

UNRECOGNIZED INDIANS AND THE POLITICS OF NONRECOGNITION IN BRAZIL

Cristhian Teófilo da Silva

Nation-state building, nonrecognition and processes of acknowledgment

Nation-states derive from processes of centralization of power that conflict with the historical, cultural and ideological heterogeneity of the plural societies in which they have originated. In the Americas, this contradictory process of nation-state building was exacerbated by the extremely asymmetric colonial situations that preceded the nation-states, and that resulted in the destruction, conversion or subordination of native societies. These societies came to be defined – always in opposition to and compared with national identity and consciousness – as marginal ethnic minority groups in various stages of acculturation, integration, or assimilation. During recent decades, however, the phenomenon of “emergent” or “resilient” indigenous peoples has put anthropologists, social historians, political scientists, and others in awe. Different indigenous groups have defied assimilation by using their past experiences of colonization and cultural transformation as the cornerstone of interethnic politics.

In the Brazilian context, “indigenous peoples” are often imagined as Amazonian-nomadic groups spread across wide spaces and receiving plenty of government and non-governmental protection and attention. Indigenous peoples who fit such conceptions are labeled either “isolated” or “on their way to integration” by Brazilian law (Estatuto do Índio,

6.001/73).¹ This image of what Ramos has called the “hyper-real Indian” (Ramos 1998) is a powerful representation of what is federally acknowledged as the “real subject” of public policies designed for indigenous peoples in Brazil. Here a politics of (non)recognition is at work, and therefore it is important to consider the counter-images and the political responses by indigenous movements in Amazonia and elsewhere.

The “politics of nonrecognition” according to anthropologist Bruce Miller (2003:7), can be defined and understood as the failure of states to acknowledge indigenous peoples and communities or as the refusal to give official recognition of the legal status of these communities, thereby reducing their numbers and ensuring state economic and political control. With this definition of the “politics of nonrecognition” Miller broadens and refines the “claim to a connection between state practice of population management and indigenous experience” (Miller 2003:09).

Particular attention needs to be paid to different national contexts when looking at the politics of nonrecognition. In different countries, different cultural and political meanings are attributed to the processes of acknowledgment. In the United States, for example, Mark Miller (2004) describes how in 1978 the Bureau of Indian Affairs (BIA) created new regulations for the acknowledgment of indigenous peoples, calling for a more expeditious and objective course of action. The regulations required petitioners to present records of their existence since contact, prove descent and demonstrate, among other things, particular political structures and strong community ties (4-5).

At about the same time as the BIA introduced new regulations, the National Indian Foundation (FUNAI) in Brazil was

¹ There is a third legal category – “integrated” – which is applied to those indigenous peoples who are seen as living in “communion with national society”.

internally debating similar issues. Ramos (1998) has examined the controversy surrounding the “emancipation decree” proposed in 1978 by Brazilian politicians in order to allow individual Indians or indigenous groups to become “emancipated” from the condition of relative incapability prescribed by the Brazilian Civil Code.² In the resulting discussion on definitions of Indianness, FUNAI president João Carlos Nobre da Veiga and the director of FUNAI’s Community Planning Department Ivan Zanoni Hausen – both former Air Force colonels – devised a list of “criteria of Indianness”. Zanoni had, in 1981, created a small committee to prepare such a list of more than sixty traits. According to Ramos

It amounted to a ludicrous check list to be applied to individuals whom the agency deemed unworthy of its protection. Among the items were such things as whether the candidate for Indianness displayed “primitive mentality” (pace Lévy-Bruhl [1923] 1966), “undesirable cultural, psychic, and biological characteristics,” “representative cultural traits,” enigmatic “social characteristics to be defined,” or “qualitative physical features” such as the Mongolian spot (regardless of the candidate’s age!), nose shape or profile, and amount of body hair. Included in the test was whether the candidate dressed, ate, and performed like an Indian. The criteria also included “concepts pointed out by national society,” namely, social marginalization, preservation and influence of regional stereotypes, and six other items that are simply reworded repetitions of the same thing. Zanoni also proposed “blood criteria,” which consisted of taking blood samples from Indians to check the presence or absence of such genes as the Diego Factor, said to be most frequent among American Indians in

² The decree was met with strong opposition from indigenous groups, NGOs, and parts of the press, as it was understood to be mainly a strategy to liberate indigenous land and turn it into private property. Due to national and international campaigning against this “emancipation”, the decree was eventually shelved (Ramos 1998:244).

general but, symptomatically enough of such generalizations, is conspicuously absent among the icons of Indianness, the Yanomami. The idea behind this rather racist exercise was to rate people on a scale of zero to one hundred. Those who made fifty points or fewer failed the Indianness test and would be discharged as FUNAI's wards (249).

