA DE ACTUACIÓN JUDICIAL

Si bien es cierto que el monismo jurídico permea toda la producción de verdad y la actuación del Sistema de Justicia Penal, es en la defensa de esta política de actuación monista donde se hace evidente un pragmatismo lesivo a los derechos indígenas. Entendemos entonces que el derecho, así como la producción de códigos normativos, es una especie de lenguaje de poder eminentemente estatal. Aunque este lenguaje y su lógica estructurante puedan ser apropiados por entidades, personas y cosas fuera del Estado, es en el Estado donde este lenguaje de poder se torna estructurante.

Hay varias formas de argumentar sobre el poder del Estado-nación como vector único de una nacionalidad, idea central en la lógica colonial eurocéntrica. Aquí hemos optado por seguir a Maybury Lewis, etnólogo con una mirada especial hacia los grupos Jê, que también reflexiona sobre el impacto de Occidente en las minorías, incluidos los grupos indígenas. Para Maybury-Lewis (2018), la Revolución Francesa de 1789 fue uno de los momentos decisivos para la reificación de la lógica existencial de un Estado-nación en la forma racionalizante que conocemos hoy.[10] Los que vivían bajo la égida de una monarquía se convirtieron en ciudadanos bajo un Estado, con la promesa de igualdad, frente a la tiranía de la diferencia. En esta línea, la experiencia revolucionaria francesa, con el fundamento de un pueblo unificado bajo una sola bandera, constantemente amenazado por la reinvención y movilización de grupos étnicamente identificados, se oponía a la valorización étnica que surgió en la unificación de Alemania (Maybury-Lewis 2018). La experiencia alemana se vio frustrada por los diversos conflictos que estallaron en los siglos siguientes, siempre en un contexto de factores de valorización étnica y relaciones de alteridad entre pueblos que ocupaban el mismo territorio. Los desastres causados por los conflictos que siguieron formaron instituciones de defensa de los derechos internacionales desde una perspectiva individual y racionalizante, lo que a su vez reforzó la proposición de que existen pueblos unificados bajo la lógica de un Estado-nación.

La propuesta de un pueblo bajo una nación unificada y una identidad nacional común en un territorio se establece gradualmente en los códigos de derecho en un mundo de posguerra. Al fin y al cabo, existe una supuesta necesidad de garantizar la seguridad jurídica de los territorios conquistados, comprados o expropiados, ya que todos los habitantes de ese Estado-nación estarían sometidos al rigor y a la –supuesta– neutralidad de la ley. Sin el derecho a la diferencia, la reposicionamiento y reconfiguración de tierras, bienes, personas, cosas y riquezas queda en manos de *los dueños del poder*, que lo ejercen de forma de beneficiar a sus intereses. Sin embargo, esta lógica no se limita al texto de la ley. Para garantizar la estabilidad y reproducción del poder político, los pueblos que hasta entonces tenían su territorialidad

10 Es importante señalar que esta supuesta lógica racionalizante es estrictamente ideológica. Si el derecho está presente como lenguaje de poder, definiendo y arbitrando límites entre lo que es o no posible o deseable, es desde esta perspectiva que se define el destino procesal de personas y cosas. Por tanto, las conversaciones informales al margen del expediente procesal tienen un peso significativo en lo que se definirá en la sentencia.

y formas de vida reproducidas en un territorio de uso común, se rodearon de propiedades, ahora privadas; y como la ley es el lenguaje del poder, refleja los deseos y depravaciones de quienes ocupan el poder de mando. La lógica colonial es la lógica de la ley.

Estas consideraciones generales sobre el Estado-nación permiten visualizar el monismo jurídico como la punta de un proceso política e históricamente construido, que entiende la práctica jurídico-estatal como la única productora posible de razón y normatividad (Royo Letelier 2015). Esta posición se observa, de hecho, en el discurso de los agentes estatales involucrados en diversos niveles en el tratamiento del contexto penal, un patrón ya observado en otras investigaciones que también se han ocupado de los problemas que involucran a los indígenas en un contexto de encarcelamiento.

CASO 1: HOMICIDIO "SIMPLE"

Se trata del delito de homicidio "simple",[11] involucrando a la víctima, un hombre blanco de unos treinta años que vivía en condiciones precarias en las calles de Curitiba. La autora del delito, una mujer kaingang de la Tierra Indígena Ivaí, de unos veinte años, pareja de la víctima asesinada, vivía en idénticas condiciones, en las calles. En los primeros días de agosto de 2021, la policía civil respondió a un incidente en la región central de Curitiba, cerca de la estación de autobuses, una zona conocida por albergar a muchas personas en situación de calle. El incidente se refería a la muerte de un hombre que había sido herido con un cuchillo en el torso. Incialmente, una ambulancia acudió al lugar y constató el fallecimiento. Su acompañante, la mujer indígena que motivó la acción, fue trasladada a la comisaría local para prestar declaración. La ausencia de cualquier documento de identificación, junto con dificultades de comunicación y un desacuerdo generalizado, hicieron que fuera puesta en libertad en un primer momento. Más tarde, ese mismo día, la policía obtuvo imágenes de las cámaras de seguridad de un edificio situado frente a la escena del crimen. En las imágenes, disponibles en el expediente del caso, se aprecia una pelea entre ambos. El hombre recoge sus pertenencias y se marcha. Menos de un minuto después, la mujer se dirige hacia donde está tendido el hombre y le asesta un único golpe con un cuchillo. Al principio la herida no inmuta al hombre, que permanece en el rincón donde estaba. Habría muerto de un cuadro hemorrágico que, en términos médicos, se habría considerado leve de haberse buscado ayuda de inmediato; pero como se ignoró el cuadro, el problema progresó rápidamente y ocasionó la muerte.

Basándose en dichas imágenes, la policía detuvo a la indígena y la llevó a la unidad penitenciaria de la policía civil, en el centro de Curitiba. Una vez más, sin manera de comuni-

11 En el entendimiento de que el término "simple" califica un supuesto delito cometido y expresa en los tribunales un determinado acercamiento a la cualidad demarcada en el hecho criminal, se cuestiona aquí, poniéndolo entre comillas, el uso del término "simple", ya que la supuesta simplicidad se ve desbordada por la creciente complejidad de este tipo de casos en el ámbito penal.

carse, se advierte que la comisaria tenía poco conocimiento de la condición de los indígenas en Paraná. Tras horas intentando hablar, la comisaria decidió enviar oficio a la Fundación Nacional del Indio (Funai) para pedir información sobre la mujer, y un técnico, para tradujera la conversación. El expediente del caso muestra que, efectivamente, la Funai fue a la comisaría y recabó información, pero no proporcionó traductores. De hecho, no hay intérpretes ni traductores de lenguas indígenas en la plantilla de su agencia en Curitiba. En este sentido, este organismo actuó más como agente contextualizador del Poder Judicial que como puente de comunicación y entendimiento mutuo, ya que la mujer continuó sin ser comprendida en momentos posteriores del proceso.

En este punto es posible notar la primera discrepancia en los autos, fue explicada posteriormente, tras la designación de un intérprete indígena. El documento adjuntado al expediente por la Funai indica que el nombre de la mujer indígena, según el Registro Administrativo de Nacimiento Indígena (Rani), es completamente diferente del nombre que aparece en los documentos de la fase del sumario policial. Este hecho fue ignorado durante todo el proceso, lo que posteriormente imposibilitó a la mujer exigir su ingreso a programas gubernamentales de asistencia social.

Durante una entrevista con la indígena, cuando ya estaba en libertad provisional (¡llevaba una tobillera electrónica dentro de la aldea!), la mujer dijo que la situación del nombre se debía a que nadie entendía lo que ella decía. Intentó varias veces comunicarse y, en un momento de desesperación, empezó a gritar en kaingang para pedir ayuda, pero no pasó nada. De hecho, durante el proceso se ofició al instituto de criminalística para que investigara la salud mental de la mujer debido a los episodios de brote, ya que había dado muestras de "inestabilidad", modo en el que se tradujeron en el expediente las peticiones de ayuda en lengua kaingang. El informe psiquiátrico, elaborado sin ayuda de un intérprete ni de un profesional con el más mínimo conocimiento o sensibilidad hacia la condición indígena, afirmaba que tendría problemas mentales como consecuencia de un consumo prolongado y excesivo de bebidas alcohólicas. Este informe psiquiátrico fue invalidado luego de que el laudo antropológico elaborado señalara las inconsistencias e imposibilidad de realizar una entrevista de tal complejidad sin la presencia de un intérprete. Siguiendo con el tema de su nombre, la mujer indígena comentó que durante la campaña de vacunación contra el COVID-19, la Fundación de Acción Social (FAS) de Curitiba estaba llevando a cabo un plan de acción para priorizar la vacunación de las personas sin hogar. Ella fue vacunada en este contexto. Como no tenía ningún documento a mano, cuando los agentes de la FAS estaban rellenando los formularios con su nombre, buscaron en *Facebook* el perfil de la mujer. Ella, que nunca había tenido una red social, fue identificada en el papel de vacunación con el primer nombre que apareció en el buscador de esta red. Ante la falta de documentación, ella empezó a utilizar esa cartilla de vacunación como documento y, en el momento de su detención, la policía civil utilizó ese nombre para identificar a la indígena.

Todo el desarrollo del proceso penal revela una doble invisibilización, condición problemática que persigue a las mujeres indígenas en este contexto penal (Guajajara 2020). La primera invisibilización ocurre por ser indígena, y la segunda, por ser mujer. En los videos anexos al expediente, se puede observar el momento en que un policía, que está fuera del alcance de la cámara, habla por teléfono y dice: "Para mí no es indígena, se acaba de identificar. Va al Quinto, ¿no?". Por lo tanto, creemos que hay una tercera capa en este proceso de invisibilización: la desterritorialización.

Por desterritorialización queremos indicar que existe una íntima relación con los procesos históricos de presión de la política colonial para la desocupación de territorios tradicionalmente ocupados. No podemos ignorar el hecho de que el propio Estado haya reducido la Tierra Indígena Ivaí en un 80% del área originalmente demarcada. De hecho, en 1901, el gobierno estadual demarcó aproximadamente 36 mil hectáreas, que se redujeron a poco más de 7 mil en 1949. En 2022, la investigación de campo que sirvió de base al laudo antropológico en este caso demostró que la presión contínua de las propiedades privadas de grandes productores sobre la Tierra Indígena Ivaí está en la base de un proceso de estratificación social de la comunidad. La TI, rodeada de propiedades privadas que han abusado de sus recursos hídricos, haciendo que la pesca ya no sea viable como lo era en el pasado, también es asolada por un racismo latente que victimiza a los hombres y mujeres Kaingang de la región. El día que comenzó la investigación de campo en Ivaí, después del nombramiento como perito antropólogo para el caso, las actividades de la comunidad estaban paralizadas, con la escuela y el centro de salud cerrados debido al velatorio de un miembro de la comunidad que había sido asesinado durante una paliza en el municipio limítrofe con el TI. Dos semanas antes, se había encontrado el cadáver de otro indígena kaingang en una plantación dentro de la IT, con signos de violencia física. Como resultado, tenemos un escenario violento de conflicto, que no afecta a la percepción de los agentes judiciales del foro en la región, para quienes hay paz en relación a los conflictos locales ya que, dicen, "en el pasado era peor".[12]

En el caso de la mujer kaingang que asesinó a su pareja, ella justificó haberse marchado del territorio alegando la falta de oportunidades de mejorar la vida de los indígenas de la región. Esto probablemente sea el reflejo de siglos de intentos de las potencias coloniales por apoderarse de la región (Tommasino *et al*. 2002). Esta percepción histórica de la influencia del territorio como factor condicionante que aumenta las posibilidades de una tragedia, ya fue reconocida por el Tribunal Supremo de Canadá en un caso muy similar, que también implicaba a una mujer indígena que había asesinado a su pareja. En el caso canadiense, hubo un reconocimiento legal de la condición histórica de explotación colonial a la que la mujer, así como su comunidad y territorio, habían sido sometidos, lo que aumentó considerablemente

12 Son dichos de un empleado del Tribunal Penal Manoel Ribas durante la investigación de campo.

las posibilidades de persecución penal (Canadá 1999). En Brasil, sin embargo, la condición de mujer indígena tuvo poco efecto en el rito procesal; primó el pragmatismo procesal.

En relación a la audiencia de custodia[13], se puede observar que la indígena permaneció, una vez más, en silencio durante todo su desarrollo. Cabe mencionar que durante la audiencia el fiscal no esgrimió argumentos para justificar la detención, aunque en el acta de audiencia generada existan argumentos que no fueron planteados al momento de la audiencia misma. En este documento, el fiscal afirma que dejar libre a la mujer sería legitimar el delito con características transmisibles, para lo cual utiliza una analogía con las ventanas rotas:

> La sensación de impunidad que propicia la comisión de nuevos delitos, aquí mencionada, fue abordada hace más de dos décadas por el politólogo James Q. Wilson y el psicólogo criminólogo George Kelling, ambos estadounidenses, cuando publicaron un estudio en la revista Atlantic Monthly en el que, por primera vez, establecían una relación causal entre desorden y delincuencia. En aquel estudio (que pasó a conocerse como la teoría de las ventanas rotas), cuyo título era *The Police and Neighborhood Safety* (La policía y la seguridad vecinal), los autores utilizaban la imagen de las ventanas rotas para explicar cómo el desorden y la delincuencia podían infiltrarse gradualmente en una comunidad, provocando su decadencia y el consiguiente descenso de la calidad de vida.

Según la teoría citada por el fiscal, un barrio con una ventana rota tendería al caos, ya que los delincuentes locales, al observar el estado de abandono de una casa concreta, empezarían a depredar el inmueble. En pocos días, los daños se extenderían a otras casas y, finalmente, todo el barrio se convertiría en un caos, tomado por la delincuencia. En relación a la postura del fiscal, los miembros de la Defensoría Pública del Estado de Paraná entrevistados dijeron que las ideas expresadas en las actas de audiencia son, probablemente, redactadas por asesores, que copian y pegan textos ya hechos de otros casos. Así, la teoría defendida por el fiscal en el Acta de Audiencia es apenas un reflejo del pragmatismo operativo de los órganos que componen el Poder Judicial. No pudimos obtener documentos judiciales de otros casos para confirmar la hipótesis planteada por los miembros de la Defensoría Pública.

El cuadro general de invisibilidad étnica apunta a una violación sistemática de los derechos humanos de los indígenas en el contexto de las políticas de ejecución penal. En el caso descripto, las capas de invisibilidad, sumadas a la posición de los indígenas en el contexto urbano, dificultan la realización de los derechos garantizados (Baines 2015). En este sentido, podemos ver que los procesos coloniales de desterritorialización, que continúan hasta el día de hoy, tienen una estrecha relación con el funcionamiento del poder judicial. Vemos, entonces, que no basta con ser indígena y reivindicar la autoidentificación. La práctica normativa del Estado obliga a la burocracia a dar su sello de aprobación y hace necesario demostrar la

13 La audiencia de custodia es el momento en que una persona que ha sido detenida en el acto es presentada y escuchada por un juez, con la participación del Ministerio Público y la Defensoría o un abogado, quien analizará la legalidad de la detención y si la persona debe ser puesta en libertad o si debe permanecer en prisión preventiva. También se acreditan ocurrencias ocasionales de torturas o malos tratos por parte de quienes cometieron la detención en el acto. En este acto no se discute la tesis de defensa

etnicidad. En estos términos, vemos un claro sesgo colonial, que se refleja en el poder judicial, pero que se extiende a la lógica racionalizadora del propio Estado, que juega a favor del poder y no de los derechos de las personas (Marés 2003: 50).

CASO 2: "VIOLACIÓN DE UNA PERSONA VULNERABLE"

Se trata de un presunto caso de "violación de persona vulnerable" en el que estaba implicada una pareja indígena de la etnia kaingang de la Tierra Indígena Ivaí. Inicialmente, la investigación policial da cuenta de una denuncia de la enfermera que atendió el parto del primer hijo de la pareja –la embarazada tenía 13 años en ese momento–. La investigación de la policía civil, adjunta al expediente del caso, menciona una audiencia inicial llevada a cabo por el comisario municipal de Manoel Ribas. El acta generada a partir de esta investigación inicial señala que el muchacho, presunto autor del delito, tenía 24 años. A diferencia del caso anterior, no hay vídeos que muestren cómo se llevaron a cabo los interrogatorios durante las fases iniciales del caso.

El hecho de que ambos se identifiquen como indígenas kaingang no es información relevante, ya que en ningún momento se promueve una audiencia especial con la presencia de un intérprete; por el contrario, se siguen todos los pasos sin tener en cuenta el escaso conocimiento de portugués del muchacho. Esto probablemente explicaría por qué, una vez más, se le cambió el nombre cuando se convirtió en acusado en la causa penal por violación de una persona vulnerable. Pero el dato más relevante, dado el contexto del caso, fue el error en el registro de la edad del joven. Según la investigación policial, habria nacido el 03/01/1995, por lo que habría alcanzado la mayoría de edad cuando su mujer tuvo su primer hijo; pero en el documento adjunto relativo al Rani del muchacho vemos que la fecha real de su nacimiento es 03/01/2000. Si se tuviera en cuenta esta información, no estaríamos ante un caso penal, sino ante un caso contravencional, dada la edad del acusado.

El proceso de descaracterización étnica, en este caso, puede verse en la indiferencia hacia la autoidentificación del acusado y de su compañera a lo largo de la acción procesal. Los derechos específicos atribuidos a los indígenas en el marco jurídico brasileño, a través de la Ley 6001/73, y las consideraciones establecidas en la Resolución 287/19 del Consejo Nacional de Justicia, resultan ineficaces si la actuación procesal no tiene en cuenta estas condiciones específicas. Por lo tanto, no basta con ser indígena y tener derechos garantizados; al fin del día, es el Poder Judicial el que sanciona la efectivización de la justicia en los moldes propuestos por la lógica del pluralismo jurídico. El largo y tortuoso camino entre lo que está escrito y lo que de hecho sucede.

El acusado en este caso no fue detenido, aunque el fiscal lo haya acusado con argumentos extremadamente agresivos y condenatorios, probablemente replicados de otros casos, dado el comportamiento pragmático ya mencionado; el tribunal decidió designar a un psicólogo para que elaborara un informe psicológico sobre la presunta víctima. Este informe señaló la necesidad de realizar otro informe, esta vez de carácter antropológico, para contextualizar

los usos, costumbres y tradiciones de las poblaciones Kaingang de Ivaí. La entrevista, realizada por el equipo de psicólogos, reveló que ambos llevaban casados al menos un año y que habían vivido juntos desde su matrimonio.

Casarse joven es relativamente común en Ivaí, pero es importante señalar que los matrimonios de hombres mucho mayores que sus esposas han generado cuestionamientos y conflictos internos. Líderes femeninas kaingang y guaraníes han señalado la violencia de género sistemática, a veces camuflada de tradicionalidad, a través de un discurso que ha silenciado y silencia a las mujeres indígenas en nombre de la manutención del poder en manos de líderes masculinos.

Según los líderes entrevistados en el campo, las circunstancias del matrimonio de la joven pareja se consideraron fuera de lo común. Durante la investigación para el laudo antropológico en Ivaí, se realizaron entrevistas durante algunos días con la pareja y los familiares que orbitan diferentes esferas de su vida social. En el primer intento de hablar con el indígena, acusado en el caso, hubo evidentes problemas de comprensión del portugués. Incluso con la presencia de un intérprete, contratado sólo para trabajar en el campo, la forma en que se llevó a cabo la conversación mostró la confusión del muchacho acerca de lo que estaba sucediendo con la acción penal. Relató que varias veces se le habían acercado personas con papeles, sin explicarle de qué se trataba ni qué debía hacer a continuación. En el expediente se puede ver que el abogado de oficio asignado al caso, que nunca lo buscó para conversar, incumplió varias veces los plazos para presentar su caso. Las personas que acudieron a él fueron, probablemente oficiales de justicia enviados por el tribunal; pero como no hay nombramientos de intérpretes en el caso, es difícil creer que el mensaje se haya comunicado de forma efectiva y clara. En los días siguientes, las entrevistas por separado con su esposa, la víctima del caso, que tiene dominio del portugués y no necesitó de intérprete, revelaron por qué el matrimonio se había celebrado en circunstancias tan singulares.

Según la indígena, la pareja se conoció cuando aún estaban en el colegio, en la primaria. Él era amigo del hermano de ella, y más allá de algunas miradas cruzadas en los recreos, nunca se habían hablado. A mediados de 2018 hubo un servicio de jóvenes en la iglesia evangélica cercana a la aldea central.[14] El culto duró muchas horas y terminó después de las 10 de la noche, la hora que los líderes locales habían establecido como toque de queda en la TI. El grupo de jóvenes, unas seis personas, decidió ir a casa del muchacho. Por los relatos recabados sobre aquella noche, tras unos minutos de charla, los jóvenes empezaron a dispersarse. Sin embargo, la madre de uno de los jóvenes, temiendo que el grupo hubiera estado bebiendo, llamó a la policía indígena para que investigara la situación. Momentos antes de que la policía indígena llegara a la casa, el joven había ofrecido a la presunta víctima dormir en el salón de su casa. Ella aceptó, dado que la familia del muchacho se encontraba

14 A diferencia de otras TI de Paraná, Ivaí sólo tiene una aldea, conocida como Aldeia Central. Cuenta con una escuela, un polideportivo y un centro de salud.

en la casa. Pero antes de instalarse en la sala, la policía indígena entró en la casa y, tras una conversación, se dieron cuenta de que los dos jóvenes eran novios y decidieron llevarlos a ambos a la cárcel indígena. En ese momento hubo mucha emoción y llanto por parte de la mujer indígena. Ella dijo que después de algunas horas de negociación entre su padre y la policía indígena, los líderes forzaron un matrimonio en ese momento, para evitar que los dos estuvieran cometiendo la transgresión de mantener una relación sin matrimonio oficial.[15] Así se hizo. Según ella, el día en que los dos se conocieron fue el día de su casamiento. Aunque él no le gustaba, porque no se conocían, con el tiempo aprendieron a convivir. Ella subrayó que el cariño y el respeto que él sentía por ella facilitaron la convivencia, a pesar de que ninguno de los dos quisiera ese matrimonio. Tras un año de convivencia, nació el primer hijo de la pareja. Los acontecimientos que siguieron dieron lugar a la acción penal basada en la denuncia de la enfermera que atendió el parto de la indígena.

Nuestra investigación se desarrolló en el esfuerzo por comprender el ejercicio político de las formas de control social de los kaingang. En el momento de la entrevista, el jefe, que trabajaba a mi lado en la investigación, aunque como intérprete, afirmó que la práctica de forzar matrimonios entre jóvenes era habitual desde dos últimas gestiones de liderazgo indígena. Es interesante observar que hay una temporalidad en la referencia al liderazgo, ya que el cambio de jefe marca, a veces, un cambio significativo en la comunidad. Esto también fue observado por la funcionaria de la Funai de Curitiba, que trabajó en el primer caso descripto, y argumentó que los indígenas encarcelados en las prisiones estaduales mencionan los liderazgos pasados, como una forma de expresar en qué momento dejaron sus respectivas Tierras Indígenas.

En cuanto al origen de las cárceles Kaingang es común, en el discurso indígena, y también en las pesquisas académicas, relacionar este castigo con el indigenismo oficial. Según el investigador Felipe Uba (2018), las cárceles tienen su origen en el trabajo del Servicio de Protección al Indio (SPI), agencia estatal que surgió en 1910 y actuaba dentro de la lógica asimilacionista, creando puestos de atracción y nacionalización, donde se desarrollaban políticas públicas de control y trabajo. Entre los Kaingang, se sabe que antes de las prisiones existía el castigo del "tronco", que consistía en atar los tobillos de los indígenas a troncos clavados en la tierra (Simonian 1981). Este tipo de castigo se registró en varias tierras indígenas Kaingang hasta la década de 1990. Sin embargo, el castigo del "tronco" fue sustituido mayoritariamente por cadenas a partir de la década de 1940, cuando los puestos indígenas se instalaron dentro de las tierras (Fernandes 1998). Años más tarde, en 1967, durante la dictadura militar, el gobierno de la época elaboró un informe, resultado de una comisión parlamentaria de investigación (CPI), conocido como Informe Figueiredo. El documento denuncia prácticas de tortura, corrupción, tala de árboles y expropiación de tierras indíge-

15 Por matrimonio oficial, desde la perspectiva de Kaingang, queremos juntar las cosas y vivir juntos.

nas por parte de agentes estatales del SPI. Fue a través de la investigación que generó este informe que acabó disolviéndose el SPI y nació posteriormente la Fundación Nacional para los Pueblos Indígenas (Funai).

El Informe Figueiredo registra el testimonio del indigenista que trabajó en Ivaí entre 1966 y 1967, mencionando específicamente la tortura de los "indios" utilizando el "tronco":

> (...) que cuando el declarante se hizo cargo del Puesto, encontró indios lisiados por tortura en el "TRONCO", aparato utilizado en la época de la esclavitud en Brasil y revivido en el SPI; que el "TRONCO" consiste en dos estacas enterradas en ángulo agudo en el mismo agujero con el vértice hacia abajo; que en cada una de ellas hay una pequeña muesca de altura correspondiente; que la tortura consiste en colocar el tobillo del indio entre las dos estacas a la altura de esas muescas, que son insuficientes para que quepa una pierna humana, y cerrar gradualmente el ángulo acercando los dos extremos superiores de las estacas con la ayuda de una cuerda; que se trata de un proceso muy doloroso y que si se lleva al extremo puede provocar la fractura del hueso, como ocurrió en este caso muchas veces, que la Comisión puede encontrar todavía indios en el puesto de Manoel Ribas lisiados por esta tortura.... que Dival, por su parte, también es dado a la práctica de castigar físicamente a los indios, golpeándolos y metiéndolos en una cisterna llena de excrementos humanos durante toda una noche en el Puesto de Ivair (Informe Figueiredo, p. 1720 - Testimonio del agente correos Samuel Brasil, residente en Mangueirinha - PR) (Azola 2017:53).

Aunque hubo algunos despidos, el personal del SPI fue transferido a la Funai. Habría sido durante la política de acción represiva del SPI en las tierras kaingang del sur de Brasil que tomó forma y se institucionalizó la figura de la cárcel indígena. Estos aparatos, creados y gestionados por los agentes estatales del desaparecido SPI (Uba 2018), fueron internalizados por la organización política kaingang. En la actualidad, existen cárceles en todas las tierras indígenas Kaingang y sirven a la implementación de políticas represivas, por parte de liderazgos estructurados, con su policía indígena. Cabe destacar que, con algunas variaciones, la estructura política en todas las tierras indígenas Kaingang se conforma con cargos identificados con la jerarquía militar. Así, es común que existan, además de cacique y vice, figuras como mayor, sargento, cabo, policía, entre otras.[16] Se trata de una institucionalización de la violencia política al interior de la sociabilidad kaingang.

CASO 3: EL INDÍGENA DESAPARECIDO

En este artículo ya hemos abordado caso, aunque superficialmente, en la Introducción. De todas las situaciones presentadas, éste es el único caso en el que la elaboración de un laudo

16 Fernandes (2003), basándose en investigaciones realizadas en 14 tierras indígenas Kaingang, demuestra que, en promedio, hay una autoridad política por cada 31 individuos o 6,8 familias, y analiza: "Hay mucho que decir sobre la información contenida en la tabla anterior. En cuanto a los cargos políticos, está claro que los títulos de la jerarquía militar son ampliamente utilizados y responden a las definiciones nativas de autoridad, ya que la jerarquía militar es a veces invertida (atribuyendo, por ejemplo, mayor autoridad al *mayor* que al *coronel*), ampliada (creando, por ejemplo, categorías como *subteniente* o *vice cabo*) o incluso renovada (insertando las categorías *Comisario* y *sub Comisario* entre las categorías Mayor y Cabo)" (Fernandes, 2003:164).

antropológico no fue considerada en ningún momento por el Poder Judicial. Es aquí donde podemos ver claramente las consecuencias de omisión de considerar el derecho a la diferencia.

Nuestra investigación tuvo acceso al caso a través de un profesor indígena, estudiante de doctorado en la Universidad Federal de Paraná (UFPR), que vive en la Tierra Indígena de Rio das Cobras, en el oeste del estado. Este profesor contactó a uno de los investigadores pidiendo ayuda para esclarecer el paradero de un indígena, aparentemente preso, que llevaría dos años desaparecido. El relato inicial decía que la familia no tenía contacto con el indígena desaparecido; y el último relato conocido de su paradero daba cuenta de que había viajado a la zona urbana cercana a la TI, donde habría ido a vender artesanías producidas por su familia.

Inicialmente, con el nombre del indígena encarcelado, se consultó en el sistema electrónico judicial. Como se trataba de un delito sexual que involucraba a un niño, había acceso restringido a la información contenida en el expediente principal; pero incluso antes de acceder al expediente, aparecían informaciones divergentes en el sistema de información pública que reunía las informaciones del caso. Según el sistema de información conocido como SEEU (Sistema Unificado de Ejecución), el indígena estaría preso en dos lugares diferentes al mismo tiempo: podría estar encarcelado en la unidad penitenciaria de la Comisaría 7ª de Umuarama, o en la Comisaría Regional 16ª de Altônia. En una llamada telefónica al Departamento Penitenciario Nacional (Depen) para esclarecer el paradero del indígena, se pudo confirmar que estaba detenido en Altônia. Una abogada, colega e investigadora, explicó que la razón del conflicto se debía probablemente a que la etapa procesal no había sido actualizada en la base de datos; al derivar la investigación policial en un caso penal, informaciones divergentes se habrían mezclado.

La información contradictoria no sólo se refería a la ubicación de la prisión, sino que también era posible ver la efectiva descaracterización étnica del condenado. Al inicio del proceso, el campo de etnia aparece vacío, pero unos meses después, uno de los movimientos procesales muestra que el campo de color de piel, rellenado erróneamente con la información "indígena", es sustituido por la información "pardo". En ningún momento del trámite procesal se consideró determinante para actuar el hecho de que el investigado, transformado en acusado y eventualmente condenado, fuera de etnia Kaingang. Esto explica por qué la familia acreditó el paradero desconocido del indígena como un caso de desaparición, ya que el abogado *dativo*[17] asignado al caso no informó a los familiares del acusado y ni contactó a la Funai. La desaparición del indígena preso revela que los casos criminales que involucran a personas étnicamente auto identificadas son tratados de forma individualizante, ignorando el contexto social – en este caso, étnico– al que estas personas pertenecen. No se trata, por tanto, de un indígena, sino apenas uno más entre muchos. Una desconfiguración y de-

17 Un abogado *dativo* es alguien que no pertenece a la Defensoría Pública pero cumple la función de abogado de oficio.

spolitización de la persona a favor de un sistema que niega la diferencia. Algo bien observado por los colegas investigadores:

> Los procesos de criminalización analizados son despolitizantes e individualizantes. Excluyen el contexto sociopolítico de los hechos investigados de las narrativas oficiales, generadas al interior de las instituciones y procedimientos investigativos o procesales. La historia de la desterritorialización de los pueblos indígenas, el conflicto político, las demandas y procesos de demarcación de los territorios tradicionales están ausentes de los registros, así como muchas veces los propios conflictos de tierras (Eloy Amado & Vieira 2021:17).

La forma más perjudicial de esta política criminal individualizante la sufren los familiares de la persona encarcelada, ya que exige un mínimo de dominio burocrático y lingüístico sobre el acceso al pariente encarcelado en las prisiones estatales. En este caso, la motivación para buscar al desaparecido vino de su madre, una indígena kaingang que no habla portugués[18] y, hasta entonces, carecía de documento de identidad. Para obtener una tarjeta de visita a las prisiones, fue necesario pasar por diversos procesos burocráticos notariales, que obligaban a la familia a gastar una cantidad considerable de dinero. Sólo a través de donaciones fue posible conseguir los documentos que permitiesen a la familia visitar al preso. En este caso, otro agravante fue la falta de compromiso de las autoridades responsables del trámite procesal. Después de iniciada la búsqueda del paradero del indígena, el Depen lo trasladó varias veces, lo que condicionó aún más las visitas, ya que exigían desplazamientos a municipios distantes. Nuevamente, altos costos que la familia no puede costear.

Otro efecto causado por la forma etnocéntrica en que se llevó a cabo el proceso aparece, o más bien no aparece, en los datos de Infopen. Infopen es el sistema que contiene información sobre el perfil de las personas encarceladas en Brasil. El Infopen informó en aquel momento que la mayoría de la población carcelaria estaba compuesta por personas identificadas como pardas, mientras que los indígenas representaban el 0,21% del total.[19] En el sitio web oficial, la metodología descrita para la recogida y el tratamiento de los datos es la siguiente:

> Metodología: La información se recoge a través de un formulario en línea completado por los responsables de cada unidad penitenciaria, de acuerdo con las directrices de la Senappen. Los datos son validados y/o rectificados por los gestores estaduales, después de que la información haya sido analizada por la Senappen para verificar su consistencia (Brasil 2023).

En este caso, el indígena kaingang se incluyó en el recuento oficial de personas "pardas", y no entró en la cifra final de la categoría "indígena". Por tanto, no se trata de una cuestión

18 En el antebrazo de la mujer había un tatuaje con su nombre del registro civil. El nombre indígena, utilizado a diario en la sociabilidad de la aldea, es el más importante. Es habitual encontrar indígenas kaingang de edad avanzada en Rio das Cobras con nombres "blancos" tatuados en alguna parte del cuerpo. Una profunda dosis de violencia institucional contra el cuerpo, una marca más del Estado-nación sobre el cuerpo indígena.

19 El sistema puede ser accedido a través del sitio web, el cual permite realizar una búsqueda en el sistema de información pública con datos sobre personas encarceladas en Brasil: https://www.gov.br/senappen/pt-br/servicos/sisdepen/bases-de-dados

de falta de normativa o de metodología de recolección de datos, ya que el formulario a completar, de acceso público, contiene el campo referido a etnia y color de piel, con una explicación objetiva de la diferencia entre los conceptos. El problema radica en la forma monista, colonial y etnocéntrica en que se ha conducido la política penal del Estado cuando la etnia entra en la ecuación. Seguimos el análisis de Judite Guajajara: "A pesar de que existe un orden constitucional atento a la diversidad, su aplicación se ve comprometida por el colonialismo que aún está impregnado los ámbitos de efectivización" (Guajajara 2020:11).

CONSIDERACIONES FINALES

El problema del etnocentrismo monista del Poder Judicial es eminentemente derivado del colonialismo. Aunque el debate sobre el pluralismo jurídico exista, con otros contextos nacionales que van más allá y discuten los pluralismos nacionales, nuestra experiencia de campo muestra que los principales temas y preocupaciones encuentra dificultades para salir de los grandes centros de producción académica. Sin embargo, es importante señalar que, a principios de 2023, el gobierno brasileño creó, por primera vez, un ministerio dedicado a las cuestiones indígenas, el Ministerio de Pueblos Indígenas. Por supuesto, más de 500 años de violencia no pueden mitigarse con unos pocos años de acción, especialmente en un país de proporciones continentales como Brasil. En cualquier caso, se trata de un avance considerable en comparación con la forma en que se ha llevado a cabo la política estatal hasta ahora.

Por lo tanto, hay que hacer dos consideraciones sobre el futuro del problema del encarcelamiento indígena en Brasil: en el plano de las políticas públicas, es necesario revisar todo el aparato infraconstitucional que se ocupa de las cuestiones indígenas, a partir de la Ley 6001/73. Hay que revisar los términos utilizados en el texto legal y toda la filosofía asimilacionista y de tutela, que no considera a los indígenas como grupos de pleno derecho, sino como grupos en proceso de integración en la sociedad nacional. Planificar la implementación y difusión de acciones de sensibilización sobre el tema en los círculos institucionales del Poder Judicial; al fin y al cabo, la experiencia de campo nos muestra que la existencia de códigos normativos de nada vale toda vez que los operadores del sistema jurídico, en todos sus niveles, tratan el tema como mejor les parece. Por lo general, esto significa la reproducción del racismo institucional en los círculos estatales, una relación que se expresa en los polos: monismo jurídico *versus* derecho a la diferencia. Todavía a nivel de políticas públicas, es evidente el desconocimiento generalizado de los derechos de los indígenas, y lo más dañino es la falta de intérpretes, y la prepotencia de jueces y magistrados, que se arrogan la potestad de definir quién es o no indígena, lo que ha producido un tipo de violencia única y poco documentada: el secuestro y la desaparición forzada de indígenas por parte del Estado.

La segunda consideración se refiere a una reestructuración de los contenidos en las facultades de derecho, tal vez incluso en los cursos de formación para las fuerzas policiales, un tema espinoso y de amplio alcance, por lo que por ahora nos contentamos con mencionar este punto.

Sin embargo, es importante señalar que no son sólo las cátedras de derecho las que van a la zaga en este tema; en los departamentos de antropología se producen pocas investigaciones que analicen la relación entre el encarcelamiento de indígenas y nuevas prácticas coloniales. La antropología puede, y debe, aportar sus *expertises* a otras áreas del conocimiento. La carencia de este tipo de investigaciones ha sido suplida por investigadoras e investigadores del área del derecho, que se adentran en la antropología para proponer posibilidades de reflexión en esa intersección departamental conocida como Antropología del Derecho.

Los problemas son innumerables, y van desde la capacitación de los operadores del derecho, pasando por el problema técnico de las bases de datos que no dimensionan el tamaño real del asunto; el problema procesal de la falta de intérpretes e informes antropológicos; el problema histórico de la desterritorialización; el problema de derechos humanos, con la desaparición y e incomunicación forzosa, con la familia y allegados de la persona encarcelada; hasta el problema de la antropología, que ha mostrado poco interés en el tema. Por estas razones, creemos que el conocimiento producido en sentencias que consideran la sabiduría y la dinámica política de la comunidad de origen del indígena juzgado, tiene un potencial único para mitigar las prácticas monistas.

Como demostración de que es posible considerar las dimensiones culturales de la diferencia, tal como proponen la Resolución 287/19, los códigos normativos del Convenio 169 de la OIT y las Reglas de Bangkok para las mujeres indígenas encarceladas, tenemos el caso juzgado por el juez federal Guilherme Roman Borges. El proceso trataba de una violación entre los Mbyá Guaraní, que viven en el litoral de Paraná. El juez, reconociendo el carácter legítimo de la justicia mbyá frente al Poder Judicial, designó a una antropóloga para mediar en la situación con los líderes de la aldea. Tras muchas conversaciones y negociaciones, la sentencia dictada tuvo en cuenta, en el castigo impuesto al acusado, la información proporcionada por el laudo antropológico penal y las perspectivas del grupo indígena. No se lo encarceló en las prisiones estatales, pero se le prohibió acercarse a la víctima y se le obligó a emigrar hacia el oeste, y vivir en otra tierra indígena. La lógica de esta sentencia fue encontrada por los líderes mbyá, que propusieron el desplazamiento como una forma de negar el viaje a la Tierra sin Mal (Ruggiu 2022).

Por lo tanto, la necesidad del laudo antropológico criminal surge como un medio de incorporar el derecho a la diferencia en la práctica y la técnica jurídicas, de internalizar las contribuciones de las Resoluciones del CNJ, de capacitar a los operadores jurídicos y del sistema de justicia penal en cuestiones antropológicas, y mejorar los instrumentos, y procesos (formas y formularios) que tengan en cuenta la interculturalidad, en el tratamiento y las condiciones de marginación, y las especificidades territoriales, socioculturales y lingüísticas de los indígenas frente al sistema de justicia penal brasileño. La antropología y los laudos antropológicos desempeñan un papel en este proceso. Nos corresponde afrontarlo, puesto que, además de la violencia étnica y cultural, la descaracterización restringe derechos con-

stitucionalmente garantizados, como en los artículos 231 y 232 de la Constitución, así como otros derechos garantizados en otros marcos normativos, como las disposiciones de la Ley 6001 de 1973, que en sus artículos 56 y 57, trata de penas más benignas o alternativas a la prisión en el contexto del juicio de un indígena.

Todos los casos presentados en este artículo se centran en la producción y necesidad de laudos antropológicos en el contexto penal, ya sea porque muestran cómo el Sistema de Justicia Penal falla y reproduce la violencia a través de su pragmatismo, ya sea porque apuntan a nuevas formas de pensar y hacer justicia.

Es nuestro deber como investigadores, investigadoras y profesionales de la antropología hacer hincapié en la coexistencia de diversos sistemas de justicia, como en una ecología de sistemas de justicia. Si esos sistemas otros de justicia, distintos del sistema estatal monista, siguen la lógica normativa internacional y universalizante de Derechos Humanos según lineamientos internacionales, es otro tema; pero es fundamental considerar que la noción de Derechos Humanos, como la proponen las convenciones internacionales en la materia, ignora en gran medida que el concepto de humano no es universal, como tampoco lo es el concepto de derecho. En estos casos, la mejor salida es considerar el discurso de la comunidad, teniendo en cuenta que no existe un sistema de justicia monolítico y estático.

Translated by Raúl Federico Lavezzo Huberman.
Received: May 9, 2023.
Approved: July 2, 2024.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

Delito, individuo y sociedad: derechos indígenas, pericias antropológicas y tensiones en el Poder Judicial

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Resumen:

Este artículo analiza los actuales embates sobre la pericia antropológica en causas penales y/o el encarcelamiento de personas pertenecientes a pueblos indígenas, a partir de las Resoluciones 287/19, 454/22, 524/23 y 544/24 del Consejo Nacional de Justicia de Brasil, y los posibles impactos en casos judiciales concretos. Para ello, fue necesario situar la cuestión en relación con los contextos del Estatuto del Indio; la Asamblea Constituyente de 1986-1988; la Constitución Federal de 1988 y el Convenio 169 de la OIT. Las consideraciones provisionales de esta investigación –en curso– indican que la redacción de nuevas resoluciones por parte del Consejo Nacional de Justicia ha instalado el debate sobre la identidad indígena en el tratamiento jurídico-penal brasileño, abriendo espacio a la cuestión.

Palabras clave: pericia antropológica; derechos indígenas; justicia penal.

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e01005
https://doi.org/10.1590/1809-4341.2025v22e01005

Crime, Individuals, and Society: Indigenous Rights, Anthropological Expertise, and Tensions in the Judiciary

Abstract:

This paper analyzes the current clashes over anthropological expertise in criminal cases and/or the imprisonment of people belonging to indigenous peoples, based on Resolutions 287/19, 454/22, 524/23 and 544/24 of the Brazilian National Council of Justice, and the possible impacts on concrete legal cases. To do this, it was necessary to situate the issue in relation to the contexts of the Indigenous Statute; the 1986-1988 Constituent Assembly; the 1988 Federal Constitution and ILO Convention 169. The provisional considerations of this ongoing research indicate that the drafting of new resolutions by the National Council of Justice has raised the debate about indigenous identity in Brazilian legal-criminal treatment, opening up space for the issue.

Keywords: Anthropological Expertise; Indigenous Rights; Criminal Justice.

Crime, indivíduo e sociedade: direitos indígenas, perícia antropológica e as tensões no Judiciário

Resumo:

Este trabalho analisa embates atuais sobre a perícia antropológica em processos criminais e/ou prisão de pessoas pertencentes a povos indígenas, a partir das Resoluções 287/19, 454/22, 524/23 e 544/24 do Conselho Nacional de Justiça brasileiro, e os possíveis impactos em casos judiciais concretos. Para isso, foi preciso situar o tema em relação aos contextos do Estatuto do Índio; da Constituinte de 1986-1988; da Constituição Federal de 1988 e da Convenção 169 da OIT. As considerações provisórias desta investigação em curso apontam que a elaboração de novas resoluções pelo Conselho Nacional de Justiça tem levantado o debate acerca da identidade indígena no tratamento jurídico-criminal brasileiro, abrindo espaço para o tema.

Palavras-chave: perícia antropológica; direitos indígenas; justiça criminal.

Delito, individuo y sociedad: derechos indígenas, pericias antropológicas y tensiones en el Poder Judicial

Caroline Dias Hilgert

INTRODUCCIÓN

Este artículo analiza los actuales enfrentamientos en torno a la pericia antropológica en causas penales y/o privativas de libertad que involucran a personas pertenecientes a pueblos indígenas, a partir de un breve contexto histórico-normativo sobre el status de los pueblos indígenas en Brasil, así como el impacto del movimiento indígena, indigenistas y antropólogos en la consecución del texto de la Constitución Federal de 1988 y del Convenio 169 de la OIT.

El objetivo es analizar la producción y aprobación de las Resoluciones 287/19, 454/22, 524/23 y 544/24 del Consejo Nacional de Justicia de Brasil, que forman un conjunto de directrices para los magistrados en el tratamiento penal, lo que ha impactado en la demanda de laudos antropológicos en casos penales o situaciones de encarcelamiento de indígenas. En vista de las nuevas resoluciones en el poder judicial, especialmente de la Corte Suprema, hay nuevos desafíos en la defensa penal de los derechos indígenas que se acercan a las ciencias antropológicas.

Para comprender críticamente las tres dimensiones propuestas en el título del artículo –delito, individuo, sociedad–, es necesario contrastar la razón jurídica y la razón antropológica sobre lo que significa ser indígena. Si consideramos, por un lado, la indivisibilidad de lo individual y lo colectivo, la reciprocidad del sentimiento de pertenencia entre ambos; y la cultura como conjugación dinámica, por otro, el ámbito penal sigue siendo el límite de la tolerancia de la sociedad hegemónica hacia las minorías. Es el cuerpo del individuo el que es puesto ante el Estado capitalista para ser punido, por lo que prevalece la lógica del cuerpo criminal individual del derecho penal, muy distinto a la organización, creencias, cultura, lengua, vida, del cuerpo y del pueblo de la persona indígena que enfrenta el castigo, el proceso judicial y el juicio, sin diálogo intercultural alguno.

En este trabajo, se parte de las normas relativas a los pueblos indígenas conseguidas en la Constitución Federal brasileña de 1988, movilizando conceptos antropológicos hasta la internalización del Convenio 169 de la Organización Internacional del Trabajo (OIT). A con-

tinuación, se analiza el Poder Judicial y las Resoluciones 287/19, 454/22, 524/23 y 544/24 del Consejo Nacional de Justicia (CNJ), poniendo en perspectiva las tensiones entre los textos de las leyes vigentes y las interpretaciones que dan los magistrados del STF. El objetivo es recuperar la relación entre la antropología y las reivindicaciones de los pueblos indígenas, y las situaciones más recientes que involucran los derechos de los indígenas en causas penales.

LA ANTROPOLOGÍA BRASILEÑA Y LOS PUEBLOS INDÍGENAS

Como hito de la antropología en Brasil, la primera reunión de la Asociación Brasileña de Antropología (ABA) tuvo lugar en 1953, y su fundación formal, en 1958. La antropología brasileña comenzó, luego, a desempeñar un papel importante en la defensa de los derechos de las poblaciones indígenas, en oposición al régimen dictatorial cívico-militar-corporativo (1964-1985). Y en 1968, partiendo principalmente de los esfuerzos de Darcy Ribeiro y Luis Roberto Cardoso de Oliveira, se creó la primera licenciatura en antropología en el Museo Nacional de Río de Janeiro, seguida por la Universidad de São Paulo en 1970, la Universidad Estatal de Campinas en 1972 y la Universidad Nacional de Brasilia en 1972 (Rial y Machado 2022).

En primer término, se presenta el documento titulado "Declaración de Barbados", elaborado por antropólogos de América del Sur entre el 25 y el 30 de enero de 1971, durante el "Simposio sobre Fricciones Interétnicas en América del Sur", en el que se denunciaba el genocidio colonial de los Estados contra los pueblos indígenas, y se recomendaba que los Estados garantizaran a las poblaciones indígenas el "derecho a ser y permanecer como tales", la propiedad colectiva e inalienable de sus territorios. También debían garantizar el "mantenimiento de las poblaciones indígenas" y reconocer su derecho a organizarse según sus especificidades culturales y a ejercer plenamente su ciudadanía (Barbados 1971).

La Declaración critica fuertemente las prácticas colonialistas de los Estados latinoamericanos (Oliveira 2022) y reconoce que la propia antropología ha servido como instrumento de dominación colonial y, por lo tanto, como respuesta, su papel pasó a ser la denuncia del genocidio y teorizar a partir de la realidad local, "para superar la condición subordinada de simples ejemplificadores de teorías ajenas" (Barbados 1971), colaborar en su lucha por la liberación y "reestructurar la imagen distorsionada que existe en la sociedad nacional en relación a los pueblos indígenas, desenmascarando su carácter ideológico colonialista" (Barbados 1971).

El documento también critica a los religiosos en su trato con los pueblos indígenas, recomendándoles dejar de catequizarlos o convencerlos para que se trasladaran. Esto generó "malestar"[1] en la Iglesia Católica de América Latina y, en 1971, seis años después de la conclusión del Concilio Vaticano II en 1965, se señaló la necesidad de cambiar las políticas

1 Tal el término utilizado por el asesor teológico del CIMI, Paulo Suess. en "Romper el malestar en la misión: los pueblos indígenas y la Iglesia postconciliar". Disponible en: https://cimi.org.br/2006/01/24360/, última consulta: 24/08/2024.

de la Iglesia Católica hacia los pueblos indígenas (Rufino 2006). Las denuncias[2], formuladas en una reunión de profesionales de la antropología en 1971, ayudaron a argumentar la fundación del Consejo Indigenista Misionero (CIMI) en 1972.

Dicho organismo, vinculado a la Conferencia Nacional de Obispos de Brasil (CNBB), fue creado sobre la base de la Teología de la Liberación y buscaba orientar las acciones de la Iglesia Católica en relación con los pueblos indígenas en Brasil. Apenas creado, el CIMI comenzó a realizar cursos y seminarios, y a pulverizar los "ideales de Barbados" (Oliveira 2022:18). En el contexto brasileño, el documento no pudo tener una repercusión "explícita, directa e inmediata" (Oliveira 2022) desde el inicio, considerando el período de la dictadura cívico-empresarial-militar.

La Comisión Nacional de la Verdad (CNV), creada en 2012, analizó la violencia cometida por el Estado contra los indígenas entre el 18 de septiembre de 1946 y el 5 de octubre de 1988, especialmente en relación con los conflictos por la tierra, y puso a disposición materiales y análisis para comprender la magnitud de diversas atrocidades cometidas contra los pueblos indígenas, y el exterminio de al menos 8.350 indígenas durante el período analizado (Brasil 2015). Las acusaciones de maltrato y tortura basadas en el Informe Figueiredo[3], encargado en 1967, llevaron al fin del SPI ese mismo año, organización indígena que funcionaba desde 1910, cuando también se creó la Fundación Nacional del Indio (FUNAI). Un ejemplo de esta política de control y exterminio fue el Puesto Indígena de la Tierra Indígena de Icatu, en el estado de São Paulo, que recibía a los llamados indígenas "rebeldes" de todo Brasil (Penteado Junior y Aguilera Urquiza 2021), que alcanzó su apogeo en las décadas de 1940 y 1950, y funcionó como Colonia Correccional hasta 1971.

El Reformatorio Agrícola Indígena Krenak, en Minas Gerais, fundado en 1969, fue donde los krenak y otros indígenas fueron encarcelados, torturados y sometidos a trabajos forzados (Corrêa 2003). Fue la primera institución penal creada para encarcelar a indígenas. Según la petición de amnistía política del pueblo Krenak, los presos indígenas, considerados "enemigos del Estado", fueron sometidos a trabajos forzados y torturas, "prohibiéndoles comunicarse en su lengua o realizar rituales sagrados" (Brasil 2015). En 1974, el caso del Reformatorio Krenak fue llevado ante el Tribunal Russell II, denunciando que, incluso con la creación de la FUNAI, la política del Estado seguía siendo la misma.

Durante la dictadura brasileña, "la macropolítica fue la asimilación, esa conquista de mentes y almas, que resultó en la dilución de los indios en los sectores más vulnerables de la población: el pasaje, como señaló Darcy Ribeiro, de indios específicos a indios genéricos" (Cunha 2017). El Estatuto del Indio (Brasil 1973) surgió con un carácter integracionista, operando una política de asimilación orientada por el Estado. El surgimiento del movimiento

2 Estas denuncias de la actuación de la Iglesia Católica fueron contestadas por el Concilio Ecuménico de Asunción, celebrado en marzo de 1972 (Rufino 2006).

3 El Informe Figueiredo estuvo desaparecido durante mucho tiempo, se creía que había sido destruido en un incendio del Ministerio de Agricultura. Fue hallado en 2012 por Marcelo Zelik. El documento había sido encargado por el Ministerio del Interior para verificar presuntas irregularidades cometidas por el Servicio de Protección al Indio (SPI).

indígena e indigenista, así como la movilización de conceptos antropológicos, fueron determinantes para las conquistas de la Constitución Federal de 1988.

La normativa es una adaptación de las categorías de integración propuestas por Darcy Ribeiro en 1970, que no fueron revisadas a la luz de lo propuesto por Barth (1969). Aunque el Estatuto acogía que la "noción fundamental en la definición del indio es considerarse a sí mismo y ser considerado como tal" (Cunha 2017: 258), como sostenía Barth, estableció el criterio integracionista para medir su aplicación, incorporando las categorías "aislados", "en proceso de integración" e "integrados", que se convirtieron en la medida de la posibilidad de reconocimiento de la identidad indígena para la aplicación de los derechos allí contemplados.

En la década de 1970, la oposición del movimiento indígena e indigenista, apoyada por varios antropólogos, calificó la política del gobierno de Geisel (1974/1979) como un golpe, suyo y de otros interesados en apropiarse de las tierras indígenas. A partir de 1978, el ministro del Interior, Rangel Reis, intentó implementar una política de rápida emancipación de los indígenas, a la que el movimiento indígena e indigenista, junto con sus partidarios, frecuentemente se opusieron (Laraia 2008). Esta situación llevó a la formación de diversas organizaciones indígenas e indigenistas, que fueron fundamentales en la discusión sobre el texto de la Constitución de 1988 (Oliveira 2016), como el Consejo Indígena de Roraima (CIR).

En relación con el llamado "Decreto de Emancipación", la antropóloga Manuela Carneiro da Cunha (2018) señala que "esto era para distinguir entre "silvícolas", entendidos como indios que vivían de acuerdo con sus "tradiciones", e indios "aculturados", que ya se ajustaban a las costumbres de la mayoría de los brasileños y que debían emanciparse" (Cunha 2018: 430-431). Así, en el Código Civil de 1916, los "indios" fueron catalogados como "relativamente incapaces" y, para protegerlos de los "malos negocios", fueron "equiparados a las mujeres casadas (pero no a las solteras) y a los menores entre 16 y 21 años".

> A diferencia de los "incapaces", los "relativamente capaces" podían celebrar contratos, que se considerarían válidos (siempre que no les perjudicaran). Mientras que los niños, considerados incapaces, no podían celebrar contratos válidos, los contratos de los indios, relativamente capaces, eran válidos, aunque podían ser invalidados si les perjudicaban (D. Dallari, 1979 y 1994). Pero ambos eran considerados "tutores". Las mujeres casadas eran tuteladas por sus maridos, y los indios por la Unión, que delegó esta tutela primero en el SPI, de 1916 a 1967, y, después del escándalo que reveló los abusos y la corrupción del SPI, en la Funai (...) (Cunha 2018: 430-431).

La autora concluye que, para el Estado, el proyecto de emancipación de los indígenas era una forma de liberar sus tierras.

En el plano político, Mário Juruna, líder indígena, proyectó su voz en defensa de la identidad y el territorio indígenas contra ese proyecto de "emancipación". En la década de 1980, la política de criterios de integración de la FUNAI se sumó a la persecución de líderes indígenas y a las amenazas de modificar el Estatuto del Indio (Cunha 2017: 251). En este sentido, hubo manifestaciones del Estado para provocar, incluso de oficio, la emancipación de

los indígenas, con el fin de invisibilizar la identidad étnica. Es importante distinguir algunos términos utilizados en el período:

> *Por lo tanto, integración significa dar a las comunidades indígenas derechos reales de ciudadanía,* lo que ciertamente no debe confundirse con emancipación, como grupos étnicamente diferenciados, es decir, proporcionarles los medios para hacer oír su voz y defender adecuadamente sus derechos en un sistema que, abandonado a sí mismo, los destruiría (...).
>
> *Todo esto parece estar lejos de las preocupaciones de la presidencia de la FUNAI, más interesada en «criterios de indianidad» que la libren de algunos indios «de más».* (...) (Cunha 2017: 252. Las cursivas me pertenecen).

Los llamados "criterios de indianidad" ya estaban superados en la antropología social brasileña, y ya no se consideraba el criterio de inalterabilidad. En la antropología, la emancipación estaba relacionada con la autodeterminación, y la integración con tener derechos de ciudadanía, "los indios emancipados siguen siendo indios", pero la FUNAI "se lavó las manos de cualquier responsabilidad en relación con los indios emancipados" (Cunha 2017: 253).

En este entendimiento, en antropología, un indígena, llamado integrado y/o emancipado, tiene derechos civiles y también derechos como parte de un "grupo étnicamente diferenciado", lo que no significa, al contrario de lo que el Estado esperaba, "dejar de ser indígena" (Cunha 2017: 252). Esto muestra la tensión entre la antropología social y la línea política seguida por el Estado, pues la antropología brasileña ya había abandonado las categorías "racializantes" e integracionistas, e incorporado la definición de grupos étnicos y organizaciones sociales dada por el noruego Fredrik Barth (1969), que se concebía brevemente con el siguiente criterio: "un miembro que se identifica a sí mismo y es identificado por otros como constituyente de una categoría distinguible de otras categorías del mismo orden" (Barth 1969: 409).

El período que va desde la década de 1970 hasta mediados de la década de 1990 estuvo marcado en la antropología social brasileña por la referencia a las definiciones inauguradas por Barth, complejizando e intensificando la percepción de que, aunque los pueblos incorporaran nuevos hábitos, nunca perdían sus culturas (Cardoso de Oliveira 2003; Laraia 2021; Oliveira 1988; 1994; Cunha 2017). Aunque existan diversas críticas sobre cómo cada autor ha adaptado su interpretación de las nociones de Barth sobre la conformación de la identidad, sin incorporar sus actualizaciones (Oliveira 1994), es importante decir que en aquella época, según la antropología, los derechos civiles y los derechos indígenas eran complementarios, es decir, un indígena llamado integrado, con capacidad civil y/o emancipado, nunca dejaría de ser indígena, teniendo en cuenta que la cultura es dinámica.

Para el Estado, a lo largo de la historia, desde las "almas salvadas" hasta la "mano de obra" y los "indios salvajes" (Oliveira 2016), tratando de deshacerse de "algunos indios de más" (Cunha 2017: 252), los datos generales sobre el número de indígenas en Brasil han variado según su voluntad y necesidad política. Contrariamente a la antropología y a los

movimientos sociales, para el Estado, los derechos civiles e indígenas son excluyentes, es decir, la transición a la civilización excluiría los plenos derechos garantizados a los indígenas: el *ser* indígena se relativiza frente a un supuesto grado de integración, respaldado por el texto del Estatuto del Indio y del Código Penal.

Como explica Oliveira (2016), en la coexistencia de culturas en una unidad social y política, "es la ubicación de una persona en uno u otro lado de esta división cultural" lo que definirá su estatus de guardián y tutelado, por lo que "[m]ás sutiles manifestaciones de creencias o costumbres heterodoxas serán continuamente utilizadas como operadores de estratificación social" (2016: 310).

A continuación se expone cómo la antropología ha sido desacreditada en el tratamiento jurídico-penal de los indígenas por parte de los operadores del derecho, quienes han rechazado o restringido la producción de su conocimiento en los procesos penales.

CÓDIGO PENAL, ESTATUTO DEL INDIO, CONSTITUCIÓN FEDERAL DE 1988 Y CONVENCIÓN 169 DE LA OIT

Los indígenas eran equiparados a "menores" y considerados bajo la tutela del Estado, sin derechos civiles. El uso de criterios de (in)imputabilidad criminal anunciaba nociones basadas en las formulaciones del profesor, médico y antropólogo Raimundo Nina Rodrigues (1883-1906), que presentaba el llamado mestizaje brasileño (blancos, negros e indígenas) como el camino de degeneración de los estándares evolutivos europeos, señalando que las razas no blancas eran mentalmente inferiores (Rial y Machado 2022). Posteriormente, el antropólogo José Batista Lacerda adaptó y modificó la versión europea, formulando que, en el mestizaje, la evolución civilizatoria podría ocurrir a través del "blanqueamiento" de la sociedad.

El 14 de julio de 1928 entró en vigor en Brasil el Decreto 5.484, que regula la "situación de los indios nacidos en territorio brasileño", en el que hay un apartado específico sobre los delitos cometidos por indígenas, cuyas penas están vinculadas a la asimilación forzosa a colonias agrícolas. En este decreto, se distinguía a los indígenas en función del nivel de las expectativas del Estado para su dominación, especialmente a través de una supuesta emancipación y asimilación a la condición de "civilizados y trabajadores".

El Código Penal brasileño del 7 de diciembre de 1940, fue reformado en 1984, aunque su contenido sigue correspondiendo, en gran medida, al texto original. Coexistió durante varias décadas con el mencionado Decreto 5.484 de 1928 y con las políticas de los órganos indigenistas estatales, el Servicio de Protección al Indio y Localización de Trabajadores Nacionales (SPILTN), el Servicio de Protección al Indio (SPI) y la Fundación Nacional del Indio (FUNAI).

El Código Penal y sus criterios de (in)imputabilidad fueron entonces interpretados en conjunción con el Estatuto del Indio de 1973 (Brasil 1973). Éste último establece que el juez "tendrá en cuenta también el grado de integración del silvícola" (art. 56) y que "las penas de prisión y detención se cumplirán, si es posible, en régimen especial de semilibertad, en

el lugar de actuación del organismo federal de asistencia a los indígenas más próximo al domicilio del condenado" (art. 56, párrafo único). También establece que "[s]erá tolerada la aplicación por grupos tribales, de acuerdo con sus propias instituciones, de sanciones penales o disciplinarias contra sus miembros, siempre que no tengan carácter cruel o infamante, quedando prohibida en todo caso la pena de muerte" (art. 57). Así, en lo que se refiere a la situación jurídico-penal de los indígenas,

> [l]a concepción predominante, en suma, era que los indios aislados eran inimputables, que los indios integrados eran inimputables, y que era necesario un examen pericial para evaluar la responsabilidad penal de los indios en proceso de integración (Santos Filho 2006: 3).

En este sentido, según Rial y Machado (2022), los criterios racistas en boga en Brasil, inspirados por Nina Rodrigues y João Batista Lacerda, sólo pudieron ser combatidos por la antropología brasileña y el movimiento negro con posterioridad la década de 1950, y por el movimiento indigenista, después de la década de 1970.

Durante la Asamblea Nacional Constituyente (1987-1988), la intensa movilización de indígenas, indigenistas, antropólogos y otros académicos, y simpatizantes que realizaron vigilias en los pasillos de los gabinetes, luchando por la concepción antropológica social (Lacerda 2014: 194), dio un nuevo significado a la interpretación de la legislación indigenista vigente (Oliveira 2016: 290), incluyendo el Estatuto del Indio de 1973, en el proceso de conformación del texto constitucional.

Los derechos indígenas, promulgados el 5 de octubre de 1988, se establecieron como paradigma, ya que representaron el abandono de la visión evolucionista de la cultura que buscaba integrar a los pueblos indígenas a la comunidad nacional y su desaparición, acercándose a las demandas del movimiento indígena e indigenista, así como a los conceptos de la antropología social brasileña. Se consagró en el texto un capítulo con el título "De los indios", compuesto por los artículos 231 y 232. El caput de este último contiene la expresión "son reconocidos a los indios", es decir, no son derechos constituidos en el momento de la promulgación, el Estado reconoce que los "indios" siempre tuvieron derecho a "la organización social, costumbres, lenguas, creencias y tradiciones, y los derechos originarios sobre las tierras que tradicionalmente ocupan".

En cuanto a los derechos territoriales, las expresiones "derechos originarios" y "que tradicionalmente ocupan" alcanzan al pasado y al presente. En el primer párrafo, también llega al futuro, al afirmar que las "tierras tradicionalmente ocupadas" son las "necesarias para su reproducción física y cultural, según sus usos y costumbres", lo que anula el derecho a la propiedad privada y a la posesión civil.

El artículo 232, combinado con los derechos del artículo 231, al reconocer que los indígenas son sujetos de derecho, puso fin a la tutela orfanológica entonces vigente, señalando la revocación de la aplicación del criterio integracionista del Estatuto del Indio, garantizándoles derechos civiles como a cualquier ciudadano brasileño, con base en lo que denominó "derecho

a la diferencia". Cabe destacar que, aunque el artículo 37 del Estatuto del Indio establecía que las comunidades eran partes legítimas para defender sus derechos ante los tribunales, esto debía hacerse con la asistencia del MPF o de la FUNAI, es decir, mediante tutela (al igual que los menores de edad). Aunque este artículo no haya sido derogado, debe interpretarse a la luz de la diferente orientación de la Constitución Federal del '88 (CF/88).

La CF/88 distingue a Brasil como país multicultural al reconocer derechos originarios de los pueblos indígenas y romper con la línea positivista de un mundo fijo y preexistente, bajo la idea evolucionista de homogeneización y anulación de los pueblos indígenas. En este sentido, ha entendido que cada cultura vive y crea de formas diferentes, y que la "comprensión del mundo depende del lenguaje del grupo" (Duprat 2012: 233), especialmente al adecuar los derechos específicos de los pueblos y comunidades tradicionales a otras directrices internacionales que han sido firmadas por Brasil, como el Convenio 169 de la OIT y la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas. En este entendimiento, el paradigma constitucional tiene el desafío de orientar toda la aplicación del derecho infraconstitucional, ya que los derechos culturales y étnicos tienen el estatus de derecho fundamental (Duprat 2012).

Al reconocer las diferencias culturales, se opone a la política estatal consumada hasta entonces, en la que la diversidad étnica se consideraba un obstáculo para alcanzar el nivel deseado de integración social. El reconocimiento de la "organización social" también está en consonancia con el carácter de pertenencia recíproca entre el individuo y el grupo étnico propuesto por Barth (1969), especialmente en el sentido de dinámica adaptativa cultural e intercultural.

En la década que siguió a la promulgación de la CF/88, el Acta de Disposiciones Constitucionales Transitorias no fue cumplida en lo que se refiere a la demarcación de las tierras indígenas en el plazo de cinco años, es decir, hasta 1993, situación que aún hoy está en disputa, como se verá más adelante.

Después de la CF/88, la FUNAI continuó los mandatos del Estatuto del Indio y movilizó, a sus empleados y a los indígenas, para defender la continuidad de la tutela. Considerada anticuada, a partir de 1990 sufrió una reducción de personal y de recursos presupuestarios. En 1992, el presidente Fernando Collor distribuyó sus funciones asistenciales entre diversos ministerios y, tras las protestas del organismo, la FUNAI pasó a concentrar sus actividades en las cuestiones de la tierra y de los "indios aislados", así como su administración y poder de policía (Oliveira 2016: 295).

El Decreto 1.775 de 1996 reglamentó las fases del procedimiento administrativo de demarcación de tierras, que es responsabilidad de la FUNAI y debe ser ratificado por decreto presidencial. En la década de 1990, hubo una gran inversión de recursos internacionales en Brasil, que empezó a vincular los territorios indígenas a la preservación del medio ambiente. Los profesionales de la antropología empezaron a trabajar intensamente en la elaboración de laudos antropológicos[4] para la demarcación de tierras indígenas y en cuestiones ambientales (Leite 2005).

4 Posteriormente (en 1996) se regularon los laudos antropológicos mediante el Decreto 1.775/1996, abriendo la posibilidad del contradictorio y cuestionamientos de particulares sobre los propios laudos.

Cabe señalar que el censo de 2000 del Instituto Brasileño de Geografía y Estadística (IBGE) muestra que hay alrededor de 734.000 indígenas, frente a los 213.000 estimados en 1987. Esto no se debe sólo al nuevo paradigma constitucional; ha habido otras influencias en este auge, como señala el antropólogo João Pacheco de Oliveira (2016): la identificación de los indígenas como mantenedores del equilibrio ecológico del planeta; las nuevas directrices internacionales, la participación de los indígenas; los convenios internacionales; la valoración de la identidad y el patrimonio cultural.

El Convenio 169 fue adoptado por la Organización Internacional del Trabajo en 1989, en sustitución del Convenio 107, que presentaba un sesgo asimilacionista. Fue ratificado por el Estado brasileño en 2002 y promulgado en 2004, incorporándose a la legislación nacional con estatus de ley fundamental. Los movimientos indígenas, indigenistas y antropológicos, brasileños y latinoamericanos, influyeron en el texto del Convenio 169 de la OIT de 1989, utilizándolo para reforzar sus reivindicaciones. Como resultado, ayudaron a promover varias constituciones multiculturales en países como Bolivia y Ecuador.

La publicación del texto del Convenio 169 de la OIT amplió la definición de lo que significa ser indígena, al enfatizar que la conciencia de la identidad étnica es el criterio fundamental (Oliveira 2016), en la línea de Barth. También preveía subsidios para la autoidentificación, así como para la promoción de formas propias de resolución de conflictos, y consideraba expresamente el encarcelamiento como algo que debía evitarse para los pueblos indígenas.

También cabe destacar la organización del movimiento indígena en toda América Latina (Lacerda 2008; 2014) a favor de sus reivindicaciones, especialmente, la autodeterminación de sus pueblos. Este proceso contribuyó al pensamiento crítico de la antropología, ya que cuestionó los conceptos esencialistas y presentó una perspectiva contrahegemónica al proceso de dominación colonizadora.

Posteriormente, la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas de 2007, entre varias recomendaciones sobre los derechos que constituyen condiciones mínimas de dignidad para los pueblos indígenas, refuerza el derecho a la autodeterminación y a la diferencia.

En conclusión, los términos conquistados en la Constitución Federal fueron disputados a lo largo del proceso constituyente y ciertos conceptos fueron movilizados por la antropología, y también por el movimiento indígena e indigenista. Estos términos y derechos siguen en disputa por parte del Estado, especialmente en lo que se refiere al poder judicial penal. A continuación, se presentan algunas de las condiciones para que el Estado brasileño se acerque o se aleje del "paradigma integracionista".

SUPREMO TRIBUNAL FEDERAL: TENSIONES

En esta sección se abordan las discusiones emblemáticas sobre el estatuto jurídico-penal de los indígenas a partir de las decisiones del Supremo Tribunal Federal (STF), que sirven de

ejemplo a todo el sistema judicial brasileño. La primera tensión que se detecta en relación a los derechos indígenas es sobre el punto de la competencia para el juzgamiento de las causas penales que involucran a indígenas; la segunda, sobre la afirmación del criterio integracionista.

Cabe destacar que el Superior Tribunal de Justicia (STJ), desde el 18 de mayo de 1995, resume el entendimiento jurisprudencial n.º 140, con decisiones de 1989 a 1994, que, con referencia a los arts. 109, XI, y 129, V, de la CF/88, determina que los delitos comunes en que los indígenas sean autores o víctimas, serán perseguidos y juzgados por los tribunales estatales comunes. En este sentido, sólo los delitos relacionados con los intereses de la Unión –incluyendo la tutela, las disputas por la tierra, los derechos colectivos y/o ejercidos contra la cultura indígena– estarían sujetos a la jurisdicción federal.

El Resumen Jurisprudencial 140 del STJ no aborda el multiculturalismo adoptado y, en particular, ignora la ratificación por parte de Brasil del Convenio 169 de la OIT en 2004. El artículo 109 (XI) de la Constitución establece que los casos que involucren "disputas sobre derechos indígenas" deben ser procesados y juzgados ante los tribunales federales. De las siete decisiones en las que se basó el Resumen Jurisprudencial 140 del STJ en 1995, presentamos un extracto de una de ellas, de 1989, que provenía de un caso que involucraba a un acusado y una víctima, ambos indígenas de Mato Grosso do Sul:

> (...) sobre el alcance de la norma contenida en el art. 109, XI de la Constitución, que atribuye a los jueces federales competencia para procesar y juzgar "controversias sobre derechos indígenas", y si repercute o no en la competencia penal del Tribunal Federal, porque, sin el menor asomo de duda, el delito denunciado en el expediente no guarda relación con los derechos indígenas a que se refiere la disposición constitucional.
>
> En efecto, el delito consiste en *lesiones corporales causadas por un habitante de la selva a otro, pues la víctima dijo que su agresor se iba a convertir en un animal*, como consta en la denuncia (fl. 02). (Brasil 1995: 4)

Se puede observar que el STJ no considera las creencias culturales como elemento que atraiga la jurisdicción federal, ni el hecho de que el delito haya sido cometido en tierra indígena y entre indígenas.

En el ámbito del STF, cuando se juzgó el Hábeas Corpus (HC) 71.835-3, el 4 de abril de 1995, en la Segunda Sala, con Francisco Rezek como relator, la mayoría opinó que no se trataba de ampliar el artículo del CF/88, sino de interpretarlo literalmente, manteniendo la jurisdicción federal, mientras que la minoría opinó que debía restringir su alcance.

Posteriormente, la posición del STJ pasó a ser apoyada por el STF, especialmente cuando, el 27 de junio de 1997, se dictó la sentencia HC 75.404/DF en el caso del asesinato del indígena Pataxó Galdino, en la que surgió un desacuerdo interno sobre el alcance de los términos mencionados en el art. 109, XI, del CF/88, y la minoría de magistrados del STF, entre ellos el juez Maurício Correa, pasó a representar la opinión de que el artículo tenía un alcance literal.

El 17 de abril de 2001, en la sentencia del Recurso Extraordinario (RE) nº 270.379-6 relativo al asesinato del indígena Marçal de Souza, en Mato Grosso do Sul, el juez Maurício Correa consolidó su nuevo entendimiento, en el sentido de restringir el alcance del art. 109, XI, de la Constitución Federal, sólo a cuestiones de impacto colectivo, entendiendo que las disputas sobre tierras son un factor que atrae la jurisdicción de los tribunales federales. Al hacerlo, reforzó la legitimidad del Resumen Jurisprudencial 140 del STJ, al mismo tiempo que consolidó el entendimiento de que la disputa de tierras era algo de impacto colectivo, determinante de la jurisdicción de los tribunales federales, como puede verse en su voto en este último caso:

> (...) Por eso, considero que es aplicable al caso, a *contrario sensu*, la posición también establecida en la sentencia del caso *Galdino* (HC 75.404), porque el caso en examen se refiere a una disputa de tierras que involucra el asesinato de su defensor, dentro del pueblo indígena, y los hechos se ajustan debidamente a la disposición contenida en el inciso XI del artículo 109 de la Constitución Federal, que determina la competencia del Tribunal Federal cuando está en juego una disputa sobre derechos indígenas, que, a su vez, están previstos en el "caput" del artículo 231 de la Constitución. (Brasil 2001).

A pesar de haber restringido su entendimiento, esta decisión del juez Maurício Correa fue importante para bloquear la aplicación del Resumen Jurisprudencial 140 del STJ por parte de tribunales de varias regiones del país.

El 6 de agosto de 2006, el Pleno del STF, presidido por la jueza Ellen Grace, se pronunció sobre la RE 419.528/PR, validando el Resumen Jurisprudencial 140/STJ. El ponente, el magistrado Marco Aurélio, votó a favor de la competencia federal, que pasó a denominarse "amplia", es decir, que incluye no sólo al colectivo, sino también al individuo. A él se unieron los jueces Cármen Lúcia y Joaquim Barbosa, pero fue derrotado por el voto del juez César Peluso, que abrió la disidencia, seguido por Gilmar Mendes, Carlos Brito, Ricardo Lewandowski, Sepúlveda Pertence y Eros Grau (sucesor de Maurício Correa), estableciendo la jurisdicción federal de forma restringida y reforzando que el crimen cometido por –o contra– indígenas, o incluso en tierras indígenas, es independiente, importando como criterio sólo el impacto de que el crimen sea colectivo.

La Sumaria 140 se ha diluido en el tratamiento jurídico y penal dado a los indígenas en causas penales por los tribunales estaduales, alimentando la invisibilización de los indígenas presos o en conflicto con la ley en todo Brasil, así como la falta de preparación de los operadores jurídicos y la estandarización de las decisiones judiciales sobre el tratamiento jurídico y penal.

Así, en el ámbito penal, mientras que la cuestión de la jurisdicción es relativa al colectivo en la jurisprudencia del STF, el rechazo o no de la aplicación del criterio integracionista, y/o la necesidad de pericia antropológica, es relativa al individuo, y esta insistente oposición entre lo individual y lo colectivo es la mayor tensión detectada en el poder judicial en la búsqueda de la afirmación de los derechos indígenas.

En este escenario, las tesis de los jueces Eros Grau y Sepúlveda Pertence también estaban en disputa: el primero entendía que el mero hecho de que la persona fuera indígena, inde-

pendientemente del supuesto grado de integración, daba lugar a un régimen de semilibertad y atenuación de la pena, mientras que el segundo entendía que características externas a la persona (como vivir cerca de la ciudad) no eran suficientes para acreditar la integración y la imputabilidad, siendo necesario un laudo antropológico para valorarlo.

En la sentencia del HC n. 85.198/MA, indígenas del pueblo Guajajara acusados de tráfico de drogas, asociación y tenencia ilícita de armas de fuego, en la decisión relatada por el Magistrado Eros Grau, Sala Primera, el 19 de noviembre de 2005, se decidió que el régimen especial de semilibertad se aplica por la "simple condición" de ser indígena, prescindiendo, sin embargo, de la pericia antropológica frente al criterio integracionista afirmado por el magistrado, en los siguientes términos:

> *El examen antropológico destinado a evaluar el grado de integración del paciente en la sociedad es prescindible si el juez afirma su plena imputabilidad a partir de la evaluación de su nivel de escolaridad, del dominio de la lengua portuguesa y del nivel de liderazgo ejercido en la banda, entre otros elementos de convicción. Precedente.* 2. Atenuación de la pena (artículo 56 del Estatuto de la India). Pretensión atendida en la sentencia. Prejudicialidad. 3. Régimen de semilibertad previsto en el párrafo único del artículo 56 de la Ley nº 6.001/73. Derecho conferido por la mera condición de indígena**.** Orden concedida en parte. (Brasil 2005. Cursivas en el original).

Por su parte, la decisión de la relatoría del Ministro Sepúlveda Pertence, en la sentencia unánime de RHC 84.308/MA, también de la Primera Sala del STF, y relativa a indígenas del pueblo Guajajara, del 15 de diciembre de 2005, concluyó que se debía realizar un peritaje:

> (...) Sin embargo, todos se benefician de *la nulidad de los motivos invocados para concluir que los pacientes están plenamente integrados*.
>
> Se trata aquí de demostrar que los pacientes estaban *totalmente integrados, no por ninguna condición personal,* sino porque pertenecían a una comunidad que, además de estar próxima a una determinada autopista, *tenía viviendas atípicas de la cultura indígena, con presencia de «hombres blancos», coches, etc.*
>
> *No se concluye de allí, sin embargo, que algunos indígenas –incluidos los pacientes– puedan tener hábitos culturales propios, con valores y costumbres sumamente relevantes para la resolución del caso, incluso para saber si se les aplica o no el régimen especial.*
>
> Siendo así, concedo la RHC 84.308, a fin de anular el proceso a partir de la decisión que juzgó cerrada la investigación, permitiendo la realización de las pericias necesarias para verificar el grado de integración de los pacientes y constatar la edad de Valdemir Guajajara y Argemiro Guajajara en la época del crimen. (Brasil. STF, RHC 84.308/MA, 15.12.2005, DJ 24/02/2006. Cursivas en el original).

El problema, en la opinión de algunos de los Jueces de la Primera Sala del STF, giraba en torno a la cuestión de si los magistrados habían reconocido características formales que dejaban dudas sobre si los indígenas acusados estaban o no "plenamente integrados". Esta última decisión del Ministro Sepúlveda Pertence acogió la solicitud de un laudo antropológico para resolver la cuestión de la integración, anulando el proceso desde el final de la fase de instrucción, es decir, desde la producción de pruebas. Dicho informe sería incluso necesario para valorar si los indígenas tienen derecho al régimen especial. Mientras que en la decisión de Eros Grau (en HC 85.198/MA), cualquier indígena, independientemente de su supuesto grado de integración, tendría derecho al régimen de semilibertad y a la atenuación de la pena, y se prescindiría del laudo cuando el/la magistrado/a ya hubiera acreditado su integración.

En su momento, estas resoluciones se consideraron un avance en la jurisprudencia. La decisión del Ministro Sepúlveda abrió un nuevo camino, al afirmar que el hecho de que el acusado, perteneciente al pueblo Guajajara, viviera cerca de una autopista y de forma atípica no sería suficiente para acreditar su "total integración", ya que se trataba de condiciones externas al acusado. De este modo, sería necesaria una pericia antropológica para valorar las condiciones personales de los acusados, con el fin de verificar su supuesto grado de integración y, con ello, orientar la aplicación de los derechos indígenas, incluido el régimen especial. La decisión de Eros Grau refuerza lo establecido en el Estatuto Indígena, de que cualquier indígena, independientemente de su "grado de integración", tiene derecho a la aplicación de la pena reducida y del régimen de semilibertad.

En el ámbito judicial, no hubo controversia sobre el laudo antropológico en sí, ya que las sentencias dictadas determinaron que debía realizarse cuando no se acreditara la integración o cuando existieran dudas razonables sobre la misma. El desacuerdo se centró en los criterios de valoración de la integración y en si el magistrado tenía la competencia para valorarla.

La decisión del ministro Sepúlveda Pertence repercutió en las causas penales que involucraban a indígenas, pues los magistrados ya no podían validar los antiguos criterios de integración, lo que llevó a los órganos locales de enjuiciamiento a solicitar certificados de integración e imputabilidad a antropólogos, para evitar nulidades procesales, informes que muchas veces se colocaban al lado de pericias médicas o psicosociales, e incluso se adjuntaban como "incidente de salud mental".

Señalando el avance jurisprudencial propiciado por la decisión del ministro Pertence, Tédney Silva (2019) analizó en su investigación quince resoluciones del STF entre 1968 y 2017 en las que, bajo el manto de la imputabilidad integracionista, los magistrados certificaron la culpabilidad indígena sin pruebas periciales. El autor relata que "la mayoría de las sentencias del STF sobre criminalización de indígenas, sin embargo, se vuelca a la discusión de otra agenda: la definición de la jurisdicción para el juzgamiento de casos que involucran a indígenas" (Silva 2019: 9). Sobre esta otra agenda, en la discusión que tuvo lugar en el STF en torno a la cuestión de la jurisdicción de los tribunales federales cuando el Tribunal Pleno

juzgó la RE 419.528/PR en 2006, hubo una disputa sobre la interpretación de la protección del Estado en relación a la persona indígena colectiva o individual, destacándose de esta última, como ya se mencionó.

En el sistema de justicia penal, al identificar la invisibilización de la diversidad étnica con la discriminación indirecta, Silva et al. (2022: 95) explican que los indígenas en situación de criminalización son nivelados de la misma forma que gran parte de la población carcelaria: "bajo el pretexto de aplicarse a todos indiscriminadamente, el sistema punitivo oculta la diversidad étnica y permite así la invisibilización de los indígenas y de sus reivindicaciones, con sumisión forzada a la obediencia buscada por el Estado" (Silva et al. 2022: 95). Además, el instituto de criminalizar a los líderes indígenas es utilizado rutinariamente en los conflictos fundiarios.

Existen al menos tres hipótesis de partida, no excluyentes entre sí, que promueven la invisibilización de los indígenas en situaciones de conflicto penal: frente a la violencia histórica perpetrada contra los pueblos indígenas por parte del estado, (1) al propio grupo indígena le resulta difícil/vergonzoso identificar a sus miembros en situación de encarcelamiento; (2) al indígena le resulta difícil/vergonzoso identificarse ante la justicia y/o desconoce sus derechos; y (3) el Estado, al tratar con indígenas en prisión, impone su dominación, invisibilizando identidades colectivas y negando derechos subjetivos, es decir, los poderes judicial y ejecutivo ignoran la condición indígena y/o utilizan criterios integracionistas para descartarla.

