Ana Carolina Alfinito Vieira

Social Movements and Institutional Change

The Pro-Indigenous Struggle for Land Tenure and
Citizenship in Brazil (1968–2016)

Studies on the Social and Political Constitution of the Economy

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Abstract

Based on the analysis of a multi-level and inter-sectoral trajectory of pro-indigenous mobilization in Brazil, this dissertation examines how social movements contribute to gradual and long-term processes of institutional change. To do so, it draws on social movement theory, pragmatist institutional theory and cultural sociology to develop a dynamic model of mobilization and institutional change that foregrounds the organization of society within multiple and partially overlapping institutional sectors and emphasizes the dynamic and recursive interactions between movements and ever-shifting institutional contexts of action. This model is deployed in the analysis of a long-term trajectory of mobilization over indigenous land tenure and citizenship rights in Brazil from 1968 until 2016. The trajectory is composed of seven episodes, each of which is characterized by a constellation of repertoires, sites and targets of contention. I analyze the institutional, organizational and cultural outcomes of these episodes, examining how they add up to landmark moments in which institutional contexts of mobilization change significantly and mark a transition between periods of contention. By examining and comparing across these episodes, I identify two social mechanisms, understood as recurrent social processes linking initial conditions to outcomes, which were central for the movement's ability to influence processes of institutional change: (a) the formation of inter-sectoral networks of contention and (b) institutional framing. I use the term inter-sectoral network formation to refer to processes through which ties of cooperation and mobilization are constructed and activated by actors situated across institutional sectors in the midst of contention. By incorporating different institutional repertoires into the movement and opening up multiple channels of claim-making, this mechanism increases the responsive capacity and the resilience of movements vis-à-vis shifting contexts of action. I use the term institutional framing to refer to the collective and public processes through which activists attribute and dispute the meaning of society-wide institutional elements that are relevant for their goals. By framing institutions, many of which ensue from previous episodes of contention, movements contribute to institutional innovation and produce a sense of continuity between different episodes, periods and sectors of mobilization.

About the author

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Studies on the Social and Political Constitution of the Economy

Social Movements and Institutional Change:
The Pro-Indigenous Struggle for Land Tenure and Citizenship in Brazil (1968-2016)

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Based on the analysis of a multi-level and inter-sectoral trajectory of pro-indigenous mobilization in Brazil, the present study sets out to examine how social movements contribute to gradual and long-term processes of institutional change. To do so, it draws on social movement theory, pragmatist institutional theory and cultural sociology and develops a dynamic model of mobilization and institutional change that foregrounds the organization of society within multiple and partially overlapping institutional sectors and emphasizes the dynamic and recursive interactions between movements and ever-shifting institutional contexts of action. This model is deployed in the analysis of a long-term trajectory of mobilization over indigenous land tenure and citizenship rights in Brazil from 1968 until 2016. The trajectory is composed of seven episodes, each of which is characterized by a constellation of repertoires, sites and targets of contention. I analyse the institutional, organizational and cultural outcomes of these episodes, examining how they add up to landmark moments in which institutional contexts of mobilization change significantly and mark a transition between periods of contention.

By examining and comparing across these episodes, I identify two social mechanisms, here understood as recurrent social processes linking initial conditions to outcomes, which were central for the movement's ability to influence processes of institutional change: (a) the formation of inter-sectoral networks of contention and (b) institutional framing. I use the term inter-sectoral network formation to refer to processes through which ties of cooperation and mobilization are constructed and activated by actors situated across institutional sectors in the midst of contention. By incorporating different institutional repertoires into the movement and opening up multiple channels of claim-making, this mechanism increases the responsive capacity and the resilience of movements vis-à-vis shifting contexts of action. By institutional framing, I refer to the collective and public processes through which activists attribute and dispute the meaning of society-wide institutional elements that are relevant for their goals. By framing institutions, many of which ensue from previous episodes of contention, movements contribute to institutional innovation and produce a sense of continuity between different episodes, periods and sectors of mobilization.