Both cases mentioned above demonstrate a concern with objective, empirical evidence of "Indianness". But while in the U. S., the requirement of "documents" in *acknowledgment* processes refers to a more legal, political and historical concept of Indianness, in Brazil the "criteria of Indianness" use physical, mental, and behavioral traits as grounds to grant or deny *recognition* of indigenous individuals. Although these "criteria of Indianness" designed by Zanoni were not implemented in official recognition practices, they illustrate the political and ideological framework of FUNAI during this period. State recognition of formerly unrecognized Indians³ in Brazil has always relied upon anthropological expertise and investigations, but only as subsidiary to legal and institutional decisions. For that reason, anthropologists employed by FUNAI or hired to carry out investigations for FUNAI and other state agencies, have to deal with the ideological and in many cases prejudicial conceptions of Indianness that permeate these institutions.

However, I wish to emphasize an unforeseen aspect of the politics of nonrecognition when practiced in opposition to unrecognized Indians' claims for state assistance. What we find is something that could be called a collateral effect in the form of an intensification of certain ethnicity-building practices among representatives of state institutions. The analytical focus

³ My use of the term "Indian" reflects both how the term *índio* is used in the Brazilian context, and the ethnification of indigenous peoples under Brazilian indigenist regulations and policies. For a discussion of the term Indian/*índio*, see Ramos 1998:5-6.

in this article will be directed towards the redefinition and construction of new ethnic identities referring to Indians subjected to federal suspicion and nonrecognition. Weaver (1984) has pointed out that ethnicity-building processes have two sides, one private and one public. I follow Weaver's insight that

The power to define and legitimize this form of ethnicity rests with the nation-state, which may, as in recent years, incorporate some of the symbols of aboriginal demands in their definitions. Although aboriginal groups clearly participate in this defining process today, in that they endeavor to negotiate with the government the definitions they prefer, they rarely have the power to manage the defining process (Weaver 1984:184-5).

In order to clarify these arguments I will compare the troublesome recognition processes of two indigenous peoples in Brazil: the Tapuio and the Kaxixó. The comparability of the cases comes from the fact that their respective claims for state assistance and protection as Indians, were made prior to the ratification of the 1989 ILO Convention nº 169 by the Brazilian National Congress in 2002. The ILO Convention established "self-recognition" as an important criterion for recognition, stating

Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provision of this Convention apply (ILO Convention nº169, article 1:2).

Since the ratification of the ILO Convention nº 169, at least 50 "new" indigenous peoples have been added making a total of 225 federally recognized indigenous peoples in Brazil (Arruti 2006:50).⁴ The ILO Convention has put an end to several long and controversial anthropological debates within the FUNAI headquarters about the aboriginality or "Indianness" of unrecognized Indians.

⁴ It is worth noticing that Ribeiro (1970) estimated 143 indigenous peoples in Brazil by 1957. In 1988 they were 206 (CEDI/Instituto Socioambiental 1994).

It follows that the politics of nonrecognition of indigenous peoples in Brazil, must be viewed within these circumstances of changing acknowledgement criteria. The Tapuio were federally recognized in 1980 after an authoritative anthropological investigation assured their indigenous historical and cultural background. The Kaxixó, on the contrary, received federal recognition only after a dispute over an anthropological interpretation of their “ethnic origins” was brought to the attention of the Ministério Público Federal (MPF).⁵ The objective of the following comparative analysis is to see how the politics of nonrecognition has worked in these two recognition processes, and examine some of the outcomes it has had in terms of indigenous peoples’ identities.

From “descendants” to “integrated Indians”: The federal construction of the Tapuio indigenous identity

The “Tapuio” are descendants of Jê-speaking tribes (Akwen, like the Shavante and Sherente) and Macro-Jê-speaking tribes (Karaja and Javaeh,) that have lived in Central Brazil since time immemorial. From the 18th to the 19th centuries the ancestors of the Tapuio were brought to *aldeamentos* – settlements of forced labor and Catholic Christianization (Almeida 1997) – where they were taught and forced to live under Portuguese religion, habits, language and institutions. The *aldeamento* as a civilizing apparatus was created in the 18th century by the Portuguese colonial ruler Marquês de Pombal, who designed the *Diretorio dos Índios* (Indian Directory) in order to promote a “rational” and “docile” way to integrate native peoples into colonial society. In practice the *aldeamento* was meant to establish secular Portuguese state power over the native labor force, and break the monopoly of religious missions. Another

⁵ The Ministério Público Federal was originally created with prosecution functions, but today has the Constitutional function to guarantee fundamental rights of individuals and collectivities.

purpose was to liberate indigenous lands and rivers for Portuguese occupation and the exploitation of gold, precious stones etc. Indigenous peoples were to be transformed into laborers for the colonizers – despite the colonial legislation recognizing Indians as free subjects under the Portuguese crown.

