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***Mestizaje* and Law Making as Interrelated Processes  
in Indigenous Identity Formation in Northeastern Brazil:  
“After the Conflict Came the History”**

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## Abstract

This article explores issues of authenticity, legal discourse, and local requirements of belonging by considering the recent surge of indigenous recognitions in northeastern Brazil. It investigates how race and ethnicity are implicated in the recognition process in Brazil, based on a successful struggle for indigenous identity and access to land by a group of African-descended rural workers. This article argues that the relationship between two processes – law making and indigenous identity formation – is crucial to understanding how the notion of mixed heritage is both reinforced and disentangled. It illustrates how these two processes interact over time and how that interaction can open up possibilities for the production of political subjectivities for African-descended people who can successfully make claims as indigenous. Finally, this article reconfigures and clarifies the heated contemporary debate over *mestizaje* (ethnoracial and cultural mixing) in Spanish-speaking Latin America by broadening it to include the Brazilian experience.

[Race and Ethnicity, Mestizaje, Law and Indigenous Identity, Indigenous Recognition and Land Rights]

This article explores issues of authenticity, legal discourse, and local requirements of belonging by considering the recent surge of indigenous recognitions in northeastern Brazil. It investigates how race and ethnicity are implicated in the recognition process in Brazil, based on an analysis of a successful struggle for indigenous identity and access to land by a group of African-descended rural workers. This article proposes that the debate over *mestizaje* (ethnoracial and cultural mixing) in Spanish-speaking Latin America can be reconfigured and clarified by broadening it to include such Brazilian experiences. It then argues that the interaction between two processes -- law making and indigenous identity formation -- is crucial to understanding how the notion of mixed heritage is both reinforced and disentangled. As such, this article illustrates the role of legal discourse in the constitution of indigenous identities and introduces Brazil into the larger ongoing worldwide discussion of law, indigenous rights, and claims to citizenship.

### **Recognizing Indians in Northeastern Brazil**

Before discussing the insertion of Brazil into the *mestizaje* debate, I will explain briefly the historical moment in which the Brazilian Northeast finds itself in relation to indigenous recognitions. Until the 1970s, it was assumed that descendants of the indigenous inhabitants of the Northeast had been assimilated into the local peasantry. In fact, indigenous languages had almost entirely disappeared and indigenous cultural practices had been incorporated into backland (*sertanejo*) culture.<sup>1</sup> The original colonial encounter between the Portuguese and the indigenous population of the Northeast involved pacification and missionizing, including the formation of a workforce consisting of local indigenous people and African slaves. As the indigenous population and its way of life was reduced through displacement, disease, religious conversion, and mixing with African slaves and Portuguese colonists, the Catholic Church

gathered survivors of multiple indigenous groups into mission villages, each with its own church. The final step in the “disappearance” of indigenous peoples of the Northeast was their dispersal into the countryside surrounding the mission churches where they became part of the sertanejo human landscape – an ethn racially mixed population, inhabiting a forbidding desert-like environment, with a distinct backland culture that drew from indigenous, African, and Iberian cultural practices. All of this had been accomplished by the early nineteenth century and concretized by the Land Law of 1850 (Viotti da Costa 2000).

Beginning in the mid-1970s, as the result of a complex conjuncture of events on the national scene in Brazil, locally in the Northeast, and internationally, groups of sertanejo peasants began asserting indigenous identity and demanding recognition and land.<sup>2</sup> Ironically, the remnants of the former mission villages, sites of oppression that represented the decimation of indigenous peoples, were to become the only evidence that their ancestors had been in a particular area. As these sites of ancestral oppression were transformed into “evidence” for the national indigenous agency (FUNAI – Fundação Nacional do Índio), the result was a reconfiguration of the geography of indigenous settlements. Groups were assigned names of tribes whose members had long before been incorporated into the sertanejo population.

Since the mid-1970s, more than thirty new groups have been recognized and many more have made claims that are under consideration, leading scholars to use characterizations such as “resurgence” (Warren 2001) and “emergence” (Arruti 1998). In this recent surge of indigenous recognitions, local conditions have been fundamental in determining who among the rural population was qualified to be an “Indian.”<sup>3</sup> Local conditions are crucial even though public representations, media coverage, and many academic studies give the impression that identification of these groups is based primarily on vestiges of indigenous characteristics manifested in

bounded communities descended from colonial-era tribes. Such representations, in addition to downplaying the African ancestry and mixed ethnoracial heritage of these people, elide processes of self-identification invariably tied to local politics and land struggles.

In this article, I use as an illustration the Xocó Indians, the only recognized tribe in the northeastern state of Sergipe, whose assertion of indigenous identity began in 1972 and culminated in government recognition in 1979. As is true of the other indigenous groups in the Northeast, the Xocó tribe is composed primarily of African-descended, mixed-race individuals with little or no “traditional cultural diacritics,” without their own language, and whose Indianness is not “evident from their physical appearance” (Ramos 2003:370). The individuals who formed the Xocó tribe in the 1970s differentiated themselves from their relatives and neighbors through their decision (taken with the aid of the local Catholic diocese) to struggle against the landowning family for whom most of the people in the area had worked as sharecroppers or cowhands for generations. As such, the upsurge of indigenous self-identification, illustrated by the people who would become the Xocó, is not just about (or not necessarily *even* about) Indianness, but is more fundamentally about political subjectivities forged in the struggle for land that, when tied to claims of indigenous identity, result in communities of likeness.<sup>4</sup>

At the same time, certain “diacritics associated with Indianness in the popular imagination” (Ramos 2003:372) were crucial to the Xocó recognition and those were learned and invented. An example of required evidence of Indianness is a dance known as the *toré*. The *toré* was first noted among the Fulni-ô (in southern Pernambuco) in the 1930s by Brazilian anthropologist, Carlos Estevão de Oliveira. Based on his texts, the predecessor of FUNAI (SPI – Serviço de Proteção do Índio) “instituted the *toré* as the basic criterion for recognition of

indigenous remainders ... and thus transformed it into a norm for *being an Indian* in the region” (Arruti 1998:106).<sup>5</sup> Another such indicia of Indianness is the proper preparation and drinking of *jurema*, a hallucinogen prepared from bark that has been said to benefit only those descended from Indians (Mota 1997). Tethered to the standardized state procedures that have imposed certain cultural criteria on those who would be Indians, in this extraordinary moment of opportunity these people have incorporated such criteria into their lives, permitting “each group to leave behind the undifferentiated status” of *caboclo* (term for a person with some indigenous heritage which carries no legal rights) by becoming a named tribe. At the same time, they retain the territoriality and memory of their previous and simultaneous identity as sertanejo peasants, with the important exception that now they are living on their own indigenous reserve – land that not too long ago belonged to their employer.<sup>6</sup>

### **Brazil and the Mestizaje Debate: Untangling Mixture in the Name of Identity Making**

Working with a Brazilian situation in which neither legal nor administrative criteria for being or becoming an Indian involves blood quantum or phenotypical characteristics, this article is intended to engage the current discussion over the possible appropriation of the notion of mestizaje to a “critical radicalizing endeavor” (Field 2002:21). In a call for “mestizaje studies,” Les Field (2002:22) reviews the criteria for Indian recognition in the United States (blood quantum and cultural traits) as it compares to a number of countries in Spanish America. Viewing Latin America as a possible antidote to the policing of “blood” in the United States, Field (2002:22) concludes that

anthropologists might have in Latin America the opportunity to participate in a creative, and for indigenous peoples, empowering process of transforming identity-making systems. The impetus

towards new analyses of mestizaje and mestizo identities, in that context, is to contribute rather than distract from that possibility.