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Abbreviations and acronyms

ABA	Brazilian Association of Anthropology
ABRA	Brazilian Association for Land Reform
ANAI-BA	National Association of Indigenist Action
ANAÍ-RS	National Association for Indigenous Support of Bahia
ANSC	National Association of Social Sciences
APROSOJA	Association of producers of Soy of Mato Grosso do Sul
CCPY	Pro-Yanomami Commission
CDPAS	Centre for Documentation and Research of the High Solimões
CEDI	Ecumenical Centre for Documentation and Information
CELAM	Latin American Episcopal Council
CGT	Central Worker´s Central
CIB	Israelite Confederation of Brazil
CIMI	Indigenous Missionary Council
CNA	National Confederation of Agriculture
CNBB	National Conference of Bishops of Brazil
CNJ	National Justice Council
CONAGE	National Coordination of Geologists
CONTAG	National Confederation of Workers in Agriculture
CPI-AC	Pro-Indian Commission of Acre
CPI-SP	Pro-Indian Commission of São Paulo
CTI	Centre for Indigenous Work
CUT	Unified Worker´s Central
FAMASUL	Federation of Agriculture and Livestock of Mato Grosso do Sul
FUNAI	National Indian Foundation
INESC	Institute for Socio-Economic Studies

MDB	Brazilian Democratic Movement
MPF	Federal Public Prosecutor´s Office
MST	Landless Worker´s Movement
NCA	National Constitutional Assembly
OPAN	Operation Anchieta
PKN	Kaiowá-Ñandevá Project
PMDB	Party of the Brazilian Democratic Movement
PPT	Pai Tavyterã Project
PSOL	Socialism and Liberty Party
PT	Worker´s Party
SBPC	Brazilian Society for the Progress of Science
SPI	Service for the Protection of the Indian
STF	Federal Supreme Court
TERRASSUL	Department of Land and Colonization of Mato Grosso do Sul
TRF	Federal Court of Appeals
TWG	Technical Working Group
UNI	Union of Indigenous Nations
OAB-RJ	Association of Lawyers of Rio de Janeiro
OAB-SP	Association of Lawyers of São Paulo

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Chapter 1. Introduction

March 10th 2014 marked an important date for the Terena Indians in Mato Grosso do Sul (MS), a state situated in the Midwestern region of Brazil. This was the day on which Luiz Henrique Eloy Amado, a Terena Indian and lawyer from the village of Taunay-Ipegue, defended his graduate dissertation and thereby obtained a prestigious academic title that, with few exceptions, had historically been reserved for white elites in Brazil. The event was an act of academic significance and political defiance. Not only did Eloy´s dissertation explore the history of territorial dispossession inflicted upon indigenous communities in the region, but its defence took place on a territory which was being intensely disputed by Indians and landowners. Together with his supervisors and the Dom Bosco University, Eloy had arranged for the event to occur on a parcel of land referred to by the Indians as a "reclaiming", that is, a territory which had been contentiously occupied by indigenous groups in the midst of territorial disputes. Up until the reclaiming, the land in question had been under the domain of farmers and used for cattle ranching, but the Terena asserted that it was part of their traditionally occupied territory and that the Indians were entitled to it. In referring to the land as a *re*claiming, the Terena emphasized the anteriority of their possession over the territory and signalled that they were only taking back that which had one day been theirs. The goal of the dissertation defence was to raise support for the reclaimings and for indigenous mobilization in the region. The farmer which had been driven off the land by the occupation did all she could to keep the dissertation defence from taking place. But she did not succeed. Eloy´s research was presented to an audience comprised of local indigenous communities, regional indigenous leaders, university professors, government agents, lawyers, and, not least, a group of international graduate students – including myself – who were interested in understanding the dynamics of land disputes in the region.

From 2000 until 2015, over 100 land reclaimings have been carried out by indigenous groups in the state of Mato Grosso do Sul (MS), making it the state with the largest number of reclaimings in Brazil.[1]

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[1] For an overview of the land occupations carried out by indigenous groups as well as by other land-related social movements in Brazil see CPT (2002, 2004, 2005, 2006, 2007, 2003, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016) and LABET (2014).

The Terena Indians alone have reclaimed over 35,000 hectares of land only from 2013 until 2016. Reclaimings have become a visible and disruptive form of claim-making deployed to challenge territorial boundaries and underlying social arrangements that have been institutionalized for decades. They are part of territorial disputes that have become common in MS, and are directly linked to the broader institutional contexts in which they take place.[2] The Brazilian Federal Constitution of 1988 recognizes the right of indigenous peoples to what it calls their traditionally occupied lands, a legal concept whose definition and limits are, like the land itself, highly disputed. The term was appropriated by indigenous groups and pro-indigenous activists to challenge territorial boundaries imposed through historical processes of territorial expropriation of indigenous peoples in Brazil. Given the government´s reluctance to demarcate the territories claimed as traditionally occupied, the Terena started to enact their territorial rights by reclaiming their land.