Indians like the Akwen, Karaja and Javaeh of the *aldeamento* Pedro the 3rd (named after the Queen's groom) were submitted to these assimilation practices, and the contemporary Tapuio are survivors of this attempt to turn indigenous peoples into "civilized" labor (they were, namely, transfigured into peasants). With the decline of gold exploitation and profits during the 19th century – not to mention changing Brazilian political regimes (in 1822 Brazil shed its status as a colony and became an independent monarchy, and in 1889 it became a republic. Slavery was not abolished until 1888) – Indians placed in the *aldeamentos* were abandoned and virtually forgotten by the wider national society in the making. During that period of abandonment they created their own autonomous forms of social organization and economic maintenance within an economically depressed regional society that continued to identify them as "tapuios".⁶

The modernization in the second half of the 20th century, along with new development opportunities, reached these ethnic groups (many of them now officially termed "traditional

⁶ The Tupi-speaking peoples referred to other Indians of Central Brazil as "tapuia" meaning "those who do not speak a Tupi language". "Tapuio" became a widespread jargon to refer to hostile Indians during the colonial period, and in more recent times it has locally been used as a term for "contacted" or "tamed" Indians. The Tapuio's ancestors were precisely those hostile tribes forced to live in the "aldeamentos" and it would be a mistake to expect their culture to resemble those of their ancestors. The Tapuio are culturally the descendants of a colonial state policy. For a better understanding of how the dichotomization of indigenous diversity in Brazil served the purposes of Portuguese colonization see Monteiro 1996.

societies”) in the form of renewed assimilation practices aiming to remove them from their collectively owned homelands and divide the land into separate individual properties owned by non-Indian peasants and landowners. Since the Tapuio possessed no documents to prove their collective possession of the land, in 1947 they had sought out state authorities and affirmed themselves to be Indians⁷ and therefore “natural owners of the land”.⁸ Despite the Governor of Goiás having protected their land by law in 1948, during the second half of the 20th century the process of occupation continued and became even more violent.

Thirty years after the decision by the governor of Goiás, a Tapuio woman (Olímpia) married to a non-Indian man and living in a small urban village, learned from one of her adult sons about a government agency that protected Indians, namely FUNAI. She decided to ask FUNAI for help in order to protect her parents’ land. Once she took her people’s demands to FUNAI, state functionaries turned the question into one of proving whether or not they were really Indians. While Olímpia had simply asked for official protection of her parents’ acquired rights, state functionaries doubted the legitimacy of her claim and questioned if she was speaking on behalf of “real Indians”.

⁷Actually, one native leader, José Simão, accompanied by three female relatives and a nephew, started a voyage on foot in 1947 to Rio de Janeiro – 1000 miles away. Their mission was to speak about their problems with the President. The voyage was interrupted weeks later after they managed to speak with the governor of the state of Goiás who protected their land by law in 1948. This history is fully narrated and registered ethnographically in Teófilo da Silva 2002.

⁸ As a matter of fact, the expulsion of Indians from their lands was intensified after 1850 when the *Lei de Terras* (Land Law) was issued and turned traditional indigenous lands into state or public lands that could be acquired once proved by the interested (non-Indian) person that there were no more Indians living on it. This turned out to be a strategic maneuver to expand the limits of a few landowners.

The “descendants of Shavante and Javaeh peoples” (in the terminology of FUNAI) were initially placed under the legal category “integrated” and thus excluded from land policies designed for the protection of “isolated” or “real Indians”. The bureaucratic demand for technical anthropological proof that they had once been real Indians (since they did not “look like real Indians now”) was taken as an essential condition to be fulfilled before anything could be done officially. The land issue was thus set aside, and what had been a land dispute was turned into a question of ethnic invisibility. For the Tapuio, the problem was no longer one of getting their indigenous rights respected, but of proving their indigenous ancestry as such (Teófilo da Silva 2007).

An anthropologist and functionary of FUNAI, Rita Heloísa de Almeida, was appointed to conduct the investigation of the “true ethnic origins of the group”. Almeida’s study was carried out at the same time as Zanoni’s “criteria of Indianness” were being debated within FUNAI’s corridors. The following passages are dedicated to examining the rhetorical work of the anthropologist to convince her superiors to recognize the descendants of the Shavante and Javaeh as Indians, despite an institutional context of nonrecognition based on notions of race. The goal of her effort was to build a “historical consensus” around the descendants’ past experiences as colonized Indians.