Field mentions Brazil in passing, specifically with reference to Amazonia, but not with respect to mestizaje. I propose to fill in the Brazilian piece of the puzzle that Field identifies in his provocative article. Brazil is infrequently incorporated into discussions of the broader Latin American field when considering issues of race and ethnicity, probably because the predominant element in mixture is African rather than indigenous. Consequently, Brazil is treated as a separate phenomenon not particularly commensurable with Spanish America. Northeastern Brazil is often reserved for comparison to the Caribbean rather than, say, Peru, because of that difference. Certainly a Caribbean comparison is proper when discussing issues of Afro-Brazilian culture and history. However, I propose that the recent surge in indigenous recognitions in Brazil outside of the Amazon region, and particularly involving African-descended people, provides an opportunity to incorporate Brazil into the mestizaje debate.

I undertake this discussion with the understanding that equating mestizaje (Spanish) and *mistura* (Brazilian Portuguese) is problematic from the perspective of historical specificities (i.e. the effects of Spanish vs. Portuguese colonial rule, the various processes through which independence was achieved, legacies of slavery and free labor, and the different bases of wealth of each colony), just as different forms of colonialisms have produced different senses of mestizaje itself (Klor de Alva 1995:243). However, for the purpose of making an argument in favor of bringing Brazil into the discussion, I will use the term mestizaje, not just as a “real life process” of racial and cultural mixing, but also as a “construct in political imaginaries,” a “product of (unequal) dialogues whose meanings have depended on the changing relations of political forces in social fields of domination, exploitation, and subjectification” (Alonso, in press). I also acknowledge



that race and culture are not necessarily mutually exclusive, with culture sometimes being racialized (De la Cadena 2000).

Mestizaje is most often associated with hegemonic ideologies of whitening and official celebrations of “racial democracy.”<sup>7</sup> It has served to deflect attention from discrimination against darker-skinned people in Brazil and those considered Indian or black in Spanish America. As Mary Weismantel (2001:xxxix) has pointed out with respect to the Andean region, the existence of intermediate categories does not necessarily “mitigate the effect of the white/nonwhite binary” and can even exacerbate racial conflicts. Historically, reminds Lourdes Martínez-Echazábal (1998:38), mestizaje

was central to the politicized assimilationist, monoculturalist rhetoric that surfaced in Latin America during the 1920s...as a means to neutralize the cultural (and racial) pluralism typical of virtually all Latin American countries – a pluralism considered by many politically counterproductive in the face of Latin America’s move toward refurbishing the nation-state.

Consequently, mestizaje has most often stood for a national elite’s desire to “whiten” the population biologically and “Westernize” it culturally. It has been used to “promote national amnesia” about the past and the “still colonized condition of most indigenous peoples of Latin America” (Klor de Alva 1995:257). However, as reflected in Field’s article, there have been recent moves to reconsider the notion of mestizaje with the aim of appropriating it to work in favor of indigenous identity and, I would add, to counter the potentially negative effects of a purely racial perspective on identity.

This debate, which is latent in the literature, needs to be explicitly engaged and considered in greater depth than it has been to date. A racial perspective on identity is best exemplified by Peter Wade's (1997, 2002, 2003) reimaginings of the potential liberatory effects of naming difference as "racial" in Latin America (rather than cultural or ethnic). Wade (2003:275) encourages "race as a topic of public debate" and asserts that "so long as mestizaje discourse is prevalent, it will be hard to link racial identity to citizenship and rights." Wade's (1997:21) argument correctly hinges on race as tied to the New World history of colonial encounters, slavery, discrimination, and resistance. His use of mestizaje, however, refers only to its application as official ideology and does not consider the local effects and subjectivities associated with it, which often has demobilizing effects as hegemonic elite discourse, but may be experienced as binding people in various subaltern positions under a common rubric. Therefore, in making his argument, Wade assumes that the introduction of a form of racial identity (with his addition that in Latin America race is not just about biology and genetics but is also about culture) would ensure the kind of political movement in both Spanish America and Brazil that could win legal rights defined in racial terms.<sup>8</sup>

However, it is my contention that just as the trope of mestizaje "allows both equality *and* inequality to be imagined and experienced" (Wade 2003:264, emphasis added), so race, historically used in the most despicable ways to divide and torment people, is a double-edged sword – while being invoked to gain rights, it entrenches hierarchical difference. However, unlike race, because of mestizaje's hegemonic power and acceptance by large segments of Latin American populations, it has a certain built-in flexibility in the discourse and everyday life of people throughout Latin America. As William Roseberry (1994:360) has suggested, we should use the concept of hegemony not only to understand consent but also "to understand struggle, the

ways in which the words, images, symbols, forms, organizations, institutions, and movements used by subordinate populations to talk about, understand, accommodate themselves to, or resist their domination are shaped by the processes of domination itself.” Hegemony is not so much a shared ideology as it is a “common material and meaningful framework for living through, talking about, and acting upon social orders characterized by domination” (Roseberry 1994:360).

Even more pro-active and appropriate to the use of *mestizaje* in creative and counter-hegemonic ways, Steven Gregory’s (1998:246) definition reminds us that “hegemony works less on the hearts and minds of the disempowered than on their ability to articulate and exercise a political identity able to realize the social force necessary to change the order of power relations. Hegemony is the power to make and remake political subjects.” *Mestizaje*, as a hegemonic process, might therefore have the potential to facilitate a “creative process of transforming identity-making systems” (Field 2002:22), and as the case of newly recognized indigenous groups in Brazil illustrates, could permit ethnoracial, regional, and local identities to co-exist without the loss of benefits. For example, the Xocó are able to be Indians and *sertanejos* at the same time.