But the land reclaimings carried out by indigenous groups are only the tip of an iceberg, constituting the most visible part of an extensive, inter-sectoral and contentious social movement network involving indigenous groups, anthropologists, lawyers, missionaries, human rights organizations, bureaucrats and researchers. Over the past decade, these actor groups have all somehow supported the Terena Indians in (re)gaining access to their territory. They each contributed in different ways to the disputes: public lawyers defended the territorial claims of indigenous groups in court, anthropologists carried out studies that identify the extension of traditionally occupied territories, human rights organizations provided support for indigenous associations, and Terena leaders kept alive local arenas of mobilization and deliberation. It is because of the sustained involvement of these different actor groups in contention that I do not refer to *indigenous mobilization* but rather to *pro-indigenous mobilization* - not all activists share an indigenous identity, but they all share a political goal of improving the livelihood and consolidating the citizenship of indigenous peoples. Moreover, and despite such alignments, these actors have diverged significantly on the means and concrete ends to which they mobilize. Constructing and maintaining collaboration and recognition amongst them has proven to be one of the biggest challenges faced by movement activists.

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[2] Land reclaimings are most prominent in Mato Grosso do Sul, but they have also become a prominent form of claim-making deployed by indigenous groups in states such as Bahia, Mato Grosso, Pará, São Paulo, Rio Grande do Sul, Paraná and Santa Catarina (Comissão Pastoral da Terra, 2002-2016). Therefore, the contentious events and processes analyzed in MS are of broader significance, affecting indigenous communities and landowners throughout the Midwest, South, Southeast and Northeast of Brazil.

Over the past decade, the Terena have become protagonists in constructing and sustaining this web of alliances. By reclaiming territories, Terena leaders and communities signal what they consider to be their territories, disrupt existing territorial boundaries, and activate networks of allies to engage in contention. This form of indigenous leadership within inter-sectoral networks is novel and directly linked to the institutional order inaugurated by the Federal Constitution of 1988, which recognized, for the first time in Brazilian history, the right of indigenous groups to self-organize and to represent their own rights and interests without third party mediation.

I refer to the situation described above as the *socio-territorial situation of the reclaiming*, which has consolidated itself in the northern region of Mato Grosso do Sul over the course of the past 15 years. I use the term *socio-territorial situation* to refer to a concrete and historically-situated configuration of three interrelated elements: forms of territorialization (which include the signification, allocation and use of territories), forms of political claim-making, and institutional contexts. The situation of the reclaiming is characterized by the following configuration: a) expansive territorialization of indigenous communities through processes that question and overflow previously existing territorial boundaries; b) inter-sectoral contention over territories involving multiple organizations in which indigenous groups play a leading role; and c) a formal institutional framework which recognizes the value of ethnic minorities and their forms of social organization and territorialization.

The situation of the reclaiming contrasts significantly with the state of territorialization, claim-making, and institutional context not more than three decades earlier. Still in the late 1970´s and early 1980´s, Terena Indians in MS had very different – and much more limited - means through which they could fight for their territories. The land historically inhabited by the Terena, as well as by other indigenous groups of the region, had been progressively taken from them and transformed into pastures in the early to mid-20th century. Since then, the Terena had been confined within indigenous reservations, minuscule parcels of land established by the federal government with little regard to traditional forms of indigenous land occupation (Ferreira 2014, 2009, Vargas 2003). In total, 8 reservations adding up to roughly 23,000 hectares had been established for the Terena in MS (Oliveira 1976, 1968). The reservation of Indians freed up land and opened the way for the expansion of the agricultural frontier. It also allowed the federal indigenist bureaucracy to more effectively govern the lives of indigenous peoples, accelerating the process of "civilization" and "integration" of indigenous groups into national society.

Underpinning this form of territorialization was a system of thought which was deeply rooted in orthodox positivism and which asserted that Indianness was a backward and transitory form of identity, bound to disappearance through progressive integration into a national, homogenous society (Ramos 1998, Warren 2001, Cunha 2012b, Lima 1995). The reservation was meant to be as transient as indigenous identity, lasting only as long as it took for Indians to be integrated into the nation. This system of thought underpinned the state-led institutional regime which governed the interethnic field, called the tutorship regime. The latter classified Indians as wards of the state and placed them under the tutorship of the federal indigenist bureaucracy, which substituted for the Indian in the expression of their rights and interests and sought to mediate all interactions between indigenous groups and broader society.