In her first document, memo nº 217/80, Almeida used the historical narratives of the Tapuio themselves (which also became the primary data of her Masters Thesis in 1985), to directly confront Zanoni’s criteria. As she wrote:

According to the oral history narrated by the indigenes, from the once numerous population of the *aldeamento* only six Shavante and one Kayapó had survived by the early 20th Century. From that moment on, an intense process of miscegenation occurred in which many marriages with blacks, remnants from captivity, and whites, attracted to the region after the foundation of several villages like Rubiataba and Nova

America, could be observed (FUNAI/BSB/2015/80:20, all translations of Brazilian sources are my own).

For Almeida, what was at stake was the acknowledgment of the mixed descendants of these seven Indians as “authentic Indians”. According to the logic of Zanoni’s criteria, she was describing an “assimilated” population, that was no longer “Indian”. Conscious of this tension, Almeida wrote a letter to her superior at the FUNAI Department of Studies and Research (DEP) explaining as follows:

I can easily show that the “indicators applied to characterize the population as Tapuio” are based upon the notion of “interethnic friction” and upon the model of “integration potential” developed by Prof. Roberto Cardoso de Oliveira. In sum, this affirmation is supported by anthropological theory on the theme, as well as on the indigenist doctrine (policies, actions and legislation) with which it is associated, dating back to at least 1910 and the creation of the Indian Protection Service (SPI)⁹ (FUNAI/BSB/2015/80:24).

This was the principal argument presented by Almeida to affirm the Indianness of the Tapuio. In the memo and the letter there is a rhetorical swing from “oral history” to “anthropological theory” and “indigenist doctrine”. For Almeida, it was important to convince her superiors at FUNAI so as to guarantee that extensive fieldwork could be carried out among the Tapuio to clarify the historical legitimacy of their land claims.

Once the conditions for conducting fieldwork were fulfilled, Almeida concluded her first survey by confronting “oral history” with historical documents issued by the colonial administration and the state government of Goiás. Her report acknowledged the descendants of Shavante and Javaeh as Indians, and presented an expansion of her previous analysis in

⁹ SPI, founded in 1910, was the federal authority responsible for state indigenist policy until its replacement by FUNAI in 1967.

favor of state intervention to protect their possession of the land. The report is written in relation to the powerful non-official criteria of Indianness that were elaborated precisely to prevent the recognition of “integrated” indigenous individuals and communities. It can be divided into three main sections: History – Ethnography – Intervention.

Almeida begins by explaining that the report is the result of a task assigned to the author as an “anthropologist at FUNAI” to “detect the ethnic identity and gain information about the socio-economic conditions of the group” (Processo/FUNAI/BSB/2015/80:27). After that a short history of indigenist policies in the 18th and 19th centuries is presented that includes information on the creation of the *aldeamento*. In the next chapter, on oral history, it is made clear that the group’s ethnic experience is narrated in terms of Shavante, Javaeh and Kayapó ancestry. Neither Afro-Brazilian nor white ancestry are mentioned by the anthropologist here. A dichotomization of “oral history” as a subjective expression of group memory, and “documental history” as objective evidence of the group’s past, permeates this first part of the report. It is designed to present a historical background to the land issue associated with the question of ethnic recognition.

The second part of Almeida’s report on the Tapuio is divided into the following sections: “Current situation”, “Area effectively occupied” and “Contact situation”. Ethnographic data is presented as a result of empirical investigation *in loco*. Here Almeida has chosen to describe Tapuio social organization in terms of “kinship system”, “political organization”, “religious and ritual system” and “language”, among other anthropological labels traditionally used to describe “primitive/tribal/indigenous/native” or “non-White” peoples. Her concern is to build a rhetoric whereby the Tapuio can be understood anthropologically, i.e., by means of anthropological theory.

The last chapters of the report, which constitutes its third part, are entitled: “Economic level”, “Political level”, “Social level” and “Education”, and aim to reinforce the inclusion of the Tapuio on the indigenist agenda, thus ensuring their eligibility for the services of FUNAI. It elucidates Almeida’s efforts to justify FUNAI’s guardianship over the Tapuio by rhetorically pointing to “vestiges” of an ancient tribal organization. For example, she assumes the existence of traditional mechanisms of political transmission in terms of a

(...) horizontal line across the group of siblings, obeying the priority of consanguine brothers in relation to classificatory brothers and the criteria of age (Processo/FUNAI/BSB/2015/80:71).