Sin embargo, nuevas formulaciones están propiciando un movimiento hacia un posible acercamiento entre el poder judicial y las ciencias antropológicas, y a continuación analizaremos los posibles impactos de las recientes Resoluciones del Consejo Nacional de Justicia sobre las decisiones del Supremo Tribunal Federal.

RESOLUCIONES Y DECISIONES

La criminalización de los indígenas ha cobrado relevancia con el creciente protagonismo de los pueblos indígenas en el tema desde la creación del Observatorio de Justicia Penal en 2020, por parte de la Articulación de Pueblos Indígenas de Brasil (APIB), con el objetivo de recopilar información, monitorear situaciones de violencia y criminalización contra los indígenas, y contribuir al debate. Más recientemente, el Consejo Indígena de Roraima (CIR), histórica organización indígena, puso en marcha un observatorio del delito a nivel estadual. Hasta entonces, la única organización con asesoría jurídica específicamente centrada en cuestiones penales que involucraban a indígenas era el Consejo Indigenista Misionero (CIMI) que, a través de su trabajo, así como de las defensorías públicas de los estados y de la Unión, y de abogados de base, libró importantes batallas judiciales para garantizar derechos. También se destacan las recientes iniciativas del Consejo Nacional de Justicia (CNJ), específicamente en relación al tratamiento de los indígenas en el acceso a la justicia y en el ámbito penal.

El CNJ fue creado en junio de 2005 y es un órgano administrativo que regula y supervisa el poder judicial, en el marco del cual establece políticas públicas judiciales en materia de

acceso a la justicia, derechos humanos y medio ambiente. El Consejo está presidido por el presidente del Supremo Tribunal Federal e integrado por quince miembros, entre los que se encuentran miembros del poder judicial, fiscales, dos abogados designados por el Consejo Federal de la Orden de Abogados de Brasil y dos ciudadanos, uno designado por la Cámara de Diputados y el otro por el Senado Federal.Entre sus competencias, el CNJ puede crear normas con una finalidad reguladora/fiscalizadora para el poder judicial o para complementar las leyes, en el ámbito penal también puede crear normas para promover los derechos humanos (Castilho y Silva 2022). Sus resoluciones tienen efecto vinculante para el poder judicial, y los magistrados que incumplan sus directrices pueden ser procesados.

En este sentido, la Resolución 287 del Consejo Nacional de Justicia, del 25 de junio de 2019, entró en vigor bajo la presidencia del magistrado Dias Toffoli, con su respectivo Manual[5], noventa días después de su publicación, el 25 de septiembre de 2019, orientando a los magistrados en el tratamiento jurídico y penal de los indígenas detenidos y/o acusados.

En la introducción del Manual, el magistrado Dias Toffoli, reconociendo la diversidad indígena del país, con sus más de 305 pueblos y 270 lenguas, describe el problema que llevó a la producción de la resolución, explicando que, antes de la CF/88, los indígenas que incorporasen derechos civiles perdían derechos culturales, y que gran parte del problema actual gira en torno al hecho de que las normas infraconstitucionales deben ser interpretadas de acuerdo con la CF/88, pero no han sido actualizadas textualmente (Brasil 2019b: 07). Un extracto de la introducción del Manual de la Resolución 287/19 subraya:

> *Como resultado, el tratamiento jurídico de la cuestión indígena a través de las categorías de civilizados, aculturados o no aculturados, aldeanos y no aldeanos, integrados o en proceso de integración se tornó incompatible con el orden constitucional vigente* (Brasil 2019b: 12. La cursiva me pertenece).

En la sección que trata de los principios generales, el Manual refuerza que "debe haber un análisis específico del caso concreto, incluyendo la solicitud de un informe antropológico específico y la consulta a la comunidad indígena sobre la decisión que se adoptará, incluso si hay antecedentes de consulta con esta comunidad" (Brasil 2019b: 16).

La resolución prevé la realización de pericias antropológicas para comprender las especificidades socioculturales, especialmente sobre la comprensión de los hechos por parte de la comunidad y sus propias formas de resolución de conflictos, y amplía la posibilidad de régimen especial de semilibertad, que puede ser articulado por el juez con los líderes comunitarios del distrito judicial. Además, recomienda la creación de una base de datos de antropólogos e intérpretes por parte del poder judicial, así como la organización de la legislación sobre los

5 Este Manual se encuentra disponible en: https://www.cnj.jus.br/wp-content/uploads/2019/09/Manual-Resolução-287-2019-CNJ.pdf.

derechos fundamentales que ya existía, tratando de promover y supervisar la aplicación de los derechos de los indígenas detenidos y / o acusados.

También afirma que sus directrices son aplicables a todas las personas que se declaren indígenas, sean brasileñas o no. Esta afirmación de la identidad indígena, que va más allá de la frontera brasileña, se destaca, especialmente en las reivindicaciones de los pueblos amerindios y de los países que también son signatarios del Convenio 169 de la OIT, por reconocer que las fronteras indígenas no están cubiertas por los límites del territorio nacional y, al mismo tiempo, por respetar los derechos indígenas de las personas que se identifican como tales, aunque provengan de otros países, según el artículo 2º de la Resolución 287/19 de la CNJ. Finalmente, este artículo refuerza que la aplicación de la Resolución abarca a todos los indígenas, estén o no en territorio regularizado, en contexto urbano o rural. En este punto, es importante recordar la posición histórica del órgano indígena oficial, la FUNAI, que, a lo largo del tiempo, se ha adaptado a los intereses políticos del Estado gobernante, incluyendo o excluyendo a las personas y pueblos indígenas según sus propios criterios.

El artículo 6 de la citada Resolución recomienda el peritaje antropológico:

> Art. 6 Al recibir una acusación o denuncia contra una persona indígena, la autoridad judicial podrá ordenar, siempre que sea posible, de oficio o a petición de las partes, que se realice una pericia antropológica, la cual proporcionará información para establecer la responsabilidad de la persona acusada, y deberá contener como mínimo:
>
> I - la calificación, etnia y **lengua** hablada por la persona acusada;
>
> II - las circunstancias personales, culturales, sociales y económicas del acusado;
>
> III - los usos, costumbres y tradiciones de la comunidad indígena a la que pertenece;
>
> IV - *la comprensión de la comunidad indígena sobre la conducta típica imputada*, así como los *mecanismos de juzgamiento* y sanción adoptados para sus miembros; y
>
> V - otras informaciones que se consideren pertinentes para el esclarecimiento de los hechos. Párrafo Único. *El informe pericial será elaborado por antropólogo,* científico social u otro profesional designado por el tribunal con conocimiento específico en la materia (La cursiva me pertenece).

Además, en el artículo 7, la Resolución 287/19 de la CNJ refuerza que el/la magistrado/a debe considerar sus propios mecanismos de resolución de conflictos y rendición de cuentas de acuerdo con las costumbres de la comunidad indígena a la que pertenece, así como realizar una consulta previa con la comunidad.

La Resolución 287/19 (Brasil 2019a) equipara los derechos de las mujeres indígenas a los de cualquier otra mujer, especialmente en lo que se refiere a la Convención de Bangkok y al Marco Legal para la Primera Infancia. Este esfuerzo es necesario para que no haya dudas

en la aplicación de la ley por parte de los magistrados, ya que aún hay mujeres indígenas en prisión que son madres de niños menores de doce años y/o responsables de otros.

La Resolución 287/19 de la CNJ recomienda que el poder judicial registre la información sobre etnia y lengua hablada, en el expediente y en el sistema informático, para que se pueda hacer un seguimiento de los datos sobre los casos de indígenas acusados o encarcelados. Sin embargo, existen varios obstáculos ante la historia de violencia perpetrada por el Estado contra los pueblos indígenas, lo que dificulta la reivindicación de esta identidad ante la justicia penal.

Después de los impactos de la pandemia del Covid, especialmente la sentencia de la Acción por Incumplimiento de Precepto Fundamental (ADPF) 709, bajo la presidencia del Ministro Luiz Fux, el CNJ publicó la Resolución 454[6], del 22 de abril de 2022 (Brasil 2022b), que trata ampliamente del acceso a la justicia para los pueblos indígenas y, en el mismo día, también la Resolución 453 (Brasil 2022a) que "Instituye el Foro Nacional del Poder Judicial para el seguimiento y la eficacia de las demandas relacionadas con los Pueblos Indígenas (Fonepi)"[7].

Con la Resolución 454/22 (Brasil 2022b), además de la citación personal con intérprete y la recomendación de no realizar actos procesales en días rituales o similares, se abre la posibilidad de que los profesionales de la antropología sean requeridos con mayor frecuencia por el Poder Judicial para dilucidar las especificidades socioculturales como condición de acceso a la justicia de los pueblos indígenas, incluso en causas penales, ya que "el tribunal ordenará la producción de exámenes técnicos por antropólogo o antropóloga de reconocida idoneidad" (Art. 14), y recomienda que la admisibilidad del "examen técnico-antropológico no se base en supuestos grados de integración de los pueblos y comunidades indígenas a la comunidad nacional" (Art. 14).

Esta resolución demuestra los esfuerzos de la CNJ para promover el acceso a la justicia de los pueblos indígenas y sus individuos, buscando garantizar que sus especificidades lingüísticas y culturales sean respetadas en todos los ámbitos del poder judicial. Al reforzar la Resolución 287/19 de la CNJ, y recomendar que la pericia no sea aceptada o descartada por el magistrado sobre la base de supuestos grados de integración, la Resolución 454/22 desalienta expresamente la aplicación del criterio integracionista en el ámbito penal.

Recientemente, la CNJ publicó la Resolución 524/23 sobre recomendaciones para el tratamiento de jóvenes y adolescentes indígenas considerados infractores, recomendando nuevamente la pericia antropológica.

Las Resoluciones de la CNJ mencionadas tratan sobre los derechos de los pueblos indígenas y sus individuos, el acceso a la justicia en general y el seguimiento de sus demandas

6 La resolución 454/22 tiene extensos considerandos que reafirman las normas internacionales y nacionales de derechos. El CNJ ha iniciado una encuesta para mapear la implementación de esta resolución y de la 287/19, dirigida a magistrados, grupos de monitoreo e inspección de prisiones, y al tercer sector, además de producir el manual respectivo para mediados de 2023. Disponible en: https://www.cnj.jus.br/cnj-lanca-questionario-sobre-direitos-indigenas-e-acesso-a-justica/. Última consulta: 11/03/2025.

7 Inicialmente denominado "Foro Nacional del Poder Judicial para el monitoreo y la efectividad de las demandas relacionadas a pueblos Indigenas y Tribales" (FONIT), la redacción fue modificada por la Resolución 489/2023.

en el Poder Judicial, y se complementan entre sí en cuanto al tratamiento jurídico y penal. Por un lado, la Resolución 287/19 pide implícitamente el abandono del criterio integracionista y el fin de la tutela orfanológica del Estado sobre los indígenas, y sólo es explícita en su Manual; por otro lado, la Resolución 454/22 es explícita en su recomendación de rechazar la aplicación del criterio integracionista.

Antes de las Resoluciones 287/19 (Brasil 2019), 454/22 (Brasil 2022b) y 524/23 (Brasil 2023), no existían normas que determinasen expresamente la realización de pericias antropológicas en procesos judiciales penales, excepto por analogía con el Código de Proceso Penal en relación a otras pericias puestas en parámetro en lo que se refiere a la cuestión de la (in)imputabilidad. Había un entendimiento establecido en la jurisprudencia del STF de que sería necesario un laudo antropológico para verificar el supuesto grado de integración del indígena acusado o detenido, en caso de que hubiera dudas por parte de los magistrados. Los magistrados pasaron a medir ese grado por determinados criterios que les parecían pruebas de capacidad civil[8], negando sistemáticamente la pericia antropológica.

A partir de las resoluciones, han sido constantes las reuniones entre la CNJ y la Asociación Brasileña de Antropología (ABA), con la participación de la sociedad civil, indígenas e indigenistas, que animan al organismo a hacer recomendaciones. El 16 de febrero de 2024 se publicó la Resolución 544, que establece recomendaciones para los honorarios de los peritos antropólogos, un tema, entre muchos, que ha llegado a angustiar a los profesionales de la antropología.

Con las Resoluciones del CNJ, se dispone ahora de instrumentos jurídicos que abandonan expresamente el criterio integracionista, en la preocupación por acercar el derecho y las ciencias antropológicas contemporáneas, recomendando a los magistrados la realización de pericias antropológicas para el diálogo intercultural. Además, se concretan en algo específicamente organizado para el tratamiento jurídico-penal de los indígenas, y condensan la escasa legislación que garantiza sus derechos especiales. De esta manera, promueven mecanismos de identificación de los indígenas en los procesos penales y su seguimiento, lo que podría abrir puertas a una mayor visibilidad y efectivización de sus derechos.

Sin embargo, el relevamiento y análisis preliminar de dieciocho decisiones del STF publicadas con posterioridad a la Resolución 287/19, es decir, entre octubre de 2019 y marzo de 2024, muestra que más de la mitad de ellas son casos del estado de Mato Grosso do Sul en los que actuó la Defensoría Pública estadual. Sólo tres decisiones concedieron la petición en relación con los derechos del peticionario indígena, todas ellas de la Ministra Cármen Lúcia. Las demás utilizaron el criterio integracionista para denegar las peticiones.

8 El criterio integracionista se ha aplicado de forma arbitraria y discrecionalmente por parte de los actores del poder judicial, basándose en argumentos como: "habla portugués", "tiene permiso de conducir", "tiene documento electoral". Esta cuestión se tratará en el siguiente apartado.

Tabla 1

Estado	STF	Ministro	PLEITO	Fecha de publ. de decisión	Decisión
Santa Catarina	ARE 1232329	Alexandre de Moraes	semi libertad	19/09/2019	indeferimento
Paraná	RE 1270202	Cármen Lúcia	semi libertad	20/10/2020	deferimento
Mato Grosso do Sul	RHC 199360	Cármen Lúcia	nulidade da instrução sem perícia antropológica	06/04/2021	medida cautelar concedida
Mato Grosso do Sul	RHC 199360	Cármen Lucia	nulidade da instrução sem perícia antropológica	06/04/2021	concedida
Maranhão	HC 190240	Gilmar Mendes	semi libertad	05/05/2021	denegada
Mato Grosso do Sul	RE 1318226	Cármen Lúcia	perícia antropológica	04/05/2021	denegada
Paraná	RHC 210066	Alexandre de Moraes	semi libertad	10/01/2022	denegada
Mato Grosso do Sul	ARE 1380420	Luiz Fux	semi libertad y arresto domiciliario	10/05/2022	denegada
Mato Grosso do Sul	ARE 1379745	Edson Fachin	semi libertad, arresto domiciliario anticipación de la progresión del régimen COVID	26/05/2022	denegada
Paraná	RHC 216252	Alexandre de Moraes	semi libertad	08/06/2022	denegada
Paraná	ARE 1330233	Alexandre de Moraes	semi libertad	21/06/2022	denegada
Mato Grosso do Sul	ARE 1376311	Edson Fachin	semi libertad y arresto domiciliario	28/07/2022	denegada
Mato Grosso do Sul	ARE 1394644	Alexandre de Moraes	semi libertad	16/08/2022	denegada
Bahía	HC 221551	Dias Toffoli	semi libertad	25/10/2022	denegada
Mato Grosso do Sul	ARE 1421391	Rosa Weber	traductor/intérprete para examen criminológico	24/02/2023	denegada
Mato Grosso do Sul	ARE 1455873	Cristiano Zanin	pericia antropológica	27/09/2023	denegada
Mato Grosso do Sul	ARE 1389661	André Mendonça	intérprete	23/10/2023	denegada
Bahía	ARE 1473890	Gilmar Mendes	competencia federal, atenuación y semi libertad	08/03/2024	denegada

En cuanto a las decisiones de la jueza Cármen Lúcia, en el primer caso (RE 1.270.202), en 2020, hizo referencia a la decisión paradigmática de Eros Grau de garantizar el régimen de semilibertad como el único aplicable a los indígenas en caso de encarcelamiento. En la

segunda HC 199.360 (Brasil 2021), juzgada el 6 de abril de 2021, concedió el sobreseimiento de la causa hasta que se juzgue el fondo y, en la tercera, relativa al mismo caso, referenció y superó la decisión de Sepúlveda Pertence, ordenando la realización de pericias antropológicas y la anulación del pronunciamiento[9] basado en el principio de multiculturalidad. Finalmente, en una cuarta decisión de la Ministra (RE 1.318.226), del 4 de mayo de 2021, se denegó la complementación del informe antropológico porque ya se había producido.

En el HC 199.360, de Mato Grosso do Sul, promovido por la Defensoría Pública del Estado en nombre de un Kaiowá Guaraní acusado de femicidio, en una decisión unipersonal, la Ministra Cármen Lúcia, impulsada por la Resolución 287/19 de la CNJ (Brasil 2019a), abordó la cuestión de la producción antropológica de manera diferente, exaltando el multiculturalismo del Estado brasileño y el abandono de una visión integracionista de los pueblos indígenas y de sus individuos ante la justicia penal:

> Cabe, por tanto, señalar que incluso en el caso de que no se constatara la inimputabilidad o semi imputabilidad del recurrente (paradigma integracionista), el laudo antropológico es importante en el asunto tratado, porque en este caso el imputado será juzgado *por el Consejo de Sentencia del Tribunal del Jurado, órgano formado por jueces legos, que necesitan disponer de los datos necesarios para una perfecta comprensión del contexto en el que se produjeron los hechos, para analizar y concluir sobre la conducta del acusado y las circunstancias en las que se produjo*.
> (...)
> Se ha argumentado por las anteriores instancias que era innecesario acoger el motivo de la defensa por haber quedado acreditada la imputabilidad del acusado. Sin embargo, lo que debe exponerse en su integridad es el **cuadro fáctico y cultural** para destacar no sólo la imputabilidad y responsabilidad penal del acusado, que no se discuten, sino los datos completos a considerar para concluir la culpabilidad o dolo del acusado. *Preguntas fundamentales sobre las calificadoras y cómo los indígenas de la etnia del recurrente y de la víctima observan el caso para expresar su íntima convicción (perspectiva multiculturalista), son necesarias para que los jurados comprendan todo el escenario* (Brasil 2021. Cursivas en el original. La cursiva me pertenece).

Siempre sobre la perspectiva multiculturalista y la pericia antropológica en los procesos penales, la Ministra comenta:

> **La realización de un peritaje antropológico no tiene por objeto eximir de responsabilidad judicial al recurrente, sino comprender el hecho analizado también en su marco cultural específico, en el que se insertan el recurrente y la víctima, que puede ser diferente, más grave o más leve que en la cultura no indígena. El laudo también podría mostrar si el delito fue objeto de reacción de acuerdo con la cultura del acusado y de la víctima, y su personalidad, o las consecuencias del delito para la comunidad en la que tuvo lugar.**

9 Los procesos penales que son competencia del jurado, es decir, los que versan sobre delitos contra la vida, se denominan en derecho penal bifásicos: en la primera fase el juez comprueba los indicios técnicos de autoría y dicta sentencia, de acusación o de prisión. Si hay acusación, se pasa a la segunda fase y el acusado es sometido al Jurado Popular.

(...)

Puede verse que las negaciones del estudio antropológico se limitaban a si el recurrente estaba o no integrado en la cultura occidental y que no se trataría de un caso de inimputabilidad del recurrente.

En su dictamen, la Fiscalía también mantuvo su opción por una perspectiva integracionista, al afirmar que:

> *(...) está siendo acusado de un delito grave (tentativa de homicidio calificado), sabe leer y escribir, estudió hasta el sexto grado, tiene 23 años de edad y, además, en la audiencia de instrucción, entendía perfectamente la lengua vernácula y hablaba fluidamente el portugués, siendo una persona, por lo tanto, plenamente integrada y con capacidad para comprender el presunto ilícito cometido, razón por la cual es realmente prescindible la realización del examen pericial antropológico en este caso* (fl. 11, e-doc. 8). (...) (Brasil 2021. Cursivas en el original. La cursiva me pertenece).

La oposición entre la ministra y la Procuraduría General de la República (PGR), es decir, entre el multiculturalismo y el integracionismo, tiene que ver con el desfasaje explícito entre los actores judiciales y la antropología, ya que utilizan argumentos obsoletos que datan de finales del siglo XIX a la primera mitad del siglo XX, sirviendo al poder hegemónico al considerar las culturas de los pueblos a través de una lente evolutiva, apuntando a su estancamiento o a su fin. Por su parte, la antropología brasileña ya había proporcionado los elementos para comprender las diferentes formas de vivir y entender el mundo, la dinámica cultural, la organización social, sin determinar jerarquías de conocimiento o el fin de los pueblos indígenas, influyendo en la propia redacción de la Constitución Federal de 1988. Además, para las ciencias antropológicas, lo individual y lo colectivo están entrelazados, en reconocimientos recíprocos de existencia; no son separables. Para la Ministra, aspirar a

> (...) un juicio justo, en el que los jurados conozcan *la matriz cultural y el marco sociológico del entorno de los hechos*, no debe ignorarse ni subestimarse la finalidad buscada insistentemente por la defensa para la producción del laudo antropológico que le fue negado.
>
> (...) Concedo la orden de reconocer *el derecho a la pericia antropológica*, esencial para *el ejercicio del derecho de defensa, para completar la fase de instrucción*, anulando la sentencia de acusación y ordenando que este acto se lleve a cabo (Brasil 2021. La cursiva me pertenece).

Cármen Lúcia, de forma inédita en el STF, vuelve a unir al individuo con su colectivo, discutiendo la necesidad de un laudo antropológico de forma no relacionada con la imputabilidad, buscando comprender el contexto a través del "marco cultural específico". Es decir, su decisión no está vinculada a las características formales de la persona para aplicar el criterio integracionista, sino a la perspectiva multicultural, que involucra la diversidad étnica de forma fluida en el tiempo, atendiendo a los principios del CF/88, del Convenio 169 de la OIT, así como a las orientaciones emanadas de la Resolución 287/19 del CNJ.

La composición del STF cambia a lo largo del tiempo, revelando nuevas y antiguas posiciones de acuerdo con el perfil que se va incorporando. En este sentido, se observa que ministros más recientes del STF, Alexandre de Morais (2017), André Mendonça (2019), Kassio Nunes Marques (2020) y Cristiano Zanin (2023), han utilizado el criterio integracionista para negar los derechos de las personas pertenecientes a pueblos indígenas en el ámbito penal. Aún no se sabe cuál será la posición del recién investido magistrado Flávio Dino, que sustituyó a la magistrada Rosa Weber en 2024, pero Luiz Fux y Cármen Lúcia son los siguientes en salir, en 2028 y 2029 respectivamente. La cuestión no es pacífica en la historia del poder judicial, e incluso el ministro Fux –que como presidente del CNJ firmó la publicación de las Resoluciones 454/2022 sobre el acceso a la justicia, la recomendación de la pericia antropológica y el rechazo del criterio integracionista– la utiliza en sus decisiones en el STF. Cabe señalar también que Edson Fachin, relator de la discusión sobre el plazo, en el Tema 1031 juzgado en 2023; y Dias Toffoli, que era presidente del CNJ cuando se publicó la Resolución 287/19 y su Manual, también utilizan criterios integracionistas que han sido superados por la antropología y la Constitución Federal de 1988, junto con el Convenio 169 de la OIT, que se ha internalizado en Brasil con el estatus de derecho fundamental.

A pesar de las directrices de las resoluciones del CNJ, el escenario parece cada vez más caldeado, y los términos conquistados en la Constitución Federal de 1988 y sus conceptos antropológicos siguen en disputa en el poder judicial brasileño.

COMENTARIOS AL CASO DE PASO PIRAJU (MATO GROSSO DO SUL)

A título de ejemplo, cabe mencionar el caso de los nueve indígenas Guaraní Kaiowá' y Ofaié de la *tekoha* Paso Piraju[10], en Mato Grosso do Sul, acusados de doble homicidio y tentativa de homicidio por hechos ocurridos el 1 de abril de 2006. Si bien el estado de Mato Grosso do Sul ostenta actualmente el récord de encarcelamiento de indígenas, especialmente de los Guaraní Kaiowá[11], en 2006 ya ostentaba el récord de asesinatos de indígenas, ranking que se mantiene hasta la actualidad[12], destacando la violencia y el régimen de terror contra los Kaiowá (Barbosa da Silva 2023; Capiberibe y Bonilla 2015).

La situación de criminalización de la comunidad de Passo Piraju ganó relevancia, influyendo en toda la demarcación de tierras de Mato Grosso do Sul, al ser muy expuesta por los medios de comunicación del estado. Fue la primera vez en el estado que, en un conflicto de tierras, en lugar de morir indígenas, morían no indígenas. Sobre este tema, vale la pena recordar las enseñanzas de Achille Mbembe (2016), basadas en su concepto de *necropolítica*,

10 La acción penal bajo la Jurisdicción del Jurado N º 0001109-22.2007.403.6002 que se tramita en el Tribunal Federal de Mato Grosso do Sul.

11 Véase el informe sobre los esfuerzos conjuntos realizados en Mato Grosso do Sul para ayudar a los pueblos indígenas, disponible en: https://shorturl.at/X77ve. Última consulta: 11/03/2025.

12 Véase también: https://shorturl.at/2OZEE. Última consulta: 11/03/2025.

sobre los que deben morir y los que deben vivir en un estado de excepción establecido, donde domina la *necropolítica*, que también se vuelve contra los cuerpos indígenas.

A raíz de una denuncia del Ministerio Público del estado de Mato Grosso do Sul, el 12 de abril de 2006, mientras este órgano rechazaba la competencia de los tribunales federales aplicando el Resumen Jurisprudencial 140 del STJ, utilizó la decisión en la RHC 84.308/MA, del Ministro Sepúlveda Pertence, para evitar nulidades procesales, solicitando que se realizara un laudo antropológico para certificar la imputabilidad de los acusados, además de una pericia psiquiátrica y psicológica. A continuación se abrió un incidente de salud mental. Cabe destacar la falta de entendimiento entre la razón antropológica y la razón jurídica: bien por el Ministerio Fiscal, que pretendió su certificado de integración, convencido de un supuesto evolucionismo biológico; bien por el juez, que nombró y volvió a nombrar para la pericia antropológica a un médico que se negó a realizarla ante su falta de expertise; bien por las conclusiones de los laudos antropológicos que, en un intento de diálogo con la razón jurídica, afirmaron que los indígenas examinados "no están integrados en la sociedad" y "no eran capaces de comprender el carácter ilícito de su conducta"[13].

Además, después de un año de proceso en los tribunales estaduales, durante el cual las nueve personas acusadas permanecieron en prisión, hubo una sentencia en el HC 65.898/MS, presentada por la defensa de los indígenas acusados, en la que el STJ se basó en las sentencias del STF mencionadas anteriormente[14], liberando a los kaiowá y ordenando la transferencia del caso a los tribunales federales.

Los laudos antropológicos fueron elaborados en 2006, a pedido del Ministerio Público del Estado, bajo la coordinación de la antropóloga Alexandra Barbosa da Silva, y en 2008, a pedido del Tribunal Federal, por los antropólogos Graciela Chamorro y Jorge Eremites de Oliveira (2019). Ambos llegaron a las mismas conclusiones: tres personas confesaron haber participado en el hecho y los demás han dicho a coro, junto con los confesores y la comunidad, que no tuvieron nada que ver. En todo caso, los indígenas actuaron sin saber que se trataba de policías civiles, pues fueron confundidos con *capangas* del hacendado, buscando neutralizar y repeler la agresión contra la comunidad. Sin embargo, a lo largo del juicio, los laudos antropológicos fueron totalmente ignorados por la fiscalía y los tribunales, porque llegaban a una conclusión diferente de la que esperaban y diferente de los informes médicos y psicológicos.

Si desde el punto de vista del derecho se buscaba un certificado antropológico de integración e imputabilidad, fueron elaborados dos laudos antropológicos que, en un esfuerzo de diálogo, concluían que los imputados no estaban integrados y que eran incapaces de entender su conducta como ilícita. Observando las preguntas y las respuestas, se aprecia

13 También es muy frecuente ver en los laudos antropológicos de casos penales la expresión "eternamente en proceso de integración".

14 En el punto "Tribunal Supremo Federal: tensiones", se ha hecho referencia a los asuntos RE 270.379-6 y RE 419.528/PR.

el distanciamiento entre la razón antropológica y la razón jurídica, tratando la primera de explicar a la segunda que el criterio integracionista ha sido superado por la antropología. Para responder a la pregunta, los expertos lo plantean así: si integración significa pérdida de valores culturales, entonces no están integrados.

La influencia positiva de estas pericias en aquel momento del proceso fue la garantía del STJ de que la prisión preventiva se cumpliría en la aldea, bajo la supervisión de la FUNAI, en régimen de semilibertad, que se consideraba el régimen máximo aplicable dentro de los límites establecidos en la decisión del ministro del STF Eros Grau[15].

Los juicios por jurados en este caso se celebraron en junio de 2019 y febrero de 2024. En el primero, la resolución 287 del CNJ aún no estaba en vigor, pero aun así, se garantizaron sus premisas junto con las del CF/88, el Estatuto del Indio y el Convenio 169 de la OIT, en el sentido de atenuar la pena y aplicar el régimen de semilibertad; de los cinco Kaiowá juzgados, cuatro fueron condenados y uno absuelto, y ninguno fue condenado por tentativa de homicidio contra la víctima superviviente. En el segundo juicio, de un hombre y una mujer kaiowa, aunque fueron absueltos de asesinato y tentativa de asesinato, hubo una inhabilitación por lesiones en relación con la única mujer acusada, y se aplicaron las resoluciones del CNJ en la sentencia y también en las negociaciones en el pleno, en relación con el derecho a la lengua y a un intérprete[16].

En ambos procesos, los laudos antropológicos fueron fundamentales para el diálogo intercultural de la defensa de los acusados con los miembros del jurado, ya que éstos, a petición de la defensa, recibieron el material desde el primer día de la sesión para su lectura, en el que, además de las conclusiones mencionadas, se explicaba que, para la comunidad, la acción fue necesaria para repeler un mal injusto, ya que, en un escenario de conflicto de tierras, policías civiles vestidos de civil ingresaron a la comunidad a gran velocidad, en un vehículo negro no identificado, fuertemente armados, disparando hacia arriba, al punto de impactar el dedo gordo del pie de un indígena Ofaié que se encontraba haciendo el techo de su casa de paja. Cuando se acercaron al coche, la escopeta del calibre 12 de uno de sus ocupantes se disparó, alcanzando a su propio compañero, por lo que "policía mató a policía". Otra cuestión relevante, trabajada en la defensa de los acusados y abordada en profundidad en el laudo, fue la cuestión del manejo de la lengua materna y del portugués (Chamorro y Oliveira 2019), asegurando en el plenario que, aunque hubiera conocimiento de la lengua portuguesa, no se podía violar el derecho a expresarse en la propia lengua materna, ni debía servir para desacreditar al indígena.

Sin embargo, mirando los casos individuales en general, como se puede ver en la tabla anterior, el caso de Passo Piraju, que obtuvo la jurisdicción federal, un laudo y una sentencia

15 En el Habeas Corpus 85.198/MA.

16 Para conocer más sobre el caso, véase: https://rb.gy/bgk5bz, consultado el 09/03/2024.

garantizando los derechos específicos de los pueblos indígenas, es una rareza en el poder judicial brasileño. Existe un conflicto sobre si los derechos reconocidos a los indígenas se aplican a todos los indígenas o sólo a algunos en función de un supuesto *grado de integración*. Los operadores jurídicos utilizan este criterio para evitar la aplicación de los derechos relativos a la especificidad cultural indígena, en la misma medida en que, durante la dictadura cívico-militar-corporativa, la incorporación de los derechos civiles estuvo vinculada a la pérdida de los derechos culturales.

Así, en cuanto a la garantía de los derechos del individuo, el STF aún debate si restringir el alcance de las normas constitucionales e infraconstitucionales en relación a los individuos indígenas, separados de su colectivo en el tratamiento jurídico y penal de sus derechos. Mientras tanto, en la antropología, el problema de la integración fue superado desde la década de 1950 y completamente abandonado desde la década de 1970, en el entendimiento de que nadie deja de ser lo que es, ya que la cultura es dinámica.

CONCLUSIÓN

Los resabios del tratamiento tutelar dado a los pueblos indígenas antes de la promulgación de la Constitución Federal de 1988 aún son fuertes en el Poder Judicial penal, que separa al individuo de la colectividad a la que pertenece y define sus derechos con criterios retrógrados. La disputa interpretativa sobre las condiciones de validez de los derechos indígenas está latente en el ámbito penal.

Ya en 1995, el Tribunal Superior de Justicia resumió su opinión sobre la competencia de los tribunales ordinarios para juzgar delitos cometidos por o contra indígenas, reduciendo los derechos indígenas conquistados en virtud de los artículos 231 y 232 de la Constitución Federal de 1988 en el sistema de justicia penal. Esto fue respaldado por el Supremo Tribunal Federal. Este mismo órgano sigue utilizando el criterio integracionista para excluir la aplicación de los derechos derivados de la identidad indígena.

Este respaldo dado por el STF, al no enfrentar la inconstitucionalidad de la aplicación del criterio integracionista, dificulta que los tribunales de primera y segunda instancia realicen un cambio más contundente, incluso con los esfuerzos de la CNJ.

En este desajuste, a pesar de que la producción de pericia antropológica en el proceso penal existe desde hace mucho tiempo, el informe sólo se elaboraba para dar fe del supuesto grado de integración de los indígenas acusados o presos, y sólo si el magistrado tenía dudas justificadas sobre la "integración total", muchas veces utilizada como prueba de la capacidad de cognición del acusado, para evaluar la imputabilidad. El paradigma integracionista sigue siendo utilizado por la judicatura de forma totalmente anacrónica en relación con la legislación vigente y la antropología contemporánea.

Las resoluciones de la CNJ han sido aceptadas en pocas causas penales y ejecuciones y, aún con recomendación expresa de la CNJ, la mayoría de las veces son rechazadas con base

en el criterio integracionista. Este entendimiento persiste entre los ministros del STF, que han mantenido el criterio integracionista en el apoyo a las decisiones de los tribunales inferiores, con excepción de la ministra Cármen Lúcia. Su posición es una novedad en el máximo tribunal del país, lo que la hace relevante para el debate actual sobre el tratamiento jurídico y penal de los indígenas en Brasil y las posibilidades del informe desde una perspectiva multicultural.

Al mismo tiempo en que la composición actual del STF muestra señales de retroceso, parece haber una apertura para la disputa y consolidación de conceptos antropológicos en el poder judicial, desde la CNJ, defensores públicos estaduales y federales, fiscales públicos estaduales y federales, *advocacy* popular y otros actores.

Translated by Raúl Federico Lavezzo Huberman
Received: March 31, 2023.
Approved: March 17, 2025.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

"No ha lugar": las pericias antropológicas bajo sospecha

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Resumen:

En el contexto de la Patagonia argentina de los últimos años, las pericias antropológicas solicitadas suelen ser desestimadas en los tribunales donde se dirimen conflictos territoriales que involucran al Pueblo mapuche tehuelche. En este trabajo, analizamos algunos de los principales fundamentos con los que se esgrimen esos sentidos de "no ha lugar", con el fin de identificar los desafíos que se presentan al momento de adecuar los métodos y enfoques de la Antropología a las lógicas e imperativos del Derecho. En particular, y en torno a disensos en la definición de sus formas y funciones, nos preguntamos cuáles son los límites y las posibilidades de las pericias antropológicas para intervenir con eficacia en el curso de un litigio judicial, en contextos político-jurídicos de creciente estigmatización y criminalización de las acciones políticas colectivas del Pueblo mapuche tehuelche.

Palabras clave: pericia antropológica; credibilidad; encuadres; criminalización; etnografia

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e01006
https://doi.org/10.1590/1809-4341.2025v22e01006

"There is no Case:" anthropological expertise under suspicion

Abstract:

In the context of Argentine Patagonia in recent years, requested anthropological expert reports are often dismissed in the courts that resolve territorial disputes involving the Mapuche Tehuelche people. In this paper, we analyze some of the main grounds for these "no place" arguments, in order to identify the challenges that arise when adapting anthropological methods and approaches to the logic and imperatives of law. In particular, and regarding disagreements regarding the definition of its forms and functions, we ask what are the limits and possibilities of anthropological expert reports to effectively intervene in the course of a judicial dispute, in political-legal contexts of increasing stigmatization and criminalization of the collective political actions of the Mapuche Tehuelche people.

Keywords: Anthropological Expert Report; Credibility; Framings; Criminalization; Ethnography.

“Não há lugar”: laudos antropológicos sob suspeita

Resumo:

No contexto da Patagônia Argentina, nos últimos anos, os laudos antropológicos solicitados são frequentemente rejeitados nos tribunais que resolvem disputas territoriais envolvendo o povo Mapuche Tehuelche. Neste artigo, analisamos alguns dos principais fundamentos desses argumentos de “não lugar”, a fim de identificar os desafios que surgem ao adaptar métodos e abordagens antropológicas à lógica e aos imperativos do direito. Em particular, e em relação às divergências quanto à definição de suas formas e funções, questionamos quais são os limites e as possibilidades dos laudos antropológicos para intervir efetivamente no curso de uma disputa judicial, em contextos político-jurídicos de crescente estigmatização e criminalização das ações políticas coletivas do povo Mapuche Tehuelche.

Palavras-chave: laudo antropológico; credibilidade; enquadramentos; criminalização; etnografia

“No ha lugar”: Las pericias antropológicas bajo sospecha

Ana Ramos

CONTEXTOS Y PUNTOS DE PARTIDA

El Ministerio Público de la Defensoría de Menores de San Carlos de Bariloche (provincia de Río Negro, República Argentina) solicitó al juez federal una pericia antropológica, en el contexto de una causa originada por un litigio territorial en el que se acusa de “usurpadores” a los miembros de una comunidad mapuche. El pedido tuvo como respuesta del Juzgado Federal de San Carlos de Bariloche la siguiente conclusión: “Por ello, a lo solicitado, por impertinente, NO HA LUGAR” (mayúsculas del original).

La expresión “no ha lugar”, utilizada en ámbitos jurídicos para desestimar o rechazar una solicitud de una acción o demanda interpuesta en un tribunal por improcedente, enmarca el problema sobre el que quisiera reflexionar en este trabajo. ¿Cuáles suelen ser las principales razones para determinar que las pericias antropológicas son improcedentes para la resolución de muchos de los conflictos en los que se nos invita a producir una prueba desde el conocimiento antropológico? Y en relación con ello, ¿qué desafíos nos presenta esta arena de intercambios y disputas sobre nuestro hacer disciplinar?

Ahora bien, para comprender por qué la expresión de los tribunales de “no ha lugar” adquiere relevancia en nuestras reflexiones antropológicas sobre el ejercicio profesional, por fuera de los ámbitos académicos, comparto algunos contextos locales y puntos de partida en los que he enmarcado el análisis.

Comienzo por describir, de forma sucinta, el contexto de creciente conflictividad que deben enfrentar las comunidades y familias mapuche tehuelche en la Patagonia argentina cuando se trata de demandas territoriales. En los últimos años se fueron concatenando diferentes procesos, en una escalada de discursos racistas y acciones políticas tendientes a la exclusión de los reclamos indígenas. Por un lado, a partir de la apertura democrática en la década de 1980, las acciones colectivas de los pueblos indígenas en Argentina lograron impugnar los imaginarios sociales de las matrices de alteridad (Briones 1998) que sostenían la inexistencia de indígenas en un país en el que la identidad nacional y el tipo ideal de ciudadano han sido pensados como el resultado histórico de la inmigración europea. Este proceso, enmarcado en largas luchas por la ampliación de los derechos indígenas, se plasmó –sobre todo en la

década de los noventa– en la Constitución Nacional, en leyes nacionales y provinciales, y en la adopción de normativas internacionales que, en su conjunto, constituyeron un marco jurídico de avanzada en lo que refiere a legislación indígena.[1]

Por otro lado, la letra de esta nueva gramática del derecho se tradujo escasamente en prácticas jurídicas y concretas por parte de los tribunales de justicia. Esta inadecuación y lentitud, en la promulgación y puesta en ejecución de las leyes, reorientaron las luchas de los pueblos indígenas hacia acciones colectivas tendientes al ejercicio de sus derechos, a costa de participar en el debate político bajo figuras de criminalización. Las demandas de reconocimiento, particularmente las del Pueblo mapuche tehuelche, devinieron mayormente en recuperaciones territoriales que, en el ámbito judicial, fueron sistemáticamente definidas como "usurpaciones", llevando las contiendas políticas por el reconocimiento a las esferas del ámbito penal.

También producto de estas luchas, se fueron profundizando los procesos de autoidentificación indígena, poniendo en entredicho el imaginario hegemónico que afirmaba que Argentina era un "país sin indios". Como ocurrió en otras regiones, en la Patagonia argentina, las comunidades y personas del Pueblo mapuche tehuelche encararon diversos trabajos colectivos, de recuperación y restauración de memorias, y relecturas colectivas de la marginalidad como resultado de múltiples injusticias vividas por los/as antepasados/as. Por eso, en las últimas décadas, las reivindicaciones territoriales del Pueblo mapuche tehuelche fueron involucrando a familias y personas, tanto de las zonas rurales como también, y de forma creciente, de las ciudades.[2]

Esta heterogeneidad en la reconstrucción de procesos históricos de subordinación y marginalidad se fue plasmando en una mayor diversificación, de las historicidades y de los consecuentes argumentos políticos con los que se fundamenta la acción colectiva de reivindicación territorial (Briones & Ramos 2020). Los lenguajes contenciosos con los que estas recuperaciones de territorio buscan intervenir políticamente en los marcos de interlocución con el Estado remiten hoy, al menos, a tres tipos de historicidades. Una, a la que hemos llamado "historicidad del parentesco", puesto que se basa en exigir una revisión de la historia

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1 A fines de 2006 se sancionó la Ley Nacional Nº 26160, con el propósito de dar respuesta a la situación de emergencia territorial de las Comunidades Indígenas del país, en consonancia con el Artículo 75º, Inciso 17, de la Constitución Nacional, y dando cumplimiento parcial al Artículo 14º inc. 2 del Convenio 169 de la OIT. En esta ley se explicita la importancia de un Informe Histórico Antropológico para incluir el relato de la historia de cada Pueblo y cada Comunidad, y la descripción de su relación con la tierra en el litigio territorial. Si bien la ley destaca el rol imprescindible de estos informes para producir evidencias desde las memorias orales, su peso y relevancia en el devenir jurídico suele ser arbitrario y heterogéneo, según los contextos e intereses en juego. Sin embargo, a partir de esta norma se habilitó un lugar profesional para la Antropología en el ámbito legal que, desde el 2006 a la fecha, se fue extendiendo hacia diferentes conflictos: no sólo en relación con la legitimidad indígena en los territorios reclamados, sino también con acusaciones de abigeato (robo de animales), conflictos de sucesión y herencia, denuncias indígenas ante la represión de las fuerzas de seguridad, acciones colectivas de demanda indígena catalogadas como "usurpaciones agravadas por el uso de la violencia", entre otros.

2 El Pueblo mapuche tehuelche es uno de los más numerosos en Argentina. Actualmente las comunidades y organizaciones que se reconocen como mapuche, mapuche tehuelche o tehuelche, se extienden desde la provincia de Buenos Aires hasta la de Santa Cruz. Gran parte de estas comunidades se dedican a la producción ovina y ganadera en las zonas rurales, mayormente en las provincias de Neuquen, Río Negro y Chubut. Sin embargo, producto de los masivos y constantes despojos territoriales, y la búsqueda de trabajo, un porcentaje importante de este Pueblo vive hoy en las zonas periféricas de las ciudades patagónicas.

del despojo territorial que, de formas violentas, injustas y engañosas, sufrieron los abuelos, abuelas, padres y madres. Otra, a la que llamamos "historicidad de la subordinación", es la que apela a una historia de más larga duración en la cual el Pueblo mapuche tehuelche, preexistente a la formación del Estado Nación, fue víctima de un genocidio que, además de producir numerosas muertes, llevó a cabo deportaciones y desplazamientos forzados. Esta historicidad permite explicar por qué la mayor parte de las familias hoy viven en las periferias de las ciudades, sin poder probar que sus abuelos, abuelas, padres y madres fueron parte de una misma comunidad, o que habitaron en un mismo territorio a través del tiempo. Finalmente, la "historicidad de los existentes", la cual se activa políticamente en espacios públicos más recientemente, es la que discute de forma más radical el historicismo hegemónico, puesto que sus marcos epistémicos y ontológicos difieren de las formas dominantes de producir efectos de verdad y enmarcar los hechos. Esta historicidad se centra en un presente en el que los espíritus de los ancestros (*kuyfiquecheyem*) y las fuerzas de la naturaleza (*newen, ngen*) son agentes de la historia e intervienen en sueños y visiones, orientando las acciones colectivas y los mandatos acerca de cómo proceder en el presente (Briones & Ramos 2020).

Esta heterogeneidad de propósitos que intervienen en las subjetivaciones políticas de las personas mapuche tehuelche también se ve reflejada en las formas divergentes de reivindicación, resguardo y control territorial, así como en el tipo de antagonistas que emergen en los litigios, como por ejemplo, comerciantes y terratenientes locales que adquirieron los territorios indígenas de formas dudosas; pero también empresas extractivas, latifundios, Parques Nacionales, Ejército.

En la Patagonia argentina, y particularmente en las provincias de Río Negro y Chubut, la reacción de ciertos sectores de la sociedad se definió, tanto por la negativa a poner en discusión las políticas de reconocimiento indígena, como por el rechazo de los mecanismos jurídicos orientados a viabilizar las demandas de acceso a la justicia que las prácticas colectivas de recuperación territorial buscaron vehiculizar. La participación de fuerzas nacionales y provinciales en intervenciones represivas de desalojo resultó en el asesinato de un joven solidario con la causa mapuche, y de otro joven mapuche que acompañaba a su familia en un proceso de recuperación territorial. Recientemente, en un contexto de sitio policial a un territorio recuperado, otro joven mapuche fue asesinado, y otro gravemente herido por la intervención de personas civiles asociadas a la parte que disputaba el territorio en términos de propiedad privada. Paralelamente a estos sucesos, se crearon colectivos políticos –activados por partidos conservadores en defensa de la propiedad privada y la soberanía nacional– que no sólo distorsionan la historia, con el fin de excluir al pueblo mapuche tehuelche de las arenas legítimas y autorizadas de interlocución política, sino que también han venido produciendo discursos racistas, que promueven la intolerancia y habilitan soluciones violentas a los conflictos. Estas circunstancias –apropiadas de formas interesadas por distintos sectores sociales y del gobierno– llevaron el conflicto territorial del pueblo mapuche tehuelche a las

agendas nacionales y a las disputas electorales como nunca antes había sucedido, modificando el campo de fuerzas en el que distintas instituciones estatales deben tomar decisiones.

En este contexto de presiones políticas –que se entraman en grietas partidarias y en disputas sobre el federalismo, la propiedad privada, la acumulación territorial y los modelos económicos de desarrollo–, los "casos" de litigios territoriales que involucran al pueblo mapuche tehuelche dejaron de tramitarse a las sombras de los debates centrales de la política nacional. En relación con estos cambios en las arenas políticas, y a los fines de reflexionar sobre las prácticas antropológicas en las interfaces entre academia y sociedad, resulta imprescindible pensar, tanto los desafíos implicados en la diversidad de lenguajes, argumentos y procesos de demanda indígena, como en las reducidas posibilidades de intervención institucional que tiene la Antropología en esos contextos de intolerancia y negación.

Estas coyunturas, pensadas aquí desde la Patagonia argentina, tienen sus correlatos en distintas regiones de Latinoamérica, en las que el racismo, la discriminación y la represión se fueron multiplicando y resignificando, vía los intereses de las élites económicas. En gran parte de estos contextos, la judicialización indígena no sólo introduce debates en torno a la ampliación de derechos, sino también otros, sobre políticas ambientales y de distribución territorial. En estas circunstancias, preguntarnos sobre el rol de las pericias antropológicas y las reacciones de los tribunales –de "no ha lugar"– nos exige ser mucho más precisos acerca de nuestros compromisos profesionales y de la seriedad de nuestro hacer disciplinar.

Otro de los contextos a reponer, para dar cuenta de lo que queremos analizar a continuación, tiene que ver con un mayor reconocimiento de la práctica antropológica en foros no académicos y, principalmente, por parte de las defensas técnicas de las comunidades indígenas.[3] Si bien éste no se corresponde necesariamente con un mayor conocimiento acerca de las formas de trabajo y los aportes jurídicos que puede realizar la Antropología, lo cierto es que se fue instalando públicamente un lugar de enunciación antropológica en forma de peritajes e informes. Desde que me mudé a San Carlos de Bariloche para participar de la creación de la carrera de Antropología en la Universidad Nacional de Río Negro, y con el propósito de responder a esa demanda creciente, con mi equipo de investigación hemos tenido que distribuir el tiempo entre nuestras tareas de investigación y transferencia, así como ensayar formas novedosas de articular ambas. Si bien siempre ha sido un desafío "aplicar" los conocimientos académicos a situaciones sociales que exigen pragmatismo y resolución, la creciente demanda de peritajes fue revelando otros nuevos, en torno a la transposición de metodologías, enfoques, discusiones teóricas y conceptos.

3 Los procesos para designar a las personas expertas suelen estar mediadas por las instituciones académicas reconocidas en la región, como las universidades y el CONICET (Consejo Nacional de Investigaciones Científicas y Técnicas), a través de mecanismos formales como los STAN (Servicios Tecnológicos de Alto Nivel). Siendo estas instituciones las que administran los costos del peritaje, en los casos en los que la solicitud proviene de las comunidades indígenas, es frecuente que investigadores/as e institución acuerden subvencionar el trabajo de peritaje sin costos para éstas.

En estos contextos en los que la política indígena se discute en las audiencias judiciales, en los que las acciones colectivas se criminalizan y en los que la Antropología emerge como una práctica profesional de peritaje ante los tribunales de justicia, la expresión de "no ha lugar" adquiere dimensiones explicativas en lo político, lo económico, lo disciplinar y lo jurídico. Sin pretender abarcar todas esas dimensiones, nos preguntamos por algunos de los presupuestos que su uso actualiza en los intercambios entre la Antropología y el Derecho en los procesos judiciales. Si bien la categoría de "no ha lugar" tiene significados profesionales y normativas específicas de aplicación jurídica, aquí la utilizamos en un sentido amplio para dar cuenta de las múltiples y diversas formas de considerar como improcedente o irrelevante la participación antropológica en el transcurso de una causa judicial.

LA CREDIBILIDAD DE LA EVIDENCIA

La credibilidad de la prueba antropológica suele ser un punto de inflexión inicial. La situación más usual inicia del siguiente modo: la defensa técnica de una comunidad indígena solicita considerar como prueba una pericia antropológica, y la fiscalía –y/o la querella– solicitan su rechazo.

Retomamos algunas de las experiencias ocurridas en los tribunales federales y provinciales de la provincia de Río Negro en los últimos años, centrándonos particularmente en aquellos en los que la pertinencia o rechazo de la pericia antropológica pasó a formar parte de los intercambios registrados en un expediente.

La negación de la prueba antropológica suele estar argumentada en torno a su irrelevancia para el caso en cuestión (punto en el que me detendré en el siguiente apartado), pero en ocasiones, también en la falta de credibilidad del/a perito/a. Los currículums vitae presentados o la información que puede obtenerse de internet suelen ser las fuentes de esta primera evaluación. Alguna vez, por ejemplo, la acusación de imparcialidad se apoyó en los títulos de los artículos publicados por el/la perito/a, particularmente, uno que incorporaba la palabra "autonomía". Si bien se discutió que las publicaciones en revistas especializadas tienen un riguroso sistema de evaluación por pares, que atienden a ciertos aspectos disciplinares, como las metodologías de análisis y la seriedad de los argumentos, la vinculación entre los temas de investigación y los problemas que se esgrimen en un litigio parece ser uno de los posibles motivos para poner en sospecha la credibilidad del/la perito/a.

En otra oportunidad, el argumento para el rechazo fue el hecho de que la antropóloga ya estaba trabajando con la comunidad al momento en que se estaba discutiendo la aceptación o el rechazo de la pericia. Si bien en este caso también se puso en discusión el momento exacto de un proceso judicial en que debía comenzar el vínculo entre perito/a y comunidad, es el hecho de "haber trabajado antes con la comunidad" lo que permite dudar de la credibilidad del/la antropólogo/a.

En ambos casos, ya sea por los tópicos de sus publicaciones o por sus antecedentes de trabajo de campo con las personas en litigio, lo que está en juego en la credibilidad del/la perito/a es lo que, en otras disciplinas, se llama especialización temática y regional. En todo

caso, esto nos exige hacernos algunas preguntas en torno a cómo se validan nuestras competencias y trayectorias especializadas.

Si bien la relación previa y prolongada con las personas suele transformar las interacciones que conforman el llamado "campo antropológico" en lazos afectivos y compromisos vinculantes, también es cierto que esa profundidad de las relaciones a través del tiempo habilita la confianza y el conocimiento de los marcos (puntos de vista), que son imprescindibles para contextualizar e interpretar los sentidos socioculturalmente significativos de ese grupo. En todo caso, si sostenemos que el "estar ahí" de Malinowski (1972) sigue siendo uno de los principios metodológicos claves de la etnografía, cabría preguntarnos si, en contextos de diálogo con la sociedad y el derecho, no tendríamos que revisitar la noción de "autoridad etnográfica" (Clifford 1992), y preguntarnos una vez más cuál es nuestra competencia científica para reclamar un asiento como testigos expertos. En definitiva, ¿cómo recuperamos la "autoridad etnográfica" que necesitamos en nuestras intervenciones jurídicas, sin desoír los principios de horizontalidad (Corona Berkin & Kaltmeier 2012) y de correspondencia (Ingold 2017) a los que hoy aspira el encuentro etnográfico? Para la Antropología, el problema de la "autoridad" ha sido motivo de prolongadas y productivas autocríticas; sin embargo, si no revisitamos esas formas discutidas de producir autoridad etnográfica, corremos el riesgo del descreimiento en torno a una tan apreciada forma de trabajo basada en el vínculo ("estar ahí").

Desde otro ángulo, ¿la Antropología tiene las herramientas para producir un informe histórico antropológico, o un peritaje que considere heterogeneidades, tensiones, versiones, memorias, presupuestos, formas de organización, prácticas habituales y no habituales, y sentidos profundos sobre esas prácticas, entre otras cosas, en un trabajo de campo breve –generalmente de unas pocas entrevistas– en una comunidad indígena o grupo del que no se tenía conocimiento hasta el momento de la pericia? Para emprender semejante desafío tendríamos que recurrir a la colaboración de las/os colegas que trabajaron previamente en esas comunidades o leer detenidamente sus publicaciones, lo cual nos lleva a nuestro punto anterior sobre el valor del "haber estado allí".

Otra posibilidad sería acordar un protocolo sobre la pericia antropológica, en el cual se especifique que la elaboración de una prueba basada en la etnografía lleva más tiempo de trabajo y elaboración que el que suele ser considerado para la realización de otros peritajes. El/la antropólogo/a, en todos los casos, adquiere autoridad como testigo experto porque "estuvo ahí" un tiempo suficiente como para establecer lazos y compromisos. La credibilidad de la prueba antropológica no debería ser puesta en duda apelando al principio constitutivo del trabajo de campo como un vínculo afectivo.

Como sostiene Cardoso de Oliveira, la metáfora del "blues antropológico" que se desprende de la dialéctica entre lo exótico y lo familiar (Da Matta 1999) "sugiere que la etnografía es el resultado de un proceso que articula cognición y emoción, así como pérdida y enriquecimiento" personal (Cardoso de Oliveira 2008: 14). Sin embargo, la pretensión de

transparencia en los ámbitos judiciales nos puede llevar a negar los métodos propios con los que la Antropología produce sus verdades etnográficas.

En un medio de comunicación local, el ex-Procurador de la Provincia de Chubut evaluaba un informe antropológico realizado por mi equipo de investigación como una interesante "literatura emotiva" que no cumplía los requisitos para ser una prueba objetiva y creíble. Estas mismas apreciaciones están presupuestas en el contexto de las audiencias cuando, al finalizar una exposición, los/as abogados/as de la querella o la fiscalía nos hacen preguntas como las siguientes: "¿Esa definición de territorio es la única definición autorizada en el campo de la Antropología, o pueden existir otras formas de definir territorio?"; "¿Cuáles son los documentos o evidencias que respaldan los relatos, memorias o sueños en los que basa su argumento?". Estas preguntas, que a simple vista parecen tan simples, son muy difíciles de responder por fuera de los espacios académicos, donde el positivismo jurídico impone las lógicas y sus efectos de verdad. Trabajar con representaciones habilita la crítica que apela a la idea de ficción ("literatura") o, en el mejor de los casos, de versión subjetiva ("emotiva") sobre los hechos. La forma de sortear esas formas de descreimiento podría ser la de negar la existencia de disenso, heterogeneidad y puntos de vista al interior de la comunidad antropológica. Pero ese camino parece ser poco productivo.

Asimismo, probar los hechos a través de representaciones y discursos nos sigue enfrentando al supuesto de que la oralidad y la escritura no comparten el mismo grado de objetividad (Clifford 1988). Los relatos heredados a través de generaciones –o producidos de acuerdo con marcos de interpretación que han sido heredados– fueron larga e históricamente posicionados en el lugar de las tradiciones orales por la Etnología y la Historia. Frente a otras fuentes "fuertes", como las evidencias materiales de la Arqueología, o las evidencias escritas de la Historia, la tradición oral se constituyó como una fuente "débil" en credibilidad (Vansina 1968). Esa misma descalificación de las tradiciones orales como evidencia de lo que sucedió en el pasado es la misma que hoy conjura contra la credibilidad de un/a perito/a que basa sus argumentos en testimonios e interpretaciones locales.

Al respecto, Cardoso de Oliveira (2008) propone poner en valor el tipo de evidencias que produce la Antropología. Para ello, sostiene que, aun cuando la Antropología trabaja con evidencias materiales, su especialización reside en el descubrimiento de evidencias simbólicas, a partir de dar sentido a las prácticas y a las situaciones sociales concretas: "Sin ellas, la Antropología no sería capaz de producir una etnografía adecuada, ni una interpretación convincente de la realidad estudiada" (Cardoso de Oliveira 2008: 25). Desde este ángulo, el carácter de evidencia que adquiere una determinada representación social reside en la dimensión contra-intuitiva del conocimiento etnográfico; esto es, un conocimiento aprehendido a partir de una experiencia empírica que muchas veces contradice el conocimiento intuitivo. La credibilidad del conocimiento antropológico aportado desde una pericia debería residir, entonces, en la capacidad etnográfica para desentrañar o interpretar la evidencia simbólica.

Finalmente, el valor de este tipo de evidencias en la sala de un tribunal se atribuye a su poder para probar una "verdad". Ahora bien, nuestro desafío consiste en dar cuenta de una "verdad etnográfica", es decir, el tipo de verdad que se produce metodológicamente en la ciencia antropológica (Escalante Betancourt 2012). Es sólo dentro de esos criterios metodológicos que podemos identificar dos formas de alejar la "prueba" de la verdad, y de poner en sospecha su propia credibilidad. De acuerdo con Escalante Betancourt, en términos metodológicos habría dos tipos de riesgo: el relativista y el de abstracción. El primero surge cuando una pericia se basa exclusivamente en las entrevistas generadas para la causa judicial, producidas en los tiempos y los marcos acotados del litigio. Esta metodología casuística, por su misma idiosincrasia, generalmente no contrarresta las potenciales sospechas de oportunismo. El segundo riesgo, el de la abstracción, puede aparecer cuando la pericia se organiza casi exclusivamente en el argumento de las teorías, las discusiones y consensos conceptuales de la Antropología. Una pericia construida de ese modo tiende a la estandarización de los hechos y también puede alejarse de la verdad etnográfica.[4] La Antropología puede dar cuenta de sus "verdades etnográficas" y producir etnografías que operen como pruebas judiciales, al recurrir a sus propios métodos para articular lo heterogéneo y lo similar, lo concreto y lo general, en diversos contextos, regiones, escalas, trayectorias e historias.

En breve, cuando en un tribunal se cita o parafrasea la expresión "no ha lugar" ante la solicitud de una pericia antropológica, apelando a una determinada sospecha sobre su credibilidad, es muy posible que, en principio, se esté desconociendo el método con el cual la Antropología puede aportar evidencias simbólicas sobre una verdad etnográfica. El tipo de acusaciones que emergen en las fundamentaciones de los rechazos nos estarían indicando que poco se sabe de ese método en el cual los vínculos, las emociones, la contra-intuición, la experiencia empírica, el caso concreto y la abstracción teórica intervienen, de modos muy específicos, para revelar sentidos e interpretaciones sociales. Por lo tanto, el gran desafío de la Antropología consiste en poner en valor su propio método de investigación en los mismos escritos de informes y peritajes, pero también en explicitar esos procedimientos disciplinares de trabajo durante las etapas preliminares de negociación. Por ejemplo, ante los rechazos de una pericia; ante la indiferencia de los/as operadores/as jurídicos, cuando les decimos que no podemos aceptar un peritaje sin realizar antes una consulta previa, libre e informada a la comunidad; cuando hay discrepancias entre los tiempos disponibles y los necesarios para realizar el trabajo; cuando se da por sentado un mínimo número de páginas en el escrito de la pericia; ante la inadecuación de los puntos de peritaje a las posibilidades del método etnográfico; entre otras posibles negociaciones.

4 En general, la orientación hacia lo abstracto (consensos teóricos y conceptuales) suele ser el camino de una pericia cuando el propósito es desmentir prejuicios arraigados en el sentido común (por ejemplo, "los mapuche son chilenos", "los mapuche exterminaron a los tehuelches" o "esos son seudo mapuches o mapuches truchos").

DISPUTAS DE ENMARCADO

Los conflictos territoriales de las comunidades indígenas de Patagonia suelen ser frecuentemente judicializados bajo el concepto jurídico de "usurpación" de propiedad, privada o estatal. En este marco, el "caso" se presenta de forma acotada como un delito específico y se plantean agravantes como la clandestinidad, la presencia de menores, el uso de la violencia o el daño de inmuebles. En la mayor parte de estos casos, la constitución misma del delito podría ser puesta en cuestión discutiendo los hechos ocurridos para probar que no hubo clandestinidad, ni puesta en riesgo para los menores, ni uso de la violencia ni daños a los inmuebles. Pero también ocurre que, para poder probar esa construcción sesgada del hecho como delito u ofensa, resulta necesario enmarcarlo en otros marcos más amplios de interpretación. Y, en esta dirección, el peritaje antropológico interviene, presentando evidencias simbólicas y materiales, para mostrar que el hecho en cuestión podría ser considerado como una acción colectiva de reclamo o de reivindicación de un territorio indígena y que, por lo tanto, debería ser tratado con las leyes indígenas vigentes.

En años recientes, esta disputa por recentrar el caso en la legislación indígena se ha convertido en otro de los puntos de inflexión en el que los sentidos de "no ha lugar" se despliegan en varios ejes diferentes. Me detendré aquí en identificar esos ejes en los que se organizan los rechazos, y las posibles discusiones que éstos nos invitan a efectuar al interior de la Antropología. En noviembre del año 2018, el Juzgado Federal de San Carlos de Bariloche resuelve que la experticia antropológica sugerida por la Defensa "no tendrá acogida favorable". Y citando otros antecedentes, argumenta:

> Inicialmente recordaré que el artículo 199 del C.P.P.N. establece que: "las partes podrán proponer diligencias. El juez las practicará cuando las considere pertinentes y útiles; su resolución será irrecurrible". Sobre el punto lleva dicho la doctrina que prueba impertinente es aquella 'que no guarda vinculación con el objeto procesal', pues 'el concepto de pertinencia atiende a la relación existente entre el medio probatorio propuesto y el objeto del litigio; vale decir, es impertinente la prueba ajena al objeto del proceso'. En otras palabras, 'la pertinencia de la prueba atañe a su adecuación a los hechos concretos investigados en la causa que se trate, y la utilidad de aquella, a su aptitud o idoneidad para generar la eventual convicción del juez o tribunal', característica que no se observa en aquella cuya proposición formula la Dra (Juzgado Federal de San Carlos de Bariloche 2018:6).

En ese contexto, no puede perderse de vista que este proceso se inició para investigar una presunta usurpación, injusto que –en nuestro catálogo penal– se enmarca dentro de los delitos contra la propiedad. Así las cosas, la pertenencia de los imputados a un grupo étnico determinado constituye una circunstancia que excede la investigación propia de ese tipo de ilícitos. Además, la auto-reconocida comunión con la cosmovisión del Pueblo Mapuche por parte de quienes resultaron –posteriormente– imputados en este sumario no se encuentra cuestionada en el sumario (Juzgado Federal de San Carlos de Bariloche, 2018, énfasis del original).

En esta respuesta, el objeto procesal y los hechos concretos a investigar se limitan a una presunta usurpación o delitos contra la propiedad, y tanto la pertenencia étnica como la cosmovisión del pueblo mapuche devienen un exceso de información que el tribunal considera como impertinente:

> [a la hora de preguntarse] qué puede ser probado en un procedimiento penal determinado (…) la referencia al objeto del procedimiento, a los elementos que lo constituyen, es ineludible, de modo tal que el Tribunal, para aceptar o rehusar un medio de prueba específico (…) debe en principio comparar aquello que se pretende verificar por ese medio con los elementos que contiene el objeto del procedimiento penal singular tramitado ante él. A esa característica (…) se la llama pertinencia (Juzgado Federal de San Carlos de Bariloche 2018:5).

Este tipo de clausura es el principal problema para la incorporación de los peritajes antropológicos en los procesos actuales de litigio que involucran a los pueblos indígenas. Esta situación se agrava, puesto que en la mayor parte de los conflictos que enfrentan las comunidades en la justicia, la prueba antropológica suele ser la vía central o la demostración de evidencias potencialmente más productiva para disputar el enmarcado de los hechos, como nos han comentado, en varias oportunidades, los abogados defensores. En el sentido local común, la inclusión de las demandas indígenas suele depender de la posibilidad de "mapuchizar el caso", esto es, de recontextualizarlo en marcos de interpretación de las memorias, sentidos de mundo, mandatos ancestrales y vínculos heredados con el territorio. En esta dirección, las personas mapuche imputadas no sólo suelen usar las vestimentas habituales o ceremoniales que las identifican como parte de un pueblo, sino que también participan de las audiencias en su lengua indígena (a veces, con la posibilidad de tener un traductor; otras, corriendo el riesgo de que sus declaraciones no sean tenidas en cuenta por falta de comprensión de los operadores de justicia). La decisión de los/as imputados/as de correr ciertos riesgos de incomunicación, en desventaja para sus propios procesos de defensa, nos muestra su convicción acerca de que, para ser juzgados con justicia, es imprescindible redefinir el enmarcado de los hechos en el contexto de la legislación indígena.

Ahora bien, en los lenguajes y procedimientos jurídicos también existen intersticios en los cuales esa impertinencia puede ser puesta en suspenso, dando lugar a la pericia antropológica. Si bien estas posibles aperturas son cada vez más escasas –y lo son más en los tribunales de ciertas provincias de la Patagonia que en otros–, tampoco resultan en lugares cómodos para la Antropología. Una de estas posibilidades surge cuando el argumento para desoír los fundamentos de los/as acusados/as apela a la inautenticidad o puesta en sospecha de sus identidades indígenas. En estos casos, la pericia suele ser introducida con el fin de probar la identidad de las personas, la autenticidad de sus creencias o la veracidad de la existencia de una determinada comunidad. Otra de las posibilidades emerge cuando la defensa alega ignorancia, desconocimiento de la ley, comprensión culturalmente condicionada o error cultural. En estos otros casos, se espera que una pericia centrada en la cultura pueda probar dicha ignorancia, desconocimiento o error en el contexto de la ofensa. Sobre este punto se expresaba también el Juzgado Federal de San Carlos de Bariloche en sus argumentos de impertinencia:

> A mayor abundamiento, destaco que la pericia sugerida por el MPD (Ministerio Público de Defensoría) tendría por objeto, en todo caso, probar un hipotético error de prohibición por parte de los imputados. Sin embargo, dicho yerro respecto a la significación jurídica del accionar que se les imputa no fue alegado por los encausados en sus declaraciones indagatorias –oportunidad en la que afirmaron que comprendían claramente el hecho imputado, e hicieron uso del derecho de negarse a declarar–. Además, como es sabido, la existencia de un error de prohibición repercute –únicamente– sobre la categoría dogmática denominada culpabilidad, mas no sobre la eventual tipicidad y/o antijuridicidad del evento enrostrado. Sentado cuanto precede, se colige fácilmente que cuestiones de ese tenor no constituyen objeto de esta etapa del proceso, sino que deben ser discutidas en el marco de la etapa de debate –en caso que este sumario arribe a esa instancia– (Juzgado Federal de San Carlos de Bariloche 2018:5).

De acuerdo con el escrito del juez, este segundo tipo de pericia hubiese podido tener lugar cuando el error de prohibición es introducido de antemano por los declarantes o la defensa, y sólo en las etapas judiciales en las que la tipicidad de los hechos ya ha sido definida.

Para detenernos en estos dos puntos, hacemos propia la pregunta que se han hecho antes distintos/as autores/as, acerca de si es posible adecuar los argumentos y abordajes antropológicos sobre la diversidad, a las exigencias del derecho enmarcadas en el imperativo categórico de la norma positiva. Al respecto, Escalante Betancourt (2012) identifica una tensión entre, por un lado, intervenir con la pericia antropológica como una pieza más del aparato judicial, justificando la "transparencia" del debido proceso; o, por el otro, constituirse en un portavoz del diálogo cultural y del cambio en las formas de impartir justicia.

En relación con las pericias orientadas a "autentificar" pertenencias y creencias, nos encontramos frente a un posicionamiento de autoridad etnográfica que nuestra propia disciplina ha discutido y desechado como competencia disciplinar. Claudia Briones plantea que este propósito pericial no sólo lleva a "presuponer que deben existir identidades inequívocas y completamente diferentes, basadas en creencias distintivas, y en un conflicto permanente y totalizador" (2018: 24); sino también a descalificar selectivamente como no verosímiles a ciertos testimonios y, por lo tanto, a ciertos testigos. La autoidentificación es, en nuestro país, un derecho adquirido que no necesita certificación de autenticidad, pero aun si no lo fuera, la Antropología no está autorizada "a poner en duda" o a "anticipar los modos en los que cada cual debería autoidentificarse y posicionarse" (Briones 2018: 24). A esto agregamos que los pueblos indígenas tienen sus propias autoridades especializadas en diversos saberes para interpretar y tomar decisiones de traducción en torno a sus conocimientos, o para establecer la verosimilitud de los mismos. Además, como veremos más adelante, el lugar de las llamadas "creencias" en los tribunales no debería ser el de acreditación de autenticidad, sino el espacio de un diálogo intercultural en el cual se habiliten otros conocimientos, efectos de verdad y experiencias de mundo.Sin embargo, las puestas en sospecha de la legitimidad de ciertas personas como "auténticos mapuche" se esgrimen como argumentos, al día de hoy, en numerosas salas de audiencia. A continuación, comparto una experiencia en la cual, a contrapelo de esa tendencia, fue la misma jueza quien advirtió ese error.

Recientemente, mi equipo de trabajo fue convocado para hacer una intervención experta en un juicio iniciado por una denuncia de la Fiscalía Provincial de Esquel, en la que se acusaba del delito de amenazas agravadas por uso de armas –junto con privación de la libertad y desobediencia– a Gloria Colihueque y Gregorio Cayulef, de la *Lof* Catriman Colihueque (Laguna El Martillo, Chubut). Los puntos de peritaje planteados por la defensa apuntaban a probar la ocupación tradicional de la comunidad en su territorio y a acreditar la pertenencia de esas familias al pueblo mapuche tehuelche. En su sentencia, la jueza de la Cámara Penal concluyó la inocencia y la absolución de todos los cargos que imputaban a Gloria y Gregorio, después de enmarcar el caso en legislación indígena. Pero también se detuvo en la prueba pericial que habíamos expuesto en la audiencia y sostuvo que ningún documento académico ni burocrático tiene la facultad de rubricar o refutar la veracidad de la existencia de una *lof* o comunidad indígena, puesto que el Estado debía reconocer el derecho de autoadscripción.

En este caso en particular, los sentidos implícitos de "no ha lugar" sobre la pericia antropológica fueron utilizados, paradójicamente, en consonancia con las mismas ideas que aquí sostenemos: no hacía falta ninguna evidencia o texto autenticador para afirmar que los miembros de la *Lof* Catriman Colihueque son mapuche. Aunque inusual, el hecho de que la jueza haya sostenido en su sentencia que no hacía falta un informe antropológico que reconstruyera los árboles genealógicos de las familias Catriman Colihueque para confirmar que Gloria y Gregorio eran mapuche es una afirmación que modifica presupuestos arraigados, y revierte prejuicios de larga data. Éste fue un caso único en el que el argumento de la impertinencia de la pericia antropológica permitió reafirmar el encuadre del litigio en la legislación indígena vigente en Argentina y en la provincia de Chubut. En esta dirección, la jueza impugnó el proceso judicial, alegando la falta de "perspectiva indígena en los funcionarios que representan al Estado en distintos organismos públicos respecto del trato que le propiciaron la imputada en cada oportunidad que pretendió ejercer los derechos" (audiencia del 11 de noviembre de 2021, notas de campo).

Las pericias orientadas a probar desconocimiento de la ley o error cultural por parte de los/as acusados/as indígenas también suelen presentar ciertas contradicciones, entre los imperativos del derecho y el compromiso de la Antropología con el reconocimiento de la diversidad. Quienes trabajamos con comunidades indígenas sabemos que las personas acusadas suelen no aceptar la estrategia en defensa de alegar ignorancia o error cultural, ya que el supuesto delito suele ser, para ellas, una acción colectiva de reivindicación o autodeterminación. Es decir que, siendo conscientes de la antijuricidad de los hechos, pueden estar obedeciendo mandatos de la comunidad, o respondiendo a compromisos primordiales con sus ancestros y fuerzas del territorio. Más que alegar desconocimiento de la ley, la activación política de los desacuerdos jurídicos suele apuntar a no reconocer la ley como imperativo dentro del mundo normativo propio. Ante esos encuadres disímiles sobre los hechos en un contexto jurídico de ofensa, nuestra tarea parece ser más bien la de resaltar lo normativo y performativo implicado en la controversia legal, para dar cuenta de aquello que se oculta y aquello que se confunde desde

el lenguaje del derecho. Como sostiene Briones (2018), se "oculta la circunstancia de que lo que esté pasando quizás no sea que no se comprende el carácter delictuoso del acto desde la lógica jurídica, sino que se obra en función de mandatos recibidos del colectivo de referencia", mandatos "que no se pueden contradecir porque ello asociaría el riesgo de desequilibrar el bienestar personal, familiar o comunitario" (2018: 19). Y como alega Escalante Betancourt (2012), se confunde la diferencia "con pobreza, marginalidad, aislamiento, o peor, con atraso, ignorancia, incapacidad mental, inconsciencia y vicios psicológicos que estereotipan la cultura del otro" (2012: 37). En breve, la idea de error de comprensión culturalmente condicionado suele opacar la tarea antropológica de convocar al tribunal a poner en valor las diferencias y las agencias, así como las formas diversas de agenciar esas diferencias.

Asimismo, el acotamiento de una pericia antropológica a probar la idea de error de prohibición o de comprensión culturalmente condicionada en el contexto de una ofensa también corre el riesgo de llevar los argumentos periciales hacia un exceso de culturalización de las acciones. Esto puede ocurrir, por ejemplo, cuando la defensa nos solicita una pericia para determinar si un hecho presentado como "delito" no podría ser, en realidad, una práctica arraigada en las tradiciones y costumbres indígenas. Esta estrategia jurídica suele redundar en la confirmación de estereotipos o en aplicaciones superficiales de la noción de cultura. En alguna ocasión me he visto obligada a negarme a realizar una pericia, o a renegociar los puntos solicitados de un peritaje, para no tener que sostener que una práctica de violencia o abuso podía ser comprendida como una práctica autorizada y habitual en el marco de una cultura. Si bien en algunos casos esta estrategia puede ser apropiada, hay muchos otros en los que no es el fundamento de la cultura el que debe esgrimirse como la razón de un modo de proceder.

Estas reflexiones nos llevan a concluir que son muy pocos los intersticios por los cuales una pericia antropológica puede acceder a la arena de disputas, para poder encuadrar un litigio en la historicidad que habilita la contemplación de los derechos indígenas. Pero, sobre todo, que esos escasos accesos nos suelen llevar por caminos que pueden ser incómodos, poco fructíferos y contrapuestos a nuestros compromisos profesionales.

La posibilidad de habilitar el encuadre de una historicidad –que permita resignificar los hechos bajo litigio y enmarcarlos, en la legislación indígena y sobre la propiedad comunitaria– opera como condición necesaria para que una pericia antropológica en Patagonia adquiera cierta autoridad como prueba. Éste es hoy el principal desafío en provincias como Río Negro y Chubut, en las que las acciones colectivas de reivindicación territorial se presentan como delitos de usurpación, restringidos a una lectura centrada en el daño a la propiedad privada.

ARRIBOS E INTERSECCIONES

El interés de este trabajo reside no sólo en mostrar las dificultades que tenemos los/as antropólogos/as a la hora de hacer valer nuestros peritajes como pruebas autorizadas en los contextos de juicio, sino en aportar a un debate pendiente al interior de nuestra disciplina acerca de cómo

llevar a cabo este ejercicio. Como se ha señalado en varias oportunidades, existe aún un gran desconocimiento acerca de las circunstancias de efectividad o del papel de los peritajes en el curso de los juicios (Rodríguez Soto 2017). A lo cual se suma una indefinición en torno a sus alcances pragmáticos, puesto que los acuerdos tácitos sólo se fueron estandarizando de forma discontinua y azarosa, a través de la puesta en práctica en legislaciones nacionales diferentes y con orientaciones muy diversas en torno a su papel (Rodríguez Soto 2017).

El contexto local, centrado en conflictos territoriales donde las comunidades mapuche tehuelche suelen ser acusadas de usurpación, nos presentó la situación paradójica de una creciente demanda de peritajes por parte de las comunidades y sus defensas técnicas, y un progresivo aumento de los rechazos de pericia por parte de las fiscalías, querellas y juzgados. Frente a los argumentos de "no ha lugar" que se fueron presentando en las distintas circunstancias de rechazo, nos encontramos con la necesidad de repensar las transposiciones de los métodos, enfoques y compromisos de la Antropología que nos exige la práctica pericial, con el doble propósito de poner en valor nuestras intervenciones expertas y operar en los ámbitos judiciales con mayor efectividad.

En miras a aportar a ese proceso, quisiera compartir aquí algunos de los aprendizajes que nos llevaron a recentrar nuestra intervención como peritos/as antropólogos/as en los contextos de litigio donde están involucrados los pueblos indígenas. Si bien estos arribos de la Antropología al campo de lo jurídico, o intersecciones interesantes entre Antropología y Derecho, no siempre concluyeron la aceptación de las pericias por parte de los tribunales, sí nos ayudan a identificar dónde y por qué nuestra intervención debería ser considerada "ha lugar". ¿En qué direcciones el abordaje y trabajo antropológico puede ser un aporte en la resolución de procesos de desacuerdo, disenso y/o conflicto?

En primer lugar, y cuando los procedimientos metodológicos de la etnografía se aplican con rigurosidad y compromiso social, la elaboración de una pericia o un informe puede ser una importante colaboración para los trabajos colectivos de reconstrucción de memorias, trayectorias familiares, territorialidades y otros textos comunes. Esos procesos conjuntos de reconstrucción iniciados en contextos de litigio adquieren su propia autonomía, y pueden ser un aporte para las negociaciones, y los posicionamientos comunitarios, frente a un conflicto y a los procesos de subjetivación, política y ciudadana, de las personas con las que trabajamos (Jimeno, 2020). En otras palabras, consideramos que el informe o la pericia, aun cuando es rechazado por los tribunales, puede tener efectos performativos en los mismos procesos de litigio. Al respecto, menciono dos experiencias acerca de esta última afirmación.

En el año 2018, la Defensoría Pública de Chubut nos solicitó un informe antropológico sobre las familias mapuche que se reconocían como "la gente de Pichiñan", en alusión a un ancestro común. Varias de estas familias estaban enfrentando diversos conflictos territoriales con diferentes terratenientes o comerciantes, en distintos sitios de la meseta central de Chubut. La apuesta de la Defensoría era hacer un diagnóstico de situación para evaluar la

posibilidad de pensar una estrategia de defensa colectiva o, al menos, articulada. El trabajo conjunto con las familias en litigio derivó en un trabajo colaborativo de dos años, en el que se reconstruyeron memorias comunitarias, pertenencias compartidas entre diferentes familias, trayectorias grupales entramadas, experiencias similares de despojo territorial, violencia institucional y de injusticias sufridas, y un sentimiento común de comunidad, sostenido en prácticas espirituales y de comensalidad. En el transcurso del trabajo de reconstrucción de sus memorias, las familias dejaron de enfrentar los conflictos de formas aisladas y se posicionaron en sus propias memorias como una comunidad en un territorio comunitario ancestral. En tanto texto discreto, el informe no fue parte de ningún proceso judicial, pero en sus usos y apropiaciones, posibilitó un nuevo encuadre jurídico de los conflictos en marcha.

La segunda experiencia inicia en el mes de mayo de 2022, cuando la defensora técnica de integrantes de una comunidad mapuche de la provincia de Chubut nos solicita un informe antropológico, para ser presentado en una demanda de daños y perjuicios sobre la base de una sentencia previa de un juicio oral y público en el ámbito penal, en la cual el jefe de la policía había sido condenado por los delitos cometidos en el marco de hechos de violencia institucional extrema.

El hecho en cuestión había ocurrido en 2017, cuando un grupo de veinte efectivos de la Policía de la Provincia de Chubut, perteneciente a la Guardia de Infantería de dicha fuerza, ingresa al territorio mapuche recuperado y dispara a los/as integrantes de la comunidad, hiriendo de gravedad a algunos/as de ellos/as. En contexto de pandemia, los encuentros con los/as jóvenes afectados fueron virtuales y se extendieron, por el interés de los/as mismos/as en la producción de ese informe, durante varios meses. Si bien la solicitud estaba orientada a identificar los daños sociales, económicos, culturales y de género ocasionados por ese acontecimiento represivo, acordamos con las personas afectadas historizar las experiencias de violencia institucional a lo largo de sus vidas, y el alcance de los perjuicios de ese *continuum* de violencia en aspectos más constitutivos de sus vidas como miembros del pueblo mapuche.

Sin ahondar aquí en aquella reconstrucción de un texto compartido, quisiera resaltar que, al momento de concluir el informe con sus demandas de reparación de los daños, nuestros/as cuatro interlocutores/as coincidieron en que no querían un resarcimiento económico, y en que no sabían qué exigir como reparación. Esto nos llevó a pensar juntos que, mientras la efectividad del informe antropológico en el contexto judicial se mide en función del éxito logrado en términos de resarcimiento, para nuestros/as interlocutores/as el informe era, en sí mismo, la posibilidad de organizar colectivamente sus experiencias de discriminación y violencias sufridas, y sobre todo, que sus verdades fueran "largamente" escuchadas en ámbitos en los que sus historias y demandas nunca habían tenido acceso. Estas dos experiencias nos muestran cómo el lugar de los peritajes o informes antropológicos en contextos judiciales pueden ser muy distintos a los esperados.