Under the tutorship regime, the federal indigenist bureaucracy controlled access to indigenous communities. It sought to organize the Terena to serve as the cheap rural workforce for surrounding farms. The only other actor groups which contacted the Terena were proselyte missionaries, who sought out the conversion of indigenous peoples to protestant or catholic faith, and local landowners, who deployed indigenous labour on their estates. None of these actors supported the territorial demands of the Terena. Moreover, the Indians could not form associations nor directly represent their interests without the mediation of the federal indigenist bureaucracy, which was their tutor and representative. As disenfranchised wards of the state, it was difficult for the Terena to systematically contest processes of territorial dispossession. But there *was* protest and mobilization. Throughout the decades, Terena communities demanded that the state prevent farmers from encroaching upon the reservations which had been demarcated for them. Their claims were more protective – i.e. seeking to ensure the integrity of the reservation – than expansive - i.e. seeking to ensure access to land beyond the reservation. In addition to this, resistance to reservation took the form of concealed acts of everyday defiance – crossing the borders of the reservation to hunt and collect honey, maintaining alive the memories of life before reservation (Azanha 2005, Ferreira 2014). In contrast to the situation of the reclaiming described above, I call this the *socio-territorial situation of the reservation*. It is characterized by a) indigenous territorialization within small land parcels established by the state; b) protective and isolated land claims, coupled with everyday forms of resistance; and c) the institutional framework of the tutorship regime.

The stark contrast between forms of territorialization, mobilization and institutional contexts in the two situations described above raises important questions about the processes through which such transformations occurred (see table 1). How can we explain the transition from the situation of the reservation to the situation of the reclaiming? Which social processes and mechanisms mediated between these two historical configurations? And what can these processes tell us about the way in which societies change more generally? The present study develops the argument that the mobilization of an ever-shifting pro-indigenous movement has, over the course of nearly five decades, contributed significantly to the social transformations described above. It did so by affecting incremental instances of change in multiple institutional sectors – the media, religion, science, the state bureaucracy, the judiciary - and by weaving these instances together into broader trajectories of mobilization and institutional change. To trace how this occurred, it is necessary to look beyond the local engagements of Terena Indians and investigate also the broader, multi-scale and multi-sited, processes of mobilization which have impacted the field of indigenism in Brazil. It is these long-term dynamics of mobilization and its contributions to institutional transformation that the present dissertation sets out to systematically analyse and explain.

Table 1. Situation of the reservation and situation of the reclaiming: Main characteristics

Elements of historical situation	Situation of the reservation	Situation of the reclaiming
Form of territorialization	Small land parcels imposed by the state.	Expansive territorialization by means of reclaimings.
Form of claim-making	Protective and isolated.	Expansive and inter-sectoral.
Institutional context	Indigenous tutorship regime.	Recognition of indigenous forms of organization and cultures.

The trajectory of pro-indigenous mobilization analysed in this study stands for a paradigmatic case of long-term and inter-sectoral social movement processes and their contributions to institutional change. Investigating the transition from the situation of the reservation to that of the reclaiming and

the role played a social movement in its unfolding sheds light on a set of important theoretical questions which are still to be systematically analysed by existing scholarship: how do movements contribute to long-term and gradual processes of institutional transformation? What dynamics and patterns of mobilization enable the movement to engage in such processes? What types of incremental outcomes does mobilization contribute to, and how are these outcomes woven together into broader trajectories of transformation in the institutions that govern society? By systematically addressing these theoretical inquiries in the study of pro-indigenous mobilization, I hope to contribute to the growing literature that investigates the mechanisms through which social movements contribute to the transformation of societies (Bosi, Giugni, and Uba 2016, King and Pearce 2010, Kolb 2007, Andrews 2004, Clemens 1997).

1.1 Mobilization and social transformation

The literature currently offers different approaches to addressing the empirical and theoretical questions presented above. In the present section, I briefly describe three of these approaches and depict their theoretical shortcomings. The first approach is that of world policy theory, the second is that of political process theory within social movement analysis, and the third is offered by branches of institutional theory which have incorporated the study of social movements into investigations of institutional change. After presenting these approaches, I describe the framework I adopt to investigate mobilization and institutional change and explain to how it addresses some of the shortcomings encountered in the literature.

Proponents of world polity theory look towards transnational institutional processes to explain instances of institutional change (Boli and Thomas 1999, Meyer, Boli, and Thomas 1997). In this theory of societal transformation, change comes from "above", not only in the sense that moral imperatives and institutional forms emerge beyond the boundaries of non-European nation states such as Brazil, but also in that they are advanced by actors and organizations endowed with significant resources and authority. Change results from interactions between states, international organizations and transnational networks of legal and policy experts. Conflict and contention "from below" play no role, with processes of standard-setting, benchmarking and diffusion taking the lead in advancing institutional transformation. In this view, the adoption of policies and institutions

reflects system-wide structures, values, and visions of order that emerge in the West concomitant with modernization. Change is conceptualized as the enactment of taken-for-granted templates and models rooted within modern Western social order. These elements diffuse through the world by means of structures and practices to which organizations must conform to be validated as legitimate and through the constitution new categories of thought, problem-solving and justice which render only certain problems or solutions thinkable.