To illustrate how these different parts work in terms of rhetorically building a positive identification of the descendants of Shavante and Javaeh as Indians, a longer section of Almeida’s conclusions can be quoted:

In this new context, the Indians from Carretão [the local name of the area occupied by the Tapuio] constitute themselves not only as a social minority considering that *they are submitted to a situation of domination*. (...) the new conditions of life dictated by the irreversibility of *the penetration process of national society into the indigenous territory, triggered a set of defensive reactions on the part of these Indians that allowed, if not an integration, at least a minimum of accommodation*. As a result of such efforts, interethnic marriages occurred and new kinship and reciprocal ties were established with members of the regional society, which promoted for an adaptation to national society. Under such circumstances, the set of institutions (kinship system, affiliation, political organization, religious or ritual system), language and other tribal traits that constitute the indicators of ethnic identity from a common sense viewpoint, were obliterated or disfigured, *but fragments of them that serve as proof of resistance to detribalization were maintained*.

Nevertheless, the conservation of a *territorial base after the state of Goiás donation (Law n° 188)*, allowed for a *revitalization of tribal consciousness* with the grouping of dispersed families at the reserve donated by the state. The new situation did not alter *the interethnic conflict situation which was intensified with official protection*.

If a “historical identification” occurred based on the acknowledgment by the regional society of the indigenous possession of the land, the *strengthening of tribal linkages parallel to the constitution of an official reserve* would little by little generate a new ethnic identification (Processo/FUNAI/BSB/2015/80:65-67, italics mine).

Almeida has significantly changed what was a matter of physical and genealogical identification of individuals into a matter of political responsibility to continue and renew state protection of a specific group.

Two months after Almeida presented her report, the Legal Department of FUNAI agreed with her conclusion and a work group was created to organize the state protection of Tapuio land. Six years had now passed since the Tapuio had called for help. There is no need to describe in detail the political consequences of this acknowledgment process for the legal solution of the land issue that brought the Tapuio to FUNAI in the first place. Suffice to say that after Olímpia asked for FUNAI’s assistance, it took more than thirty years before the non-Indian occupants of the land were transferred to another area by FUNAI. Functionaries from FUNAI, remembering the case, attributed this delay to the fact that “integrated Indians” did not require the protection of their “territory” to the same degree as “isolated Indians”. Documents written by other functionaries during this process of recognition demonstrate how the “descendants of Shavante and Javaeh” were slowly redesignated by the term “Tapuio” in order to fix their identity as “integrated” Indians, but “Indians” nevertheless (Teófilo da Silva 2000).

Nonrecognition under criticism: The recognition of the Kaxixó Indians

The Kaxixó people, who live in the state of Minas Gerais, presented their claims to indigeneity to FUNAI in 1993. As with the Tapuio, FUNAI functionaries reacted to these claims by

raising suspicion about the claimants' identity as "Indians" and therefore requested the expert opinion of an anthropologist before taking any further action. In 1993, anthropologist Maria Hilda Paraíso visited the community to "confirm the ethnic identity of the group" (Coelho 1993:1 apud Santos and Oliveira 2003:91). After approximately one week of fieldwork, she declared the Kaxixó to be non-indigenous.

Paraíso's interpretation of the Kaxixó claim to indigenous ancestry and identity, provoked a major debate both within FUNAI throughout the Brazilian anthropological community – academics and activists – working with indigenous social movements and demands. Functionaries working at FUNAI took Paraíso's work as an opportunity to reject "emergent claims of recognition" as fraudulent, while anthropologists outside FUNAI understood it simply as a case of "bad ethnography". The "Kaxixó case", as it came to be known, turned into something of a safety valve for broader conflicts. Some anthropologists working at, or in collaboration with FUNAI, find their work constantly being questioned by academic anthropologists and activists for being commissioned by/for the state. As a result of tensions such as these, many supported Paraíso's work. While I was doing fieldwork at FUNAI in 1997, investigating the "ethnogenesis" process of the Tapuio, I could note attitudes and opinions of functionaries on the subject, as well as observe the three steps the Kaxixó had to take on their *rite de passage* from "local peasants" to "Federal Indians".

The first step was for the Kaxixó to be investigated, scrutinized and criticized by the FUNAI appointed anthropologist, Maria Paraíso. The second step was the collaboration with the anthropologist from the Ministério Público Federal (MPF), Ana Flávia Moreira Santos, called in by the Kaxixó themselves to investigate the destruction of archaeological sites in Kaxixó territory. This collaboration allowed for the revision of Paraíso's interpretation of Kaxixó ethnicity. In the third step, the Kaxixó

had to wait for the analysis of Paraíso's and Santos' reports, made by academic anthropologist João Pacheco de Oliveira, former president of the Brazilian Anthropological Association (ABA). This final step was requested by FUNAI itself, in order to finally decide the question of the Kaxixó's indigenous identity.