Una segunda forma de arribo e intersección remite a una tradicional preocupación antropológica por identificar presupuestos etnocéntricos o desigualdades naturalizadas, para poner en discusión los prejuicios sociales –incluidos los de la misma Antropología–. Desde este ángulo,

la pericia antropológica puede ser útil para deconstruir estereotipos, estigmas y prejuicios que, originados en los procesos de subordinación, atraviesan decisiones, prácticas y expedientes en el transcurso de un litigio. De hecho, parafraseando a Morondo Taramundi (2022), los estereotipos suelen operar en los procesos judiciales, al menos en tres niveles. En principio, justifican la no utilización de los instrumentos jurídicos diseñados para proteger a las comunidades indígenas del avasallamiento territorial de empresarios y terratenientes. También habilitan a que se mantenga una estructura desigual de credibilidad (p.ej., cuando las explicaciones de profesionales, propietarios y empresarios no indígenas suelen tener más aceptación). O justifican la poderosa división entre público y privado (sustrayendo ciertas formas de violencia de la acción del Estado). La siguiente experiencia es sobre una intersección exitosa entre Antropología y Derecho en esta dirección.

La Defensoría Pública de Chubut, junto con la defensa técnica de una comunidad mapuche, solicitaron dos informes antropológicos para aportar a la jueza interviniente información relevante en torno a la legitimidad de dicha comunidad en un territorio recuperado, puesto que sus miembros habían sido acusados de usurpación. Estos informes reconstruyeron las trayectorias familiares, los vínculos históricos y actuales con el territorio, contextualizaron los procesos actuales de lucha y, sobre todo, historizaron las formas institucionales de violencia y las historias de despojo territorial, en las que se conjuga la desatención estatal con la connivencia entre funcionarios estatales y élites locales. Como mi informe se produjo colectivamente junto a una historiadora mapuche, al momento de la audiencia en los Tribunales de la ciudad de Esquel, fuimos tres los/as académicos/as que expusimos las pericias antropológicas. A continuación, cito una de las conclusiones que, en marzo del 2019, la jueza de la causa expresó en su sentencia:

> Por suerte, los estudios académicos sobre el proceso de sometimiento estatal de los pueblos indígenas se han multiplicado notablemente en los últimos veinte años y más allá de los diferentes enfoques, existe consenso en la necesidad de superar el estereotipo del indígena como un salvaje dedicado a robar ganado, mujeres y otros bienes para llevarlos a Chile, de donde supuestamente provenía (…) A la luz de todo lo ocurrido en este debate, el estereotipo aún perdura con fuerza en la sociedad argentina. Entonces, esa realidad le da sentido a la decisión procesal de las defensas de presentar pericias antropológicas para que ilustren al Tribunal sobre la historia de los pueblos originarios, en tanto no es raro que muchos ciudadanos –cualquiera sea su oficio o profesión– todavía se refieran a los mapuches como chilenos que exterminaron a los tehuelches argentinos, en la ignorancia del conocimiento académico acumulado en estas décadas (…). En consonancia con ello, recuerdo las palabras del ex Ministro del Superior Tribunal de Justicia, Dr. Jorge Pfleger, cuando al resolver un caso difícil, de alto impacto social, como lo es éste, sostuvo: "Esta causa es un fuerte mensaje que excede el marco de los aquí imputados para los que detentan el poder para mantener situaciones inicuas". Y concluyó, citando a Hart, insigne jurista norteamericano: "El Juez ha de actuar aventando los prejuicios, para observar objetivamente el caso". Así voto. Absolver, sobreseer, disponer la conformación de una Mesa de Diálogo (Sentencia del Tribunal Unipersonal integrado –por subrogancia legal– por la Jueza de Cámara, 18 de marzo de 2019: 131).

En este caso, si bien las pericias no fueron solicitadas específicamente para dar cuenta de las construcciones estereotipadas que pudiesen haber distorsionado la "objetividad" del

debido proceso, tanto la información producida en las pericias como la interpretación de la jueza se conjugaron en un punto de intersección que permitió desplazar la centralidad del supuesto delito de "usurpación" hacia una evaluación del proceso mismo. Esta sentencia, infrecuente en la región de Patagonia, habilitó para las pericias antropológicas una nueva forma de arribar a los tribunales, centrada en la posibilidad de prevenir o contrastar los efectos perjudiciales de los estereotipos en la distribución de derechos y obligaciones.

La tercera de la intersecciones que quisiéramos mencionar aquí es la que Claudia Briones (2018) ha nombrado como un "triálogo" –aludiendo a la participación de tres lugares de enunciación en las instancias jurídicas– entre la Antropología, el Derecho y la sociedad. Como afirma Briones, el rol más estandarizado del antropólogo es el de un mediador, traductor o facilitador autorizado de un diálogo entre dos formas de (des)conocimiento –el del prelado que no maneja ciertos datos de la realidad social y el de una parte que no está familiarizada con los contextos y prácticas judiciales–. Sin embargo, sostiene que nuestro trabajo como peritos expertos debería apuntar a "desobedecer esas expectativas habituales y producir fricciones de sentido, con y entre las distintas partes, justamente porque las razones sociales, las jurídicas y las antropológicas no admiten superposiciones exactas" (Briones 2018: 16). Es, entonces, en función de transformar la pragmática de la situación comunicativa definida como testimonio experto, que Briones propone pensar los testimonios antropológicos menos como una mediación y más como partes de un triálogo, donde el desafío de las pericias expertas:

> (...) pasa por empezar a poner en perspectiva y vinculación tres tipos de discurso y, por ende, de verdades, y donde la meta del juego no es neutralizar esas verdades, reducirlas, o imponerlas como tales de manera unilateral, sino más bien hacerlas de algún modo conmensurables para alcanzar nociones menos etnocéntricas de lo que 'será justicia'. [Desde este ángulo, la pericia antropológica podría centrarse] en mostrar cómo las cosas podrían haber sido, son o deberían ser para 'nosotros' y para la verdad jurídica si, como nuestros interlocutores, tomásemos como una cuestión de hecho ciertas formas de existencia otras. Este ejercicio tiene menos que ver con hablar por los otros que hablarnos a nosotros mismos (insisto, antropólogos y jueces incluidos) desde discursos sociales otros (Briones 2018: 20).

Esta forma de recentrar la pragmática de nuestra intervención experta no sólo invita a pensar, como dice la autora, que el error de comprensión culturalmente condicionado podría ser nuestro y no de los otros, sino también a deconstruir el modo en que operan las naturalizaciones de un hecho, desde un único sentido de historicidad y desde un único mundo culturalmente significativo.

Aun cuando todavía no se ha aceptado su valor de prueba en el juicio para la cual fuera solicitada, comparto la experiencia de una pericia que puede ilustrar esta forma de intersección referida como triálogo. Ésta fue requerida a partir de puntos habituales de peritaje (acreditación de comunidad indígena, ancestralidad en el territorio, etc.); sin embargo, a razón del trabajo etnográfico, surgió la necesidad de re-enmarcar el argumento implícito en esos puntos, en otras historicidades y mundos culturalmente significativos. Esta decisión respondía a que las razones y fundamentos de la acción colectiva de recuperación territorial resultaban de mandatos, y

principios, cuyos bordes ontológicos nos invitaban a pensar en las agencias de los ancestros y las fuerzas del territorio, los que, interviniendo en sueños, visiones y consejos heredados a través de ceremonias, habían orientado las decisiones y prioridades comunitarias. Esos mandatos y principios no sólo eran constitutivos de relacionalidades complejas con los territorios y otras comunidades mapuche, sino también de imperativos más profundos en los que se articulaban tanto el resguardo mutuo entre las personas y el territorio (sus fuerzas), con temas de salud física y bienestar social. Por lo tanto, la pericia se enfrentó al desafío de habilitar un triálogo donde interlocutores con formas diferentes de organizar mundos pudiesen identificar los desacuerdos ontológicos más relevantes, para ver qué se podría hacer con ellos. En circunstancias como éstas, más que hacer un mero reporte de otras "visiones del mundo", resulta más fructífero –como sostiene Briones, citando a Holbraad, Pedersen y Viveiros de Castro (2014)– dirigirnos a quienes no compartimos esos mundos y crear el escenario propicio para "sostener indefinidamente, lo que los hechos habrían sido, esto es, 'podrían haber sido o son' desde formas otras de contar, si le cediésemos a eso 'otro' aunque sea transitoriamente el peso ontológico de constituirse en una alternativa tan viable como real" (Briones 2018: 25).

Volviendo a la experiencia aquí compartida, el peritaje fue rechazado en distintas instancias –por razones diversas de "no ha lugar"– pero, en el transcurso, también ha sido reescrito y profundizado para su potencial utilización en nuevas instancias de juicio. En este lapso de tiempo, también ha sido citado, parafraseado y utilizado por la defensa técnica de la comunidad; así como algunos de sus sentidos, sedimentados a través de las comunicaciones e intervenciones políticas de la comunidad, empezaron a emerger en los discursos de algunos operadores políticos y jurídicos que intervienen en el caso.

Si bien estas diversas experiencias han tenido distintos niveles de aceptación en los tribunales, nos han permitido identificar algunos de los abordajes antropológicos que prometen ser potencialmente fructíferos para definir por qué y para qué un peritaje antropológico debería ser tenido en cuenta en los procesos judiciales. Así como también, recentrar la pragmática de los peritajes antropológicos en torno a los siguientes ejes: a) historizar y contextualizar prácticas heterogéneas de relacionalidad, historicidad, subjetivación y organización sensible de mundos; b) historizar y desnaturalizar prácticas arraigadas de prejuicio y estereotipación. En definitiva –y como ha reflexinado la antropóloga Virginia Manzano (2019) al finalizar su intervención como perita experta en un juicio en el que acciones colectivas de lucha habían sido criminalizadas–, el peritaje antropológico plantea en los tribunales la cuestión más general acerca de qué tipo de convivencias y qué construcciones de ciudadanía se están construyendo al definir los hechos en litigio de una u otra manera.

PALABRAS FINALES

En líneas generales, y en los contextos de conflicto territorial que afrontan los pueblos indígenas, el movimiento habitual de un peritaje antropológico consistiría, como expresa Alma

Tozzini (2010), en la reconstrucción histórica de los sentidos de ciertas prácticas, eventos y relaciones vinculados a los hechos en cuestión, con el fin de aportar al juez o a la jueza elementos de juicio suficientes para resolver si aplican o no los derechos indígenas. Sin embargo, este discurrir esperable se ha visto interrumpido, en diferentes regiones de Latinoamérica, por una creciente criminalización de los movimientos indígenas. En la región de Patagonia, desde la cual se produjeron las reflexiones de este trabajo, esa creciente criminalización no sólo colaboró en la construcción y naturalización de discursos racistas sobre el pueblo mapuche tehuelche en el sentido común, sino que también modificó los modos de triangular las distancias entre derecho, antropología y sociedad. Esto ocurre cuando, en paralelo a la creciente demanda de peritajes antropológicos por parte de las defensas indígenas, también se fueron multiplicando y estandarizando los mecanismos de los tribunales para rechazarlos.

Atendiendo a los fundamentos de aquellas respuestas jurídicas de "no ha lugar", observamos que éstos se dividen entre poner en sospecha la credibilidad del hacer antropológico y acotar los lugares habilitados de pertinencia a formas de intervención, que suelen contradecir los compromisos profesionales de la Antropología e impedir la posibilidad de disputar los encuadres. Estos dos distanciamientos nos llevan a preguntarnos en qué medida resultan del desconocimiento que tienen los/as operadores/as jurídicos de los métodos antropológicos, o del entramado contextual entre el sistema jurídico y las decisiones políticas, o de la inadecuación de la Antropología a estos nuevos desafíos. Esto último es lo que nos lleva a reflexionar sobre los límites y posibilidades de los peritajes en contextos en los que el derecho se ha convertido en una herramienta para justificar la violencia estatal y reprimir proyectos autonómicos indígenas (Hernández Castillo 2018).

¿Cómo puede el peritaje antropológico tener alguna incidencia para el acceso a la justicia en esas zonas grises de las instituciones estatales en las que no sabemos de antemano cuál será el interjuego político-jurídico entre la criminalización y el reconocimiento (véase Geldres González 2016)? En todo caso, si partimos del hecho de que el "no ha lugar" depende menos de los contenidos de nuestros escritos, que de las condiciones político-jurídicas más amplias en las que se enmarcan nuestras intervenciones (Briones 2018), no sólo debemos refinar las transposiciones metodológicas y de enfoque etnográfico para que las pericias antropológicas sean más efectivas, sino también consensuar compromisos disciplinares, para impugnar los preconceptos sobre el hacer antropológico y disputar los lugares asignados en la configuración del espacio jurídico.

Received: March 31, 2021.
Approved: September 23, 2024.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

Pericias antropológicas y derechos territoriales indígenas en Argentina: reflexiones sobre los retos conceptuales

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Resumen:

El presente artículo aborda el ejercicio de la antropología en el marco de pericias, invocadas como medios de prueba en procesos jurídicos referidos a los derechos territoriales de los pueblos indígenas, reflexionando en particular sobre los retos conceptuales implicados en dicho ejercicio. Para ello, primero, se presentan algunos elementos del contexto en el cual, en Argentina, se solicita el desempeño como antropólogos/as, cuando se disputan aquellos derechos. En segundo lugar, despliega los desarrollos conceptuales en torno al territorio, en tanto materia involucrada, revisitando algunas contribuciones de las ciencias sociales. Tercero, desarrolla una operativización posible y difundida de este concepto, en tanto apuesta teórico-metodológica particular de las propias pericias antropológicas. El abordaje se basa en la propia experiencia de desempeño como perita antropóloga de la autora y recupera otras pericias producidas por antropólogos/as de la academia local en el marco de distintas causas judiciales en las que se disputan los derechos territoriales de los pueblos indígenas.

Palabras clave: territorio; derechos territoriales; pueblos indígenas; pericia antropológica; Argentina.

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e01007
https://doi.org/10.1590/1809-4341.2025v22e01007

Anthropological Expertise and Indigenous Territorial Rights in Argentina: Reflections on Conceptual Challenges

Abstract:

This article addresses the exercise of anthropology in the context of informed opinions as means of proof in legal processes related to territorial rights of indigenous peoples, analyzing in particular the conceptual challenges involved in that exercise. In order to do this, first, it presents some elements of the context in which, in Argentina, performance as anthropologists is requested when those rights are disputed. Secondly, it unfolds the conceptual developments on territory, revisiting some contributions from the social sciences. Third, it develops a possible and widespread operationalization of this concept, as a particular theoretical-methodological bet of the anthropological expertise itself. The approach is based on our own experience as an anthropologist expert and recovers other informed opinions produced by anthropologists from the local academy in the context of different judicial cases in which territorial rights of indigenous people are disputed.

Keywords: Territory; Land Rights; Indigenous Peoples; Anthropological Expertise; Argentina.

Perícias antropológicas e direitos territoriais indígenas na Argentina: reflexões sobre desafios conceituais

Resumo:

Este artigo visa o exercício da antropologia no âmbito da perícia como forma de prova em processos judiciais relativos aos direitos territoriais dos povos indígenas, refletindo em particular sobre os desafios conceituais envolvidos nesse exercício. Para tal fim, em primeiro lugar, apresenta alguns elementos do contexto em que, na Argentina é solicitada a atuação dos antropólogos quando esses direitos são disputados. Em segundo lugar exprime os desdobramentos conceituais em torno do território, enquanto matéria envolvida, revisitando algumas contribuições das ciências sociais. Em terceiro lugar, desenvolve uma operacionalização possível e generalizada desse conceito, como uma aposta teórico-metodológica particular das próprias perícias antropológicas. A abordagem é baseada na própria experiência como antropóloga perita e recupera outras perícias produzidas por antropólogos da academia local no âmbito de diferentes casos judiciais em que são disputados os direitos territoriais dos povos indígenas.

Palavras chave: território; direito à terra; povos indígenas; perícia antropológica; Argentina.

Pericias antropológicas y derechos territoriales indígenas en Argentina: reflexiones sobre los retos conceptuales

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PRESENTACIÓN

El presente artículo[1] aborda una forma posible de ejercer la antropología en el marco de pericias como medios de prueba para mostrar la diferencia, la diversidad, la desigualdad en procesos jurídicos, de modo de proveer al sistema de justicia de elementos sobre la relevancia de dicha diferencia, diversidad, desigualdad para el conocimiento de un caso específico o de un hecho en su contexto, y de manera de incidir en procesos de demanda y acceso a la justicia (Escalante Betancourt 2018; Hernández Castillo 2018; Kalinsky 2002; Loperena, Hernández Castillo & Mora 2018; Saavedra Hernández 2018; Saavedra Hernández & Luévano Bustamante 2022; Sánchez Botero 2010; Valladares de la Cruz 2012). En particular, mi reflexión es sobre los retos conceptuales encerrados en ese ejercicio, en un área que, definida en diálogo con una perspectiva antropológica sobre los derechos involucrados, refiere a los derechos territoriales de los pueblos indígenas. Si, como campo profesional para el desempeño de la disciplina,[2] está ligado a la disputa de derechos en el marco de la administración de conflictos, los que involucran a la tierra y el territorio se encuentran en el inicio de gran parte de las pericias antropológicas elaboradas en Argentina.

El abordaje se basa, en primer lugar, en mi experiencia de desempeño como perita antropóloga en una causa iniciada a fines de la década de 2000, en la que una organización mapuche, en representación de varias comunidades, litigó contra el Estado de una de las pro-

1 Una versión preliminar de este texto fue presentada como trabajo final para la aprobación del Diplomado *Peritaje en Ciencias Antropológicas* (XVI Promoción) del Instituto Nacional de Antropología e Historia (México, noviembre de 2022).

2 En Argentina, la antropología es una profesión no reglamentada, es decir que su práctica no está regulada de manera legal.

vincias de Argentina, por las omisiones de: disponer el reconocimiento definitivo del territorio que las comunidades tradicionalmente ocupan; investigar la existencia de irregularidades dominiales que pudieran representar despojos del territorio tradicionalmente ocupado por las comunidades; otorgarles otras tierras aptas y suficientes, en caso de crecimiento demográfico y/o transformaciones ecológicas; desalojar en forma preventiva a intrusos u ocupantes irregulares asentados en territorio tradicionalmente ocupado por las comunidades. El objeto de la demanda en lo contencioso-administrativo fue establecer la responsabilidad estatal por las mencionadas omisiones, ordenando su inmediata reparación y declarando la nulidad absoluta e insanable de los actos administrativos otorgados en pos del despojo de las tierras tradicionalmente ocupadas por las comunidades indígenas (Kosovsky 2015). Pero, además de considerar los informes periciales elaborados en el marco de dicho desempeño,[3] este artículo recupera, en su aproximación, otros producidos por antropólogas/os de la academia local, en el marco de distintas causas judiciales en las que se disputan aquellos derechos.[4]

En Argentina, el desarrollo de la pericia antropológica como práctica profesional es relativamente reciente. A mediados de los años 1990, eran pocas las intervenciones de este tipo; la práctica pericial era reclamada como un dominio propio de otras disciplinas científicas (Gorosito Kramer 1995). Según la sistematización realizada por esta autora, esas intervenciones estaban mayormente dirigidas a la redefinición de la situación delictiva de personas indígenas presuntamente culpables en causas penales a partir de considerar la intervención de un contexto cultural específico en sus actos, a la fundamentación de derechos de propiedad de la tierra por parte de comunidades indígenas y a la determinación de la identidad de los restos de víctimas del terrorismo de Estado.

Si bien no contamos con una sistematización más reciente de la experiencia acumulada desde entonces,[5] es evidente que el escenario ha cambiado, en un doble sentido. Primero, se trata de una práctica cada vez más generalizada que, de a poco, va asumiendo mayor

3 Los informes periciales fueron dos, producidos, junto a un colega antropólogo, en 2015 y en 2018. Si bien me restringiré a los laudos antropológicos elaborados en relación con la administración judicial de los conflictos (pericias), algunas de las consideraciones aquí vertidas también aplican para aquéllos producidos en el marco de otras formas de administración institucional de los conflictos, en las que se involucran procesos administrativos (informes técnicos). En este sentido, me baso también en mi desempeño como profesional integrante de equipos que han producido: informes histórico-antropológicos, a ser presentados por comunidades mapuche de la misma provincia ante distintos organismos públicos, en contextos de disputa territorial (Kropff et al. 2021); el estudio de impacto cultural de un emprendimiento – un parque eólico– sobre otra comunidad, como parte de un proceso de consulta por ella demandado (Kropff et al. 2019); y el informe de gestión de una comisión investigadora actuante en el ámbito de la legislatura de la provincia de Río Negro, para la investigación de transferencias irregulares de tierras rurales (Cañuqueo et al. 2015).

4 Algunas de estas pericias se encuentran disponibles en repositorios públicos. Otras me han sido generosamente cedidas para su consulta. En este sentido, quiero agradecer a Carolina Crespo, Juan Engelman, Ana Carolina Hecht, Carlos Salamanca, Hernán Schiaffini, Andrea Szulc y Sebastián Valverde.

5 Sí hay textos de antropólogos/as argentinos/as que reflexionan sobre los dilemas epistemológicos, metodológicos, éticos y/o políticos enfrentados a la hora de realizar la labor como peritos/as ante distintas instancias de justicia, en Argentina y ante el Sistema Interamericano de Derechos Humanos (Briones 2018; Carrasco 2015; Kalinsky 2002; Manzano 2020; Naharro, Álvarez & Flores Klarik 2018; Selva & Turner 2020; Tiscornia 2008); también como testigos de contexto (Garaño 2018) y como *amicus curiae* (Carman, Lekerman & Yacovino 2021).

institucionalización.[6] Segundo, aun cuando algunas circunstancias por las que nos pueden convocar para intervenir son más frecuentes o tienen mayor visibilidad que otras, los espacios posibles de trabajo para los/as antropólogos/as, en relación con la administración judicial de los conflictos, se han multiplicado.[7]

Si bien, con el tiempo, la interlocución entre la antropología y el derecho se ha extendido a distintas áreas de especialización, la identificación de identidades indígenas y la definición, y delimitación, de sus territorios siguen siendo uno de los grandes ejes temáticos de las pericias antropológicas, impulsadas en gran medida por las propias demandas de las comunidades y organizaciones indígenas, como parte de sus procesos de lucha. Es así como, en términos generales –pero en particular en lo que tiene que ver con la intervención en conflictos territoriales de los pueblos indígenas–, el desarrollo de la pericia antropológica (en sus inicios y en su actualidad) encuentra sus condiciones de posibilidad en el reconocimiento del carácter multiétnico y pluricultural de Argentina, en particular, y de los países latinoamericanos, en general, mediante reformas constitucionales y legales sancionadas en las últimas tres décadas, que han llevado a la consagración de derechos colectivos para los pueblos indígenas (Geldres González 2016).[8]

Con esto, desde los años ochenta del s. XX, asistimos a un proceso de judicialización de la política, entendido en un sentido amplio: el derecho se ha convertido en uno de los lenguajes más utilizados para traducir luchas políticas (un lenguaje que, por otra parte, se ha transnacionalizado); las demandas sociales se han concentrado en la reivindicación de una nueva normatividad o en la defensa de los derechos ya existentes pero vulnerados; además, las respuestas de los Estados se procesan igualmente en la reforma legal (Sieder et al. 2011) –cuando no, en la criminalización de la protesta social, a través del inicio de demandas judiciales, entre otros mecanismos–.[9] En el marco de este mismo proceso de difusión

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6 Podemos mencionar, en este sentido, la reciente creación del Programa Nacional de Ciencia y Justicia del Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET), dirigido a fortalecer los vínculos entre la comunidad científica y los poderes judiciales, ministerios públicos y defensores, de modo de acercar las ciencias a la administración de justicia (aportar a la toma de decisiones en distintos casos judiciales, garantizar el acceso a la justicia y un enfoque de Derechos Humanos en las políticas del sector) (véase https://www.conicet.gov.ar/programas/ciencia-y-justicia/). También puede mencionarse la igualmente reciente apertura de la Especialización en Peritajes Antropológicos en la Universidad Nacional de Río Negro, destinada a la formación de antropólogos/as en la práctica pericial (véase https://www.unrn.edu.ar/carreras/Especializacion-en-Peritajes-Antropologicos-83).

7 Las áreas de intervención, definidas no tanto en relación con los campos del derecho (penal, civil, laboral, familiar) sino en diálogo con una perspectiva antropológica sobre los derechos involucrados en las distintas producciones (pericias, informes, estudios de impacto), en el marco de procesos judiciales y/o administrativos, son de lo más variadas: territorio, ambiente, trata de personas, niñez, salud, religión, violencia institucional, movimientos sociales, restos humanos, asilo y refugio, y patrimonio.

8 En Argentina, dicho reconocimiento constitucional data de 1994. No obstante, no resultó en modificaciones en reglamentaciones relativas a la procuración y administración de justicia, como sí sucedió, por ejemplo, en México con las reformas al Código Federal de Procedimientos Penales en 1991 (Valladares de la Cruz 2012).

9 Este proceso de uso del derecho, de presentación de las demandas en el lenguaje legal, es también denominado juridificación de la política en general, y de la política indígena, en particular, cuando trasciende la judicialización en las cortes nacionales en procura de mayor reconocimiento; y comprende la formulación y reformulación de órdenes, legales y políticos alternativos, en el marco de la movilización política (Hernández Castillo 2016; Kirsch 2012; Sieder 2020).

y vernacularización (apropiación, redefinición, interpretación, localización) del derecho estatal e internacional y de transformación concomitante de subjetividades (Sieder 2020), la antropología encuentra un papel relevante en el activismo legal, en el acompañamiento y fortalecimiento de las demandas de los sujetos sociales con los que desarrollo su práctica.

Entonces, con el objeto apuntado en un inicio, el artículo está organizado de la siguiente manera. Primero, y en tanto el conflicto y su administración asumen un papel central en la concepción del peritaje como ejercicio profesional, presento algunos otros elementos de contexto, en el marco en el que se solicita el desempeño como antropólogos/as cuando se disputan derechos territoriales de los pueblos indígenas: el proceso de judicialización de los hechos. En segundo lugar, despliego los desarrollos conceptuales en torno al territorio, en tanto materia involucrada, revisitando algunas contribuciones de las ciencias sociales. Tercero, desarrollo una operativización posible (y difundida) de este concepto, en tanto apuesta teórico-metodológica en el marco de la realización de pericias antropológicas. Por último, presento algunas reflexiones conclusivas.

ELEMENTOS DE CONTEXTO: LOS CONFLICTOS Y SU JUDICIALIZACIÓN

Como señalaba en la presentación, desde mediados de la década de 1980, se desplegaron en Argentina políticas de reconocimiento estatal de los pueblos indígenas, que comprendieron, de manera progresiva, una serie de derechos diferenciales derivados del recorte de su condición específica como sujetos colectivos. La Constitución Nacional, en su Artículo 75, inciso 17, reconoce la preexistencia étnica y cultural de los pueblos indígenas argentinos; garantiza el respeto a su identidad y el derecho a una educación bilingüe e intercultural; reconoce la personería jurídica de sus comunidades y la posesión, y propiedad, comunitarias de las tierras que tradicionalmente ocupan, y regula la entrega de otras, aptas y suficientes para el desarrollo humano (ninguna de ellas será enajenable, transmisible ni susceptible de gravámenes o embargos); y asegura su participación en la gestión referida a sus recursos naturales y a los demás intereses que los afecten. Asimismo, el citado Artículo 75, en su inciso 22, otorga idéntica jerarquía supralegal a tratados y convenciones internacionales tendientes a la protección de derechos humanos en general, los que contemplan, con mayor o menor desarrollo, derechos de los pueblos indígenas; y a otros instrumentos internacionales especialmente dedicados a la temática.

Se trata, en breve, de formas del multiculturalismo neoliberal (Hale 2002) –o, lo que es lo mismo, de la producción de sujetos específicos como forma neoliberal de administración de las diferencias al interior de los espacios nacionales– que se vinculan de manera directa con el cambio que se hace visible, hacia fines de los 1970s y principios de los 1980s, en la modalidad general asumida por la acumulación del capital en su unidad mundial y en las

formas nacionales que dicha unidad asume.[10] En Argentina, ese reconocimiento ha sido en el marco del desarrollo de una economía nacional que –más allá de sus fases expansivas o bien de su estancamiento y contracción– refuerza su rol histórico en la división internacional del trabajo como proveedora de materias primas para el mercado mundial, sobre la base de la existencia de condiciones naturales excepcionales para tal producción. Es así cómo, si bien fueron sancionadas dos leyes cuya importancia parecía crucial para garantizar la protección de los derechos territoriales de los pueblos indígenas (N° 26.160, en 2006, de Emergencia en materia de posesión y propiedad de las tierras que tradicionalmente ocupan las comunidades indígenas; y N° 26.331, en 2007, de Presupuestos mínimos de protección ambiental de los bosques nativos), la conflictividad, lejos de apaciguarse, se recrea de manera sistemática –y se intensifica con el avance de políticas de seguridad de carácter represivo–, al solaparse, sobre los territorios indígenas, las tierras en las que se producen las materias primas.

Los pueblos indígenas se encuentran en una situación precaria en términos jurídicos frente al avance de las fronteras productivas hacia los territorios ocupados de manera tradicional y considerados, hasta entonces, marginales; ya sea porque son reconocidos sólo como ocupantes precarios de la tierra, no accediendo a su titularización, o porque los derechos reconocidos por el marco jurídico nacional e incluso local son incumplidos. Es así como la búsqueda sistemática de los capitales nacionales y transnacionales por modificar las tierras a usos agrícolas, ganaderos, mineros, hidrocarburíferos, forestales, turísticos, energéticos, apoyados en arreglos institucionales y legales que dan garantías a esas industrias, resulta en la pérdida o reducción de tierras –y consecuente expulsión de las comunidades indígenas– por medios legales (a pesar de que la mencionada Ley N° 26.160 y sus sucesivas prórrogas suspendían, por el plazo de la emergencia declarada, la ejecución de sentencias, actos procesales o administrativos que tengan por objeto el desalojo o desocupación de las tierras a las que refiere) e incluso ilegales (violencia física directa). Emergen, ante esto, múltiples resistencias, cotidianas y extraordinarias, por parte de esas comunidades y de las organizaciones indígenas. Unas y otras despliegan una estrategia múltiple, en la que la acción política directa –bajo la forma de movilizaciones, recuperaciones territoriales, campañas de difusión– es acompañada por

10 De acuerdo con Juan Iñigo Carrera (2019), desde mediados del siglo XIX hasta entonces, el papel histórico del capitalismo fue crear una sociedad de individuos con capacidades y necesidades universales. La tendencia era a la relativa indiferenciación en las condiciones de reproducción y aplicación productiva de su fuerza de trabajo, en particular, al interior de cada espacio nacional, resultando en su abaratamiento para el conjunto de los capitales. Es a partir de mediados de los 1980s que, con la transformación en la materialidad del trabajo, el capital requiere dos tipos de obreros, diferenciados en cuanto al desarrollo de sus atributos productivos: unos que realicen un trabajo cada vez más complejo y otros que hagan un trabajo cada vez más simplificado –convirtiendo, por otra parte, en sobrante para sus necesidades a otra porción de la clase obrera–. Esta diferenciación toma forma en la denominada nueva división internacional del trabajo, en la que por un lado se recortan países especializados en el trabajo complejo y por otro lado lo hacen países especializados en el trabajo simple. Como resultado de la diferenciación entre las distintas naciones y al interior de cada ámbito nacional, los individuos se ven a sí mismos como portadores de identidades particulares, ajenas recíprocamente, opuestas a la genérica de clase, resquebrajándose la posibilidad de la solidaridad entre los obreros. Es esta fragmentación en subjetividades específicas la que se expresa en el multiculturalismo, delineado por la mediación de la acción directa del Estado neoliberal en tanto representante político del capital.

el reclamo administrativo y por la acción legal anclada en los estándares internacionales de derechos (humanos en general e indígenas en particular) reconocidos por Argentina.

No es ajena a la constitución de este contexto en materia central de la agenda política la aparición de voces que se expresan en defensa de la propiedad privada capitalista.[11] A la par de presentar a esta última como la forma jurídica natural en que se detentaría la propiedad sobre la tierra, muestran a quienes la pondrían bajo amenaza a través de la lente del estigma, en particular, a través de la producción de discursos en los medios masivos de comunicación (Musante 2021). Con ella, los derechos de los pueblos indígenas son objeto de disputa. Pero no en el sentido de búsqueda de su efectivo cumplimiento, o de su ampliación, sino de un despliegue de las ansias por frenar o dar marcha atrás a su cumplimiento. La disputa se funda en el cuestionamiento de la legitimidad de quienes demandan la implementación de esos derechos reconocidos, en el reclamo de muestras de autenticidad que sustenten identificaciones y, sobre su base, demandas. Sólo encarnando las formas legítimas de lo indígena, consistentes en una sumatoria de prácticas y saberes, se tendría derecho a un territorio, uno con límites claramente definidos e identificables, ocupado de manera continuada, sin interrupciones (Guiñazú et al. 2019). En suma, la autenticidad estaría fundada en el recorte, de grupos y territorios discretos, cargado de naturalización y esencialismo.

Tal definición de autenticidad no hace sino controvertir criterios traducidos en derechos ya reconocidos a los pueblos indígenas. No sólo el de la autoidentificación, sino también aquellos que definen un territorio. Se trata, en este último caso, de criterios que dan cuenta de la especial relación que esos pueblos tienen con el espacio que ocupan.[12] Así, el vínculo es caracterizado como "tradicional". La noción de "ocupación tradicional" de tierras y territorios está incluida en el Convenio N° 169 de la Organización Internacional del Trabajo (OIT) sobre Pueblos Indígenas y Tribales en Países Independientes (1989), y en la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas (2007). Bajo sus términos, es una ocupación que, más allá de

11 Son claras en este sentido las expresiones vertidas en el marco del 1° Foro Consenso Bariloche por una Patagonia Sustentable y en Paz (Bariloche, 25 de agosto de 2021), organizado por sociedades rurales, cámaras empresarias, asociaciones vecinales y ONGs reunidas en la Mesa de Consenso Bariloche. Esta Mesa, que se presenta como un espacio multisectorial creado para visibilizar y difundir la temática del otorgamiento de tierras públicas en la ciudad de Bariloche (provincia de Río Negro, Patagonia argentina), se ha expresado en rechazo a la última prórroga de la Ley N° 26.160. Al igual que lo reseñado por Alexandra Barbosa da Silva y Patrícia dos Santos Pinheiro (2022) para Brasil, son cada vez más corrientes los cuestionamientos políticos a la implementación de los derechos territoriales de los pueblos indígenas; se aboga, así, "por un retroceso en los principios constitucionales" (2022:36). El 29 de marzo de 2023, la Cámara de Diputados de la provincia argentina de Mendoza aprobó una resolución que declara que "los mapuches no deben ser considerados pueblos originarios argentinos en los términos del Artículo 75 Inciso 17 de la Constitución Nacional y los tratados internacionales". Su trasfondo no es otro que el reconocimiento –en el marco de la Ley N° 26.160– por parte del Instituto Nacional de Asuntos Indígenas (INAI) del territorio de tres comunidades y su potencial afectación de los intereses petroleros. (https://www.pagina12.com.ar/537235-repudio-a-la-campana-antimapuche-del-gobierno-de-mendoza).

12 El espacio aparece referido, en los instrumentos internacionales, con varios términos a la vez: "tierra", "territorio" e incluso "recursos". La pretensión es que, en conjunto, permitan expresar ese vínculo particular en el vocabulario jurídico: "De este modo, se unifican términos que individualmente tienen significados diferentes pero que usados en común expresan más adecuadamente la protección jurídica a una vinculación de los pueblos indígenas con el ambiente en que viven, que no se divide fácilmente en aquellos conceptos separados" (Salgado & Gomiz 2010:189).

ser reconocida o no, está de acuerdo con el modo de vida (costumbres, tradiciones) propio de los pueblos indígenas. Con lo que, ya sea una relación (material y espiritual) interrumpida, intermitente u ocasional, o bien no sea efectivamente actual, lo que se procura es que estos pueblos mantengan su propia organización social y sus prácticas colectivas para adoptar decisiones comunes –lo que implica la posibilidad de modificar las formas y criterios de ocupación- (Salgado & Gomiz 2010). Pero aquella definición discute también criterios validados en términos científicos.

LOS DERROTEROS DE UN CONCEPTO: EL TERRITORIO

Si bien la elaboración de pericias antropológicas es solicitada por instancias distintas a la académica, remite a un conjunto de conocimientos y prácticas propios de la mencionada disciplina. En otras palabras, trata con un objeto sobre el que existe respaldo teórico y empírico, y cuenta con una expresión metodológica, disciplinaria o interdisciplinaria (Sampaio Silva et al. 1994). La pericia debe construir argumentos basados en esas prácticas y conocimientos científicos, con lo que el/la antropólogo/a debe explicitar cuáles conceptos y métodos utiliza, y por qué; y presentar una conclusión coherente con los mismos (Carreira 2005). En este sentido, es preciso hacer legible y comprensible el lenguaje antropológico para los/as operadores/as jurídicos/as, ya que el conocimiento producido por los/as antropólogos/as puede no ser transparente para ellos/as, y su aprehensión demandar la apertura a nuevos parámetros interpretativos (Tiscornia 2011). Y esta conversión del conocimiento antropológico en argumentos jurídicos requiere una revisión y problematización de los conceptos a los que vamos a recurrir.

El territorio es la materia involucrada en la labor pericial, que abordo en el siguiente apartado. Se trata de un concepto que, en los últimos años, se ha generalizado ampliamente (Benedetti 2011). Desde los años 1980s, las ciencias sociales (me refiero aquí, en particular, a la geografía y la antropología) lo piensan de manera consensuada, ya no desde la tradición de estudios geopolíticos clásicos en los términos de jurisdicción, o de terreno, o suelo, sino desde otras perspectivas, interesadas por las formas en que las sociedades conciben y modifican el espacio en el que viven. Es decir que se ha pasado de las concepciones naturalistas, positivistas y absolutas del territorio a las sociales, procesuales y relacionales. Así como el espacio es necesariamente un producto social –antes que una vacuidad, un soporte natural o una materia inerte para el desarrollo de la vida social (Benedetti 2011)–,[13] el territorio es también un producto, necesariamente histórico, de una específica apropiación y/o dominación social del espacio.

Las líneas desarrolladas dentro de las denominadas concepciones críticas son variadas. En Latinoamérica, es Milton Santos quien, ya hacia fines de la década de 1970, pone el én-

13 Esta concepción se ancla, en gran medida, en los desarrollos de Henri Lefebvre. Dice sobre él Neil Smith que "es el proponente más sólido, imaginativo y explícito de la producción del espacio, y hasta donde sé, fue él quien acuñó la frase" (Smith, 2020: 129). El consenso en torno a ella se inscribe, además, en el denominado giro espacial, esto es, en el redescubrimiento del espacio como categoría a considerar en la explicación de los procesos sociales. Para hacer inteligible mi desarrollo posterior, es importante tener en cuenta que no se trata del proceso de producción del espacio en abstracto sino bajo el capitalismo, bajo la forma social concreta que asume el proceso de trabajo en él.

fasis en el proceso de producción del espacio, en el momento en que la sociedad se apropia de la naturaleza; proceso que asume un carácter global y, a la vez, localmente diferenciado (Zusman 2002). Dice Zusman que, en el desarrollo de Santos, "la visión del espacio como una construcción social no pone en duda su carácter material y evidente: el espacio existe, él es «la materia trabajada por excelencia»" (Zusman 2002: 210). Es así como, en los 1990s, introduce la noción de territorio usado, utilizado por una población dada (Santos 2000). Es justamente el uso lo que lo transforma en objeto del análisis social.

A este proceso de apropiación y/o dominio social del espacio se lo denomina territorialización (Haesbaert 2013). En él se entraman muchas, y diferentes, territorialidades. Brevemente, la propuesta es que la territorialidad es una estrategia mediante la cual un determinado sujeto localiza, demarca, se apropia y controla algo de lo que hay en un área.[14] La porción de la superficie terrestre delimitada es la dimensión material del territorio, pero no es el territorio. Así, un cambio importante en esta perspectiva respecto de desarrollos anteriores es que el territorio no es un soporte material, un objeto sobre el que se desarrollan los procesos, sino que es la sociedad, a través de sus relaciones, la que construye los territorios. Por cierto, lejos de reducirse a la matriz estatal, se vuelve evidente la posibilidad de la existencia de infinidad de territorios, superpuestos y de diferentes escalas que, por otra parte, pueden ser discontinuos, fragmentados, móviles, organizados en forma de redes.

Buena parte de la literatura antropológica producida sobre dicho proceso puede ser leída haciendo foco en las maneras en que aquél se imbrica en la producción de sujetos colectivos. Los/as autores/as se detienen en el análisis de proyectos políticos y de vida con base en el territorio a través de abordar, no sólo las prácticas materiales que producen el espacio, sino también las representaciones que los sujetos hacen del mismo, o los significados que le otorgan desde su experiencia; y por último, las subjetividades que construyen en el marco de aquellos proyectos (Bello 2011; Gordillo 2004 y 2010; Pacheco de Oliveira 2010; Vivaldi 2010).[15]

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14 Entre quienes se alejan de su reducción a un comportamiento innato, instintivo o genéticamente determinado, Robert Sack (1983) considera la territorialidad como "el intento de un individuo o grupo orientado a influir, afectar o controlar objetos, personas y sus relaciones, a través de la delimitación y ejerciendo control sobre un área geográfica" (1983: 56). Por su parte, en Claude Raffestin (2011) la territorialidad tiene un sentido más amplio: refiere al conjunto de relaciones mantenidas con el territorio. De modo que una concepción extendida de la territorialidad la identifica con el control de recursos y el acceso a su uso (Vandergeest y Peluso 1995), a la manera de una estrategia definida por y a partir de relaciones sociales en general y de poder en particular. Al respecto, a lo que consideramos debemos atender es, no sólo a la desigual posición ocupada por los sujetos sociales en esas relaciones, sino también y principalmente a que se trata de unos sujetos cuya existencia social está dada por su carácter de portadores de determinadas relaciones económicas.

15 Por caso, Álvaro Bello (2011) sostiene, en su estudio del caso del territorio purhépecha de Michoacán, que el territorio es una realidad creada a partir de la apropiación y representación que las personas hacen del espacio. Refiere a las formas de su apropiación instrumental y simbólica, un proceso que se produce dentro de un marco histórico específico y a partir de las estructuras socioculturales en las que están inmersos los sujetos. La apropiación instrumental se manifiesta en el uso y control efectivo del territorio; tiene como soporte el medio físico; y de esa apropiación derivan significados que dan sentido a las prácticas espaciales de los sujetos. A su vez, la apropiación simbólica del espacio, expresada por ejemplo a través de las redes de parentesco, el sentido de pertenencia, el apego al territorio, o los proyectos etnopolíticos con base en el territorio, crean realidades objetivas para las personas, son guías para la acción, mundos de sentido común, constituidos a través de disposiciones y procesos de interiorización.

EL CONCEPTO EN LOS CASOS CONCRETOS: DE LA VIDA SOCIAL A LA GRAMÁTICA LEGAL

Ahora bien, las pericias producidas por antropólogos/as de la academia argentina en el marco de distintas causas judiciales en las que se disputan los derechos territoriales de los pueblos indígenas, y aquéllas en cuya elaboración yo misma intervine, se orientan, de manera generalizada, a determinar si ciertos espacios son efectivamente territorios tradicionalmente ocupados por sus comunidades. Entonces, ¿cómo operativizar, en ellas, el concepto de territorio? ¿Con qué criterios o sobre la base de qué apreciaciones?

Me interesa recuperar aquí dos antecedentes en ese sentido. El primero de ellos es la Carta de Ponta das Canas, un documento de trabajo elaborado en 2000 en el que antropólogos/as, reunidos a instancias de la Asociación Brasilera de Antropología (ABA), definieron los principales parámetros teóricos, técnicos y éticos para la producción de pericias antropológicas. Allí, se establece la necesidad de establecer las bases teóricas que orientan su realización, y de explicar el contenido de las nociones antropológicas utilizadas. En cuanto a la delimitación de los territorios tradicionales, algunas de las recomendaciones son: identificar las percepciones del espacio, los usos y valores propios del grupo; describir las categorías jurídicas relacionadas con los derechos territoriales; promover una discusión con el grupo, para definir una posición clara sobre los límites de su territorio o sobre la imposibilidad de definir esos límites; justificar los límites del área identificada, documentando etnográficamente las razones que los sustentan; explicitar los conceptos internos del trabajo antropológico, en diálogo con el ámbito jurídico, que se relacionan con la aplicación del precepto constitucional de territorio tradicional (Leite 2005).[16]

Más tarde, en 2015, la Asociación Brasilera de Antropología (ABA) elaboró el Protocolo de Brasilia, también referido a las condiciones para el ejercicio de un trabajo científico en el marco de las pericias antropológicas. En él se reafirma que los territorios a delimitar no deben ser condicionados por criterios de uso y ocupación distintos de los del propio grupo y que dichos criterios deben guiarse por la noción de tierra tradicionalmente ocupada, considerando los procesos de expropiación y territorialización involucrados.[17]

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16 En Argentina, el Programa Nacional de Relevamiento Territorial de Comunidades Indígenas, que ejecuta el relevamiento técnico, jurídico y catastral de la situación dominial de las tierras ocupadas por las comunidades indígenas de manera actual, tradicional y pública –establecido por la Ley N° 26.160–, se hace eco de la definición multidimensional del territorio indígena. Establece, en concordancia con lo establecido en los instrumentos internacionales y con lo incorporado al plexo normativo argentino, que deben ser tenidas en cuenta, a la hora de esa definición, los múltiples aspectos que lo configuran en tanto espacio socializado y culturalizado: "Los territorios tradicionales constituyen una categoría que da cuenta de los espacios habitados por pueblos indígenas o una parte de éstos, que poseen por característica encontrarse delimitados por hitos geográficos reconocidos socialmente por una o más agrupaciones de una misma etnia o de otra distinta. Estos territorios son valorizados por los pueblos indígenas, al asignarles un contenido político, económico, social, cultural y religioso" (Instituto Nacional de Asuntos Indígenas, 2007: 26). Esto no quiere decir que esta noción de ocupación tradicional no sea, de todas formas, disputada por comunidades y organizaciones (Cañuqueo 2015; Guiñazú 2017).

17 Aquí se entiende al proceso de territorialización en los términos formulados por João Pacheco de Oliveira (2010), como la intervención de la esfera política (el Estado-nación) que asocia un conjunto de individuos y grupos (étnicamente diferenciados) a límites geográficos bien delimitados, imponiendo formas de territorialidad ajenas a las propias.

Si bien, como decía en la Presentación, en Argentina no hay un desarrollo colectivo equiparable al contenido en estos documentos, las pericias antropológicas solicitadas en el marco de procesos de lucha de comunidades y organizaciones indígenas también observan, en gran medida, lo allí expresado. En términos generales, se orientan a determinar si ciertos espacios son, en efecto, territorios tradicionalmente ocupados por ellas. Ciertamente, tras requerir la descripción de los procesos de formación de comunidad –o procesos de comunalización (Brow 1990)– del pueblo en cuestión,[18] el foco se coloca en el carácter de la ocupación.

Ahora bien, dice Sofía Tiscornia (2011) que, como antropólogos/as, lo que nos habilita para ser aceptados/as como interlocutores/as en el ámbito jurídico, "capaces de explicar otra versión de la misma historia", es "la capacidad de re-narrar, de volver a representar el hecho [o conflicto] que nos ocupa en lenguaje etnográfico, y desplegar así la trama de relaciones no legales que le ha dado forma legal" (2011: 16). En este sentido, la reposición de los procesos históricos en los que se inscribe la génesis de los conflictos territoriales emergentes –con énfasis en el papel del Estado en ellos– se constituye en punto de partida ineludible y herramienta conceptual central para explicar cómo la expropiación del territorio, el desplazamiento violento y forzado, de personas y familias, y aun, las políticas de radicación y colonización implicaron una puesta en jaque del conjunto de prácticas y valoraciones que lo constituyen (al territorio), al verse condicionado el ejercicio de la capacidad social de decisión sobre dichas prácticas y valoraciones.

En este sentido, la antropología conlleva la potencialidad de abordar la ocupación tradicional del territorio, mediante la consideración de los condicionamientos dados por el proceso de territorialización estatal, pero también de los usos y las concepciones de los propios sujetos, sus formas de habitar y de pensar el territorio. Esto se traduce en el relevamiento de los lugares identificados como significativos, en términos de las relaciones sociales que se inscriben en el espacio: de residencia (viviendas), de recorrida o tránsito (senderos, caminos), de actividades de subsistencia (pastoreo, siembra, caza, pesca, recolección de frutos, leña, plantas medicinales, obtención de agua), de descanso o acampe (campamentos), ceremoniales, de reunión, de recreación, de la memoria (vestigios de poblaciones antiguas). En síntesis, con respecto a la determinación de un espacio particular como territorio de ocupación tradicional de una comunidad, el hincapié está en mostrar las maneras en que se trata de lugares vividos a través de tránsitos cotidianos, identificados y nombrados mediante mojones muchas veces asociados a elementos naturales pero reconocidos socialmente, con signos de ocupación reconocibles y también sin ellos, objeto de arreglos sociales respecto de su uso, y también de despojos, con lo que la ocupación no ha sido siempre la misma.

18 No me adentro, en este trabajo, en la identificación de grupos étnicamente diferenciados como objeto de la labor pericial. Sin embargo, sí es importante señalar que, a la hora de dar cuenta de la recreación de tramas de relacionamiento o conexión (Carsten 2000), se trata de comprender no sólo aquéllas fundadas en términos genealógicos, dados por la naturaleza o la biología y reconocidos como legítimos por la administración del Estado, sino también aquéllas otras, establecidas por experiencias sociales compartidas.

Pero esta solicitud de determinar si ciertos espacios son efectivamente territorios tradicionalmente ocupados por comunidades indígenas no está exenta de contener, en su formulación, determinados equívocos. Uno de ellos refiere al establecimiento de la dimensión de su extensión, sobre la base de criterios de carácter productivo. Así, los puntos enumerados en la primera de las pericias que me fuera solicitada requerían describir la práctica productiva tradicional del pueblo mapuche, explicar su evolución en los últimos años y establecer la máxima productividad del territorio ocupado según la práctica tradicional mapuche; determinando cuánta superficie adicional de tierras aptas y suficientes para el desarrollo humano –tal como regula la Constitución Nacional argentina– sería necesario otorgar a las comunidades para mantener su práctica tradicional y así dar sostén a las familias integrantes de las mismas.

En un texto pionero de mediados de los años 1990, João Pacheco de Oliveira (1994), al preguntarse por los instrumentos de que dispone un/a antropólogo/a para la definición de un territorio indígena, identifica como un obstáculo para esa tarea la naturaleza del territorio indígena; o más bien, las interpretaciones que se construyen sobre dicha naturaleza. Menciona, además de las concepciones que piensan el territorio indígena como el lugar de donde sería originario un pueblo indígena, o sobre el que ejercería una posesión inmemorial,[19] aquellas otras que imaginan ese territorio según el modelo de tierra como factor de producción. La cuestión relevante sería, entonces, dimensionar la extensión de esa tierra, entendida como necesaria para atender las necesidades económicas de un grupo dado, sobre la base de la cantidad de la población y las exigencias de la producción. Dice el autor que ese cálculo, así hecho, deja de lado aspectos de la reproducción social de un colectivo que no se reducen al dominio de lo económico: las demandas territoriales de un pueblo indígena no pueden ser fijadas según un modelo de productores rurales independientes, sin considerar la relación simbólica con un territorio dado.

Entonces, cuando los puntos de pericia requerían la determinación de la extensión del territorio de ocupación tradicional, o bien el cálculo de la superficie adicional de tierras aptas y suficientes necesaria para que las comunidades sostengan, a la vez, la práctica productiva tradicional y a las familias que las componen, se trató de no enmarcar la pericia dentro de la figura de pequeño productor de mercancías agrarias en demanda de tierra para su subsistencia. Por el contrario, fue menester poner el acento en la demanda territorial indígena. Al hacerlo, fue necesario tener en cuenta que las prácticas productivas tradicionales, por su

19 Según Pacheco de Oliveira, lejos de ser inmutables, las áreas indígenas están siempre en permanente revisión. Esto es así producto de la propia naturaleza del proceso de territorialización de un pueblo indígena dentro del marco institucional dado por el Estado nacional. Así, lo que un colectivo considera su territorio no es un espacio con límites fijados de manera rígida, que es inmanente, sino que muta según las coyunturas, los intereses; con lo que el territorio ocupado por un pueblo indígena hace centenas o décadas de años atrás –en caso de poder establecerse– puede no ser necesariamente el territorio reivindicado en la actualidad. En relación con las características y alcances tal como son definidos en la jurisprudencia internacional, Salgado y Gomiz (2010) notan que no debe confundirse ocupación tradicional con ocupación ancestral o inmemorial, siendo la primera independiente de la última. Así, los derechos se aplican también a tierras ocupadas de manera actual, independientemente de la posesión u ocupación inmemorial. Por otro lado, la ancestralidad remite más a la continuidad histórica de un grupo que ha mantenido una identidad que a la permanencia durante una determinada cantidad de tiempo en un territorio (Corte Interamericana de Derechos Humanos 2001).

parte, no se agotan en la producción económica llevada adelante –por ejemplo, en la cría de ganado menor de manera extensiva–, sino que refieren también a la misma producción (y reproducción) de vínculos sociales específicos.

Si lo productivo requiere de tal argumentación, el carácter tradicional de las prácticas productivas constituye otro punto a aclarar. El riesgo está en que se identifique ese carácter con prácticas ancladas en el pasado, estables, inmutables en el tiempo. En cambio, siguiendo con el ejemplo anterior, la constitución de la cría de unas pocas cabezas de ganado lanar o caprino en una práctica económica dominante es producto de la expropiación de las condiciones materiales de existencia, del consecuente abandono forzoso de anteriores formas de vida y del posterior reasentamiento, también forzoso, en tierras marginales, de reducido tamaño, escasa productividad y difícil acceso, de los que fue objeto el pueblo mapuche. No constituye, así, una práctica productiva tradicional *per se*: lo es en la medida en que se inscribe en la memoria social de este pueblo, y en que se ha vuelto central en la configuración de una trayectoria social y laboral particular. Además, su constitución en una práctica generalizada es, en el caso de la ganadería extensiva, una consecuencia del proceso expropiatorio. En todo caso, las prácticas productivas tradicionales consistirían en la posibilidad de sostener la autonomía y el control territorial en el desarrollo de la producción social de la vida en contextos históricos cambiantes –una autonomía y un control obstaculizados por la falta de reconocimiento territorial, en tanto pueblo mapuche, por parte del Estado provincial, que las comunidades involucradas en la demanda denuncian–.

Otro de los equívocos posibles que encierra la respuesta a la solicitud de determinar si ciertos espacios son efectivamente territorios ocupados de manera tradicional por comunidades indígenas –relacionado con las interpretaciones de la naturaleza del territorio indígena revisadas críticamente por Pacheco de Oliveira– consiste en la prescripción de la necesidad de continuidad en la ocupación de un mismo espacio geográfico por un grupo de personas con vínculos consanguíneos. Esta posibilidad subyacía cuando, a la hora del requerimiento en relación con el uso y la ocupación tradicional, realizados por una de las comunidades involucradas en la mencionada demanda, de las tierras altas en las que pasta el ganado en la época estival, los puntos de la segunda pericia solicitada comprendían, entre otros, explicar los procesos históricos y antrópicos de agrupación del pueblo mapuche en la zona, en particular, con respecto a aquel uso y aquella ocupación.

A la par de sostener los argumentos construidos en el anterior informe pericial, el hincapié aquí estuvo puesto en que, si bien la ocupación tradicional de esas tierras por parte del pueblo mapuche es, en mucho, anterior a la conformación de una comunidad particular bajo su forma actual (considerada ésta última como expresión emergente del proceso de organización de ese pueblo en la zona), efectivamente esa comunidad las ocupa de manera tradicional. Pero la apelación (así contestada) a la ancestralidad y continuidad en la ocupación de un mismo espacio geográfico, por un mismo grupo de personas ligadas de manera consanguínea, que desarrollan un mismo conjunto de prácticas, no sólo denotaría temporalidad en la presencia.

También indicaría, en vínculo con los usos desplegados en el territorio –unos especialmente visibles, con marcas en el espacio–, unidad o integralidad de este último. Se trata, en ambos casos, de criterios que acaban por ajustarse a los parámetros establecidos como producto del referido proceso de territorialización de los pueblos por el Estado, obliterando los despojos. Se trata, asimismo, de criterios que terminan por ser ajenos a los sentidos de ocupación tradicional.

A MODO DE CIERRE

Como campo profesional para el desempeño de la disciplina antropológica, el peritaje está ligado a la disputa (y eventual reconocimiento) de derechos en el marco de la administración de conflictos. En este trabajo me interesó pensar en los alcances y las potencialidades de la antropología en relación con el ejercicio profesional en el ámbito legal. En este sentido, es generalizada la definición de la labor pericial como un oficio de traducción, en tanto hace inteligible y plausible otros mundos de sentido, otras estructuras de significación con el objeto de orientar el criterio de los/as juzgadores/as y suministrarles argumentos para la formación de su convencimiento en las materias propias de la disciplina (Sánchez Botero 2010). Pero, aun convenida esa definición, no constituye una simple actuación científica y técnica. Además de ello, el peritaje discute el derecho. Dice Laura Valladares de la Cruz (2012) que "la estrategia de poder que el peritaje contrapone es, metodológicamente, la posibilidad de cuestionar, desde otro saber, a ese conocimiento hegemónico que busca imponerse, por desconocimiento o por desprecio y subvaloración del otro" (2012: 12). El peritaje tiene, entonces, repercusiones políticas y, más aún, puede constituirse en una apuesta política para avanzar en la defensa o en el reconocimiento de derechos, en una forma de activismo, en un contexto latinoamericano definido por la judicialización de la política.

Pero esa actuación y esa apuesta encierran una serie de dilemas epistemológicos, éticos y políticos que enfrentamos como peritos/as. Son los que despliega Laura Saavedra Hernández (2018) a la hora de reflexionar sobre la elaboración de una pericia antropológica con perspectiva de género, en relación con las costumbres de las comunidades indígenas en México referidas a la tenencia y uso de la tierra, en contextos de violencias contra las mujeres –pericia que, de alguna manera, contribuiría a cuestionar aquellas costumbres–. O también, Stuart Kirsch (2018) al momento de discurrir sobre la realización de dos informes periciales para la Corte Interamericana de Derechos Humanos vinculados a los derechos a la tierra de los pueblos indígenas en Surinam y Guyana –impugnados por ambos Estados, sobre la base de aducir que los demandantes no reunían las características necesarias para ser considerados indígenas–. En particular, ¿cómo construir (y conciliarse con) las definiciones requeridas para acceder a derechos sin afirmar esencialismos? En nuestro caso, ¿cómo entender y explicar el territorio, uno que sea susceptible de ser reconocido en el marco de los derechos territoriales indígenas, sin esencializar prácticas y sujetos? Si el carácter tradicional es demandado –por los procedimientos administrativos y jurídicos instituidos por el Estado, pero también por requerimientos de la academia y reivindicaciones de los sujetos sociales más directamente

implicados– como argumento para sostener la ocupación (material y simbólica) de un territorio, un primer paso parece ser reconocer que, en esa definición, se ponen en juego categorías analíticas producidas por la antropología, categorías nativas y categorías jurídicas, en una forma que no es simétrica sino que refuerza lógicas jerárquicas (Mura 2015). Luego, situarlas, a ellas y a las prácticas que refieren, en la trama de las relaciones sociales más amplias.[20]

Situar el conocimiento contenido en la pericia antropológica implica ubicarlo en una serie de contextos: el contexto del conflicto y su administración; el contexto de los derechos y su ejercicio; el contexto del conocimiento antropológico y de la ética profesional; el contexto de las formas de producir la vida social y de los procesos de lucha por el territorio; el contexto del peritaje mismo y de los ámbitos discursivos más abarcadores, que delimitan lo que puede decirse o no en el campo de la justicia. Es a partir de esta contextualización que se abre la posibilidad de revisar los criterios de verdad construidos en torno de los conceptos implicados en el ejercicio de la antropología en el marco de pericias como medio de prueba en procesos jurídicos. Si bien esos criterios pueden ser distintos para las tres verdades entramadas de manera jerárquica (y conflictiva) en una situación de pericia –en tanto sus entendimientos son diferentes, y la naturaleza de los datos que producen también (Mura 2015)–, y si bien las razones jurídicas, antropológicas y sociales pueden no admitir superposiciones exactas –de lo que resultarían problemas de legibilidad (Briones 2018)–, la lectura de unos y otras no puede sino anclarse en el ya mencionado proceso de judicialización, y en sus implicancias en relación con la normativización de la acción política de los sujetos sociales y del conocimiento científico y técnico.

Received: May 12, 2023.
Approved: December 5, 2023.

Agradecimientos
Agradezco a los/as evaluadores/as anónimos cuyos comentarios enriquecieron la versión final del artículo. También, a Hernán Schiaffini y Marcia Bianchi Villelli, por los intercambios sostenidos en el marco de la práctica y la enseñanza de la labor pericial en antropología.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

20 Yuri Escalante Betancourt (2018) también advierte sobre los riesgos que encierra el uso y abuso del esencialismo o, en otros términos, la fijación de los significados culturales cuando se construyen fuera de su contexto. Este autor, incluso, va más allá en el planteamiento de dilemas epistemológicos y éticos al argumentar que, a pesar de que los peritajes representan un logro para el acceso a la justicia, son una herramienta que reproduce las jerarquías en torno al conocimiento que sitúan al/a la antropólogo/a como experto/a poseedor/a del conocimiento legítimo para los operadores jurídicos.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

Reflexiones sobre el proceso de producción de un informe histórico antropológico para la comunidad Newen Mapu, Río Negro, Argentina

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Resumen:

Este artículo toma como objeto de reflexión el proceso de producción de un informe histórico antropológico solicitado por la comunidad mapuche-tehuelche Newen Mapu, como parte de un trabajo de investigación acerca de las conflictividades y procesos de agencia colectiva en torno al acceso, uso y manejo de la tierra en la localidad de Catriel (departamento General Roca), ubicada al noroeste de la provincia patagónica argentina de Río Negro. El informe producido tuvo por objetivo dar cuenta de la relación de referida comunidad con su territorio. Su elaboración implicó desafíos profesionales, como un modo de construcción de conocimientos y de presentación de resultados cuyos destinatarios no son exclusivamente de un ámbito como el académico, estableciendo entre éste y las referidas comunidades una modalidad específica de relación.

Palabras clave: Patagonia; informe; conflicto; Mapuche.

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e01008
https://doi.org/10.1590/1809-4341.2025v22e01008

Reflections on the process of producing a historical-anthropological report for the Newen Mapu Mapuche-Tehuelche community, Río Negro, Argentina

Abstract:

This article reflects on the process of profucing a historical-anthropological report requested by the Mapuche-Tehuelche community Newen Mapu, as part of research Project on conflicts and procees of collective agency related to access, use, an management of land in the locality of Catriel (General Roca department), located in the northwest of the Patagonian province of Río Negro, Argentina. The report aimed to account for the relationship of this community with its territory. Its elaboration entailed professional challenges, as a mode of knowledge construction and presentation of result whose recipients are not exclusively fron the academic sphere, thereby establishing a specific type of relationship between the latter and the referred communities.

Keywords: Patagonia; Report; Conflict; Mapuche.

Reflexões sobre o processo de produção de um relatório histórico-antropológico para a comunidade Newen Mapu, Río Negro, Argentina

Resumo:

Este artigo tem como objeto de reflexão o processo de produção de um relatório histórico antropológico solicitado pela comunidade mapuche-tehuelche Newen Mapu, como parte de meu trabalho de pesquisa sobre os conflitos e processos de agência coletiva em torno do acesso, uso e manejo da terra na localidade de Catriel (departamento General Roca), localizada ao noroeste da província de Río Negro, Patagônia, Argentina. O relatório produzido teve por objectivo dar conta da relação da mesma com o seu território e a sua elaboração implicou desafios profissionais como modo de construção de conhecimentos e de apresentação de resultados cujos destinatários não são exclusivamente da academia e no que estabelece uma modalidade específica de relação entre a academia e as comunidades.

Palavras-chave: Patagônia; relatório; conflito; Mapuche.

Reflexiones sobre el proceso de producción de un informe histórico antropológico para la comunidad Newen Mapu, Río Negro, Argentina

Ana María Catania Maldonado

INTRODUCCIÓN

Para que quien investiga pueda describir la vida social que estudia, incorporando la perspectiva de los/as actores que participan de esa vida, es necesario integrar la práctica de reflexividad inherente al trabajo de campo, consistente en el proceso de interacción, diferenciación y reciprocidad entre la reflexividad del sujeto cognoscente –sentido común, teoría, modelos explicativos– y la de los actores o sujetos de investigación. Esto es, someter a un continuo análisis las tres dimensiones que están permanentemente en juego en el trabajo de campo: la reflexividad del/la investigador/a en tanto miembro de una sociedad; la reflexividad del/la investigador/a en tanto tal, con su perspectiva teórica, sus interlocutores académicos, sus habitus disciplinarios y su enfoque epistemológico; y las reflexividades de la población que estudia (Guber 2011).

En tal sentido, en este artículo me dispongo a analizar el proceso de producción del informe histórico antropológico solicitado por la comunidad mapuche-tehuelche Newen Mapu, como parte de mi trabajo de investigación acerca de las conflictividades y procesos de agencia colectiva en torno al acceso, uso y manejo de la tierra en la localidad de Catriel (departamento General Roca), ubicada al noroeste de la patagónica provincia argentina de Río Negro. Partiré de una reflexión sobre la práctica y su complejidad, esto es, la construcción del campo, el contexto político y social en que está inserta, las estrategias metodológicas y el marco teórico escogidos, y los posicionamientos éticos políticos construidos. En este sentido, la elaboración de informes técnicos constituye en sí una práctica de producción de conocimientos antropológicos para la gestión de problemáticas socioculturales que supone

sus propios desafíos, ya que requiere establecer diversos acuerdos teóricos y metodológicos para su confección (Guiñazú & Tolosa 2020).

Intentaré responder las preguntas que motorizan el desarrollo de las páginas siguientes: ¿Por qué y para qué la comunidad Newen Mapu solicita un informe histórico antropológico? ¿Qué contextos sociales habilitaron ese pedido? ¿Qué sentidos y expectativas subyacen desde la perspectiva de los/as interlocutores/as? ¿Qué relación se estableció con los/as interlocutores/as en distintas instancias de participación, negociación y consensos? ¿Qué utilidad tiene este producto? ¿Quiénes están implicados/as o se verán afectados/as por lo expuesto en el informe? ¿Cómo se llevó a cabo la producción de este informe técnico en sus distintas fases y de qué manera intervinieron los/as interlocutores? ¿Qué particularidades tiene la escritura de este tipo de textos? ¿Qué compromisos y posicionamientos ético-políticos fui asumiendo a partir de la producción de este informe?

Para llevarlo a cabo, encuentro en el (auto)análisis discursivo una herramienta de reflexividad de la práctica antropológica que me permite revisar cuál es el contexto de producción, esto es, las condiciones que posibilitan/constriñen la práctica y la gramática de escritura específica del discurso que producimos. Desde una perspectiva teórica de análisis de los discursos sociales, Eliseo Verón (1993) ha planteado que la noción de discurso es una configuración espacio-temporal de sentido, identificada sobre soportes materiales diversos (materias significantes) que son fragmentos del proceso de producción, construidos en la infinita red interdiscursiva denominada semiosis social. Esta idea parte de la hipótesis que concibe el doble anclaje de los discursos sociales: el sentido en lo social, y lo social en el sentido.[1] Es decir, toda producción de sentido es necesariamente social y no se puede describir ni explicar satisfactoriamente un proceso significante sin explicar sus condiciones sociales productivas y, a la vez, todo fenómeno social es, en una de sus dimensiones constitutivas, un proceso de producción de sentido. Así, el informe devenido de la intervención, en tanto discurso materializado, debe explicarse, por un lado, mediante el análisis de la dimensión significante de los fenómenos sociales situados en contextos concretos que demarcan las posibilidades de cómo y qué puede ser expresado.

ESCUCHAR AL CAMPO, ATENDER LA DEMANDA

Comencé mi investigación en abril de 2019, a partir de una beca doctoral otorgada por el Consejo Nacional de Investigaciones Científicas y Tecnológicas (CONICET), en el marco de los Proyectos de Investigación de Unidades Ejecutoras, en este caso, el Instituto de In-

1 Verón entiende el sentido como un concepto entrelazado de manera inextricable con los comportamientos sociales; sin él no hay organización material de la sociedad, ni instituciones, ni relaciones sociales. La producción de sentido es "el verdadero fundamento de lo que corrientemente se llama 'representaciones sociales'" (Verón 1993:126).

vestigaciones en Diversidad Cultural y Procesos de Cambio (IIDyPCa).[2] Esta instancia de formación fue lo que definió, en términos generales, el campo de investigación y lo que me motivó a explorar las problemáticas relacionadas al uso, acceso y disputas en torno a la tierra en la localidad rionegrina de Catriel.

Al comenzar el trabajo de investigación dos desafíos se me presentaron. En primer lugar, llevar adelante un proyecto que, aunque fuera de mi interés, no había sido elaborado por mí. Eso no implicaba que no pudiera darle mi propia perspectiva, pero existía un recorte a priori que no fue mi elección. En segundo término, esto condicionaba de varias formas mi tarea: por un lado, en el momento desconocía la ciudad de Catriel; por otro, la localidad se ubica a 750 km de mi lugar de residencia, por lo que debía comenzar a explorar el campo a la distancia y planificar con anticipación las actividades a realizar en cada viaje, ya que la permanencia allí era económicamente costosa. Por esta razón, pedí al equipo de investigación algún contacto en Catriel y llegué a un email con una solicitud, enviada al director IIDyPCa el 20 de noviembre de 2018, para que investigadores realizaran un informe histórico antropológico para una comunidad que estaba en conflicto territorial y con orden de desalojo. En dicho correo electrónico pude encontrar el contacto de la Consejera Indígena de la Zona Alto Valle del Consejo de Desarrollo de Comunidades Indígenas (CODECI).[3] Así, consideré contactarme con la Consejera por su carácter institucional, para, por su intermedio, poder llegar a las comunidades mapuche con conflictos territoriales de la zona. Tuvimos con ella un primer contacto telefónico, para presentarme, contarle del trabajo de investigación y preguntarle si era posible encontrarnos para que me interiorizara sobre "la realidad de las comunidades mapuche de Catriel". Me explicó que había cuatro comunidades en conflicto por distintas causas e hizo énfasis en una de ellas que "tenía conflictos con muchas petroleras" (Consejera, comunicación personal, 02/08/2019). Así fue que nos encontramos una semana después, mi codirectora y yo, en el territorio de una de las comunidades, sobre la ruta N° 151, a unos 30 kilómetros de Catriel. Mientras algunos de los presentes en la reunión se disponían a cocinar, y otros a darle de comer a los animales, tuvimos una breve pero signi-

2 Se trata del proyecto "Acceso a la tierra y configuración de subjetividades socioculturalmente diversas: conflictividades en torno a la extracción de hidrocarburos en el noroeste rionegrino"; y tiene por objetivo general analizar las modalidades que toma la disputa por el acceso a la tierra y los recursos hidrocarburíferos en la provincia de Río Negro en general, y en su porción noroeste en particular, para identificar cómo ello resulta de – e impacta en– la configuración de subjetividades cívicas diferenciadas en la provincia. Además, estas reflexiones se inscriben en el trabajo desarrollado para mi tesina de la Licenciatura en Ciencias Antropológicas de la Universidad Nacional de Río Negro.

3 El CODECI es, desde 1998, el órgano de aplicación de la Ley Integral del Indígena N° 2.287/88. Este organismo de cogestión está conformado por dos consejeros designados por el Ministerio de Gobierno de la provincia de Río Negro y cuatro consejeros indígenas electos por cada zona (Andina, Sur, Atlántica y Valle), uno de los cuales, además, es elegido en la Asamblea anual del Parlamento del Pueblo Mapuche para ejercer el cargo de Presidente. Tiene, entre sus funciones, la definición de políticas, estrategias de acción, determinación de prioridades y elaboración de programas de trabajo. Quien tiene la facultad de fijar y definir las políticas instrumentadas por el CODECI en lo concerniente al desarrollo económico, social y cultural es la Coordinadora del Parlamento Mapuche (Decreto 310/98, sancionado el 6/4/1998 y publicado en el Boletín Oficial N° 4117 el 25/7/2003). Disponible en: https://boletinoficial.rionegro.gov.ar/download/boletin/4117.PDF. Última consulta: 21.03.2022.

ficativa conversación con la Consejera. Le pregunté si era por esa comunidad que ella había solicitado el informe al IIDyPCa:

Consejera: Sí, el informe histórico antropológico.

Investigadora 1: Yo pensé que ya estaba resuelto.

Consejera: Quedó ahí porque hay solicitud de 3, 4 informes históricos antropológicos en las otras zonas también. Creo que salió uno o está por salir, pero re lento, viste.

Investigadora 1: ¿Y eso a quién le toca?

Consejera: Y… al Ministerio de Gobierno [de la provincia] que es el que da los fondos, y ustedes habían pasado un monto que era por 15 días y nosotros le explicamos 200 veces que el monto iba a cambiar, pero presentamos todo y quedó pendiente […] yo lo que quería preguntar era si, ahora que están acá y vieron esto, si ustedes pueden hacer como una solicitud para que salga esto, la plata. Yo decía algo así como en el marco de este trabajo de investigación y visitando y viendo la situación de urgencia.

Investigadora 2: Una nota para que adjunte al pedido de ellos que hicieron en noviembre.

Consejera: Es re feo estar así, porque uno está siempre pendiente de los fondos de los demás, viste.

(Entrevista a consejera del CODECI, 07.08.2019)

Nuestra presencia había generado en los miembros de las comunidades y en la Consejera la expectativa de que accionáramos de alguna forma para que avanzara el pedido de informes. El presupuesto presentado por el IIDyPCa implicaba, entre otros ítems, el traslado y la estadía de cuatro antropólogas, desde distintas ciudades (Bariloche, Buenos Aires, Neuquén) para hacer trabajo de campo durante cinco días; honorarios por la producción del informe y la cartografía; a más de otros gastos para insumos técnicos y administrativos. Por ende, el costo final de la producción era superior al que podían llegar a sufragar a través de los subsidios otorgados por el Ministerio de Gobierno.

Al día siguiente, tuvimos una reunión con otras tres comunidades mapuche que presentaban, con diferencias, situaciones conflictivas en sus territorios. La insistencia en la solicitud de sus respectivos informes nos tomó por sorpresa nuevamente:

Consejera: Yo quería preguntarles, ¿ustedes lo van a trabajar por comunidad, lo van a trabajar por región, por zona, como Catriel? ¿Dan un informe general?

Investigadora 2: ¿El trabajo éste nuestro? Y ahora está más orientado a la investigación de Ana que es exploratoria, una investigación propia, y yo estoy explorando la producción de hidrocarburos. O sea, no estamos pensando en formas regionales, lo que sí podemos hacer es un pequeño pre-informe para ustedes.

Consejera: Como una devolución.

Investigadora 2: Claro, sí.

Consejera: ¿Y eso serviría por ejemplo para formar un expediente o algo?

Investigadora 2: Eso no lo sé. […] Ahora nosotras lo que podemos hacer es un escrito a la comunidad haciendo una síntesis de estas cosas que ustedes nos contaron. Que en realidad tiene que ver también con algunas reconstrucciones históricas. A corto plazo no puede ser muy extenso porque no vamos a hacer ahora trabajo de archivo, ni vamos a ir atrás en el tiempo […] pero sí argumentar el conflicto y mostrar, discutir esto que se dice de que acá no había gente. Eso sí se puede decir porque eso se toma sobre la base de esos materiales y se puede dirigir a ustedes.

(Entrevista a consejera del CODECI, 07.08.2019)

Nuestros supuestos sobre lo que íbamos a hacer, vinculados con una investigación de carácter más académico, se confrontaron de entrada con las expectativas de las comunidades, en función de sus propias necesidades y urgencias, de y lo que podía gestionar su Consejera. Estas expectativas expresabas además el formato deseado de presentación de los resultados (los informes) y un uso al que estarían destinados: como documentación para adjuntar al expediente de cada comunidad registrada con personería jurídica o con solicitud de conformación. [4]

En este sentido la demanda, como acto fundador de la intervención, se manifiesta a través de relatos que poseen una faz material y una simbólica, y se constituyen de manera histórico-social como forma de expresión del núcleo significativo de diferentes actores sociales (Carballeda 2012). Dilucidar cuáles son esos sentidos asociados posibilita, en términos de la práctica profesional, establecer la intervención desde un marco teórico y la utilización de diferentes instrumentos, y categorías de análisis, por los cuales se interpretan las situaciones, se captan las motivaciones e intenciones de los demás, a fin de lograr entendimientos intersubjetivos y actuar coordinadamente dentro de un universo social. En este caso, si bien la demanda se expresó como un pedido en nombre de las comunidades, es cierto también que para sus miembros no quedaba claro qué era la antropología y –no tenían por qué saberlo– cuál era nuestra experticia.

Dicha situación puso de manifiesto saberes diferenciados, entre la Consejera y los integrantes de las comunidades, sobre los procedimientos institucionales para lograr, como objetivo primordial, el reconocimiento de los territorios comunitarios y, consecuentemente, la solución a su favor de las disputas con distintos actores. El sentido que orientaba la solicitud de informes, tenía más relación con su utilización práctica en la resolución de conflictos que con su contenido, un saber que circulaba entre organizaciones, comunidades y personas auto

4 En 2001, se estableció el Convenio 156 entre el CODECI y el Instituto Nacional de Asuntos Indígenas (INAI) para abrir un "Registro de Comunidades" en el que se inscribirían las personerías jurídicas de comunidades indígenas de Río Negro. De acuerdo a este convenio, el CODECI se encarga de la confección, gestión y recopilación de los datos requeridos para iniciar el expediente de cada comunidad y dictaminar el mismo. Si el expediente es aprobado, pasa a la Dirección de Personerías Jurídicas de la provincia que tiene a su cargo la inscripción de la personería en un Registro Único para las Comunidades Indígenas (Cañuqueo 2015).

reconocidas mapuche-tehuelche. Sin ser una pericia, el escrito estaba imbuido de un sentido jurídico, ya que podía ser empleado como instrumento por parte de abogados asesores de los organismos indígenas en procedimientos tendientes a la defensa de las comunidades.

Por otro lado, siguiendo a Carballeda:

> La intervención implica que existe una autoridad ya que, quien interviene, lo hace porque está legitimado a partir del reconocimiento del ejercicio de un derecho, o porque hay un estatuto que reglamenta su gestión, de modo que la intervención se estaría autorizando a sí misma, a partir de un status legal constituido (Carballeda 2012:99).

Desde mi experiencia, más que una facultad consciente, esa autoridad y legitimidad fue una potestad que me estaba siendo adjudicada. En el proceso de investigación, tuve que negociar entre mis expectativas sobre la práctica académica que estaba llevando a cabo, por un lado –que en ocasiones llevó a la decepción de los/as interlocutores/as por no verle una utilidad práctica–; y por otro, las expectativas comunitarias acerca de lo que esperaban que hiciera, en función de sus intereses y necesidades.

Estos pasos iniciales permiten pensar que el compromiso en términos políticos con los/as interlocutores/as no se establece a priori, sino que se construye en el campo de manera situada y en los términos locales (Trentini & Wolanski 2018). Si bien el término "compromiso" ha sido ampliamente discutido desde mediados de los años 1960 y 1970 en Argentina (Guber 2008), considero que es posible hacer un trabajo con rigurosidad teórica y metodológica, y con un compromiso político; a la vez que es válido tomar un distanciamiento crítico. Intervenir a partir de una demanda es una decisión, pero también requiere asumir determinada responsabilidad, asignada desde –y a propósito de– nuestra disciplina. Tenemos un saber (y un poder) socialmente legitimado que puede hacer una diferencia significativa para que los/as sujetos con quienes trabajamos accedan o no a sus derechos. Pienso que hay que asumir que esa forma de conocimiento específico nos coloca en un lugar donde intervenir o no es, en cualquier caso, tomar posicionamientos ético-políticos.

EL CONTEXTO SOCIAL DE PRODUCCIÓN

La elaboración del informe, su materialización, fue posible gracias al trabajo conjunto del equipo que integro, denominado Grupo de Investigación sobre Territorializaciones, Alteridades y Agencia Colectiva en Nor-Patagonia (en adelante, GITAAC) que coordina la Dra. Laura Kropff y del cual participan investigadores/as de distintas disciplinas, becarias y estudiantes, de grado y de posgrado.[5] Su constitución ocurrió en el marco de procesos

5 Los ejes de trabajo del GITAAC se encuentran relacionados con problemáticas de pueblos originarios, en particular –por la región en la que trabajamos– de aquellos autoidentificados como mapuche-tehuelche. Los ejes contemplan: caracterizar el proceso histórico de (des)territorialización estatal; dar cuenta de los efectos contemporáneos del genocidio indígena; y distinguir la agencia colectiva de grupos subalternizados en contextos históricos y contemporáneos.

políticos calientes, definidos como aquellos de alta tensión y exposición pública para la mirada militante y académica, que se han ido dando en simultáneo con nuestras investigaciones (Fernández 2017). La voluntad de injerencia en la agenda pública del equipo de trabajo, y la búsqueda de financiamiento para hacerla realizable, motivó la presentación de proyectos científico-tecnológicos suscitados por coyunturas políticas en las que es central la disputa por la propiedad, el acceso y el uso de la tierra, en el marco del avance directo de intereses privados y públicos sobre los territorios de comunidades mapuche-tehuelche de la provincia de Río Negro. El desafío, entonces, fue cómo hacer etnografía en procesos donde nos vemos compelidos/as a dialogar y confrontar posiciones con los/as interlocutores; a negociar los términos, alcances y posibilidades del trabajo de campo; a reflexionar acerca de qué decir o no, para no obstaculizarlos y sobre todo a preguntarnos sobre las implicancias de nuestra práctica.

El contexto político y económico provincial, que da sentido a la elaboración de informes, tiene que ver con el avance de proyectos capitalistas (de minería, hidrocarburos, inmobiliarios, turísticos, entre otros), la apertura a la privatización y extranjerización de la tierra mediante programas de desarrollo privado, público o mixtos, sobre tierras que ocupan de forma precaria pequeños productores agrarios y comunidades originarias, quienes aún no han accedido a la propiedad comunitaria de sus territorios. En contraposición a este avance, el relevamiento estipulado por la Ley de Emergencia Territorial Indígena Nº 26.160 vigente desde 2006, se frenó en 2013 por decisión de los sucesivos gobiernos provinciales.[6] En 2017, además, diversas políticas en consonancia entre el gobierno nacional y provincial establecieron un marco de conflictividad, persecución y criminalización del Pueblo Mapuche en Norpatagonia. Los hechos de violencia por parte de las fuerzas de seguridad nacional que cobraron mayor relevancia en medios de comunicación, discursos políticos y opinión pública, se desarrollaron en las provincias de Chubut y Río Negro.[7]

Ante este panorama adverso para las comunidades mapuche, y con el cambio de gobierno nacional, a fines de 2019, el GITAAC fue convocado a asesorar en el proceso de conformación de la Mesa de Resolución Alternativa de Conflictos con Pueblos Originarios, constituida por los ministerios de Seguridad, Justicia y Derechos Humanos, y Ambiente y Desarrollo Sostenible

6 La Ley nacional N° 26.160 fue sancionada el 1 de noviembre de 2006 y promulgada el 23 de noviembre de 2006, con un plazo de vigencia de 4 años, a efectos de dar respuesta a la situación de emergencia territorial de las Comunidades Indígenas del país, en consonancia con el Artículo 75, Inciso 17, de la Constitución Nacional y en cumplimiento parcial del Artículo 14 inc. 2 del Convenio N° 169 de la OIT. Dicha ley fue prorrogada en cuatro oportunidades: en 2009, mediante la Ley N° 26.554; en 2013, a través de la Ley N° 26.894; en 2017, mediante la Ley N° 27.400, y en 2021, por el Decreto Nº 805, que extendía su vigencia hasta noviembre de 2025. Antes de su finalización, a través del Decreto de Necesidad y Urgencia 1083 del 10 de diciembre de 2024, se dispuso la derogación del Decreto N° 805/21 y la consecuente finalización de la emergencia en materia de posesión y propiedad de tierras ocupadas por comunidades indígenas originarias del país establecida por la Ley N° 26.160 y sus posteriores prórrogas.