In this theoretical approach, forms of social organization which recognize cultural difference and empower minority groups to seek out rights, recognition, and corresponding material entitlements are taken to reflect shifts in Western institutions and ideals of justice and equality. In his study of transnational multiculturalism, for instance, Kymlicka (2007) argues that contemporary forms of liberal recognition first took form in Europe in the 20th century as states struggled to deal with waves of immigration and sought to address demands for recognition of identities emerging within national borders. These processes, so the author argues, led to a shift in the way principles of justice and equality were understood. The notion that equality required that cultural specificities be ignored or downplayed was replaced by the idea that true equality could only result from the comprehensive recognition of cultural differences, and that the realization of justice itself depended on the implementation of policies and institutions rooted in such recognition. These ideals were quickly espoused by Western states and international organizations such as the International Labour Organization (ILO), the World Bank, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and others, which developed systems of normative benchmarks, standards and best practices and ensured their diffusion throughout the world. According to Kymlicka,

> International intergovernmental organizations are encouraging, and sometimes pressuring, states to adopt a more multicultural approach. Those states that are prepared to consider adopting models of multicultural citizenship will find an array of international organizations willing to provide support, expertise, and funding. Those states that cling to older assimilationist or exclusionary models find themselves subject to international monitoring, criticism, and sanction. In short, we are witnessing the increasing "internationalization" of state-minority relations, and the global diffusion of multiculturalism as a new framework for reforming those relations.

> We can distinguish two levels at which multiculturalism is being globalized (…) the first level involves the diffusion of a set of ideals and best practices to which all states should aspire, the second involves the codification of a set of minimum standards below which no state should fall (Kymlicka 2007, 3-4).

The world polity approach takes institutional change to ensue from the seamless diffusion of taken-for-granted templates, visions of order and norms. Because of this, it overlooks the role played by conflict and contention in processes of institutional innovation and change. Set in a world of resource-rich institutional actors, the theory systematically downplays the importance of conflict in institutional transformations. It does not address the role played by challengers – those situated at least partially outside of institutional structures – who strategically contest existing social arrangements, promote novel visions of order and creatively explore contradictions within institutional contexts of action (Schneiberg and Clemens 2006). Because of this, social movements can play at best a marginal and residual role in its theorization of social change.

On the other end of the theoretical spectrum, social movement theorists have generated increasingly rich insights concerning the role of mobilization in instances of political and social transformation. Traditionally, social movement scholars have been much more preoccupied with the study of social movement dynamics per se – i.e., with explaining when and how movements emerge, how they interact with opponents and authorities, when they mobilize, their cycles of mobilization, etc. – than with their impacts. Up until the 1990, the study of social movement outcomes was a residual topic within social movement analysis (Giugni, McAdam, and Tilly 1999). But, more recently, scholarship in the field has become increasingly less focused on within-movement phenomena and has begun to address a set of questions pertaining to the outcomes of mobilization: after all, why do movements matter beyond themselves? What social impacts could they possibly have? Under which conditions and through which repertoires are they most likely to contribute to intended or unintended outcomes?

The most significant shift towards the analysis of the outcomes of social movement has occurred within the political process scholarship. As of the late 1990s and early 2000s, scholars working within this branch of social movement analysis began to more systematically examine the conditions under which movements contributed to political and policy outcomes (Amenta et al. 2010, Giugni 2007, Burstein 1998). This literature has been especially fruitful in linking the impacts of mobilization to the contexts in which it takes place, demonstrating that movement outcomes ensue from the dynamic interaction between activists, political opportunities and threats and other variables such as public opinion (Soule and Olzak 2004). But political process scholars have remained predominantly focused

on the interactions between movements and states – most often the executive and legislative branches – and, important exceptions notwithstanding, this state-centeredness has prevented the literature from systematically analysing non-state spaces and targets of mobilization (Walker, Martin, and McCarthy 2008, Snow 2004). It has also been more focused on analysing the conditions under which movements produce certain types of outcomes than on tracing the mechanisms through which such influence is exerted (Kolb 2007). Moreover, the majority of analysis produced by political process scholars has examined how single episodes, campaigns or cycles of open and public protest affect change, rarely adopting a dynamic and recursive approach to the interaction between movements and shifting contexts of action (Bosi, Giugni, and Uba 2016, Amenta et al. 2010).