Expanding on Wade’s argument in favor of race as the most effective analytical tool in Latin America, Jonathan Warren (2001) makes a book-length argument in favor of the racialization of previously assimilated Indians in eastern Brazil (similar to those in the Northeast) whether or not they themselves conceptualize their difference in racial terms. In Warren’s view, eastern Indians’ anti-racist discourse is more developed than that of black Brazilians (a category Warren leaves unexamined). He undermines his argument, however, when he makes a point that could be asserted more successfully in favor of a discourse of mixture: African heritage should not trump indigenous background in the construction of a new multicultural Brazilian

democracy. Warren (2001:238) points out that the “assumption, prevalent among scholars of race” that *pardos* (the mixed race category in the census) are a latent black population in Brazil draws from U.S. constructions of blackness in which most people of both African and indigenous descent come to mobilize as black. This assumption, he proposes, can be directly challenged in eastern and northeastern Brazil where the majority of newly recognized Indians are of African descent. Therefore, discourses of mixture in Brazil allow people to choose to be Indian and/or black, while discourses of race in the U.S. force people into a single category – African American (Brooks 2002).

Through the example of the Xocó, a group of African-descended Indians in the Brazilian Northeast, I argue that the analytical category of *mestizaje* can provide the flexibility needed for people to untangle the strands of their mixed ethnoracial heritage and choose an indigenous identity without rejecting the cultural and religious practices of their *sertanejo* background as they move from a category without legal rights (*mestizo* or *caboclo*) to one with rights (Indian). I would like to suggest that *mestizaje*, in addition to being an identity in and of itself in parts of Spanish America, can also be imagined as a space within which people can move, a concept that provides openings for choices about identity making. Jorge Klor de Alva (1995:253) sees *mestizaje* as “the result of ambiguous ethnic spaces that appeared in the wake of the demographic decimation of the indigenes, the introduction of enslaved Africans, and the extensive immigration of Europeans.” Moreover, *mestizaje*, with its multiple trajectories and meanings, can make room for local struggles to take the forms necessary to gain land and resources. To that end, I propose that Marisol de la Cadena’s (2000) concept of “*de-Indianization*” in the context of Peru has its reciprocal or inverse analog in northeastern Brazilian “*re-Indianization*.”<sup>9</sup>

De la Cadena describes de-Indianization as a process in which essentialist notions of culture are redefined. In her discussion of working class residents and grassroots intellectuals in Cuzco, De la Cadena (2001:22-23) explains that de-Indianization involves becoming literate and obtaining civil rights, but does not involve shedding indigenous culture or ways. It means empowering indigenous culture in an act of appropriation of mestizo identity by “indigenous mestizos” – Cuzqueño commoners who claim indigenous cultural heritage yet refuse to be labeled Indians. Instead they refer to themselves as mestizos without agreeing to disappear into the national homogeneity that the dominant definition of mestizo conveys. As one young *mestiza* told her: “People can be different and similar at the same time. I practice indigenous culture but I am not an Indian.” Therefore, De la Cadena (2000:6), recognizing the double-edged character of mestizaje, concludes that although de-Indianization legitimates discriminatory behavior against those considered Indians, “it opens up the possibility to ascend socially without shedding indigenous ways.”

In an analogous yet inverse process in Brazil’s Northeast, backland peasants have become Indians, taken on and learned officially-defined Indian ways, but have not shed their sertanejo culture or their folk Catholic traditions. In the process of “re-Indianization,” Xocó Indians dance the toré (the indigenous dance crucial to their Indian identity), and are taught the history of the indigenous peoples who used to predominate in their region, but they do not “look like” Indians, do not dress like Indians, and are clearly of the same African descent as their relatives and neighbors in the village downriver which was recognized and granted land as a descendant of fugitive slave community in 2000 (French 2002). The Xocó today are fully a part of the cultural landscape of the backlands political patronage networks, with the additional twist that they are wards of the Brazilian government as a recognized Indian tribe. Their connection to

federal resources is an integral part of their local political dealings, but is not the primary factor in their decisions about whom they support among the candidates for local office. For that, local politics prevail and Indian identity is incidental.

To recap, the first part of this article argues that the notion of *mestizaje* can be a supple analytical tool. By bringing Brazil into the larger Latin American field of discussion about transformative uses of *mestizaje*, it is possible to conceptualize an alternative model of indigenous identity construction in the 21<sup>st</sup> century. The second part of this article has to do with how the flexibility of mixture is implemented in Brazil. Again, the goal is to bring Brazil into dialogue with the rest of Latin America, this time with respect to the nature of law and indigenous identity. I use the definitional provision of the 1973 Indian Statute to illustrate how two processes – law making and indigenous identity making – interact over time and open up possibilities for the production of political subjectivities for African-descended people who can successfully make claims as indigenous.

### **The People Who Would Be Indians**

In keeping with Charles Hale's (1999:302) admonition that "theories of identity politics which affirm and celebrate hybrid sensibilities" are useful only if "firmly grounded in a particular place, a specific set of struggles," the second part of this article examines the process of becoming Indian by one group of Brazilian rural workers in the Northeast. Some date the presence of the Xocó people in the São Francisco River Valley to times before the arrival of the Portuguese (Dantas and Dallari 1980). Historical sources have been researched, published, and appear in books and court records. A version of the history was there to be found and then claimed – by someone. This and the following three sections examine the production of knowledge, political events, and legal circumstances that led to the 1978 illegal occupation of

São Pedro Island, with its centuries old mission church, by a small group of rural workers who demanded and received government recognition as the Xocó. These sections explore the explosive conjunction of circumstances that led people who had lived their entire lives as sharecroppers on the lands of their politically powerful patrons to take extreme action to declare themselves Indians. Their action resulted in a radical change in their self-representation, self-experience, and cohesion as a group of related families. It also eventually provided them with an indigenous reserve held in trust for them and their descendents in perpetuity. The final section examines the role played by the 1973 Indian Statute in opening up opportunities for indigenous identity making under circumstances previously unimagined – mixed race, thoroughly “acculturated” peoples with the desire and ambition to be identified as Indians.

In addition to the promise of land and government services, the people who were to become the Xocó were drawn to the Brazilian national myth that portrays the Indian as pure, at one with nature and the land, and as survivors in the face of adversity (Ramos 1991). This image served as a powerful counterbalance to negative stereotypes about Indians, as well as the loss of certain citizenship rights.<sup>10</sup> These rural workers adopted the discourse associated with an image projected by the government and the media as representing “real” Indians. However, due to their lack of physical and cultural characteristics assumed to be integral to Indianness, there has, since the Xocó were first recognized, been a feeling among them that the world doubts their authenticity. As expressed by the chief of the Xocó at a Catholic Church-sponsored event on their island in the year 2000, “We are Xocó, even if we are not painted and dressed like Indians.” He and two other leaders wore headdresses borrowed from another time and place, but as with all the other Xocó, they were wearing shorts and t-shirts.

In August 1971, well before the dramatic occupation of São Pedro Island, Raimundo Bezerra Lima, a man with a wife and six children who possessed no land of his own, traveled for hours by boat and horseback to the local courthouse and filed a lawsuit against his employer. Raimundo and his wife, Maria dos Santos, had spent their entire lives working on the family property of the widow Elizabeth Guimarães Britto, an absentee landowner from a local oligarchical family. Raimundo brought his claim under the Rural Workers' Statute, which guaranteed him payment for being dismissed and an annual extra month's salary for every year he had worked. The case was brought without the aid of a lawyer. Within one month, the court had ruled against Raimundo. The judge had determined that he was not a "rural worker" under the statute.