7 Se trata de la desaparición y posterior aparición sin vida de Santiago Maldonado en el contexto de represión de la Gendarmería Nacional al Pu Lof en Resistencia Cushamen y, posteriormente, el asesinato de Rafael Nahuel en el contexto de represión por parte de la Prefectura Naval al Lof Lafken Winkul Mapu.

de la Nación. La participación del equipo fue requerida para el abordaje de casos ubicados en la provincia de Río Negro, y el aporte específico consistió en contextualizar histórica y etnográficamente los conflictos. Este trabajo se produjo en colaboración con representantes de la Coordinadora del Parlamento del Pueblo Mapuche Tehuelche de la provincia de Río Negro (en adelante, la Coordinadora) y con el CODECI. En ese marco, en noviembre de 2020 se reunió la Mesa de Resolución Alternativa de Conflictos con los Pueblos Originarios en Viedma, convocada por la gobernadora de Río Negro. En este encuentro, la Coordinadora reconstruyó históricamente el conflicto territorial en la provincia y expuso el marco legal de protección de los derechos de los pueblos originarios a nivel nacional y provincial, enfatizando su falta de aplicación y dando cuenta de la dimensión estructural del conflicto, con más de 20 comunidades que requerían respuesta, muchas de ellas con causas judiciales y desalojos pendientes.

A partir de ese planteo, la propuesta fue avanzar sobre los casos en los que el gobierno nacional tuviera competencia directa, y la Coordinadora solicitó al GITAAC la realización de informes sobre la situación histórica y actual de cuatro comunidades (GITAAC 2021). Este convenio se consolidó institucionalmente a través del Proyecto de Desarrollo y Transferencia de Tecnología titulado "Relevamiento territorial de comunidades mapuche en conflicto". Así, resolvimos el problema de los fondos para viabilizar los informes que se manifestara como preocupación por parte del CODECI y las comunidades ya en mi primer encuentro. Con este proyecto, pudimos financiar parte de la producción de los informes (diseño e impresión); por otra parte, nuestro trabajo no fue remunerado más que por lo que percibimos de las funciones que ya cumplimos (docencia, becas, investigación, etc.).

Cuando comenzamos a producirlos, a inicios de 2020, debido a la emergencia de la pandemia por Covid-19 se había decretado el Aislamiento Social, Preventivo y Obligatorio (ASPO) y el Distanciamiento Social, Preventivo y Obligatorio (DISPO), lo que interrumpió el trabajo de campo, obligando a repensar y reconvertir prácticas de la disciplina. Ante esta coyuntura, la selección de cuáles serían las comunidades con las que podríamos producir los escritos se realizó en base a un criterio más práctico que político: en las zonas definidas por la Coordinadora a partir de la reunión de la Mesa en Viedma, se abordarían los casos en los que la información de campo y archivo con la que contábamos fuera suficiente.

LA CONSTRUCCIÓN DEL MARCO TEÓRICO

A fin de lograr el objetivo general del informe, el marco teórico elaborado tuvo la complejidad de partir de categorías ya definidas en el campo jurídico, reinterpretándolas, para hacer un uso creativo de las mismas. Esto es, partir de la idea de genocidio indígena en Argentina y definir la relación entre territorio, territorialidad y territorialización. Como base, estos conceptos nos permitieron abordar de manera procesual y relacional los diversos conflictos

territoriales en torno a la propiedad, uso y acceso a la tierra y otros bienes comunes de las comunidades con las que trabajamos.

En cuanto al concepto de genocidio –del griego *genos* ('raza', 'pueblo') y del sufijo latino *cide* (de cadere, 'matar')–, al no haber surgido de la práctica de la investigación social sino del campo jurídico y la acción política, incide en las ciencias sociales aunque de manera particular.[8]

En los últimos diez años, los enfoques que analizan el genocidio en relación con la política indigenista argentina, principalmente desde la historia y la antropología, se han centrado en evaluar y demostrar cómo el proyecto de Estado-nación y la ocupación del territorio reestructuraron las relaciones sociales durante las 'Campañas del Desierto' en la Pampa y la Patagonia (1878-1884), y en el Chaco (1884-1917) (Bayer 2010; Delrio 2015; Delrio & Ramos 2011; Delrio et al. 2018; Lenton 2011; Lenton et al. 2012; Nagy 2018; Pérez 2011). Estos autores se contraponen, entonces, a la idea de "guerra" producida por la historiografía oficial, ya que entienden que estas categorías evocan sentidos mutuamente excluyentes. Mientras el genocidio trae a colación la gran asimetría entre perpetradores y víctimas de prácticas dirigidas al exterminio total o parcial de una de las partes; la guerra, en cambio, destaca la agencia de ambos como contendientes, y al hacerlo, invoca implícitamente un plano de simetría (De Jong 2019). A su vez, discuten con los discursos negacionistas que construyen imaginarios donde los pueblos originarios aparecen extintos, propios del pasado, o extranjeros, cuya desaparición se justifica en pos del proceso propio del avance de la civilización sobre sociedades salvajes o bárbaras (Lenton 2014).

El incremento de denuncias por parte de las organizaciones indígenas nacionales, a fines de 1980, impulsó el diálogo entre la producción académica y el derecho, con impacto en los procesos judiciales en los cuales se demanda a los Estados por la reparación histórica por estos hechos.[9] De este modo, el marco conceptual del genocidio nos permitió reconocer las distintas dimensiones de la violencia estatal (el despojo de tierras y bienes, apresamientos, desmembramientos familiares, la reclusión en campos de concentración, el cautiverio de mujeres indígenas, la persecución a las prácticas ceremoniales y culturales, etc.) y reconstruir históricamente un proceso de larga duración con efectos hasta el presente.

El segundo corpus teórico, que va ligado al anterior, es el que componen la tríada conceptual territorio-territorialidad-territorialización. Estas nociones aportadas desde la geografía

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8 Se entiende por genocidio a "cualquiera de los actos mencionados a continuación, perpetrados con la intención de destruir, total o parcialmente, a un grupo nacional, étnico, racial o religioso como tal: a) Matanza de miembros del grupo; b) Lesión grave a la integridad física o mental de los miembros del grupo; c) Sometimiento intencional del grupo a condiciones de existencia que hayan de acarrear su destrucción física, total o parcial; d) Medidas destinadas a impedir nacimientos en el seno del grupo; e) Traslado por la fuerza de niños del grupo a otro grupo" (Art. 2º, Convención para la Prevención y la Sanción del Delito de Genocidio, aprobada por la ONU, 9 de abril de 1948).

9 Ejemplos de ello son dos causas judiciales en Argentina bajo esta categoría, respecto de pueblos originarios. Se trata de los Juicios por la Verdad por la masacre de Napalpí, ocurrida en 1924 en el entonces Territorio Nacional del Chaco, y la sentencia, como crimen de lesa humanidad, por la masacre de Rincón Bomba al pueblo Pilagá en 1947 en el entonces Territorio Nacional de Formosa.

crítica a las ciencias sociales desde los años 1980s, tienen una extensa discusión entre distintos autores y sus perspectivas (Haesbaert 2011; Harvey 1998; Massey 2005; Porto-Gonçalves 2002; Raffestin 2011; Sack 1983; Santos 2005; Soja 1995). Aun con sus diferencias, estos autores coinciden en plantear una mirada crítica a la concepción, clásica y vigente, que considera al territorio como soporte material y recurso natural sobre el cual ejerce soberanía un Estado, ya que entienden el territorio, siguiendo los preceptos de Henri Lefebvre (2013), como proceso de producción social del espacio.

Además, el desarrollo de las teorías sobre el nacionalismo y la formación del Estado nacional resultaron también un aporte para discutir la representación del mismo como una entidad unívoca, coherente, trascendente y separada de la sociedad, y permiten pensar que tanto el territorio como las identidades territoriales son procesos abiertos, relacionales, contingentes e inacabados (Alonso 1994; Anderson 1993; Corrigan & Sayer 2007; Joseph & Nugent 2002; Malkki 1992).

Sin dudas, la idea de territorio como práctica de producción social ha permeado los basamentos jurídicos que amparan el derecho de las comunidades indígenas. El marco normativo que tomamos como referencia, y que define los conceptos señalados, está compuesto por la Constitución Nacional de 1994 (Art. 75, incs. 22 y 17); la Ley Nacional 26.160; y la Ley Provincial 2.287.[10] En primer lugar, la Constitución Nacional sostiene que se les debe a los Pueblos Indígenas el reconocimiento de la posesión y la propiedad de la tierra que "tradicionalmente ocupan". En este sentido, por su adhesión al Convenio Nº 169 Organización Internacional del Trabajo (OIT), este reconocimiento implica resguardar

> […] la importancia especial que para las culturas y valores espirituales de los pueblos interesados reviste su relación con las tierras o territorios, o con ambos, según los casos, que ocupan o utilizan de alguna otra manera y en particular los aspectos colectivos de esta relación (Convenio Nº 169 OIT, art.13.1).

En segundo lugar, recuperando los objetivos del Programa Nacional de Relevamiento Territorial de Comunidades Indígenas (RETECI), encargado de cumplir la Ley 26.160, reglamentada mediante el Decreto del Poder Ejecutivo Nacional Nº 1.122/07, se especifica que es necesario verificar la ocupación, "respetando las modalidades de uso de las tierras y sus prácticas culturales" (objetivo específico 6). Esta verificación debe realizarse contando con la participación de las comunidades. El RETECI afirma que deben ser tenidas en cuenta las múltiples modalidades de relación entre los pueblos indígenas y sus espacios territoriales. En esa dirección, dicho programa define al espacio como "una construcción social resultado del tipo de relaciones

10 La ley de la provincia de Río Negro Nº 2.287, sancionada el 15 de diciembre de 1988 y promulgada el 22 de diciembre de 1988, sostiene, en su primer artículo, que tiene "por objeto el tratamiento integral de la situación jurídica, económica y social, individual y colectiva de la población indígena, reconocer y garantizar la existencia institucional de las comunidades y sus organizaciones, así como el derecho a la autodeterminación dentro del marco constitucional, implicando un real respeto por sus tradiciones, creencias y actuales formas de vida." Consultada el día 25-09-2019 en https://www.legisrn.gov.ar/L/L02287.html

sociales y de producción existentes. Los procesos sociales imperantes en cada pueblo son los que definen el tipo de organización espacial y las formas de apropiación del territorio" (Ministerio de Desarrollo Social de la Nación e Instituto Nacional de Asuntos Indígenas, 2007:19). Asimismo, sostiene que el territorio "es esencialmente un espacio socializado y culturalizado, portador de significados que sobrepasan su configuración física (2007:20).

En tercer lugar, la Ley Provincial Nº 2.287 establece que debe adjudicarse en propiedad "la tierra cuya actual posesión detentan los pobladores y/o comunidades indígenas existentes en la Provincia" (Art. 11º). Y define a estos pobladores, "de probada antigüedad de asentamiento en el territorio de la Provincia", como aquellos "cuyas formas de vida estén regidas total o parcialmente por sus propias costumbres y tradiciones" (Art. 2º). Aquí, la noción de territorio responde a una visión materialista, ampliamente desarrollada por la geografía política clásica (Benedetti 2011), ya que no refiere a la relación de la población indígena con el espacio, sino a pobladores que ocupan una porción de la superficie terrestre sobre la cual el Estado provincial ejerce soberanía.

Los términos "cultura" y "cosmovisión", utilizados en el informe, no pretenden ser ideas unívocas o íntegramente coherentes; fueron empleados justamente por su carácter multiacentuado, cuyos significados en el campo político y jurídico se institucionalizan al definirse en las normativas. Este hecho conlleva procesos conflictivos de demarcación de prácticas, símbolos y reglas que los actores sociales desafían, fuerzan o reinterpretan, también como parte de la disputa por quién tiene el poder de nominar (Wright 2007). En este caso su uso, más pragmático que teórico, es parte de la estrategia argumentativa y retórica del texto, pues ambos son signos que operan como significantes flotantes (Laclau & Mouffe 1987), es decir, que se hacen inteligibles en contexto, incluso desde sentidos antagónicos, para diversos destinatarios.

A modo de reflexión, si bien el Estado fue construyendo el marco significativo y un modo de hablar común, a partir de imponer ciertas palabras y definiciones a través de la legislación, estas nociones son pasibles de ser resignificadas, reapropiadas, reutilizadas en el campo social. Así, tanto las nociones de genocidio, territorio, cultura, cosmovisión y el relevamiento mismo en el marco de la ley 26160, se vuelven hoy "lenguaje de contienda" (Roseberry 2002; Tozzini & Sabatella 2019) desde donde disputar hegemonía en los ámbitos jurídicos, académicos y políticos. Poner a dialogar la ley a la luz de las discusiones académicas y de las luchas políticas de los pueblos originarios, en un contexto situado, demuestra que, lejos de tener simplicidad teórica y poca capacidad de problematización, la construcción del informe técnico supone una práctica de investigación compleja. Justamente, su sofisticación (Kropff 2014) radica en las múltiples estrategias puestas en juego para introducir referencias a conceptos teóricos, como parte efectiva de la argumentación (Guiñazú & Tolosa 2020).

EL TRABAJO GRUPAL Y EN COLABORACIÓN

En cuanto al enfoque metodológico, intenté producir datos con los/as interlocutores/as como esfuerzo político-intelectual de construir y concebir alianzas. Este marco epistémico,

desde donde se tiene en cuenta la participación de los/as interlocutores/as en los distintos procesos de la investigación, implica un movimiento hacia una antropología políticamente comprometida con los sujetos (Fals-Borda 1993; Lamas 2018; Lassiter 2005; Leyva 2010; Scheper-Hughes 1995; Speed 2006). En este sentido, entiendo que las contradicciones y tensiones que se dan en esa construcción conjunta no son el límite de las investigaciones, sino que buscan hacer de esa colaboración un aporte a las comunidades y organizaciones, y una "mejor etnografía" desde donde pueden generarse análisis creativos e innovadores, desde la co-teorización (Hale 2006; Rappaport 2007). Considero, entonces, necesario explicitar las condiciones de producción del discurso plasmado en el informe, dando cuenta de este intercambio como resultado de dos –entre muchos otros– procesos dialógicos: el trabajo en grupo en el GITAAC y la colaboración con integrantes de la comunidad Newen Mapu.

En relación con el primero de ellos, el trabajo grupal implicó el abordaje de la problemática planteada no sólo desde un enfoque antropológico, sino también histórico y jurídico, es decir, se trató de un abordaje interdisciplinario. A partir de reuniones semanales, durante al menos cinco meses fuimos organizando el informe, en función de un formato estandarizado para las cuatro comunidades. Al respecto, en la búsqueda no sólo nos deparamos con la escasez de modelos disponibles, sino también con la variedad de estructuras, organización y tipo de información. Por esta razón, decidimos tomar ejes de análisis semejantes a los de las carpetas técnicas confeccionadas por el INAI en el Programa de Relevamiento Territorial de Comunidades Indígenas, constituido por diversos apartados: "objetivos"; "metodología"; "marco normativo vigente"; "análisis histórico general"; "trayectoria histórica de la comunidad"; "situación actual"; "situaciones conflictivas" y "cartografía"; cada uno de ellos, elaborados en conjunto con las integrantes del GITAAC.

Más allá de la redacción individualizada de cada una de sus partes, ya desde los borradores del informe se mantuvo un diálogo constante. Las ediciones, revisiones, los comentarios al margen y los resaltados en el documento compartido fueron un aporte importante, ante la imposibilidad de reunirnos presencialmente y acordar o intercambiar criterios. Estas marcas ayudaron a pensar cómo ordenar la información en los distintos apartados, a establecer coherencia, mejorar la redacción (utilizar terminologías apropiadas, evitar la reiteración), producir datos relevantes, leer bibliografía específica sobre determinados temas, y privilegiar un lenguaje técnico comprensible para destinatarios no especializados en el lenguaje académico.

Asimismo, a partir de las revisiones surgieron interrogantes que nunca había considerado, que interpelaban lo ya escrito, que daban cuenta de conocimientos y saberes que necesitaba profundizar, preguntar a los/as miembros de la comunidad, reflexionar y estudiar. Los aportes, preguntas, modificaciones al escrito, referidos a conocimientos previos que me invitaban a explorar nuevos conceptos, categorías, saberes, contribuyeron a los fines de que el argumento producido en el informe tuviera la consistencia suficiente para la utilidad que le diera la comunidad.

El trabajo en colaboración con integrantes de la comunidad, fundamentalmente con la *lonko* (autoridad comunitaria), fue de suma relevancia. Fue necesario explicitar nuestra propuesta en cada etapa del proceso: a qué nos dedicamos, qué íbamos a hacer, cuáles eran los objetivos, cómo se iba a desarrollar el argumento del texto y cuál sería el soporte final, en libro impreso y documento digital.

La investigación colaborativa con los/as integrantes de Newen Mapu (lo más colaborativo posible, teniendo en cuenta las condiciones de aislamiento físico en contexto de pandemia), implicó desplazar la idea de los/as interlocutores/as, de sujetos de estudio a sujetos sociales, políticos y de derecho. En ese sentido, consideré lícito incorporar en la investigación, de forma permanente, el establecimiento del consentimiento previo, libre e informado de los actores (amparado en los derechos indígenas y declarado en diversas normativas internacionales y nacionales). Las preguntas me persiguieron constantemente durante el proceso de escritura: ¿debo consultarles esto? ¿Estarán de acuerdo en que ponga tal cosa? ¿Cómo conseguimos información sobre este tema? Para establecer los puntos de acuerdo fue fundamental la autorización por parte de los miembros de la comunidad, aunque no necesariamente por escrito, sino mediante actos de habla que los explicitaran. Estos actos no siempre fueron en castellano; en ocasiones, también en *mapudungun* (idioma de las diversas vidas de la naturaleza), a partir de la afirmación "*feley*" como expresión de aceptación.

En este caso, la socialización de los documentos del archivo propio de la comunidad, construido a lo largo de los años, fue fundamental para que la investigación se pudiera llevar a cabo. A la vez, proporcioné a la comunidad aquella información que fui consiguiendo por mis medios y armamos el rompecabezas (siempre incompleto) acerca de qué datos enunciar, en términos de relevancia, y qué quedaba afuera, teniendo en cuenta la economía del texto. En colaboración fue, también, la problematización y el análisis conjunto de los distintos datos producidos, en la medida en que acordamos aquello que para la comunidad era importante resaltar, a partir de su propia mirada. Luego de enviar el primer borrador por medios virtuales, y posterior a su revisión por parte de la comunidad, se marcaron aquellas correcciones que debían hacerse y se produjeron otros datos, faltantes o que aún no quedaban claros. Por momentos, cuando me sentía tentada de cerrar el informe, por los tiempos de entrega y el agotamiento propio de la actividad, la *lonko* me interpelaba nuevamente, para agregar o reformular datos significativos que se actualizaban en el mismo proceso de escritura, a partir de nueva información o nuevas preguntas.

Finalmente, el informe fue entregado en noviembre de 2021. Se imprimieron cinco copias, de las cuales tres pertenecían a la comunidad, una fue para el equipo de investigación, y la quinta fue destinada a ser entregada por la comunidad, con su consentimiento, al CODECI, para que formara parte del expediente en su gestión de personería jurídica. Otro tema que mereció reflexiones en el equipo de trabajo tuvo que ver con pensar los mecanismos para mantener el carácter confidencial del informe. Es decir, la información producida era de la

comunidad y sólo ella podía hacer uso de ese trabajo y decidir a quién lo iba a destinar o con quién compartirlo.

PANDEMIA, TIEMPO Y ESPACIO

Las diferentes técnicas de investigación implementadas en distintos momentos del relevamiento territorial de la comunidad, y su selección, implicaron una combinación entre la búsqueda de bibliografía especializada, el trabajo de campo etnográfico, el análisis de documentación y fotografías de archivo, la elaboración de cartografía y –finalmente, por el contexto de pandemia– la obtención de información mediante medios de comunicación virtuales y/o digitales. En este sentido, fue fundamental en la estrategia metodológica el procedimiento de triangulación de la información, a partir de distintas fuentes y formas de registro (escrito, grabación de audio, audiovisual y fotográfico). Inicialmente, efectué el trabajo de campo presencial en la ciudad de Catriel en distintos momentos, entre mayo de 2019 y febrero de 2020.

La condición de aislamiento en el marco de la pandemia, fue una situación excepcional que, en un principio, generó un desconcierto generalizado acerca de cómo hacer lo que hacemos en antropología. En este contexto, a nivel académico surgieron infinidad de conversatorios, ponencias, exposiciones sobre el desarrollo de la práctica etnográfica en la virtualidad que, en sus versiones más extremas, pusieron sobre la mesa las bases mismas del fundamento antropológico del "estar allí" e impulsaron la necesidad de conversión de las metodologías "clásicas". A partir de esto, uno de los aprendizajes que tuve fue que los contextos sociales más amplios condicionan (y, en este caso, prácticamente determinan) las posibilidades de elección y diseño de la 'caja de herramientas' a utilizar.

Ahora bien, cabe una aclaración: el trabajo de campo está mediado por las Nuevas Tecnologías de la Información y la Comunicación (NTIC's); no es lo mismo que hablar de etnografía virtual. No es etnografía virtual en el sentido de que difiere, principalmente, en los problemas de investigación, los objetivos planteados, en la delimitación geográfica de un campo etnográfico "real o físico".[11] Entonces, lo que pude hacer fue una adaptación a medios virtuales de un proceso que había comenzado en forma de comunicación interpersonal (aunque no se puede negar que siempre hay mediaciones, sobre todo, en las formas de registro). Es decir que el trabajo de campo continuó a distancia, siguiendo la manera clásica pero ahora mediatizada. No obstante, la elaboración del informe no hubiera sido posible sin las instancias presenciales anteriores. En todo caso, la virtualidad complementó el proceso en marcha, de ninguna manera reemplazó el "estar allí" del campo. Inevitablemente, este punto de inflexión tuvo sus consecuencias en el desarrollo del trabajo que quisiera puntualizar.

11 La etnografía virtual es un campo de estudio, hasta ahora marginal, que tiene al menos 30 años desde sus inicios. El objetivo de este tipo de estudios es analizar, explicar o comprender las relaciones y las prácticas sociales a partir del empleo de las NTIC's, y de qué manera estas prácticas son significativas para la gente (Hine 2004; Mason 1999).

El contexto habilitó nuevos medios de comunicación con los/as interlocutores/as, principalmente con la *lonko*. El dispositivo al que ambas teníamos acceso era el teléfono celular, y la forma más asequible de comunicarnos fue la utilización del software de mensajería instantánea *whatsapp*. El uso de este canal posibilitó aumentar significativamente la frecuencia de nuestras comunicaciones a la distancia. En el marco del aislamiento físico, entablamos conversaciones semanalmente, lo que antes sucedía sólo en los intervalos de tiempo (meses) en los que podía viajar presencialmente a Catriel. Esta asiduidad permitió modificaciones en la relación que tenía establecida principalmente con la *lonko*. El desapego, que en los primeros encuentros del trabajo de campo, generaba una sensación de incertidumbre por el desconocimiento mutuo y se presentaba como una dificultad de acceso a la información, paulatinamente mutó en una relación de *rapport* o empatía (Guber 2011).[12] Sumado a esto, la preferencia de los/as interlocutores/as de establecer la comunicación por mensajes de audio, me llevó a profundizar más en escuchar que en mirar u observar (Cardoso de Oliveira 1996).

Otra consecuencia en la práctica de investigación tuvo que ver con la restricción de acceso a archivos físicos, lo cual potenció la creatividad en la estrategia de búsqueda de fuentes, bibliográficas, periodísticas, catastrales y documentales de manera digital en redes sociales, páginas web y repositorios institucionales. Así, la diversidad de fuentes incluyó una gran variedad de material que se encuentra en circulación, como mapas históricos, fotografías, videos y folletos. Los integrantes de Newen Mapu, además de lo que ya me habían facilitado presencialmente, también me compartieron gran parte de la documentación de su propio archivo mediante mensajería instantánea. El desafío, en este caso, fue cómo organizar un corpus digital tan extenso como diverso para su posterior análisis, puesto que desconocía la lógica con la que estaba organizado inicialmente ese archivo.

Por último, acerca de la dimensión temporal de la investigación quisiera hacer algunas reflexiones, en dos sentidos: los plazos de entrega del informe en el marco de un proyecto cerrado y el ajuste/desajuste temporal entre trabajo de campo y producción escrita. En este caso, el trabajo de campo en sus comienzos fue pensado para una investigación académica, por lo que el lapso temporal para su realización era más amplio (años), así como los objetivos propuestos. La emergencia de un contexto adverso para las problemáticas territoriales indígenas en Río Negro; y la presentación –y aprobación–, del Proyecto de Transferencia como respuesta, establecieron nuevos (y acotados) plazos de entrega de resultados, diferentes a los iniciales.

Amorin, Alves & Schettino (2009) desmitifican la idea de que el material etnográfico en prácticas no académicas (específicamente, refiere a las pericias), nunca alcanzará un nivel de

12 Según Guber (2011), el *rapport* sería un estado ideal de relación entre el investigador y los informantes basado en un contexto de relación favorable, fundado en la confianza y la cooperación mutua que viabiliza un flujo, también ideal, de información, ya que permite el acceso a un material genuino, veraz, detallado y de primera mano. La autora, retomando a Spradley, tipifica los momentos que atraviesa el trabajo de campo (la aprehensión, la exploración, la activa cooperación y la participación). Según esta categorización, el comienzo ha sido calificado como la etapa más compleja y difícil; desde entonces, el investigador se desvive por lograr el *rapport*, entendido como una relación armónica, cordial y empática.

calidad aceptable debido al escaso tiempo disponible para el trabajo de campo; retomando esos planteos, debo decir a mi favor que esta circunstancia impuso el desafío de hacer que el trabajo de campo ya realizado fuera suficiente, en función de los vencimientos del proyecto; que respondiera a la demanda concreta y, a la vez, que se convirtiera en un escrito de calidad.[13] En este sentido, gran parte de la información recolectada en el campo fue la misma, para una práctica como para la otra: lo que cambió fue la producción final.

Coincido, pues, con aquellos/as autores/as en que este falso antagonismo traducido en "tiempo vs. calidad" sería un mito, ya que para garantizar calidad y legitimidad del trabajo no es necesario un largo período de campo, sino que éste sea suficiente para cumplir los objetivos propuestos. Esta suficiencia temporal depende principalmente de la comprensión adecuada por parte del/a investigador/a de la demanda que dio origen a la producción de una investigación empírica. Depende también de las relaciones mantenidas entre el/la investigador/a y sus interlocutores/as a fin de permitirles a éstos comprender lo que está en juego, y que se pueda alcanzar un acuerdo en relación a la producción final, así como la disponibilidad para contribuir en su implementación.

El segundo eje de la dimensión espacio-temporal refiere al desajuste entre teoría y realidad, puesto que el ritmo de la realidad no es el mismo que el de la construcción conceptual. Este desfasaje tiene consecuencias profundas: si no resolvemos este problema, nos arriesgamos a incurrir en discursos y enunciados –o manejar ideas– que, pudiendo tener una significación en términos de la bibliografía o en el marco del conocimiento acumulado, no constituyan necesariamente una utilidad para los/as interlocutores/as (Zemelman 2005). Históricamente, en antropología se tradujo la diferenciación del proceso de producción etnográfico en dos etapas: por un lado, el "estar allí", haciendo trabajo de campo en territorio (lo cual abarca un amplio espectro de actividades); y, por otro, el "estar aquí", que da cuenta del trabajo de escritorio; lo que hace el "universitario entre universitarios, es lo que hace que la antropología se lea... se publique, se reseñe, se cite, se enseñe" (Geertz 1989:140). Aquí, el principal eje de discusión tenía que ver con la brecha entre lo que representa ocuparse de otros, en el lugar donde están, y representarlos allí donde no están.

Ahora bien, producto de las transformaciones en las prácticas de la disciplina, desde que comenzó a hacerse antropología en la propia sociedad esta división, tal vez, sea menos tajante (Da Matta 1999). Entonces, ¿qué sucede cuando hacemos antropología literalmente "desde casa"? En mi experiencia, el confinamiento desdibujó el "estar allí" y el "estar aquí" como etapas diferenciadas de trabajo, en territorio y gabinete, respectivamente. La innovación tecnológica actual con medios de comunicación más accesibles (y que en otro tiempo no existían) permitió cierta sincronía entre el trabajo de campo mediado y la producción escrita.

13 Esta idea/mito se funda en la limitación que darían los factores externos (el contexto institucional de donde parte la demanda o el apuro de los propios movimientos sociales), así como la práctica en situaciones conflictivas, que requieren respuestas rápidas (Amorin, Alves & Schettini 2009).

Es decir, posibilitó ir construyendo el argumento y el texto (grupal y colaborativamente) a distancia y, prácticamente, en "tiempo real".

LA GRAMÁTICA DE PRODUCCIÓN

La escritura del informe conlleva características específicas del género, a las que llamaré su gramática, entendida como una serie de reglas que, aunque flexibles, se constituyen como operaciones de asignación de sentido a partir de marcas presentes en la materialidad del discurso.[14] Guiñazú y Tolosa (2020) realizan una contribución inicial que permite comprender cómo operan estas reglas en los Informes Técnicos Antropológicos (ITA), definidos como un escrito que contiene información sobre el resultado de una investigación situada sobre una temática, problemática, hecho o asunto en particular, desde la perspectiva antropológica. Las autoras establecen una clasificación, aunque no exhaustiva, que sintetiza la gran variedad de informes en, al menos, tres tipos: los informes "expositivos", en los cuales se describe un hecho o situación particular sin implicar instancias de análisis ni de interpretaciones; los "interpretativos", que incorporan razonamientos y análisis, que permiten presentar conclusiones y dar recomendaciones; y, por último, los informes "demostrativos", que agregan a los anteriores la descripción de los pasos metodológicos seguidos para su demostración y las conclusiones obtenidas. Siguiendo esta categorización, puedo afirmar que el informe que realizamos responde a las características del tipo de ITA "interpretativo", aunque en el esquema general, las aportaciones, conclusiones y/o recomendaciones no están representadas en un apartado exclusivo, sino que se despliegan paulatinamente a lo largo del texto.

Guiñazú & Tolosa (2020) advierten que, para la elaboración de informes, se debe tener en cuenta quién será lector de los mismos, ya que no necesariamente tendrá conocimientos teóricos previos de antropología. Respecto de esto, pensado en el contexto en que fueron escritos, se definió en el GITAAC que nuestros trabajos estuvieran orientados a destinatarios que ejercieran funciones públicas o políticas (en ministerios e instituciones estatales, o en el poder ejecutivo, nacional, provincial o municipal), cargos técnicos jurídicos y/o que tuvieran la capacidad de resolver de alguna forma las situaciones conflictivas expuestas. También, fue importante que fuera comprensible para los/as integrantes de la comunidad porque, además de ser instrumento práctico, compila la información sobre su trayectoria histórica y actual, y da la posibilidad de compartirla con otros/as. Aun habiendo predefinido quiénes serían destinatarios, cabe resaltar que no es posible delimitar la circulación del texto.

Debido al alcance del texto a un público más amplio, es preciso "liberar al escrito de una carga teórica excesiva, que dificulte o interfiera la lectura" (Guiñazú & Tolosa 2020:33). En esta propiedad reside lo que las autoras llaman la "paradoja estructural de los ITA" ya que,

14 Las gramáticas de producción de un discurso no expresan propiedades en sí de los textos, sino que establecen las relaciones de un texto o de un conjunto de textos con su sistema productivo a la vez que definen un campo de efectos de sentido posibles o condiciones de reconocimiento (Verón 1993).

para facilitar su lectura, es necesario –a modo de estrategia comunicativa– poder traducir a un lenguaje simple y claro la complejidad del enfoque teórico, la metodología, el análisis de la información y la presentación de los datos construidos, respaldados con elementos gráficos como mapas, ilustraciones, fotografías, entre otros. Para lograr esta simplicidad, entonces, fue necesario revisar el estilo de redacción, que difiere sustancialmente con el registro académico en diversos aspectos, particularmente con las etnografías construidas como género narrativo (Emerson 1995) y las más autorreferenciales o "confesionales" (Rockwell 2009).[15] En primer lugar, procuramos la utilización del posicionamiento impersonal y recurrir a estrategias que simplifiquen la comunicación para que sea sencilla, directa y precisa. En este sentido, pensando en lectores que no tienen tiempo para una lectura extensa, intentamos ser concisas, eliminando fragmentos del texto o palabras innecesarios y/o repetitivos.

En cuanto a la selección léxica, fue preciso cambiar expresiones y palabras que referían a sentidos abstractos por aquellos que remitieran a significados concretos. Cuando hicimos uso de una terminología o categoría específica de la disciplina, tuvimos cuidado en aclarar su significado, en forma de recuadro destacado o nota al pie (según la relevancia del concepto para el objetivo propuesto). Escribir de manera asertiva implicó privilegiar las expresiones de afirmación acerca de lo que efectivamente hicimos, la información con la que contamos, y evitar plantear interrogantes de investigación, o exponer aquello en lo que teníamos dudas o la información que no pudimos relevar. Del mismo modo, fue fundamental recurrir a un "lenguaje aséptico" (Ander-Egg 2011), desprovisto de adjetivos, adverbios o expresiones valorativas cuando no fueran decididamente necesarios, borrando así las "huellas" de subjetividad en el discurso.[16] Esta operación tiene su fundamento en que exponer nuestro posicionamiento o compromiso con la problemática abordada podía habilitar el cuestionamiento del informe, debido a la pretensión de que tuviera objetividad como efecto de sentido. Finalmente, para lograr la sencillez y brevedad deseada, optamos por utilizar oraciones y párrafos cortos. Este estilo de escritura, dividir los temas y establecer que se expresen sólo una o dos ideas por frase, permite que el texto sea legible y promueva la concentración de los pensamientos (Ander-Egg 2011).

El posicionamiento autoral y la construcción de la autoridad etnográfica en el proceso de textualización de la investigación es una dimensión que quisiera discutir aquí. Las críticas hacia las etnografías realistas que instaló, en antropología, el movimiento *Writing Culture*

15 Emerson (1995) propone la escritura de etnografías a la manera de "cuentos", no en el sentido de ficciones, sino en la utilización de recursos y convenciones literarias estándar, en vez de componer un argumento analítico organizado rigurosamente en el cual cada idea lleva, lógica y exclusivamente, a la siguiente. Postula que se puede construir una narrativa entretejiendo series de unidades temáticamente organizadas de fragmentos, de notas de campo y comentarios analíticos, que será de interés para audiencias externas. Los "confesionales", en cambio, son relatos escritos desde el punto de vista del investigador, quien confiesa las peripecias de sus intentos de comprender mejor las prácticas locales (Rockwell 2009).

16 Verón (1993) entiende por "huellas" a las propiedades del discurso que tienen una relación de indexicalidad con las condiciones de producción social del mismo en el nivel ideológico del proceso histórico social.

en los años 1980, refieren a un tipo de escritura que representa a las culturas como entidades totales, abstractas y ahistóricas. Sus principales exponentes, James Clifford y George Marcus (1991), cuestionaron la forma en que estos textos imprimen un "efecto de verdad" sobre el Otro, a partir de la utilización de recursos retóricos como el uso del impersonal, el ocultamiento de las condiciones de producción del texto y la autoridad fundada en la experiencia, donde el "estar allí" como participante hace al etnógrafo poseedor de conocimientos de primera mano (Clifford 1988). En contraposición, propusieron redefinir la escritura etnográfica como diálogo o dando cuenta de la polifonía plasmando en el texto el proceso de negociación constructiva, implicando una mayor reflexividad acerca de cuál es el discurso del investigador, desplazando su autoridad, y abriendo el espacio a la palabra de los/as interlocutores/as.

Cabe destacar que varios de estos postulados a modo de "legados", se inscribieron en las gramáticas de producción de la antropología académica. Esto incluye el uso de la primera persona del singular o plural; evidenciar la reflexividad en el texto (no sólo en el diario de campo), partir de hacer preguntas más que dar respuestas; exponer el posicionamiento ético-político de quien investiga y sus condiciones, o su identificación con categorías de género, clase, étnica, edad, etc. Otras premisas que tienen plena vigencia son la aceptación, a nivel de escalas, de la parcialidad e incompletitud del trabajo, contra escritos con pretensiones totalizantes, y el reconocimiento del carácter restringido de nuestro acceso a procesos en constante cambio (Rockwell 2009). Producto de la digitalización y la accesibilidad a medios de comunicación más diversos, se potenció el impulso o "imperativo" de realizar trabajos colaborativos y colectivos con formas alternativas de presentación a públicos más amplios (Marcus 2013).

Desde un enfoque de la geopolítica del conocimiento, coincido con Restrepo y Escobar (2005) en cuestionar que la "crisis de representación", proclamada por el movimiento *Writing Cultures,* es mucho más el producto de una institucionalización de la antropología en Estados Unidos que un problema enfrentado por los/as antropólogos/as en otras partes del mundo, reproduciendo así tradiciones nacionales hegemónicas. En esta misma línea, Joanne Rappaport (2007) plantea que el hecho de decir que una etnografía está compuesta de discursos, y que sus distintos componentes se hallan dialógicamente relacionados, no es lo mismo que esbozar que su forma textual debería ser la de un diálogo literal. Entonces, una posible alternativa para representar esta complejidad discursiva es comprender el curso general de la investigación como una negociación continua, que rara vez fructifica en monografías etnográficas clásicas, sino que lo hace más frecuentemente en otros géneros escritos, que resultan de gran utilidad a las comunidades que están siendo estudiadas: publicaciones destinadas al consumo popular, periodismo, documentos políticos, narrativas testimoniales y textos escolares; o, como en este caso, informes técnicos.

Desde mi experiencia práctica, el informe producido tiene un estilo de escritura realista y no pretende ser un texto narrativo o experimental (en sus variados formatos). La apertura a las voces de los/as interlocutores/as se manifiesta a modo de cita, directa e indirecta, selec-

cionada con el fin de reforzar el argumento. Aun así, el hecho de que la posición autoral se borre intencionalmente responde más a una convención propia del género, y su efectividad en instancias de reconocimiento, que a la construcción de una autoridad etnográfica despótica. Como vimos en los apartados anteriores, un texto no puede entenderse de forma aislada sino en su contexto y, en gran medida, limitado por sus condiciones de producción. El informe presentado está atravesado por discursos diversos, por la interlocución en el trabajo grupal, en instancias de colaboración, de los/as integrantes de Newen Mapu durante el trabajo de campo y en la redacción misma del escrito, y por coyunturas sociales y políticas específicas que hacen que sea producido para destinatarios que no comparten los conocimientos de la disciplina.

Una diferencia sustancial que tiene el informe producido respecto de la escritura de las etnografías realistas es que no busca, como efectos de reconocimiento, la representación cultural como ahistórica, total y abstracta. Por el contrario, su intención es poner de manifiesto cómo las situaciones conflictivas actuales son efecto de procesos históricos, políticos, económicos, sociales de la desigualdad de poder y alterización. En ese sentido, la pretensión es historizar, mostrando la particular trayectoria de cada comunidad y sus relaciones interétnicas asimétricas, en distintos momentos y espacios. Por otra parte, aquí la colaboración ya no es con los funcionarios estatales (o, como fuera en otra época, coloniales) sino con las organizaciones y comunidades con las que trabajamos. En todo caso, el énfasis puesto en lo "tradicional", la construcción de otredad en la producción del discurso, opera en este contexto como táctica para sortear los obstáculos del aparato burocrático dispuesto por el Estado.

El soporte final de presentación de los resultados también es importante en términos estéticos. Si bien en la producción académica se sigue privilegiando el texto escrito por sobre otros elementos, paratextuales (tipografía, tamaño de letra, color, estructura compositiva, destacados) y gráficos (mapas, fotografías, ilustraciones, diseño, etc.), en términos más amplios es necesario tenerlos en consideración en otro tipo de formatos. En este caso, el informe fue realizado en soporte de libro impreso a color (de 162 páginas); las etapas de diseño e impresión merecieron una nueva ronda de intercambios, con el diseñador y los trabajadores de la imprenta. La importancia del libro en sí, en tanto objeto estético, creativo, sensitivo y simbólico, es que tiene la capacidad de condensar una multiplicidad de elementos sensibles (peso, largo, ancho, grosor, color, tipo de papel) para construir una entidad unívoca (Vila 2010). Además, su forma estable permite que exista y perdure en el tiempo. Ese es su poder "aurático" –siguiendo a Benjamin (1989) en su sentido más amplio– investido de un valor simbólico que remite a lo auténtico y revaloriza el contenido, a la vez que produce la atracción o seducción del objeto. Es por eso que la recepción del libro no es pasiva, sino que pone en juego la sensibilidad del lector, experiencia sujeta a condiciones concretas de reconocimiento, de intercambio, de consumo, de uso. De hecho, el día en que fui a entregar las copias impresas del informe a la *lonko* de la comunidad en su taller textil, ella había convocado a miembros de otras comunidades de Catriel y a la referente del CODECI. Era un evento de suma impor-

tancia y, al entregarle los libros, las presentes lo quisieron ver. Antes de pasárselos, la *lonko*, con recelo, ordenó: "limpiensé las manos".

CONCLUSIÓN

En suma, en este trabajo decidí desandar los pasos dados en el proceso de producción del informe histórico antropológico de la comunidad Newen Mapu y poner en valor otras formas, de construir conocimiento antropológico y de presentar resultados. Desmenuzar la configuración de mi propio discurso, como quien desarma un artefacto, pieza por pieza, no fue tarea fácil. De hecho, podría haber olvidos. Al hacer uso de categorías de análisis del discurso para el ejercicio de esa reflexividad, coloqué en diálogo distintos campos que ocupan a las ciencias sociales, y la antropología como disciplina donde se inserta esta práctica profesional específica: político, jurídico, social, simbólico. Entonces, busqué reponer el contexto social en el que se enmarca la elaboración del informe y los sentidos asociados a su demanda explícita por parte de la comunidad. Asimismo, profundicé en cuáles fueron las posibilidades de financiamiento para su ejecución, cómo fue la participación de la comunidad y el equipo de trabajo en las distintas etapas de producción. Indagar en otras dimensiones de la práctica antropológica, me posibilitó visibilizar lo que sucede tras bambalinas: la cuestión gremial y de profesionalización en ámbitos no académicos, las condiciones en las que producimos las investigaciones y el marco de negociación, y acuerdos en el trabajo de campo, donde la voz del actor se incorpora expresando sus necesidades y sus expectativas.

La devolución por parte de la comunidad, ante la recepción del informe, fue de una gratitud y afectividad considerables: "tengo una alegría inmensa en mi corazón", recuerdo que me dijo la *lonko*. En el corto plazo, el informe fue enviado al INAI para que sirviera de antecedente al relevamiento técnico; y con el asesoramiento jurídico del CODECI, la comunidad presentará un recurso de amparo que proteja el territorio comunitario. A la vez, recibí el reclamo de parte de otras comunidades a las que no les habíamos hecho el informe. En una reunión posterior presencial, en noviembre de 2021, pude explicar que no hubo una posición de favoritismo o preferencia en la producción de informes.

También repuse cuáles son los recorridos burocráticos por los que un equipo de investigación puede realizar estas tareas, a través de Servicios Tecnológicos de Alto Nivel (STAN), y cómo habíamos podido encontrar la manera de hacerlos desde el GITAAC, a través de la creación de un proyecto de transferencia, con nuestro aporte laboral y en las condiciones de producción que ya explicité. En el mismo encuentro, sometí también a discusión mis ejes y perspectivas de investigación académica, a raíz de las entrevistas en cada una de las comunidades, de qué manera venía pensando los problemas puntuales desde una perspectiva espacial y temporal más amplia. En este punto, debo decir que tenía temor sobre si resultaban comprensibles las enunciaciones, si aburría, si era necesario. Por el contrario, me sorprendió ver que la participación en la revisión fue abundante y que varios de los presentes aportaron

su opinión. Nuevamente, uno de los puntos más discutidos fue la "practicidad" o "utilidad" del trabajo, es decir, cómo iba a ayudar a los reclamos de las comunidades de Catriel y sus alrededores. Son preguntas del campo que siguen poniéndome en jaque.

Creo, finalmente, que una de las dificultades que tuve durante la realización del informe fue el hecho de escribir con un lenguaje comprensible para un público más amplio. Así, creo derribar los prejuicios acerca de que escribir para que otros entiendan es mucho más fácil que utilizar el lenguaje académico, que numerosas veces se vuelve críptico. Dejo aquí una propuesta estética que responde a una dimensión ética. Pienso que los temores que puede producir un cambio estético abonan, también, a la desnaturalización de lo familiar en antropología.

Received: February 16, 2023.
Approved: December 15, 2023.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

La pericia antropológica como herramienta etnopolítica en Norpatagonia y Gran Buenos Aires

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Resumen:

El artículo busca reflexionar sobre los desafíos y dificultades, metodológicas y epistemológicas, que caracterizan la labor antropológica en la construcción de pericias con población indígena. Este tipo de trabajos, que forman parte de las diferentes causas judiciales que se dirimen en dicho nivel del Estado, se han multiplicado asiduamente, ante un mayor reconocimiento a nuestra profesión, y ante la creciente conflictividad en algunos contextos, como el caso del pueblo mapuche en el sur argentino. Concebimos la relevancia del peritaje en el fortalecimiento de las demandas, políticas y legales, de las y los interlocutores, quienes confrontan directamente las lógicas racistas, sexistas y esencialistas del sistema judicial. Se analizan dos casos en los que adjuntamos información pericial, para obtener el reconocimiento y evitar el desalojo territorial de diversas comunidades indígenas. El primero involucra a la comunidad indígena de Punta Querandí, ubicada en el partido de Tigre, en la provincia de Buenos Aires, a unos 50 kilómetros de la Ciudad Autónoma de Buenos Aires. La segunda situación se refiere a diferentes comunidades mapuche, ubicadas en la zona del Departamento Los Lagos, provincia de Neuquén y en el Departamento Bariloche, provincia de Río Negro, un área cercana a la ciudad de San Carlos de Bariloche, principal centro turístico de la región.

Palabras clave: pericia antropológica; pueblos indígenas; Norpatagonia; Gran Buenos Aires.

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e01009
https://doi.org/10.1590/1809-4341.2025v22e01009

Anthropological Expertise as an Ethnopolitical Tool in Northern Patagonia and Greater Buenos Aires

Abstract:

This paper aims to reflect on the methodological challenges and difficulties of conducting anthropological work as experts in judicial contexts involving indigenous populations. This work is often part of legal trials at the state level and has become more common as the anthropological profession gains recognition for its role in such cases, particularly in the face of increasing conflicts like the ongoing dispute involving the Mapuche people in the southern region of Argentina. It is our understanding that expert work plays an important role in strengthening the political and legal demands of interlocutors who are directly challenging the racist, sexist, and essentialist logics of the judicial system. This paper examines anthropological expert assessments in two cases involving indigenous communities facing eviction and struggling for recognition of their land rights. The first case refers to the Punta Querandi indigenous community, located in the district of Tigre in the Province of Buenos Aires, approximately 50 kilometers from the Autonomous City of Buenos Aires. The second case concerns several Mapuche communities located in the area of the Los Lagos Department, Neuquén province and in the Bariloche Department in the Rio Negro province, in the area near the town of San Carlos de Bariloche, the main tourist center of this zone.

Keywords: Anthropological Expertise; Indigenous Peoples; North Patagonia; Greater Buenos Aires.

A perícia antropológica como ferramenta etnopolítica em Norpatagonia e Gran Buenos Aires

Resumo:

O presente artigo visa refletir sobre os desafios e dificuldades metodológicas e epistemológicas que caracterizam o trabalho antropológico na construção de perícias com populações indígenas. Este tipo de trabalho que faz parte dos diferentes processos jurídicos que são resolvidos nesse nível do Estado, têm se multiplicado nos últimos tempos assiduamente devido ao maior reconhecimento de nossa profissão para essas tarefas e, por outra parte, por causa do crescente conflito em alguns contextos como é o caso do povo mapuche no sul da Argentina. Compreendemos a relevância das perícias para reforçar as demandas políticas e jurídicas das e dos interlocutores, que confrontam diretamente com a lógica racista, sexista e essencialista do sistema judiciário. Analisaremos dois casos em que anexamos informações periciais para obter o reconhecimento e evitar o despejo territorial de várias comunidades indígenas. Uma delas é a comunidade indígena de Punta Querandí, localizada no distrito de Tigre, na província de Buenos Aires, aproximadamente a 50 quilômetros da Cidade Autônoma de Buenos Aires. A segunda situação faz referência a diferentes comunidades mapuches, localizadas no departamento de Los Lagos, província de Neuquén, e no departamento de Bariloche, na província de Rio Negro, na área próxima à cidade de San Carlos de Bariloche, principal centro turístico dessa área.

Palavras-chave: perícia antropológica; povos indígenas; Norpatagonia; Grande Buenos Aires.

La pericia antropológica como herramienta etnopolítica en Norpatagonia y Gran Buenos Aires

Sebastián Valverde; Juan Manuel Engelman

INTRODUCCIÓN

El presente trabajo busca reflexionar sobre las dificultades metodológicas y epistemológicas que caracterizan la labor antropológica en la construcción de pericias con población indígena.[1] El lenguaje legal, muchas veces, interpela y aplica dictámenes, que reproducen una visión esencializada de lo étnico conforme el avance de sectores de poder y la propiedad privada. En esta línea, entendemos la relevancia del peritaje, dado que fortalece las demandas, políticas y legales, de las y los interlocutores, quienes confrontan directamente las lógicas racistas, sexistas y esencialistas del sistema judicial; así como desafían la hegemonía institucional de los sistemas legales nacionales (Loperena, Hernández Castillo & Mora 2018).

En las últimas tres décadas, las reformas constitucionales en el continente americano y en la Argentina (en 1994) han reconocido el carácter multicultural que históricamente ha conformado a cada Estado Nacional. Este reconocimiento jurídico de la población indígena, en clara relación con el avance de los Derechos Humanos, ha estimulado e incentivado a los órganos judiciales a contactarse con antropólogos y antropólogas, con el objetivo de determinar la "validez" de diferentes demandas colectivas, culturales y territoriales. En este clima de época, la pericia antropológica se constituye no sólo como un medio de negociación, sino también como herramienta metodológica y epistemológica en el desarrollo de la disciplina. Podemos decir que el trabajo es colaborativo y, además, que su eficacia transita por un conjunto de desafíos. El primero de ellos tiene que ver con el cruce interdisciplinario. Es decir que el sentido de las categorías jurídicas dista de aquellas con que trabaja la Antropología Social. Al respecto, Manuel Moreira (2008) destaca que una de las primeras tareas tiene que

1 Agradecemos a Pamela Pulcinella, editora (FFyL-UBA), por su atenta lectura de este artículo y sus sugerencias.

ver con evitar la simplificación de la experiencia judicial y tener en cuenta cómo funcionan los sistemas de valoración de la prueba.

Otro factor a considerar es la obstaculización que existe en la comunicación interdisciplinar, dado que la pericia antropológica no es parte de la formación de los y las juristas (Moreira 2008). Esto lleva a otro desafío, vinculado con la noción de "cultura" y el fuerte sentido judicial que posee, en términos de progreso y desarrollo. En consecuencia, cuando trabajamos con poblaciones indígenas, lo "cultural" es entendido como una prueba dudosa y no en términos de identidad o representación social. El etnocentrismo y la racionalidad, muchas veces, disparan un conjunto de prejuicios que impiden comprender la pericia como prueba que ayuda a resolver un conflicto (Carrasco 2016). De modo que uno de los caminos que debemos transitar tiene que ver con generar lazos que mejoren esta contienda disciplinar y, así, enriquecer la convergencia metodológica (Moreira 2008).

En esta línea, Beatriz Kalinsky (2002), antropóloga con una vasta experiencia en la temática, propone que la pericia antropológica aporta una perspectiva etnográfica, que posibilita tener una mirada más amplia y que, a la vez, favorece una experiencia innovadora a nuestra disciplina. Parte desde una mirada holística que tiene en consideración los contextos donde se dan ciertos fenómenos; y, además, da cuenta de la visión que los otros y las otras poseen sobre los hechos que están en análisis: "De esta forma, permite seguir trayectorias de vida, experiencias, significados y construcciones simbólicas sobre los hechos y acontecimientos vividos, usando distintas metodologías y aproximaciones epistemológicas" (Kalinsky 2002: 3). A simple vista, podemos decir que se trata de reconstruir las condiciones históricas de lo sucedido y los sentidos, del antes y después del proceso.

La antropología posee vastas herramientas metodológicas para llevar a cabo dicha construcción; pero, a la vez, procede en caracterizar aquellos elementos que conforman "el contexto de la ofensa". En palabras de la autora, éste refiere a "la interrelación que existe entre conocimiento, habilidad para actuar de acuerdo con ese conocimiento y los límites que las instituciones sociales imponen a esas acciones concebidas a partir de los conocimientos que se tienen" (Kalinsky 2002: 4). Así, la antropología no sólo aporta cierto relativismo, sino que enriquece los sentidos posibles que desde la justicia se pueden adjudicar al delito en cuestión. Nuevamente, juezas y jueces buscan una verdad "fáctica", en un sentido probatorio y, preferiblemente, respaldado en documentos escritos y/o oficiales.

Pero también esa verdad está atravesada por un corpus jurídico internacional -Convenio 169 de la Organización Internacional del Trabajo– donde la labor antropológica puede intervenir de forma satisfactoria. Lo puede hacer en función de tres núcleos que apuntan a dilucidar el significado del delito y, por extensión, la graduación de la pena. El primero de ellos, menciona Kalinsky, es el concepto de "sociedades multiculturales" (2002). Ya es innegable la presencia de la multiplicidad de grupos étnicos e identitarios como parte de la población urbana, periurbana y rural. Ello se traduce en considerar una convivencia conflictiva de conjuntos de conocimientos y prácticas en los que se ordenan diversos órdenes jurídicos e

institucionales. Por ejemplo, este punto hoy en día confluye en discusiones que velan por la necesidad de aplicar un pluralismo jurídico más allá del monismo legal actual (Segato 2007). Un segundo núcleo está definido por la "polivalencia del delito". En este punto, el aporte de la antropología radica en concebir que la ley es una producción cultural y, por ello, se transforma y genera acciones específicas. Este carácter dinámico, incluso, permite distinguir diferentes aproximaciones interpretativas de una misma norma, no sólo por quienes son juzgados, sino por aquellas y aquellos que juzgan (Kalinsky 2002).

Finalmente, el tercer núcleo es el "modelo antropológico" o, en otras palabras, la necesidad de correrse de la concepción que subyace en el código penal respecto del hombre/de la mujer visualizados como supuestamente racionales, genéricos/as con que los juzgados mayoritariamente disponen de la sentencia. Aparentemente continúa una acepción en la cual hay una conducta constante del sujeto con cierta homogeneidad y permanencia apegada a las normas convencionales del derecho occidental. Contrariamente a estas concepciones muy arraigadas, la antropología como disciplina ha tratado de demostrar que el delito es una expresión de las relaciones humanas, las cuales tienen diversas formas de resolverlo (Kalinsky 2002).

En términos generales, la antropología aporta múltiples dimensiones en la realización de pericias que, metodológicamente, quiebran la mirada por lo general esencialista del campo jurídico. Además, al sostener que lo normativo pertenece al plano cultural, se aleja de la mirada simplista y resalta el carácter heterogéneo en que se constituyen los procesos, y hechos socioculturales, que derivarán como material probatorio en las instancias de las decisiones jurídicas. Éstos, además, deben ser elaborados a partir de ciertas premisas que deben seguir formatos o preceptos con el objetivo de ser interpelados por el código legal y, así, evitar que el informe pericial sea desestimado (Manzano 2019).

Ahora bien, el presente trabajo busca analizar dos casos, de los que adjuntamos información pericial para evitar el desalojo territorial de comunidades indígenas ubicadas en las provincias de Buenos Aires, de Río Negro y Neuquén (estas últimas, en el sur argentino, en la región cordillerana de Norpatagonia). En este sentido, cabe destacar que la pericia antropológica en Argentina –respecto a otros campos de conocimiento– no posee un reconocimiento formal y tampoco está regulada por la práctica profesional de la disciplina. Ello implica que deba estar articulada a la labor en investigación, extensión y transferencia; sustentada en la práctica etnográfica, la demanda y la colaboración, en el marco de las relaciones que entablamos con las personas. Y de allí su relevancia e importancia como medio que acompaña a la población indígena en particular.

Si retomamos lo planteado en párrafos anteriores, la cultura indígena también es heterogénea y se encuentra muy arraigada a procesos históricos que no sólo definen sus sentidos, sino que también se articulan con sus territorios. En función de esta premisa, hemos trabajado en el argumento pericial al reconstruir las condiciones pasadas como actuales, para comprender

el proceso de judicialización a partir de las condiciones de vida, la migración de familias indígenas y la expropiación de los territorios comunales. Es decir, nos interesa analizar la población indígena, el código legal y la desigualdad, a partir de dos ejemplos etnográficos específicos que hemos trabajado los autores de este artículo. Uno de ellos, en la cercanía de la ciudad de Buenos Aires, específicamente, dentro la Región Metropolitana de Buenos Aires (RMBA), y otro en la Patagonia argentina, aproximadamente a mil seiscientos kilómetros de la ciudad de Buenos Aires, en dirección sudoeste.

La primera situación que presentaremos es el reclamo territorial de la comunidad indígena Punta Querandí, ubicada en el partido de Tigre, en la RMBA, a unos 30 kilómetros de la Ciudad Autónoma de Buenos Aires (CABA).[2] La provincia de Buenos Aires, cuenta con divisiones hacia su interior que por cuestiones históricas se los denomina "partidos", estando conformado por 135 municipios que corresponden a cada uno de dichos partidos. El partido de Tigre es uno de los partidos del denominado Gran Buenos Aires, específicamente asentado en la zona norte de la capital de la Argentina, la Ciudad Autónoma de Buenos Aires (Argentina.gob.ar 2024).

El segundo grupo de estudios se refiere a diferentes comunidades del pueblo mapuche, ubicadas en la zona del Parque Nacional Nahuel Huapi, cuya margen norte corresponde al departamento Los Lagos de la provincia de Neuquén (en la zona cercana a la localidad de Villa La Angostura) y la zona sur de esta área protegida se asienta en el departamento Bariloche de la vecina provincia de Río Negro[3].

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2 Argentina es un país con un gobierno federal, que abarca todo el territorio de la Nación, y a la vez, cuenta con gobiernos provinciales, que corresponden a cada una de las 23 provincias y al gobierno de la Ciudad Autónoma de Buenos Aires (CABA). Ésta última constituye la entidad administrativa que corresponde a la Ciudad de Buenos Aires, capital de la República Argentina, donde tienen sede los Poderes Ejecutivo, Legislativo y Judicial del país. Buenos Aires es una ciudad cosmopolita y un importante centro administrativo, siendo una de las metrópolis de mayor importancia de América, lo que también la convierte en un destacado destino turístico. La población de la ciudad, según el último Censo Nacional de Población de Hogares y Vivienda del año 2022, es de algo más de tres millones de habitantes. Integra un aglomerado urbano mayor, que constituye precisamente la denominada Región Metropolitana de Buenos Aires (RMBA). Esta última está conformada por la totalidad de asentamientos urbanos y sus respectivas áreas de influencia, integrados funcionalmente con el área urbana principal. Abarca a la Ciudad de Buenos Aires y a cuarenta partidos de la Provincia de Buenos Aires (PBA), que integran una única mancha urbana. En total, la RMBA suma una población de más de 14 millones de habitantes (Observatorio Metropolitano del Consejo Profesional de Arquitectura y Urbanismo, 2024).

3 La provincia de Neuquén es una de las 24 provincias que conforman la Argentina. Se trata de una de las seis que integran la Patagonia Argentina, asentada en la zona sur del país, a unos 1600 kilómetros de la Ciudad de Buenos Aires en dirección sud-oeste. Al igual que todos los restantes distritos, cuenta con un poder ejecutivo (gobernador y vice), legislativo (legisladores provinciales) y judicial, en los dos primeros casos electos por voto popular. Las divisiones hacia el interior de las provincias constituyen los denominados "departamentos", siendo definiciones exclusivamente geográficas (no contando con organización administrativa-institucional alguna). En el caso de la provincia de Neuquén la misma está dividida en 16 departamentos, uno de ellos (el de más al sur) es el de "Los Lagos", que limita al Oeste con la cordillera de los Andes que oficial de límite geográfico con el vecino país de Chile y hacia el sur es lindero con el departamento Bariloche de la provincia de Rio Negro (donde también se ha desarrollado esta investigación). En efecto, esta otra provincia en la que trabajamos está dividida en 13 departamentos, uno de ellos, es el de "Bariloche". El Lago Nahuel Huapi oficia de límite natural entre ambas provincias. La ciudad cabecera departamental es San Carlos de Bariloche, principal centro turístico de esta región, conocido nacional e internacionalmente y que recibe centenas de miles de turistas al año, dada las bellezas naturales con que cuenta (al ser un área de lagos, ríos bosques y montañas con precipitaciones en forma de lluvia y el gran atractivo, de nieve) y a la vez contar una destacada infraestructura para la recepción de dichos visitantes.

EL CASO DE PUNTA QUERANDÍ

El 9 de mayo de 2018 recibimos un oficio judicial, dirigido al Departamento de Ciencias Antropológicas de la Facultad de Filosofía y Letras (FFyL) de la Universidad de Buenos Aires (UBA), donde desarrollamos nuestra labor como docentes-investigadores. Una abogada indígena nos solicitaba la realización de un informe pericial sobre "la existencia de una comunidad indígena en el territorio sagrado y educativo Punta Querandí". Este escrito era necesario para ser incorporado en el marco de una demanda iniciada por un particular, que tenía por objetivo avanzar sobre el territorio donde se asentaba un conjunto de familias indígenas. La demanda estaba radicada en el Juzgado de Primera Instancia en lo Civil y Comercial Número 16 del Departamento Judicial de San Isidro (PBA). Recibida la notificación, contábamos con 20 días hábiles para realizar la pericia, o la posibilidad de informar, pasado ese período, una fecha probable de entrega. Caso contrario, se aplicaría (al Departamento) una multa equivalente al valor de 2 (dos) *Jus*[4] por día de retraso.

En 2010, la constructora demandante comenzó, en vinculación con un sector del Concejo Deliberante de la ciudad de Tigre, a construir una narrativa racista y discriminatoria sobre la presencia de un grupo de indígenas asentado en la calle Brasil y el Canal Villanueva, alrededor del sitio arqueológico "Punta Querandí". El argumento de la constructora buscaba desestimar la originalidad del sitio sagrado y sostenía que el grupo de indígenas era, en realidad, un "acampe político" y una suerte de "villa miseria" (o barrio precario) que incomodaba a los y las vecinas de los barrios privados circundantes. Por su parte, quienes conformaban el Movimiento en Defensa de la Pacha (espacio que luego fue reconocido como la Comunidad indígena Punta Querandí), también recurrieron al Concejo Deliberante y, en ese mismo año (2010) se creó la Comisión Especial Punta Canal. Este espacio funcionaba como instancia intermediaria entre el demandante privado y la población indígena, en lo referido al municipio. En mayo de 2011, dicha comisión solicitó informes arqueológicos y de valoración cultural al Instituto Nacional de Asuntos Indígenas (INAI)[5] a fin de comprobar y garantizar que los restos materiales de la calle Brasil eran "genuinos".

La reivindicación del sitio sagrado se inició en los meses previos a 2007; hasta ese momento, era un lugar de uso común de vecinos y vecinas. Sin embargo, el predio (que pertenecía a los ferrocarriles) fue "vendido" e incorporado de forma ilegal al emprendimiento privado para desarrollar de los barrios cerrados del Complejo Villa Nueva: se trataba de la parcela 321F. A partir de ello, comenzó una disputa legal sobre cómo la propiedad fue adquirida. Así, en 2009, un vecino que perdía el acceso vehicular a su domicilio inició diversas causas legales y administrativas y, entre ellas, alegó la existencia y presencia de un sitio arqueológico reivindicado por un conjunto de

4 *Jus* designa a la unidad de medida arancelaria, de monto actualizable, utilizada en el ámbito judicial para fijar honorarios profesionales, montos de multas, aportes, etc.

5 A partir de la sanción de la Ley Nacional Nº 23302 de 1985 ("Ley sobre Política Indígena y apoyo a las Comunidades Aborígenes"), el Instituto Nacional de Asuntos Indígenas (INAI) es el organismo responsable de la aplicación de la política indígena en Argentina.

organizaciones indígenas. El próximo paso fue en septiembre de 2010, cuando el Movimiento en Defensa de la Pacha solicitó al organismo ferroviario anular la venta del predio en el marco de una reparación a las naciones preexistentes de Buenos Aires, junto a un petitorio de firmas de vecinos y vecinas, y el acompañamiento del Centro de Estudios Legales y Sociales (CELS). A ello se sumó, en septiembre de 2011, la presentación de un *Amicus Curiae*[6] con el patrocinio del Servicio de Paz y Justicia (SERPAJ) de Adolfo Pérez Esquivel, y de la Fundación Eco Sur.

Los pasos que la organización indígena siguió en esos años marcaron el proceso de lucha por el territorio, su reconocimiento y organización etnopolítica, así como su relación con el Estado. Cabe destacar que las disputas continuaron. Por ejemplo, en 2015, la empresa constructora intentó alambrar el terreno donde se encontraba el sitio, para "colaborar" con los trabajos arqueológicos, al alegar que el accionar del Movimiento en Defensa de la Pacha era "ilegal y violento". Esto fue así, ya que en un comienzo se realizaron excavaciones arqueológicas (vinculadas al propietario privado) en las que se dispuso la inexistencia de restos materiales indígenas. Sin embargo, años después, esta postura fue modificada y el sitio sagrado fue reconocido como un cementerio. Este hito marcó una preexistencia de más de 1.000 años (Hojman 2020) y permitió avanzar con el argumento del uso continuado del espacio por parte de población indígena bonaerense.

La Comunidad indígena Punta Querandí fue reconocida por el Estado provincial en 2017, a partir de formalizar el nucleamiento que conformaban, el denominado "Movimiento en Defensa de la Pacha". A partir de ese momento, se avanzó con el reclamo territorial. Una de las características que tiene dicho nucleamiento indígena[7] (Tamagno 2014) es que posee una composición multiétnica. Es decir que las personas que lo conforman reivindican su pertenencia étnica a diversos pueblos originarios, y ahonda su memoria en la historia de los grupos que poblaron el territorio de Buenos Aires: los querandíes. Entre esos diversos pueblos originarios, podemos mencionar los siguientes: kolla, quechua, aymara, guaraní, qom y wichí, entre otros.

No es novedoso encontrarse con este tipo de organización indígena en el contexto urbano, ya que la heterogeneidad de pueblos confluye actualmente gracias a los múltiples procesos migratorios y la conformación del tejido citadino. Este tejido no sólo está constituido por vínculos de parentesco, sino que también se nutre de diversas alianzas con quienes acompañan las disputas y las luchas indígenas locales (Engelman 2021). Cabe señalar que este

6 Los "Amigos del Tribunal" son un tercero en relación con el proceso, calificado o experto en la materia del pleito, que emite opinión fundada no vinculante para el Tribunal, en defensa de un interés público o de una cuestión institucional relevante.

7 Liliana Tamagno (2014) propone la noción de "nucleamiento" para referirse al proceso migratorio de la población indígena y su capacidad de agruparse, en la medida en que las condiciones materiales lo permitan, en espacios geográficamente diferentes y lejanos a los de origen. Estos denominados "nucleamientos" se dan en las áreas de asentamiento en la Región Metropolitana de Buenos Aires, diferenciadas y a la vez distantes a más de 1000 km. de las de la región chaqueña, en el nordeste argentino desde donde han migrado. Este tipo de abordaje permite comprender la presencia indígena en la ciudad como parte de un estudio más amplio, que abarca una gran cantidad de aspectos históricos de la vida familiar, organización, desplazamiento, trabajo, participación, ingresos, vivienda, educación, salud, territorio e identidad.

tipo de proceso de organización etnopolítica no es aislado, y que a partir del reconocimiento jurídico de la población indígena, y el avance de políticas de reconocimiento estatal, desde el año 2003 en adelante, forma parte de otros casos de organización comunitaria ubicados en diferentes zonas de la Región Metropolitana de Buenos Aires (RMBA) y el Gran La Plata (Engelman 2021; Maidana 2019; Tamagno 1991; Vivaldi 2019).

Sin embargo, lo que diferencia a la comunidad indígena Punta Querandí es que, en buena medida, han sido las nuevas generaciones de hijos/as de dirigentes quienes protagonizaron y llevaron adelante el proceso judicial y de reconocimiento. Aunque no vamos a detenernos en las diferencias al interior del espacio etnopolítico bonaerense, destacamos –ya que es relevante para el análisis– el lugar cardinal que han tenido las experiencias previas de organización etnopolítica (de la década de 1990 y comienzos del 2000) para este caso.[8] Por otro lado, cabe mencionar que Punta Querandí fue un litigio altamente controversial, incluso, en el ámbito académico. Diferentes fueron las posturas acerca de la "legitimidad" del reclamo de tierras en el contexto urbano de un conjunto de familias indígenas pertenecientes a varios pueblos originarios. Así, creemos que el valor de las pericias antropológicas se disputa al interior de los espacios legales –como se ha mencionado– como los disciplinares de las ciencias sociales. Dato no menor que debe ser considerado en el análisis.

Ahora bien, en cuanto a nuestra labor pericial y sobre la elaboración de la respuesta al oficio presentado ante el Departamento de Ciencias Antropológicas, queremos resaltar un conjunto de puntos. Éstos refieren a un eje cardinal que hemos descripto, y que tiene que ver con la esencialización de la noción de "cultura" en el campo jurídico; hecho que se agrava cuando hay un territorio indígena en disputa, subsumido ante la relevancia de la propiedad privada. El primero de ellos se vincula a la fuerte negación de la presencia indígena en las ciudades y sus periferias. Esta negación viene acompañada de la asunción de que, al haber abandonado sus territorios de origen, la población étnica ha perdido gran parte de su cultura originaria. Argumentos como "no hablan su lengua nativa" o "no tienen sus ropas tradicionales" hacen que se construya una narrativa que reproduce una imagen ahistórica y estereotipada de la vida cotidiana de la población indígena, migrante o nacida en la ciudad.

El segundo punto, vinculado con el primero, busca desestimar los procesos de autoadscripción, así como de desacreditación identitaria, ante argumentaciones que basan su carácter explicativo a partir de frases como "de pronto se hicieron indígenas por las tierras" o "buscan un plan[9]", etc. El racismo, como motor negador de la reafirmación o reemergencia indígena, opera en los sectores hegemónicos como medidor identitario de las otras y los otros. Esto fue

8 Aunque cada caso tiene sus particularidades, Punta Querandí fue posible gracias al trabajo que las y los mayores indígenas llevaron a cabo durante décadas, tanto en la Ciudad Autónoma de Buenos Aires como en la RMBA. Su participación en organismos estatales (en la provincia de Buenos Aires y a nivel nacional), así como las trayectorias comunitarias locales a lo largo de los procesos de reconocimiento estatal sembraron vínculos etnopolíticos y capitalizaron experiencias, y herramientas que fueron heredadas, y resignificadas, por las nuevas generaciones.

9 "Plan Social" refiere a todas aquellas ayudas estatales en Argentina que sirven para brindar apoyo económico y social a las personas y familias que se encuentran en situación de vulnerabilidad.

bien analizado por Liliana Tamagno cuando acuñó el término de "censores de indianidad" (1991), o dicho en otras palabras: cuánto –y qué– de indígena debe tener una persona para que su demanda sea legítima y escuchada por quienes trabajan en el Estado. Sin embargo, esos censores también aplican y ejercen su función entre vecinos y vecinas, empresarios privados, funcionarios estatales y/o judiciales (como ya hemos afirmado).

Nos detendremos, por fin, en el último punto: la noción de "territorio indígena". Para ello, retomaremos parte de la respuesta de la defensa que elevó la comunidad indígena Punta Querandí, a través del documento titulado: "Contesta Demanda. Opone defensa de caducidad y de falta de legitimación. Ofrece prueba. Reserva caso Federal", de 2018. En este escrito, las abogadas defensoras presentaron la documentación pertinente para dar prueba del trámite de personería jurídica provincial de la comunidad,[10] elevado al Registro Provincial de Comunidades Indígenas (REPROCI) de la provincia de Buenos Aires, en cumplimiento del Artículo 75, inciso 17 de la Constitución Nacional y de la legislación prevista por el Convenio 169 de la Organización Internacional del Trabajo (OIT). Para construir el hilo argumentativo, la defensa no sólo ubica la noción de territorio como opuesta a la de propiedad privada, sino que suma evidencias que buscan contrarrestar un punto de la parte denunciante, acontecido en 2017, cuando la comunidad irrumpió en un predio privado y tomó esos territorios. Ante esto, en el documento se da cuenta de una presencia de mayor rango histórico (década de 1960), cuando algunos pobladores qom iban a pescar y cazar en la zona cercana al río Luján. Además, las abogadas argumentaron que la organización se hizo mayor cuando, en 2004, fueron hallados los primeros registros arqueológicos en la zona y que, luego, se construyeron múltiples espacios, como el museo, el vivero, el invernadero, la huerta, el *opy*, el salón comunitario Cacique Manuá, el gallinero, la casilla de protección comunitaria y el quincho, donde llevan adelante diferentes actividades colectivas. Además, destacan que el campamento inicial, por el que fueron acusados de usurpar un espacio privado, no se dio en el predio, sino en la vía pública. Y todo esto es posible por lo siguiente:

> Nuestro habitar esas tierras no coincide con la cosmovisión occidental o del derecho privado. Nosotros no hemos mensurado ni alambrado nuestro territorio. Nunca supimos con claridad dónde empieza o termina una parcela o lote […]. Lo que sí sabemos es que la firma actora o sus representantes no tienen ni han tenido la posesión de las tierras donde construimos" (página 2 del Documento Contesta Demanda 2018).

10 La denominada "personería jurídica" es la forma que adopta su reconocimiento ante el Estado, nacional, provincial o municipal. Se trata de una institución creada por una o más personas para cumplir un objetivo social, que puede tener o no fines de lucro. En el caso de las comunidades indígenas, suelen estar inscriptas con la modalidad de "Asociación civil sin fines de lucro". La personería jurídica resulta de gran relevancia, con el fin de estar formalizada ante el Estado, poder firmar convenios y recibir fondos, tanto de organismos públicos como privados –al contar con una cuenta bancaria (a nombre de dicha institución)–. A la vez, como en este caso, las comunidades se registran en organismos oficiales como el Registro Provincial de Comunidades Indígenas de la provincia de Buenos Aires (REPROCI).

El documento es claro sobre la diferencia de sentidos existentes entre la noción de territorio y de propiedad privada. Para las poblaciones indígenas, el primero es parte de su cultura y, en el ámbito urbano, es resignificado y utilizado para múltiples tareas, materiales y simbólicas, como hemos visto en el listado de estructuras construidas allí. No todos los grupos sociales se relacionan de esa forma con el territorio, por lo que ese carácter contrastativo respecto de vecinos y vecinas es característico de los diversos pueblos indígenas que conviven en Punta Querandí. Este último punto nos permite adentrarnos en el documento que elaboramos para sumar a la respuesta del oficio judicial y que, justamente, debía dar cuenta de por qué, en el contexto urbano, una comunidad puede estar constituida de forma multiétnica y no por ello dejar ser entendida como tal.

Cabe señalar que, tanto para el campo jurídico como para el antropológico, la categoría de comunidad tiene múltiples acepciones. En el primero, ésta debe presentar una identidad común, cierta filiación y descendencia, y varios rasgos identitarios, que refieren a la homogeneidad y el compartir de las personas que la conforman. Para ello, las poblaciones indígenas que habitan la ciudad, desde hace décadas, deben cumplir con un conjunto de requisitos que son solicitados para obtener su personería jurídica comunitaria.[11] El instructivo es claro al respecto, cuando menciona que es necesario aclarar el "nombre del pueblo", la historia del pueblo indígena de pertenencia y de la comunidad (puntos 3 y 4 del reglamento); aspectos que niegan, en términos formales, la composición multiétnica como una característica más de las comunidades indígenas contemporáneas.

La idea de "un territorio, un pueblo" atraviesa este tipo de requerimientos y suma, además de complejidad administrativa, otro nivel de negación e invisibilización de la realidad indígena. En antropología, y desde ciertos debates clásicos de la disciplina, hemos heredado cierta esencialización analítica a la hora de comprender y/o analizar la categoría de comunidad. Si bien no es de nuestro interés abordar las diversas discusiones, podemos decir que hoy en día la comunidad debe ser entendida en su carácter relacional, desde una perspectiva histórica y en el marco de sus paradojas. A partir de esta aproximación analítica, elaboramos el sustrato argumentativo del escrito pericial, que buscaba fundamentar por qué una comunidad puede estar conformada por varios pueblos indígenas. La respuesta, de esta manera, fue organizada en tres puntos que detallaremos a continuación.

El número uno fue el apartado "La migración". Allí mencionamos que la población indígena migró, desde 1930 en adelante, hacia CABA y la RMBA, como consecuencia de la expropiación territorial, la violencia y la explotación laboral. También propusimos entender el proceso migratorio desde un punto de vista macro, al analizar las condiciones materiales históricas y las transformaciones regionales, en pos de destacar el proceso de urbanización de Buenos Aires y el papel que tuvieron en él las familias indígenas como parte de la fuerza de trabajo. Incluso, a fin de que la información no fuera desestimada en la causa, sumamos

11 Para conocer estos requisitos, se puede consultar el siguiente enlace: https://www.gba.gob.ar/static/derechos_humanos/docs/GuiaorientadorapARA%20la%20inscripcionenelREPROCI.pdf

datos estadísticos probatorios y otros sistematizados por organismos estatales de la provincia de Buenos Aires. Incluso en los anexos, enseñamos que la migración no implica la desvinculación con los espacios de origen, y que las relaciones son regionales, de ida y vuelta.

Esto nos lleva al segundo apartado, denominado "La composición multiétnica". Los datos oficiales del Instituto Nacional de Estadísticas y Censos (INDEC 2012) junto con el mapa de comunidades indígenas de la provincia de Buenos Aires –elaborado por el Consejo Provincial de Asuntos Indígenas (CPAI)– prueban de forma suficiente la diversidad y heterogeneidad de pueblos indígenas que habitan, hoy en día, la provincia de Buenos Aires y los conurbanos de las principales ciudades de la región. Las cifras del INDEC nos permitieron mostrar que sólo entre RMBA y CABA fueron censados, en el año 2010, 248.516 indígenas (Weiss, Engelman, & Valverde 2013) pertenecientes a los pueblos quechua, guaraní, aymara, mapuche, diaguita-calchaquí, toba, kolla, comechingón, charrúa, tehuelche, pampa y huarpe, junto con una subcategoría "otros", que nuclea una diversidad aún mayor. En este mismo punto, además, incorporamos cuatro casos de comunidades multiétnicas similares a Punta Querandí, unas con personería jurídica reconocida y otras aún en situación de trámite.[12] Pero no sólo mencionamos casos del territorio bonaerense, también sumamos experiencias de organización etnopolítica de comunidades multiétnicas de otras regiones del país. Hacerlo implicaba, en términos estratégicos, la posibilidad de marcar jurisprudencia al respecto.

Por último, el tercer apartado tuvo por objetivo abordar "La relación con el territorio". En términos metodológicos, y nuevamente para que no fuera desestimada la argumentación territorial, reparamos en el marco legal de los territorios indígenas nacionales. Para ello, planteamos el reconocimiento de la presencia indígena en áreas urbanas, a partir de la resolución número 96/2013 del INAI que resuelve, en su artículo 1.º:

> Ordénese el Registro Nacional de Comunidades Indígenas de acuerdo a la siguiente clasificación: a) comunidades indígenas que ostentan una posesión comunitaria, o son titulares de una propiedad comunitaria, sobre las tierras que ocupan tradicionalmente en ámbitos rurales. b) comunidades indígenas cuyas familias se nuclean y organizan a partir de la revalorización de la identidad étnica, cultural e histórica de su pueblo de pertenencia, que ejercen una posesión o propiedad individual o comunitaria de las tierras que ocupan en ámbitos urbanos.

Citamos, además, casos de la RMBA donde se aplicó el relevamiento territorial de la Ley Nacional 26.160 (de Emergencia en Materia de Posesión y Propiedad de las Tierras que tradicionalmente ocupan las comunidades indígenas originarias del país).

En este sentido, y en consideración de los tres apartados, pudimos concluir que en la ciudad se fueron construyendo y configurando históricamente nuevos territorios de pertenencia, en

12 En los últimos años, podemos mencionar experiencias similares de organización, tales como la comunidad mapuche-tehuelche Callvu Shotel, de La Plata, con personería jurídica del INAI; la comunidad toba (qom), guaraní, ranquel y mapuche Willi Che, de Almirante Brown, con personería jurídica archivada en INAI; la comunidad quechua-aymara, chichas y kollas Shapy Ayllu Multiétnica, de La Matanza, con personería jurídica en trámite en CPAI; y la comunidad aymara-guaraní Multiétnica Dignidad, de San Miguel, con personería jurídica en trámite en CPAI.

torno a las relaciones de parentesco y los lazos sociales entre las y los indígenas, en conjunción con factores de orden político, económico y sociocultural. Asimismo, habitar y ser indígena en la ciudad –y la territorialización que esto conlleva–, se retroalimenta permanentemente con migraciones y visitas, de ida y vuelta, entre parientes y amigos asentados en sus comunidades de procedencia, y quienes viven en la ciudad. En Punta Querandí, la memoria social se encarna en ese territorio de pertenencia, habitado por antepasados indígenas. Esto hace que en la actualidad se encuentren allí diversos vestigios arqueológicos. En este espacio vivido, desde hace más de 10 años, hay registros orales que marcan su uso (a partir de fines la década de 1960) para llevar a cabo actividades de pesca y caza; se producen prácticas ceremoniales y culturales desde 2004, junto a talleres de alfarería, cestería con totora, plantas medicinales y de enseñanza de lenguas indígenas, como el qom y el guaraní, entre otras actividades de recuperación y reproducción de su historia. De modo que, en la ciudad, el territorio es el espacio social vivo y simbólico en el que los indígenas migrantes reproducen cotidianamente su identidad, sus prácticas políticas y económicas, su cosmovisión y su proyecto a futuro en tanto indígenas. De allí que Punta Querandí se viva como espacio comunitario, sagrado, educativo y de memoria, un territorio de fortalecimiento cultural y espiritual para los pueblos indígenas. En suma, en él se ancla la posibilidad de reproducción sociocultural y de habitar conjuntamente en un contexto que, más allá de ser elegido, fue exigido.

LAS COMUNIDADES MAPUCHES DEL DEPARTAMENTO LOS LAGOS, NEUQUÉN Y DEL DEPARTAMENTO BARILOCHE, RIO NEGRO

Las siguientes pericias antropológicas que hemos desarrollado para el ámbito judicial, o bien lo que podemos denominar "informes periciales", refieren a la situación de las comunidades mapuches asentadas en las proximidades del lago Nahuel Huapi u otros cercanos, de las provincias de Neuquén o Rio Negro, que corresponden a una región muy destacada como centro turístico. Algunas de estas localidades o zonas específicas se encuentran orientadas a visitantes de alto poder adquisitivo.