Some of the shortcomings pointed out in the two previous approaches have been addressed by scholars who, working from within institutional analysis, draw on the concepts and imageries of social movement theory in order to study institutional change (McAdam and Scott 2005, Schneiberg and Soule 2005, Clemens 1997, Lounsbury, Ventresca, and Hirsch 2003, Schneiberg 2007). Situated within institutional theory, his literature has developed important insights concerning the role of movements in institutional dynamics, adding to the imageries, concepts and models that were available to conceptualize institutional change. As pointed out by Schneiberg and Lounsbury (2007), the integration of social movements into institutional analysis adds contestation and self-conscious mobilization as alternatives to conceptual categories of legitimation, diffusion, isomorphism, and taken-for-granted practices; it counter-poses challengers and champions of alternatives to standard accounts of states, professions, and other incumbents as key players; and it moves away from images of an isomorphic institutional world of diffusion, path dependence and conformity toward conceptions of fields as sites of contestation, organized around competing logics and forms. As a burgeoning body of literature has shown, social mobilization contributes in a variety of ways to processes of institutional change. In a review of the literature, Schneiberg and Lounsbury (2007) argue that movements can engage both as extra-institutional or institutional forces of change. In the first case, movements coin and carry novel institutional logics and evoke legitimacy crises among existing institutional arrangements; in the second, they explore the multiple logics which already exist within an institutional field in order to theorize, diffuse and advance their preferred institutional alternatives. This approach allows scholars to move beyond the focus on public and open protest and to look at different forms of engagement through which movements affect change.

Especially important are the notions of institutional heterogeneity, openness and malleability advanced by scholars working from pragmatist-oriented branches of institutional theory (Clemens 1997, Schneiberg 2007, Berk, Galvan, and Hattam 2014). These scholars suggest that movements are important because activists are not only future-oriented and strategic, but also reflexive of their institutional contexts, having the capacity to creatively draw on, interpret and dispute institutional elements in order to coin novel visions of order and novel institutional projects. They look for and explore institutional ambiguity and openness in order to challenge dominant arrangements and advance institutional potentialities within existing systems.

This scholarship advances significantly in theorizing the institutional contexts in which mobilization takes place by conceptualizing these contexts as composed of heterogeneous building-blocks which can be apprehended, interpreted and deployed by activists (Berk and Galvan 2009). Moreover, it shows that mobilization does not target and affect only political and legal institutions, but also formal and informal norms which are situated in different institutional fields and sectors (Soule 2012, King and Pearce 2010, Schneiberg, King, and Smith 2008). Nonetheless, institutional theorists still focus predominantly on analysing how movements affect change in industries, firms and markets. While this is a step forward in expanding the scope of investigation, it falls short of systematically analysing how movements emerge within, transit between and affect the different institutional sectors which compose modern societies (Armstrong and Bernstein 2008, Snow 2004). These sectors are not only composed by states and markets; rather, they are constituted by a multiplicity of orders, including science, religion, the media, among others. Moreover, the notion of sequential and recursive encounters between movements and contexts of action has only scarcely been explored by this literature. The idea that movements produce piecemeal and incremental outcomes which slowly build up into broader trajectories of change, and that each round of contention contributed to impacts which in turn impact the patterns of mobilization has only begun to be explored (Schneiberg 2007, Schneiberg and Soule 2005, King, Cornwall, and Dahlin 2005, Clemens 1997). The notion that such recursive and dynamic encounters take place across institutional sectors is yet to be systematically explored.

The present study seeks to address these gaps. More specifically, it sets out to systematically address the following questions: how does mobilization contribute to incremental processes of social transformation that ensue from the dynamic interplay between movements and inter-sectoral

contexts of action? How does the complex inter-sectoral backdrop of mobilization affect the mechanisms through which movements contribute to social change? Moreover, what movement characteristic and dynamics – including types and extent of network ties, sectoral affiliations and repertoires of claim-making - enable it to effectively engage with the piecemeal outcomes of previous rounds of mobilization in further round of contention? What makes mobilization enduring and resilient, favouring the long-term engagement of the movement and its contribution to long-term processes of institutional change?