Testimony in Raimundo's case sheds light on the life of work at that time on the Brittos' ranches. These ranches, which fronted on the river and ran back several miles into the interior, twenty years later, would be expropriated for the Xocó's reserve. Raimundo and his family, like dozens of others in the area, worked and lived as sharecroppers (*meeiros* or literally people who share half) without electricity, running water, road access, motorized vehicles, or agricultural tools. They planted and harvested rice in lagoons that were created by the annual flooding of the river. The gendered division of labor is revealed in the testimony. The women were the planters of the rice seed, while their husbands helped with the harvest. Once the rice was harvested, the sharecroppers would give some portion to the landowner and keep a portion for themselves. The women also fashioned and fired clay pots under the sun that were sold at market. Their husbands collected wood for the fire and carried the mud from the river's edge for the pots, the sale of which provided a bit more income, which was not shared with the landowner. In fact, Raimundo and Maria were not legally married, as came out in the brief filed by the Brittos, because they



were married only in the Church and had not had a civil ceremony. This failure to legalize their marriage was key to the court's decision that Raimundo was not a statutory "rural worker."

Rather, it was Maria who was the Brittos' legal worker, and she was not a party to the suit.

Raimundo and the other men also fished and were required to share their catch with the landlord. Fishing has always provided an important source of protein for these sertanejos who are fortunate enough to live on the banks of a large river. The other occupation often engaged in by sharecropping husbands along the river was piloting boats owned by entrepreneurs from other villages and cities along the river (these were canoe-like boats with sails, and later with motors, with covered space for passengers and cargo). Travel up, down, and across the river was, and remains, intrinsic to the lives of Raimundo, Maria, and their neighbors. The boats provide transportation to sell and obtain goods, to socialize and have chance meetings with relatives who live on other ranches and villages on both sides of the river, and for their children to attend school. From the court testimony in 1971, it is possible to discern a certain rhythm of life that persists even today in these riverine communities – constantly in motion, going to market, visiting relatives, selling and buying, faxing government agencies in Brasília and NGOs in São Paulo. One fundamental difference between then and now is that Raimundo, Maria, and their neighbors no longer share their harvests with the Brittos. Another difference is that, due to the construction of hydroelectric dams upriver, there are no longer rice lagoons and the fish are scarce. Finally, their benefits and rights come not from the landowners through the labor law, but from the national indigenous protection agency, FUNAI.

### **Join the Union and Meet the Priest**

On the day in 1971 when Raimundo lost his case, he joined the newly founded rural workers' union, and three months later, a key witness against him, another one of the share-

croppers, also joined the union. These two men would later become leaders of the Xocó. Around the same time that the sharecroppers on the Britto land were beginning to join the union, a young priest and friar, known as Frei Enoque, was ordained by the bishop of the diocese, Dom José Brandão de Castro. These two men would shortly become the key figures and representatives of liberation theology in the area.<sup>11</sup> Just as a large sector of the Catholic Church in Brazil was turning to liberation theology doctrine and deciding to support land reform and indigenous rights, Frei Enoque, the tall, powerful, charismatic new priest, began visiting Raimundo, Maria, and their neighbors. He learned of the mission church building on São Pedro Island, and with the support of the bishop, he began researching the history of the church, its priests, and the people who had once lived in its environs.

Frei Enoque, a native of the northeastern state of Pernambuco, was himself mixed race and physically not very distinguishable from the peasants to whom he ministered. None could be identified as phenotypical Indians for observers who had always assumed that to be an Indian was to look like those in the Amazon, with “pure Indian characteristics...straight hair” to quote the first elected chief of the Xocó. As expressed by Beatriz Dantas (1997:4), the Sergipe anthropologist who researched the historical presence of Indians in the area:

When they meet the Xocó on São Pedro Island, people often ask:  
Where is the village and where are the Indians? When they see the same kinds of houses, a church, children playing under the trees, everyone wearing the same simple clothes that all people who till the land wear; when they see some people with copper-colored skin and straight, dark hair and others with black skin with kinky

hair, brown skinned people with wavy hair and others who are blonde with blue eyes, they ask, are these real Indians?

For Dantas, Frei Enoque, and then for the Xocó themselves, the retrieval of historical information about the existence of indigenous peoples on São Pedro Island and in the surrounding area served as both an impetus and a justification for the assertion of indigenous identity and the adoption of hallmark indigenous cultural practices. Until the 1970s, there had been a division between indigenous ancestry and indigenous traditions, as observed by Allen Johnson (1971:23): “Although the...backlander often has Indian ancestry, he has no great weight of Indian traditions behind him, having inherited his language, his religion, and, indeed, most of his culture from the Portuguese.”

Frei Enoque’s arrival in 1972 was marked by immediate conflict with the landowning Brittos. When he arrived, fresh from ecclesiastical training in liberation theology, Frei Enoque already knew he was going to minister to the peasants of the area and eschew the close relations priests traditionally maintained with landowners. He chose to stay in the modest homes of the sharecroppers (Mota 1997:23). Well before Frei Enoque’s first visit, the Brittos had torn down the old dwellings on São Pedro Island, which had been unoccupied for almost a hundred years and allowed cattle to graze there. Frei Enoque reopened the old mission church and there the Brittos’ sharecroppers began talking about and imagining their indigenous past.

### **“After the Conflict Came the History”**

As the Brittos ratcheted up the economic pressure on their workers, what had begun as a labor dispute became a land conflict. Considering the diocese’s interest in land reform, it is not surprising that the problem had become a land conflict, and in fact to this day it is recounted as the second major land struggle in modern Sergipe history. However, this land struggle took a

decidedly different turn from the others brewing in the diocese. Frei Enoque and the elderly people he interviewed living on the Brittos' ranches were producing knowledge that could justify their claim to the land as descendants of Indians. They were being encouraged to remember things their grandparents had told them about living under the tutelage of the last Capuchin missionary on São Pedro Island, Frei Doroteo de Loreto. Some said that the Brittos had expelled their grandparents from the island upon the missionary's death in 1878.

As early as 1974, Frei Enoque and his team who regularly visited the sharecroppers were beginning to discuss the history of the mission church on São Pedro Island. There is no written evidence of those early discussions, and by the time I reached the Island in 1998 the old people were no longer alive. However, there is a painting on the wall of the church of a man in religious garb, with a long white beard, a book in his hand, São Pedro Island behind him, a church on the island, the São Francisco River behind the Island, the mountains on the other side of the river, and a characteristic bright blue sertanejo sky. In the lower right corner is the date 1974. To the left of the missionary is a scroll with the following words painted on it: "This land belongs to my *caboclos* (*Esta terra pertence aos meus caboclos*) Frei Doroteu." *Caboclo* is often used in the Northeast to mean any person who is believed to have Indian ancestry and in northeastern recognition petitions sometimes came to be used as a synonym for Indian.