El pueblo mapuche (mapu = *tierra*, che = *gente*) es uno de los grupos originarios de mayor importancia demográfica y nivel de reconocimiento público en los países del cono sur de América del Sur, tanto en Chile –a partir del intenso conflicto que desde hace años se viene manteniendo en la región originaria de la Araucanía– como en la Patagonia argentina, donde se dan crecientes litigios con propietarios privados y algunos niveles estatales, a veces entrelazados con dichos intereses.[13] Este pueblo indígena sobrevivió a los ataques genocidas

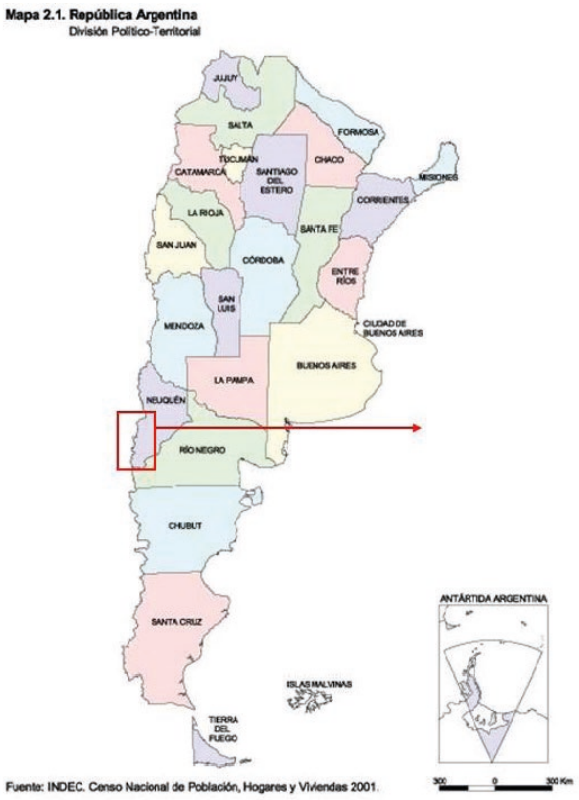
13 En el vecino país de Chile se asientan en la Octava, Novena y Décima Regiones, y en la Región Metropolitana (como resultado de las migraciones). En este caso, es el pueblo indígena más significativo del país. En Argentina, se asientan en las provincias de Chubut, Río Negro, Neuquén, Mendoza, La Pampa y Buenos Aires (Radovich 2003), y el pueblo está conformado por algo más de 200.000 miembros, lo que lo convierte en el más importante del país, en términos demográficos (INDEC 2012). En la provincia de Río Negro, el 7,1% se reconoce como perteneciente o descendiente de un pueblo indígena, mientras en Neuquén lo hace el 7,9% (INDEC 2015). En la región cordillerana aquí analizada, se ubican en un porcentaje algo mayor a los totales provinciales. En el conjunto de la región patagónica, un 6,9% de su población es indígena (INDEC 2015).

y etnocidas llevados a cabo a ambos lados de la cordillera de los Andes a fines del siglo XIX (Valverde 2023; Radovich & Balazote 2009).

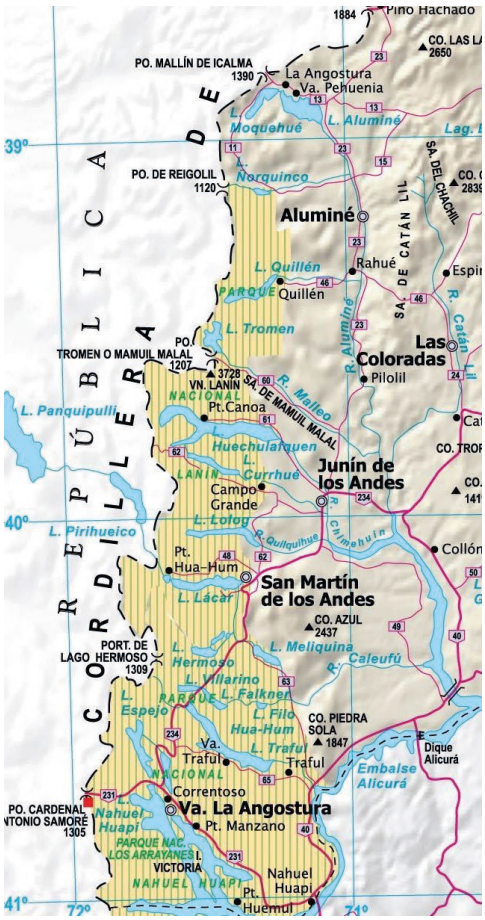
Hace años que trabajamos en la zona; de allí la solicitud de efectuar este tipo de relevamientos. Los trabajos que aquí vamos a exponer son dos pericias que realizamos para el poder judicial de dicha provincia, en dos ocasiones diferentes, en los últimos 15 años. En otra oportunidad efectuamos un trabajo comparable para la Dirección de Personas Jurídicas Provincial, que finalizó con la asignación de la personería jurídica a una de las comunidades. Nuestra tarea consistió en realizar un estudio de tipo histórico-antropológico que diera cuenta de la presencia ancestral y la realización de actividades tradicionales por parte de estos pobladores, como integrantes del pueblo mapuche. Dado que algunas de estas pericias se encuentran en causas judiciales abiertas, no vamos a presentar datos particulares. Por este motivo, haremos referencia en este artículo, en forma indistinta, a las provincias de Río Negro o Neuquén.

En todos estos relevamientos, adquirió una importancia central el hecho de dar cuenta de la ocupación histórica, la realización de actividades que podemos encuadrar como "tradicionales" y que, de acuerdo a los trabajos académicos y lo expresado por organizaciones, y comunidades, corresponde a las características propias del pueblo mapuche. También adquirió gran relevancia la recolección de documentos del propio Estado-Nación que dieran cuenta de dicha ocupación y de su continuidad a lo largo del tiempo. Más adelante, en las conclusiones de este artículo, reflexionaremos en torno a las implicancias de las fuentes documentales en interrelación con la etnografía, características de la antropología.

Mapa 1. *República Argentina*. Mapa del Instituto Nacional de Estadísticas y Censos (INDEC) Censo Nacional de población, Hogares y vivienda (2001).



Mapa 2. *Región cordillerana, Parque Nacional Lanín y Parque Nacional Nahuel Huapi*. Mapa del Instituto Geográfico Nacional.



Como hemos mencionado ya –y aquí haremos foco–, está ampliamente documentada la presencia de las familias que dan origen a estas comunidades, antes de la denominada Conquista del "Desierto" (siglo XIX), en el área actual de asentamiento en estas zonas del Parque Nacional Nahuel Huapi. Dicha presencia es varias décadas anteriores a la conformación del Estado-Nación en la región y, por lo tanto, al establecimiento de diferentes instituciones, centrales en el desarrollo social y político regional –como la Dirección de Parques Nacionales, por mencionar una de las más destacadas en la zona–.

Otra cuestión fundamental a recalcar, que ha sido factible de reconstruir a partir de estos informes periciales o pericias, es el desarrollo de diferentes prácticas culturales propias del pueblo originario mapuche, de las cuales es posible dar cuenta a través de las mismas fuentes de información. Esto evidencia la continuidad histórica entre los integrantes de estas familias, a fines del siglo XIX y principios del XX, y sus descendientes, que conforman los actuales *Lof* (comunidades) de la zona. Por ello, analizamos los modos de producción de las familias, la práctica de la ganadería trashumante y del cultivo en base a los patrones tradicionales del pueblo mapuche, atendiendo a los diferentes usos del territorio que se han ido efectuando en diversas etapas históricas y hoy son recabados, en base a la memoria oral y a las huellas que se pueden observar en el paisaje. Tal es el caso de los claros en el bosque, que evidencian la presencia de

cultivos y la existencia de trabajos de desmalezamiento a lo largo del tiempo; por otra parte, estos espacios están protegidos por grandes árboles, conocidos en la región como "álamos",[14] muy extendidos en Patagonia para resguardarse del viento, el frío y las precipitaciones.[15]

Figura 1. *Fotografía de zonas desmalezadas en el bosque en zonas cercanas a los lagos históricamente utilizadas para cultivos*. Foto Personal 2014.



El tipo de trabajo que ha implicado esta particular práctica de recolección de información y presentación de los resultados ante ámbitos del poder judicial u otros del Estado, fue particularmente relevante para registrar diferentes documentos y autores que demostraban la presencia ancestral al momento de la conformación del Estado en la región. Tal es el caso del filósofo y lingüista Rodolfo Lenz, quien en una obra escrita entre 1895 y 1897, recopila los testimonios de un comerciante indígena huilliche (una parcialidad del pueblo mapuche),

14 Los álamos son utilizados en toda la región Norpatagónica para resguardar cultivos del viento y de las variaciones de temperatura. Se trata de los denominados álamo criollo, álamo italiano o álamo negro de Lombardía (Celulosa Argentina 1977). No son especies autóctonas; por el contrario, han sido introducidas, por lo que su presencia es siempre un dato inequívoco de la presencia y acción humanas. El alto porte del álamo facilita su empleo en cortinas cortavientos; puede soportar en invierno temperaturas muy bajas, resistiendo bien heladas y nevadas. Por esto su plantación para resguardar cultivos se extendió principalmente en América del Sur (Argentina y Chile), y dentro del país, especialmente en los valles de las provincias de Río Negro y Neuquén.

15 En los meses de invierno, en localidades de la región cordillerana de Norpatagonia, la temperatura es cercana a cero grados centígrados, con precipitaciones en forma de lluvia y nieve, heladas y fuertes vientos.

que era uno de los viajeros que iban y venían, a un lado y otro de la cordillera de los Andes. En la página 4 de este libro (de fines del siglo XIX) puede leerse:

> La relación que me hizo el indio Domingo Quintuprai de viaje emprendido por él en el año 1871, más o menos, para vender aguardiente a los puehuenches establecidos en la falda oriental de la cordillera, entre los lagos Lacar i Nahuelhuapi, me parece interesante por varias razones" (Lenz 1897: 4. Hemos mantenido la ortografía original, y las denominaciones originales de los lagos Lácar y Nahuel Huapi).

Un aspecto clave que surge de este pasaje es la presencia de indígenas pehuenches (parcialidad del pueblo mapuche) en los lagos Lácar y Nahuel Huapi (es decir, en el departamento Los Lagos de la provincia de Neuquén) en 1871, décadas antes de la conformación de las fronteras formales y efectivas, entre Chile y la Argentina (que tuvo lugar en la década de 1930). Otro dato central es la articulación y la comercialización de productos que efectuaba el indígena huilliche aquí citado, con los diferentes grupos de la región que hoy integran el pueblo mapuche, como los pehuenches, que se asentaban entre los lagos Lácar y Nahuel Huapi, que integraban el denominado "País de las Manzanas" –de allí la denominación de "manzaneros"–[16] (Lenz 1897).

Además, existía un movimiento permanente de las familias a un lado y otro de la cordillera, en diferentes momentos del año, para adquirir mercaderías, vender producciones y aprovechar los recursos, de uno y otro lado (que estaban estrechamente articulados entre sí). La movilidad de esta familia mapuche –como de tantas otras, y de otros pueblos indígenas– está largamente documentada en diferentes testimonios, documentos y publicaciones (Lenz 1897; Bello 2011). En definitiva, estas fuentes documentales dan cuenta, además, de la presencia mapuche anterior a la conformación del Estado, y de que la frontera entre ambos Estados no estaba consolidada, hecho que tendría lugar varias décadas después, entre 1930 y 1940, cuando la cordillera de los Andes comenzó a funcionar como "límite", tal como vienen señalando destacados estudios históricos (Bandieri 2005; Méndez 2005 y 2006). Los controles aduaneros fronterizos, que se impusieron con el nuevo modelo de desarrollo interno (de ambos países), terminaron, en dicha década, por desestructurar la naturaleza del mercado regional, estrechamente articulado con Chile desde cientos de años atrás –considerando la etapa indígena– (Bandieri 1993: 188).

Otro de los aspectos que trabajamos fue cómo, desde que registramos su presencia en la región, las familias que dieron origen a las comunidades mapuche de la zona han desarrollado la agricultura a pequeña escala, fundamentalmente, la siembra de cereales, frutales y hortalizas, que se destinan, en gran parte, al autoconsumo y al intercambio –excedentes de siembra de

16 El denominado "País de las Manzanas", liderado por Sayhueque, abarcaba –hasta el momento del avance militar por parte del Ejército argentino– el territorio delimitado por los ríos Collon-Cura y Limay, en el este; la cordillera de los Andes hasta el volcán Lanín, en el oeste; el río Malleo, en el norte, y el lago Nahuel Huapi, en el sur (Vezub 2006). Los diferentes caciques de la zona constituían parte de este sistema regional de jefaturas que lideraba Sayhueque, tal como puede verificarse en los mapas que se presentan más adelante.

diversas verduras y frutas–. También se dedicaban a la cría de ganado y la comercialización de diferentes productos derivados de estas actividades. Para reconstruir la importancia que adquirían estos recursos, los usos de diversos ámbitos del territorio comunitario y la vinculación con las poblaciones vecinas, recurrimos a los relatos de los miembros actuales de estas comunidades de mayor edad, y de los demás integrantes, en base al conocimiento que se va trasmitiendo en las mismas familias, entre integrantes y generaciones.

Paralelamente, estos datos coinciden con lo que se puede observar en documentos de diversas instituciones –principalmente, la Administración de Parques Nacionales, pero también, el juzgado de paz, municipios, diversas fuentes históricas, etc.–. A partir de estos testimonios y fuentes documentales, puede verificarse la continuidad, a lo largo del tiempo, del desarrollo de estas actividades y la relación con los organismos públicos –como el juzgado de paz–, quienes actuaban como autoridades de aplicación y regulación de las normas.

Los integrantes de estas comunidades –al igual que la mayor parte del pueblo mapuche de Norpatagonia–, pueden ser caracterizados desde tipologías campesinas ganaderas como "pequeños crianceros", quienes desarrollaban un manejo del ganado característico del tipo trashumante (Mandrini 1991; Mandrini & Ortelli 1992; Palermo 1986). A partir del trabajo de la unidad familiar –más específicamente, la "unidad doméstica"– se trasladaban los animales, según la época del año, del ámbito de la veranada a la invernada (y viceversa). Es decir, se recurría a planos altitudinales más altos en las montañas, con mejor oferta forrajera, en época estival. Las zonas de la invernada corresponden, en este caso, a las áreas cercanas a los lagos (Nahuel Huapi, otros; y también pasa lo mismo al sur del Parque Nacional Nahuel Huapi, en los lagos Mascardi, Gutiérrez, Guillermo, etc.), al lago Correntoso y otras zonas lindantes. La veranada se asienta por encima de las alturas (denominadas cotas), sobre los 1.000-1.100 metros sobre el nivel del mar, en los faldeos de los cerros (véase mapa nº 3 con relieve).

Desde el contacto mismo con los españoles (en el siglo XVI), está registrado el manejo trashumante de la ganadería por parte de los pueblos indígenas, con el uso de técnicas asociadas al manejo estacional de ganado, a pesar de que tales prácticas son más antiguas –y sobre las cuales existen múltiples evidencias, por medio del registro arqueológico–. A la vez, la especialización en la cría y circulación de ganado ovino, caprino, bovino y equino ha transformado profundamente la vida de los pueblos indígenas y forma parte central de su identidad, organización social e interacción entre los diferentes grupos indígenas y con la sociedad hispano-criolla en ambas vertientes de la cordillera de los Andes.

Uno de los aspectos que, precisamente, nos hemos dedicado a indagar en este tipo de pericias y presentar para los organismos correspondientes, es el origen, desarrollo y persistencia hasta la actualidad de la práctica tradicional de la denominada "trashumancia". En el mapa nº 3 (hemos omitido referencias particulares a la comunidad a la cual se refiere) presentamos las áreas de la invernada, que corresponden a la zona de pastoreo de los animales en el invierno (de allí su denominación de "invernada") en las zonas cercanas a la costa del lago.

La parte alta de los valles, de los cerros, muchas veces cerca de los ríos y arroyos que bajan de las montañas que desembocan en los lagos, constituyen las zonas altas para que el ganado se alimente en los meses de verano ("veranada"). Mientras los animales pastan allí, en los meses de octubre a marzo, las áreas cercanas al lago se reponen y se pueden regenerar, para poder proveer del alimento necesario para el invierno (de marzo-abril a septiembre-octubre).

El manejo trashumante de la ganadería representa una práctica tradicional del pueblo mapuche (al igual que de otros pueblos indígenas). Evidencia la continuidad histórica entre la práctica tradicional, que se retrotrae siglos atrás, con la que se desarrolló en las comunidades donde hemos efectuado estas pericias, hasta las décadas de 1960-1970, cuando esta actividad declinó como resultado de diferentes factores, como las migraciones, el cierre de muchos hoteles en zonas periurbanas, que eran administrados y pertenecían a la Administración de Parques Nacionales, etc., como veremos más adelante. Este es uno de los aspectos que nos hemos abocado a registrar, a través del trabajo de recuperación de la memoria con los miembros mayores de las comunidades y el mapeo en los territorios. Se efectuaron diferentes talleres, en los que fue muy importante el trabajo continuo de compartir mapas, fotografías antiguas e ir recuperando, a través de estos encuentros los testimonios de los mayores.

Mapa 3. *Mapa zonas cercanas al lago con alturas y zonas de pastoreo de animales en invierno (invernada) y verano (veranada)*. Elaboración propia a partir de Google Earth 2024.



Durante los años en que los *kuifikeche* (miembros mayores de la comunidad) actuales, que entrevistamos como parte de estos trabajos, eran menores o jóvenes (décadas de 1950-1960), vendían muchas de las producciones a las hosterías y hoteles cercanos al asentamiento familiar. Eran los proveedores fundamentales de este centro turístico: "[…] nos tocaba entre

nosotros llevar la leche y las verduras allá, al hotel. Toda la temporada. Todo lo que es temporada, nosotros laburamos ahí, en el hotel". [17]

Parte de la tarea de recuperación de estos testimonios que realizamos tuvo que ver con entrecruzar esta fuente de información oral con diferentes notas periodísticas, diarios y crónicas históricas locales, que han posibilitado reforzar y dar mayor legitimidad a estos testimonios. Una de las conclusiones fundamentales, por lo tanto, es enfatizar la importancia que han tenido las familias indígenas en el desarrollo de la región, a través del abastecimiento de diferentes productos "caseros" en estos establecimientos turísticos y, en particular, el aporte que han tenido en relación a la actividad turística, a partir de las diferentes elaboraciones que se consumían en el hotel. Como tantas veces ocurre, esto no queda claramente reflejado en las historias locales, en especial, lo presentado por las lecturas centradas en la élite, en los denominados "pioneros" de origen europeo, norteamericano o asiático, en los incipientes comerciantes y/o empresarios locales.

Otro aspecto que deseamos presentar es que en los testimonios de los miembros "mayores" *kuifikeche* se puede observar un profundo conocimiento sobre cada una de las áreas que conforman los territorios tradicionales. De esta manera, se fue reconstruyendo el uso de los territorios en las décadas de 1960-1970 y volcando estas memorias en mapas dinámicos que reflejan diferentes etapas. En estas representaciones del territorio, partimos de conceder al mismo un valor fundamental, tanto para la supervivencia y la reproducción física y material, como también social y cultural como grupo, estrechamente ligados a la historia ancestral de los antepasados, de los recorridos a lo largo de generaciones, así como a las vivencias cotidianas y los momentos memorables que atravesaron los integrantes cuyos miembros entrevistamos, o bien, "lo que contaron los mayores".

PALABRAS FINALES

Una de los interrogantes que plantean las formulaciones en torno a las pericias es sobre la forma de construcción de conocimiento conjunto con los propios sujetos con los que trabajamos y, a la vez, la necesidad de responder a un informe pericial (en muchos casos, con plazos muy acotados). A partir de la experiencia desarrollada con las comunidades, podemos señalar que el proceso de conocimiento es dialéctico, en la relación entre el investigador/a y los diferentes sujetos. En este sentido, debemos rescatar la importancia que tiene el trabajo etnográfico, ya que además es producto de un contexto compartido y de la elaboración del conocimiento en conjunto. Como señalamos en otra oportunidad, las labores de extensión, la investigación con transferencia, etc., nos abren caminos a través de nuevos interrogantes, que no surgen exclusivamente desde el investigador o la investigadora, sino a partir de la relación con los sujetos (Ruggiero et al. 2016).

17 En el lenguaje coloquial argentino, "laburar" significa "trabajar".

La experiencia aquí presentada pone en evidencia cómo estas fórmulas innovadoras posibilitan un aporte en conjunto, donde las transformaciones son continuas, la devolución de los resultados a las comunidades es un proceso de enriquecimiento compartido y, además, se promueve la transformación desde el diálogo permanente, como expresión y objetivo de la etnografía (Bartolomé 2004).

Una serie de reflexiones debemos adjuntar a continuación en relación a las pericias antropológicas y al uso de diversas fuentes documentales, como soporte de los testimonios y relatos orales. Esta búsqueda de fuentes secundarias conlleva una primera paradoja que debemos mencionar aquí. Es el hecho de asignar relevancia a los documentos como fuente "de verdad", con un destacado nivel de legitimidad si se comparan con los relatos orales. Pero a la vez nos vemos obligados a destacar la importancia que, desde ya, como antropólogos y antropólogas, asignamos a la técnica etnográfica, por ejemplo, las historias de vida propias de la antropología, como parte fundamental de este tipo de estudios.

En el caso de las pericias con comunidades mapuche en Norpatagonia, se trata del recuerdo que se retrotrae "a lo que contaban los mayores" a finales del siglo XIX, o incluso en el caso de Punta Querandí. Fue clave el "recuerdo de los mayores" en relación con las diferentes dinámicas de las que deseamos dar cuenta a través de este tipo específico de estudio. Sin embargo, también reforzamos la búsqueda y la importancia de los mismos documentos, que explicitaran la presencia de estas poblaciones y de determinadas características al momento de la conformación del Estado, o en diferentes etapas clave de la consolidación y las transformaciones que conlleva la consolidación del mismo. Y aquí se da una segunda paradoja que debemos mencionar: la presencia de dichos documentos se da, justamente, en función del despliegue de políticas del propio Estado-Nación, o unas décadas antes, en virtud de las intenciones de avanzar sobre estos territorios antes de la Conquista del "Desierto" de fines del siglo XIX.

Por eso, un momento clave es 1871-1872 con diferentes testimonios de población mapuche, pehuenche, huilliche o perteneciente a determinado linaje de un reconocido cacique de la zona. Otro momento central se dio en los años previos a la conformación de la Colonia Agrícola Pastoril Nahuel Huapi (1902), instancia nodal en la organización estatal regional. Finalmente, otro hito surgió con la conformación del Parque Nacional Nahuel Huapi, en 1934, que implicó grandes cambios en la zona. No deja de ser una situación por demás paradójica contar con documentos en función de un Estado en proceso de formación y que buscaba avanzar sobre estos territorios. En otras palabras, estos documentos dan cuenta del asentamiento y las características de estas poblaciones indígenas, pero también evidencian el proceso de transformación que ya estaban experimentando.

No obstante, y para finalizar esta reflexión entre la interrelación entre fuentes documentales y relatos orales, deseamos enfatizar la importancia del trabajo característico de la Antropología, pero acudiendo a recursos propios de otras disciplinas cercanas o subdisciplinas de la propia Antropología, como la denominada "Etnohistoria" o "Antropología Histórica."

Esto de ninguna manera invalida la importancia de la etnografía propia de nuestra disciplina. Todo lo contrario, las implicancias y la lógica específica de la pericia o el informe pericial refuerzan la importancia de la interrelación entre ambas fuentes y remarca estas paradojas como parte del desafío metodológico.

A modo de cierre, remarcamos que nuestra formación académica y experiencia en el trabajo conjunto con los pueblos indígenas nos obliga –e interpela– a redoblar nuestro compromiso, en colaboración con las organizaciones y comunidades de los pueblos indígenas, en pos de desmitificar prejuicios y falacias; asimismo, contribuir a elaborar su propia historia, hasta ahora negada y obliterada. Por ello, el desarrollo de trabajos como las pericias o informes periciales, con diversas metodologías innovadoras que implican un trabajo comprometido y crítico de la realidad, resulta un desafío fundamental. Máxime dado el creciente nivel de conflictividad y estigmatización hacia los pueblos indígenas, en general, y hacia el pueblo mapuche, en particular, que se vive desde 2017, como resultado del avance sobre los territorios de los pueblos indígenas. Por eso, destacamos la trascendencia que tiene este trabajo, articulado y colaborativo, con pueblos indígenas en contextos como el presente.

Received: May 23, 2023.
Approved: November 5, 2024.

Agradecimientos
Agradezco a los/as evaluadores/as anónimos cuyos comentarios enriquecieron la versión final del artículo. También, al área pericial del Instituto de Ciencias Antropologías, Facultad de Filosofía y Letras, Universidad de Buenos Aires, por el enriquecimiento de nuestra aproximación a esta temática.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

La irrupción del peritaje antropológico en el Tribunal Electoral del Poder Judicial de la Federación, México

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Resumen:

Más allá de una posición académica externa y lejana, la problemática planteada es: ¿qué sucede cuando un antropólogo pone su saber dentro de las estructuras y discursos legales circulados en los tribunales judiciales? El objetivo de este artículo es reflexionar, desde posturas antropológicas y jurídicas, sobre la incidencia del peritaje antropológico en el Tribunal Electoral del Poder Judicial de la Federación (TEPJF). El estudio de los tribunales judiciales constituye una perspectiva en ascenso dentro de la antropología jurídica. Historizamos la irrupción de los peritajes dentro de la justicia electoral. Después, analizamos etnográficamente las sentencias en el campo judicial electoral que involucran a pueblos y comunidades. indígenas y originarias, en relación con sus derechos político-electorales. Desde esta perspectiva, reflexionamos sobre un conjunto de criterios relevantes emitidos por las Salas Regionales del TEPJF, con el fin de analizar los alcances y límites de este medio de prueba.

Palabras clave: peritaje antropológico; justicia electoral; tribunales judiciales; antropología jurídica.

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The Emergence of Anthropological Expertise in the Electoral Court of the Federal Judiciary, Mexico

ABSTRACT:

Beyond an external and distant academic position, the question raised is: what happens when an anthropologist brings their knowledge into the legal structures and discourses circulated in the courts? The objective of this article is to reflect, from anthropological and legal perspectives, on the impact of anthropological expertise in the Federal Electoral Tribunal (TEPJF). The study of judicial courts is a growing field within legal anthropology. We historicize the emergence of expert testimony in electoral justice. We then ethnographically analyze judgments in the electoral judicial field involving indigenous and native peoples and communities in relation to their political and electoral rights. From this perspective, we reflect on a set of relevant criteria issued by the Regional Chambers of the TEPJF in order to analyze the scope and limits of this means of evidence.

Keywords: Anthropological Expertise; Electoral Justice; Judicial Courts; Anthropology of Law.

A irrupção da perícia antropológica no Tribunal Eleitoral do Poder Judiciário da Federação, México

Resumo:

Além de uma posição acadêmica externa e distante, a questão levantada é: o que acontece quando um antropólogo coloca seu conhecimento dentro das estruturas e discursos legais circulados nos tribunais judiciais? O objetivo deste artigo é refletir, a partir de perspectivas antropológicas e jurídicas, sobre a incidência da perícia antropológica no Tribunal Eleitoral do Poder Judiciário da Federação (TEPJF). O estudo dos tribunais judiciais constitui uma perspectiva em ascensão dentro da antropologia jurídica. Historizamos a irrupção das perícias na justiça eleitoral. Em seguida, analisamos etnograficamente as sentenças no campo judicial eleitoral que envolvem povos e comunidades indígenas e originárias, em relação aos seus direitos político-eleitorais. A partir dessa perspectiva, refletimos sobre um conjunto de critérios relevantes emitidos pelas Salas Regionais do TEPJF, com o objetivo de analisar o alcance e os limites desse meio de prova.

Palavras-chave: perícia antropológica; justiça eleitoral; tribunais judiciais; antropologia jurídica.

La irrupción del peritaje antropológico en el Tribunal Electoral del Poder Judicial de la Federación, México

Atzimba Xitlalic Alejos Arredondo; Fernando Vargas Olvera

INTRODUCCIÓN

> La justicia divina fue sustituida por la razón y así surgió la República y así nació una nueva divinidad: la diosa razón. De ahí que ricos y pobres se fueron olvidando de la diosa razón y se fueron fijando en el sabio, en el perito. La razón-divinidad se convirtió en un recuerdo de la historia, siendo sustituido por el culto de la ciencia. El nuevo dogma lo dio el sabio. El nuevo templo fue la universidad y el nuevo sacerdote se denominó perito.
> Carlos Franco Sodi 1951 (Escalante Betancourt 2021)

En su *Breve y Sumaria Historia del Peritaje Antropológico*, Yuri Escalante Betancourt (2021) retomó diversos fragmentos del abogado penalista Carlos Franco Sodi como parte de un conjunto de apologías a los peritos: aquellos nuevos *sacerdotes de la justicia* (Escalante Betancourt 2021: 7). De acuerdo con Escalante, los peritos son sujetos construidos dentro de procesos de especialización: "(...) el perito reemplaza al lego, al sentido común y al saber popular para convertirse en el experto calificado." (2021: 9). Las peritas y peritos son resultado de aquellos saberes locales que son objetivados desde una intermediación permitida por el Estado, cuando éste requiere de un mediador legitimado para *vernacularizar* los saberes locales a traducciones autorizadas.

En concordancia con el autor, también partimos de una postura en la que la perita y el perito en antropología constituyen una voz legitimada por el Estado; relación que apropiamos y tratamos en medio de tensiones y desde una mediana rebeldía. Los tribunales judiciales construyen al antropólogo como el sujeto de mediación, y de traducción legalizada de saberes que se encuentran al margen del conocimiento y *vinculatoriedad* de un proceso judicial. El Estado estratifica, como un acto mágico, el saber antropológico por encima del saber de los actores indígenas y originarios. Al tiempo que la antropóloga y él antropólogo buscan desmarcarse de tales estratificaciones y construir métodos colaborativos horizontales: "(...)

el perito antropólogo se encuentra atrapado entre someterse a la regulación y la norma o escaparse a la emancipación y la subversión. Entre atacar la *doxa* o predicar el pluralismo jurídico" (Escalante Betancourt 2021: 13).

Nuestra intención es adentrarnos en medio de un conjunto de posturas en tensión, a saber: 1) naturalizar a las peritas y los peritos como aquellos certificados para emitir un dictamen o peritaje ante el Estado; y 2) en los vínculos entre la abogacía y la antropología, donde también se ejerce una suerte de *encantamiento*: del antropólogo(a) a la práctica jurídica y del abogado(a) frente a las potencias y posibilidades de la reflexión antropológica. Asumimos una postura de *en medio*: desde un ejercicio autocrítico hacia nuestras formas de elaboración de peritajes antropológicos, y por las vinculaciones interdisciplinarias entre el derecho y la antropología, que representamos los autores de este texto. Atzimba Xitlalic Alejos Arredondo parte sus reflexiones y revisiones de sentencias desde el derecho electoral, la antropología jurídica, y por su trabajo en la representación jurídica de juicios que involucran pueblos indígenas y originarios, en la Defensoría Pública Electoral. Fernando Vargas enriquece las revisiones históricas y el análisis desde las perspectivas de la antropología jurídica, así como de su experiencia en la elaboración de dictámenes antropológicos presentados en los tribunales electorales como formas de acompañamiento político a los pueblos originarios de la Ciudad de México (CDMX).

El objetivo del artículo es realizar una revisión documental y de sentencias judiciales con el fin de analizar la variabilidad de formas en que el peritaje antropológico ha sido solicitado, usado e interpretado por la justicia electoral. En este sentido, el carácter de *irrupción* en el dictamen o peritaje lo entendemos en tanto ha formado parte de una etapa reciente de reconocimiento de los derechos indígenas y originarios en el campo electoral.

Para realizar esta revisión proponemos hacer un abordaje interdisciplinario. Desde la *postura jurídica*, construimos una revisión amplia sobre las relaciones entre el peritaje y la justicia electoral a partir de 1) la composición del Tribunal Electoral del Poder Judicial de la Federación; 2) lo que significa un criterio en la justicia electoral; y 3) cuáles de estos criterios han sostenido las Salas Regionales del Tribunal Electoral. Desde la *postura antropológica* buscamos historizar el peritaje antropológico y sus perspectivas de estudio e incidencia desde la antropología jurídica. Proponemos analizar la pluralidad de formas en que los tribunales han solicitado, usado e interpretado a los peritajes dentro del campo electoral. Finalmente, relacionamos metodológica y epistemológicamente el análisis de los criterios de solicitud, admisión e interpretación de los peritajes a partir de una etnografía del campo electoral y del estudio de los expedientes y las sentencias judiciales (Chenaut 1997; Barrera 2012; Bárcena Arévalo 2018; Vargas Olvera 2021).

ESTUDIO DE LOS PERITAJES DESDE LA ANTROPOLOGÍA JURÍDICA

En México, la producción pericial antropológica se encuentra ligada a los procesos de reconocimiento constitucional de los derechos de los pueblos indígenas. Raquel Yrigoyen

(2016) identificó tres momentos del constitucionalismo pluralista donde podemos enmarcar a México. Las reformas en materia de pueblos indígenas entran dentro en el segundo momento: el constitucionalismo pluricultural (1989-2005) (Yrigoyen Fajardo 2016: 173). De acuerdo con la autora, el constitucionalismo pluralista fue una fase de cuestionamiento en las concepciones colonialistas e indigenistas de los Estados republicanos, construidas desde el siglo XIX (Yrigoyen Fajardo 2016). Bajo este horizonte se desarrollaron las políticas de reconocimiento en México desde la ratificación del Convenio 169 de la Organización Internacional del Trabajo (OIT). En 1992, las reformas constitucionales reconocieron la composición pluricultural del país en el artículo 4º Constitucional. En el ámbito local, las reformas constitucionales en Oaxaca reconocieron y regularon la elección de autoridades municipales por usos y costumbres, incluso antes de la ratificación del Convenio 169 (Recondo 2007).

En las primeras etapas del reconocimiento constitucional, podemos identificar una primera generación de peritos antropólogos provenientes de diversas instituciones gubernamentales y académicas. Desde el Instituto Nacional Indigenista (INI) podemos identificar los primeros referentes de elaboración de peritajes antropológicos en la entonces llamada Subdirección de Antropología Jurídica, coordinada por Magdalena Gómez e integrada por Yuri Escalante, Francisco López y Héctor Ortiz. En esta época, las posiciones antropológicas sobre los peritajes se debatían entre una visión pluralista antropológica y los muros del formalismo jurídico, y el racismo judicial (Escalante Betancourt 2002; 2015). Basta recordar el artículo 49 bis del Código Federal de Procedimientos Penales de 1991 el cual establecía el concepto de *extremo atraso cultural*, como un atenuante para personas indígenas que enfrentan procesos judiciales en materia penal (Valladares de la Cruz 2012: 15).

Con la formación de la Red Latinoamericana de Antropología Jurídica (RELAJU), las y los antropólogos formados en las perspectivas de estudio de Rodolfo Stavenhagen fundaron otros frentes, de reflexión y formación de peritas y peritos antropólogos, a partir de la convocatoria al primer Diplomado sobre Peritaje Antropológico en 1998. El Colegio de Etnólogos y Antropólogos Sociales (CEAS) también empezó a convocar a Diplomados sobre peritajes antropológicos en el mismo año. Resultado de ello, el CEAS creó una Comisión de peritaje antropológico integrada por Guadalupe Escamilla, Francois Lartigue, Artemia Fabre, Elio Masferrer y Laura Valladares (Valladares de la Cruz 2012: 19). Para inicios del siglo XXI, la expansión del peritaje abarcó otras instituciones académicas y gubernamentales; por ejemplo, el primer curso sobre peritaje antropológico en la Universidad Autónoma de Quintana Roo, en 2001, y el Diplomado de Peritaje en Ciencias Antropológicas del Instituto Nacional de Antropología e Historia entre 2002 y 2022. (Santos Ortíz 2012: 59).

Derivado del levantamiento del Ejército Zapatista de Liberación Nacional y la firma de los Acuerdos de San Andrés Larrainzar, hubo un segundo momento de reconocimiento de derechos. En 2001, el Congreso de la Unión en México reconoció, en el artículo 2º de la Constitución Política de los Estados Unidos Mexicanos (CPEUM), el derecho de acceso a la justicia y a la

libre determinación, de los pueblos y comunidades indígenas, para elegir a sus autoridades municipales con base en sus usos y costumbres, entre otros derechos. Para esta época, el peritaje antropológico ya se había expandido entre las comunidades antropológicas mexicanas, principalmente entre aquellas especializadas en antropología jurídica. En ese entonces, los temas y perspectivas se habían desplazado de las concepciones sobre el indigenismo, el *problema indígena* y la relación tutelar del Estado, hacia las perspectivas de pluralismo jurídico; las críticas desde el colonialismo interno y los nuevos enfoques para la construcción del conocimiento pericial a partir de posturas de acompañamiento e investigación-acción (Loperena et al. 2018).

Situamos los inicios del peritaje antropológico electoral desde un tercer momento de reconocimiento: la reforma constitucional del 2011; las movilizaciones por el autogobierno desde la experiencia de Cherán, Michoacán; y la entrada de la *interculturalidad* al Tribunal Electoral del Poder Judicial de la Federación (en adelante, TEPJF). Desde 2011, los pueblos y comunidades indígenas empezaron a plantear sus demandas ante el TEPJF como una nueva vía de justiciabilidad, esto es, la aplicación efectiva de los derechos constitucionales para los pueblos indígenas, que no solamente eran demandados mediante la protesta y la movilización social, sino que entraron a una nueva etapa de *judicialización de la política* (Sieder, Schjolden y Angell 2011). Los pueblos indígenas empezaron a incursionar en el campo electoral a fin de solicitar el ejercicio de sus derechos de participación política, al no encontrar un pleno reconocimiento en las legislaciones estatales. Surgido en un contexto de globalización del derecho, el TEPJF se ha destacado por contar con criterios vanguardistas en materia indígena, en comparación con los otros tribunales del Poder Judicial de la Federación, incluyendo la Suprema Corte de Justicia de Nación (SCJN).

Desde la reforma constitucional de 2011, el conocimiento antropológico sobre los peritajes se ha consolidado como una subdisciplina de las mismas ciencias antropológicas. En el campo de la antropología jurídica, el tema del peritaje se ha desarrollado en tres grandes ejes. En el primer eje podemos situar los trabajos de reflexión respecto a las dificultades de los peritos antropólogos para generar información objetiva e imparcial dentro del trabajo etnográfico (Escalante Betancourt 2012; Villanueva 2012; Lachenal 2015). También identificamos posturas que ubican al peritaje como una herramienta que contribuye a la inclusión de la diferencia cultural en la norma jurídica dentro las decisiones de los órganos de justicia (Ortiz E. 2000).

En el segundo eje, delimitamos aquellos estudios centrados en la labor de los antropólogos y su contribución en la defensa de los derechos colectivos de los derechos colectivos e individuales indígenas, así como los primeros referentes periciales en procesos judiciales electorales. En medio del proceso judicial entablado por Cherán Michoacán, Orlando Aragón Andrade (2012) emitió una *Opinión sobre la viabilidad, legalidad y constitucionalidad para la elección por "usos y costumbres" de la comunidad purépecha de Cherán Michoacán*. Esta opinión fue un estudio histórico y etnográfico, que buscaba respaldar la existencia, y continuidad histórica, sobre los usos y costumbres, junto con el contexto partidista de la localidad, el debilitamiento de las instituciones comunales y una historización, sobre los inicios del movimiento y el emergente sistema de gobierno comunal.

En el caso de San Luis Acatlán, María Teresa Sierra y Erika Liliana López (2019; 2021) realizaron un peritaje antropológico solicitado por el Instituto Electoral de Guerrero, en el contexto de las impugnaciones electorales de San Luis Acatlán, y después, de Ayutla de los Libres, entre 2011 y 2013. Elisa Cruz Rueda y Natalie Long (2020) también han compartido sus experiencias sobre el peritaje del proceso judicial en el caso de Oxchuc, Chiapas. Las autoras del peritaje han puntualizado que el objetivo de las autoridades electorales consistió en verificar la existencia de una forma de organización comunitaria, pese a la intersección con el sistema de partidos políticos. También mencionamos la construcción de dictámenes relativos a los sistemas normativos electorales de los pueblos originarios de la Ciudad de México, en el marco del cumplimiento de la sentencia del proceso judicial de San Andrés Totoltepec, Tlalpan, en Ciudad de México (CDMX) (Vargas Olvera 2021).

En un tercer eje se encuentran las y los autores que cuestionan la figura del peritaje y del perito como formas y sujetos de negación a los saberes de los pueblos, que terminan por subordinar el derecho indígena a conocimientos autorizados del derecho estatal e internacional (Aragón y Bárcena Arévalo 2021; Escalante 2021). Orlando Aragón Andrade y Erika Bárcena Arévalo (2021) plantean un análisis entre la relación de la justicia estatal y las justicias indígenas que subyace a la perspectiva intercultural realizada por la Sala Superior. En su análisis observan una postura de negación por superioridad; una relación asimétrica permitida por los tribunales, al determinar a los antropólogos como las voces legítimas para explicar una complejidad sociocultural y normativa de los pueblos indígenas. Por su parte, Yuri Escalante (2021) aborda este problema y cuestiona el papel del perito en relación con la histórica construcción del conocimiento experto para la defensa de los pueblos indígenas, que va más allá del Estado mexicano contemporáneo e incluso del mismo antropólogo como perito.

El reconocimiento de la diferencia cultural y de los derechos dejan una agenda pendiente de reflexión y autocrítica para las y los antropólogos dedicados al peritaje. Principalmente en las tensiones de cuestionar la legitimidad de esta figura de *conocimiento experto*, al tiempo que se producen dictámenes y peritajes antropológicos. En este sentido, es necesario profundizar en las discusiones sobre las posturas éticas y políticas que subyacen a la producción pericial, donde existe una delgada línea que separa la ética y el posicionamiento político de las y los peritos, frente a los extractivismos cognitivos y a la suplantación de otras voces. Sin embargo, es importante reconocer y admitir que el peritaje, antropológico o cultural, se ha construido como parte de la disciplina antropológica, incluso como una vía de formación profesional. La formación profesional –e incluso la remuneración de los peritajes y dictámenes– no necesariamente desmerece las posturas, éticas y políticas, de acompañamiento e investigación-acción de aquellas antropólogas, y antropólogos, que incursionan profesionalmente en la elaboración de peritajes desde las ciencias antropológicas.

Otro frente de reflexión sobre los peritajes ocurre en el campo del derecho. Uno de los temas centrales de la discusión ha sido determinar si es necesario solicitar la realización de una pericial antropológica en todos los procedimientos, judiciales o no, que involucran a

justiciables culturalmente diferenciados. Existen posturas que defienden que el peritaje es necesario para la aplicación del principio de interculturalidad (Ruiz Molleda 2015), y también las que sostienen que exigir peritajes en cada proceso en el que participan grupos culturalmente diferenciados podría llegar a paralizarlos por la falta de medios y peritos (Korsbaek & Mercado 2015). Otras posiciones abordan el uso estratégico del peritaje antropológico como medio probatorio para disminuir las penas a los indígenas juzgados por delitos del orden federal (Guevara Gil 2015). También hay perspectivas sobre los peligros del peritaje y la esencialización cultural de los pueblos indígenas, como débiles e incluso jurídicamente incapaces que abonan a prejuicios e ideologías discriminatorias (Verona Badajoz 2015).

LA ESTRUCTURA DEL TRIBUNAL ELECTORAL Y LAS PROBLEMÁTICAS DE ANÁLISIS

El TEPJF está integrado por una Sala Superior y seis Salas Regionales, conformadas por siete y tres magistraturas respectivamente. La geografía electoral mexicana se conforma de cinco Circunscripciones Plurinominales, cada una con una Sala Regional que resuelve asuntos electorales que derivan de los estados que las integran. El estudio de los asuntos que llegan a este órgano jurisdiccional se realiza a través de *ponencias*, conformadas por distintos miembros del personal jurídico. El procedimiento para la recepción de los expedientes inicia en la Oficialía de Partes, área adscrita a la Secretaría General de Acuerdos, encargada de integrar los expedientes, realizar el turno[1] de manera aleatoria para ser remitido a la ponencia que le corresponderá el estudio del caso. Una vez que el expediente llega a las ponencias, los Secretarios de Estudio y Cuenta llevan a cabo el trámite legal para el estudio de los casos, y realizan distintos acuerdos, como radicación, requerimiento y cierre de instrucción.

Una característica de la labor del TEPJF es la resolución de asuntos de manera colegiada. Los Secretarios de Estudio y Cuenta proponen un dictamen; una vez aprobado el sentido del dictamen por la magistratura a cargo del asunto, realizan un proyecto de resolución que es circulado a las otras ponencias que integran el tribunal. La discusión de los asuntos se lleva a cabo en una sesión privada, para finalmente ser aprobados en las sesiones públicas que son desarrolladas en el salón del Pleno y transmitidas en vivo por las redes sociales institucionales.

Desde la aceptación del TEPJF para resolver asuntos vinculados con la elección de autoridades indígenas, en 1999, la tutela de los derechos político-electorales indígenas ha sido un tema recurrente en la justicia electoral. Derivado de la obligación de los juzgadores de tomar en cuenta el derecho indígena durante la resolución de los casos, la solicitud de peritajes culturales ha sido constante, para conocer la pluralidad de concepciones del mundo, saberes y rituales de los pueblos en su devenir histórico. En términos técnico-jurídicos esta expectativa de conocimiento se

1 El turno de los expedientes es la asignación de los casos que se lleva a cabo de forma aleatoria a las respectivas ponencias cuya finalidad es que el personal jurisdiccional estudie el asunto y realice un proyecto de sentencia.

denomina *juzgar con perspectiva intercultural*. El TEPJF ha reconocido, en distintas sentencias, el alcance del juzgamiento con perspectiva intercultural cuyo origen deviene de diversos juicios en Oaxaca, entidad federativa que elige representantes municipales en 421 municipios de los 570 que la conforman. A partir de esta perspectiva intercultural, que tomó relevancia después de la reforma constitucional de 2011, los pueblos indígenas y originarios de Ciudad de México, Hidalgo, Guerrero, Jalisco y Michoacán han acudido a la justicia electoral para judicializar sus reclamos de respeto de sus derechos de participación política, a través de la autonomía y libre determinación.

En la Sala Superior del TEPJF, la ponencia de la magistrada Janine Otálora Malassis ha cumplido un papel relevante en los casos que involucran pueblos y comunidades indígenas. En distintos precedentes de su ponencia observamos una tendencia hacia la garantía de los derechos de autonomía y libre determinación. En México, la materia electoral indígena ha cobrado tal relevancia que en el 2016 se creó la Defensoría Pública Electoral para Pueblos y Comunidades Indígenas. Esta institución, de la cual forma parte una de las autoras de este texto –como defensora pública–, tiene por objetivo el acompañamiento especializado en la defensa de los derechos político-electorales de los pueblos indígenas y originarios.

A partir de este sintético mapeo del TEPJF, problematizamos un conjunto de fenómenos que hemos identificado en el Tribunal Electoral, para acercarnos analíticamente al peritaje antropológico y en cómo ha incidido en la impartición de la justicia electoral. Formalmente, los criterios emitidos por la Sala Superior tendrían que ser plenamente reproducidos en las Salas Regionales. Contrario a lo que establece la normatividad estatal, advertimos que no sucede tal reproducción; tampoco existe uniformidad en la resolución de los casos, en su valoración y en las formas en que magistradas y magistrados de un pleno solicitan dictámenes o peritajes. Incluso, imperan discusiones sobre la función judicial frente a los asuntos que involucran pueblos y comunidades indígenas.

En la justicia electoral, la ambigüedad sobre la solicitud de peritajes es extensiva a otras particularidades del peritaje o dictamen. Por una parte, existe la diversificación de nomenclaturas para designar este saber experto: las solicitudes en las sentencias se refieren a *dictámenes, peritajes, estudios y diligencias*. Entretanto, las peritas y peritos emiten estos estudios desde metodologías similares a si se estuviera en materias penales o en otros campos judiciales de solicitud de peritajes antropológicos, como el amparo. Por otra parte, existe otra inestabilidad epistémica entre denominar el dictamen o peritaje *antropológico o cultural*, lo que condiciona las perspectivas y abordajes académicos para emitir el estudio de una manera u otra.

VESTIGIOS Y DICTÁMENES PERICIALES EN LAS CONSULTAS PARA EL CAMBIO DE SISTEMA EN LA ELECCIÓN MUNICIPAL

En este apartado analizamos un conjunto de procesos judiciales electorales donde los tribunales requirieron una forma específica de conocimiento experto, para entender la organización comunitaria: la solicitud de *dictámenes periciales*, en tanto *vestigios*. En el año 2011, integrantes de diversas comunidades indígenas de las regiones de la Montaña, Costa Chica,

Centro y Norte de Guerrero solicitaron al Instituto Electoral local la realización de consultas para la elección de las autoridades municipales, de conformidad con el sistema normativo indígena. Contraria al derecho a la autoadscripción, y reflejando una concepción altamente esencialista, la autoridad electoral requirió que las comunidades comprobaran la existencia de *vestigios* que documentaran la manera en que se ha regido la vida comunitaria, y que sus formas de organización hubieran permanecido intactas desde la colonización a la actualidad.

Posterior a la realización de asambleas, las comunidades solicitantes reunieron diversa documentación a fin de dar cumplimiento con lo requisitado por el Instituto Electoral. Mediante Acuerdo IEEG/CG/01/2012, la autoridad sostuvo que no se cumplían con los requisitos. Esta respuesta fue impugnada ante la Sala Superior del TEPJF. Derivado de la falta de una regulación legal para el proceso de consulta respecto al cambio de sistema de elección, en la sentencia SUP-JDC-1740/2012, la Sala Superior especificó el procedimiento, dividiéndolo en tres etapas entre las que se encuentra la verificación del sistema normativo a través *dictámenes periciales*:

1. Medidas preparatorias. La autoridad administrativa electoral deberá verificar y determinar, por todos los medios atinentes, la existencia histórica del sistema normativo interno. Para ello, el Instituto Electoral requiere allegarse de información objetiva e idónea, que le permita obtener información trascendental en torno a los usos y costumbres que rigen una comunidad, mediante *dictámenes periciales*, entrevistas con los habitantes, informes de autoridades tradicionales, entre otros.

2. Consulta. De arrojar resultados que permitan verificar la existencia de un sistema normativo, el Instituto Electoral procederá a realizar la consulta, a fin de determinar si la mayoría de la población está de acuerdo con elegir autoridades municipales por sus usos y costumbres.

3. Elección. En caso de que la mayoría de la población determine que están de acuerdo en celebrar elecciones bajo el sistema normativo interno, se determinará la fecha de la elección y toma de protesta de las autoridades municipales.

Esta sentencia ejemplifica un tipo de solicitud de dictamen cuyo objetivo es ser un instrumento que permita comprobar la existencia de un sistema normativo interno, entendido como *vestigio*. Esta solicitud evidencia una posición esencialista que no es justificante para determinar las medidas preparatorias para la realización de consultas; el uso del término vestigio deja entrever una interpretación prejuiciosa por parte de las autoridades electorales de las entidades federativas; por no decir, racista (Escalante Betancourt 2015). Cabe destacar que los tribunales electorales usualmente emiten otros criterios esencialistas de solicitudes; por ejemplo, para conocer la *existencia histórica de un sistema normativo*, entendiendo por ello una permanencia lineal y anacrónica de los sistemas normativos indígenas, como cristalizados en el tiempo.

Otro comportamiento de los tribunales consiste en salir de su ámbito de competencias y llegar a referir la utilización de distintos medios de obtención de información: peritajes, sí, pero

también entrevistas con habitantes e informes de autoridades. El personal jurisdiccional estima que su función radica en estudiar el contenido de las pruebas que se encuentran en el expediente. Sin embargo, hemos encontrado que este tipo de solicitudes manifiestan otros mecanismos para allegarse de información contextual lo que, a nuestro entender, excede las funciones y labores de los tribunales. Asimismo, consideramos que los tribunales y las autoridades electorales parten de entendimientos lineales y esencialistas al nombrar a los sistemas normativos vestigios o de cristalizarlos por su existencia histórica. Esta concepción perpetúa de forma anacrónica el derecho propio de los pueblos, más que en su definición y entendimiento, de adaptación y cambio.

Hasta este momento nos hemos referido a la solicitud de dictámenes en las sentencias, junto con su uso. Es decir, el para qué los tribunales solicitan un peritaje o un dictamen. Vamos a entender tal solicitud de periciales y sus usos como *criterios*. El concepto de *criterio* nos remite, en antropología, a dimensiones socioculturales definidas taxonómicamente, una visión ampliamente difundida en las etnografías derivadas del estructural-funcionalismo o el culturalismo más formal. En derecho, un criterio se refiere al pronunciamiento que realiza el TEPJF en un caso concreto, el cual marca el alcance de un derecho, o una ruta para la resolución de un caso cuya observancia es obligatoria para todos los tribunales electorales del país. En este sentido, los criterios son aquellas resoluciones de los tribunales electorales, emitidas en las sentencias, que permiten conocer las razones, contenidos y problemáticas que un tribunal fórmula para la perita o el perito en antropología.

Bajo esta comprensión, los criterios periciales anteriormente mencionados se han replicado en los casos de Ayutla de los Libres, Guerrero; Oxchuc, Sitalá y Chilón, Chiapas; Tecoanapa, Guerrero, así como Bolaños, Jalisco. Cabe destacar que los peritajes no siempre son solicitados por las Salas del TEPJF y tribunales locales; también los institutos electorales han solicitado esta prueba, tal como se ilustra en la tabla 1.

Tabla 1. Elaboración propia

Año	**Autoridad que solicitó el peritaje**	**Entidad federativa**	**Municipio**	**Acuerdo / sentencia**
2015	Instituto Electoral local	Guerrero	Ayutla de los Libres	ACUERDO 151/SE/27-05-2015
2017	Tribunal electoral local	Chiapas	Oxchuc	TEECH/JDC/19/2017 y sus acumulados
2018	Instituto Electoral local		Chilón	Acuerdo IEPC/CG-A-143/2018
			Sitalá	Acuerdo IEPC/CG-A-144/2018
2019	Sala Regional Ciudad de México	Guerrero	Tecoanapa	SCM-JDC-147/2019
2020	Instituto Electoral local	Jalisco	Bolaños	REV-005/2020

En la revisión documental de los expedientes mostrados en la tabla, así como por diversos acercamientos con actores clave, consideramos que existen dos formas o fines en los criterios de uso del peritaje, por parte de los tribunales, para la consulta sobre el cambio de sistema de elección:

1. *Para confirmar los resultados de la consulta*. Ocurrió en el caso de Ayutla de los Libres, Guerrero (SDF-JDC-295/2016 y acumulados), cuyo peritaje formó parte de la demanda de impugnación y la valoración probatoria efectuada por el TEPJF. El peritaje sirvió como medio para demostrar ante las magistraturas la relevancia de la convocatoria a las asambleas mediante el perifoneo, así como la identificación de los distintos pueblos indígenas que residen en el municipio.

2. *Como medio para justificar el retraso en el desarrollo de la consulta*. La materia electoral se caracteriza por regirse por los principios de definitividad, una vez que las etapas que conforman el proceso electoral adquieren firmeza, no es posible modificar las reglas de juego (Sentencia SUP-JDC-1740/2012).

En los municipios de Chilón y Sitalá, Chiapas, el criterio de solicitud del peritaje fue previo a la realización de una consulta. En este sentido, la solicitud de peritaje fue impugnada, con el argumento de que ordenar la realización de un *peritaje cultural*, previo a la realización de la consulta, atentaría contra los derechos de autonomía y libre determinación indígena. La Sala Xalapa del TEPJF resolvió las sentencias SX-JDC-952/2018 y SX-JDC-953/2018 y sostuvo que los estudios antropológicos abonan a su materialización de la consulta; y reiteró el criterio de la Sala Superior en el caso de San Luis Acatlán, Guerrero en el juicio ciudadano SUP-JDC-1740/2012.

Finalmente, observamos dos casos de excepción para la solicitud de peritajes en el desarrollo de una consulta:

1. *Cuando ya se encuentra comprobada la existencia de un sistema normativo interno mediante otro peritaje*. En San Luis Acatlán, Guerrero, y ante una nueva solicitud de consulta, se determinó que, derivado de que en 2015 se efectuará un peritaje cultural en cumplimiento a la sentencia SUP-JDC-1740/2012, el instituto electoral tuvo por cumplido el requisito (Plan de Trabajo: Proceso de consulta en el municipio de San Luis Acatlán, Guerrero)

2. *Cuando la creación de un municipio indígena deriva de un decreto legislativo*. En los casos de los municipios indígenas de reciente creación mediante Decreto Legislativo en el estado de Morelos como Coatetelco, Hueyapan, Xoxocotla y Tetelcingo, no fue necesario el desahogo de una consulta y, en consecuencia, la petición de un peritaje.

SOLICITUDES DE PERITAJES PARA EL CONOCIMIENTO DE SISTEMAS NORMATIVOS INTERNOS

En este apartado analizamos aquellos criterios de solicitud de periciales, relativos al conocimiento de sistemas normativos internos, en tres casos de Oaxaca. Nuestro enfoque de análisis es dar cuenta de la diversidad de formas en los criterios de solicitud de peritaje, frente a cómo son denominados por las instituciones emisoras.

Consulta por la aprobación del Reglamento de la Oficialía Electoral: La Sala Superior del TEPJF resolvió un asunto relativo a la aprobación del Reglamento de la Oficialía Electoral del Instituto Electoral de Oaxaca, quien emitió un *Reglamento de la Oficialía Electoral para el Régimen de Sistemas Normativos Internos*. Este acto fue impugnado por falta de consulta indígena. El asunto llegó a la Sala Superior (SUP-JDC-2010/2016), quien solicitó un peritaje al Centro de Investigaciones y Estudios Superiores en Antropología Social (CIESAS) de la Unidad Pacífico Sur, a fin de preguntar las implicaciones del Reglamento bajo las prácticas normativas de las comunidades indígenas en Oaxaca.

El documento emitido por el CIESAS fue nombrado en la sentencia como *dictamen de expertos*. Las conclusiones de la prueba estimaron que la creación de la Oficialía Electoral, para los sistemas normativos internos, debía someterse a un proceso de consulta. El dictamen sirvió de base para que la Sala Superior sostuviera que:

> (...) para las comunidades indígenas la certeza jurídica no proviene de la norma ni de la certificación escrita sino que existen otros procedimientos para dar validez a los actos jurídicos, que se relacionan con prácticas culturales de la vida pública comunitaria que no tienen necesariamente una expresión escrita (rituales, símbolos, lugares, palabras sagradas, exhortos, entre otras).

La Sala Superior concluyó que la participación de autoridades ajenas a las comunidades indígenas, aunque sea en su carácter de fedatarios, podría incidir en el desarrollo de las elecciones por sistema normativo indígena, por lo que resultaba necesaria la realización de una consulta indígena.

Santiago Matatlán, Oaxaca: En este juicio, la sentencia solicitó un *dictamen*, el cual requirió al CIESAS de la Unidad Pacifico Sur, con el fin de conocer el sistema normativo interno vigente en el municipio de Santiago Matatlán. La solicitud concreta era conocer cuál era la relación de la cabecera municipal con las agencias municipales y de policía, puesto que la controversia trataba sobre los alcances del derecho a la autonomía y libre determinación, de los pueblos y comunidades indígenas, a la luz de la universalidad del sufragio.

En el expediente SUP-REC-33/2017, la Sala Superior sostuvo que dicho dictamen resultaba necesario para conocer las especificidades culturales del derecho electoral indígena vigente en el municipio. El objetivo era conocer las razones por las cuales la cabecera municipal de Santiago Matatlán no permite el derecho al voto a la ciudadanía de la agencia de San Pablo Güilá, Oaxaca. En la sentencia, el tribunal sostuvo que el peritaje tenía un carácter orientador no vinculante que serviría para conocer el contexto político-electoral.

Para el TEPJF, este dictamen fue la base para argumentar que el sistema normativo de agencia de San Pablo Güilá, y de la cabecera municipal de Santiago Matatlán, eran distintas; es decir, que formaban parte de regímenes municipales diferenciados. En ese sentido, el reconocimiento de la universalidad del voto, sin garantizar que la persona electa tiene un vínculo con la comunidad indígena, resulta contraria con el derecho electoral indígena. La Sala Su-

perior sostuvo que la ciudadanía en el municipio de Santiago Matatlán se adquiere a través de la pertenencia a la comunidad política sobre la que sería electa la autoridad municipal.

San Juan Ozolotepec, Oaxaca: La Sala Superior resolvió este asunto en el recurso de reconsideración SUP-REC-61/2018. El TEPJF reconoció la validez del nombramiento de los integrantes del Consejo de Gobierno Tradicional de la cabecera de San Juan Ozolotepec. El conflicto político-electoral en el municipio de San Juan Ozolotepec derivó del resultado del proceso electivo de concejales del ayuntamiento para el período 2017-2019, mismo que quedó integrado por personas que pertenecen a las agencias y no a la cabecera, quedando sin representación comunitaria. Ante esta situación, los ciudadanos de la agencia municipal determinaron la conformación de un Consejo de Gobierno Tradicional, como órgano de representación, cuyos integrantes acordaron solicitar el ejercicio directo de los recursos que proporcionalmente le corresponde a la cabecera.

La finalidad de la conformación del Gobierno Tradicional de la cabecera de San Juan Ozolotepec fue la formación de un gobierno para solicitar la autonomía de la cabecera de las agencias municipales y con ello, la transferencia directa de los recursos proporcionales. Para lograr lo anterior, la estrategia política y legal estuvo conformada de la siguiente manera: a) impedir que el Ayuntamiento atendiera en el Palacio Municipal; b) solicitar el reconocimiento del Consejo por parte del Ayuntamiento y c) la transferencia directa de recursos. Se formularon las peticiones por escrito a la Secretaría de Finanzas de Oaxaca; al Gobernador, así como al Presidente Municipal de San Juan Ozolotepec. No obtuvieron una respuesta por parte de las referidas autoridades, situación por la que impugnaron ante el Tribunal Electoral del Estado de Oaxaca, quien determinó invalidar la asamblea de elección del Gobierno Tradicional, por falta de participación de la ciudadanía. Dicha resolución fue validada por la Sala Xalapa.

El Gobierno Tradicional acudió a la Sala Superior del TEPJF, que requirió un *dictamen* sobre los sistemas normativos de las comunidades de San Juan Ozolotepec, rendido por el CIESAS. El peritaje dio cuenta de la siguiente complejidad en la integración política municipal de Oaxaca:

- *Cabecera sin agencias*: municipios formados por una sola comunidad. Este modelo permite trazar una coincidencia o equivalencia entre la comunidad y el territorio municipal.

- *Cabecera y agencias integradas:* municipios formados por la cabecera municipal y al menos una comunidad que, por razones de identidad cultural, territorial e histórica, integran de manera colegiada el Ayuntamiento o participan en él, con independencia de que conserven sus propios órganos. Sin embargo, esta cuestión es gradual.

- *Cabecera y agencias separadas:* en otro grupo de municipios, cada comunidad elige a sus autoridades comunitarias; la elección del Ayuntamiento históricamente es una prerrogativa de la cabecera municipal.

La Sala Superior sostuvo que, más allá de la categoría administrativa, las comunidades indígenas de Oaxaca han conservado sus propios sistemas normativos. Sin embargo, una vez que inició el proceso de descentralización de recursos hacia los municipios, su distribución implica dinámicas de poder, "marcadas por el racismo, donde los habitantes de la cabecera se distinguen de los de las agencias, identificando a los primeros como superiores, en tanto los de las agencias se asumen como inferiores".

La Sala Superior declaró la vulneración del derecho a la libre determinación, al considerar que la conformación de un Consejo de Gobierno Tradicional responde a circunstancias extraordinarias y emergentes, que pretendían dar continuidad a la forma interna de organización. En la sentencia se advierte que el análisis contextual de la problemática post electoral resulta la base de la decisión. El caso de San Juan Ozolotepec es relevante para nuestra reflexión, ya que el peritaje permitió la formulación de los *regímenes municipales diferenciados*. Estos regímenes significan que, en un mismo municipio, pueden coexistir dos o más autoridades, con derechos, deberes y obligaciones recíprocos, con las mismas condiciones culturales de autonomía y autodeterminación.

LAS SALAS REGIONALES Y SUS *CRITERIOS* DE SOLICITUD, USO Y ADMISIÓN DE PERITAJES

En este apartado proponemos enfocar la mirada hacia las Salas Regionales para identificar las diferencias en cómo emiten sus criterios, más allá de los casos que resuelven. Haremos una revisión general de los criterios más relevantes de las Salas Regionales, en tres agrupaciones analíticas: 1) Salas Guadalajara, Monterrey y Toluca; 2) Sala Regional Ciudad de México y 3) Sala Regional Xalapa. También concretamos los fenómenos problematizados anteriormente, desde el análisis de la pluralidad de criterios sobre el peritaje, por parte de la Sala superior y en las Salas Regionales del TEPJF. Finalmente vamos a ampliar la comprensión sobre los criterios; no vamos a entenderlos en tanto solicitudes y sobre el sentido de su solicitud por los tribunales. También vamos a considerar aquellas manifestaciones de los tribunales, después de emitido el peritaje; específicamente en sí lo admiten, rechazan o parcialmente lo aceptan.

SALAS REGIONALES GUADALAJARA, MONTERREY Y XALAPA

Agrupamos las Salas Regionales de Guadalajara, Monterrey y Xalapa por ser las primeras tres circunscripciones plurinominales, y por tener una relación lejana con el peritaje. Pese a las peticiones de las partes, estas Salas se han mostrado renuentes en ordenar la realización de peritajes, con una mediana excepción de la Sala Xalapa, que se ha pronunciado a favor del peritaje como requisito para la consulta sobre el cambio de sistema de elección, aunque directamente no ha solicitado peritajes o dictámenes. En aquellos casos en los que dicha prueba existe, no ha sido por un criterio de las Salas, sino porque el peritaje ya se encuentra en el expediente, por una orden judicial de los tribunales locales.

A la *Sala Regional Guadalajara* le corresponde la Primera Circunscripción Plurinominal, que comprende a los estados de Baja California, Baja California Sur, Chihuahua, Durango, Jalisco, Nayarit, Sinaloa y Sonora. Hasta la fecha no se han dado casos en los que se ordene la realización de algún peritaje cultural. Dentro de esta circunscripción plurinominal, los casos de mayor judicialización corresponden a la elección de regidurías étnicas, en tanto existe un reconocimiento sobre la representación indígena en la legislación de Sonora.

Las poblaciones Wixárikas de Bolaños y Mezquitic, Jalisco, han acudido a los tribunales electorales a solicitar la garantía del derecho a la libre determinación y autonomía, frente a la administración directa de recursos; en la consulta para el cambio de sistema de elección y en la implementación de acciones afirmativas. Sin embargo, destaca la revisión de *estricto derecho* en los requisitos procesales y el estudio de las demandas; esta situación ha producido que difícilmente se dicten sentencias a favor de las colectividades originarias, salvo en los casos de las regidurías étnicas de Sonora, y la transferencia de recursos de manera directa a la comunidad indígena de San Sebastián Teponahuaxtlán.

En el caso de las regidurías étnicas en Sonora, la parte actora presentó un peritaje *cultural* realizado por el Instituto Nacional de Antropología e Historia (INAH) Sonora, titulado: *"Los Tohono O´odham, la gente del desierto: Un pueblo originario dividido por la frontera entre México y Estados Unidos amenazado por el plan de construir un muro fronterizo"*. Sin embargo, en la sentencia SG-JDC-160/2019 la Sala Guadalajara determinó que no procedía pronunciarse sobre la referida prueba, al no estar relacionada con el fondo del asunto porque no aportaba información sobre el proceso electivo controvertido. Este criterio fue revocado por la Sala Superior en el expediente SUP-REC-395/2019, en el que se ordenó la realización de otro peritaje; a diferencia de la Sala Regional, la Sala superior sí tomó en cuenta su contenido.

La *Sala Regional Monterrey* corresponde a la Segunda Circunscripción Plurinominal electoral y resuelve asuntos de los estados de Aguascalientes, Coahuila, Guanajuato, Nuevo León, Querétaro, San Luis Potosí, Tamaulipas y Zacatecas. En esta Sala, los casos de derecho electoral indígena se han centrado en controvertir la omisión legislativa de los congresos de los estados para reconocer los derechos políticos de los pueblos y comunidades indígenas.

El único asunto rastreado es un *peritaje etno-antropológico* relativo a la elección autoridades auxiliares, bajo los sistemas normativos indígenas de la comunidad otomí La Chalmita, Pedro Escobedo, Querétaro. El proceso judicial versó sobre la consulta para el cambio de método electivo de subdelegado municipal. La realización del peritaje derivó de una orden judicial emitida por el Tribunal Electoral local en el expediente TEEQ-JLD-82/2018 y su acumulado TEEQ-JLD-4/2019. Destacamos este asunto porque la Sala creó una figura de representación indígena denominada *representante ante los tres niveles de Gobierno*, que generó una gran problemática sobre su reconocimiento y alcances frente al Estado.

Finalmente, la *Sala Regional Xalapa* abarca la Tercera Circunscripción e incluye los estados de Campeche, Chiapas, Oaxaca, Tabasco, Quintana Roo, Veracruz y Yucatán, los cuales

integran el área geográfica del país que concentra el mayor número de pueblos y comunidades indígenas de México. Hasta la fecha no se ha ordenado la realización de peritajes culturales por parte de alguna de las magistraturas que la conforman. Como se señaló anteriormente, la Sala Xalapa se pronunció a favor del uso de los peritajes en los casos de consulta de Chilón y Sitalá, Chiapas. En otros asuntos, las partes solicitaron el peritaje y la Sala Regional ha determinado que *no es necesario al haber suficientes elementos para resolver.*

SALA REGIONAL CIUDAD DE MÉXICO

Tratamos a la Sala de Ciudad de México (en adelante, CDMX) de forma diferenciada, porque ha tenido un comportamiento muy específico respecto a los peritajes. Desde 2016, esta Sala ha sido pionera en la solicitud e impulso de realización de peritajes, en el tema del conocimiento de sistemas normativos de los pueblos indígenas y originarios. Sin embargo, en procesos judiciales sobre reconocimiento estatal y auto-adscripción, las solicitudes de peritajes y resoluciones más bien han sido ambiguas en su favor. Otra característica de los peritajes solicitados por esta Sala es que sus usos no sólo inciden en los tribunales; también sirven para las reivindicaciones políticas de pueblos originarios e indígenas. Los pueblos han participado activamente en las elaboraciones, sus resultados han sido dados a conocer en asambleas comunitarias, y estos documentos expertos han tenido gran valoración para las movilizaciones autonómicas.

La Sala Regional CDMX pertenece a la Cuarta Circunscripción Plurinominal y tiene competencia para resolver asuntos provenientes de los estados de Guerrero, Morelos, Puebla, Hidalgo, Tlaxcala y Ciudad de México. A partir de 2016 ha impulsado fuertemente la solicitud de peritajes para conocer el sistema normativo interno de las colectividades que se juzgan, principalmente para pueblos y barrios originarios de la CDMX. Sin embargo, esta Sala ha trabajado en otros dos temas, que también le otorgan su diferenciación de otras Salas Regionales: asuntos vinculados con elecciones en los municipios indígenas del estado de Morelos e implementación de acciones afirmativas.

Pueblos y barrios originarios de la CDMX. Respecto a los pueblos originarios de la Ciudad de México, los casos primigenios fueron San Andrés Totoltepec, Tlalpan (SDF-JDC-2165/2016) y San Andrés Mixquic, Tláhuac (SDF-JDC-2199/2016); ambos resueltos el 12 de enero de 2017. En ambos juicios, la Sala Regional ordenó la realización de una consulta a dichos pueblos originarios para la elección de su autoridad representativa. Los peritajes solicitados tuvieron como finalidad conocer la existencia de sistemas normativos internos, en los procesos electivos de las autoridades civiles locales de estos pueblos (subdelegado y coordinador territorial). El uso del peritaje era brindar conocimiento sobre estos métodos electivos y la determinación de qué autoridades eran consideradas tradicionales.

En ambos procesos judiciales, uno de los autores de este artículo pudo colaborar en la realización de ambos dictámenes, bajo la coordinación de Hilario Topete Lara, desde la Es-

cuela Nacional de Antropología e Historia (ENAH). Para el caso de Mixquic, el dictamen emitido fue presentado en asamblea comunitaria; sin embargo, el resultado de su consulta derivó en la ratificación del mismo candidato que había sido impugnado, debido al control ejercido en la asamblea por la delegación Tláhuac, y no por el pueblo. En el caso de San Andrés Totoltepec fueron elaborados tres dictámenes periciales. El primero, *Investigación sobre los antecedentes históricos y antropológicos respecto a la integración de las autoridades tradicionales en el Pueblo Originario de "San Andrés Totoltepec"*, elaborado por la Dirección de Organización Electoral y Geoestadística del Instituto Electoral de la Ciudad de México (IECM), mismo que fue declarado por la Sala Ciudad de México como insuficiente. El segundo *Dictamen cultural*, elaborado por la Dirección de Etnología y Antropología Social del INAH, mismo que fue valorado por la Sala con poco valor probatorio al haber sido presentado por la parte actora.

El tercer dictamen fue solicitado por la Delegación (ahora Alcaldía) Tlalpan, a la ENAH. La pericial se tituló *Dictamen antropológico sobre sistemas normativos (usos y costumbres) en San Andrés Totoltepec, Tlalpan*. Este dictamen tuvo dos momentos, debido a la exigencia de la Sala Regional por hacer un nuevo mandato a los peritos respecto a determinar qué autoridades eran tradicionales. Al respecto, los peritos se abstuvieron de realizar tal calificación, labor que realizó la misma Sala Regional una vez que dio vista de dicho dictamen al propio pueblo de Totoltepec. Ambos precedentes judiciales de la Sala Regional impactaron en la solicitud de peritajes, para los juicios de los pueblos y barrios originarios de Xochimilco, en la sentencia TEDF-JLDC-013/2017 y acumulados y SCM-JDC-69/2019 y acumulados.

Municipios indígenas del estado de Morelos: El estado de Morelos se caracteriza por contar con una alta conflictividad derivada de la elección de autoridades auxiliares y/o municipales, así como la implementación de acciones afirmativas, en ambos supuestos se ha ordenado la realización de peritajes. En diciembre de 2017 fueron publicados en el Periódico Oficial *Tierra y Libertad*, los Decretos mediante los cuales se crearon los municipios indígenas de Coatetelco, Hueyapan, Xoxocotla y Tetelcingo. Derivado de su proceso de creación, previsto en la Ley Orgánica Municipal, fueron instalados Concejos Municipales. A partir de entonces, surgieron diversas inconformidades respecto a la designación de sus integrantes; la relación de los integrantes del Concejo con las autoridades auxiliares; la determinación del método de elección de los Cabildos instalados en elecciones constitucionales, y la implementación de acciones afirmativas en tales municipios. Dichas inconformidades fueron controvertidas ante los tribunales electorales, incluyendo la Sala Ciudad de México.

En varios de los precedentes judiciales mencionados, la Sala CDMX instruyó al Tribunal Electoral local a recabar información para conocer el sistema normativo a través de diferentes medios, incluyendo el dictamen pericial, a efectos de *juzgar con perspectiva intercultural* los conflictos intercomunitarios. A continuación, identificamos las sentencias de las que se desprende la solicitud de peritajes en Morelos (tabla 2).

Tabla 2. Elaboración propia.

Municipio	Sentencia en la que se solicitó el peritaje	Cumplimiento a la sentencia	Controversia
Coatetelco	SCM-JE-91/2019 y acumulado	TEEM/ JDC/89/2019-2	Elección de autoridades auxiliares
Hueyapan	SCM-JDC-1240/2018 y SCM-JDC-1241/2018 acumulado	TEEM/JDC/433-2018-3	Conformación del Concejo Municipal Determinación de la estructura municipal de acuerdo con los usos y costumbres.
Xoxocotla	SCM-JDC-1064/2019	TEEM/ JDC/57/2019-3	

Retomamos el ejemplo de la sentencia SCM-JE-91/2019 y Acumulados, la Sala Ciudad de México, que ordenó al Tribunal Electoral local

> Realizar las diligencias y actuaciones necesarias para emitir una sentencia con perspectiva intercultural bajo el reconocimiento de la pluralidad normativa que rodea al conflicto, determinando el contenido del sistema normativo interno y los usos y costumbres de la comunidad de Coatetelco, Morelos, en torno a su organización política; especialmente, respecto a las atribuciones de su Asamblea Comunitaria de la colonia y la operación de la figura de Ayudante municipal.

En cumplimiento a lo anterior, dentro del expediente TEEM-JDC-89/2019-3, el Tribunal Electoral local ordenó la realización de un peritaje cultural al INAH Morelos.

Implementación de acciones afirmativas en Morelos: En 2018 se presentó una solicitud para que el registro de personas como candidatas para los cargos de diputaciones locales y regidurías en el proceso electoral local ordinario en Morelos, a través de la vía de postulación por *usos y costumbres*. Esta solicitud derivó en que, en 2020, el Consejo Estatal Electoral del Instituto Morelense de Procesos Electorales y Participación Ciudadana (en adelante, IMPEPAC) emitiera un conjunto de acciones afirmativas "(...) en materia de candidaturas indígenas, para el proceso electoral 2020-2021(...) se buscaba hacer efectivos los derechos de los pueblos indígenas con acciones afirmativas que permitan establecer una representación proporcional en los cargos de elección municipal" (Hernández Castillo et al. 2021: 11).

Respecto a este tema encontramos dos sentencias que sirven de base para la obligación de la implementación de las acciones afirmativas: a) SCM-JDC-403/2018, y b) SCM-JDC-88/2020 y acumulados. El 29 de junio de 2018, la Sala Regional Ciudad de México emitió la sentencia del juicio SCM-JDC-403/2018; en sus resolutivos, la sentencia vinculó al IMPEPAC para que antes del inicio del proceso electoral 2021 pudiera implementar acciones afirmativas en materia indígena, para el registro de candidaturas a diputaciones locales e integrantes de ayuntamientos. En cumplimiento a lo anterior, la autoridad administrativa electoral emitió el Acuerdo IMPEPAC/CEE/065/2020 mediante el cual aprobó acciones afirmativas en materia indígena tomando en consideración los datos de población que habla lengua indígena, y no así de la población que se autoadscribe como población indígena.

Tal acuerdo fue controvertido también por distintos actores. La Sala Regional Ciudad de México del TEPJF. La sentencia SCM-JDC-88/2020 y acumulados determinó, entre otras cuestiones, que el parámetro de población indígena (mayor de quince años) que habla alguna lengua indígena no es adecuado para tomar en consideración al momento de implementar las acciones afirmativas, dado que el criterio de autoadscripción es el parámetro para definir a todas aquellas personas que se identifican como indígenas.

Con lo anterior, la Sala Regional Ciudad de México del TEPJF revocó los acuerdos que regulan las acciones afirmativas para personas indígenas, y ordenó la emisión de nuevos acuerdos para su aplicación en el proceso electivo 2020-2021, en los cuales los municipios indígenas de Coatetelco, Hueyapan y Xoxocotla no debían ser incorporados; para determinar el número y porcentaje de población indígena se debía tomar en cuenta el criterio de autoadscripción, no sólo el porcentaje lingüístico, analizando parámetros porcentuales razonables y contextuales.

Actualmente no se han realizado dictámenes o peritajes antropológicos relativos a las acciones afirmativas. Sin embargo, el IMPEPAC solicitó al CIESAS-CDMX realizar un estudio sobre el contexto sociocultural de las poblaciones indígenas de Morelos. Dicha investigación, titulada *Estudio antropológico para la adecuación de los mecanismos de acción afirmativa en el estado de Morelos*, fue coordinada por Aida Hernández y Héctor Ortíz, con la colaboración de Yuri Escalante y Sofia Huerta (Hernández Castillo et al. 2021). El objetivo del estudio fue

> (...) evaluar el actual contexto sociocultural de las comunidades indígenas de Morelos, considerando las formas en las que ejercen su autodeterminación a través de sistemas normativos propios y las formas en las que se relacionan con las estructuras políticas del estado de Morelos, en particular con sus sistemas electorales. (Hernández Castillo et al. 2021: 3).

SALA REGIONAL TOLUCA

La Sala Regional Toluca es parte de la Quinta Circunscripción, que comprende los estados de Colima, Estado de México, Querétaro y Michoacán. Esta Sala ha resuelto importantes asuntos vinculados con la elección de la representación indígena ante el Ayuntamiento, así como sobre los derechos de libre determinación y autonomía; la elección de autoridades auxiliares municipales; cambio de sistema de elección de autoridades municipales y presupuesto directo. No obstante, la Sala Toluca no ha ordenado la realización de peritajes culturales, pese a que las partes han ofrecido y solicitado su realización. En estos supuestos, la Sala ha determinado que es innecesaria su realización, dado que en el expediente existen elementos probatorios suficientes, para comprender el contexto del asunto y, en consecuencia, para resolver los medios de impugnación.

A pesar de que no ha requerido peritajes, la Sala Regional Toluca ha analizado asuntos en los que fue solicitado un *dictamen antropológico* por el Tribunal Electoral del Estado de Michoacán, en el caso de Teremendo de los Reyes, Morelia. Este asunto versó sobre el derecho a la transferencia de recursos a la localidad, así como sobre el derecho a la elección, por sistema

normativo interno, del cargo administrativo de Teremendo, denominado Jefatura de Tenencia. La convocatoria emitida por el Ayuntamiento de Morelia señalaba un método contrario a los sistemas normativos de Teremendo. En un acuerdo plenario dentro del expediente de juicio TEEM-JDC-030/2019, el Tribunal electoral local ordenó un peritaje como *diligencia para mejor proveer*, y para determinar la existencia de la identidad indígena en dicha tenencia.

En principio, el peritaje fue solicitado al INAH, autoridad que respondió que no contaba con peritos antropólogos especializados en el tema. Posteriormente, el Tribunal Electoral local acudió a la Escuela Nacional de Estudios Superiores (ENES) Morelia - UNAM, institución que designó a los antropólogos Orlando Aragón Andrade y Luis Alejandro Pérez Ortiz para elaborar el *dictamen antropológico*. En la sentencia, el Tribunal electoral local le otorgó al peritaje un *valor probatorio de fuerte indicio en cuanto a la veracidad de su contenido, por ser una documental privada*. Además, el Tribunal Electoral local solicitó información al Instituto Nacional de Pueblos Indígenas en Michoacán y a la Comisión Especial Electoral Municipal del Ayuntamiento, con el objetivo de conocer si Teremendo de los Reyes estaba registrada como comunidad o pueblo indígena, y si se habían presentado solicitudes por escrito para realizar la elección bajo prácticas tradicionales de la Jefatura de Tenencia. Despues de recibidos los requerimientos, el Tribunal Electoral local se declaró incompetente para resolver en cuanto al tema de la administración directa de los recursos públicos puesto que, en su concepto, resultaba aplicable lo resuelto por la Segunda Sala de la Suprema Corte de Justicia de la Nación en el Amparo Directo 46/2018, en el que se sostuvo que ese tipo de controversias escapan del ámbito electoral.

En la controversia por el método de elección de la impugnación a la convocatoria, el Tribunal electoral local declaró fundado el agravio al considerar que la autoridad municipal le correspondía aportar los elementos para comprobar que en esa comunidad no se elige al Jefe de Tenencia de acuerdo al sistema de usos y costumbres; en consecuencia, dejó sin efecto la convocatoria. La determinación del Tribunal Electoral local fue controvertida y la Sala Toluca, en la sentencia ST-JDC-6/2020 y acumulados, determinó lo siguiente: Teremendo es una comunidad indígena purépecha; en consecuencia, tiene derecho a elegir a la jefatura de tenencia conforme a los sistemas normativos indígenas. Por tanto, el Tribunal responsable debió haberse pronunciado sobre el planteamiento formulado en torno a la administración directa de recursos por parte de la mencionada comunidad y, por tanto, declararse competente para ello. En consecuencia, confirmó la determinación del Tribunal local de dejar sin efectos la Convocatoria emitida por el Ayuntamiento, así como el correspondiente proceso electivo de la jefatura de tenencia. Asimismo, vinculó al mencionado órgano jurisdiccional a conocer lo concerniente a la administración directa de recursos que le corresponden a la comunidad de Teremendo de los Reyes.