I will examine these questions by analysing an inter-sectoral and multi-level trajectory pro-indigenous mobilization in Brazil over the course of nearly five decades (1968-2015). The analytical framework I deploy draws from and contributes to the theoretical approaches described above. First, and in line with developments in political sociology and institutional theory, it posits that social movements are important agents of social transformation. In order to understand how they contribute to the transformation of societies, it brings together the examination of the dynamics of mobilization – including forms of organization, repertoires and networks - and of the political and institutional contexts in which claim-making develops. Second, it adopts a longitudinal and dynamic perspective which allows for the investigation of the recursive interplay between movements and contexts of action. Third, it advances an inter-sectoral approach to mobilization and its impacts, allowing for the investigation of how, over the course of long-term trajectories of mobilization, movements transit between and weave together different institutionalized social sites. Finally, it portrays the outcomes of mobilization as incremental and piecemeal, and focuses on how movements bring together different types of outcomes – which emerge across time in different institutional sectors – into long-term trajectories of social change.[3] The shift from the socio-territorial situation of the reservation to the socio-territorial situation of the reclaiming did not take place suddenly through any one radical

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[3] The idea that contentious interactions produce institutional bits and pieces – or flotsam and jetsam, in the words of Schneiberg (2007) – that remain in the institutional context and can under certain conditions be picked up, activated and used to advance further instances of institutional change speaks to but differs from the traditional concept of path dependency as it is theorized in historical institutionalism, where path dependence "characterized specifically those historical sequences in which contingent events set into motion institutional patterns or event chains that have deterministic patters" (Mahoney 2000, 507). In the framework proposed here, while events in the past do, in a loose way, affect outcomes of sequences of events occurring at later points in time (Sewell 1996), they are not endowed with the deterministic properties attributed to them in the stronger versions of the path dependence literature. These properties are not present because of the heterogeneity and ambiguity of institutional elements, and of the multiple forms of engagement through which strategic collective actors – social movement – interact with them.

transformative event or through shifts in one single institutional sector. Rather, it is inextricably linked to broader, long-term and incremental processes of transformation in the broader field of inter-ethnic relations in Brazil. It resulted from the concatenation of multiple, incremental instances of change in socially-shared practices, rules, procedures, and systems of categorization. These transformations as well as their sequencing must be integrated into a single institutional framework in order to get the "bigger picture" of how social movements affect change.

1.2 Long-term and inter-sectoral: Pro-indigenous mobilization in Brazil

Over the past years, a number of studies have examined different dimensions and periods of pro-indigenous mobilization in Brazil. Some of these studies have focused on reconstructing the emergence of the national indigenous movement in the 1970s, investigating the main landmarks leading up to movement consolidation in the years of the military dictatorship (Matos 1986, Bicalho 2010). These studies show how, in the late 1970s, as the political regime in Brazil opened up and the country transitioned into democracy, an indigenous movement emerged challenging state policies and institutions. In this literature, the main target of mobilization is the government, and mobilization is carried out by indigenous leaders representing a generic, national indigenous identity and supported by a network of allies.

Other studies have focused on the transnational dimensions of pro-indigenous mobilization, investigating the transnational roots of the pro-indigenous movement and the processes through which indigenous leaders opened up and made use of transnational arenas as they sought to advance their rights and interests against the encroachment of governments and corporations (Brysk 2000, 1994). This literature emphasizes the networked character of the pro-indigenous movement, and foregrounds the fact that pro-indigenous mobilization was situated within a set of transnational sites, such as international organizations, the Catholic Church, and transnational networks of anthropologists.

Still another body of literature, situated mostly in the field of anthropology, has analysed on-the ground forms of indigenous mobilization, investigating the grievances, demands and claim-making of specific indigenous groups situated throughout Brazil, such as the Tupinambá, the Guarani and the Terena (Ferreira 2014, Benites 2014, Alarcon 2013, Ximenes 2011). This scholarship mostly looks at

the interaction of indigenous groups, local allies and government agencies, but does not systematically link such interactions to multi-level or inter-sectoral processes of contention and claim-making. While some scholarship has integrated analyses of the different strategies of claim-making deployed in indigenous activists over the years (Oliveira 2010), there are no systematic studies about trajectories of the pro-indigenous movement linking across scales and settings of contention. The literature is even more silent concerning the consequences that this trajectory has had on broader societal arrangements such as legal norms, socially-shared practices and systems of categorization.