In order to describe the (non)recognition process of the Kaxixó, first as non-Indians and then as Indians, I will follow Santos' description and João Pacheco de Oliveira's interpretation of Paraíso's work in order to present how the Kaxixó dealt with the nonrecognition of their Indianness. Unfortunately, I no longer have direct access to Paraíso's text, though I did have the opportunity to read it during my research among the Tapuio. The document was made available since it was considered of major importance to define the attitudes that anthropologists working at FUNAI should take regarding the federal recognition of Indians. Here it is sufficient to say, that I agree with Santos and Oliveira's meticulous interpretation and critique of Paraíso's work.

Paraíso's examination of the land possession and the indigenous identity of the self-declared Kaxixó community, consists of a five section report. The sections describe the theoretical-methodological presuppositions of the investigation, the analysis of the information gathered during fieldwork related to the historical colonization of the region where the Kaxixó live (close to the upper San Francisco river in the state of Minas Gerais), the collective memory of the group and the ethnic building process that Paraíso believes is under construction. Finally, a hypothesis on the nature of this ethnic building process is elaborated. Santos cites excerpts from Paraíso's report that give an idea of the anthropologist's professional as well as moral opinion about the Kaxixó:¹⁰

¹⁰ Santos did not make a full transcription of Paraíso's work. For that matter it is not possible to inform what Santos leaves out of her analysis. On the other

1. About the definition of “indigenous groups”:

(...) we consider that an indigenous people is a collectivity that, as result of its categories and circuits of interaction, distinguishes itself from the national society and self-declares itself as indigenous. Their recognition [of an indigenous people] has a social and collective character, which presupposes that certain beliefs and values are consensually shared (apud Santos and Oliveira 2003:92).

2. About the “non-presence” of the indigenous population in historical documents:

There is no document, except one that says that the troop in 1765 was composed of Indians (Vasconcelos 1966:108-127), in which we can find any news on the presence of Indians on the lands owned by the [white] couple [that occupied the land]. Even travelers, like Freireyss (1907), who met Ms. Joaquina in person, do not refer to the presence of Indians on the lands. Not even Saint-Hilaire (1975) and Pohl (1976), who were in the region years later, make any statements. This silence continues throughout the entire 19th century (apud Santos and Oliveira 2003: 99).

3. About the Kaxixó’s narratives of their past (Paraíso’s own commentaries are within parenthesis, additional information within brackets):

[According to the Kaxixó] Bandeirantes [colonizers in search of precious minerals and Indian slaves] tried to open a trail to Goiás in 1601 (I do not know of any indigenous group recently contacted that can give an indication of dates, especially not with such great precision, because it is the precise year of André de Leão’s and Glimmer’s expedition to penetrate the region). They met a strong resistance on the part of the Indians who lived between Pompéu and Martinho Campos [the towns that surrounded the Kaxixó territory]. The king of Portugal decided on the opening of new trails that cut across the Indian land, from Martinho Campos to Araxá (...). Antônio Taques de Taubaté, who had an interest in the lands of the actual town of Pompéu, decided that Old Pompéu should establish a farm at the Bico da Serra, which today goes by the name Pompéu Velho (we are also unaware of indigenous groups who can so clearly identify a person so distant in time, like

hand, the excerpts considered can give a full understanding of Paraíso’s main arguments, tone and style which are helpful elements for the comparative purposes of this article.

Antônio Taques de Taubaté, especially if such a historical figure did not have a direct relation with the history of the group). Old Pompéu had found Indians between the Pará and Paraopeba rivers [namely at the localities of]: Grotas D'Água, Capão do Zezinho, Pindaíba (...), Riacho, Urubu, Vargina (...). The Indians gathered by the Picão river and fought five times (strange precision). When they arrived at the Pitangui, the Bandeirantes found a tribe of "tamed Indians". They hoisted the "bandeira", enslaved the Indians and put them to work in the mines.

Old Pompéu and Don Pedro I, along with the baianos and the paulistas, aimed to protect the gold from the theft practiced by the Spanish (this is a confused reference to the War of the Emboabas and restrictive measures taken as a consequence). For that reason they supported Captain Inácio de Oliveira's resistance at the settlement on the Indian Hills (...). The place came to be known as the *Várzea do Galinheiro* (we have only found references to battles with quilombolas [maroons] and not with Indians for the lands occupied by Captain Inácio). (Paraíso 1994a:12-14 apud Santos and Oliveira 2003:106).

In these passages, Kaxixó oral narratives are depicted as "confused", although also with "strange precision" of dates of events. What needs to be underlined is the recurrent suspicion directed toward the information given by the Kaxixó. The basis of the suspicion is the anthropologist's presumed knowledge of how "real Indians" (namely, with recent contact with national society) should present information about their past. This includes being incapable of giving precise dates, names, or facts about historical events. As pointed out by Oliveira:

Her text suggests to the reader a permanent attitude of suspicion towards the Kaxixó interlocutors. The impression is one of strong mistrust regarding the veracity of the narrated facts and the logical consistency of the discourse (Santos and Oliveira 2003:161).