CONSIDERACIONES FINALES

Las perspectivas antropológicas sobre los peritajes aún no logran coincidir, en metodologías uniformes de trabajo y en abordajes, frente a la pluralidad de materias jurídicas donde

incide este medio de prueba. Y menos aún en las consideraciones éticas y políticas respecto a cómo construir conocimiento pericial. En medio de dichas tensiones, queremos enmarcar un conjunto de reflexiones finales sobre los peritajes y las formas en que han sido solicitados, y usados, en la Justicia electoral. En términos históricos, afirmamos que el juicio de carácter intercultural –entre 2011 y 2016– detonó la solicitud de peritajes en la jurisdicción electoral. Queda por relacionar si esta expansión derivó de la reforma constitucional, o de las movilizaciones por el autogobierno; si ocurrió en forma de cascada (de la Sala Superior a sus Salas Regionales) o bien fue motivada por la formación de la Defensoría Pública Electoral para Pueblos y Comunidades Indígenas en 2016.

En términos de los criterios que emite el TEPJF, observamos que existen tres tipos: solicitud; uso o función y admisión. Específicamente, nos enfocamos en los criterios de solicitud porque no siguen una secuencia jerárquica de cascada (de la Sala Superior a las Salas Regionales). Más bien cada Sala tiene motivaciones propias para emitir –o no– criterios de solicitud de peritajes. Observamos que la Sala Superior promueve la solicitud y el uso de peritajes, mientras que algunas Salas Regionales no siguen esta línea, y más bien privilegian al juzgador, y al análisis de las normas del orden constitucional, y legal. Pese a ello, es posible advertir como común denominador, que el TEPJF considera o no criterios de solicitud en aquellos casos que involucran los derechos colectivos de los pueblos y comunidades indígenas. Es decir, los tribunales solicitan peritajes (criterio de solicitud) *para conocer* la pluralidad del derecho propio indígena y originario (criterio de uso) en impugnaciones de diverso tipo (consulta, procesos electivos, legislaciones, acciones afirmativas); cosa muy distinta a pensar que hay sólo una forma de solicitarlos a las instituciones académicas. Así pues, en los criterios de solicitud damos cuenta de la heterogeneidad del mismo TEPJF, también observada desde la pluralidad de motivaciones y usos para solicitar un peritaje.

Los criterios emitidos por la Sala Superior y por las Salas Regionales no coinciden entre sí, respecto a su denominación. *Peritaje, dictamen, estudio, vestigio y diligencia* son algunos nombres que hemos encontrado; más allá de usarse de forma sinónima, cada término ilustra cómo los tribunales están pensando y catalogando el conocimiento experto y, principalmente, cómo conciben el derecho de los pueblos indígenas y sus relaciones con la justicia electoral. En esta pluralidad de nomenclaturas, nos centramos en una ambigüedad para adjetivar estas formas de conocimiento experto: *culturales* o *antropológicas*.

En el análisis de los criterios de solicitud, uso y admisión observamos dos ambigüedades. La primera es en la nomenclatura de *estudio*, *dictamen o peritaje*. El término de estudio lo asociamos con una forma de conocimiento experto, que tuvo su incidencia más notable en la implementación de acciones afirmativas. En la ambigüedad de peritaje/dictamen apuntamos que no es exclusiva de los tribunales, sino que es correlativa a las instituciones académicas. En términos de su presentación ante los tribunales la ambigüedad es posible, porque se trata de documentos que no son expuestos en una audiencia oral, y no tienen un carácter coactivo

como las periciales en materia penal. Dicha ambigüedad resulta no tan importante, como sí lo es el proceso de elaboración del peritaje; el uso y la admisión que le den los tribunales electorales, así como el uso político y comunitario por parte de los pueblos y comunidades, indígenas y originarias.

En la segunda ambigüedad, me refiero a las formas de adjetivar al peritaje o dictamen como cultural y antropológico; y si esta ambivalencia condiciona los abordajes teóricos, epistémicos y metodológicos para construir el conocimiento experto. Hablar de un dictamen o peritaje *cultural* remite a reducir la complejidad de condiciones económicas, políticas y normativas propias, a las prácticas culturales y a dimensiones antropológicas culturalistas. A nuestro parecer, lo cultural como perspectiva teórica y epistémica puede ser un reduccionismo, que tiende a homogeneizar los fenómenos de pluralismo jurídico, inter-legalidad e hibridación de los órdenes del derecho que se articulan en la judicialización. El culturalismo, entonces, se convierte en una camisa de fuerza que subsume el derecho propio al patrimonio cultural, o a fenómenos etnográficos que no tienen una vinculación con las dimensiones políticas, y normativas, de los pueblos indígenas y originarios.

En este sentido, nos decantamos por hablar de lo *antropológico,* en el peritaje o dictamen que se emite para la justicia electoral. Lo antropológico nos permite salirnos del meollo culturalista y ampliar las miradas a la antropología jurídica, del Estado, e incluso a otras ciencias sociales donde podemos construir interdisciplina en el conocimiento experto. Nos permite navegar sobre diversas metodologías de recolección de información y nos lleva a abordar la ética del peritaje de forma más cercana, al poder establecer vínculos colaborativos en la construcción del conocimiento pericial. Esta diferenciación, aclaramos, no busca desmerecer la labor pericial de quienes optan por lo cultural.

Consideramos importante establecer diferenciaciones, potencialidades y límites de cada abordaje, más allá de considerar lo cultural o lo antropológico como sinónimos. Las ambigüedades del peritaje o dictamen son ejemplos de la heterogeneidad al interior del TEPJF. Estas ambivalencias constituyen posturas que, por el momento, son productivas y se mantienen en una mediana posición garantista; pero, en un futuro, el TEPJF podría cambiar e implementar un formalismo respecto de los temas de derechos indígenas.

Received: May 15, 2024.
Approved: October 20, 2024.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de referencias bibliográficas y los datos de sentencias judiciales y estudios periciales que apoyan los resultados de este texto han sido publicados en el mismo artículo.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

El peritaje antropológico para la garantía de la jurisdicción indígena, el caso de San Cristóbal Suchixtlahuaca, Oaxaca, México

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Resumen:

En 2015 autoridades civiles y agrarias de San Cristóbal Suchixtlahuaca sancionaron de acuerdo a sus "usos y costumbres" a los dueños de un hato caprino que, de manera reiterada se encontraban causando daños en una zona de reforestación. En respuesta a la sanción, el matrimonio dueño del ganado denunció ante el ministerio público a las autoridades municipales de San Cristóbal Suchixtlahuaca por "abuso de autoridad" y "abigeato", toda vez que les habían sido retenidas 104 cabezas de ganado caprino. Ante los hechos, el MP y la Fiscalía del estado de Oaxaca abrieron una carpeta de investigación. Por su parte, las Autoridades municipales de Suchixtlahuaca recurrieron a la Sala indígena y Quinta Sala Penal del Tribunal Superior de Justicia de Oaxaca a fin de que ésta pudiera conocer el caso. Así comenzó el Juicio de Derecho Indígena para cuya resolución, el Magistrado Presidente solicitó la realización de un peritaje antropológico afín de determinar si en el municipio de San Cristóbal Suchixtlahuaca existía un sistema de justicia indígena vigente y con potestad para resolver asuntos de su comunidad; ello a fin de descartar la posibilidad de que la retención del ganado fuera producto de una decisión arbitraria o espontánea.

El presente artículo comparte mi experiencia como antropóloga dentro del equipo jurídico-antropológico responsable de la realización de la prueba pericial, la cual estuvo bajo la dirección del Dr. Juan Carlos Martínez Martínez profesor-investigador de Centro de Investigaciones en Estudios Superiores en Antropología Social en su sede Pacífico Sur (Oaxaca). Dicho peritaje fue realizado a partir de una investigación etnográfica e histórica archivo municipal y agrario, así como entrevistas individuales y grupos focales con ciudadanos, autoridades y ex-autoridades comunitarias como con la propia ciudadanía del pueblo de Suchixtlahuaca, con quienes se fue recabando las experiencias en resolución de conflictos y en casos similares al juzgado.

Palabras clave: jurisdicción indígena; Sala de Justicia Indígena; peritaje antropológico; pluralismo jurídico; palimpsesto normativo.

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e01011
https://doi.org/10.1590/1809-4341.2025v22e01011

The Anthropological Expertise for the Guarantee of Indigenous Jurisdicción, the Case of San Cristóbal Suchixtlahuaca, Oaxaca, Mexico

Abstract:

In 2015 civil and agrarian authorities of San Cristóbal Suchixtlahuaca sanctioned according to their "customs and customs" the owners of a goat herd that repeatedly found themselves causing damage in a reforestation area. In response to the sanction, the couple who owned the cattle complained to the public prosecutor's office to the authorities of San Cristóbal Suchixtlahuaca for "abuse of authority" and "abigeato", since 104 head of goats had been withheld from them. Faced with the facts, the MP and the Oaxaca State Prosecutor's Office opened an investigation folder. For their part, the authorities of the Suchixtlahuaca community appealed to the Indigenous Justice Chamber so that it could hear the case. Thus began the Indigenous Law Trial for which the Judge of the Indigenous Chamber requested the completion of an anthropological expert examination related to determining whether there was an indigenous justice system in force in the community of San Cristóbal Suchixtlahuaca and with the power to resolve issues of his community; this in order to rule out the possibility that the sanction was the result of an arbitrary or spontaneous decision.

This article shares my experience as an anthropologist within the legal-anthropological team responsible for conducting the expert examination, which was under the direction of Dr. Juan Carlos Martínez Martínez, professor-researcher at the Center for Research in Higher Studies in Social Anthropology at its headquarters South Pacific (Oaxaca). This expert examination was carried out based on an ethnographic and historical research municipal and agrarian archive, as well as individual interviews and focus groups with citizens, authorities and former community authorities as with the citizens of the town of Suchixtlahuaca, with whom the experiences in conflict resolution and in cases similar to the court were collected.

Keywords: Indigenous Jurisdiction; Indigenous Chamber of Justice; Anthropological Expertise; Legal Pluralism; Normative Palimpsest.

A perícia antropológica para a garantia da jurisdição indígena, o caso de San Cristóbal Suchixtlahuaca, Oaxaca, México

Resumo:

Em 2015 as autoridades civis e Agrárias de San Cristóbal Suchixtlahuaca sancionaram de acordo com seus "costumes e costumes" os proprietários de um rebanho caprino que repetidamente se viu causando danos em uma área de reflorestamento. Em resposta à sanção, o casal dono do gado reclamou ao Ministério Público às autoridades de San Cristóbal Suchixtlahuaca por "abuso de autoridade" e "abigeato", uma vez que 104 cabeças de cabras lhes haviam sido retidas. Diante dos fatos, O MP e o Ministério Público do Estado de Oaxaca abriram uma pasta de investigação. Por sua vez, as autoridades da comunidade Suchixtlahuaca recorreram à Câmara de Justiça indígena para que esta pudesse ouvir o caso. Iniciou-se, assim, o julgamento do Direito indígena para o qual o juiz da Câmara indígena solicitou a realização de perícia antropológica relacionada à apuração da existência de um sistema de Justiça indígena vigente na comunidade de San Cristóbal Suchixtlahuaca e com poder de resolução de questões de sua comunidade; isto com o intuito de afastar a possibilidade de que a sanção fosse resultado de decisão arbitrária ou espontânea.
Este artigo compartilha minha experiência como Antropóloga dentro da equipe jurídico-antropológica responsável pela realização do exame pericial, que estava sob a direção do Dr. Juan Carlos Martínez Martínez, professor-pesquisador do centro de pesquisa em Estudos Superiores em Antropologia Social em sua sede Pacifico Soul (Oaxaca). Este exame pericial foi realizado com base em uma pesquisa etnográfica e histórica Arquivo municipal e Agrário, bem como entrevistas individuais e grupos focais com cidadãos, autoridades e ex-autoridades comunitárias como com os cidadãos da cidade de Suchixtlahuaca, com quem foram coletadas as experiências na resolução de conflitos e em casos semelhantes ao tribunal.

Palavras-chave: Jurisdição Indígena; Sala de Justiça Indígena; Perícia Antropológica; Pluralismo Jurídico; Palimpsesto Normativo.

El peritaje antropológico para la garantía de la jurisdicción indígena, el caso de San Cristóbal Suchixtlahuaca, Oaxaca, México

Indira Velasco Viloria

INTRODUCCIÓN

En México, Oaxaca es una de las entidades federativas con mayor presencia de personas, comunidades y pueblos indígenas. En ella se encuentrasn asentados los siguientes pueblos indígenas: Amuzgo, Cuicateco, Chatino, Chinanteco, Chontal, Huave, Ixcateco, Mazateco, Mixe, Mixteco, Náhuatl, Tacuate, Triqui, Zapoteco, Zoque y Chocholteco, así como un pueblo afromexicano. Es decir, dieciséis de los sesenta y ocho pueblos indígenas reconocidos por el Estado mexicano.

Desde la década de 1990, la Constitución Política del Estado Libre y Soberano de Oaxaca (CPELSO) ha reconocido la validez jurídica de los "usos y costumbres" a través de los cuales estos pueblos indígenas regulan su convivencia y resuelven sus conflictos. Asimismo, como una ley reglamentaria de su artículo 16º, Oaxaca cuenta con una Ley de los Derechos de los Pueblos y Comunidades Indígenas del Estado de Oaxaca (LDPCIEO) la cual refiere, en su capítulo V, que:

> El Estado de Oaxaca reconoce la existencia de sistemas normativos internos de los pueblos y comunidades indígenas con características propias y específicas en cada pueblos, comunidad y municipio del Estado, basados en sus tradiciones ancestrales y que se han transmitido oralmente por generaciones, enriqueciéndose y adaptándose con el paso del tiempo a diversas circunstancias. Por lo tanto en el Estado dichos sistemas se consideran actualmente vigentes y en uso.

Aunado a ello, para garantizar los derechos de las personas, comunidades y pueblos indígenas, en esta esta Ley reglamentaria estableció que, en todo juicio penal, civil, agrario, administrativo u otro, las autoridades jurisdiccionales y administrativas tendrían que tomar en cuenta las prácticas, tradiciones y costumbres de las personas implicadas en dichos proceso (Art. 32º, Capítulo V, de la LDPCIEO, 1998). Por lo tanto, en aquellos casos judiciales en los que personas, comunidades o pueblos indígenas fueran parte tendría que abrirse de oficio

una segunda instancia para verificar que tanto los derechos individuales y colectivos, fueran reconocidos y respetados.

Si con este entramado legal, desde la década de los años 1990, Oaxaca se colocaba a la vanguardia del reconocimiento de los derechos de los pueblos y comunidades indígenas, en la práctica, la relación entre las instituciones de justicia ordinaria del Estado mexicano y los sistemas de justicia indígena continuaría siendo de jerarquía y dominación, generando incluso que muchas de las sanciones emitidas por las autoridades indígenas fueran denunciadas como "abusos de autoridad", provocándose con ello un descrédito de los sistemas de justicia de las comunidades.

Al respecto, sería sólo hasta el 31 de diciembre de 2015 cuando en Oaxaca, el respeto por la jurisdicción indígena y la garantía del pluralismo jurídico en las instituciones de procuración de justicia comenzaría a materializarse. Y es que, derivado de una reforma a la ley orgánica del poder judicial, se pudo conformar por primera vez una Sala de Justicia Indígena[1], órgano jurisdiccional en esta entidad federativa destinado a partir de entonces a conocer y garantizar los derechos de las personas indígenas, así como la jurisdicción de los pueblos y comunidades indígenas de Oaxaca; siendo el de San Cristóbal Suchixtlahuaca uno de los primeros casos que este órgano conocería.



Mapa 1. *Ubicación del municipio de San Cristóbal Suchixtlahuaca en el estado de Oaxaca, México*. Fuente INEGI, elaboración propia.

1 Mediante el decreto nº 1367 –aprobado el 03.12.2015 y publicado el 31.12.2015 en el Periódico Oficial del Estado de Oaxaca– se reformó el Artículo 23º de la Ley Orgánica del Poder Judicial de Oaxaca, para adicionar la Fracción V y crear la Sala de Justicia Indígena, con facultades para garantizar y conocer los derechos, de los pueblos y comunidades indígenas, y su jurisdicción.

EL MUNICIPIO DE SAN CRISTÓBAL SUCHIXTLAHUACA

A noventa minutos de Oaxaca de Juárez, ciudad capital del estado, se encuentra San Cristóbal Suchixtlahuaca, un asentamiento poblacional que forma parte de la región geográfica conocida como mixteca alta, zona integrada por los distritos de Coixtlahuaca, Teposcolula, Tlaxiaco y Nochixtlán; área en la que se asientan pueblos y comunidades indígenas *Runixa Ngiigua* (chocholtecos) y Ñuu Savi (mixtecas) (Mapa 1).

En esta población, en 2015, autoridades civiles y agrarias sancionaron de acuerdo a sus *"usos y costumbres"* a los dueños de un hato caprino que, de manera reiterada, se encontraban causando daños en una zona destianda a la reforestación. Sin embargo, en respuesta a esta sanción, el matrimonio dueño del ganado decidio denunciar ante el Ministerio Público a las autoridades municipales por "abuso de autoridad" y "abigeato", toda vez que les habían sido retenidas 104 cabezas de ganado caprino. Ante los hechos, el Ministerio Público y la Fiscalía del Estado de Oaxaca abrieron una carpeta de investigación en contra de las autoridades de Suchixtlahuaca.

No obstante, dado que en la denuncia penal estaban implicadas autoridades *auto adscritas* como indígenas, el caso de Suchixtlahuaca fue atraído, en 2016, por la Sala de Justicia Indígena, cuyo Magistrado solicita de oficio el desahogo de la prueba pericial antropológica, a fin de que ésta pudiera determinar si en ese municipio existía un sistema de justicia indígena vigente, con potestad para resolver asuntos internos; todo ello a fin de descartar la posibilidad de que la sanción fuera producto de una decisión arbitraria o espontánea.

Dicho peritaje fue solicitado al Centro de Investigaciones y Estudios Superiores en Antropología Social, en su sede Pacífico Sur, que a través del grupo de trabajo PLURAL conformó un equipo jurídico-antropológico encargado de realizar una investigación de corte etnográfico e histórico, cuyo equipo interdisiciplinar pronto se traladó hacia la comunidad para desarrollar una serie de entrevistas individuales y de grupos focales con autoridades –y ex autoridades– civiles y agrarias de Suchixtlahuaca, pero también con población en general. A través de todos estos procedimientos se fue recabando y sistematizando información para la reconstrucción de los procesos de resolución de conflictos e impartición de justicia; destacándose de esta investigación la información obtenida a través de la revisión del archivo municipal y agrario de Suchixtlahuaca, así como los recorridos en el territorio de San Cristóbal. Al respecto, dados los tiempos judiciales, la sistematización de la información para la redacción de la prueba pericial se realizó en un tiempo récord, entregándose la misma el 24 de junio de 2016.

CIUDADANOS Y JURISDICCIONES EN DISPUTA

Antes de comenzar con el análisis de los resultados que arrojó el peritaje, quisiera destacar las particularidades del caso de Suchixtlahuaca. Y es que, a diferencia de otros procesos judi-

ciales donde el acusado o bien es indígena, y su derecho a la traducción[2] está comprometido por el actuar de los sistemas ordinarios de justicia, o donde alguna de las partes no pertenece a la comunidad indígena y por lo tanto existe una divergencia en la interpretación judicial, en el caso de Suchixtlahuaca ambas partes, "víctima e imputados", eran miembros de la misma comunidad indígena. Es decir, el matrimonio dueño del ganado estaba conformado por una mujer y un hombre, originarios y habitantes de San Cristóbal Suchixtlahuaca.

No obstante su origen y vecindad, este matrimonio no comulgaba con los ordenamientos emanados de la comunidad chocholteca (*runixa ngiigua)* de origen y radicación. Por ello, tras serle aplicada la retención del ganado, la sanción fue interpretada por el matrimonio dueño de los animales como un delito de abigeato, por lo que pronto se presentaron ante la Fiscalía del Estado de Oaxaca, a fin de que esta autoridad ordinaria observara los hechos desde la perspectiva de la justicia del Estado mexicano, desconociendo así la jurisdicción indígena de las autoridades comunitarias.

Por otro lado, si bien las autoridades comunitarias de Suchixtlahuaca fueron demandadas ante el Ministerio Publico y la Fiscalía del Estado de Oaxaca por la actuación que tuvieron como autoridades municipales y como Comisariado de Bienes Comunales, también es cierto que la sanción impuesta al matrimonio dueño del ganado caprino, efectivamente no estaba apegada a leyes ordinarias o al código penal aplicable (Ley Orgánica Municipal del Estado de Oaxaca, Ley Agraria, entre otros). Su actuación, y la sanción impuesta provenían de principios, valores y mecanismos propios de la justicia indígena de Suchixtlahuaca.

Por lo tanto la comunidad chocholteca de Suchixtlahuaca, si bien en su carácter de autoridades municipales estaban facultados para cierto tipo de justicia, el contenido y los significados de ésta venían de otra lógica, de otra fuente del derecho; situación que fue desconocida tanto por el Ministerio Público como por la Fiscalía del Estado.

A partir de la descripción de los hechos, podemos observar dos situaciones: por lun lado, la heterogeneidad de sujetos y actores al interior de las comunidades indígenas. Y por otro lado, la coexistencia y superposición de al menos dos conceptos de justicia y de ciudadanía. Es decir, por una parte, la ciudadanía ordinaria del Estado mexicano –devenida de habitar en algunos de los 1,964,375 kilómetros cuadrados que conforman el territorio de México y cuyos elementos de pertenencia son relativamente homogéneos de a lo largo y ancho del

2 "Artículo 32.- A fin de garantizar el efectivo acceso de los pueblos y comunidades indígenas a la jurisdicción del estado, en los procesos penales, civiles, agrarios, administrativos o cualquier otro procesamiento que se desarrolle en forma de juicio, que sea competencia de las autoridades del Estado y en que intervenga un miembro de algún pueblo indígena que ignore el español, éste contará con un traductor bilingüe, ya sea oficial o particular. Los jueces, procuradores y demás autoridades administrativas que conozcan del asunto, bajo su responsabilidad, se asegurará del cumplimiento de esta disposición. En todas las etapas procesales y al dictar resolución, los jueces, procuradores y demás autoridades administrativas que conozcan del asunto, deberán tomar en consideración la condición, prácticas, tradiciones y costumbres del o de los miembros de los pueblos y comunidades indígenas" (Ley de los Derechos de los Pueblos y Comunidades indígenas del Estado de Oaxaca, Capítulo V, Sistemas Normativos Internos, 1998).

país–; y por otra, la ciudadanía "indígena"[3] o propiamente "comunitaria", que es ejercida al interior de cada una de las diferentes comunidades indígenas que existen en Oaxaca, la cual está dotada de valores y parámetros específicos en cada comunidad, la cual causa jurisdicción.

Asimismo, podemos observar la coexistencia de la justicia ordinaria –que en el nivel municipal opera bajo las figuras de la sindicatura– y el sistema justicia indígena que, con reconocimiento jurídico o sin él ha existido de manera fáctica al interior de cada comunidad indígena. Por lo tanto, en el caso de Suchixtlahuaca nos encontramos ante un paisaje propio del *pluralismo jurídico*, entendido como la multiplicidad de prácticas normativas que existen en un mismo espacio sociopolítico, las cuales generan diferentes sujetos de derechos que, reconocidos de manera oficial o no, reclaman las condiciones y los recursos necesarios para satisfacer necesidades, materiales y culturales, como población (Wolkmer 2003: 5).

Nos encontramos ante una situación propia de un *palimpsesto normativo,* es decir, el resultado de la superposición de leyes, principios ideológicos, prácticas sociales y culturales que justifican, encauzan o guían comportamientos y acciones de una comunidad (Torres Mazuera 2016: 15) Pero ¿cómo se genera este palimpsesto normativo y qué repercusión tiene para la jurisdicción indígena, y en la impartición de justicia en Oaxaca?

COMUNIDADES-MUNICIPIO, UN PALIMPSESTO NORMATIVO

A diferencia de otras entidades federativas con presencia de pueblos indígenas, en Oaxaca la población indígena se encuentra históricamente organizada en comunidades, es decir, en asentamientos humanos en un territorio específico, los cuales comparten una forma de organización social, un historia y ancestralidad común, contando además con un sistema de autoridad y de normas que regulan su interacción social (IEEPCO 2013: 34).

Así a lo largo de la historia de la conformación político-administrativa del estado de Oaxaca, muchas de estas comunidades indígenas han prevalecido en el nivel submunicipal –dadas su cantidad de población, o su distancia respecto otros centros urbanos como las cabeceras distritales o la capital estatal; incluso derivado de históricas sanciones– quedando subordinadas a cabeceras municipales mestizas e incluso a cabeceras de población indígena. Otras tantas, producto de procesos de lucha y transformación de largo aliento, hoy ostentan la categoría político-administrativa de municipio, el último nivel de gobierno reconocido por el Estado mexicano.

3 Se entiende esta condición como la membresía adquirida, dada u otorgada con base en elementos identitarios y culturales, como la descendencia, el idioma o la auto-adscripción, los cuales activan una serie de derechos políticos, culturales y sociales, mismos que son ejercidos tanto dentro del ámbito local-comunitario como frente al estatal-nacional. Para una mayor discusión véase: Leyva Solano (2007), Hernández Díaz (2007); Garzón López (2016), Juan Martínez (2016). Si bien el planteamiento de las ciudadanías diferenciadas (Hernández Díaz, 2007; 2010) o ciudadanías múltiples (Juan Martínez, 2015) ha sido revisado ampliamente en Oaxaca, en buena parte se ha hecho a través de casos donde se disputan derechos político-electorales. Por ello, es necesario retomar la reflexión en el análisis del acceso e impartición de justicia, específicamente en materia penal. Por otro lado, es necesario comprender que la existencia de estas ciudadanías no genera un conflicto permanente, aunque tampoco viven en una armonía constante.

Tal es el caso de la comunidad de San Cristóbal Suchixtlahuaca, una comunidad indígena que, además de ser cabecera municipal y sede del ayuntamiento, no cuenta con ninguna otra comunidad indígena dependiente o subordinada a ella. Por lo tanto, comunidad indígena, municipio y cabecera municipal se superponen, formando un *palimpsesto* entre sus diversas facultades y atribuciones.

Fue por resolución presidencial expedida el 20.09.1950 –publicada en el Diario Oficial de la Federación el 09.02.1951 y ejecutada el 21.08.1951– que San Cristóbal Suchixtlahuaca fue elevada a municipio; como consecuencia de su condición de municipio, en su organización comunitaria y en sus formas de gobierno indígena se han sobrescrito las estructuras, funciones y facultades que el federalismo mexicano ha concedido a los municipios y sus ayuntamientos. Podemos por tanto encontrar, en la estructura de gobierno de San Cristóbal Suchixtlahuaca, las figuras que generalmente conforman un ayuntamiento: presidente municipal, síndico, regidor de hacienda, regidor de obras y regidor de policía (cada uno con su suplente). No obstante, sus autoridades continúan siendo emanadas de procesos asamblearios y escalafonarios de acuerdo a la lógica política indígena. Por ello, Suchixtlahuaca forma parte de los 417 municipios que en Oaxaca eligen a su autoridad municipal a través de los Sistemas Normativos Internos.[4]

Además de esta autoridad política-administrativa, San Cristóbal Suchixtlahuaca cuenta también con un Comisariado de Bienes Comunales y un Consejo de Vigilancia, que velan por las 5, 389 hectáreas que conforman su territorio. No obstante, más allá de lo que las leyes ordinarias prescriben y determinan para el accionar de la Autoridad Municipal y de la Autoridad Agraria, como autoridades comunitarias éstas actúan apegadas a la normativa que históricamente ha emanado de la asamblea general de la comunidad, trabajando ambas como un único órgano colegiado cuya función principal es velar por el bienestar de la comunidad, teniendo bajo su resguardo el territorio de la comunidad y los recursos naturales que en él existen. Ello significa mantener la armonía entre todos los elementos que sostienen la vida comunitaria: el agua y la tierra, así como el equilibrio entre las dos principales actividades que generan su sustento, la agricultura y la crianza de ganado, caprino y bovino.[5]

No obstante, mantener dicho equilibrio se torna una labor titánica. Si bien San Cristóbal Suchixtlahuaca se abastece de agua a través del Río Grande y los manantiales conocidos como

4 En el presente texto hago un uso indistinto de las expresiones "usos y costumbres" y "sistemas normativos indígenas" para referirme a las normas, las instituciones y los procedimientos que los pueblos, y comunidades indígenas, de Oaxaca han creado y ejercido de manera histórica al interior de sus territorios, entre los cuales destacan los referidos a la elección de sus autoridades locales (el sistema de cargos o escalafonario y el nombramiento) y sus sistemas de justicia. Sin embargo, dado que la expresión "usos y costumbres" se arraigó de manera peyorativa en la imaginación de la población no indígena de Oaxaca, en 1997 fue necesario promover una reforma que precisara de mejor manera su nomenclatura y sus atribuciones; quedando bajo la denominación de "normas del derecho consuetudinario" (Hernández Díaz y Juan Martínez 2011: 23) reivindicando de esta manera la capacidad colectiva de los pueblos y comunidades indígenas de crear derecho y de que éste sea reconocido jurídicamente por las instituciones del Estado. Hacia 2012 nuevamente cambia la nomenclatura a "Sistemas Normativos Internos" hasta llegar, en 2018, a la denominación "Sistemas Normativos Indígenas".

5 El ganado está destinado en su mayoría para el autoconsumo, así como para la venta a productores de barbacoa, un platillo tradicional de la región que se ofrece también durante la celebración de las fiestas patronales.

El Jarro, Palo Soto, Los Baños y El Algodón, ninguno de éstos logra mantener su caudal a lo largo del año, por lo que Suchixtlahuaca depende del régimen de lluvias y de la recarga que éstas generen en los mantos acuíferos de la comunidad.

A esta compleja dinámica hídrica se suman los posibles efectos adversos del ganado caprino y ovino que, pastoreado sin control y en exceso, puede llegar a generar la erosión del suelo, impidiendo la filtración de aguas pluviales y, en consecuencia, la desertificación de la tierra. Bajo estas premisas –de adquisición empírica– la comunidad de Suchixtlahuaca ha implementado diversas estrategias para garantizar la sana convivencia entre agricultura y ganadería, así como para garantizar la disponibilidad de agua y la fertilidad del suelo.

Así, desde hace décadas, la comunidad ha generado obras de captación de agua[6] y a través de la realización de faenas (trabajo comunitario) ha reforestado diversas zonas de la comunidad, a fin de poder *cosechar agua*. De ahí que los terrenos de *cultivo de agua* (o reforestación) se protejan del pastoreo extensivo, bajo una estricta normativa de cuidado y sanción. En este sentido, en un equilibrio entre derechos y responsabilidades, si bien la población de Suchixtlahuaca tiene el derecho a usar los recursos naturales (agua y suelo), así como a participar colectivamente de otras actividades, entre sus obligaciones está el deber de reportar a las autoridades comunitarias cualquier anomalía que afecte a la comunidad. Al respecto, durante el trabajo de cambo y trabajo de archivo realizado en la comunidad para la generación del peritaje que tuvimos a la vista establecía que los comuneros deberán cuidar la superficie territorial de la comunidad así como realizar trabajos para el mejoramiento de los recursos naturales, poniendo especial cuidado en que el ganado propio y el de los pueblos vecinos a fin de que estos no se instroducieran en el terrtirorio, particularmente en las zonas de reforestación.

Si bien en cualquie rotro municipio, el Síndico Municipal y/o el Comisariado de Bienes Comunales son las autoridades comunitarias competentes para intervenir en casos de daños en tierras de cultivo y de reforestación, una primera autoridad competente a nivel comunitario es el Juez de Sementera, persona encargada de vigilar que aquellos terrenos *simientes* –en posibilidad de fruto o florecimiento– se cuiden de cualquier acto que perturbe el crecimiento de las simientes en él depositadas; si alguien por descuido desatiende su rebaño y éste causa daños, el primer recurso es la conciliación entre las partes. De no llegarse a una conciliación, se convoca al Juez de Sementera, quien es el encargado de tasar el daño en base a un tabulador establecido por la comunidad y resultado del conocimiento empírico.

Por ello, el juez de sementera es una persona de edad avanzada y gran conocimiento sobre la comunidad y el territorio, quien guarda una relación muy particular con la tierra. Cabe mencionar que, de acuerdo con los estudios etnohistóricos de Mendoza García (2011) la intervención de un Juez de Sementera en el área de Coixtlahuaca –cabecera distrital de San

6 Durante el trabajo de campo pudimos recorrer las diferentes obras de captación de agua, como cortinillas y gaviones, así como las zonas de reforestación, las cuales han sido posible gracias a la realización de tequios y faenas (trabajo colectivo).

Cristóbal Suchixtlahuaca– data de 1831; esta figura viene desde la Colonia: era parte de la estructura del cabildo de las repúblicas de indios, y en Suchixtlahuaca continúa siendo una piedra angular del sistema de justicia.

SEMBRAR ARMONÍA, CULTIVAR JUSTICIA

Si bien el sistema de cuidado en Suchixtlahuaca es riguroso, el sistema de sanciones es flexible. Así, si en un primer momento puede generarse sólo una llamada de atención, si existe reincidencia o hay un desacato por parte del dueño del animal dañero, el juez de sementera está facultado para que, en compañía del regidor segundo y tercero, se retenga el ganado y se lo lleve al corral municipal, aplicándose la misma sanción en caso de encontrar al ganado en flagrancia. En este sentido, la identificación del dueño del ganado es sencilla, toda vez que cada ganadero tiene un herrar y la autoridad cuenta con un censo ganadero. Por otro lado, cuando el ganadero se niega o carece de los recursos económicos para pagar la sanción, se consigna a treinta y seis horas de cárcel, o en ocasiones se firma un vale que le da un plazo para recaudar el dinero.

Por lo tanto, como las autoridades comunitarias de San Cristóbal Suchixtlahuaca argumentaban en su defensa ante el Ministerio Público y la Fiscalía, la retención de las 104 cabezas de ganado caprino se había aplicado en base al sistema normativo de Suchixtlahuaca y como una sanción a los actos reiterados, de descuido y de daños, en zonas de reforestación para la recarga del manto acuífero. Y es que la falta de cuidado en las zonas de reforestación y de recarga de agua pone en riesgo la estabilidad de la comunidad, por lo que la falta de observación a la normativa comunitaria es considerada, también, una ofensa colectiva.

Para comprender el estricto cumplimiento de las normas comunitarias de San Cristóbal Suchixtlahuaca es necesario observar que, de acuerdo con la revisión del archivo municipal, en el año de 1962 la población de Suchixtlahuaca se vio azotada por una severa crisis hídrica, un período de estiaje que devastó a la comunidad, acabando con las zonas de agricultura, principal fuente de sustento e ingresos de la población.

Dicha sequía no sólo afectó al sector agrícola; también golpeó a la ganadería, pues como pudimos observar en el censo ganadero de 1963, se reportó la disminución de cabezas debido a la falta de pastos y cereales para alimentar al ganado, todo ello como consecuencia de la disminución en la captación de las aguas pluviales. Asimismo, tras la crisis hídrica que se vivió en los años 1960, quedó estrictamente prohibido pasar injustificadamente por los terrenos sembrados o simientes, así como pastorear ganado en los terrenos que se encuentren cargados de humedad, sancionando la desobediencia con una multa económica. También se prohibió que los vecinos dueños de ganado caprino y lanar pastaran por los campos de cultivo y solares, multándose esta falta; y duplicándose la multa en caso de reincidencia.

En este sentido, durante la revisión del archivo municipal tuvimos a la vista el ordenamiento municipal de 1966, donde quedó estipulada la sanción a toda aquella persona que destruyera árboles

del bosque. Asimismo, para 1989, en el reglamento de policía quedó expresamente sancionado el desperdicio de agua potable así como el pastoreo de animales en terrenos cargados de humedad.

Así, respecto al trabajo de revisión de archivo y de los documentos que tuvimos a la vista, es necesario enfatizar que existe una sobregeneralización –e incluso un prejuicio– respecto de que en las comunidades indígenas los sistemas de justicia son orales y que no existen fuentes escritas. En el caso de Suchixtlahuaca, las autoridades comunitarias han realizado acciones para documentar, escribir y resguardar las diversas normas, reglas, reglamentos, ordenamientos y acuerdos que rigen a la comunidad durante el último siglo, las cuales dan fundamento y sustento a su jurisdicción.

REFLEXIONES FINALES

Tras la presentación del peritaje antropológico el 24 de junio de 2016, el nueve de septiembre del mismo año la Sala de Justicia Indígena emitió la sentencia JDCI-01-2016, a través de la cual reconoce la jurisdicción de San Cristóbal Suchixtlahuaca para conocer y sancionar asuntos internos; quedando garantizados aquellos derechos que, desde 1998, la Constitución Política del Estado Libre y Soberano de Oaxaca (CPELSO) había reconocido pero que no habían cobrado materialidad.

Si bien en esta ocasión el aporte del peritaje antropológico fue desentrañar para el sistema de justicia ordinario del estado mexicano la coherencia y la racionalidad del sistema de justicia indígena –haciéndolo legible para los operadores de justicia– la presentación de esta herramienta jurídica demuestra que, en el Ministerio Público y la Fiscalía continúa existiendo un profundo desconocimiento de los sistemas de justicia indígena, cuando no una actitud de racismo y criminalización del pluralismo jurídico que existe de hecho en la entidad oaxaqueña. Todo ello pese a la enunciación vanguardista que desde la década de 1990 se dio en la legislación oaxaqueña.

No obstante, pese al triunfo en la sentencia de 2016 de la Sala Indígena a favor de Suchixtlahuaca, las autoridades comunitarias tuvieron que atravesar un proceso más para la convalidación de su jurisdicción, ya que los quejosos apelaron a un recurso de amparo ante la Suprema Corte de Justicia de la Nación (2018), a fin de que fuera desconocido el Sistema de Justicia de Suchixtlahuaca. No obstante, en 2019, con tres votos a favor, la Primera Sala de la Suprema Corte de Justicia de la Nación convalidó la jurisdicción indígena. Así, han tenido que pasar varias décadas para que los órganos jurisdiccionales del estado mexicano cedan parte de su monopolio y convaliden las sanciones, y determinaciones, de los pueblos y comunidades indígenas, y que los ciudadanos las acaten.

Translated by Indira Velasco Viloria.
Received: April 2, 2023.
Approved: February 27, 2024.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

Notas sobre la consolidación de los informes de identificación de territorios quilombolas en Brasil como trabajo antropológico

Ana Paula Comin de Carvalho [1]

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Resumen:

Este artículo presenta un panorama histórico de la actuación de los antropólogos en la identificación de territorios quilombolas en Brasil. Se destaca en el análisis la actuación de la Asociación Brasileña de Antropología y de sus miembros en las formulaciones legales y estatales dirigidas al reconocimiento de estas comunidades y de sus derechos, en el marco de la configuración de políticas afirmativas. También hace hincapié en los cambios teóricos que han tenido lugar dentro de nuestro campo disciplinario nacional, para interpretar las demandas contemporáneas de estos grupos. Asimismo, se intentan señalar las condiciones, muchas veces conflictivas y tensas, que viven los investigadores en su praxis profesional en la interfase con diversos agentes, grupos e instituciones.

Palabras clave: informes antropológicos; práctica profesional; quilombos; políticas afirmativas.

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e01012
https://doi.org/10.1590/1809-4341.2025v22e01012

Notes on the Consolidation of Reports Identifying Quilombola Territories in Brazil as an Anthropological Praxis

Abstract:

This text presents a historical overview of anthropologists' work in identifying quilombola territories in Brazil. In my analysis, I highlight the role of the Brazilian Anthropological Association and its members in legal and state formulations aimed at recognizing these communities and their rights within the framework of affirmative action policies. I also highlight the theoretical shifts that have occurred within our national disciplinary field to interpret the contemporary demands of these groups. Likewise, I seek to highlight the often conflicting and tense conditions experienced by researchers in their professional practice, interacting with various agents, groups, and institutions.

Keywords: Anthropological Reports; Professional Performance; Quilombos; Affirmative Policies.

Apontamentos sobre a consolidação dos relatórios de identificação de territórios quilombolas no Brasil como fazer antropológico

Resumo:

O texto apresenta um panorama histórico da atuação dos antropólogos na identificação de territórios quilombolas no Brasil. Em minha análise, destaco a atuação da Associação Brasileira de Antropologia e de seus associados nas formulações jurídicas e estatais voltadas ao reconhecimento destas comunidades e de seus direitos no bojo da configuração de políticas afirmativas. Também ressalto as mudanças teóricas ocorridas no interior de nosso campo disciplinar nacional para interpretar as demandas contemporâneas destes grupos. Do mesmo modo, procuro pontuar as condições, muitas vezes conflituosas e tensas, vividas pelos pesquisadores em sua práxis profissional na interface com diversos agentes, grupos e instituições.

Palavras-chave: relatórios antropológicos; atuação profissional; quilombos; políticas afirmativas.

Notas sobre la consolidación de los informes de identificación de territorios quilombolas en Brasil como trabajo antropológico

Ana Paula Comin de Carvalho

Este artículo es una reflexión sobre el proceso de institucionalización de los informes antropológicos que identifican territorios quilombolas en Brasil como campo de actividad profesional. Para ello, me baso en la experiencia y conocimientos que he acumulado a lo largo de casi veinte años,[1] en tres contextos diferentes: a) la elaboración de estas "piezas" para la Fundación Cultural Palmares (FCP)[2] y el Instituto Nacional de Colonización y Reforma Agraria (INCRA)[3]; b) el seguimiento de los procesos administrativos de regularización de tierras de estas comunidades, como antropóloga del citado instituto (entre 2007 y 2009); y c) mi investigación postdoctoral sobre el trabajo de los antropólogos en la elaboración de estos "laudos"[4] a nivel nacional, en el período entre 1997 y 2015.[5]

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2 Órgano creado el 22 de agosto de 1988 para promover y preservar los valores culturales, históricos, sociales y económicos resultantes de la influencia negra en la formación de la sociedad brasileña. Está vinculado al Ministerio de Cultura. Hasta 2003, se ocupó tanto en la certificación como en la regularización de los territorios quilombolas, en colaboración con los gobiernos estaduales y municipales, lo que exigió la elaboración de estudios e informes antropológicos para orientar sus acciones.

3 Los informes se elaboraron en 2004 y 2005, respectivamente. El INCRA fue creado el 9 de julio de 1970 con la misión de llevar a cabo la reforma agraria y la planificación territorial nacional y está vinculado al Ministerio de Desarrollo Agrario. Desde 2004, el INCRA cuenta con una Coordinación General de Regularización de Territorios Quilombolas y la mayoría de sus treinta superintendencias regionales dispone de un Servicio de Regularización de Territorios Quilombolas. Desde 2006, este sector cuenta con analistas de reforma y desarrollo agrario, con formación en antropología.

4 Aunque algunos investigadores proponen una distinción entre laudos, pericias, informes e inventarios, en función de si son requeridos en el ámbito judicial o administrativo, es muy común que antropólogos, agentes estatales y jurídicos, activistas del movimiento negro y quilombola, la prensa y otros se refieran a todos ellos como laudos. A los efectos de este texto, haré lo mismo, utilizando la palabra entre comillas para enfatizar que se trata de una categoría propia del campo.

5 "Los antropólogos y la identificación de las tierras quilombolas en Brasil (1997-2015)" fue mi proyecto de investigación posdoctoral senior, financiado por el Consejo Nacional de Desarrollo Científico y Tecnológico (CNPq), a través del proceso 118306/2017-0, desarrollado en el Programa de Posgrado en Antropología de la Universidad Federal Fluminense, bajo la supervisión de la profesora Eliane Cantarino O'Dwyer, en 2018.

En lugar de someter a escrutinio mis experiencias particulares, opté por otra escala de observación e interpretación del fenómeno, situándolo dentro de procesos históricos, sociales, políticos y teóricos más amplios. Como nos enseña Jacques Revel (1998), aumentar o disminuir el tamaño del objeto de nuestro análisis significa cambiar su forma y su trama. De este modo, mi elección no es aleatoria, ya que produce efectos y puede ponerse al servicio de estrategias de conocimiento. Creo que esta decisión permitirá comprender mejor algunos aspectos del desarrollo de la antropología en Brasil, especialmente en lo que se refiere a su relación con el Estado en la producción de conocimiento sobre las poblaciones afrobrasileñas y la configuración de políticas afirmativas en el país. Además, puede dar pistas importantes sobre el creciente proceso de profesionalización de nuestro campo, y subsidiar las discusiones sobre la enseñanza de la disciplina en los cursos de grado y posgrado.

A pesar de la importancia que los informes antropológicos de identificación de territorios quilombolas han alcanzado en la escena brasileña en los últimos años, y de la intensa movilización de antropólogos para llevar a cabo estos estudios, se han desarrollado pocos análisis de mayor profundidad, para contribuir a una mejor comprensión de la cuestión. Este artículo pretende contribuir, aunque sea mínimamente, a cambiar esta situación. Comenzaremos por la institución de la categoría jurídica constitucional –remanentes de comunidades quilombolas– que sustenta la política estatal de reconocimiento de estos grupos. Una política en la que los informes antropológicos desempeñan un papel extremadamente importante, como el lector podrá comprobar a lo largo del texto.

CÓMO LOS QUILOMBOLAS SE CONVIERTEN EN SUJETOS DE DERECHOS

El surgimiento de una categoría jurídica es a la vez una respuesta y una imposición. Por un lado, representa el reconocimiento de una singularidad; por el otro, significa su captura por una gramática generalizante y homogeneizante que instituye a un grupo específico –en este caso, los quilombolas– como sujeto de derechos y deberes colectivos, y a partir de ciertas características comunes, como objeto de la acción estatal.[6]

Como señala Pierre Bourdieu (1989), el derecho confiere a los agentes una identidad garantizada, pero sobre todo, poderes socialmente reconocidos. En este sentido, es la forma por excelencia del poder simbólico de nombrar que crea las cosas nombradas, especialmente los grupos. Confiere a estas realidades que emergen de sus operaciones de clasificación la permanencia de las cosas que sólo una institución histórica puede proporcionar.

Aunque no esté de más decir que el derecho hace el mundo social, conviene recordar que éste hace al derecho. Las categorías de pensamiento contribuyen a reflexionar sobre el mundo, pero dentro de los límites de su correspondencia con las estructuras preexistentes. En la producción

6 Este hecho ya ha sido señalado por varios antropólogos que realizan investigaciones con pueblos y comunidades tradicionales en Brasil. En el caso de las comunidades quilombolas, véase Arruti (2006).

de nuevas categorías de percepción y apreciación, y al imponer otra visión de las divisiones y distribuciones, sólo hay éxito si las profecías, las evocaciones creadoras, son también, al menos en parte, descripciones anticipadas de grupos que están en vías de surgimiento. El derecho es reconocido socialmente porque responde, al menos aparentemente, a necesidades e intereses reales.

El contexto más amplio de emergencia del dispositivo constitucional que garantizaba la titulación de los territorios quilombolas fue el de la "redemocratización" del país, marcada por el resurgimiento de los movimientos campesinos y la campaña por la reforma agraria que requería, entre otras cosas, la ampliación de las categorías descriptivas oficiales sobre la forma de propiedad y uso de la tierra, para reconocer aquellas modalidades que no encajaban en las existentes. Este fue el caso de las "tierras de negros". Estos dominios habrían sido entregados o adquiridos por familias de libertos o antiguos esclavos con o sin título legal.[7]

La construcción del derecho a la tierra como derecho humano en Brasil está estrechamente vinculada a la historia reciente de los movimientos sociales que luchan por la reforma agraria en el país (Reis 2012). Además, el año 1988 también fue dedicado a una amplia movilización nacional por el centenario de la abolición de la esclavitud –marcada por conmemoraciones, marchas, espectáculos, congresos, declaraciones oficiales y protestas– añadiendo gran visibilidad a la cuestión negra en el escenario político brasileño (Rios 2012).

La creación de la categoría jurídica sólo fue eficaz en la medida en que pudo relacionarse con situaciones concretas que exigían una nueva forma de clasificación. Es importante señalar que la misma resulta de este juego de fuerzas entre los que buscaban otras formas de reconocimiento y los que pretendían encuadrar estas reivindicaciones diferenciadas en el ordenamiento jurídico, para normalizar las relaciones entre el Estado y la sociedad civil.

Según Girolamo Domenico Treccani (2006), la propuesta de reconocer el derecho a la tierra a las comunidades remanentes de quilombos fue presentada a la Asamblea Nacional Constituyente por los movimientos negros, mediante una enmienda popular. Sin embargo, no consiguió el número de firmas necesario para que fuera aprobada. El 20 de agosto de 1987, el diputado Carlos Alberto Caó (PDT-RJ) formalizó la misma petición con el siguiente texto:

> Se declara la propiedad definitiva de las tierras ocupadas por las comunidades negras remanentes de quilombos, a las que el Estado debe expedir los respectivos títulos. Quedan registradas estas tierras, así como los documentos relativos a la historia de los quilombos en Brasil.

En la Comisión de Sistematización no se alteró el contenido de la propuesta, aunque se presentaron enmiendas, en particular, la del diputado Eliel Rodrigues (PMDB-PA), que quería eliminar el reconocimiento del derecho a la propiedad por considerar que ello favorecería la creación de guetos. Los artículos sobre la promoción de la cultura de los grupos formadores del país, la patrimonialización e inventario de sus manifestaciones, edificios y sitios de antiguos quilombos

7 Sobre este tema, véase Almeida (2002).

(artículos 215 y 216 de la Constitución de 1988) fueron aprobados por la Asamblea Nacional Constituyente sin grandes cambios en su redacción inicial. Sin embargo, el que se refiere al territorio, propuesto inicialmente para el capítulo de cultura, y rechazado, se convirtió en una disposición atípica. Fue confirmado al final de los trabajos sobre la nueva Constitución, como artículo 68 del Acta de Disposiciones Constitucionales Transitorias (ADCT), con la siguiente redacción: A los remanentes de las Comunidades de Quilombos que están ocupando sus tierras se les reconoce la propiedad definitiva, y el Estado debe expedirles los títulos respectivos.

Dimas Salustiano da Silva (1997) cree que es posible que el sentido común imperante entre los congresistas hablase más alto cuando se trataba de las comunidades remanentes de quilombos. Muchos pensaban que sólo eran cosa del pasado, que representaban restos insignificantes de una historia que debía ser olvidada. Eran grupos sociales condenados a desaparecer, acaso minúsculos o escasos en número.

Según Antonio Sérgio Alfredo Guimarães (2006), en lo que respecta a las identidades raciales, la reforma constitucional brasileña trajo consigo un nuevo concepto de sociedad y nación, pluriétnica y multicultural, en contraposición al ideal fundacional de una nación mestiza y culturalmente homogénea, vista como el producto del mestizaje biológico y cultural entre europeos, indígenas americanos y africanos. Aun así, el Estado intentó –por un corto período– restablecer el viejo juego de clases, procurando relacionarse con los nuevos movimientos sociales, incluido el movimiento negro, a través de los partidos políticos, la expansión de su propio aparato y la actualización de la legislación. Ejemplos de ello son la criminalización del racismo y la creación de la Fundación Cultural Palmares, en 1988.

En otro texto, Guimarães (2001) llama nuestra atención sobre el hecho de que –en el campo político brasileño– las respuestas a las demandas del movimiento negro son, en general, ofertas simbólicas. Ejemplos de ello son la incorporación de la cultura afrobrasileña a la cultura nacional (implementada a través de los artículos 215 y 216 de la Constitución Federal de 1988) y el principio de no discriminación e integración socioeconómica de los negros en los preceptos constitucionales. La creación de una fundación para tratar la herencia cultural negra, en el año en que se cumplía el centenario de la abolición de la esclavitud, también sigue esta tendencia. En opinión de este autor, el tratamiento de la discriminación racial y la creación de la figura jurídica "remanentes de comunidades de quilombos" parecen ir en una dirección algo menos simbólica. Sin embargo, este sistema jurídico tenía grandes posibilidades de quedar encapsulado en la lógica cultural; toda vez que está vinculado a un plan simbólico nacional donde lo negro es apropiado como un hito fundacional de la civilización brasileña, que es superado por el pueblo mestizo. A diferencia del caso colombiano, la conquista de una disposición constitucional para las comunidades quilombolas no se basó en la acumulación de estudios antropológicos sobre ellas en estos términos, como veremos a continuación.[8]

8 La Ley 70/1993, sobre los derechos étnicos de las comunidades negras en Colombia, se basó en gran medida en los estudios de la antropóloga Nina S. de Friedmann sobre los palenques del Pacífico colombiano.

ESTUDIOS SOCIOLÓGICOS Y ANTROPOLÓGICOS SOBRE LAS POBLACIONES AFROBRASILEÑAS, Y LA RESEMANTIZACIÓN DEL CONCEPTO DE QUILOMBO

Carlos Alexandre Plínio dos Santos (2015) señala que las comunidades negras brasileñas, especialmente las rurales, quedaron en gran medida fuera del foco de las ciencias sociales entre finales del siglo XIX y la segunda mitad del siglo XX. Los investigadores partían del presupuesto de que las condiciones de vida de los negros en el medio rural eran culturalmente disgregadoras, lo que dificultaría la persistencia de cultos, ritos y tradiciones, con pocas ocasiones y espacios de interacción entre ellos. Además, creían que en el medio urbano habría mejores chances de que persistieran los rasgos culturales africanos y un mayor potencial para la formación de identidades étnicas. Por este motivo, favorecieron el estudio de los negros en las ciudades, analizando sus aspectos físicos y culturales, y sus formas de asociación. Mientras los sociólogos debatían la integración y la movilidad social de los negros en el contexto urbano y capitalista, la gran mayoría de los antropólogos –tomando prestada la tradición de los estudios afrobrasileños– se dedicó a documentar aspectos de su cultura (Pinho 2008).

A partir de la década de 1960, con la formación de los Programas de Postgrado en Antropología en el país (PPGAs), las comunidades negras comenzaron a ser motivo de estudios académicos, pero hasta dos décadas después eran pocos trabajos científicos sobre el tema. En los años 1970s, algunos de esos grupos sociales localizados en áreas rurales pasaron a ser objeto de investigación antropológica bajo la clave explicativa del campesinado. A fines de este período y comienzos de los años 1980s, los estudios académicos comenzaban a hablar de comunidades negras incrustadas, para evitar las nociones de negros aislados y quilombos, incluso en los casos en que se suponía una conexión histórica entre estas colectividades y tales agrupamientos. Aquí vemos un cambio sutil en las investigaciones que se convierten entonces en etnografías sobre comunidades negras rurales.[9] Aunque un abordaje etnológico en términos de etnicidad sólo sería contemplado por un conjunto bastante limitado de trabajos a lo largo de la década de 1980.[10]

El aumento del número de investigaciones antropológicas sobre esas colectividades recién ocurriría en las décadas de 1990 y 2000, en el contexto de la expansión de los PPGAs, de la creación de normas constitucionales y disposiciones legales, de la acción política de los movimientos sociales negros, de los quilombolas y de los propios antropólogos, así como de la resemantización del término "quilombo" (Santos 2015). Así, el imaginario de lo que habrían sido los quilombos –que primero ganó fuerza en el campo de los movimientos sociales– alcanzó el estatus de cuestión constitucional.

9 Algunos ejemplos de estos trabajos son: Brandão (1977) , Gusmão (1979), Vogt y Fry (1996), Queiroz (1983), Baiocchi (1987) y Bandeira (1988).

10 Para mayores detalles sobre la producción de este periodo, véase: Arruti (1997; 2000).

La metáfora de los quilombos fue apropiada por los activistas políticos negros brasileños como icono de resistencia a finales de los años 1970s y principios de 1980s. En la búsqueda de un vocabulario y un paradigma propios, que le permitieran ir más allá de las consignas del movimiento negro norteamericano, el movimiento negro nacional –estructurado predominantemente en centros urbanos– tomó los quilombos como fuente original de inspiración. Asociándolos a una imagen de negros fugitivos, caracterizados por su capacidad de resistir al acoso de la sociedad colonial y a la reproducción de un estilo de vida africano en América.[11]

La categoría jurídica elegida para denominar a los nuevos sujetos de derechos en el proceso constituyente brasileño es extremadamente vaga e imprecisa, gracias a una combinación de los factores enumerados anteriormente. Se refiere a "remanentes" de una formación histórica que se creía desaparecida con la propia esclavitud y que, para mantenerse, habría tenido que permanecer invisible para el Estado. El problema del reconocimiento de estos grupos acaba convirtiéndose en un campo de acción específico en el que intervienen mediadores muy diversos: activistas de movimientos sociales negros, políticos, juristas, investigadores en antropología, sociología, historia, arqueología, entre otros.[12]

En este ámbito, los antropólogos –especialmente a través de la Asociación Brasileña de Antropología (ABA)–[13] han desempeñado un papel destacado que rompe con el papel que suelen desempeñar los intelectuales brasileños en estos contextos. En lugar de utilizar su autoridad para garantizar el apoyo a las reivindicaciones de la sociedad civil a través de manifiestos y documentos, han hecho de sus autoridades experienciales un instrumento de reconocimiento público de derechos constitucionales. De esta forma, la participación de los/as antropólogos/as en las luchas por definir esta política pública y estatal se ha basado principalmente en cuestionar el uso de formas de reconocimiento extrañas a los propios actores sociales (como las históricas o jurídicas, por ejemplo), y en enfatizar las definiciones nativas en las que se basan las expectativas de ciudadanía plena de estos grupos (O'Dwyer 2010).

Las demandas sociales generadas por el artículo 68 del ADCT implicaron una actualización teórica del campo disciplinar de la Antropología, mostrando que las cuestiones teóricas también son socialmente producidas. Según José Maurício Andion Paiva Arruti y André Figueiredo (2005), los estudios antropológicos realizados desde finales de la década de 1970 sobre comunidades negras, incrustados o negros aislados, fueron retomados a partir de 1988 de una forma totalmente nueva. El marco teórico-metodológico común a los primeros estudios –el concepto de barrio rural– fue abandonado para adoptar herramientas analíticas

11 Sobre esta cuestión, véase Arruti (2000).

12 Diversos investigadores han reflexionado sobre las características y el funcionamiento de este campo, pero especialmente sobre el trabajo de los antropólogos en él. Para más información, véase: Arruti (2005) y Carvalho (2008).

13 La ABA fue fundada en julio de 1955 y es la asociación científica en el campo de las Ciencias Sociales más antigua del país. A lo largo de su historia ha desempeñado un papel destacado en el debate y el diseño de políticas públicas relacionadas con la educación, la acción social y los derechos humanos, entre otras. Actúa constantemente en defensa de las minorías étnicas y otros grupos discriminados de nuestra sociedad (Corrêa 2003; Eckert y Godoi 2006).

que, en consonancia con la formulación dada a la cuestión indígena, ya habían encontrado precedentes en el diálogo con el campo jurídico y burocrático estatal, como el concepto de grupo étnico. La adopción del marco teórico de la etnicidad no sólo significó abandonar el naturalismo (raza) o el historicismo (los quilombos históricos), sino también releer y replantear las etnografías sobre grupos negros rurales de principios de los años 1980s, en las que el énfasis estaba puesto en las formas culturales (pequeñas Áfricas), resultando no sólo en una ruptura con una línea de trabajo académico, sino también con un tipo de discurso político.

El concepto de grupo étnico, junto con el paradigma histórico y etnológico de las tierras de uso común, impuso una definición de remanente quilombo que fue rápidamente apropiada como definición operativa. Desde entonces, la definición operacional utilizada por los antropólogos y movimientos ha tomado referencias de la etnología indígena, del campesinado y de los estudios étnicos (Arruti 2006). En el caso del concepto de reminiscencia proveniente del campo de los estudios indígenas, para hacer nombrables a estos grupos, adjetivándolos para hacerlos visibles y aceptables. Ya que eran considerados por el sentido común e incluso por la academia como extintos. Habrían dejado de existir, ya sea por el fin del régimen esclavista al que se oponían, o por su integración, aunque subordinada, al trabajo libre en el contexto capitalista de relaciones económicas y productivas. Por último, estas colectividades se diluyeron por la asimilación física a través del mestizaje y simbólica a través del sincretismo de la cultura brasileña.

En relación con el concepto de tierras de uso común, presente sobre todo en los trabajos de Alfredo Wagner de Almeida (2002; 2010; 2011), se observa la misma lógica, ya que estas formas de territorialidad[14] eran consideradas por los investigadores marxistas que estudiaban el campo brasileño como atrasadas y condenadas a desaparecer con la intensificación del capitalismo, la gradual e inevitable transformación de la tierra en mercancía y la consiguiente proletarización de sus habitantes. Se adoptará el concepto de grupo étnico, derivado de las contribuciones de Fredrik Barth (1969), para imponer una definición de remanente basada en criterios subjetivos y contextuales, marcados por las ideas de contraste, oposición y conflicto (en este caso, fundiario) con una o más colectividades. Su uso se asocia a una afirmación de identidad, que se centra rápidamente en la autoatribución, en la misma línea que la identidad indígena.

Las resemantizaciones antropológicas del quilombo no sólo deshicieron un modelo explicativo histórico –que situaba el fenómeno en una época determinada y circunscribía su expresión a partir de un número limitado y fijo de características (fuga, provisoriedad, aislamiento)–, sino que simultáneamente propusieron otro más sociológico. Un modelo que apunta a la contemporaneidad del fenómeno a partir del análisis de la relación entre estos grupos y las categorías jurídicas de reconocimiento estatal de su territorialidad y organi-

14 Las tierras de negros se configuraron como una estrategia de autoinvisibilización frente al carácter represivo que siempre marcó el uso de las categorías quilombo y mocambo. Fueron históricamente asociadas a formas campesinas de relación con la tierra, categoría social que no conseguiría persistir bajo el capitalismo.

zación social, las representaciones colectivas sobre el tema y los mediadores involucrados en la cuestión (activistas, investigadores, agentes estatales, entre otros). Además, un modelo que comprenda sus características a partir de los contextos sociales, políticos y culturales, locales y regionales, en los que se insertan estas colectividades. Sin embargo, aunque estos cambios de significado se hayan centrado en la auto-atribución como forma de escapar al estereotipo culturalista o historicista de lo que deberían ser estos grupos, su definición operativa, utilizada tanto por investigadores como por el propio movimiento quilombola, ha adquirido un carácter descriptivo y normativo que ha dificultado la aceptación de situaciones que se apartaran radicalmente de este modelo. Sus márgenes se ampliaron a través de la acumulación de reconocimientos oficiales de comunidades con características relativamente diferentes de la definición original, más que como resultado de una reflexión teórica sobre sus presupuestos (Arruti 2006; Carvalho 2008).

El impacto de las primeras noticias sobre reivindicaciones de comunidades remanentes de quilombos urbanas en Rio Grande do Sul y Río de Janeiro me había llevado ya a discutir la historicidad y los límites de la formulación que había transformado a estos grupos en sinónimos de comunidades negras rurales.[15] En aquel momento, intenté demostrar que la definición operacional era el resultado de la experiencia de investigación acumulada hasta entonces y que reunía, bajo la rúbrica de rural, situaciones extremadamente diversas, y no podía extenderse a todos los grupos que pasaron a definirse como quilombolas (Carvalho 2003).

La novedad de la cuestión quilombola terminó por reunir a la vez a tres áreas de estudio hasta entonces distintas e independientes en el ámbito de las ciencias sociales: campesinado/rural, raza/etnia y sociedades indígenas. Cada una de ellas con su propio vocabulario, marco conceptual y jerarquía de problemas propios, pero desde entonces compiten sobre estas comunidades. Además, produjo una alianza forzada entre las perspectivas antropológica e histórica que hasta entonces estaban separadas, resultando en la imposición de la literatura histórica sobre quilombos a los estudios etnográficos sobre comunidades negras rurales y viceversa (Arruti 1997). Sin embargo, la contribución de los antropólogos al tema no se limitó al campo teórico, adentrándose en la arena donde se diseñaron las políticas públicas y las tecnologías de gobierno[16] orientadas a esos grupos sociales, como mostraremos a continuación.

INTENTOS DE APLICAR EL ARTÍCULO 68 Y LA LABOR DE LA ABA

Como señalara Antonio Carlos de Souza Lima (2015), necesitamos reflexionar sobre nuestro papel –como antropólogos– cuando hacemos Estado, ya sea como productores de

15 Me refiero a la definición de quilombo propuesta por el GT *Terras de Quilombo* de la ABA en 1994: "*Toda comunidad negra rural que reúna a descendientes de esclavos que viven de la agricultura de subsistencia y en la que las manifestaciones culturales tienen un fuerte vínculo con el pasado*".

16 Se refiere a un conjunto de formas de intervención, técnicas y conocimientos que se configuran como mecanismos y racionalidades, políticas y estatales, utilizadas en la administración y regulación de las poblaciones (Fonseca y Machado 2015).

conocimientos e ideologías, o en el ejercicio ejecutivo de procesos de intervención. El trabajo de la ABA en relación con la implementación de los derechos territoriales quilombolas se remonta a la institucionalización del Grupo de Trabajo sobre Tierras Quilombolas en 1994 y a las críticas, y sugerencias, realizadas por la Asociación en relación con los intentos estatales de implementar y reglamentar la disposición constitucional (Carvalho 2008).

Desde la promulgación del artículo 68 del ADCT, ha habido dudas sobre si su aplicación requería una normativa complementaria. En 1995, durante el primer mandato del Presidente Fernando Henrique Cardoso, del Partido de la Social Democracia Brasileña (PSDB), la Fundación Cultural Palmares, organismo vinculado entonces al Ministerio de Cultura (MinC), promulgó la resolución nº 25, destinada a establecer normas para la identificación y delimitación de las tierras ocupadas por comunidades remanentes de quilombos. Sin embargo, en noviembre del mismo año, el INCRA, ente autárquico del entonces Ministerio de Desarrollo Agrario (MDA), emitió la Resolución 307, que le permitía mensurar, demarcar y titular las tierras quilombolas dentro de las áreas públicas federales (INCRA 1995). Contemporáneamente, el diputado Alcides Modesto y la senadora Benedita da Silva presentaron proyectos de ley sobre el tema. Estas propuestas fueron analizadas por Florestan Fernandes y la ABA respectivamente.[17] El sociólogo alertaba sobre la superposición de tareas entre la FCP y el INCRA. En tanto, la organización científica mostraba desacuerdo con la definición del Instituto como organismo responsable del proceso de regularización de tierras de esos territorios, que consideraba inapropiada, toda vez que esas colectividades serían culturalmente distintas de la masa de trabajadores rurales, lo que les remitiría al MinC y a la fundación vinculada al mismo.

Entre 1995 y 1998, el Instituto Nacional de Colonización y Reforma Agraria emitió seis títulos de tierras quilombolas, todos en el estado de Pará. El organismo creó una rutina administrativa en este proceso de titulación denominada "Proyecto Especial Quilombola", que consistió en una adaptación simplificada del que ya existía en el Instituto para la creación de asentamientos rurales en áreas públicas federales. Por otro lado, la Fundación Cultural Palmares seguía insistiendo en la creación de condiciones técnicas para poder atender a las comunidades quilombolas remanentes, no sólo en términos de mapeo y activismo, cultural y educativo, sino también en términos de regularización fundiaria. La cuestión era si la temática debía englobarse en el plan de la reforma agraria o si era necesario establecer un nuevo campo institucional dentro del Estado, sobre el que la FCP tendría el monopolio, a semejanza de la Fundación Nacional del Indio (FUNAI). La ABA apoyaba a la fundación para llevar a cabo esta tarea y argumentó que correspondería a la asociación científica designar a los peritos para los "laudos" antropológicos necesarios para aplicar la disposición constitucional.[18]

17 La correspondencia enviada por Florestan Fernandes a Alcides Modesto, y la carta de ABA dirigida a la senadora Benedita da Silva, pueden consultarse en Silva (1997).

18 El documento de la ABA dirigido a la FCP en octubre de 1996 en el que se expresa esta opinión puede consultarse en Silva (1997).

Entre 1997 y 1999, el Gobierno Federal elaboró propuestas de actas y procedimientos necesarios para la titulación de los territorios quilombolas, reconociendo la competencia de la Fundación para llevarlos a cabo y estableciendo, como criterio de caracterización de los remanentes, una ocupación centenaria que se remontara al período anterior al fin de la esclavitud brasileña. A pesar de las protestas de los organismos y organizaciones no gubernamentales que acompañaban la cuestión, de las comunidades quilombolas y del movimiento negro, en octubre de 1999 se sancionó la Medida Provisoria 1.911/11 (Brasil 1999a). En ella se encomendaba al Ministerio de Cultura el cumplimiento del artículo 68 del ADCT y se impedía al INCRA seguir trabajando en la titulación de áreas quilombolas. A través de la Resolución Ministerial 447 (Brasil 1999b), el MinC delegó esta competencia a la Fundación Cultural Palmares. Ésta última, a su vez, por medio de la Resolución nº 40 (MinC, 2000), pasó a reglamentar el proceso administrativo de reconocimiento de la propiedad de los territorios quilombolas, que debería constar de un informe técnico y de un dictamen conclusivo. El 10 de septiembre de 2001, se promulgó el Decreto Presidencial 3.912/2001 (Brasil 2001), basado en los anteproyectos criticados entre 1997 y 1999 por la sociedad civil. En el mismo se estipulaba que sólo podrían reconocerse las tierras ocupadas por quilombos en 1888 y que hubieran permanecido así hasta el 5 de octubre de 1988. Juristas, antropólogos y miembros del movimiento negro criticaron este decreto, especialmente por instituir una forma de usucapión especial con un plazo de 100 años para los remanentes. Cabe señalar que, en aquella época, un ciudadano común sólo necesitaba demostrar veinte años de posesión pacífica para reclamar el título. Otro aspecto controvertido fue la adopción del concepto colonial de quilombo.

En diciembre de 2002, la Coordinación Nacional de Articulación de las Comunidades Negras Rurales Quilombolas (CONAQ)[19] envió un documento al presidente electo –Luiz Inácio Lula da Silva, del Partido de los Trabajadores (PT)– que evaluaba críticamente la actuación del FCP, sugería la derogación del Decreto 3.912/2001 y exigía la creación de una Secretaría Nacional de los Quilombos en el INCRA para encargarse de la cuestión. El 13 de mayo, se creó un Grupo de Trabajo Interministerial (GT) para revisar el Decreto 3.912/2001 y proponer una nueva reglamentación. Este GT, formado por catorce ministerios y tres representantes de comunidades quilombolas, fue coordinado por la Casa Civil y la Secretaría Especial de Políticas de Promoción de la Igualdad Racial (SEPPIR). Los resultados de este grupo de trabajo fueron los borradores de los Decretos 4.883, 4.885 y 4.887 (Brasil 2003a; 2003b; 2003c). El primero transfirió la responsabilidad de la regularización de las tierras quilombolas al Ministerio de Desarrollo Agrario. El segundo definió la composición, estructura, competencias y funcionamiento del Consejo Nacional de Promoción de la Igualdad Racial, garantizando a los quilombolas su participación en este órgano colegiado de carácter consultivo sobre políticas de promoción de la igualdad racial.

19 Fue creada en 1996, durante el Primer Encuentro Nacional de Comunidades Negras Rurales Quilombolas, celebrado en Bom Jesus da Lapa, Bahía. La coordinación está formada por la unión de organizaciones quilombolas a nivel estadual y regional, en las 24 unidades de la unión. Para más información, véase: http://conaq.org.br.

El último decreto reglamentó el procedimiento de identificación, reconocimiento, delimitación, demarcación y titulación de las tierras ocupadas por remanentes de comunidades quilombolas. Según el mismo, corresponde a la Fundación Cultural Palmares inscribir la autodefinición de los grupos en su Registro General y expedir un certificado de autorreconocimiento, así como al Instituto Nacional de Colonización y Reforma Agraria, la titulación de las áreas quilombolas.

Hasta ese cambio de competencia, la FCP, los Institutos Estaduales de Tierras y el Ministerio Público Federal elaboraban informes identificando territorios quilombolas. Durante ese período, la elaboración de esos estudios se orientaba por la reglamentación existente, que no detallaba su contenido ni el perfil del profesional que debía realizarlos. En algunos casos había cuestiones formuladas por los demandantes que debían ser respondidas.

Entre 2004 y 2009, el INCRA elaboró cinco Instrucciones Normativas (IN) –16/2004, 20/2005, 49/2008, 56/2009 y 57/2009 (INCRA 2004; 2005; 2008; 2009a; 2009b)– para orientar los procedimientos de identificación, reconocimiento, delimitación, desintrusión[20], demarcación y titulación de territorios quilombolas.

El primer cambio normativo de 2005 –entre las IN 16 y 20– incluyó el informe antropológico como una de las piezas del Informe Técnico de Identificación y Delimitación (RTID, por sus iniciales en portugués) de los territorios quilombolas, a ser elaborado por el organismo. Debía contener informaciones sobre tierras y edificaciones utilizadas para vivienda; tierras utilizadas para la reproducción física, social y cultural del grupo; fuentes terrestres, fluviales, lacustres o marítimas de subsistencia; tierras con recursos ambientales necesarios para la preservación de costumbres, tradiciones y ocio; tierras y edificaciones utilizadas para cultos religiosos y sitios que contengan reminiscencias históricas de los antiguos quilombos.

Para entender por qué el informe antropológico no era un ítem del RTID desde la primera reglamentación del INCRA, tenemos que remontarnos a la redacción del Decreto 4.887/2003. Muchos representantes de comunidades quilombolas que participaron del Grupo de Trabajo Interministerial que elaboró el borrador del mencionado Decreto consideraron que, en la medida en que la caracterización de dichas comunidades pasara de acreditar una ocupación centenaria a la autodefinición[21], el informe antropológico no era necesario y que, de convertirse en un ítem técnico obligatorio, podría representar un obstáculo para sus procesos de regularización fundiaria. En este contexto de debate y formulación, la ABA defendía explícitamente la obligatoriedad de esta pieza técnica en los procedimientos administrativos, alegando que

20 Palabra que hace referencia a la expulsión del territorio de las familias no quilombolas.

21 El Decreto nº 3.912/2001, sustituido y derogado por el nº 4.887/2003, establecía que: "Sólo podrá reconocerse la propiedad sobre tierras que: I - estuvieran ocupadas por quilombos en 1888; y II - estuvieran ocupadas por remanentes de comunidades quilombolas al 5 de octubre de 1988" Brasil 2001). El Decreto 4.887/2003 establece: "Art. 2º Los remanentes de comunidades quilombolas son considerados, a los efectos de este Decreto, grupos étnico-raciales, según criterios de autoatribución, con trayectoria histórica propia, dotados de relaciones territoriales específicas, con presunción de ascendencia negra relacionada a la resistencia a la opresión histórica sufrida". §Párrafo 1º "A los efectos del presente Decreto, la caracterización de los remanentes de comunidades quilombolas será atestada a través de autodefinición por la propia comunidad" (Brasil 2003c).

sería útil en situaciones de conflicto y en casos judiciales. De este modo, no sólo reconocía la importancia del discurso antropológico en las disputas políticas, sino que también defendía su uso para garantizar los derechos de grupos sociales históricamente marginados.[22]

El 25 de junio de 2004, el entonces Partido Frente Liberal, hoy Demócratas, interpuso una Acción Directa de Inconstitucionalidad (ADIN) bajo el Nº 3239, cuestionando la legalidad del Decreto Nº 4.887/2003 al reglamentar lo previsto en el artículo 68 del ADCT. En su opinión, esto sólo podía hacerse mediante una ley. La demanda también cuestionaba la expropiación de tierras productivas y los criterios para definir los territorios quilombolas, que se basarían principalmente en las indicaciones de los propios demandantes. Además, hubo innumerables recursos administrativos y judiciales contra los procedimientos de regularización territorial en curso en el INCRA, que cuestionaban la identidad, la historicidad y la territorialidad quilombolas. De esta forma, el primer cambio normativo tuvo lugar en un contexto de extrema presión política y jurídica contra el reconocimiento de estos sujetos de derechos. Este movimiento muestra que los quilombolas no eran vistos como interlocutores plenamente eficaces para el diálogo con los ámbitos administrativo, político y jurídico, porque carecían de la legitimidad técnica o académica que las situaciones parecían requerir.

El segundo cambio normativo, realizado en 2008, entre las IN 20 y 49, redefinió y detalló el contenido del informe antropológico. Debía tener una introducción, con los conceptos y la metodología utilizados; datos generales sobre el municipio y el grupo; cronología de la ocupación; organización social; datos sobre el entorno y la producción; y una conclusión. Estos seis puntos se desglosan en un total de 35 sub items muy específicos. También se estableció que debía ser realizado preferentemente por empleados del INCRA, quedando prohibida la participación de investigadores que ya hubieran asesorado a las comunidades objeto de reconocimiento.[23]

En 2007, se produjeron grandes movilizaciones y protestas contra la regularización de los territorios quilombolas en varios estados, como Espírito Santo y Santa Catarina, encabezadas por el Movimiento Paz en el Campo, que ya combatía la reforma agraria. En aquel momento se elaboró un proyecto de ley para frenar el Decreto 4.887/2003. Estos movimientos resultaron en la creación de un Grupo de Trabajo formado por la Procuración General de la Unión (PGU), el MDA, el INCRA y el Gabinete de Seguridad Institucional (GSI), para elaborar una nueva instrucción normativa. El proyecto presentado hacia el fin de año fue rechazado, tanto por las

22 El 16 de octubre de 2003, la ABA envió una nota al Jefe de Gabinete de la Presidencia de la República solicitando la inclusión de un artículo en el Decreto 4.887/2003 que definiera la elaboración de estudios técnicos especializados como responsabilidad del Estado, y no de las comunidades, y que dichas investigaciones fueran realizadas por un antropólogo, ya que sería el especialista en la división social del trabajo académico y científico sobre cuestiones étnicas. Esta nota ha sido reproducida íntegramente en Leite (2005).

23 Conviene aclarar que la redefinición y la pormenorización se produjeron en un debate de un grupo de trabajo formado por antropólogos designados por la ABA e investigadores que formaban parte del personal técnico de la autoridad local desde 2006. Sin embargo, la idea inicial era que estos elementos se utilizaran en una norma o manual de aplicación con el fin de orientar a los profesionales que redactarían o supervisarían la aplicación de los informes antropológicos, muchos de ellos recién graduados y con escasa experiencia en la investigación de campo o en la materia, y ahora miembros de un organismo gubernamental.

comunidades quilombolas como por la ABA. Aun así, en abril de 2008, se realizó una consulta pública sobre el tema con los quilombolas y, a pesar de las protestas, la IN fue publicada tiempo después. El tercer cambio normativo, realizado en 2009 entre las IN 49 y 56, eliminó los detalles del informe antropológico, ya que no era competencia de una instrucción normativa, sino de una norma o manual de ejecución. No obstante, este cambio no fue aceptado por la AGU y el GSI, con el argumento de que cualquier modificación debería ser objeto de debate por el grupo de trabajo previamente formado, y de consulta a los líderes quilombolas para su consentimiento. Bajo presión interna, el ente realizó el cuarto y más reciente cambio normativo en el mismo año que el tercero, entre las IN 56 y 57, lo que significó un retorno al texto original de la IN 49.

Los antropólogos, inicialmente excluidos de las etapas de reconocimiento y delimitación territorial[24] –como fue el caso de la IN 16– volvieron al campo con la IN 20, pero las posibilidades del trabajo antropológico en estos contextos se volvieron cada vez más objeto de discusión entre los diversos agentes que buscaban implementar cambios en las normativas vigentes (políticos, abogados, funcionarios estatales, entre otros). Estos cambios pretendían objetivar el análisis realizado por estos profesionales, disciplinar el formato de sus estudios y, en última instancia, reducir el tamaño de los territorios reclamados y los conflictos derivados de estas demandas.

Desde el año 2000, la ABA viene elaborando parámetros para la redacción de "laudos" e informes sobre identificación étnica, territorios tradicionales e impacto socioambiental. El primero de ellos fue la "Carta de Ponta das Canas" (Leite 2005), para orientar la aplicación del Acuerdo de Cooperación Técnica que la Asociación había firmado con la Procuración General de la República, que preveía la designación de profesionales para elaborar dichos estudios. La Carta recomienda que el antropólogo tenga comprensión del hecho u objeto de interés para el sistema de justicia o institución estatal, señala las cuestiones que se espera sean respondidas o satisfechas, y si han sido presentadas de tal manera que puedan ser respondidas adecuadamente en términos antropológicos. Además, se orienta hacia la explicitación de conceptos, metodología, técnicas de investigación y relevancia de los datos presentados, y analizados, con vistas al diálogo con los campos jurídico y administrativo. El documento también llama la atención sobre la responsabilidad social y ética de los antropólogos hacia los grupos estudiados. Entre lo que el Estado, las comunidades y los grupos de interés querían, y lo que la Asociación Brasileña de Antropología recomendaba, tenemos las condiciones reales para producir informes antropológicos de identificación de territorios quilombolas. Abordemos esta cuestión ahora.

24 Es importante destacar que, desde 1997, estos informes se han elaborado, especialmente en los casos más conflictivos, para dar soporte a las acciones estatales, aunque no existieran requerimientos claros por parte de las instituciones que los solicitaban.

INFORMES ANTROPOLÓGICOS DE IDENTIFICACIÓN DE TERRITORIOS QUILOMBOLAS

Los "laudos" sobre estos grupos que ya han sido publicados por el Estado brasileño, a través de sus diferentes órganos y esferas, entre 1997 y 2015, suman doscientos nueve (Carvalho 2019).[25] Según estimaciones del Instituto Nacional de Colonización y Reforma Agraria, cerca de un centenar de otros estudios ya concluidos aguardan la finalización de las demás etapas de regularización territorial para volverse accesibles.[26] El retraso en los procesos administrativos hace que algunos estudios tarden más de una década en alcanzar este estatus. Inicialmente, eran elaborados mediante convenios entre organismos gubernamentales (Fundación Cultural Palmares, Institutos Estaduales de Tierras, entre otros) y universidades públicas, a excepción de contrataciones directas puntuales de profesionales con experiencia consolidada en la materia, designados por la ABA.

En esta modalidad, los profesionales disponían de hasta doce meses para realizar su trabajo, con posibilidad de prórroga debidamente justificada. Normalmente trabajaban en equipo, con la colaboración de estudiantes de grado, de posgrado y de profesionales de otros campos, como la historia y la geografía. Contaban también con el conocimiento previo que habían acumulado a lo largo de sus investigaciones y en orientaciones académicas, sobre el tema o incluso sobre los grupos que demandaban reconocimiento. Debido a las diferencias regionales en la producción de conocimientos científicos sobre estas poblaciones; al número de universidades públicas existentes; a la forma de actuar, del movimiento negro organizado y de los organismos estatales en estos contextos específicos, existen algunas variaciones en este patrón. Tenemos desde equipos de mayor o menor tamaño, trabajos en solitario, con o sin interlocución con la Historia o la Geografía, hasta acciones pioneras lideradas por profesionales de estas dos últimas áreas del conocimiento, que conocían mejor la realidad de las comunidades quilombolas que los antropólogos locales. A pesar del desajuste de expectativas y tensiones con organismos gubernamentales, movimientos y sus propios pares, hubo relativa autonomía para la conducción de las investigaciones y el cumplimiento de los parámetros recomendados por el ABA.

Había una gran preocupación por hacer comprensibles los conceptos antropológicos de identidad, territorialidad y quilombo a los lectores legos, sobre todo teniendo en cuenta

25 Estos últimos han sido reunidos en una colección digital, gracias a una asociación entre el INCRA, el MDA y la Universidad Federal de Minas Gerais (UFMG), y algunos de ellos se han resumido en un lenguaje más accesible en la Colección "Terra de Quilombos".