No one living as a Xocó Indian today, including the most militant activist, former chief Apolônio, two of the more recent caciques, and the shaman (*pajé*), Raimundo (of the 1971 labor lawsuit), deny – rather they say with pride – that until Frei Enoque started asking questions and interviewing the old people, they had no idea they might be Indians or descended from Indians. In 1983, Raimundo is reported to have said "We were just meeiros, miserable workers" (Mota 1997:23). In 1998, when I interviewed former chief Apolônio for the first time, he explained,

[When I learned I was an Indian] the emotional impact was very powerful, because I was born and raised on that land. Being a day laborer without education working the land , when suddenly I came to know that I was a person belonging to a community that had a past and that now we have a history. History that I never knew. I had no idea.

Apolônio then expressed the sequence as “after the conflict came the history.” Implicit in these representations of the Xocó story is the notion that by building the mission church and gathering the remnants of the region’s Indians on São Pedro Island, the Church denied them their Indianness, took away their religion, language, and cultural practices and replaced it with Catholicism as a way of life. Paradoxically, in light of events in the 1970s, the Catholic Church also served a preservationist purpose. Due to the shift in the Church’s theological perspective in support of indigenous survival, it provided, and itself became, proof of the Xocó’s existence.

By the time anthropologist Clarice Mota, who has written the only book devoted to the Xocó in English, arrived to collect stories in 1983, the old folks had already recounted them many times. The stories had become streamlined and coherent, making it difficult to know the sequence of knowledge production (i.e. the role of Frei Enoque in reconstructing memories and the impact that the promise of land may have had on the process). However, from the transcripts of interviews conducted by Frei Enoque after 1978, it seems clear that there was a mutual production of public knowledge about the past taking place in the homes of these old sharecroppers. Frei Enoque conducted many interviews in the shadow of the mission church, a reminder that Indians were once subject to a “civilizing” process at this very place.

By the end of the nineteenth century, official registries no longer made reference to Indians in Sergipe, but instead referred to mestiços and caboclos (categories that carried no rights to land or services) (Oliveira 1997). Everyone knew that little remained of their Indianness, and that “their rituals, ceremonies and beliefs [were] a mixture, in various degrees, of indigenous, European and African elements” (Pierson 1972:149). Nonetheless, these sertanejo rural workers chose to pursue their rights to land as Indians, rather than attempting to obtain title through land reform procedures as was being done by other communities in the diocese. In fact, to them such a choice did not arise, in part because the legal conditions for land reform may not have been present, but, more importantly, because the alliances that had grown up around, and motivated, their particular struggle was thoroughly intertwined with the new indigenous rights movement. That movement was supported, and even instigated, by Catholic Church institutions, such as the Indigenist Missionary Council (CIMI - Conselho Indigenista Missionário), founded the same year that Frei Enoque was making his first visits to São Pedro Island. The alliances that supported these backland rural workers who would become the Xocó were part of a “chain of equivalents” (Laclau 1996), a set of discursive dynamics surrounding the particular conditions of possibility that led to connecting indigenous identity to a political struggle for land.

### **Invasion of the Island, Injunctions Notwithstanding**

On September 13, 1978, 22 families crossed the small canal between the Brittos’ mainland ranch and São Pedro Island and, with wire purchased using the proceeds of a cow, they cordoned off a couple of acres on the Island, declaring it un-owned and claiming it as theirs. Three days later, the state military police arrived to control the situation. Lawyers provided by the trade union federation and the diocese arrived three days after that. On that same day, the Brittos informed the governor that they had already received an injunction ordering the families

to leave the Island (Valadares 1978). The Brittos asserted that the Island was part of their mainland property. On behalf of the Church and as a tactic to discredit the Brittos' claim, the bishop announced, "if anyone were to have a claim to possess the land, it would be the Church, which has been there since Capuchin missionaries erected a church and founded a mission among the extinct tribe of the Urumãs."<sup>12</sup> With the Church's new commitment to indigenous rights, such an assertion was a slap in the face to the Brittos, who had been, before the labor-land dispute that had turned ethnic, the bishop's most important supporters.

Since the avowed purpose of invading and enclosing part of the Island was only to plant, at the advice of their lawyers and with the hope that the court would be convinced of their claim to the Island, the workers, now identified in the press and in their self-presentation as descendants of Xocó Indians, returned to the mainland – for the time being. The preliminary injunction won by the Brittos against the invaders began a series of legal actions against and by the workers over the course of the following year. During that time, the undercurrent of law was ever-present in the tactics, plans, hopes, and discourse of the participants (rural workers becoming Indians, the Brittos, the bishop and priest, lawyers, anthropologists, politicians, and the press). In response to the injunction one week after the workers claimed the Island, the bishop invoked the 1973 Indian Statute, which he explained nullified any act or deed by non-Indians purporting to lay claim to indigenous land (Valadares 1978). Within a month, the Church, acting through bishop Dom José Brandão, began its campaign against the Brittos, who in turn threatened local Church leaders. The powerful Britto family viewed the pivotal role played by the bishop in the Xocó's claim to their land as a betrayal that could not be forgiven.

At the end of October 1978, in defiance of the injunction, the diocese sponsored a pilgrimage to the Island, the first of a series of annual pilgrimages to land struggle sites, still

being held 25 years later. The 1978 pilgrimage took place just as the families were consolidating their origin story as Xocó. It attracted hundreds of Church and trade union activists from the region and aggravated the rift between the Brittos and the bishop Dom José Brandão, who had ministered to their family since his arrival in 1960. After eighteen years, the Brittos had come to see their bishop as their mortal enemy. Shortly after the pilgrimage, letters appeared in the Sergipe newspapers in which the Coronel's great-grandson attacked Dom José Brandão for slandering the name of his great-grandfather, and insisting that "the people who invaded the Island are not and never were indigenous."

Elizabeth Britto herself published letters to Dom José Brandão and Frei Enoque in the newspaper citing her constitutional private property rights, placing the responsibility for any damages at the doorstep of Frei Enoque, and threatening unspecified "disagreeable" consequences if the religious leaders were to continue sponsoring and encouraging meetings, festivals, and pilgrimages. One of her sons filed a complaint with the federal police against the bishop accusing him of violating the National Security Law for acts of subversion. Another son, on Christmas day 1978, interrupted a mass in the regional cathedral, yelled offenses at the priest who had referred to the hungry Indians. He strode to the altar accusing Church leaders of being communists and tried to grab the microphone from the priest's hand. The following Sunday, the diocese held a mass in response to the threats with a reported thousand people in attendance, receiving messages of solidarity from bishops around Brazil.