In other words, clearly subordinating oral data to written documents, Paraíso conducted an investigation attributing reliability only to white settlers and academic researchers, and not to the Indians themselves. Consequently, she sought objective evidence of an "indigenous identity" in travelers' chronicles, historical documents (written by white settlers), and her own knowledge of the oral practices and behaviors of

(other) Indians. Paraíso performed an “authoritarian ethnography” with her interlocutors, misinterpreting suspicion for impartiality. Her expert opinion was that the Kaxixó community should not be recognized as Indians by FUNAI.

The entirety of Paraíso’s document was reviewed and criticized by Ana Flávia Moreira Santos, an anthropological expert of the Ministério Público Federal. I will not repeat or reproduce Santos’ review of Paraíso’s document, nor the following document written by anthropologist João Pacheco de Oliveira who was invited by FUNAI to put an end to the conflict of anthropological interpretations regarding the Kaxixó status as Indians (see Santos and Oliveira *op. cit.*). Interesting, however, for the purpose of this article are the responses of the Kaxixó to Paraíso’s conclusions on their ethnic identity.

On April and May of 1998 Santos made two field trips to check archaeological sites in the towns of Martinho Campos and Pompéu. The trip was requested by the MPF in the state of Minas Gerais as a response to a Kaxixó complaint about deforesting activities carried out by the AGROPÉU company. For the Kaxixó, this was a possibility to present their claims again, now to a federal body other than FUNAI. But this also meant that Santos had to deal with the resentment of the community towards anthropologists. She registered the following complaint from a Kaxixó leader regarding Paraíso’s research practices:

Maria Hilda held only one meeting. In the Capão do Zezinho she worked like a chief of police against us. She showed up like this: “I am the devil and you are the demons. Now you will talk!”. There was the moment when she was trying to trick us that it was Father Jerônimo who had invented the name Kaxixó – as a combination of Kaiapó and Pataxó. But if Maria Hilda had come here today we would tell her many stories (Santos and Oliveira 2003:115).

In another passage, the same Kaxixó leader narrated:

When she started to ask questions, she scared everybody. Everyone was obligated to speak... on time. If someone did not speak, it was because he or she did not know: "so, you are not Indians!" And when someone did speak, she said that it was doubtful because she had done research on that and she did not find anything written about it. (...) (*ibid*)

The Kaxixó took the attitudes and conclusions of Paraíso regarding their collective memory and ethnic claim as a moral insult. The important fact here is that instead of putting an administrative end to the Kaxixó claims of exclusive access to their lands and natural resources – as well as protection of their ancestral and sacred sites – the official denial of them as "Indians" caused a political mobilization of the community around the perception of disrespect and indignity. This became the political context in which Santos conducted her fieldwork for the MPF.

Santos' report is divided into five sections. After an introduction the text deals with the archaeological sites and their meanings, offers an analysis of Paraíso's text, and ends with some final considerations (Santos and Oliveira 2003). João Pacheco de Oliveira reviewed both texts comparatively and considered Santos's text "qualitatively distinct from the 1994 document":

(...) the investigation was accomplished after more visits to the field, over a period of a year, and involved expanded and regular contacts with the majority of the families belonging to the community. On such occasions, data could be gathered, tested, and corrected, and there were times when such visits turned into a total immersion in and an extended conviviality with the community, even if only for limited periods of time (Santos and Oliveira 2003:148).

Santos carried out an intense activity of listening to the Kaxixó and learning from them the meanings of their narratives. Rather than seeking to historically disprove oral information, she used oral history as a means to understand how the past was

meaningful to the present social actors. It was in this sense that Santos presented the Kaxixó as the descendants of a generic indigenous population who since colonial times had suffered dispersion within the labor system of the region. They were neither defined, as happened with the Tapuio, as descendants of indigenes settled in *aldeamento*, nor as the direct descendants of African or Afro-Brazilian slaves as by Paraíso (Santos and Oliveira 2003: 99).

What Oliveira did not explain in his report, was how two academically well-trained anthropologists could adopt such different approaches to the same group of people. What is it that lies behind Paraíso's quest for "truth", "objectivity" and "critical analysis" of native narratives on the one hand, and Santos' privileging of compromise with "understanding" and "empathy" for native points of view on the other? What different conditions, impositions and demands from the state are important for Paraíso's and Santos' anthropological knowledge and experience, respectively? What are the differences between practicing anthropology for FUNAI and for the MPF when it comes to defending or not defending indigenous demands? All these questions are connected to different ways of practicing and constructing what Clifford has referred to as "ethnographic authority" (Clifford 1998).