26 Al estar financiados por estas organizaciones, su plena divulgación dependía de sus procedimientos internos, especialmente, para no anticipar posibles impugnaciones administrativas y jurídicas, y aumentar las situaciones de conflicto ya existentes en los territorios. Aun así, en algunos casos los investigadores presentaron copias ante el MPF o las pusieron a disposición de las comunidades para presionar por la agilización de la titulación. En otras situaciones, como la transferencia de competencia de la FCP al INCRA, los trabajos ya habían sido transformados en libros publicados por editoriales universitarias.

la expectativa de judicialización de los procesos de reconocimiento y la extrañeza que los agentes estatales tenían en relación con estas cuestiones. Al mismo tiempo, los antropólogos tuvieron que familiarizarse con las instituciones, las disposiciones legales, las normas y las instrucciones de los organismos, estatales y jurídicos implicados, sus meandros y sus modos de funcionamiento. También debieron familiarizarse con la configuración política local, regional y nacional, para entender a los grupos de interés enfrentados, a los demás mediadores y al proceso de movilización de la comunidad. Para elaborar los "laudos" fue necesario realizar simultáneamente una etnografía del Estado y de las relaciones de poder establecidas.

Después del primer concurso público para contratar antropólogos en el INCRA, en 2005, un número significativo de estos estudios pasó a ser elaborado por profesionales del Instituto, muchos de los cuales apenas eran graduados en Ciencias Sociales con habilitación en Antropología, con poca o ninguna experiencia de investigación, en general y/o con quilombolas. En un evento interno del instituto para recibir a esos profesionales, realizado en Brasilia en 2006, se cristalizaron dos posiciones entre los presentes. La primera argumentaba que los antropólogos del INCRA no podrían efectuar los informes porque no tenían las condiciones mínimas de trabajo. Desde esta perspectiva, surgieron diversos cuestionamientos. ¿Cómo podrían disponer de tiempo para las actividades de campo, la organización y el análisis de datos, y la redacción, al tiempo que debían llevar a cabo y supervisar los procesos administrativos de regularización fundiaria, y las reuniones técnicas, y políticas, con los solicitantes y los posibles desapropiados? Eso, y además, tener que responder a las impugnaciones de los informes antropológicos ya publicados. ¿Y cómo se puede hacer eso cuando se es el propio autor? ¿No se abriría así el camino para que las impugnaciones administrativas se convirtieran en judiciales, basándose en la falta de imparcialidad e interés propio del agente estatal que las analizó? Además, el organismo no contaba con historiadores ni geógrafos en su plantilla, la mayoría de cuyo personal eran agrónomos o cartógrafos. ¿Con qué apoyo técnico se podría contar? ¿Cómo podía garantizarse la autonomía del investigador cuando estaba subordinado a un superintendente regional, nombrado para el puesto por las fuerzas políticas locales, que podían ser favorables o no a las políticas de discriminación positiva? ¿Cómo hacer viables los viajes y la estancia sobre el terreno, dadas las limitaciones presupuestarias de la agencia y de su sector?

La segunda tesis sostenía que el objetivo de realizar un concurso específico para antropólogos era, precisamente, agilizar la producción de "laudos", que se consideraban demasiado densos y lentos cuando se hacían en el marco de convenios. Además, el mundo académico no podía tener el monopolio de la producción de esos informes, porque, en última instancia, las comunidades quilombolas estaban siendo perjudicadas por el rigor, la "vanidad" y el "ego" de investigadores consagrados. Cabe destacar que varios antropólogos del INCRA veían ahí una oportunidad para profesionalizarse, por fuera de la universidad. Otros creían que sería posible superar las dificultades enumeradas anteriormente, ya que la atribución a la institución

del poder de regularizar los territorios quilombolas y la inclusión de peritos en antropología en su plantel deberían apuntar a un escenario de cambios prometedores.

Dada la relativa autonomía de las superintendencias regionales para establecer convenios o efectuar la ejecución directa de los estudios, ambas posturas se llevaron a la práctica simultáneamente. En algunos lugares, el empleado con habilitación en antropología sólo supervisaba el trabajo realizado por otros profesionales; en otros, hacía la investigación; y hubo quien a lo largo del tiempo hiciera ambas cosas. Las experiencias acumuladas por estos sujetos, los dilemas, las dificultades y las soluciones encontradas, eran compartidas en congresos científicos del área, como las reuniones brasileñas de antropología. Era también en estos eventos académicos que se abordaba a la dirección de la ABA, para establecer una interlocución y pedir apoyo en el sentido de la regulación de la profesión.[27] Porque en la opinión de los antropólogos, que ahora formaban parte de diversos organismos públicos involucrados en la implementación de políticas públicas dirigidas a las poblaciones quilombolas (FCP, INCRA, Instituto Nacional del Patrimonio Histórico y Artístico, MPF, entre otros), el papel de la Asociación para garantizar mejores condiciones de trabajo para sus miembros era limitado, debido a su naturaleza académica; y que un sindicato o consejo profesional podría cumplir mejor este papel. La respuesta fue la creación, en el seno de la Asociación Brasileña de Antropología, del Grupo de Trabajo sobre el Oficio del Antropólogo en 2006.[28]

Algunos años más tarde, diversos cuestionamientos legales a los convenios con universidades –especialmente debidos a la participación de fundaciones de investigación de estas instituciones, como intervinientes y gestoras, de recursos financieros y de la remuneración de profesores con dedicación exclusiva–[29] llevaron al INCRA a comenzar a atender la demanda de producción de informes de dos maneras: la ejecución interna, utilizando sus propios dependientes; o por licitación. En el contexto de los llamados públicos, empresas generalmente vinculadas a la elaboración de informes de impacto ambiental, comenzaron a contratar antropólogos para producir lotes (un conjunto de informes para una determinada región de un estado brasileño). De la experiencia de estos profesionales con la antropología por contrato han surgido numerosos conflictos, como la baja remuneración, la escasez de tiempo y recursos para el trabajo de campo, tentativas de acceso a los datos brutos de la investigación e injerencia en las reivindicaciones

27 Las conducciones de la Asociación cambian cada dos años.

28 Para saber más sobre cómo se ha desarrollado esta cuestión –ya que aquí no será posible aquí tratarla en profundidad, dado el enfoque central del texto y las limitaciones impuestas a su extensión para su publicación– véase Barreto Filho (2017).

29 Existía el entendimiento por parte del Ministerio Público Federal y de algunos Procuradores Judiciales Regionales del INCRA de que los profesores de las universidades federales no podían ser remunerados, ni siquiera en forma de beca a través de instituciones de investigación, para elaborar informes, porque ya eran empleados públicos federales y ya tenían un salario pagado por estado para realizar actividades de enseñanza, investigación y extensión. Sin embargo, se trata de una cuestión controvertida, ya que, incluso con dedicación exclusiva, la ley les permite realizar consultorías ocasionales remuneradas, y no existe ningún impedimento para recibir una beca de investigación de otros organismos, como las fundaciones estatales de apoyo a la investigación y el Consejo Nacional de Desarrollo Científico y Tecnológico (CNPq), vinculado al Ministerio de Ciencia y Tecnología.

territoriales expresadas en los estudios. Por ello, algunos antropólogos crearon empresas para competir en estas licitaciones de forma directa y autónoma.

En 2015, en el contexto de la creación de un curso de especialización para la producción de "contra laudos" y de la proliferación de la antropología por contrato, a través de licitaciones públicas para elaborar "laudos" y reportes de identificación de áreas indígenas y quilombolas, así como para medir impactos socioambientales de megaproyectos de desarrollo, la ABA formuló el Protocolo de Brasilia (ABA 2015). En el mismo, recomienda que los antropólogos tengan formación específica (posgrado en Antropología) y experiencia de investigación, con "laudos" y grupos étnicamente diferenciados (con producción académica relevante en el área). La licenciatura en Ciencias Sociales y/o Antropología –criterio establecido en los concursos públicos del Ministerio Público Federal, y INCRA, entre otros organismos– no se consideran suficientes para desempeñarse en la regularización de territorios o en la promoción de derechos diferenciados. Se destaca la importancia de que la delimitación territorial de estos grupos se base en criterios nativos y no exógenos. Además, se establece un plazo mínimo de 120 días para la elaboración de "laudos" y peritajes. Por último, se destaca la importancia de incluir contenidos curriculares y/o asignaturas sobre "laudos" antropológicos en las carreras de grado y posgrado de Antropología y Ciencias Sociales.

Entretanto, lo que hemos podido observar, tanto en el contexto de los llamados públicos como en la ejecución directa fueron estudios producidos a partir de treinta días de trabajo de campo, de naturaleza mucho más descriptiva, con menos teoría y conceptos en comparación con las primeras etnografías creadas por convenios con universidades. Esto también puede estar relacionado con la propia acumulación de experiencia de los autores sobre el tema y la familiarización de los agentes estatales con los debates y categorías antropológicas, de tal forma que su problematización y explicación ya no se convertiría en un asunto a ser resuelto textualmente. Otro cambio importante se refiere a los criterios utilizados para definir los territorios reivindicados, cada vez más próximos a la lógica burocrática del Estado de priorizar áreas actualmente ocupadas y excluir espacios expropiados que implicarían grandes conflictos con grupos de interés, como ganaderos, mineros, proyectos de desarrollo e incluso el propio Estado brasileño. Esto podría ser tanto el resultado de presiones e interferencias de contratistas o superiores, cuanto de la internalización de esta perspectiva por parte de los peritos, ya que para muchos de ellos se trata de su primera experiencia profesional. Sin parámetros de comparación proporcionados por experiencias anteriores, es muy difícil adoptar una postura crítica y reflexiva; especialmente cuando no se cuenta, en el espacio de trabajo o fuera de él, con una red de apoyo y diálogo con sus pares.

La configuración de un escenario cada vez más inhóspito para la praxis antropológica contará con otros dos acontecimientos que, aparentemente, apuntan en la dirección opuesta: las Comisiones Parlamentarias de Investigación (CPI's) sobre la Fundación Nacional del Indio y el INCRA, y la conclusión de la votación del Supremo Tribunal Federal (STF) sobre la Acción Directa de Inconstitucionalidad nº 3.239.

Entre 2015 y 2017, se crearon dos comisiones parlamentarias de investigación sobre el papel de la FUNAI y del INCRA en la demarcación de las tierras indígenas y quilombolas. Como señala Santos (2022), la comisión consistió en una serie de ataques a los derechos indígenas y quilombolas a través de un proceso inquisitorial –al que fueron sometidos los profesionales de la antropología que trabajaban o formaban parte del cuerpo técnico de dichas instituciones– que tuvo como resultado la producción de una narrativa que corroboraba la flexibilización de las normas ya vigentes en favor de los grandes proyectos agrícolas, mineros y de construcción de represas en Brasil. La descalificación de los estudios antropológicos fue una estrategia empleada por los miembros de la Comisión vinculados a la bancada ruralista, toda vez que estos nuevos géneros narrativos constituían la base técnico-científica que legitimaba los derechos constitucionalmente constituidos de estos grupos étnico-raciales.

Las acciones de la junta directiva de la ABA en defensa de la labor antropológica y contra las acusaciones de la Comisión Parlamentaria de Investigación comenzaron el 17 de noviembre de 2015 (ABA 2015), antes de que hubieran transcurrido 30 días desde la creación de la CPI. En aquel documento, la Asociación llamaba la atención sobre los riesgos de una verdadera avalancha de propuestas legislativas, actos administrativos y comisiones judiciales con las mismas premisas que la Comisión Parlamentaria, previendo las futuras repercusiones de este movimiento sobre la práctica antropológica en la elaboración de laudos e informes, que sufriría cada vez más coacciones y presiones, abusivas y arbitrarias (Santos 2022). El informe final de la última CPI de 2017 recomienda la imputación de 21 antropólogos acusados de parcialidad, activismo político, y falsedad ideológica, entre otros delitos.

El 8 de febrero de 2018, la Corte Suprema concluyó su fallo sobre la ADIN Nº 3.239 en relación con el Decreto Nº 4.887/2003, reafirmando su constitucionalidad. Este caso comenzó a ser decidido por los jueces de la Corte Suprema en 2012, con el voto a favor de su inconstitucionalidad del juez Cézar Peluso. En 2015 votó la jueza Rosa Weber y en 2017 hizo lo propio el juez Dias Toffoli. Ambos defendieron la constitucionalidad del decreto, pero Toffoli fijó la fecha de promulgación de la Constitución Federal –el seis de octubre de 1988– como marco temporal para la ocupación territorial de estos grupos con el fin de obtener el reconocimiento estatal de su territorialidad, en el mismo entendimiento que el decreto anterior, el 3.912/2001. Al concluir la sentencia en 2018, los magistrados Edson Fachin, Roberto Barroso, Ricardo Lewandowski, Luís Fux, Marco Aurélio Mello, Celso de Mello y Carmen Lúcia Rocha siguieron el voto de la magistrada Rosa Weber, a favor de la constitucionalidad del decreto y sin plazo. El magistrado Gilmar Mendes votó a favor, al igual que había hecho anteriormente el magistrado Cézar Peluso. A lo largo del proceso, la ABA emitió diversas notas técnicas y dictámenes[30], en los que destacaba la importancia de la disposición legal para la continuidad de las políticas públicas destinadas a los quilombolas,

30 Cito como ejemplo la nota y el dictamen de la Comisión Quilombos de 2012 y 2015 sobre el tema, que pueden consultarse en la web de la ABA. Véase: http://www.portal.abant.org.br/

además de buscar el diálogo con los magistrados del STF para proporcionarles información sobre la discusión antropológica acerca de la identidad y territorialidad de este segmento, a partir de las investigaciones acumuladas por sus miembros sobre el tema. Estas acciones se sumaron a los esfuerzos realizados por el movimiento negro y quilombola, políticos, y el Ministerio Público Federal, entre otros, para garantizar la continuidad del decreto.

Tenemos, por un lado, el intento de criminalizar el trabajo antropológico y, por otro, la reafirmación del dispositivo legal que permite a estos profesionales participar en la producción de informes sobre tierras quilombolas. Sin embargo, la aparente victoria en la Corte Suprema fue socavada por cuatro años de gobierno del presidente Jair Messias Bolsonaro, del Partido Liberal, de 2018 a 2022. Representante de una agenda neoconservadora y aliado a los intereses que orientaron a los CPI, Bolsonaro se posicionaría explícitamente, incluso durante el período de campaña electoral, contra la regularización de los territorios quilombolas. En otros momentos, desarrollaría una campaña ideológica y financiera antagónica a las universidades federales y a los órganos responsables de las políticas de acción afirmativa, produciendo una verdadera parálisis en su implementación. Este escenario se vio exacerbado por la pandemia de COVID-19 , que golpeó duramente a estas comunidades.[31] Abandonadas a su suerte, se han movilizado, interna y externamente, para reivindicar sus derechos y denunciar el abandono y la desatención de los poderes públicos. Estos grupos también se resistieron al proceso de desregulación medioambiental llevado a cabo por la administración Bolsonaro, y a la falta de control de los delitos de acaparamiento de tierras, minería y degradación, del medio ambiente y sus recursos, perpetrados por las grandes empresas. Esta situación ha demostrado que, aunque la existencia de un decreto que regule la titulación de los territorios quilombolas sea importante, no es en sí misma una condición suficiente para garantizar los derechos constitucionales de estos grupos, ya que la política pública en cuestión aún no se ha convertido en una política de Estado. En otras palabras, no ha conseguido institucionalizarse plenamente, debido al racismo estructural de la sociedad brasileña, que impregna los organismos estatales, el poder judicial y una parte significativa del segmento político brasileño, tanto a la derecha como a la izquierda del espectro partidario.

En este contexto extremadamente desfavorable, la Asociación Brasileña de Antropología, principalmente a través de su Comité de Quilombos, ha elaborado una serie de notas de denuncia, exigiendo acciones a los organismos responsables de las innumerables situaciones de violación de derechos que sufren estas comunidades. Desde 2018, debido a la escasez de recursos en el INCRA y la consecuente imposibilidad de contratar investigadores, incluso a

31 Desde que la Organización Mundial de la Salud calificara el COVID-19 como pandemia, en marzo de 2020, 700.000 personas han muerto por esta causa en el país, según datos del Ministerio de Salud. Las tasas de enfermedad y muerte por Covid-19 de la población negra de Brasil han sido de dos a tres veces superiores a las de los blancos. Los quilombolas no se incluyeron inicialmente entre los grupos prioritarios del Plan Nacional de Vacunación contra el COVID-19. Esta situación sólo se modificó luego de numerosas movilizaciones y protestas de las comunidades.

través de un proceso de licitación, muchos antropólogos han comenzado a trabajar voluntariamente y a donar sus "laudos" al Instituto, para contribuir al avance de los procesos de regularización fundiaria. Otros intentaron viabilizar financieramente sus estudios a través de convocatorias de organismos de investigación, estatales o nacionales, e incluso hicieron uso de recursos provenientes de fondos internacionales.[32] El trabajo comenzó a realizarse con mayor autonomía profesional, pero generalmente en condiciones muy precarias: un equipo de investigación reducido o inexistente; actividades de campo intermitentes; tiempo de escritura prolongado, ya que se intercalaba con otros compromisos del investigador; entre otros factores. Con la llegada de la pandemia, varios estudios tuvieron que interrumpirse, entre otras cosas, porque muchas comunidades organizaron sus propias barreras sanitarias para preservar a sus ancianos y a las personas con comorbilidades. Tras la vacunación masiva y la reducción del número de casos y muertes, estas investigaciones se han reanudado.

CONSIDERACIONES FINALES

Sin pretender agotar el tema, especialmente en lo que se refiere a los acontecimientos más recientes –ya sea en términos de los daños y perjuicios causados por el gobierno de Bolsonaro o de las expectativas para el futuro de las políticas dirigidas a las comunidades quilombolas en el nuevo gobierno de Luiz Inácio Lula da Silva–, hemos intentado construir un panorama histórico del trabajo de los antropólogos en la identificación de los territorios quilombolas. Intentamos mostrar cómo la praxis antropológica relacionada con la producción de "laudos" sobre estos grupos fue configurándose en este proceso altamente complejo y conflictivo. A pesar del evidente abismo entre lo que nuestra Asociación científica recomienda y la experiencia real de los investigadores, es innegable la marca dejada por la participación de la ABA y de los antropólogos en las formulaciones jurídicas y políticas, y en la implementación de tecnologías gubernamentales destinadas a reconocer a los quilombolas y sus derechos. Del mismo modo, es innegable la transformación teórica que ha tenido lugar dentro de la antropología brasileña para dar cuenta de las apropiaciones nativas de la categoría jurídica de los remanentes de comunidades quilombolas, ampliando y diversificando el alcance de las preguntas y problematizaciones etnográficas sobre las poblaciones afrobrasileñas. Al mismo tiempo, hemos enriquecido el debate en el campo de la antropología del derecho y del Estado, ya que la elaboración de estos estudios nos exigía una *expertise* jurídica y un conocimiento de primera mano, de la organización y del funcionamiento del Estado en sus diferentes niveles. Aun así, creo que tenemos mucho que aprender de este cúmulo de experiencias y conocimientos, sobre todo en lo que se refiere a su incorporación a los planes de estudio de

32 Entre 2017 y 2019 supervisé la producción de dos informes antropológicos sobre comunidades del Valle do Iguape, en el Recôncavo de Bahía, realizados con financiación de la Unión Europea, prospectado por el Centro de Educación y Cultura del Valle de Iguape (CECVI) y la ONG italiana Cooperación para el Desarrollo de Países Emergentes (COSPE).

grado y postgrado, en ciencias sociales y antropología, para que las nuevas generaciones de antropólogos aprendan en su proceso de formación tanto de nuestros errores como de nuestros aciertos en esta materia. Finalmente, creo que producir una perspectiva comparada con el trabajo de los antropólogos en la identificación de las tierras indígenas en nuestro país y en la gestión de la alteridad interna en otras naciones latinoamericanas nos aportaría lecciones sumamente relevantes, ya que, a pesar de las singularidades de cada situación, tenemos los mismos componentes en juego: Estados Nación; Antropología; conocimiento; políticas públicas y poblaciones que conforman sus alteridades internas. Y como en un caleidoscopio, a pesar de contener los mismos elementos, cuando éstos se recombinan en otras posiciones, producen imágenes diferentes.

Translated by Federico Lavezzo
Received: March 26, 2023.
Approved: July 2, 2024.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

El oficio antropológico en el Incra: desafíos en la producción de informes antropológicos de identificación de territorios quilombolas

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Resumen:

El objetivo de este artículo es abordar la cuestión de la producción de informes antropológicos, desde la perspectiva de la práctica profesional técnico-científica de analistas en antropología vinculadas a una agencia gubernamental, el Instituto Nacional de Colonización y Reforma Agraria de Brasil (Incra). Partimos de las particularidades de nuestro cotidiano profesional, en un ejercicio auto-etnográfico, para examinar dinámicas y relaciones de poder, parámetros de legitimidad y deslegitimación respecto a la producción de informes antropológicos en tanto piezas técnicas de la política pública de regularización de tierras. Nuestra contribución destaca la especificidad del trabajo antropológico que emerge en contextos de tensiones políticas contra los derechos de los quilombolas, en los cuales la crítica a nuestro trabajo técnico es instrumentalizada como un intento de deslegitimar las políticas públicas y los derechos sociales involucrados, siendo esta susceptibilidad de la política quilombola a los cambios de gobierno una de las facetas del racismo estructural. Concluimos que, a pesar de las dificultades operativas, institucionales y políticas, el informe antropológico se ha convertido en un elemento central de la titulación de tierras quilombolas en los últimos 35 años.

Palabras clave: informes antropológicos; quilombos; actuación profesional; burocracia estatal.

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e01013
https://doi.org/10.1590/1809-4341.2025v22e01013

The Anthropological Profession at INCRA: Challenges in Producing Anthropological Reports on Quilombola Territories

Abstract:

This article aims to explore the production of anthropological reports from the perspective of the technical-scientific professional practice of anthropologist analysts linked to a state agency, Incra. We start from the particularities of our professional daily life, in an autoethnographic exercise, to dissect the dynamics and power relations, and the parameters of legitimacy and delegitimization concerning the production of anthropological reports as a technical component of public land regularization policy. Our contribution highlights the specificity of anthropological practice that emerges in contexts of political tensions against quilombola rights, where criticism of our technical work is instrumentalized as an attempt to delegitimize public policies and social rights. This susceptibility of quilombola policy to government changes is one facet of structural racism. We conclude that, despite operational, institutional, and political challenges, the anthropological report has been consolidated as a central element for quilombola titling throughout these 35 years of access rights to the lands of this ethnic group.

Keywords: Anthropological Reports; Quilombos; Professional Practice; State Bureaucracy.

O ofício antropológico no Incra: desafios na produção de informes antropológicos de identificação de territóios quilombolas

Resumo:

Este artigo tem por objetivo abordar o tema da produção de relatórios antropológicos sob a perspectiva da prática profissional técnico-científica de analistas em antropologia vinculadas a um órgão de Estado, o Incra. Partimos das particularidades de nosso cotidiano profissional, em um exercício autoetnográfico, para esmiuçar dinâmicas e relações de poder, parâmetros de legitimidade e deslegitimação a respeito da produção de relatórios antropológicos enquanto peça técnica da política pública de regularização fundiária. Nossa contribuição destaca a especificidade de um fazer antropológico que emerge em contextos de tensões políticas contra os direitos quilombolas, nos quais a crítica ao nosso trabalho técnico é instrumentalizada como tentativa de deslegitimação das políticas públicas e direitos sociais incidentes, sendo esta suscetibilidade da política quilombola às mudanças de governo uma das facetas do racismo estrutural. Concluímos que, em que pese as dificuldades operacionais, institucionais e políticas contrárias, o relatório antropológico se consolidou enquanto uma peça central para a titulação quilombola ao longo desses 35 anos de direitos de acesso a terras desse grupo étnico.

Palavras-chave: relatórios antropológicos; quilombos; atuação profissional; burocracia estatal.

El oficio antropológico en el Incra: desafíos en la producción de informes antropológicos de identificación de territorios quilombolas

Eleandra Raquel da Silva Koch; Julia Marques Dalla Costa; Vanessa Flores dos Santos

INTRODUCCIÓN

Este artículo fue escrito por tres antropólogas que trabajan en el Instituto Nacional de Colonización y Reforma Agraria (Incra) con la política pública de titulación de territorios quilombolas.[1] El objetivo fue reflexionar sobre nuestras prácticas profesionales técnico-científicas, imbuidas del papel de poner en marcha el acceso de las comunidades quilombolas a sus derechos territoriales, teniendo en cuenta el rol social inherente a nuestra profesión. Buscamos indicar puntos de tensión que componen la trama de nuestras experiencias empíricas relacionadas con la práctica profesional, en el contexto de la elaboración de informes técnicos, como la precariedad del trabajo antropológico en las instituciones estatales, el desajuste entre los plazos administrativos y legales en relación a las dinámicas locales en los territorios, y notas sobre cómo los derechos específicos de la población quilombola se han desdoblado en nuevas cuestiones más allá de la regularización fundiaria, como el acceso a políticas de inclusión productiva de las comunidades quilombolas, el acompañamiento de las discusiones sobre la gestión territorial y ambiental de los quilombos, y el licenciamiento ambiental quilombola.

Desde el punto de vista teórico, en los campos de la antropología y las ciencias sociales existe un vasto *corpus* de trabajos sobre los quilombos en Brasil. Considerando este universo de producción académica, la especificidad de nuestro abordaje en este artículo está directamente relacionada con nuestra práctica de trabajo con las comunidades quilombolas en el

1 Optamos por referirnos al femenino [antropólogas] como universal, porque se trata de un texto escrito por tres mujeres. Asimismo, de los 72 profesionales que trabajan en el área antropológica en el INCRA, la mayoría (44) son mujeres. Sin embargo, el objetivo de este artículo no es hacer un corte de género en el análisis realizado.

Incra durante más de una década. De esta forma, apostamos a la reflexividad que proviene de una práctica profesional que sólo puede realizarse al amparo del rol social del que el antropólogo y la antropóloga no pueden prescindir. Es decir, el hecho de que la finalidad de la producción antropológica en el ámbito estatal sea, además de retratar a los grupos étnicos estudiados (Barth 2000) y sus prácticas contrastivas, hacer inteligibles las demandas de estos grupos ante el Estado, es decir, trabajar a favor de la protección de los derechos de estas colectividades (O'Dwyer 2002). Sin embargo, además de hacer concretas las demandas al Estado, también las materializamos dentro del Estado, porque damos a estas demandas un carácter estatal: los informes, dictámenes y otros registros que producimos también se convierten en documentos estatales, con efectos dentro y fuera del Estado.

Metodológicamente, la narración de fragmentos de nuestras experiencias situadas produce un punto de partida, entre muchos caminos posibles, para reflexionar sobre el papel de las antropólogas en procesos sociales más amplios. Los registros de reflexiones entre pares antropólogos de la autarquía agraria en diversas regiones del país, a lo largo de más de una década de trabajo en el Incra, y el diálogo constante con las comunidades quilombolas –ya sea en la elaboración de un informe antropológico sobre la caracterización histórica, económica, ambiental y sociocultural del área quilombola identificada, en adelante, informe antropológico, o en el diálogo cotidiano sobre la marcha de sus procesos administrativos en el Incra– dan sustento analítico a la escritura auto-etnográfica de este artículo. Strathern (2013), al especificar la escritura etnográfica en relación con otras actividades que implican la inmersión en el campo, "p. ej." un reporte, sostiene que el antropólogo, al regresar del campo, no escribe como una actividad "derivada o residual". Al contrario, "las ideas y narrativas que dieron sentido a la experiencia de campo cotidiana tienen que ser reordenadas para tener sentido en el contexto de argumentos y análisis dirigidos a otra audiencia" (Strathern 2013:346). De este modo, subraya el antropólogo, la escritura etnográfica crea un "segundo campo", que surge de este reordenamiento reflexivo de los datos del campo.

Así, revisitar notas, diarios de trabajo de campo, registros fotográficos y otras formas de memoria sobre nuestras reflexiones acerca de las condiciones de nuestra práctica antropológica en el Incra, así como las reacciones contra nuestro trabajo técnico (y especialmente, la política pública de titulación quilombola), son formas de revivir nuestro campo y sostener este ejercicio (auto)etnográfico. De esta forma, nuestro intento (auto)etnográfico apunta a una sistematización parcial de nuestras experiencias en el sentido en que Adams, Holman y Ellis (2022) apuestan por una ganancia en términos de reflexividad, ya que las particularidades de nuestro cotidiano profesional nos permiten examinar las dinámicas y relaciones de poder, limitaciones, parámetros de legitimidad, deslegitimaciones y conflictos involucrados en los casos que serán abordados.

Al hablar de las (auto)etnografías, es decir, de la autoescritura y del relato en primera persona de temas de interés social, la antropóloga Fabiene Gama (2020) señala que "esas prácticas probablemente se han realizado desde siempre" (Gama 2020:02). Para ella, estas formas de escritura

y análisis no se limitan a categorías o grupos sociales predefinidos, ni siquiera pretenden ser "un retrato realista de un acontecimiento vivido". En este sentido, nuestras "escrituras de sí" son formas de desplazamiento y reflexividad sobre nuestro trabajo diario con las comunidades quilombolas en pos de sus demandas. Nuestra principal interlocución en el trabajo diario es con los líderes quilombolas, que nos proporcionan "vías expeditas" para reconstruir las relaciones y prácticas de resistencia étnica, territorial y ambiental ejercidas por las comunidades quilombolas en la lucha por sus derechos. Sin embargo, como agentes del Estado, en el Incra respondemos a las estructuras y parámetros normativos de la regularización de las tierras quilombolas, lo que implica interrelacionarnos con otros saberes y procedimientos analíticos.

En este sentido, queremos destacar que la regularización fundiaria quilombola en el Incra es una actividad multidisciplinaria que involucra a profesionales de diferentes áreas: agrónomos, analistas administrativos, censistas y juristas, entre otros, que actúan en las diferentes fases del proceso de titulación de los territorios quilombolas. En este contexto, la naturaleza cualitativa de nuestros procedimientos teórico-metodológicos a menudo conduce a malentendidos por parte de otros profesionales que trabajan en el proceso administrativo del Incra.[2] El hecho es que la investigación antropológica, que es una parte importante del trabajo que realizamos, no puede prescindir de la inmersión en el campo, ya que vivir y compartir parte de la vida cotidiana de nuestros interlocutores son premisas metodológicas básicas (Silva 2015:156), y por lo tanto, esenciales para una buena etnografía (Peirano 1995; Strathern 2013). Cuando nos referimos a la inmersión en el campo, no estamos hablando de una actividad que termine en la burocracia estatal, aunque seamos parte de ella. Se trata de una observación participante de las cosmopolíticas ejercidas por las comunidades quilombolas en la lucha por sus derechos territoriales. Cosmopolíticas[3] en el sentido de todas las relaciones sociales ejercidas en las luchas en defensa de sus territorios tradicionales. En este sentido, los conflictos y las luchas territoriales no pueden analizarse sin considerar las interrelaciones con las dimensiones cosmológicas y políticas que las comunidades quilombolas utilizan para justificar sus derechos.

Por lo tanto, la objetividad de la investigación antropológica con comunidades quilombolas surge del análisis de los procesos de despojo territorial sufridos, trayectorias ancestrales de resistencia al racismo; documentos históricos y notariales,[4] archivos familiares y públicos; pero está directamente vinculada al abordaje de las dimensiones cosmológicas - ordenamientos del

2 Silva (2015) ofrece aquí un importante contrapunto a las recurrentes acusaciones de que los informes antropológicos son "parciales". Sostiene que no se trata de negar que la investigación antropológica aporte beneficios a una de las partes del conflicto en cuestión, pero subraya que esta circunstancia es "el resultado de la investigación y nunca algo predeterminado" (Silva 2015:156).

3 Latour reconoce el concepto de cosmopolítica desde la perspectiva de la no separación entre cosmos y política. Para ello, utiliza el término cosmos en el sentido en que, según él, lo emplean los antropólogos, es decir, "una disposición de todos los seres que una cultura particular reúne en formas de vida práctica. [...] : son los dioses, los espíritus, los astros, tanto como las plantas, los animales, la parentela, los utensilios o los rituales" (Latour 2016:116).

4 La inexistencia de documentos es también un dato de pesquisa que demuestra la invisibilización de estas poblaciones y su falta de acceso a los registros oficiales.

mundo; pertenencia étnico-racial y relaciones de reciprocidad, ejercidas por las colectividades quilombolas entre sí y en su entorno, en las fronteras étnicas (Barth 2000). Sin embargo, para conectar las diferentes dimensiones que componen las prácticas quilombolas en el presente, que afectan a la investigación que estamos llevando a cabo, necesitamos tiempo para desarrollar relaciones de confianza con nuestros interlocutores, porque la confianza, como señala Silva (2015), es una condición esencial y determinante para una mayor o menor densidad analítica. Por lo tanto, es decisiva para profundizar en los datos y en las relaciones sociales durante el trabajo de campo.

En lo que se refiere a la trayectoria de la política estatal, la regularización fundiaria de los territorios quilombolas se destaca por el protagonismo y la organización de los movimientos negros desde el período post-abolición.[5] Así, en el proceso constituyente de 1988, hubo una acumulación favorable en el sentido de que las luchas por el reconocimiento social y los derechos de la población negra fueron incluidos en la nueva carta constitucional. Además, como señala Carvalho (2016), se construyeron otras importantes alianzas en defensa de las poblaciones negras y de los remanentes de quilombos, tales como: "el trabajo de parlamentarios comprometidos con causas sociales y el desconocimiento de la mayoría de los constituyentes de la expresividad contemporánea de esas poblaciones" (Carvalho 2016:132). Como señalara Picelli (2016) en su investigación, la inclusión del artículo 68 en el Acta de Disposiciones Constitucionales Transitorias (ADCT) – la disposición para la titulación de quilombos– fue una ventana de oportunidad debido al centenario de la abolición de la esclavitud, pero principalmente porque este debate se desarrolló durante la Asamblea Nacional Constituyente en términos de reconocimiento social de la diferencia y no de redistribución (Fraser 1995; Honneth 2003)[6].

La estructura de este artículo, además de esta introducción, se compone de cuatro secciones. En la primera, discutimos las consecuencias estatales del Decreto 4.887/2003, que asignó la titulación de los territorios quilombolas al Incra, y también el trabajo antropológico que comenzó a realizarse en la agencia agraria después del primer concurso para el cargo de antropólogas (Analista en Reforma y Desarrollo Agrario - Antropología). En la segunda sección, discutimos

5 Como señalara Lélia Gonzalez (1982), se encontraron diversas formas de organización y prácticas de resistencia a la violencia racial en el período posterior a la abolición en Brasil. Algunas de las principales expresiones de organización colectiva negra fueron destacadas por Lélia Gonzalez y Carlos Hazenbalg (1982): a) la creación de "entidades" culturales que tenían funciones recreativas, pero también de formación político-cultural e intelectual; b) el surgimiento del Frente Negro; c) el surgimiento del Teatro Experimental Negro (TEN) fundado por Abdias Nascimento, que existió de 1944 a 1961; y d) en la década de 1970, la creación de los Cuadernos Negros, que buscaban retratar imágenes de África en nuestro continente y del Movimiento Negro Unificado (MNU), en 1978.

6 En la Asamblea Nacional Constituyente, las discusiones que culminaron con la aprobación del artículo 68 del ADCT, que garantiza la titulación de las tierras de los remanentes quilombolas, no fueron tratadas en la Subcomisión de Política Agraria y Fundiaria, y de la Reforma Agraria. La regularización fundiaria quilombola no fue debatida como estrategia para democratizar el acceso a la tierra y la reforma agraria, sino que fue tratada en la Subcomisión de Negros, Poblaciones Indígenas, Personas con Discapacidad y Minorías, con un sesgo de reconocimiento cultural. Es posible que si este tema hubiera circulado en la Subcomisión de Asuntos Agrarios, no hubiera prosperado (Picelli 2016).

la elaboración de informes antropológicos como una modalidad del Estado brasileño. En la tercera, consideramos las dimensiones de una práctica profesional que se caracteriza, al mismo tiempo, por los compromisos éticos y el papel social inherentes a la práctica antropológica, y por las exigencias jurídico-administrativas de la esfera estatal en la que actuamos. En la cuarta sección, observamos el agravamiento de las innumerables dificultades para el avance de la política pública quilombola, el agravamiento de la morosidad y omisión del Estado en la efectivización de los derechos de titulación de las tierras quilombolas durante los gobiernos cuya política de Estado fue paralizar la política pública, especialmente en el período de 2019 a 2022. Finalmente, concluimos que, a pesar de las numerosas dificultades operativas, institucionales y políticas en contra de la política pública de regularización de tierras quilombolas, el informe antropológico –principal actividad técnica de los profesionales de antropología que trabajan en el Incra- se ha consolidado como parte central de la titulación de tierras quilombolas, a lo largo de estos 35 años de derechos de acceso a tierras para este grupo étnico.

CONSECUENCIAS DEL DECRETO 4.887/2003 Y EL EJERCICIO ANTROPOLÓGICO EN LA ESFERA ESTATAL

El Decreto Nº 4.887/2003 fue el acto normativo que reglamentó el procedimiento de identificación, reconocimiento, delimitación, demarcación y titulación de las tierras ocupadas por comunidades quilombolas, a que refiere el artículo 68 del Acta de Disposiciones Constitucionales Transitorias (ADCT).[7] De acuerdo a esta norma vigente, se consideran

> [...] remanentes de comunidades quilombolas, a los efectos de este decreto, a grupos étnico-raciales, según criterios de autoatribución, con trayectoria histórica propia, dotados de relaciones territoriales específicas, con presunción de ascendencia negra relacionada con la resistencia a la opresión histórica sufrida (Brasil 2003: Artículo 2).

A partir de la promulgación de esta norma legal, el Incra se convirtió definitivamente en el órgano responsable de la titulación de los territorios quilombolas a nivel federal[8]. Desde entonces, la autarquía agraria ha contratado antropólogos a través de concursos públicos[9] para llevar a cabo la tarea de elaborar informes antropológicos.

Cuando el Estado brasileño comenzó realmente a hacer operativa la política pública de titulación quilombola, con la creación de estructuras estatales, primero en la Fundación

7 De acuerdo con una disputa legal concluída 2018 (ADI 3239/STF), el artículo 68 de la ADCT es autoaplicable y no necesita ser reglamentado para que sea efectivo. Así, la normativa vigente regula el procedimiento de titulación de quilombos.

8 El artículo 3º del Decreto 4.887/2003 establece la competencia concurrente de la Unión, estados, Distrito Federal y municipios para la titulación de quilombos.

9 En el concurso público de 2005 se nombró a 40 antropólogas, 20 de las cuales siguen trabajando en la función pública. El concurso público de 2010 permitió nombrar a 62 antropólogas, 52 de las cuales están vinculadas con la Administración Pública. Actualmente hay 72 antropólogas trabajando en el Incra, de acuerdo al relevamiento del presente año de la Coordinación General de Regularización de Territorios Quilombolas.

Cultural Palmares (FCP) y después en el Incra, hubo diferencias de opinión en el seno de los movimientos sociales sobre si los informes antropológicos debían ser parte obligatoria de los procesos de reconocimiento administrativo, identificación y demarcación de los territorios quilombolas, ya que en virtud del Convenio 169 de la Organización Internacional del Trabajo (OIT), del que Brasil pasó a ser signatario en 2002,[10] algunos sectores, como los representantes de las comunidades quilombolas, defendían que el derecho a la autoasignación no exigía un informe antropológico que confirmara la resistencia quilombola en el territorio.

Sin embargo, como ha sustentado la Asociación Brasileña de Antropología (ABA), estos informes técnicos han sido muchas veces mediadores indispensables para que se defendiera el derecho a la titulación de las tierras quilombolas, ya que cuando se emprendían acciones judiciales, se exigía la producción pruebas (Carvalho 2016). Estas pericias judiciales tenían la función de reconstruir la trayectoria de resistencia y versaban, precisamente, de territorialidades[11] específicas (Almeida 2002; O'Dwyer 2010) vinculadas a los procesos de resistencia a las opresiones sufridas y a las estrategias de resistencia en el presente. Así, después de un largo debate público, el proceso de titulación de los quilombos se vinculó a la necesidad de un informe antropológico para registrar las características de la comunidad, su historia, su organización social y la descripción del territorio tradicionalmente ocupado.

Como resultado, las primeras profesionales que trabajaron en el campo antropológico en el Incra fueron contratadas en 2005, mediante concurso público, en el cargo de *Analista en Reforma y Desarrollo Agrario - Antropología*, como resultado del Decreto 4.887/2003. Estas profesionales comenzaron entonces, entre varias otras funciones administrativas inherentes a los cargos públicos estatales, a elaborar los informes antropológicos, que constituyen la primera pieza técnica del Informe Técnico de Identificación y Delimitación (ITID).

Diversas instrucciones normativas han sido emitidas por el INCRA para estandarizar el procedimiento de titulación de los territorios quilombolas, una tarea de naturaleza multidisciplinaria.[12] Además del informe antropológico, el ITID incluye otros documentos técnicos elaborados por profesionales de diversas áreas del conocimiento, como un informe agroambiental, un estudio fundiario, un relevamiento cartográfico y de superposición, el registro de familias quilombolas, análisis técnicos y jurídicos. La pieza de naturaleza antropológica, a su vez, se apoya en investigaciones históricas y etnográficas con las comunidades quilombolas que luchan por el reconocimiento y la titulación de sus tierras ancestrales.

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10 En 2002, Brasil ratificó el Convenio 169 de la Organización Internacional del Trabajo mediante el Decreto Legislativo 143, en vigor desde 2003. En 2004, fue emitido el Decreto nº 5.051, promulgando el Convenio, que pasó a formar parte del ordenamiento jurídico brasileño. Actualmente está en vigor el Decreto nº 10.088/2019, que sustituyó al Decreto nº 5.051/2004.

11 Según Little (2002), la territorialidad es un "esfuerzo colectivo de un grupo social por ocupar, utilizar, controlar e identificarse con una porción específica de su entorno biofísico, convirtiéndolo así en su 'territorio'". Así pues, el territorio es "un producto histórico de procesos sociales y políticos" (2002:3).

12 Seis instrucciones normativas (IN) fueron emitidas para orientar el proceso de titulación de quilombos: IN 16/2004; IN 20/2005; IN 49/2008; IN 56/2009; IN 57/2009; IN 128/2022.

El proceso de regularización de tierras implica innumerables complejidades técnicas y oposiciones de los sectores contrarios a la titulación quilombola, lo que hace que sea muy lento: en algunos casos tarda más de veinte años en completarse. Es decir, en términos generales, desde la apertura del expediente en el Incra, hasta la elaboración del ITID, el proceso contradictorio, la declaración de reconocimiento por resolución, la declaración de interés social por la Presidencia de la República, las evaluaciones de las áreas, las indemnizaciones de títulos o mejoras dentro del área delimitada, sin mencionar la disputa anual por el presupuesto en el Ejecutivo Federal para esta agenda. Todo ello para que luego las tierras quilombolas puedan ser liberadas de intrusos y, finalmente, los títulos colectivos transferidos a las asociaciones representativas de los territorios quilombolas (Brasil 2003; Incra 2009). Por lo tanto, aunque el ITID no represente el final del proceso, es un momento crucial en el que –a partir del conjunto de estudios mencionados anteriormente– se da a conocer la demanda de territorio quilombola (marca el primer paso del largo proceso de titulación).

Estos documentos técnicos (publicados en los Boletines Oficiales Federal y Estaduales), en el contexto de un proceso extenso y complejo, ofrecen garantías mínimas a la comunidad quilombola, especialmente en relación con la defensa de la posesión actual y directa de sus tierras. Esto impide que "se levante el cerco", es decir, que sigan adelante los procesos de usurpación de la propiedad quilombola. Otro punto importante es que, una vez abierto el proceso en el Incra, todas y cada una de las mejoras resultantes del acceso a las políticas públicas pueden realizarse en el área ocupada por la comunidad quilombola.[13]

Desde el inicio del trabajo de titulación del Incra, en virtud del Decreto Nº 4.887/2003, el número de procesos abiertos con este objetivo aumentó todos los años, especialmente entre 2004 y 2010, lo que demuestra la fuerza de la resistencia quilombola en el país.[14] En febrero de 2023 había 1.797 procesos abiertos en el Incra con este fin. Los concursos públicos convocados por el Incra para incorporar antropólogas a la administración pública federal, realizados en 2005 y 2010, no lograron establecer una fuerza de trabajo suficiente para la demanda de títulos de tierras quilombolas. En la actualidad hay 102 profesionales antropólogas en el Incra en todo el país, de las cuales 47 están en ejercicio y trabajando directamente en la agenda quilombola.[15]

13 Cabe destacar que existen situaciones de comunidades certificadas por la Fundación Cultural Palmares (FCP) como auto-declaradas e identificadas como remanentes de quilombos, que no tienen reivindicaciones territoriales y, por lo tanto, no abren expediente administrativo en el Incra.

14 Es importante destacar que el volumen real de demanda de títulos de tierras quilombolas era desconocido cuando se incluyó el artículo 68 de la ADCT en la Constitución Federal. Además, el término quilombo no es nativo de las diversas comunidades consideradas quilombolas por el Estado brasileño y, por esta razón, lo que se observó fue un gran movimiento de autoidentificación como quilombo a lo largo del tiempo, a partir de la divulgación por parte de los movimientos sociales quilombolas de esta categoría y de los derechos asociados a ella. Así, entre 2004 y 2010 hubo un movimiento ascendente en el número de solicitudes de apertura de procesos de titulación de quilombos en el Incra, que luego se estabilizó.

15 Insistimos en que las carreras del Incra están entre las peor pagas en comparación con el resto del ejecutivo federal. El plan de carrera del organismo tampoco es atractivo, por lo que ha habido mucha migración de empleadas.

Si se considera el escaso contingente de antropólogas y el crecimiento de los procesos administrativos abiertos en el Incra, así como el hecho de que estas profesionales tienen que lidiar con una miríada de rutinas administrativas relacionadas con las diferentes fases de regularización fundiaria quilombola, una de las formas que la agencia agraria ha encontrado para lidiar con este pasivo es tercerizar la elaboración de parte del ITID, es decir, la elaboración del informe antropológico y agroambiental. Esta tercerización de los trabajos técnico-científicos se produjo de dos formas: mediante asociaciones con universidades, a través de convenios de ejecución descentralizada, convenios o acuerdos de cooperación, y mediante licitaciones para la contratación de equipos multidisciplinarios coordinados por antropólogas.[16] Tras un largo debate entre las áreas de superintendencia, administrativa y jurídica, se decidió que estas licitaciones se harían en la modalidad de "menor precio" y no en las modalidades "técnica" o "técnica y precio".

En aquel momento, los departamentos administrativo y jurídico del Incra alegaban que la modalidad "técnica" o "técnica y precio" implicaba mayor complejidad y exigía mucho más tiempo para su ejecución, y que no existía ningún impedimento para la licitación de "precio más bajo" con requisitos técnicos. A pesar de los esfuerzos realizados para delimitar el objeto de estas licitaciones y de los parámetros normativos y científicos existentes para la comprobación de los productos, la mayoría de las empresas que ganaron la licitación fueron aquellas cuyas actividades son genéricas, habitualmente centradas en la elaboración de informes de impacto ambiental.

Los pliegos de condiciones de los concursos pretendían garantizar la obligación de que una antropóloga coordinara cada equipo y que se les pagara una cantidad acorde con el trabajo técnico de estas profesionales, además de exigir un tiempo mínimo de trabajo de campo.[17] Sin embargo, como las empresas gestionan los contratos con sus profesionales, los pagos y la operacionalización de las idas a campo son responsabilidad de los gestores de las empresas, que generalmente no conocen las especificidades de la investigación etnográfica. De este modo, la operacionalización del trabajo de investigación de campo quedó en manos de las empresas que contrataron a los profesionales.

En este punto, Salaini y Jardim (2015) enfatizan las implicancias del encierro de la antropología en una lógica "jurídico-administrativa", ya que la etnografía – que, como recuerda Peirano (2014), no puede reducirse a un método– desempeña un papel activo como fuente de reflexión que, precisamente, se vigoriza en la diversidad de la inmersión etnográfica con las

16 Teniendo en cuenta el volumen de posibles debates sobre la externalización de informes antropológicos, este documento se centra en la contratación mediante un proceso de licitación. Otras reflexiones sobre la elaboración de informes a través de asociaciones son posibles –y necesarias–, pero podrían explorarse en mayor profundidad en otro momento.

17 Existe un cálculo detallado para poder abarcar las dispares realidades del campo sin perjuicios para la investigación ni las finanzas, pero como se trata de un proceso que a menudo se lleva a cabo antes de conocer los hechos, es susceptible de disparidades.

comunidades quilombolas. Jardim sostiene que la antropología contribuye a proporcionar posibles contornos para el discurso institucional, porque:

> [...] es bastante común que los "fallos del sistema" se atribuyan a una "falta" de estabilidad en los conceptos. Para las antropólogas, sin embargo, el ensanchamiento de sentido de las categorías administrativas es una virtud a perseguir para dar espacio y expresión a las experiencias colectivas (Salaini y Jardim 2015:209).

La Instrucción Normativa 57/2009, actualmente vigente en el Incra, a pesar de las críticas de debate y consulta insuficientes, así como de requisitos excesivos, versa sobre todos los procedimientos administrativos y liturgias implicados en la identificación, reconocimiento, delimitación y titulación de los territorios quilombolas. El artículo 10 define un conjunto de requisitos y parámetros técnicos, que deben cumplirse y tenerse en cuenta en la elaboración de la primera parte del Informe Técnico de Identificación y Delimitación (ITID), el informe antropológico. Estos requisitos técnicos y analíticos son los parámetros utilizados por las antropólogas del Incra para emitir dictámenes sobre los productos contratados en los llamados.

Aunque la norma sea un instrumento orientador del informe antropológico (y del ITID en su conjunto), no es el único parámetro de evaluación y elaboración de este documento. Una profesional de la antropología posee un marco teórico y metodológico adquirido desde su formación en la disciplina, conoce los conceptos técnicos y científicos necesarios para realizar su trabajo, es decir, actúa a partir de una base de conocimientos formales adquiridos. Sin embargo, la formación académica es una parte de los elementos que cualquier profesional utiliza, pero no es suficiente (Peirano 1995). La etnografía surge de la capacidad de la antropóloga de unir el utillaje teórico de la disciplina con la experiencia de campo a través del filtro de sus características personales, inherentes, y de su biografía, experiencias vividas y acumuladas, lo que incluye el contexto socio-histórico más amplio en el que está inserta. Esto significa que la trayectoria y perspectiva personal son el punto de partida para reflexionar sobre el campo de investigación, y cómo esto también contribuye a pensar sobre las complejas relaciones que nos conectan, organizan y regulan institucionalmente.

Por esta razón, las antropólogas del Incra son singulares en su trabajo sobre la regularización fundiaria quilombola, cuya formación académica se suma a la experiencia que han adquirido (y adquieren) en su práctica profesional, que construye y desarrolla su práctica antropológica. Actividades cotidianas como el conocimiento de la complejidad de la red fundiaria a nivel local, regional y nacional; los sistemas relativos al registro y georreferenciación de la propiedad rural; los detalles de la titulación de tierras (públicas o privadas); las diferentes normas para los distintos tipos de propiedad rural; los procedimientos en un asentamiento de reforma agraria; el panorama político e institucional del campo agrario brasileño; la capacidad de prever posibles conflictos relacionados con la situación agraria en Brasil; el trabajo en equipo multidisciplinario, entre otras cuestiones, son todas experiencias que forman a la profesional de la antropología que trabaja en el Incra con la regularización fundiaria de quilombos, convirtiéndolos en especialistas en esta práctica.

Además, estas profesionales reflexionan constantemente sobre su propia práctica. La naturaleza de su formación antropológica, combinada con sus actividades con las comunidades quilombolas en el contexto de una política pública del Estado, proporciona ricos debates y reflexiones sobre su propio trabajo profesional.

LA ELABORACIÓN DE INFORMES TÉCNICOS COMO MODALIDAD DE ACTUACIÓN DEL ESTADO

Otro factor a tener en cuenta en el debate sobre los informes antropológicos es su significado como documento estatal. Una vez elaborados, los informes se convierten en documentos estatales y, por tanto, comparten la fuerza y el efecto legitimador que cualifica las prácticas estatales. Cuando pensamos en el Estado en los términos de Abrams (1998) y Bourdieu (2016), entendemos que su construcción tiene lugar a través de las prácticas burocráticas, es decir, a través de los procesos cotidianos de los actores –estatales, o autorizados por la esfera estatal–, por ejemplo, las universidades, que a menudo están en disputa. Las prácticas estatales se construyen con registros; con esto, nos damos cuenta de que el proceso de conversión a texto, de registrar, es una forma de acción y no apenas un producto de la acción estatal (Gupta 2012). La materialidad de estos registros es central para mediar roles e interacciones entre actores, demostrando sus posibilidades de aplicación, actualización y establecimiento de nuevas realidades (Hull 2012).

De este modo, los informes antropológicos no son sólo el producto de la acción estatal, sino también una acción en sí. Estos documentos materializan las resistencias, las luchas, las historias, las organizaciones, las controversias, en fin, toda la complejidad inherente a las comunidades quilombolas, a sus cosmologías y al proceso histórico de su formación. Y cuando se finalizan, y se presentan como pieza técnica del ITID, como documentos estatales, promueven la acción, en este caso para la titulación de sus tierras.

Como se ha dicho, el largo proceso de titulación de los territorios quilombolas comienza con la elaboración del informe antropológico. A partir de este documento se construye la materialidad del proceso de titulación de tierras; en él se discute el tamaño del territorio, su capacidad productiva, el acceso a los recursos naturales, la viabilidad de la reproducción física, social y económica de la comunidad, cuántas –y cuáles– propiedades abarca, eventuales superposiciones con otros intereses del Estado, entre otras cosas. Es en el informe antropológico donde salen a la luz las memorias colectivas de cada quilombo, con narraciones sobre los tiempos de la esclavitud, pero también narraciones sobre la conquista de la libertad por los antepasados que forjaron modos de resistencia afrodiaspórica en el período posterior a la abolición. Éstas son algunas de las razones por las que el informe antropológico y la propia antropología han sido objeto de ataques por parte de fuerzas hegemónicas opuestas, especialmente las vinculadas a sectores del agronegocio.

En el procedimiento administrativo de regularización fundiaria de los quilombos, se prevé el contradictorio y amplia defensa, que permite a cualquier interesado presentar documentación

adicional, impugnar datos o presentar razones de la decisión del Incra sobre el avance de la titulación. Aunque este sea el espacio privilegiado para los debates contra la regularización de los quilombos, la disputa por el control de las acciones del Estado en esta temática va más allá de los procesos administrativos. Históricamente, los grupos de interés vinculados al agronegocio, con su enorme capacidad de articulación, han ejercido presión política para suspender la implementación de políticas públicas de redistribución de tierras, ya sea la titulación de quilombos, la demarcación de tierras indígenas o la creación de asentamientos de reforma agraria.

Sin embargo, más recientemente, debido a los cambios en los procedimientos del Incra[18] para la titulación de asentamientos, se ha centrado la atención en combatir la titulación de quilombos y la demarcación de tierras indígenas. Esto se debe a que el acceso a la tierra por parte de estos grupos, garantizado por preceptos constitucionales y que utiliza el conocimiento antropológico para ganar materialidad, lleva a la exclusión de áreas potencialmente productivas del mercado inmobiliario (las tierras indígenas son propiedad de la Unión para uso exclusivo del grupo, y los territorios quilombolas son áreas privadas que no pueden ser vendidas, divididas o prendadas).

Para los actores del agronegocio,[19] la tierra está vinculada a su valor como mercancía y a la especulación con la tierra, y este entendimiento no está alineado con el valor dado a la tierra por las comunidades tradicionales y los pueblos indígenas, cuyo legítimo derecho a la tierra se adquiere a través de su posesión efectiva, según el derecho consuetudinario. Los esfuerzos realizados por el agronegocio para acumular tierras pueden resumirse en el proceso de agroestrategias de Almeida *et al* (2010), donde las desterritorializaciones impuestas a los pueblos indígenas y tradicionales están influenciadas por actores políticos.[20]

A lo largo de los casi 20 años que el INCRA lleva trabajando en la cuestión quilombola, ha habido innumerables intervenciones y actores políticos vinculados al agronegocio con el objetivo de influir en las políticas gubernamentales a su favor. Mientras el Estado ha estructurado políticas públicas de redistribución de tierras con normas, cuadros técnicos y procesos orientados a resultados, las entidades del agronegocio han fortalecido acciones en el poder legislativo nacional, con la creciente demanda de tierras cultivables, cuestionando la demarcación de los territorios quilombolas, las tierras indígenas y la expropiación para

18 Desde 2016, se han producido cambios en los procedimientos del Incra para regularizar los lotes para asentamientos de reforma agraria, que se acentuaron en el período 2019-2022. La atención se ha desplazado hacia la titulación de zonas de asentamiento, en detrimento de la creación y ejecución de proyectos de asentamiento. La titulación de los asentamientos como prioridad del Incra durante este periodo promovió el retorno de la tierra al mercado.

19 Las referencias en el texto al agronegocio y sus actores expresan manifestaciones de este grupo en general, pero sabemos que no es un sector homogéneo. Tratamos el agronegocio en los términos presentados y debatidos en la obra de Dalla Costa (2019), especialmente como grupo político. Para más detalles sobre el sector del agronegocio en Brasil, su formación y concertación, véase Pompeia (2021).

20 El caso de la regularización fundiaria quilombola de Morro Alto, que movilizó a parlamentarios y otros actores sociales vinculados a sectores del agronegocio, se analiza más adelante en el texto para abordar la complejidad de esta cuestión.

la creación de asentamientos de reforma agraria, sellando la asociación entre sectores de la industria, el agronegocio y el parlamento (Pompeia 2021).

Un ejemplo reciente de la acción de los sectores del agronegocio contra la política quilombola fue la actuación de numerosos movimientos parlamentarios de la bancada ruralista en el Congreso Nacional, contra el avance del proceso de titulación del Morro Alto, que fue uno de los desencadenantes de la Comisión Parlamentaria de Investigación (CPI), como veremos más adelante. Allí, además de intentar deconstruir el derecho quilombola en cuestión, se intentó criminalizar a los funcionarios públicos que actuaron en el ejercicio de sus funciones profesionales y a los investigadores contratados o convenidos que trabajaron en el Informe Antropológico de este territorio quilombola.

Como se mencionó anteriormente, el informe antropológico (IA) es el documento central del ITID que, entre varias informaciones sobre la historia y la organización del grupo, contiene la propuesta territorial para el grupo quilombola. A partir de esta propuesta, el Estado brasileño desarrolla el proceso de titulación. Basándose en la materialidad del IA, la comunidad quilombola puede utilizarla para defenderse en una eventual disputa inmediata por la tierra, como una desposesión, en demandas de políticas culturales, educativas y sanitarias. El informe antropológico, junto con el certificado de autorreconocimiento emitido por la Fundación Cultural Palmares, se convierte en un instrumento utilizado por las comunidades y el Estado para la concreción de un derecho.

La realidad de la malla fundiaria en Brasil es objeto de intensas disputas. Los intereses empresariales, políticos e incluso estatales chocan a menudo con el deber de titulación de las comunidades quilombolas. La previsión legal del Decreto 4.887/2003 apunta a la necesidad de conciliar los intereses del Estado, garantizando la sustentabilidad de las comunidades quilombolas. Sin embargo, los procesos de conciliación son largos y muchos ni siquiera vislumbran su conclusión. El Territorio Quilombola de Alcântara, situado en Alcântara, en el estado de Maranhão, y en el que viven más de 150 comunidades, convive desde hace décadas con la amenaza constante de la ampliación del Centro de Lanzamiento de Alcântara, empresa promovida por las Fuerzas Armadas.[21] El informe antropológico elaborado por Alfredo Wagner Berno de Almeida en la década de 1990 fue crucial para caracterizar a las comunidades y al territorio como quilombolas, para los tribunales y el Estado, avanzando así en el proceso de titulación de sus tierras.

En esta línea, otros procesos de conciliación con diversas entidades federales han sido pautados por los informes antropológicos elaborados por profesionales del Incra, como el

21 El Centro de Lanzamiento de Alcântara (CLA) se construyó en la década de 1980, cuando fue necesario desalojar a las comunidades quilombolas de la región, que habían sido asentadas por las Fuerzas Armadas en agroaldeas. Desde entonces, se inició una gran batalla judicial para reconocer la ocupación tradicional de las comunidades del municipio de Alcântara, que se reconocen quilombolas y reivindican la titularidad de su territorio. Ante las demandas y denuncias de violaciones de derechos humanos por parte de la Comisión Interamericana de Derechos Humanos, el proceso de regularización del Territorio Quilombola de Alcântara se puso en marcha con la publicación del ITID en 2008. Sin embargo, la expansión del CLA nunca fue descartada y la amenaza de expulsión de otras comunidades quilombolas del territorio permanece.

caso del quilombo Rio dos Macacos, en Simões Filho, estado de Bahía, superpuesto a una base de la Marina de Brasil; y el quilombo Tambor, en Novo Airão, Amazonas, superpuesto al Parque Nacional Jaú. La caracterización de las comunidades; la identificación de las áreas de uso actual y pasado, necesarias para la perpetuación de dichas comunidades; la demostración de los lazos de parentesco y de relación con la tierra; aquello quepara las comunidades transforma un determinado pedazo de tierra en un territorio; en definitiva, el trabajo antropológico orientó la defensa de los territorios quilombolas hecha por el Incra.[22]

Después de muchos años de debate sobre la necesidad y la centralidad del informe antropológico en los procedimientos de titulación de tierras quilombolas, hemos visto las grandes contribuciones que este instrumento ha hecho para la realización de los derechos quilombolas. Sin embargo, también hemos visto los obstáculos y las limitaciones que enfrenta el Estado para garantizar los derechos territoriales quilombolas. Aunque la concreción de la titulación de tierras quilombolas dependa de una miríada de ejecuciones por parte de diversos actores estatales, el informe antropológico tiene el importante papel de registrar los elementos que configuran la demanda de tierras de estos grupos.

El informe antropológico, la producción de este documento, tiene lugar en medio de disputas por la tierra, la narrativa de la ocupación, el uso de espacios y bienes naturales, entre muchos otros factores. Los informes producidos expresan y materializan luchas, disputas y controversias; ofician de mediadores del discurso de la comunidad quilombola; los archivos moldean las relaciones dentro de la burocracia. Debido a la fuerza de los actores antagónicos a la agenda quilombola, el esfuerzo de registro del informe antropológico saca a la luz los derechos territoriales de los grupos a través del Estado. Como señalan Pompeia (2021) y Dalla Costa (2019), los sectores del agronegocio han actuado históricamente para bloquear las políticas públicas de redistribución de tierras. Propuestas de cambios legislativos, demandas judiciales, injerencia en organismos públicos, entre otras formas, han marcado la historia de la regularización fundiaria de quilombos. No es casualidad que la CPI destinada a investigar a la Fundación Nacional del Indio (Funai) y al Incra, en sus roles de demarcadores de tierras, indígenas y quilombolas, respectivamente, haya tenido como punto principal el trabajo antropológico. La fuerza que este trabajo aporta a estas agendas es un gran obstáculo para deconstruirlas.

ACTUACIÓN PROFESIONAL EN EL INCRA: UN OFICIO INMERSO EN EL ROL SOCIAL DE LA ANTROPOLOGIA

Considerando la centralidad de la cuestión quilombola, junto con la cuestión indígena, en los debates sobre la profesionalización de la antropología en Brasil, a pesar de las limitaciones

22 En la conciliación de intereses del Estado, como en los casos que se mencionan en el texto, el trabajo antropológico orienta la actuación del Incra y del equipo de defensores de las comunidades, normalmente integrado también por la Fundación Cultural Palmares, la cartera de Igualdad Racial (hoy Ministerio de Igualdad Racial), el Ministerio Público Federal y la Defensoría Pública, entre otros actores.

(que existen en todas las áreas) de la práctica antropológica con las comunidades quilombolas en el ámbito del Estado, podemos considerar significativo que el Incra tenga el mayor número de profesionales en cargos específicos de antropología en una institución pública federal. El principal trabajo del profesional de antropología en el Incra es la elaboración y evaluación de informes antropológicos, que se realizan a partir de investigaciones etnográficas, es decir, de su inserción en el campo. En este sentido, los procesos de definición de las reivindicaciones territoriales colectivas de las comunidades quilombolas ante el Estado brasileño son mediados,[23] en gran medida, por las antropólogas en el ejercicio de sus funciones profesionales.

El trabajo de redacción o supervisión de los acuerdos o licitaciones contratadas es un momento privilegiado de nuestro trabajo cotidiano, que se ve atravesado por innumerables demandas administrativas y la redacción de subsidios urgentes de la Procuraduría General de la Unión (PGU),[24] debido a las judicializaciones[25], que son pan de cada día. El informe antropológico es una pieza densa, que requiere la inmersión etnográfica en parte de la vida cotidiana de las comunidades quilombolas, y que, en promedio, demora dieciocho meses en completarse, buscando comprender la dinámica de las relaciones colectivas que se establecen en sus diversas dimensiones: cosmológica, política, familiar y con el entorno, entre otras (Incra 2009). Esta primera pieza del informe antropológico sólo puede ser construida a través del compromiso de la comunidad quilombola, ya que el acceso a las narrativas, a los "mitos fundacionales", a las memorias de los sitios y a la enunciación de los signos diacríticos que resisten en el lugar como marcadores de las trayectorias de resistencia formadas a lo largo del tiempo, son proporcionados por las comunidades. Esto no quiere decir que estas narraciones sean suficientes por sí mismas, ya que la investigación del informe antropológico se apoya en diversas fuentes, como las notariales y archivos históricos.

En cuanto a la implicación de cada comunidad en la realización de la investigación, cabe destacar su interés en la elaboración de los cuadros genealógicos, los "árboles genealógicos", como émicamente se les llama. Se trata de un momento en el que la comunidad realiza su propia búsqueda en los archivos familiares: documentos, fotos, etc. Aunque, siempre que sea posible, este trabajo genealógico puede ser mejor realizado por historiadores, que tienen más

23 Abordar la mediación como parte de la profesión antropológica en el Incra es reafirmar que nos tomamos en serio la idea de que el etnocentrismo es un obstáculo epistemológico. En otras palabras, no podemos perder de vista que los sujetos sociales con los que trabajamos y que luchan por sus derechos tienen sus propias formas de vida y cosmologías. Al mismo tiempo que, como antropólogas del Incra, formamos parte de las estructuras estatales, mediamos en la relación entre el propio Estado y las comunidades quilombolas, porque esta práctica se ejerce cotidianamente en nuestro trabajo técnico y administrativo.

24 Además de redactar y supervisar los informes antropológicos, responder a impugnaciones, recursos y demandas, los antropólogos y antropólogas del Incra trabajan en innumerables otras actividades administrativas que podrían ser realizadas por otros profesionales, pero que debido a la indisponibilidad operativa (el último concurso del Incra se celebró en 2010) se realizan acumulativamente; muchas veces, en detrimento del tiempo que debería dedicarse al trabajo técnico antropológico, que es la principal tarea de las antropólogas del Incra.

25 Existen más de 400 Acciones Civiles Públicas que convierten al Incra en responsable de realizar la titulación de quilombolas con la celeridad necesaria. Estas acciones buscan imponer una "obligación de hacer", al Incra y al Gobierno Federal.

experiencia y referencias teóricas para trabajar con archivos, desde el punto de vista antropológico es muy interesante reconstruir las relaciones de parentesco y afinidad que surgen de este momento de la investigación, ya que esto refuerza el sentimiento de pertenencia común entre los miembros de la familia y también ayuda a comprender la distribución espacial en el territorio a lo largo del tiempo. Anjos y Leitão (2009) destacan que, en la investigación con comunidades quilombolas, es difícil separar la estructura de parentesco de las relaciones con "símbolos relacionados con la tierra y la herencia" (Anjos & Leitão 2009:13).

El inicio de los trabajos de preparación del informe antropológico siempre va precedido de una reunión en la que se presentan los procedimientos de la investigación y son valorados por la comunidad quilombola. En este momento, la colectividad negra debe expresar su consentimiento, libre e informado, para que se lleve a cabo la investigación. En esa ocasión, les pedimos que nos reciban en sus casas, que busquen documentos y fotos en sus archivos, y que señalen a familiares, y a personas del entorno que consideran que deben ser escuchados para que la investigación sobre la comunidad tenga éxito. A lo largo del trabajo, se presentan a la comunidad informes parciales, para que esté al corriente de la marcha de las actividades. Cuando esta pieza, el informe antropológico, se realiza a través de convenios o licitaciones públicas, como profesionales del Incra acompañamos y coordinamos todos los momentos en que la comunidad quilombola valora el trabajo realizado por los equipos.

Hacia el final de la investigación para el informe antropológico, se realiza una reunión de presentación del informe a la comunidad quilombola, que incluye la exposición de la reivindicación territorial quilombola y el croquis del área que se enviará al Incra para la regularización fundiaria. Esta reivindicación tiene en cuenta las usurpaciones sufridas a lo largo del tiempo y demostradas en el informe antropológico. La apropiación forzada de tierras quilombolas por terceros se explica por las más diversas formas y situaciones, que evidencian prácticas racistas y racializadas de asignación y uso de la tierra. Ejemplos de ello son los hallazgos de campo y de investigación que explican la pérdida de tierras, tales como: trueques por "valijas de comida", un "caballo ensillado" (Incra 2014), o debido a inundaciones permanentes por el colapso de represas destinadas a cultivos vecinos (Koch 2022).

El trabajo del antropólogo de Incra impregna todo el ITID. El informe antropológico es la pieza que guía la elaboración de las demás. A medida que se desarrolla el Informe Antropológico, se ejecutan las demás partes. Una vez finalizado el ITID, se presenta a la comunidad quilombola para su aprobación. Por lo tanto, el trabajo del antropólogo acompaña el avance de los demás estudios sobre el territorio y su repercusión en el Incra, incluso después de la aprobación y publicación del estudio, momento en que comienza el juicio contradictorio, en el que los interesados pueden presentar documentación adicional a favor o en contra de la titulación del territorio quilombola.

La oposición al proceso de titulación de los territorios quilombolas se materializa en las impugnaciones y recursos presentados contra el ITID, así como en las judicializaciones que

intentan bloquear el avance de los procesos administrativos en el Incra. Cabe destacar que el informe antropológico es una de las partes del ITID y que la reivindicación territorial es el resultado de todas las partes del ITID. Por lo tanto, el área indicada en el ITID puede sufrir una serie de modulaciones administrativas previstas en las normas vigentes del Incra. Por lo tanto, el territorio indicado por el informe antropológico no será necesariamente el definido por el ITID.

Los procedimientos de titulación de tierras quilombolas suelen judicializarse durante el desarrollo de trabajos técnico-científicos multidisciplinares, por lo que los dictámenes y otros documentos técnicos suelen elaborarse desde la perspectiva de los diferentes públicos que tendrán acceso a estos documentos. De esta forma, estamos constantemente frente a una especie de "doble verificación" de los parámetros de complejidad fundiaria de los territorios quilombolas a ser identificados y demarcados, ya que en audiencias y por medio de oficios, y providencias, se pueden solicitar datos detallados no sólo de las familias quilombolas que componen la colectividad en reivindicación territorial, sino también de ocupantes ilegales, lindeiros, ocupantes y propietarios de tierras. De hecho, en varias situaciones nos involucramos directamente en los procesos judiciales en los que están implicadas las comunidades, ya sea aportando cuestiones técnicas para peritaje, cuando así lo solicita el Tribunal Federal al Incra, ya sea redactando informaciones para las demandas judiciales que presenta el Ministerio Público Federal Especializado (PFE/AGU). En este punto, es importante señalar que estos procesos, además del litigio territorial, implican otras disputas sobre las condiciones de tratamiento de las cuestiones técnicas y las condiciones de acceso involucradas: sistemas, flujos, organigramas, datos de Internet, etc. Durante la pandemia, esto se ha evidenciado en el hecho de que las audiencias judiciales sólo se han realizado a distancia, es decir, mediadas por máquinas y técnicas, dependientes de las condiciones de acceso a dichos equipos y recursos en las poblaciones quilombolas.

En los últimos años, hemos visto un aumento significativo de los informes producidos por antropólogos, científicos sociales e historiadores, por nombrar algunos, contratados por las contrapartes para deslegitimar las reivindicaciones quilombolas en los procedimientos administrativos. A pesar de que el informe técnico del Incra (ITID) se compone de documentos producidos por diferentes profesionales, los informes de contestación se centran en informes antropológicos, con el objetivo de impugnar la existencia histórica y actual de estas comunidades negras. Silva (2015) señala que

> (...) la sospecha, como posibilidad, es algo aplicable a cualquier profesional experto; el hecho de que recaiga sobre los antropólogos de forma apriorística es fruto del desconocimiento de nuestras premisas y métodos, pero quizá de algo más grave: su previa y mal fundada descalificación (2015:158).

Estos documentos claramente intentan poner en duda el trabajo de las profesionales antropólogas como estrategia para retrasar (o imposibilitar) la titulación de tierras quilombolas.

Sin embargo, estos documentos, que pretenden ser "contrainformes" antropológicos y que se presentan en las impugnaciones administrativas, ignoran los requisitos técnicos de los informes antropológicos, de caracterización histórica, económica, ambiental y sociocultural, contenidos en la IN 57/2009 y en el marco teórico y metodológico de las ciencias sociales. Sobre todo, son piezas que prescinden de la inserción etnográfica, una condición de investigación que estos profesionales contratados para trabajar en los contenciosos administrativos del Incra no pueden alcanzar, por no contar con el consentimiento previo, libre e informado de las comunidades quilombolas, sujetos de derecho de los procesos administrativos de la agencia agraria.

En general, los argumentos esgrimidos por los detractores de estas piezas –que forman parte de la documentación presentada por las contrapartes– intentan relativizar la existencia y persistencia de un racismo institucional que continúa estabilizado en las relaciones con el medio ambiente y con las propias instituciones donde se disputan los derechos quilombolas. Sin embargo, la propia normalización de las relaciones racializadas es lo que hace posible que continúe la usurpación, la apropiación de tierras (y otras innumerables formas de violencia). Según Almeida (2018), el racismo, como proceso histórico y político, crea las condiciones para que grupos racialmente identificados sean objeto de discriminación sistemática. En esta medida, incluso frente a los derechos territoriales y reconocimientos constitucionales verificados por el Estado brasileño, estas poblaciones y sus territorios aún viven bajo amenazas y situaciones de vulnerabilidad económica, social y ambiental.

Además, teniendo en cuenta que el Estado se expresa a través de prácticas burocráticas, las manifestaciones contra los procesos de titulación quilombola presentados, incluyendo los "contrainformes", pretenden marcar posición, ya que los archivos moldean las relaciones dentro de la burocracia, sean más o menos políticas (Hull, 2012). Estos documentos, que dicen presentar "otra antropología", buscan posicionarse como una alternativa y demostrar que la narrativa está en disputa.[26] Como veremos en el próximo tópico, el aumento de las representaciones contra las titulaciones quilombolas en el Incra está directamente relacionado con el momento político que ha atravesado el país, con el ascenso de la extrema derecha.

LO QUE YA ERA LENTO SE PARALIZÓ TRAS EL GOLPE DE 2016 Y LA GESTIÓN BOLSONARO

Los gobiernos de Temer (2016-2018) y Bolsonaro (2019-2022) se han caracterizado por un período nefasto para los derechos de los pueblos y comunidades tradicionales, como los quilombolas y los pueblos indígenas, ya sea a través de una postura de omisión o de un ataque directo a los derechos de estos grupos. Desde la campaña electoral, en 2018, Bolsonaro declaró que su gobierno no demarcaría ni un centímetro de tierra para indígenas y quilombolas

26 Para más información sobre los discursos contra las prácticas antropológicas, véase Dalla Costa (2019).

(Sassine & Almeida 2022).[27] Además, el entonces presidente hizo repetidas bromas racistas sobre los quilombolas, declarando que los quilombolas podrían "ser pesados en arrobas", es decir, de la misma forma en que fueron tratados durante la esclavitud. Por lo tanto, es necesario registrar estos hechos perversos que marcaron ese gobierno, porque corremos el riesgo de que en un futuro próximo no creamos que se hayan naturalizado acciones tan abyectas.

Cuando observamos la situación de los pueblos Yanomami (Steiner & Pereira, 2023), frente a las innumerables amenazas a su existencia en favor de la expansión de proyectos mineros, que se hicieron evidentes a principios de 2023, queda claro que dichos proyectos, apoyados públicamente por Bolsonaro, perseguían políticas de aniquilación de estas poblaciones. Se trata de amenazas a sus vidas y a cualquier posibilidad de futuro en sus territorios, convertidos en blanco de la sobreexplotación de los intereses megamineros y de la expansión de las fronteras del agronegocio. En cualquier caso, reconocemos este período como de intensificación de alianzas entre sectores de las élites nacionales y transnacionales, a través del uso de aparatos institucionales y reglas aún más flexibles, y el desguace de los medios de control, un escenario que se remonta al proceso de colonización y continúa impactando a pueblos indígenas y comunidades quilombolas en la lucha por la vida y la plena posesión de sus territorios.

Entre los esfuerzos para frenar la demarcación de las tierras indígenas y quilombolas en el país, las acciones realizadas en el ámbito legislativo desempeñan un papel importante. Propuestas legislativas como proyectos de ley, propuestas de enmiendas a la Constitución, proyectos de decretos legislativos, comisiones parlamentarias de investigación (CPI), audiencias públicas y otras iniciativas han sido presentadas, en todos los niveles de gobierno. Un hito en esta actividad del agronegocio fue el establecimiento de la CPI sobre la Funai y el Incra –que investigó a las dos instituciones en sus funciones de demarcación de tierras indígenas y quilombolas, respectivamente– que tuvo lugar entre 2015 y 2017. Este período, marcado por el golpe contra la presidenta Dilma Rousseff (2016), fue de intensa disputa política, en la que parlamentarios de la bancada ruralista se alinearon en una embestida de proporciones a los órganos de demarcación de tierras indígenas y quilombolas, enfocándose en la práctica antropológica y en sus profesionales.

Un caso que demuestra la capacidad de movilización de los actores sociales y políticos relacionados con el agronegocio es el proceso de regularización del territorio quilombola de Morro Alto, ubicado en los municipios de Maquiné y Osório, en Rio Grande do Sul. En la misma línea persecutoria, alimentada por la CPI de la Funai y del Incra, en 2016 el presidente del Incra ordenó la instauración de un sumario contra empleados y empleadas que trabajaron en el proceso administrativo de regularización fundiaria de la comunidad quilombola de Morro Alto. De los casos explorados por CPI Funai/Incra, el Territorio de Morro Alto fue uno de los principales blancos, con el objetivo de criminalizar a investigadores, líderes de

27 Bolsonaro cumplió con su promesa de que en su gobierno se paralizaría la demarcación de tierras indígenas y territorios quilombolas, ya que bajo su gestión del Estado brasileño no se ha establecido ninguna tierra indígena y sólo un territorio quilombola en la región de Vale do Ribeira, en São Paulo, ha sido declarado de interés social por decreto de la Presidencia de la República, en virtud de un fallo judicial.

movimientos sociales y servidores del Incra. La solicitud al Incra de anulación del proceso de titulación del quilombo de Morro Alto fue realizada por el presidente de la CPI de la Funai y del Incra, Alceu Moreira (MDB/RS), uno de los exponentes del intento de criminalización de los movimientos indígenas y quilombolas. Durante las investigaciones sobre las supuestas ilegalidades cometidas, quedó claro que se estaba incriminando a servidores públicos precisamente por cumplir con sus funciones, esto es, la prosecución de la titulación quilombola iniciada en 2004. Afortunadamente, la investigación se cerró, pero, como hemos visto, el objetivo era crear un ambiente de inseguridad jurídica para los empleados, con la esperanza de que esto retrasara al menos los procesos de titulación de quilombolas.

El caso de Morro Alto también demuestra el interés de la llamada bancada del agronegocio en forjar alianzas políticas, a nivel regional y local, con sectores de la agricultura familiar, para intensificar las disputas por la propiedad y el registro de tierras en determinadas localidades. En la región donde se localiza el territorio quilombola el Morro Alto, puede observarse que la presencia de familias negras y quilombolas ha sido históricamente invisibilizada por los discursos hegemónicos sobre la colonización blanca de origen europeo, movilizada como ideal moral y étnico-racial. Ante el avance del proceso de regularización fundiaria quilombola en Morro Alto, el "pacto narcisista de la blanquitud", como dice Cida Bento (2022), se utiliza para deslegitimar la reivindicación fundiaria quilombola, que supuestamente perjudicaría a otras familias campesinas de la región.[28] En la fase administrativa, que prevé que los interesados presenten sus objeciones al ITID, se recibieron cerca de 206 declaraciones de terceros, todas ellas contrarias al ITID de Morro Alto.

La socióloga Camila Penna (2022) utiliza las categorías analíticas de selectividad estructural y selectividad racial para analizar las conexiones entre la política fundiaria y el racismo estructural en Brasil. Así, el uso de la tierra, asociado a una productividad orientada al modelo agroexportador y al progreso, es la norma, mientras que "las formas no blancas y tradicionales de relación con la tierra son vistas como 'otras', que obstaculizan el progreso" (Penna 2022:22). La selectividad incluye, de este modo, el incumplimiento de ciertas disposiciones constitucionales, la ausencia de recursos para políticas indígena y quilombola, la no actualización de los índices de productividad de la tierra y la ausencia de correcciones al impuesto inmobiliario rural, que favorece a los grandes propietarios.

Como señala Dalla Costa (2019), la CPI de la Funai y el Incra no fue la primera en ocuparse de la demarcación de las tierras tradicionalmente ocupadas, y mucho menos en ocuparse de las agencias de tierras. Sin embargo, la CPI de Funai e Incra innova al dirigir su crítica al trabajo específico de la antropóloga, acusando de arbitrario e ideologizado el trabajo técnico, además

28 En el sitio web de la Comisión Pro Indio de São Paulo (2023) es posible acceder a un historial de noticias sobre los ataques e impedimentos sufridos por la comunidad quilombola de Morro Alto a lo largo del proceso, aún en marcha, de regularización fundiaria quilombola.

de imputar a las antropólogas de ser parte de un gran esquema, junto con el Ministerio Público Federal y organizaciones no gubernamentales, para atacar la propiedad privada.

Con las derivaciones políticas de 2016, que llevaron a Michel Temer a la Presidencia de la República, tanto los actores de la CPI de Funai e Incra como sus ideas se han hecho más presentes en el día a día del Incra y la Funai, con la llegada de agentes de esta CPI a organismos del Poder Ejecutivo, especialmente aquellos espacios caros al agronegocio. Desde la elección de Jair Bolsonaro a la Presidencia de la República, el proyecto de poder de la bancada del agronegocio se consolidó como proyecto de gobierno en lo referente a la demarcación de tierras indígenas, territorios quilombolas y reforma agraria.

A partir de 2019, la tónica del Incra fue paralizar los procesos de regularización fundiaria de quilombos. El resultado de tamaña paralización en los últimos años (desde 2016) ha sido que, en la mayoría de los casos, los procesos de titulación de tierras quilombolas que han avanzado en el Incra lo han hecho en cumplimiento de decisiones judiciales.[29] Un ejemplo de la parálisis procesal que podemos citar son los procesos administrativos en fase de declaración de interés social por parte de la Presidencia de la República. A diferencia de la demarcación de tierras indígenas, la titulación quilombola se basa en la compensación económica por las tierras y mejoras en las áreas reconocidas como quilombos. Para que esta indemnización tenga lugar, es necesario obtener la autorización de la Presidencia de la República, por medio de un decreto de declaración de interés social, para iniciar el relevamiento y evaluación de las propiedades dentro del territorio quilombola. Cuando los procesos administrativos llegan a esta etapa, se envían a la Casa Civil para su continuación. Sin embargo, con el Decreto 9191/2017 se puso en marcha una nueva interpretación por parte de la Casa Civil, de común acuerdo con los gestores del Incra y del entonces Ministerio de Agricultura, Ganadería y Abastecimiento (MAPA), al que estaba vinculado el Incra, según la cual las propuestas de expropiación sólo podían enviarse a la Casa Civil si existía una previsión presupuestaria para el año en curso. Cabe resaltar que, desde 2016, el presupuesto disponible para el pago de propiedades en territorios quilombolas ha caído más del 90% en los años sucesivos, es decir, que el gobierno no tenía previsión presupuestaria para esta actividad y, por lo tanto, no estaba obligado a dar curso a ninguna expropiación.