A week after the turn of the new year, 1979, Elizabeth Britto filed a criminal action against her former workers, in which she alleged that they had violently invaded her land and made threats against her family. That same week, the people who were now identifying themselves as "descendants of Xocó Indians" began to receive national attention. Weary of



waiting for the court to rule on the Brittos' lawsuit and in defiance of the preliminary injunction still in force, on September 9, 1979, the Xocó families moved onto São Pedro Island. They claimed ownership "from time immemorial" and refused to leave. This dramatic action, supported by the Church, the rural workers' union, and local activists, marked a key moment for these workers in their transformation from peasants to caboclos to Indians. To commemorate the event and their newly-claimed status in the nation's body politic, they planted a Brazilian flag on the shore.

Significantly, only after the Island had been invaded and a land claim made was there talk of calling upon the government to recognize them as an indigenous tribe. As cogently stated by the chief of the tribe downriver, "an Indian without land is not an Indian." First came land, then identity, because in Brazil an Indian without land is at best "civilized" and at worst a caboclo. Land is intrinsic to indigenous identity and recognition is a package deal: no land, no indigenous status. Even though FUNAI, the national indigenous agency, had sent an anthropologist earlier that year for a few days, it was only after the definitive occupation of the Island, that FUNAI sent a lawyer, regional agent, sociolinguist, and another anthropologist to investigate the claim. In October, the anthropologist returned to conduct a genealogical survey and a more extensive study of the people now living on the Island. In November 1979, FUNAI intervened in all the pending lawsuits asserting that the local court lacked jurisdiction over the federally protected Xocó. This was the first official act of recognition.

A few months later, the governor ordered the state of Sergipe to purchase the Island from the Brittos, some say at an exorbitant price, and donate it to the federal government to become the Xocó reserve. It would take another twelve years, the end of the military government, national indigenous meetings on the Island, and a four-month occupation by the Xocó of the

regional FUNAI headquarters for the mainland ranches to be expropriated and added to the reserve. That same year, 1991, the Brazilian census bureau added “indigenous” to “black, white, brown, and yellow” as a possible response to the newly rephrased question: “What is your race or color?” (Nobles 2000:121).

### **“From Written Law to Lived Law”<sup>13</sup>**

Invoked by the bishop, the anthropologists, and the lawyers involved in the Xocó case, the new definition of “Indian” in Law 6,001 of December 19, 1973, known as the Indian Statute, served as the basis for their argument that African-descended people (some of whom were sometimes referred to as *caboclo*), like the Brittos’ sharecroppers, were Indians with rights to land, federal protection, medical care, and benefits. Significantly, Frei Enoque’s early work with the sharecroppers coincided with the enactment of the new definition (Art. 3): “Indian or forest dweller (*silvícola*) is every individual of pre-Columbian origin and ancestry who identifies himself and is identified as belonging to an ethnic group whose cultural characteristics distinguish him from the national society.” Prior to the enactment of this provision, Brazilian constitutions and statutes referred only to “forest dwellers” and neither used the term Indian nor provided a definition. A statutory definition was not necessary because lawmakers and anthropologists alike assumed that the only indigenous groups in Brazil were isolated Amazonian tribes each with its own language and culture. However, in the early 1970s, while the military government’s indigenous policy was undergoing revision,<sup>14</sup> anthropology was beginning to reconsider the meaning of ethnicity.

In addition to the general definitional provision, which was entirely new, the statute largely codified previous anthropological assumptions about indigenous peoples: depending on the degree of contact with Brazilian society, Indians were classified as more or less assimilated

or integrated into that society. If they were considered fully integrated into Brazilian society, they were considered no longer to be Indians. The indigenist goal that was reinforced by the language of the 1973 Indian Statute was the eventual integration of all Indians into “civilized” society. Since the mid-1980s, some anthropologists (Oliveira 2000:210; Ramos 1998) have come to see this formulation as a continuation of Portuguese colonial practices and a re-elaboration of the mythical dichotomy between “wild” and “tame” Indians. According to this ideology, Indians were set on an evolutionary scale distinguished by the degree of contact they maintained with society: isolated, intermittent contact, permanent contact, and eventually integrated, as codified in Article 4 of the Indian Statute.<sup>15</sup>

However, in the process of its application, as exemplified by the case of the Xocó and the many other northeastern Indian recognition proceedings, the definition in Article 3 of the statute came to be used independently from the provisions of Article 4, which defined the stages of acculturation. I believe that such an independent application was more along the lines intended by the anthropologists who had assisted the lawmakers in drafting the statute. They had drawn upon the work of one of Brazil’s best-known anthropologists, Darcy Ribeiro. Although Ribeiro did not completely reject the stage approach to the contact and assimilation question, he was an early proponent of shifting the definition of Indian from Brazilian anthropology’s perspective on traditional tribal customs among unassimilated groups based on descent to a focus on self-identification and cultural characteristics (Carneiro da Cunha 1986).<sup>17</sup>

Influenced by the work of Fredrik Barth (1969), this new way of thinking opened the door for the identification and recognition of Indians in an “acculturated” setting, such as the newly recognized northeastern tribes. Barth is best known for his revision of ethnicity theory. He critiqued the traditional notion of cultural traits as the defining characteristic of ethnic groups

and instead proposed that boundaries and identification in opposition to other groups were key concepts in understanding how ethnic groups are constructed and maintained. Boundaries are constituted as people and cultural information cross them, while the character of the boundaries differ depending on which differences are being emphasized in a given situation. For Barth, ethnicity was the social organization of difference and hence had to be differentiated from a bounded notion of culture and culture traits.

Barth's 1969 revision of the theoretical landscape of ethnicity produced practical consequences in Brazil. So much so that one sociologist has dubbed it the "Barthean Break" (Warren 2001), which he correctly points out created options for caboclos that had not existed under previous theoretical paradigms. Warren (2001:215) rejects the 1973 Indian Statute as a product of "savage anthropology" and argues that the "legal definition of Indianness remained unaltered." He does not, however, reflect on the opportunities provided by the new definitional provision, nor does he consider how the implementation of the statute has changed the nature of Indianness in Brazil since its enactment. I contend that with the new emphasis on self-ascription and subjective perceptions of sameness and difference, the ethnic identification of indigenous Brazilians came to be seen as flexible and contextual, thus allowing for the fluidity that can start with, and are buoyed by, notions of mestizaje.

Because I view law as an expandable and prismatic phenomenon, I consider the statutory definition of Indian as presenting an opportunity that was used, acted upon, and whose meaning has remained elastic (French 2002). It is worth noting in this context that the 1973 Indian Statute, as it was written, assumed that Indians had cultural distinctiveness, but did not explicitly mention race or racial characteristics as conditions of Indian categorization. As seen above, Article 3 uses the language of "pre-Columbian origin and ancestry," self-identification with an

“ethnic group,” and “cultural characteristics.” In practice, since its enactment, the “origin and ancestry” clause of Article 3 has been finessed, at least in part because of the universal Brazilian belief that almost all rural people (and maybe all Brazilians) have some Indian ancestry along with African and Portuguese. Paradoxically, in light of the spate of indigenous recognitions of groups that could (and perhaps should) be classified as “integrated” under the terms of Article 4, it is precisely Article 4, with its potential and legally permissible transformation of ethnic Indians into non-Indians that requires the “origin and ancestry” clause of Article 3 to be virtually ignored as a potential racial requirement.