In the Kaxixó case, the fieldwork conducted under FUNAI's direction turned the acknowledgment process into a sort of police inquiry disguised as an ethnographic research, leading to a process interpreted by the Kaxixó as a moral insult (Cardoso de Oliveira 1999). On the other hand, the fieldwork conducted by the MPF turned the initial matter of protecting archaeological sites into a matter of moral recognition. Anthropologies and ethnographies served two different masters, with very different results. The work of Santos to challenge the ethnographic authority of the preceding document allowed the Kaxixó to be federally recognized as an Indian people by the President of FUNAI in 2001. There can be

no doubt that Santos' work was conducted more thoroughly and in-depth because it had Paraíso's work to confront and overcome.

Comparative insights

The federal processes of recognizing the Tapuio and the Kaxixó in Brazil should be regarded as political-administrative practices carried out by anthropologists and other "indigenists" working as experts on indigeneity or Indianness. Such activity bears direct moral relevance for the indigenes subject to "anthropological analysis". This precedence of anthropology in matters of ethnic recognition began as a direct result of the participation of anthropologists in indigenous land claims in Brazil (see Souza Lima and Barretto Filho 2005). In Brazil, anthropologists have gone from being experts on indigenous peoples' cultures and territories, to being legal experts on the category of "indigenous peoples" itself, i.e., to determining who the indigenous are, should be or must be in order to be granted specific collective rights.

The role performed by anthropologists in administrative positions is crucial for the implementation of the politics of (non)recognition, even though the power to represent an entire people or community as Indian does not rely on the anthropological document *per se*. The anthropological interpretation of ethnic identities is subordinate to administrative decisions and actions which lie in non-anthropological hands. The naming of the descendants of Shavante and Javaeh as "Tapuio" and the recognition of the "Kaxixó" as an indigenous people are the results of intense discursive and rhetorical practices by anthropologists to produce intelligible meaning from local native historical experiences of domination and population management. Anthropologists function in these cases as code switchers of cultural meanings, administrative routines and legal norms.

In such contexts, federal processes of acknowledging the legal status of groups and communities as Indians, may result either in ethnic recognition or in moral insults depending on the ability of anthropologists to practice their “ethnographic magic” and capture the natives’ point of view. Taking Almeida’s work as an example: Almeida had to provide arguments and information in the face of FUNAI’s opposition in order to get the Tapuio recognized as Indians (and it made her life in FUNAI a nightmare, I might add). Paraíso, on the other hand, provided arguments and information in favor of FUNAI’s opposition to recognizing the Kaxixó as Indians (and this made her life in the academic field of anthropology a nightmare, it must be said). Santos had to provide arguments and information to oppose the work of another anthropologist (and this made her more respected and admired in state institutions and the academic community). And after all these anthropological efforts and controversies, the Tapuio and the Kaxixó, now recognized, still remained without access to their lands for years to come.

Why does the Brazilian state fail to recognize indigenous peoples who have undergone and suffered intense cultural transformation, and what are the unexpected consequences of nonrecognition for the construction of new indigenous identities in contemporary Brazil? I have not in this article offered a full response to these questions, but I have pointed to the importance of studying anthropological practice and rhetoric in order to approach the subject.

Anthropology and the anthropologists working with processes of acknowledgment of indigenous populations are not external solutions to the problem. They are themselves part of the problem of “federal acknowledgement” considered as a matter of state “disciplining”. As pointed out by Trouillot:

Academic disciplines do not create their fields of significance, they only legitimize particular organizations of meaning. They filter and rank –

and in that sense, they truly *discipline* – contested arguments and themes that often precede them. In doing so, they continuously expand, restrict, or modify in diverse ways their distinctive arsenals or tropes, the types of statements they deem acceptable (1991:20-21).

The politics of recognizing indigenous peoples as “Indians” is one example of how anthropologists “filter and rank – and in that sense, they truly discipline” – what an “Indian” should be and what the state should do about them, all within vast fields of significance built around the “savage slot” (Trouillot 1991). From “descendants” to “integrated Indians”, from “peasants” to “not Indians yet”, from “Indians *de facto*” to “Federally recognized Indians”, anthropologists are playing at a politics of (non)recognition for and inside the state, without enough power to actually change the colonial situation of Indians in contemporary Brazil. In doing so, they, with Trouillot, “continuously expand, restrict, or modify in diverse ways their distinctive arsenals or tropes, the types of statements they deem acceptable” in order to render the Indian “acknowledgeable”.

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