El letargo del Estado brasileño en el avance de la titulación de los quilombos se expresa en el hecho de que, después de más de 35 años de reconocimiento constitucional, incluso con los avances que trajo el Decreto 4887/2003, hay un inmenso pasivo del Estado brasileño en la titulación de los territorios quilombolas, que es un derecho constitucional y el fin último de esta política pública. De los 1.797 procesos abiertos en el Incra, sólo se han emitido 155 títulos parciales y se han titulado integralmente 25 territorios. Como se ha dicho, desde 2016 la política pública de titulación de quilombos ha visto su presupuesto drásticamente reducido, y no hay previsión presupuestaria para indemnización de inmuebles que garantice su continuidad

29 En la actualidad existen más de 400 acciones civiles públicas contra el Incra para la titulación de quilombos.

(en 2021, el presupuesto para indemnización fue cero). Como consecuencia, se han dejado de emitir decretos, lo que ha provocado una acumulación de más de 40 propuestas de declaración de interés social. Durante un período de grandes dificultades para realizar su trabajo, las antropólogas del Incra han procurado continuar con su labor administrativa (dictámenes, análisis, insumos para acciones judiciales). La imposibilidad de realizar trabajo de campo, tanto por falta de presupuesto como por la pandemia de Covid-19, obligó a centrarse en avances puntuales de los procesos (pequeñas ejecuciones y fases), pero a realizar un árduo e importante trabajo de resistencia. El trabajo, muchas veces carente de reconocimiento, de las antropólogas y otros colegas del servicio público que se mantuvieron al frente de políticas públicas como la titulación de quilombos fue básicamente de resistencia: defensa de la práctica profesional, de los conceptos establecidos –en la normativa y por la ciencia–, de las decisiones anteriores, de los marcos normativos, del mantenimiento de los procesos, entre otros.

El período mencionado como de empeoramiento de las condiciones para la implementación de la política fundiaria quilombola es ilustrativo para demarcar una especificidad de nuestro trabajo como antropólogas en la esfera estatal, si se considera que después de la elaboración de un informe antropológico y su aprobación por la comunidad interesada, como autoras no se cierra un contrato de trabajo ni volvemos a una rutina como docentes. En nuestro caso, el proceso de mediación técnico-científica pasa a las siguientes etapas de los procesos administrativos, la mayoría de las cuales se intercalan con escaladas en los conflictos fundiarios identificados, recursos judiciales o apelaciones de otras esferas de gobierno, ya sea municipal, estatal o federal.

Nuestra posición, como parte de una estructura burocrática especializada, nos obliga a lidiar con capas de información y conocimiento técnico que se suman a los registros de la trayectoria histórica quilombola y su relación con un territorio identificado en el informe antropológico, en el sentido de que no podemos dejar de considerar datos relativos a la red fundiaria, como el número de poseedores, de propietarios, de matrículas registradas en notarías o incluso la ausencia de esta información; obras y empresas privadas en la localidad, situación de los recursos hídricos, conflictos socioambientales. Esta dimensión de nuestro trabajo nos recuerda que estamos tratando no sólo con el reconocimiento social de la diferencia, sino también con una política pública que trata una conflictividad vinculada con la posesión y la propiedad de la tierra. Cabe destacar que todo este contexto profesional forma parte de una constante "batalla de papeles" (Salaini y Jardim 2015), en el sentido que los autores destacan, respecto de las luchas de las comunidades quilombolas, que movilizan expectativas y percepciones de justicia que se transponen a las esferas institucionales.

En un artículo sobre el futuro de los laudos antropológicos, el antropólogo Paulo Santilli (2015) discute los factores que han hecho que los procedimientos de regularización de tierras indígenas sean más onerosos, tanto política como financieramente, y señala, "la densidad demográfica, la intensidad de la explotación económica, la consolidación de la estructura fundiaria y la proporción de la representación política en el parlamento" (2015:93). A pesar de las especificidades

de la política territorial indígena y del tiempo transcurrido desde su publicación, la reflexión de Santilli reverbera al enfatizar las tensiones y la correlación de fuerzas políticas en juego cuando se abordan contextos de políticas públicas para democratizar el acceso y la permanencia en la tierra.

En una publicación sobre etnodesarrollo y mediaciones político-culturales en el mundo rural, los antropólogos José Carlos dos Anjos y Leonardo Leitão (2009) destacan las condiciones sociales necesarias para la equiparación entre interlocutores en situaciones de políticas de desarrollo dirigidas a pueblos y comunidades tradicionales. La primera de ellas es la consolidación de un campo indígena y/o quilombola, con el surgimiento de líderes; así como la afirmación pública de la identidad colectiva positiva del "público-objetivo"; circulación e intercambio de experiencias entre colectividades y territorios; penetración de los líderes en las esferas de elaboración de políticas públicas; incorporación por parte de las esferas públicas nacionales de las demandas y temas lingüísticos que más expresan los problemas más efectivos en juego. En el período citado, con el deterioro de las condiciones de trabajo de servidores públicos, la paralización de los procesos, el contexto de la pandemia y las demostraciones públicas de racismo institucional por parte de representantes de la administración federal, estas condiciones sociales no sólo no se cumplieron, sino que hubo un claro retroceso.

Nuestro trabajo en el ámbito estatal ha estado contaminado por experiencias que nos marcan los límites estructurales mencionados anteriormente, en relación con las tensiones y la correlación de fuerzas políticas en juego, en el contexto de las políticas públicas para democratizar el acceso y la permanencia en la tierra en Brasil, así como en relación con la búsqueda de condiciones sociales para el trabajo profesional en la mediación técnico-científica con las comunidades quilombolas. Estas especificidades se refieren tanto a las temporalidades, en el sentido del largo plazo en que hemos convivido con las expectativas de los líderes comunitarios y grupos, como a las intensidades, considerando la escalada de los conflictos en algunos de los casos en los que las autoras ya han trabajado directamente, así como los intercambios e incluso desahogos con colegas que trabajan en todo el territorio nacional. No son raros los casos de comunidades quilombolas que solicitan al Incra la paralización o el desistimiento de los procesos de titulación debido a presiones locales, además de los casos en que líderes han sido asesinados a la espera de medidas definitivas de titulación y protección.

CONSIDERACIONES FINALES

La regularización fundiaria quilombola es una política pública que combina las dimensiones del reconocimiento social de la diferencia y de una reparación histórica, ya que tiene como objetivo titular colectivamente territorios quilombolas a nombre de cada asociación comunitaria (Fraser 1995; Honneth 2003). Las demandas colectivas de reconocimiento social, en el caso de las comunidades quilombolas, están relacionadas con la autoafirmación étnico-racial de los grupos. La adjudicación de tierras quilombolas atiende a esta demanda ambivalente, de reconocimiento de trayectorias históricas específicas dentro de la historia brasileña más amplia y, al mismo tiempo,

de redistribución a través de la titulación del territorio tradicionalmente ocupado, garantizando el acceso formal a la tierra y la permanencia en áreas suficientes para su reproducción física y cultural, condición básica para el desarrollo y la inclusión social (Dalla Costa 2019).

La efectivización de la política pública quilombola en Brasil está directamente relacionada con la constitución del propio conocimiento antropológico, en el sentido de que (principalmente) es esta área de conocimiento la que ha proporcionado un repertorio teórico y metodológico para reconstruir, a nivel burocrático-jurídico, los procesos de resistencia colectiva que se han forjado a lo largo de los siglos en los territorios quilombolas, a partir de los cuales innumerables generaciones de quilombolas han ejercido disputas en defensa de sus derechos territoriales y existenciales. La antropología fue el área de conocimiento que se centró en las historias, formas de apropiación y expropiación de la tierra, recuperando para el mundo letrado un conjunto de situaciones que están fuera del mismo (Leite 2000). A través de las antropólogas, se privilegió (y se sigue privilegiando) la visión de las comunidades quilombolas, transformando tradiciones orales en documentos, que también son acogidos y presentados como documentos estatales (Dalla Costa 2019).

Sin embargo, la antropología no es un campo de conocimiento unánime e inmune a las acciones de profesionales que hacen caso omiso de los supuestos éticos y teórico-metodológicos que lo orientan. Aunque raros, ha habido casos en que profesionales de la antropología trabajaron en "contralaudos", en contra de las comunidades quilombolas. Sin embargo, los documentos técnicos presentados como impugnaciones al ITID prescindieron de inserción etnográfica, y del consentimiento libre e informado de las personas que son sujetos de los derechos en cuestión, las comunidades quilombolas organizadas en sus asociaciones representativas. En otras palabras, no han ofrecido ninguna otra investigación antropológica realmente realizada como contrapunto.

Numerosos intentos de desacreditar a la antropología y a sus profesionales se han movilizado en un intento de retrasar u obstaculizar los derechos constitucionalmente garantizados y la operatividad de las políticas públicas quilombolas. Las disputas relativas a la dimensión fundiaria reciben especial atención, ya que, a diferencia de los asentamientos de la reforma agraria, cuyo horizonte normativo es la titulación individual de tierras que pueden venderse, la titulación quilombola culmina con la entrega de títulos colectivos definitivos que son indivisibles, inalienables e imprescriptibles (Brasil 2003). En otras palabras, las tierras quilombolas no vuelven al mercado de tierras del agronegocio.

En este contexto, el oficio de las antropólogas del Incra emerge en las redes de actores sociales en las que se implementan las políticas públicas como un trabajo técnico que sólo tiene condiciones y sentido de existir cuando las propias comunidades quilombolas se ponen de acuerdo y pasan a la acción. Los informes antropológicos son artefactos representativos de la descripción y análisis de sus trayectorias de lucha y resistencia, a lo largo del tiempo y en el presente. En este contexto, hemos procurado reflexionar, a lo largo de nuestro texto, sobre las condiciones en que los informes antropológicos sobre la identificación y delimitación de los territorios quilombolas

han surgido como piezas técnicas en procesos administrativos, es decir, instrumentos estatales legítimos para la titulación de los territorios quilombolas a través del derecho constitucional.

La contribución de nuestro estudio enfatiza, por lo tanto, los recurrentes ataques desde dentro y fuera del Estado a la práctica antropológica y a los profesionales de la antropología, que se han intensificado en la última década. Algunos episodios discutidos en el texto, a lo largo de la historia de la política pública, como la CPI de la Funai y el Incra, y la parálisis procesal, así como las actuales trabas al avance de los procesos administrativos, que tienen el efecto de aumentar la duración de los procesos de titulación, demuestran las formas de ataque en las que el propio instrumento –los informes antropológicos– encarnan procesos sociales más amplios, como el abandono intencional de políticas públicas que promueven el reconocimiento social de la diferencia y la reparación histórica en la sociedad brasileña, que es una de las facetas de la persistencia del racismo estructural e institucional.

Por último, cabe destacar que, a pesar de los innumerables intentos de debilitar este documento técnico por parte de los detractores de los avances en la titulación de las tierras quilombolas, el informe antropológico se ha consolidado como una pieza central para la titulación de los quilombos a lo largo de estos 35 años de derecho de acceso a la tierra por parte de este grupo étnico. Sin embargo, aún hoy sigue siendo visto como la pieza "frágil" o "problemática" del proceso de titulación de tierras quilombolas, debido a los reiterados intentos de deslegitimar el conocimiento técnico-científico producido en esta modalidad. Así, los ataques a los informes antropológicos y a los profesionales de la antropología son las estrategias encontradas por los grupos de interés para cambiar los procedimientos y las reglas de demarcación de las tierras quilombolas e indígenas.

De esta suerte, a pesar de todas las limitaciones, contornos institucionales y desafíos permanentes enfrentados en la elaboración de informes antropológicos en el Incra, esta pieza técnica (que resulta de la investigación antropológica) posibilita que voces disidentes, hasta entonces no escuchadas, surjan y sean incluidas en un documento estatal. Esto puede exponer las contradicciones y diferencias del poder, sin que los profesionales que trabajan en los mismos renuncien a sus compromisos éticos y científicos al tomar posición y cumplir con sus atribuciones y procedimientos, legales e infralegales, destinados a garantizar el derecho constitucional a la titulación de sus tierras quilombolas.

Translated by Federico Lavezzo
Received: March 29, 2023.
Approved: July 2, 2024.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Peritajes antropológicos: cuestiones teórico-metodológicas, éticas y de poder en América Latina

Contra la pericia: el afro-pesimismo *quilombola* y las avenidas de su impugnación en Brasil

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Resumen:

Los Informes de Contestación encargados como piezas impugnatorias de los Informes Técnicos de Identificación y Delimitación (RTIDs) de colectivos y territorios quilombolas en Brasil son inscripciones que activan, entre sus agentes, signos conceptuales y flujos de burocracias, los innumerables entramados administrativos del anti-quilombolismo nacional. Al examinar los acontecimientos comunicativos de dos de estos documentos –que impugnan y, a veces, ridiculizan irónicamente las conclusiones antropológicas– se pretende destacar el desmantelamiento de los actos colectivos de testimoniar la vida y la muerte de las relaciones quilombolas producido por la recursividad "afropesimista" de la escritura documental, así como explorar, en un segundo esfuerzo analítico, las vías que impugnan el acceso a sus derechos. Al perseguir estos objetivos, esperamos aportar a una mejora ética y heurística del esfuerzo pericial en Antropología Social.

Palabras clave: Informes impugnatorios; Impugnación; Antiquilombolismo; Brasil.

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e01014
https://doi.org/10.1590/1809-4341.2025v22e01014

Against the report: *quilombola* afro-pessimism and its avenues of impugnement in Brazil

Abstract:

The Contestatory Reports commissioned as pieces contesting Technical Reports of Identification and Delimitation (RTIDs) of quilombola collectives and territories in Brazil are inscriptions that activate, among their agents, conceptual signs and flows of bureaucracies, the innumerable administrative entanglements of national anti-quilombolism. By conducting an examination of the communicative events of two of these documents that contest and, at times, ironically ridicule anthropological conclusions, we intend to highlight the dismantling of the collective act of witnessing the lives and deaths of quilombola relations produced by the "Afro-pessimistic" recursive of documentary writing, in addition to exploring, in a second analytical endeavor, the impugnatory avenues to the accession of their rights. It is hoped, in the continuum of such objectives, to instruct questions of ethical and heuristic improvement to the laudatorial investment in Social Anthropology.

Keywords: Contestatory Reports; Impeachment; Anti-Quilombolism; Brazil.

Contra a perícia: o afropessimismo quilombola e suas avenidas impugnatórias no Brasil

Resumo:

Os Relatórios Contestatórios encomendados como peças impugnatórias de Relatórios Técnicos de Identificação e Delimitação (RTIDs) de coletivos e territórios quilombolas no Brasil são inscrições que ativam, entre seus agentes, sinais conceituais e fluxos de burocracias, os inumeráveis enredamentos administrativos do anti-quilombolismo nacional. Conduzindo um exame dos eventos comunicativos de dois desses documentos que contestam e, por vezes, ironicamente ridicularizam conclusões antropológicas, pretende-se ressaltar os desmontes dos atos coletivos de testemunhar as vidas e as mortes das relações quilombolas produzidos pela recursiva "afro-pessimista" da escrita documental, além de explorar, em um segundo empenho analítico, as avenidas impugnatórias à acessão dos seus direitos. Espera-se, no contínuo de tais objetivos, instruir quesitos de aprimoramento ético e heurístico ao investimento laudatorial em Antropologia Social.

Palavras-chave: Relatórios contestatórios; Impugnação; Anti-quilombolismo; Brasil.

Contra la pericia: el afro-pesimismo *quilombola* y las avenidas de su impugnación en Brasil

Potyguara Alencar dos Santos; Lidiane Carvalho Amorim De Sousa Dourado

INTRODUCCIÓN

> La escritura tiene horror al vacío: el vacío es el lugar de lo muerto.
>
> **Antoine Compagnon**

> Sin dudas, siempre será necesario un muerto
> para que haya "habla" [...] ese simulacro producido por un poder.
>
> **Michel de Certeau, Dominique Julia e Jacques Revel**

La materia con la que este artículo trabaja es la misma negociada por los colectivos afro-latinoamericanos a lo largo de su emergencia frente al Estado Democrático de Derecho: la impugnación, la contestación del derecho al gregarismo social y a la organización política, a la seguridad alimentaria y territorial, en definitiva, a la propia vida y a la libertad.

En último término, la *contestación* es el concepto de doble vía de la existencia de las sociedades de *amocambados* en Brasil: la impugnación rebelde de la integración forzada a la *plantation* y la refundación de la vida dentro de "comunalismos arbolados" (Bona 2006; Nascimento 1980) se han proyectado desde la interpelación contestataria ejercida por las "avenidas identitarias del racismo", que aún hoy conducen a los pueblos hacia el encarcelamiento y el asesinato (Akotirene 2019: 16). Así, la emergencia quilombola es, en sí misma, una respuesta contestataria a quienes han fortalecido civilizaciones sobre estructuras que impugnan su existencia. No es extraño, por lo tanto, que después de los años de esclavitud negra oficializada, sigamos presenciando enfrentamientos a la supervivencia de sus territorios

que, una vez más, operan a través de las directrices jurisprudenciales y estatales responsables de certificar los derechos de estas poblaciones.

Tomado bajo el principio de la oficialidad del poder, el término "contestación" que se utiliza aquí refiere a los documentos presentados administrativamente ante el Instituto Nacional de Colonización y Reforma Agraria (Incra) como vía de impugnación de los estudios de identificación y delimitación de territorios quilombolas en el ámbito de los procedimientos de regularización fundiaria. El Incra es el ente autárquico federal que, desde el Decreto Nº 4.887[1] del 20 de noviembre de 2003, es responsable por el otorgamiento de títulos de los territorios quilombolas en Brasil, dando curso ejecutivo a los derechos de "reconocimiento a la propiedad definitiva" y a la "emisión de sus respectivos títulos", de acuerdo a lo previsto por el artículo 68 del Acta de Disposiciones Constitucionales Transitorias (ADCT) de 1988.

El estudio de identificación y delimitación de territorios quilombolas que conduce el Incra es denominado Informe Técnico de Identificación y Delimitación (RTID, por sus siglas en portugués). Según la normativa interna de este organismo, debe ser elaborado por un equipo multidisciplinario, y debe estar compuesto de seis piezas: informe antropológico; relevamiento fundiario; planta y memoria descriptiva del perímetro del área identificada; registro de las familias remanentes de comunidades de quilombos; relevamiento de superposiciones con otros intereses del Estado; y dictámenes conclusivos de las áreas técnica y jurídica.

Existen dos instancias administrativas previstas por la normativa para la presentación de impugnaciones ante los órganos colegiados del Incra: la primera es el Consejo de Decisión Regional de la Superintendencia del órgano en el que se instauró el proceso, y la pieza impugnatoria se denomina "contestación"; la segunda es el Consejo Directivo del Incra con Sede en Brasilia (D.F.), y tiene como pieza impugnatoria el llamado "recurso administrativo". Dichas impugnaciones pueden ser ofrecidas por propietarios de inmuebles que inciden en el territorio identificado y delimitado, y por organismos públicos, dada la constatación de superposiciones y conflictos de intereses. Cuando son recibidas por el Incra, las contestaciones son analizadas por equipos de profesionales del organismo en cuanto a los aspectos técnicos,

1 El Decreto n.º 4887/2003 reglamenta el procedimiento para la identificación, reconocimiento, delimitación y demarcación de las tierras ocupadas por remanentes de las comunidades de los quilombos de que trata el art. 68 del Acta de Disposiciones Transitorias (ADCT).

y por la Procuraduría Federal Especializada, órgano de la Procuración General de la Unión [2] (AGU, por sus siglas en portugués), en cuanto a los aspectos jurídicos.[3]

Al menos dos fueron las preguntas y, en consecuencia, los objetivos que condujeron a los argumentos que planteamos al analizar las piezas impugnatorias de los Informes Técnicos de Identificación y Delimitación (RTIDs) de colectivos y territorios quilombolas: ¿qué operadores, medidas normativas y recursos retóricos conforman el aparato interno de estas vías impugnatorias que amplifican desacuerdos, que paralizan eficazmente los flujos administrativos de reconocimiento de estos colectivos? Y ¿cómo los "contrainformes" – indiferentes a la "variedad de situaciones tradicionales de ocupación de tierras" en Brasil (Stucchi & Ferreira 2011: 762) – han escudriñado las vidas quilombolas, dando lecturas de sus signos reveladores de "racialidad, ilegalidad e ilegitimidad: e, indirectamente, reinaugurando el expediente de las prerrepublicanas "inquisitorias" de las antiguas comunidades de "negros fugados"?

Con estas preguntas, dirigimos nuestra atención a los automatismos inscripcionales de los contrainformes, que alienan el "acto de testimoniar las vidas quilombolas" para supuestamente "dar testimonio 'más verdadero' sobre ellas" y, en consecuencia, secuestran el derecho común de "hablar en nombre de la muerte de las relaciones" (Das 2011: 11) y de la violencia histórica que entrelaza a las personas y sus territorios.

Lo que denominaremos "contra-informes" o "contra-pericias" son, por lo tanto, los Informes Impugnados presentados por organizaciones, públicas o privadas, o por particulares, contra la publicación del Informe Técnico de Identificación y Delimitación (RTRD) de un territorio quilombola. En vista de los diversos usos de los términos atribuidos a los documentos, estamos de acuerdo con Cariaga (2019), cuando considera una observación hecha por Silvio Coelho dos Santos e Ilka Boaventura Leite, en el sentido de que

> desde el punto de vista del compromiso antropológico, el "contra" anterior a la palabra "pericia", es un medio para enfatizar el desplazamiento ético en la conducta histórica de la antropología brasileña. Sin embargo, en la dinámica judicial, este "contralaudo" es más bien un informe elaborado y previsto en las impugnaciones a las que son proclives los informes periciales y los RCIDs (Informes de Identificación y Delimitación) (Cariaga 2019: 15).

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2 La Procuración General de la Unión es una institución que representa a la Unión (estado federal), judicial y extrajudicialmente, y cumple con actividades de consultoría y asesoramiento jurídico del Poder Ejecutivo Nacional.

3 El documento de contestación puede presentarse hasta 90 días a partir de la notificación personal del particular interesado o empresa, y debe ser analizado y juzgado por el Incra en un plazo común de hasta 180 días, a contar desde su protocolización. Este recurso es analizado técnica y jurídicamente, y se lo somete a juicio del Comité de Decisión Regional. Los accionantes son notificados del resultado del juzgamiento de la contestación presentada. Si dicho juzgamiento implicara la alteración de las informaciones contenidas en el edicto de publicación del RTID, deberá realizarse una nueva publicación y consiguientes notificaciones a los interesados. Al dictamen de las contestaciones corresponderá un único recurso ante el Consejo Director del Incra, en el plazo de 30 días, a contar desde su notificación, debiendo notificarse el recurrente acerca del resultado del dictamen. En este caso, el recurso también podrá ser estimado y la presidencia del Incra podrá publicar eventuales alteraciones de las informaciones contenidas en el aviso de RTID con la notificación del recurrente en el Diario Oficial de la Unión y de la unidad federal donde el área esté localizada. En el caso de los órganos públicos notificados de la publicación del RTID, el plazo para presentar alegato es de hasta 30 días.

En tanto, llamamos *avenidas impugnatorias* al acúmulo de innumerables acciones dirigidas por "redes de personas que se (re)agregan en función de intereses, compromisos, percepciones, adhesiones y sentimientos" (Castilho et al. 2014: 13) comunes a la "vida moral del Estado" (Fassin 2015: 11) y a sus reproducciones ideológicas y socio-técnicas presentadas como "misiones institucionales" (Teixeira et al. 2019: 9). Dichas acciones ralentizan y complejizan, a través de sus entramados programáticos, la conclusión de la etapa pericial por medio de la que son identificados los núcleos quilombolas de poblamiento y sus territorios.

Tratamos las trayectorias de estos flujos burocráticos como "avenidas" –reposicionando un término de los estudios interseccionales de Carla Akotirene (2019) – porque los contra laudos parecen abrir pasajes e intersecciones entre las propias recursiones clasificatorias compartidas por otras autoridades, pasadas y presentes, del Estado brasileño; tecnologías de gobernanza ejercidas por agentes especializados en la operación de marcos acusatorios y demarcatorios de lo racial, lo ilegal y lo ilegítimo. Estos documentos permiten vislumbrar una inteligencia de prefiguración para la cual el quilombola sólo puede ser rastreado a través de las marcas de desvío, infracción y distorsión de su identificación y origen; que, a su vez, sólo son auténticos si remiten a un pasado de acontecimientos no continuos, y a su suerte, de documentos y objetos considerados como "prueba de vida". En definitiva, los quilombolas, como otros colectivos tentativamente condicionados por la modernidad occidental a un estatus de ciudadanía, sólo pueden adquirir una forma representable si se miden moralmente por los instrumentos del "afropesimismo", esa "dependencia de la sociedad civil de la violencia de la población negra que posiciona a los negros como enemigos internos" (Douglas, Terrefe & Winderson 2018).

Para el caso del *afro pesimismo quilombola*, ese sentimiento se inviste de una violencia que escudriña las auto-clasificaciones de pertenencias, por medio de la sospecha sobre los orígenes, para lo cual el pasado esclavista –generalmente tratado bajo la forma de una indiferente "continuidad histórica: (Oliveira 2002: 260) y a veces buscado contra la voluntad de los regímenes locales de memoria– debe ser siempre re-evocado ante los "expertos", a través de formas narrativas, materiales y archivísticas de las arqueologías de la esclavitud y de la *plantation* (Symansky 2014; Symansky & Gomes 2012). Como en las diversas conductas laudatorias, lo que se impone de modo anticipado a la verificación es, siempre, la legitimidad de los diacríticos presentados por la población, así como la legalidad de sus protestas por la parcela territorial transformada en hábitat.

Recordemos que, en general, lo que algunos contralaudos inquieren –y lo hacen amortiguados por las instrumentalidades normativas y jurídicas del Estado brasileño– son cosas como "si tal o cual población es 'verdaderamente negra' en su mayoría, o si, de hecho, ha prescindido del pasado de las familias víctimas de la esclavitud para acceder a los derechos de quilombola", "si son realmente autóctonos o alóctonos como para merecerlo", "si tal o cual zona es, de hecho, un 'territorio común', ya que su cadena de propiedad tiene el nombre de un 'hombre (blanco), propietario y celoso cuidador' de sus tierras, propietario para quien trabajaban algunas de las familias quilombolas". Y, ampliando estas prefiguraciones, si los

autores del informe en su conjunto tienen neutralizadas sus inclinaciones personales para producir percepciones imparciales de esos otros (los quilombolas) que, ante todo, deben probar, mediante la delegación de sus testimonios a terceros, la originalidad e integridad de su existencia (Calabra & Ribeiro 2014).

La portación del color, de los orígenes, de los bienes de la tierra, del propio derecho de ser llamado o de narrarse acaban siendo las valoraciones sobresalientes de dichas avenidas impugnatorias. En razón de estos órdenes sustanciales y morales, de sospecha y escrutinio sobre la raza, el origen y la honra del derecho sobre la parcela fundiaria, la "captura del *negro rebelde*", con sus "aprisionamientos" categoriales, parece demarcar los fines funcionales de los papeles y de los asuntos quilombolas dentro de las dependencias públicas. No por casualidad, la estirpe administrativa de los informes –esto es, las primeras aplicaciones cartográficas e identificatorias efectuadas por documentos similares– parece hallar sus orígenes en las comunicaciones interinstitucionales entre autoridades, garantizadas por el intercambio de "avisos policiales para la localización, persecución, desmantelamiento y destrucción de quilombos", es decir, las *actas de la instrucción*.

Son piezas que, aunque teñidas en todos sus extremos de pasajes de innoble terror, más que testimoniar la aniquilación de un movimiento, constituyen en realidad una de las principales matrices archivísticas de los hechos de resistencia quilombola en Brasil (Gomes, 1997; Araújo, 2014). Sólo en São Luís de Maranhão, estado del Nordeste brasileño que tiene la segunda mayor concentración de territorios quilombolas de Brasil, con cerca de 408 procesos administrativos de regularización de tierras abiertos (Incra, 2022), cuenta con casi 8.000 informes policiales en los archivos del Archivo Público y del Tribunal de Justicia del Estado que detallan rebeliones de esclavizados, asaltos a haciendas, ejecuciones de "negros rebeldes", formación de mocambos y aldeas quilombolas; todo ello acompañado de las oportunas medidas persecutorias (APEM 2012; 2015).

Como muestran dos extractos de las colecciones mencionadas, la práctica informativa de estos documentos parecía prestar atención no sólo a la lista de los capturados, torturados y muertos, en las incursiones para desmantelar los quilombos y sus víveres, sino también al uso descriptivo de las formaciones "extravagantes" de la organización social de sus núcleos, los aspectos físicos de sus formas de poblar los bosques y sus habilidades, agrícolas y de combate militar. Fluctuando entre el odio, la glorificación de la victoria a través del asesinato y la curiosidad, por la resistencia y las formas de vida de los quilombos, los registros de la investigación documentan las primeras iniciativas para detallar la naturaleza particular de esas formaciones:

> tiene 91 casas, en cada una viven tres, cuatro y cinco negros con sus mujeres e hijos, y hay dos casas más destinadas a la oración, a las que llaman casas de santos; una, con imágenes de Santos, y otra donde encontramos figuras extravagantes hechas de madera, calabazas con hierbas podridas y una cantidad de piedras de las que en tiempos muy remotos se servían los indígenas como hachas, las cuales la mayor parte de los mocamberos venera con la invo-

> cación de Santa Bárbara, aunque todo esto no pasa de ser una casa de chamán (Informe del alferez João Manoel da Cunha sobre la primera invasión del quilombo Limoeiro, comarca de Viana, Maranhão, 24 de enero de 1878. Doc. Suelto. Archivo Público del Estado de Maranhão. APEM 2012: 135).

> en el mocambo, que constaba de 80 ranchos, incluso 5 salas de hornos, se encontró mucho arroz segado y por segar, harina y mandioca, caña en cantidad, excelentes, y dos aparatos de mano para exprimir caña, ralladores de mandioca y una vaca muerta (Informe del alferez João Manoel da Cunha sobre la primera invasión del quilombo São Benedito do Céu, comarca de Viana, Maranhão, 17 de julio de 1867. Doc. Suelto. Archivo Público del Estado de Maranhão/APEM. Araújo 2014: 148).

Este *alferez*, militar investido como capitán de monte en las incursiones mencionadas en los informes, fue tal vez el único testigo letrado del cuerpo marcial de la Guardia Nacional que se acercó físicamente a los quilombos dentro del intrincado mundo boscoso de la Amazonia marañense del siglo XIX. El artefacto de su esfuerzo escritural es, al mismo tiempo, el registro primario de la existencia y del exterminio de la población objetivo de su misión. Al capturar, inventariar e inmediatamente destrozar los objetos colectivos de la presencia quilombola, ejecutando a quienes idealmente podrían atestiguar por sí mismos (Leite, 2006), el funcionario del Estado se convierte en ese relator que hace "necesaria la muerte para que haya discurso" (De Certeau, Julia & Revel, 1995:58); "discurso" manifestado por las artesanías que se multiplican como simulacros de la realidad producidos por un poder.

A continuación, analizaremos los informes de contestación, destacando "ese miedo al vacío donde debe residir el muerto" para que pueda haber "discurso", relatos documentados de (y en) su lugar (Compagnon 1996:35). Estos contra laudos, presentados como inscripciones que enajenan existencias para "dar prueba de ellas", nos permitirán ponderar cómo la impugnación del testimonio, al delegar en otros los "actos de denuncia de la violencia y de la vida misma" (Das 2011), frenan, distorsionan y confabulan el disenso sobre los hechos de las realidades quilombolas en Brasil. Frente a sociedades que, en su mayoría, tienen en los recursos orales y rítmicos su principal – y más confiablen – acceso expresivo al mundo (Chatzkidi 2018; Sodré 2005), la distancia extendida por las escaramuzas técnico-jurídicas y sus impugnaciones pautadas en las fojas de los informes parece ser la manutención eficiente de espacios semánticamente vacíos entre los que reposan los colectivos, los testimonios dados en sus lugares y el negligente reconocimiento de sus derechos.

LA TITULARIZACIÓN QUILOMBOLA Y SUS ETAPAS ANTE EL INCRA

Las etapas del proceso de regularización fundiaria quilombola ante el Incra están reguladas por la Instrucción Normativa n.º 57/2009, que orienta la elaboración del Informe Técnico de Identificación y Delimitación (RTID) y de una de sus partes, a saber: el Informe Antropológico. Éste debe contener los estudios socio-históricos, con investigaciones sobre

fuentes documentales y orales; los detalle de la organización social; el relevamiento fundiario de los propietarios y poseedores legales a partir de informaciones notariales y de ocupaciones; además de datos agronómicos y ambientales del área ocupada tradicionalmente.

Concluído este Informe Técnico, y aprobado por el cuerpo colegiado regional denominado Comité de Decisión Regional (CDR), el Incra publica el extracto del documento y efectúa las notificaciones de propietarios y poseedores legales no quilombolas, incidentes en el perímetro identificado. De inmediato, envía el RTID para que diversos organismos públicos manifiesten o no su interés en el área. Como ilustración, más abajo se reproduce el diagrama de flujo que contiene las etapas del proceso de regularización fundiaria:

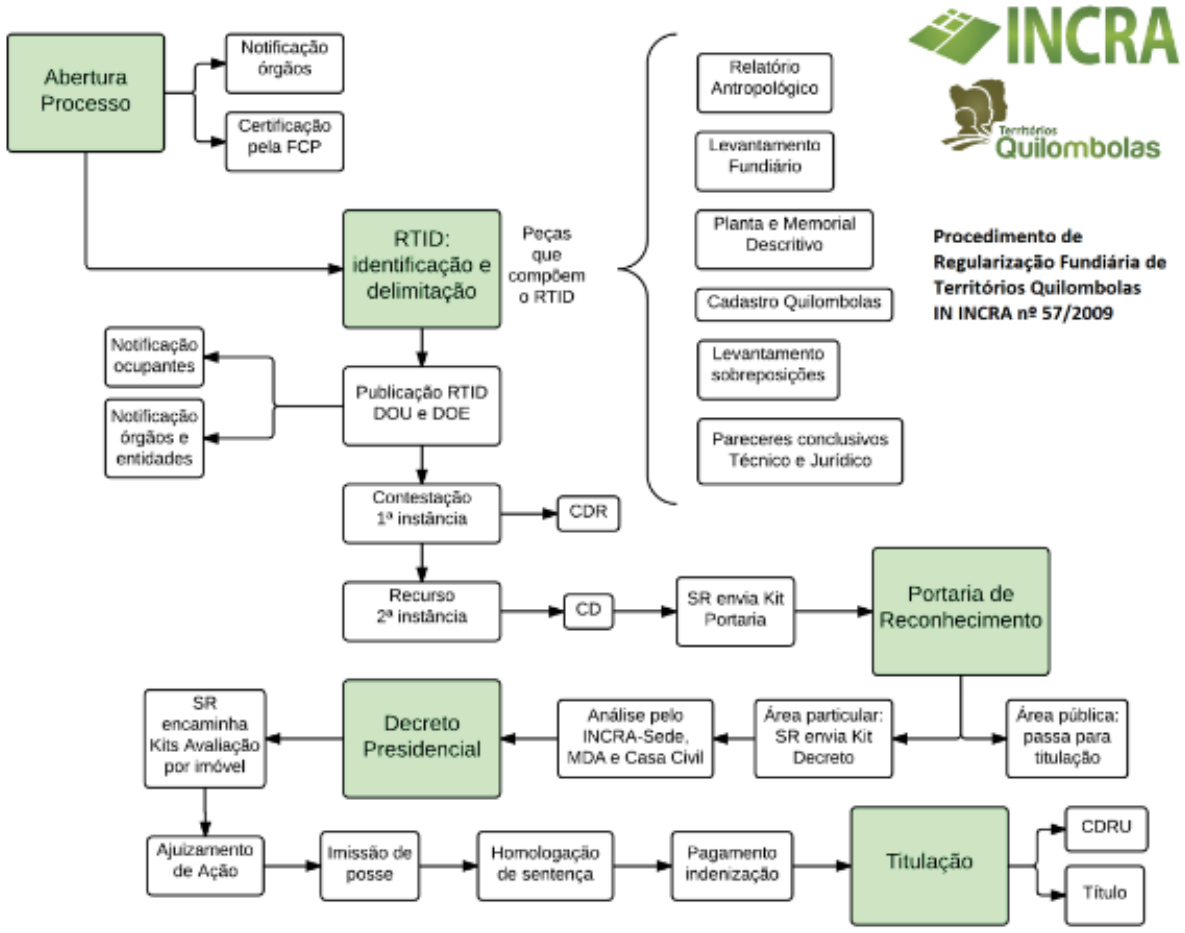


Figura 1. *Diagrama de flujo de la Regularización Fundiaria de los Territorios Quilombolas del Incra*. By Coordinación General de Regularización de Territorios Quilombolas (DFQ/Incra).

El proceso administrativo de regularización fundiaria quilombola tiene un procedimiento extenso y detallado, como puede observarse en el diagrama de flujo de más arriba. Es un transcurso procesal complejo y excesivamente burocratizado. Como se ha explicado, luego de notificada la publicación del RTID, los propietarios y particulares notificados tienen un plazo de 90 días para presentar su contestación, la que deberá ser analizada en diversas instancias técnicas y jurídicas, de manera individualizada y en su propio procedimiento.

Es decir, cada contestación interpuesta será analizada y pasará por el rito de juzgamiento completo del Comité de Decisión Regional (CDR), lo que acarrea atrasos en la marcha del proceso. Todavía existe la posibilidad de recurso, en el plazo de 30 días, cuando el recurrente presenta un recurso administrativo ante el Consejo de Administración en la sede del Incra, en Brasilia, lo que exige nuevamente que la impugnación sea sometida a análisis y juicio, técnico y jurídico, por parte del órgano colegiado. En estos órganos colegiados, el juicio de las impugnaciones puede resultar en un cambio de área, una revisión de los estudios y una nueva publicación de la RTID, lo que lleva a nuevos retrasos.

En resumen, es posible señalar las siguientes fases tras la apertura del proceso: (i.) elaboración y publicación del RTID; (ii.) Fase de Impugnación en dos instancias; (iii.) Edicto de Reconocimiento del Territorio; (iv.) Decreto de declaración de interés social del territorio; (v.) Des-intrusión, que incluye la evaluación y expropiación de las propiedades, con pago de indemnización; y (vi.) Titularización Colectiva del territorio con registro notarial.

SIEMPRE HAY DIVERGENCIAS EN LA SUPERFICIE DE LAS FOJAS

El desarrollo analítico de estos Informes de Contestación se apoyó en la experiencia acumulada de los autores, que, como antropólogos, se ocupan desde hace algunos años de la coordinación y producción de Informes y Pericias Antropológicos, y del acompañamiento administrativo de los Informes Técnicos de Identificación y Delimitación (RTID) de los territorios quilombolas; uno, como investigador académico y consultor *ad hoc*, y la otra como empleada del Instituto de Colonización y Reforma Agraria (INCRA).

De hecho, fue posible disponibilizar las contestaciones porque, como empleada del Incra, la autora de este artículo tiene acceso a los documentos que ya han pasado por las fases de análisis técnico y jurídico, y que ya han sido juzgados por los órganos colegiados del órgano público, por lo que no hay restricciones para su consulta ni secreto sobre las informaciones consignadas en los expedientes. Aunque con respaldo, se decidió sustituir por términos ficticios las referencias onomásticas y toponímicas mencionadas en las contestaciones, a fin de evitar cualquier daño colateral a los destinatarios de las acciones regulatorias.

Son muchos los criterios que podrían haberse utilizado para seleccionar las pruebas que cuestionan los Informes Antropológicos que aquí tomamos como corpus documental a examinar. A modo de introducción para lectores no familiarizados, el arsenal técnico-administrativo involucrado en la expertise pericial de la Antropología Social en Brasil tiene una larga historia, que reúne autores, trabajos e intervenciones en los marcos normativos que reglamentan legalmente la participación la disciplina en la producción de informes. Ejemplos de compromiso temático y político aparecen en colecciones como *A Perícia Antropológica em Processos Judiciais* (1994), organizada por Orlando Sampaio Silva et al.; en las producciones reunidas bajo los títulos *Laudos Periciais Antropológicos em Debate* (Leite 2005) y *Laudos Antropológicos em Perspectiva* (Olivera, Mura & Barbosa 2015) y en algunas de las

entradas reunidas en *Antropologia e Direito: temas antropológicos para processos jurídicos* (2012), por las contribuciones de autores como Alfredo Wagner de Almeida, Eliane O'Dwyer y João Pacheco de Oliveira, entre otros.

En éstas y otras producciones individualizadas, el conocimiento proporcionado por la antropología "revertido" a instituciones del Estado brasileño, y viceversa, tiene variados retornos teóricos, heurísticos y técnicos. Autores como Cariaga (2019: 12) se han servido de laudos y contralaudos para cuestionar los escollos político-epistémicos impuestos a la antropología en su ambiguo empeño entre "los lenguajes relacionales de sus etnografías y los lenguajes institucionales de sus informes". Otros pioneros en el debate, como Ilka Boaventura Leite (2005) y Silvio Coelho dos Santos (2005), han utilizado la mejora de la práctica técnica de la disciplina para plantear cuestiones sobre los límites de la representación escrita de "grupos sociales con voz propia, con 'conocimiento' sobre sí mismos, con formas organizativas y con plena capacidad de expresión" (Leite 2006: 21). Muchos otros, como José Arruti (2006) y Eliane O'Dwyer (2008; 2009), han utilizado los laudos para considerar la composición de los modos de vida quilombola frente a los preceptos constitucionales, con impactos en sus "procesos de construcción los límites étnicos" (O'Dwyer 2002: 16).

Todos estos enfoques analíticos son inseparables de cualquier evaluación de estos documentos. Sin embargo, además de estos centros de atención, nuestro interés radica –aunque sólo parcialmente aqui – en lo que Kárine Guirau (2011) – refiriéndose al concepto del lingüista Teuen van Dijk (2010) – denomina "los contralaudos como acontecimientos comunicativos" (Guirau 2011: 31). Observaremos, por tanto, la capacidad de los documentos para extender un "marco referencial de manifestaciones" (2011: 102) que intenta mantener, a lo largo de sus tautologías textuales, un discurso que activa "una forma específica y colonial de pensar y tratar" (2011: 31) a quienes, si bien aparecen como destinatarios de interpretaciones, en realidad se mantienen como fuentes testimoniales caducas y superadas frente a la vigencia del testamento "primario" de los papeles.

Sin embargo, tomar los contralaudos sólo como acontecimientos comunicativos parece condicionarlos a los límites de los enfoques "semióticos o semiolingüísticos" (Kristeva 2012) de sus formulaciones, entendiéndolos apenas como productos redistributivos de valores y permutaciones de otros textos (intertextualidades). En definitiva, significaría solamente tratarlos como *ideologemas*:

> esa función intertextual que se puede ver masterización en los diferentes niveles de la estructura de cada texto y que se extiende ampliamente a través de su trayecto, dándole sus coordenadas históricas y sociales (Kristeva 2012: 109).

Más allá de las marcas ideográficas de construcción que enuncian el texto hacia adentro (y desde dentro) de una historia social, nos interesa la productividad de sus piezas de papel y recursos virtuales que se presentan a la realidad como inscripciones artefactuales (Vianna

2014; Riles 2006; Hull 2012). Entendemos que si las avenidas de impugnación de los derechos quilombolas en Brasil aún parecen extenderse indefinidamente, es porque sus corredores están compactados por artefactos de agencias que "persuaden a través de la forma (Strathern 1991 *apud* Riles 2006), y así sellan" a sus propias autoridades (Vianna 2014: 34). Alcanzados por lo que Gell (1998) define, entendemos el artefacto como un componente de intencionalidad que estrecha las conexiones en la forma de una dependencia material y relacional a otros, garantizando la agencia sobre los marcos de apoyo de sus realidades.[4]

Según esta interpretación, el contralaudo sería una inscripción artefactual de intencionalidad, primero, refractaria al informe de su valoración; por tanto, uno no existe en completa autonomía intertextual del otro, los valores de uno son despertados por el otro y ambos son reactivos a los valores de infinidad de otras inscripciones técnico-jurídicas comunes; lo que hace que intercambien más identificaciones formales que diferencias.

Los informes se elaboran anticipando y controlando las reacciones interpretativas que suscitan. Los contralaudos son reacciones que se basan en los hechos y exégesis del informe. Y, por último, ambos ven refrendada su eficacia por el número de avenidas conceptuales y materiales que abren en dirección a sí mismos y de otros artefactos similares: leyes, reglamentos, aplicaciones de principios técnicos, referencias científicas, etc., en definitiva, manifestaciones que Bruno Latour llamaría "factiches", en la medida en que basen sus capacidades en el "hacer-hacer y hacer-hablar" de los hechos (Latour 2002: 17).

Recordemos que Latour está legando a lo que él llama "factiches" (por oposición a los meros fetiches) la condición más "realista a los mundos de los objetos" de no ser, ambiguamente, ni falsos ni verdaderos, ni creadores ni criaturas, ni sujetos ni objetos; sino entidades desplazadas que "nos permiten vivir, es decir, pasar continuamente de la construcción a la autonomía, sin creer nunca en una ni en otra. Gracias a los factiches, construcción y verdad siguen siendo sinónimos" (Latour 2002: 55).

Para aproximarnos a estos atributos de la acumulación de relaciones que hacen interactivos a los artefactos, diríamos, de acuerdo con Antônio Bispo dos Santos, que documentos como los contralaudos son fetiches del paradigma transfluyente marcado por la modernidad, en oposición al pensamiento confluyente de los testimonios quilombolas. Su función no es agregar, sino dispersar la atención, al mismo tiempo de "mezclar(se) sin unirse" (Santos, 2015:89) con otros artefactos que se encuentran en diversos extremos de la historia y entre otros espacios estructurados conocidos, buscando certificar su fuerza a través del número

4 Alfred Gell concluye que "el origen y manifestación de la agencia ocurren en un medio que consiste (en gran parte) en artefactos, y que los agentes, por tanto, 'son' y no sólo 'usan' los artefactos que los ligan a otros [...] Describo artefactos como 'agentes sociales' no porque desee promulgar una forma de misticismo material-cultural, sino solamente en vista del hecho de que la objetivación en forma de artefacto es cómo la agencia social se manifiesta y se realiza, a través de la proliferación de fragmentos de agentes intencionales 'primarios' en sus formas 'secundarias' de artefacto" (Gell 1998: 21. La traducción nos pertenece).

de radiaciones y desplazamientos que intercambian con este universo de formas "evidentes", "factuales" (Latour 2002: 45).

Los informes y contrainformes se consideran competentes en sus propósitos burocráticos y judiciales cuando extienden el mayor número posible de vínculos radiales con otros artefactos certificadores que están, o bien presentes, o detrás de los mismos. En el caso de los informes, algunos de estos artefactos son persistencias reminiscentes, como copias facsimilares de los registros de redada y persecución de los quilombos, objetos de hierro y mampostería de las secuelas de la tortura de esclavos, informes sobre la compra y venta de vidas humanas vinculadas a familias quilombolas vivas, informes sobre conjuntos de personas esclavizadas y otros signos indicativos de los vestigios del pasado en el presente; objetos que son traídos ostensiblemente a la memoria, aunque a veces sean indeseables o incluso disociados de los lazos memorializadores de los que viven hoy. En vista de que muchos de esos artefactos que atestiguan la existencia quilombola son recuperados con metodologías arqueológicas basadas en el funcionalismo y en el formalismo económico, sus significados acaban siendo "atribuidos por la cultura hegemónica" (Symanski 2014: 166).

Mientras, las tramas del mundo quilombola son hechas, en general, de contactos sutiles y no naturales que, en ocasiones, los innumerables artefactos de la ideología de la divergencia no son capaces de aprehender y de describir; principalmente porque, para tales evaluaciones técnicas, esos datos forman parte de "extravagancias", creencias absurdas, como las llamó el *alférez* que invadió el quilombo de Limoeiro, en Maranhão (APEM 2012: n135); excentricidades que van en contra del empeño documental de "simplificar los hechos vividos para que se ajusten a las normas" (Ferreira 2012: 351).

Y todo lo que aún espera que le sea dado un nombre para adquirir una forma, todo lo que aún está por explicar –por supuesto, una explicación siempre dentro de los parámetros de valores ya conocidos– es tratado por los productores de los dioses-fetiche de la modernidad como cosas que, hasta nuevo aviso, son falsificaciones, desviaciones de lo que también se supone real. Por eso, como en otros contextos territoriales, los "dueños cosmológicos" (Oliveira 2016: 117) de los paisajes que comparten territorio con las poblaciones quilombolas, como Encanturias, Minas, Caboclos de Fundo D'água, difícilmente cuentan como "artefactos" candentes de la interferencia quilombola en el mundo (Ferretti 2008; Ahlert & Lima 2019). ¿Cómo es posible –se pregunta con asombro uno de estos contrainformes– que un *caneleiro* (Cenostigma macrophyllum Tul), árbol reivindicado como sitio de descanso por uno de los representantes de la falange de guías Terecô de Maranhão conocida como Légua-Boji-Buá, sea utilizado para justificar el vértice cartográfico de un territorio quilombola?

Se crea, así, entre los autores de los informes impugnatorios, por un lado, y los diversos propietarios cosmológicos, por otro (las poblaciones y sus compañías corpóreas e incorpóreas), un disenso en el que los primeros acusan y niegan a los segundos, apoyándose en una heteroclasificación basada en la desviación de la naturaleza fáctica conocida. Es también la

misma categorización, que escudriña la desviación de las naturalezas de los objetos verificables y comprobables, la que se utiliza para presentar los criterios de racialidad, originalidad y legalidad del derecho a la tierra de los que hablábamos antes. A este respecto, preguntas incómodas cuestionan la clasificación naturalista utilizada por los contralaudos: ¿cómo verificar una búsqueda ansiosa por encontrar la "unidad territorial de la familia quilombola" cuando, de hecho, lo que allí prevalece son las discontinuidades de parentesco que se insinúan a través de la "relación" (Mello 2003; Goldman 2014) y la "simbiogénesis" (Haraway 2016), tornando quilombolas a indígenas y sertanejos migrantes, animales y espíritus dotados de la fuerza de parentesco cofundadora de un mismo contingente comunitario? (Perutti 2015; Alves 2022; Santos 2015).

Siempre hay divergencia en la superficie de las fojas. Optar por el paradigma transfluyente de la divergencia (Santos 2015) –que, operando con criterios informativos modernos, intenta disociar los fetiches de los hechos, los datos legítimos de los ilegítimos– nos hace comprender que los contra laudos son intentos de reiniciar el "texto testimonial en el lugar de los otros" mediante sustituciones ontológicas entre artefactos pertenecientes a autoridades diferentes. Sin embargo, son puestas a conversar como si pertenecieran esencialmente a la misma "racionalidad semántica" (Pêcheux 1997: 69). Al autorizarse a controlar tergiversaciones, captar engaños en las autoclasificaciones y en las pertenencias, algunos de estos documentos inauguran diversas formas de "hacer hablar" a otras multiplicidades, externas a la vida quilombola, para articular sus impugnaciones y desposeer los testimonios de sus enunciadores.

DESARMANDO AUTOMATISMOS DE LA INSCRIPCIÓN

Los eventos comunicativos presentes en los dos Informes de Contestación de extractos textuales analizados a continuación no son desconocidos para los profesionales que asignan autoría a los RTIDs de los territorios quilombolas en Brasil. Lo que aún parece incomprensible es hasta qué punto los *automatismos de inscripción* de estos documentos – en forma de aplicaciones retóricas y prácticas, conceptos e interpretaciones – promueven, a mediano y largo plazo, transformaciones en las "fuerzas constituyentes quilombolas" (Gomes 2022), abriendo y ampliando avenidas impugnatorias decisivas entre el Estado de Derecho y los territorios tradicionales.

Animados por el principio del "automatismo textual" presente en el método de análisis automático del discurso de Michel Pêcheux – que propone que las clases de equivalencias discursivas entre valores, ideas y palabras son definidas por la propia "norma institucional" de la que derivan (Pêcheux 1997: 68) –, definimos como *automatismos de inscripción* las insistentes prácticas informativas que exploran la reiteración de conceptos y entradas interpretativas textuales que, aunque claramente anacrónicas y obtusas para la cosmopolítica territorial, tratan de instaurar una sospecha anti-quilombola en las instituciones, entre los propios colectivos y en la sociedad civil en general.

Entendemos que, para los agentes del antiquilmobolismo nacional, lo que menos importa es la "impugnación" de una, o de centenas, de piezas técnicas, pues se trata de documentos que casi nunca serán utilizados para finalizar la regularización fundiaria, dada la inoperancia histórica y programática de los mecanismos de certificación de los derechos territoriales quilombolas en Brasil (Silva 2021). Por lo tanto, más que impugnar las conclusiones de un estudio, el esfuerzo completado o a veces iniciado por los Informes de Contestación de RTIDs es aquel que, apelando a la fuerza de la automaticidad de las palabras documentadas, intenta fijar, en el centro de los poderes legales, administrativos y de la opinión pública, pilas de contra-versiones a las presencias quilombolas. Tal práctica sólo es posible cuando la negación del testimonio es ejercida por una inscripción en papel cuya existencia está, en sí misma, garantizada cuando las vidas son anuladas para que pueda haber habla en su lugar. Haciendo penetrar, automática y lentamente, las mismas o parecidas ideas con cada nuevo documento, las impugnaciones buscan convertir el "antiquilombolismo de opinión" en una fuerza constitutiva del Estado –una "fuerza de ley", como llamaría Derrida (2007) a esa autoridad que tal vez no se diferencie tanto de la "fuerza de violencia" – obligando a la ampliación de nuevas avenidas contra normativas y normativas de impugnación de las existencias quilombolas.

Ejemplos de estas tentativas de hacer que mágicamente "las palabras dichas (y escritas) con insistencia" (Favret-Saada 1977: 21) se transformen en permanentes dispositivos de impugnación institucional y jurídica fueron tomados por uno de los autores de este artículo, que recientemente participó de las negociaciones voluntarias para la realización de la RTID de un territorio quilombola en conflicto con un grupo del segmento empresarial agrario.[5] A lo largo del proceso previo al trabajo de campo, representantes de la contraparte se acercaron a los empleados del Incra para pedir instrucciones. Cuando se realizaban tales consultas, generalmente por parte del propio litigante del territorio quilombola o por su equipo jurídico, los empleados respondían al equipo de consultores *ad hoc* que "todo allí estaba previsto por la ley, que el 'propietario' tenía derecho a tomar conocimiento administrativamente del proceso". Aunque eran conscientes de la obligación legal de hacerlo, se percibía que las constantes visitas de las contrapartes a la sede de la superintendencia estatal de la agencia, incluyendo reuniones con los gerentes y el técnico responsable del Informe Antropológico, tenían consecuencias inmediatas en la forma en que el equipo de consultores estaba siendo asistido por la institución en su tarea de elaborar el estudio que daría lugar al informe: comenzó a llamarse la atención sobre el cuidado con los criterios utilizados en la identificación física del área, que "los grandes territorios, además de tener su regularización frenada por las dificultades financieras del Estado, todavía traían desafíos a las formas de gestión y preservación de los recursos de las comunidades quilombolas", "que atenerse a lo estrictamente técnico en el

5 Se decidió borrar las referencias institucionales y personales implicadas en el proceso.

momento de la identificación y demarcación era lo más importante, para que no hubiera márgenes de impugnación del proceso y alegaciones de que los profesionales eran parciales en sus conclusiones", entre otras admoniciones que, con el tiempo, acabaron siendo importantes para la ejecución de las actividades.

En una de las reuniones organizadas por el INCRA para obtener el permiso de las contrapartes para realizar las visitas técnicas del equipo, uno de los representantes del grupo empresarial invitó a participar en las negociaciones a un antropólogo conocido a nivel nacional por su compromiso contra-pericial. En el acto, el profesional tuvo espacio para expresar sus opiniones sobre el proceso. Pocos días después, se supo que el plan de trabajo presentado anteriormente por el equipo al organismo público había pasado a ser objeto de cuestionamiento *sub judice*, debido a que las contrapartes tenían dudas sobre el desarrollo de la acción administrativa.

Con este informe de caso ilustrativo, no pretendemos plantear hechos sobre una posible malversación administrativa por parte de la institución, o ilegalidades por parte de las contrapartes. En su momento, el equipo entendió que estas operaciones estaban respaldadas por el derecho administrativo brasileño y las normativas institucionales. Con el relato de tales interacciones, sin embargo, además de mencionar el caso que inspiró esta producción, pretendemos destacar que las intervenciones contra-periciales, aunque sean justas y técnicamente respaldadas por criterios, siguen produciendo acciones a favor de una impugnación que tiene en el artefacto del Informe de Contestación apenas un tramo circunstancial de una larga avenida de intentos de constituir posibles nuevas fuerzas del derecho y del Estado que "hagan" retroceder al quilombolismo.

A continuación, examinaremos dos Informes de Contestación. Los documentos fueron seleccionados entre varios otros archivados por las 29 Superintendencias Regionales del Incra. A diferencia de los análisis procesalistas que se centran en detallar las interioridades de los informes y contrainformes, forenses y antropológicos (Ferreira 2012; Calabra & Ribeiro 2014; Silva 2015; Mura 2015; Cariaga 2019; Guirau 2011), utilizamos, como criterio metodológico de selección, exactamente lo contrario: la relativa distancia que mantuvimos de los entramados prácticos y escenarios vitales que implicaron la producción de dichos documentos. Elegimos hacerlo así porque nuestra atención se limitó a observar los automatismos discursivos implicados en los eventos comunicativos de estas piezas, en especial, sus intentos de "leer por encima" los testimonios de presencias quilombolas, utilizando "marcadores afro-pesimistas" (Wilderson III 2020) basados en el rastreo de lo racial, lo ilegal y lo ilegítimo.

Una de las piezas analizadas se titula "Análisis crítico y evaluativo del informe de reconocimiento y titularización del Quilombo do Caju" (2014). Fue elaborado como Informe de Contestación al Informe Antropológico del mencionado quilombo (en adelante, "RC-01"), núcleo poblacional localizado en un municipio de la región del Agreste nordestino. En el documento, el perito contratado no indica con precisión quiénes son los interesados. Sin

embargo, se queja del plazo exiguo dado por el INCRA para impugnar el caso después de la publicación del Informe Antropológico –alrededor de 90 días–, diciendo que "es inconcebible que el gobierno realice un informe antropológico apresurado y otros estudios técnicos e imponga 90 días para que los propietarios de títulos de propiedad de la tierra impugnen lo que fue tramado en ocho años" (RC-01 2014: 10). La "trama" que habría tenido lugar en ocho años, en palabras del opinante, se refiere al tiempo que tardó la comunidad en ser certificada por la Fundación Cultural Palmares (FCP) hasta que se concluyeron los estudios. El perito también afirma que es consciente de que "el rito (procesal) es, en realidad, una formalidad para el objetivo a alcanzar: la reforma agraria étnica" (RC-01 2014: 10).

El segundo contrainforme analizado se titula "Dictamen etnohistórico y antropológico del Quilombo de la Vila do Mel". Fue elaborado como "Informe Contestatorio del RTID de la Asociación" (2018) (en adelante, "RC-02"), núcleo de asentamiento ubicado en un estado de la Región Centro-Oeste brasileña. También sin especificar en la introducción del documento quiénes son sus contrapartes, el perito resume que su estudio parte de la "cuestión territorial relativa a las propiedades que rodean a la Asociación Quilombola" (RC-02 2018: 7), cuya declaración fuera emitida por la Fundación Cultural Palmares (FCP) en 2008, y que aún mantiene su ocupación tradicional, superpuesta a propiedades de particulares en Vila do Mel. Subraya que la ocupación, "tal como ha sido presentada, a primera vista, no es más que una farsa antropológica, apoyada en un engaño jurídico. Es algo absolutamente fantasioso y fuera de lugar" (RC-02 2018: 7).

A diferencia del Informe de Contestación del Quilombo do Caju, falto de detalles sobre el perfil de la población, las proporciones territoriales exigidas por el colectivo quilombola y los conflictos que involucran áreas superpuestas, éste último proporciona detalles que permiten comprender, aunque sea parcialmente, la historia de la ocupación territorial y la organización social del núcleo poblacional. Se trata de la reivindicación de descendencia y derechos tradicionales sobre la tierra de grupos familiares vinculados a una "ego-fundadora" de la comunidad conocida como "Joana do Nascimento", nacida en 1848 y fallecida en 1926, que, según el dictamen, "debido a la fecha y a su color negro, se presume que nació esclava" (RC-02 2018: 7). Según información recabada por la perito:

> *Joana* habría llegado a la Vila do Mel en 1905, donde se instaló y erigió su rancho junto con sus hijas en un terreno. En 1910, *Joana* compró un área de 8 hectáreas, por valor de 85 mil reis (equivalente a 304 gramos de oro) del intendente de la comarca [...] Para cumplir la promesa hecha a su santo (*Santo Antônio*), hizo la primera capillita de madera, erigida en 1912, y de ese modo, la historia de devoción de *Joana* fue conocida por mucha gente [...] (RC-02 2018: 66-67).

Tras la muerte de la matriarca –que, a lo largo de los años, ganó notoriedad por sus conocimientos como "partera, cocinera, curandera y *benzedeira*" (RC-02, 2018:66) y por organizar la fiesta de Santo Antônio–, el carisma de su liderazgo pasó a su hija y luego a su nieta.

Los detalles de la formación de los centros comunitarios abordados en los informes se tratan aquí sólo a modo de ilustración rápida. Ya que nuestro interés no radica en las controversias etnográficas suscitadas entre antropólogos y dictaminadores, sino en el "entramado axiológico (referencial) de manifestaciones" (Guirau 2011: 31) que, dentro de los informes, prefiguran la presencia quilombola a partir de "contra-evidencias" de la legitimidad de su existencia, relaciones y memorias sociales.

EL LUGAR DEL MUERTO, SUS SIMULACROS DE PODER

Para los Informes de Contestación sometidos a evaluación, la vida quilombola debe pasar, en su descripción, de la condición de "experiencia" o "diversidad de formas de vida", a la de "ideología" y "objeto parcial de una interpretación" (RC-01 2014, p. 5). Uno de estos documentos contrapone el "fuerte contenido ideológico" de los conceptos contemporáneos de quilombo a los "elementos significativos esenciales" definidos por los ofícios y autos de instrucción recogidos por el Consejo Portugués de Ultramar en el siglo XVIII, que eran:

> el primero es la fuga, es decir, la situación de quilombo estaría siempre vinculada a esclavos prófugos. El segundo es que el quilombo siempre comportaría una cantidad mínima de prófugos, la cual tiene que ser exactamente definida [...] El tercero consiste en una localización siempre determinada por un aislamiento geográfico [...] El cuarto elemento se refiere a la habitación habitual, consolidada o no, haciendo hincapié en las mejoras existentes (RC-01 2014: 2).

Si el antropólogo de campo – el "perito informante" – habla de una cercanía que dificulta la neutralidad interpretativa, el autor del contra-informe dice hablar de una distancia no defectuosa que permite objetividad, claridad y una lectura justa de la realidad; algo realizado a través de los retornos de los registros históricos, a los que se accede como obligaciones de una "tarea para casa" (RC-01 2014:5) del perito de contestación. El beneficio de la proximidad establecida entre la población quilombola y el antropólogo informante –condición casi siempre negada a los autores de los Informes de Contestación– tiene su opuesto en el contra-experto, que intenta compensar esa diferencia a través de la disciplina, por el acceso e interpretación de los datos historiográficos y su ostensiva demostración de la literatura especializada, principalmente de propaladores del anti quilombismo.

> los antropólogos y el historiador, respectivamente responsables del informe de la Comunidad [...] ya llevan dentro, como tales, un virus que empaña la neutralidad de sus evaluaciones técnicas [...] Lo que hoy nos preocupa es que se repita lo que ocurrió en la antropología del siglo XIX, cuando la antropología empezó a hablar con la misma voz que el Estado. Los informes son un juego de palabras para demostrar, en muchos casos, lo inexistente (RC-01 2018: 9-10).

A los autores de los informes se les atribuye intencionalidad, posicionalidad personal e institucional, y un arte verbal que "inventa" formas de vida. Nótese que estos son atributos

señalados por quienes, por regla general, establecen sus carreras de contra-expertos como servidores recurrentes, o a veces exclusivos, de las partes opuestas a la regularización de los territorios quilombolas.

Al intentar "develar" la gran división entre la ideología y los fetiches, y los que hablan por los hechos, los informes contestatarios acaban por reposicionar la noción de quilombo en al menos dos lugares, inaccesibles a la validación por testimonios vivos de las generaciones actuales: el quilombo sólo puede ser un uso intencional de un dispositivo sabidamente anacrónico, producido por una "red de intereses" y por sus misiones institucionales; o sólo puede figurar como una extrapolación de lo que las teorías críticas neo-hegelianas han llamado "luchas por el reconocimiento motivadas moralmente" (Honneth 2003:23), con resultados en las versiones de ciudadanía de la modernidad:

> la "cuestión quilombola" en el estado [...] representa una amalgama de problemas sociales con condimentos ideológicos, partidarios, religiosos y sindicales; todo ello mezclado con el activismo social, la búsqueda de prestigio académico-profesional y los evidentes intereses de organizaciones extranjeras (RC-02 2014: 9).

Para el segundo desplazamiento, se responsabiliza a una especie de producción de conciencia de derechos, realizada por "redes de agentes de interés" en la "cuestión quilombola", por la "exageración" del uso del quilombolismo para acceder a garantías que formarían parte de una condición de ciudadanía cualquiera. Estas interpretaciones explotan la vaguedad y las contradicciones del concepto de "ciudadanía"; porque atribuir derechos a algunos, en el caso específico de las comunidades quilombolas, presupone alienar los de otros, en nombre de colectividades que son "creaciones convenientes" de sujetos posicionados y de sus "juegos de palabras". Por tratarse de ideólogos que promueven sus creaciones identitarias a través de textos, sus productos sólo pueden ser fruto de "farsas, engaños, fantasías y conclusiones fuera de lugar"; términos que se intercalan a lo largo de los informes contestatarios. La crítica no recae sobre los límites de la representación y la delegación de la existencia colectiva a través del producto documental, sino sobre la deliberación para ficcionalizar la realidad; algo promovido en detrimento de otros colectivos de derecho que, ellos sí, podrían tener probados sus orígenes.

> una de las formas de apropiación de derechos constitucionales, a los que no estaban incluidos como herederos de propiedades urbanas, ciudadanos brasileños con derechos y deberes idénticos a sus pares, y con la autoafirmación de ser supuestamente quilombolas, pasaron a reivindicar derechos constitucionales inexistentes que involucraban a antiguos propietarios/residentes de la región de la Vila. (RC-02 2014: 7).

El texto, la creación y el derecho sustanciado de personas, relaciones y lugares que pueden testimoniarse a través de la historia por medio de "documentos incontestables", o por la propia naturaleza factual de sus formas de vida, se disputan el favor de los únicos intereses

del Derecho Público: "tener el control de decir qué es el quilombo, quién es el quilombola y cuáles son sus derechos" (Gomes 2022:271). La búsqueda de esas inteligibilidades que, supuestamente, resolvían la integridad o no de las atribuciones de los derechos es procurada de manera ajena a los "poderes creativos" de los propios colectivos quilombolas (2022: 47). A ellos les cabe verificar sus signos diacríticos por medio de los términos que generalizan las condiciones validadoras de la pertenencia quilombola. Esto es lo que parece decir el contra-informe sobre el Quilombo Joana, que se refiere a una conclusión sucinta de una investigación de campo supuestamente realizada por el perito:

> dondequiera que fuéramos no encontrmos costumbres que apuntaran a la existencia de una comunidad que se diferencie de la comunidad nacional con sus propios usos y costumbres. Las fiestas religiosas son para santos católicos, aunque haya muchos evangélicos pentecostales. No pudimos observar los criterios de auto atribución, que permitieran caracterizar una trayectoria histórica propia, relaciones territoriales específicas, con una presunción de ancestralidad negra relacionada con la resistencia a la opresión histórica que sufrieron, ya que sólo encontramos trabajadores dueños de la propiedad en uso y disfrute de sus derechos civiles, es decir, el derecho que trata exclusivamente del conjunto de normas y reglamentos de los derechos y deberes de orden privado, es decir, que regula las acciones de los ciudadanos entre sí (RC-02 2014:10).

Más allá del extrañamiento de los signos indiciales que confrontan los estandartes legales y jurídicos patrones de los derechos quilombolas –"comunidad que se diferencia de la comunidad nacional", "trayectoria histórica propia", "presunción de ancestralidad negra relacionada con la resistencia a la opresión histórica sufrida", entre otros (cf. Decreto 4887/2003) – el carácter colectivo del usufructo del territorio plantea un capítulo específico en el trabajo de recolección de las incongruencias entre la "realidad" y los atributos de realidad garantizados por los nominalismos de la legislación.

> en las ocasiones en que se ha planteado la hipótesis de la propiedad colectiva, ha habido una reacción, porque los "quilombolas" a ser "beneficiados" sólo aceptan la propiedad individualizada y debidamente titularizada. [...] En rigor, la invención del "territorio quilombola" está dando a los habitantes un poder de negociación que nunca antes tuvieron y que algunos han utilizado en su provecho, y está claro que la ancestralidad africana, incluso de los que se autodenominan quilombolas, será rápidamente olvidada frente a condiciones más ventajosas que se les puedan ofrecer (RC-01 2018: 32).

La inobservancia de las diversas formas en que los territorios quilombolas han sido habitados y transformados (Stucchi & Ferreira 2011) –incluso, a veces, a través de individualidades posesorias que se combinan con principios apenas parcialmente comunales de división de los límites biofísicos destinados a las familias, a los cultivos agrícolas y al uso de bienes agroambientales (Andrade & Kishimoto 2017)– da amplitud a la caracterización de un colectivo que se inclinaría por las ventajas garantizadas por la farsa autoral de los textos antropológicos oportunistas y facciosos.

En el Informe de Contestación sobre el Quilombo do Caju, el consultor utiliza el tema "mito, memoria y territorialidad" del Informe Antropológico para tratar de los acuerdos en torno a las creencias en "dimensiones míticas", que serían presentadas por los quilombolas y adoptadas, irreflexivamente, por el Incra y los antropólogos. Los mitos ahora compartidos serían como sustitutos convenientes de la falta de memorias sociales remisibles a los quilombos del pasado. Y sin vínculos con el pasado, atestigua el experto, la comunidad quilombola de hoy no existe.

> Los testimonios contenidos en el Informe Antropológico de la aldea muestran la existencia de un imaginario entre los residentes y los afrodescendientes, diluido en una colcha de retazos, típica de las comunidades rurales brasileñas multiétnicas. No existe en Caju una memoria social que nos remita a un pasado quilombola. La autoidentificación fue más un resultado de la presión externa. Los alquimistas del Incra son convocados y las fuerzas institucionales, a pesar de tantas debilidades, podrán reconocerlos como quilombolas. La falta de documentos o referencias históricas confiables llevó a los antropólogos a recurrir a la dimensión mítica del grupo (RC-01 2014: 22-23).

No es infrecuente que, fuera de los ambientes de los informes, de forma previa a la presentación de contestaciones como la del extracto textual expuesto más arriba, durante las reuniones entre gestores de los sectores quilombolas del Incra y las contrapartes del proceso de regularización fundiaria, agentes de los intereses contrarios al de la demarcación planteen cuestionamientos sobre predicados morales y orígenes. Los esfuerzos anteriores para construir esta sospecha pretenden infundir dudas sobre las intenciones de los colectivos y sus representantes entre los técnicos del poder público que producirán, evaluarán y darán a conocer el proceso de RTID para su publicación, así como admitir las contestaciones.

También en el Informe de Contestación del Quilombo do Caju, al centrarse en la historia de la formación del quilombo y su organización social, el experto contratado para evaluar el Informe Antropológico trata de enumerar lo que considera inconsistencias evaluadas dentro de la formación de los que llama repetidamente "pretendidos quilombolas". La información se describe en forma de preguntas retóricas, afirmaciones sin fuentes y notas desmitificadoras de pertenencias sobre la raza, las mezclas parentales y los orígenes territoriales:

> ¿el grupo negro del Quilombo do Caju practica alguna forma de aislamiento consciente, geográfico, social y cultural? No, definitivamente no. ¿Los pretendidos quilombolas promovían alianzas con otras comunidades negras, compartiendo la pertenencia racial desde el punto de vista de la esclavitud regional? No, definitivamente no, a pesar de su proximidad geográfica con los quilombolas de... No aceptamos la inferencia propuesta por los relatores (:112) de que la memoria del grupo sitúa el proceso migratorio "en el contexto de las reminiscencias culturales de la sociedad esclavista, como estrategia de fuga destinada a obtener mejores condiciones a través del refugio en un área remota". No. Las migraciones en el interior nordestino fueron y son constantes, debido a numerosos factores, lo que no caracteriza el desplazamiento de los quilombolas (RC-01 2014: 15).

Al contraponer los "derechos de propiedad" de los antiguos herederos/ocupantes de las tierras del Quilombo y de la propia población quilombola, el experto del Informe de Contestación se apropia –como forma de develar engaños– de versiones de "conflictos y violencias históricas". Como las viejas tesis culturalistas del "sincretismo como origen" –que confirman que uno de los orígenes del racismo es también la ilustración moderna sobre lo que sea la "igualdad" política y cultural (Sodré, 2005:28)–, se accede a las marcas del mestizaje (de razas, orígenes, religiones) para ceder pruebas contra la originalidad de la ocupación quilombola, que, como en otros momentos, vuelve a dejar la condición de "beneficiarios de un derecho" y retoma la de tomadores de "ventajas materiales bien definidas" (Oliveira, 2002:260). Promover una nueva verdad histórica y social nunca se hace simplemente contraponiendo pruebas, siempre parece necesario descubrir al sospechoso llamándolo por el nombre de un desvío del "colectivismo" que marcaría el valor de su reivindicación identitaria:

> no existen pruebas históricas PRIMARIAS NI SECUNDARIAS concluyentes de ninguna forma de expulsión o conflicto (ACCIÓN ANTRÓPICA DE VIOLENCIA) que expulsara a sus descendientes de sus tierras, pero sí documentos públicos que demuestran la antigüedad de la ocupación por parte de los propietarios. Por lo tanto, sólo tenemos propietarios, independientemente del color de piel, que compraron y vendieron sus tierras ejerciendo su libre derecho, lo que puede ser fácilmente probado por la cadena dominial de las propiedades y los documentos que se adjuntan al final de este trabajo (ANEXO 02). En este sentido, al evaluar la región y los documentos, en esta zona no había individuos poderosos que se beneficiaran de la relación de clientelismo, sino agricultores que estrechaban sus lazos en función de los modelos sociales vigentes. Aun así, en los registros de bautismo vemos a negros bautizando a negros, a santos siendo padrinos... el propio vicario parroquial era también padrino de muchos niños negros, morenos y blancos. Todo esto sólo muestra el deseo de usurpar el bien ajeno, basándose en una "verdad" unilateral (RC-02 2018: 84-85).

Para los grupos que tienen la sospecha de sus "pruebas de vida" y ciudadanía continuamente refrendadas por papeles y su expertise autoral –y aquí podríamos mencionar también a los inscritos en los registros gubernamentales que se presentan físicamente a los censistas de la seguridad social, a los que están enfermos y necesitan ser examinados por peritos públicos y a los pueblos tradicionales–, cualquier acción organizada para acceder a sus derechos, incluso a los que ya están inscritos a su nombre, parece ser objeto de un movimiento que es, como mínimo, digno de sospecha. Como si la ciudadanía quilombola no pudiera ser constituida activamente por los agentes tal como se ven a sí mismos, entre la historia presente de sus relaciones, la aparición de las fuerzas del derecho y del Estado, y la reinterpretación de los hechos históricos. O como si la prueba de tal ciudadanía fuera una integridad que en sí misma, tras ser inscrita, necesita ser cuidadosamente sometida a laudo por imaginarios expertos independientes.

Aunque permanezca latente, una pregunta parece ocupar un lugar destacado en la mayoría de los informes de contestación: ¿quién es el responsable de la violencia y los asesinatos de quilombolas? Responder a esta pregunta es fundamental para estos expertos, porque lo que

pretenden no es sólo confrontar pruebas con pruebas, versiones con versiones de los hechos, como afirman hacer competentemente. Sus esfuerzos apuntan principalmente a promover una misión de "develamiento moral" de los quilombolas, en primer lugar; y posteriormente, a los profesionales del equipo técnico responsable del Informe Antropológico. Romper con el relato de las víctimas, "deslizarlas de un lado a otro de la línea moral, del papel de víctimas al de sospechosos" (Fassin, 2015:2), dejándolas expuestas a reevaluaciones de ese mismo relato, es el cierre ideal para estos trabajos acogidos por las moralidades institucionales.

Algunas recurrencias lingüísticas en estos contrainformes nos explican que, para hacer vulnerable y exponer el "frágil victimismo negro quilombola sostenido por el cientificismo de conveniencia parroquial y política de los antropólogos", es necesario utilizar una variedad de inflexiones expresivas: el juego irónico, el informalismo, la acusación didáctica de tribuna, entre otras. Así, tal como aparece en uno de los Informes de Contestación, hasta el tema del genocidio de la población negra y quilombola es emparchado por una autoridad que entiende que, para desacreditar y romper con el testimonio de otros sobre sí mismos, es necesario, de antemano y por apropiación, hacer lo mismo con los relatos de su vida y muerte. En esa documento, la primera página tiene un epígrafe sobre la misión del experto, de ser una especie de "develador moral" del otro, poseedor de su autorrelato de vida, esclavitud y muerte:

> al igual que los blancos, los negros en Brasil nunca han sido paladines de la libertad. Ni podrían haberlo sido. Había esclavitud en Palmares. Los esclavos que se negaban a huir de las plantaciones e ir a los quilombos eran capturados y hechos cautivos de los quilombolas. La lucha de Palmares no fue contra la inequidad deshumanizadora de la esclavitud. Era apenas un rechazo a su propia esclavitud, pero no a la esclavitud ajena. Una lucha social que omite esta verdad histórica no emancipa, sólo mistifica en la búsqueda de privilegios (Martins 2006 *apud* RC-02 2018: 6).

> las consignas utilizadas revelan el compromiso ideológico entre estas autoridades, el autor del documento y el Ministerio Público Federal, además del discurso rabioso que avala irresponsablemente la acusación "contra el Estado brasileño por el crimen de genocidio étnico-racial" o una supuesta deuda histórica, siempre que haya una reivindicación de tierras quilombolas, cuando sabemos exactamente lo que significa la palabra genocidio, las repercusiones internacionales que provoca y que no se conoce ocurrencia alguna de tales cosas. ¡La acusación es criminal! He aquí un extracto de la presentación (RC-02 2018: 9).

Dado que el testimonio puede ser un derecho a hablar de cosas que se han perdido, como la muerte de relaciones debido a la violencia (Das, 2011), la no validación del otro comienza con la afirmación de que los expertos hablan a través de "inscripciones": relatos para los que no hay necesidad de la interposición moral del conocimiento íntimo sobre la vida o sobre la muerte para producir un habla que diga la verdad. La inscripción sustituiría el testimonio allí donde consigue hablar en el lugar de aquellos que una vez vivieron, pero que ya no existen: los quilombolas y sus quilombos, como idealmente prevén las cartas oficiales del Consejo Portugués de Ultramar de 1740 citadas por uno de los contrainformes.

Llama la atención que, rara vez, a lo largo de los Informes de Contestación –al menos entre los aquí seleccionados y reconocidos– leemos descripciones físicas, situacionales y morales de la vida de aquellos de quienes estos documentos debían defender su idoneidad, originalidad y legitimidad: los agentes contratantes de los servicios periciales, los impugnadores de los derechos quilombolas, los litigantes de la tierra. Tal vez el hábito de hablar con el pasado documentado haya inhabilitado la capacidad de hablar de la vida en el *continuum* del tiempo presente y el despertar de sus "regímenes de memoria" (Fabian 2001:82); una temporalidad dentro de la cual es imposible no asumir que cualquier promoción de la narrativa es semejante a colocarse frente a un simulacro producido por un poder.

A MODO DE CONCLUSIÓN

La transa de las tierras de negros que aún se litigan, se realiza en Brasil a través de escenas de agravio acusatorio que procuran desposeer a la otra parte poseedora de ciertos predicados jurídicos y culturales, y en consecuencia, de un lugar autorizado entre los bienes y derechos. Lo que pensadores como Patrice Douglass, Selamawit Terrefe y Frank Wilderson (2018) denominan "afropesimismo" –al posicionar los abordajes de las alteridades afrodescendientes en medio la desposesión de sus status originarios y su configuración como "enemigos internos" para justificar sus violaciones– parece ser la recursividad que estimula los contrainformes y sus luchas, por una nueva "fuerza de ley" del Estado y nuevas opiniones públicas.

Resulta oportuno repetir una pregunta planteada en momento por Eliane O'Dwyer, que entendemos decisiva para reorganizar las formas de leer las contestaciones: "Pero estos informes, que se configuran como contrainformes al negar los derechos territoriales, ¿son realmente traducciones etnográficas?" (O'Dwyer 2015: 174). En estas piezas, los objetivos no serían tanto sobre los artefactos, que son los RTID, su autoría y la disidencia etnográfica. El punto de vista divergente de los contra laudos sirve para extender sus intenciones hacia nortes diversos, revelando grupos y pretensiones que van más allá de las batallas sobre parcelamientos fundiarios o la prevalencia de una opinión técnica legalmente justa.

La lucha por la tierra desemboca en una inquisición moral del otro y de toda su ciudadanía, que por no ser aparentemente "sustancial, cristalina, permanente" (Oliveira 2002: 261), y por depender de coyunturas, y divisiones internas, debe ser probada a toda costa como quebradiza, impostora, sustituible: ni son quilombolas ni negros, son campesinos mestizos; ni son "de aquí", son migrantes, que incluso han olvidado las razones de sus primeras deambulaciones; y también, y por todo ello, puede que tengan que ser llamados, a partir de ahora, con otros y variados nombres por el Derecho Público. Con todo ello, los documentos pretenden cumplir una misión bivalente: sustituyen a las vidas que ya no pueden existir –o que sólo pueden tener las páginas de los viejos despachos de los registros de instrucción para habitar– y amplifican el poder ensordecedor de las inscripciones sobre los actos testimoniales de los vivos.

En estos Informes de Contestación, las citas directas de escenas de interlocución entre investigadores y representantes quilombolas parecen invocarse menos para testimoniar la vivacidad de los esfuerzos de reforma de las memorias, que para destacar inexactitudes históricas y movilizar contrapuntos a los argumentos antropológicos. Por fin, cualquier promoción de un relato de sí se convierte en una violenta delación colectiva, utilizada para afirmar las tesis pesimistas del olvido, que lo deja todo sin anclaje histórico y social.

Translated by Federico Lavezzo.
Received: March 25, 2023.
Approved: July 2, 2024.

Declaración de disponibilidad de los datos de la investigación:
Todo el conjunto de datos de apoyo a los resultados de este texto ha sido publicado en el mismo artículo.

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Errata

Minería, agronegocio, conflictos socioambientales y las intersecciones entre el Corredor de Carajás y Matopiba en Maranhão, Brasil

En el artículo “Minería, agronegocio, conflictos socioambientales y las intersecciones entre el Corredor de Carajás y Matopiba en Maranhão, Brasil”, publicado en la revista VIBRANT, volumen 22 (https://doi.org/10.1590/1809-4341.2025v22e00503), en la primera página donde se encuentra la session del artículo:

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e02000
https://doi.org/10.1590/1809-4341.2025v22e02000