Although race and ethnicity are “interpenetrating” systems that “might chameleon-like, slip in and out of one another” (Silverblatt 2004), because ethnicity in the form it takes in the Indian Statute has not been linked to race, the statute actually facilitates the decoupling of ethnicity from a more rigid notion of race as tied to blood and biology. The Indian Statute was therefore available to serve as the basis for over thirty recognitions of indigenous groups that had long been considered assimilated, without any distinct languages or rituals, whose racial identification (largely black), if considered, would have disqualified them from classification as Indian. The non-static nature of the law in this case provides a perfect interface with the effects of the fluidity of racial and cultural mixing, showing that law’s interpretation can, and often does, implement, or perhaps accommodate, the double-edged sword of *mestizaje*.

## **Conclusion**

Brazilian anthropologist Darcy Ribeiro (1970:254), following Barth, proposed that self-ascription and differentiation from others who consider themselves to be non-indigenous were key criteria for indigenous identification. Ribeiro asserted that despite integration into the larger society, they remained Indians. Darcy Ribeiro’s influence can be seen in the first

anthropological report filed with FUNAI in the Xocó case. By the time anthropologists were called in to examine the nature of Xocó identity, the struggle for land and governmental support had begun to cement the differentiation of the invading families from surrounding communities. In spite of the simultaneous claim to be workers under federal labor legislation, in May 1979, the headlines read “Indians in Misery” and the newspapers reported that the Church had reaffirmed its position in favor of land for groups claiming indigenous status. The question of identity was being fought out in the courts and in the press. As a result of the increased pressure, FUNAI sent anthropologists to the area, the first of whom opined that the people who invaded the Island were Indians even though they were “culturally discharacterized” and thus no different from the rest of the population. Nonetheless, she wrote, the tribe’s “members share specific cultural values and want to revitalize their ethnic identity” (Rick 1979).

Shortly after that opinion was filed, another anthropologist spent a week on the Island and filed a report that served as the basis for legal recognition. That report was filed in every court proceeding as evidence that the statutory definition was indeed fulfilled. The anthropologist explained that the people who invaded the Island did not have even the remnants of an indigenous language, were strict adherents of Catholicism, and had only recently acquired the toré and jurema ceremonies from other northeastern tribes (Melatti 1979). She also observed that it was “possible that facts of identity were manipulated by some of the families out of fear that they would be removed from the Island if they did not have indigenous ancestry.” Even with these observations, FUNAI and the courts recognized the Xocó as Indians under the 1973 statutory definition, which was cited and discussed at length in each of the briefs and opinions. Just as Frei Enoque and the old folks together produced the knowledge that led to the invasion of

São Pedro Island, so one can see in the lawyers' briefs and in the anthropologists' reports the production of a new kind of knowledge – one that included the law and its interpretation.

In this article, I have argued that the hegemonic concept of *mestizaje* is integral to analyzing the constitution of new claims to indigenous identity in northeastern Brazil where those making such claims are African-descended, mixed race people without indigenous languages or cultural practices. As expressed by Charles Hale, Carol Smith, and Jeffrey Gould, *mestizaje* can refer “both to the outcome of an individual or collective shift away from strong self-identification with indigenous culture and to the myth of cultural homogeneity” imposed from above as part of nation building in Latin America, but it can also be “useful in theoretical terms because it emphasizes the openness, fluidity, and multiplicity” of identities (Gould 1998:10). If the meanings of the identities that result from the process of *mestizaje* are imagined as a continuum with “complete suppression of Indianness” at one extreme, the recognition of tribes such as the Xocó of the Brazilian Northeast is an example of the other – “a simultaneous affinity with multiple cultural traditions not completely compatible with one another” (Gould 1998:11). In this way, *mestizaje* can become an analytical tool used to conceptualize an alternative model of indigenous identity making that allows for the effective choice to identify with the indigenous strand of a mestizo identity.

## NOTES

1. The Brazilian Northeast is a nine-state region with a fertile coast and a large, semi-arid interior. Vast stretches of the Northeast (twice the size of Texas, 18% of the total territory of Brazil), which contains nearly thirty percent of Brazil's 170 million people, are chronically subject to drought. The Northeast contains over half of the country's poor and two-thirds of the rural poor. The semi-arid interior or backland of this poorest region of Brazil is commonly known as the *sertão*, often invoked as the seat of messianic movements, bandits, paternalistic politics, peasant uprisings, unremitting poverty, drought, and an eerie countryside with little vegetation other than thorn scrub, cactus, and large expanses of savanna.

2. The spate of indigenous recognitions that continues into the present is attributable to a number of factors, including the linkage of Indianness to the promise of land by the state, important changes in the Catholic Church's indigenous policies, and revisions to the definition of "Indian" in academic, legal, and social movement circles. Although there is not a simple correlation between democratization and openness to new ethnic identifications, what began under the dictatorship (1964-1985) as policies tied to national security provided an opportunity for democratic forces to advance the cause of land reform on multiple fronts. At the same time, the surge in indigenous recognitions in Brazil runs parallel to the increased interest in rights for native peoples in the rest of the Western Hemisphere. The movement rapidly became internationalized leading to the establishment of a U.N. Working Group on Indigenous Populations in 1982 and a redefinition of indigenous people in 1989 (ILO Convention 169) that removed assimilationist assumptions (Hodgson 2002:1038). Amazonian indigenous peoples became involved in national and international politics of identity and aided the incipient groups in the Northeast as well.



3. According to Brazilian anthropologist Alcida Ramos (1998:5-6), “in Brazil [the term] Indian has gone through phases of denigration and of regeneration. The indigenous movement of the 1970s and 1980s reappropriated the term and infused it with a substantial dose of political agency.” Janet Chernela (personal communication) explains that the term “Indian” is imposed by the state and when it is accepted and used by indigenous people, it is a means of articulation with the state. It should be noted that the Xocó people discussed in this article refer to themselves as Indians, as does the democratic Constitution of 1988.

4. Almost twenty years after the Xocó were recognized as Indians, their kinfolk in the neighboring village of Mocambo were recognized as a descendant of fugitive slave community under the 1988 Constitution, also in connection with a land struggle (see French 2002).

5. The toré is a collective dance performed by both men and women, with the men dressed in a mask and skirt made of plant fiber concealing the dancers’ identities who “become” spirits of Indians who have voluntarily left the world by “enchantment” to join protector spirits (Arruti 1998:106). In the case of the Xocó, leaders appealed to the Kariri-Xocó, a tribe in the neighboring state that had been recognized much earlier, for help in regaining their cultural heritage, including the toré, jurema ceremonies, ouricuri (secret ceremonies), and tribal leadership structure, and some contacts were facilitated by the Catholic Church and a visiting anthropologist, although rivalry between the groups meant that such contacts were discontinued shortly after recognition of the Xocó. Such passing along of indigenous knowledge is common in the Northeast, sometimes seen as “giving the seed” to newly reconstituted tribes that have forgotten as a result of mixing and prohibitions by landowners (Arruti 1998:113).

6. In Brazil, Indian land is held by the Brazilian government in perpetuity for the benefit of the tribes, who do not hold title, but have the right of possession (of the surface, but not the subsoil).

By contrast, in the case of the approximately thirty rural black communities recognized as descended from fugitive slaves, land is given to the community, titled in the name of the community association and not retained by the government (French 2003). However, in both cases, complications arise when lands are already owned privately or are also subject to environmental laws that require ownership by the federal environmental agency.

7. João Pacheco de Oliveira Filho (2000:194) has explained the myth of racial democracy in Brazil as follows: The “national political imagination resolved the indigenous question by creating a myth about the origin of the Brazilian people.” It was presented as the result of intermarriage between Portuguese settlers, African slaves, and the native population. The *mestiço* was considered the synthesis of these three cultures. Racial democracy involves two moves. First, “diversity is made absolute and is mythified and distorted. The three races are placed on a horizontal plane, equally cited as founders of the Brazilian nationality...everyone, though distinct, recognizes their part in the creation of the Brazilian people.” Second, “the valorization of this diversity is replaced by its denial. Racial mixing is praised as the solution to racial conflicts and social contradictions. A common platform is created that removes cultural differences and temporarily abolishes social asymmetries. Emphasis is placed on mobility, assimilation, and miscegenation is used as the medium for the growth necessary for a modern and democratic society.”

8. Wade most often addresses his goal of lessening the divide between theories of race in the United States and Latin America to the question of blackness. However, in *Race and Ethnicity in Latin America* (1997:19-21, 37-39), he extends his argument to Indians as well as blacks (without acknowledging that the two categories may not be mutually exclusive) by rejecting the longstanding practice of considering Indians under the rubric of ethnicity rather than race. He

asserts that both blacks and Indians should be seen as racial identifications, even though he admits that they are inserted in different ways into the “structure of alterity.”

9. Field (2002:20-21) uses the term “re-Indianization” in relation to Nicaragua and Mexico. He proposes that “mestizaje studies, configured as part of a position of alliance with indigenous peoples, would likely result in reclassifying mestizo identities on different terms.” In the case of the Zapatista movement, its appropriation of Mexicanness “inscribes Indian identities as central” offering “the possibility for a ‘re-Indianization’ of mestizos.”

10. Indians are considered wards of the state, legally defined as “relatively incapable” (Ramos 1998:98). Although tribes are in possession of indigenous reserves, Indians are not permitted to own property. They cannot sue or be sued, nor can they be prosecuted. Although there have been proposals to eliminate state wardship, none have been implemented, primarily out of fear that without wardship the government would withdraw essential services and indigenous land possession would be jeopardized.

11. The development of liberation theology as a social movement in Latin America is generally attributed to a “convergence of changes within and without the Church in the late 1950s,” a “complex evolution of links between religious and political cultures, in a context of modernization and intense social and political conflict” (Löwy 1996:40,2). Internally, new theological currents inspired by European experiences during World War II culminated in the pontificate of John XXIII (1958-63) and the Second Vatican Council (1962-65), which began to systematize new concerns with inequalities and social justice that were already afoot. Reaching a head with the Cuban Revolution in 1959, social struggles took off in the rest of Latin America. These were some of the conditions that made possible the “radicalization of Latin American

Catholic culture” (Löwy 1996:41) which led to liberation theology described by Phillip Berryman (1987:6) as “one manifestation of a worldwide movement for emancipation.”

12. Missionaries occupied the island prior to 1822. On the wall next to the church pulpit there is a sign that reads “Frei João Berardi, Capuchin Missionary, died on this Island in the year 1807.”

The church may have been built as early as the seventeenth century (Melatti 1979).

13. “Da Lei Escrita para a Lei Vivida” is a subtitle in the 1952 Declaration of Archbishops, Bishops and Prelates of the São Francisco Valley. In this early manifestation of what would become part of liberation theology doctrine, the bishops argued for a program that would give land to the poor, and improve the economy, life, health, and technical preparation of the rural population.

14. Indigenous land rights took shape only when the military government, at the height of its repressive period, began a concerted expansion into the interior. It is generally accepted that the military was motivated by a perceived need to occupy the Amazon with Brazilians. The best way to rationally order Amazon development, they felt, was to remove Indians from the “path of progress” and to place them in specified, legally demarcated territories (Schwartzman, Araújo, and Pankararú 1996:37). Since property relations in that region were murky, the demarcation of indigenous land would also serve the purpose of creating marketable title. The success of the military’s policy is reflected in the increase of indigenous areas initiated under military rule: in 1967 only 10% of indigenous lands had been recognized; by 1996, 205 indigenous areas, covering 106 million acres had been registered (Schwartzman, et al 1996:39). The military’s policy is considered an attempt to consolidate and centralize federal power vis-a-vis regional and state elites in traditional indigenous regions, such as Amazônia Legal (5 million kilometers or two-thirds of Brazilian national territory), historically considered “vulnerable to foreign invasion

and communist infiltration” (Garfield 2000:542). Since the democratic opening in 1985, more land has been designated. The FUNAI website in 2001 included land that had been identified for demarcation as a total of 441 indigenous areas, covering 244 million acres (99 million hectares or 11.58% of national territory. Moreover, the indigenous population of Brazil had from 100,000 in 1970 to 350,000 in 2000.

15. Article 4 contains three classifications of indigenous communities: isolated, integrating, and integrated, reflecting the assimilationist perspective of the government at the time. The last of the categories, would allow FUNAI to “declare an entire community as integrated [into Brazilian society] upon the request of its members” (Singh 2002:60). Notably, this has never been requested by a tribe and has never been initiated by the government.

17. Manuela Carneiro da Cunha (1986:117) has commented that the development in anthropological theory away from essentialist definitions of ethnicity, attributed to Fredrik Barth’s 1969 essay and to the work of Darcy Ribeiro, was influential in the drafting of the new statutory definition of Indian. However, in 1987, in her efforts to influence the preparation of the new, democratic Constitution, she (1987:22) was critical of the 1973 definitional sections of the statute, focusing on the question of “integration” and “assimilation,” the confusion of the two, and their meanings in late twentieth century Brazil. She pointed out that cultural spaces can vary in time and space without affecting the identity of a group; culture is dynamic and perpetually re-elaborated (1987:25). This is the perspective that has prevailed in relation to northeastern Indians, who would formerly have been considered too acculturated to be classified as Indians.

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