The present study addresses these gaps by analysing how the mobilization of Terena communities around land tenure and forms of territorialization is linked into broader processes of pro-indigenous mobilization. Throughout the history of pro-indigenous contention in Brazil, mobilization has targeted and been set within multiple institutional sectors, and it has shifted across scales. At times, it has taken place on the transnational level, meaning that the sites and targets of contention were situated beyond the borders of nation-state; at other times, contention was predominantly on-the-ground and local, confined within subnational arenas and in local politics; yet in other periods, the opening up of national arenas and political opportunities on the federal level – such as the Constitutional Assembly in 1987-88 – contributed to mobilization within national forums. To understand the transition from the situation of the reservation to that of the reclaiming among Terena communities, it is crucial to see how each of these instances is integrated into one broader long-term trajectory of mobilization. This approach resonates with recent calls in the literature on social movements for the adoption of a more longitudinal perspective in the study of activism (Bülow 2014, Zajak 2014, Vieira and Quack 2016).

A trajectory of mobilization is composed of multiple, interlinked episodes of contention, each of which is characterized by a specific constellation of repertoires, sites and targets of mobilization. The nature of the linkage which makes up a trajectory is relational. Overlapping or sequential episodes are brought together into a broader trajectory to the extent that actors situated in different social sites and mobilizing at different times become aware of, refer to and draw on the outcomes or reminiscences – identities, categories, memories, symbols, rules, organizations - produced in contentious interactions before them. By creatively relating to these elements, by engaging with and leveraging them in later rounds of contention, activists contribute to a sense of continuity in flux and

to the endurance of the movement. Previous victories and even defeats are activated and deployed in ways that keep contention going.

Scholars have used concepts akin to that of trajectory in order to study the ways in which activists link debates and action *across time* and *across scales* (Bülow 2014). The case of pro-indigenous mobilization in Brazil demonstrates that, by linking together contention into long-term trajectories, activists also forge connections across social sites which I call *institutional sectors*. I use the term institutional sector to refer to institutionally-differentiated social orders in which social organization and intervention are characterized by specific constellations of institutionalized elements such as norms, procedures and practices. Examples of such sectors are the public bureaucracy, organized religion, science, the judiciary, and the like. Each of these sectors is distinguishable from the others by the institutional and cultural elements that structure life and organization within them. Actors, networks and organizations are typically embedded in more than one sector at a time, allowing them to transpose and recombine elements and logics across institutionally-differentiated spaces. Furthermore, several institutional sectors are multi-level in that they organize social action and intervention at different scales and in ways that transcend the boundaries of nation-states.

Institutional sectors are important because they constitute the sites of mobilization and because they provide activists, networks and organizations with the repertoires that can be used in protest. Movement networks that span across the boundaries of different sectors can draw on norms, categories, and practices present in one sector in order to produce change in the next; or they can use openings and institutional elements that exist in one scale of multi-level sectors in order to leverage capacity and strength at different levels. For instance, activists situated within the Catholic Church used the doctrines and conventions asserted in the Second Vatican Council (1962-1965) in order to push for change in organization and engagements of Catholic missionaries working with Indigenous groups in Brazil; and public prosecutors drew on traditional forms of indigenous land use formulated by local leaders to coin novel legal arguments and interpretations in the midst of legal disputes over land tenure in the 2000s and 2010s. These instances illustrate, respectively, how actors situated in complex and multi-level landscapes transpose elements across scales and sectors as they develop and advance novel visions of institutional order. If we focus on investigating only one episode, site or period of contention, it will seem as if a given movement is active only in one level of claim-making and in one institutional sector. But by broadening the analytical lens to capture

trajectories of contention, we see how movements actually circulate between and weave together different sectors and levels as they strive to impact social arrangements.

This is also true about the outcomes of mobilization. If we look only at mobilization in one period of movement activity, we are led to think that, by interacting with opponents and authorities, the movement contributed to only a specific instance of change in a specific social sector. Well-known examples of such outcomes are the passing of a legislative bill the movement stood for, the overturning of a policy that was being challenged, or the positioning of government officials in a way that resonates with the demands of activists. But if we shift to the study of inter-sectoral trajectories, we see that movements rather contribute to gradual, incremental outcomes, which ensue from multiple, sequential rounds of contentious interactions (Gupta 2009, Meyer 2006). If we study the interplay between activists and contexts over time, we may find that the approval of a policy of piece of legislation is only one instance in a broader process where that element may be used in order to advance further protest and mobilization. Taken in the long run, the type of institutional transformation impacted by movements is likely to be gradual, in that it is partial and piecemeal and produced over multiple rounds of contention, and cumulative, in that many small impacts may add up to a broader and consequential process of social change (Schneiberg 2007, Clemens 1997).

Expanding the timeframe of analysis over longer periods of time reveals that mobilization generates a plethora of outcomes in different institutionally-differentiated social spaces. Changes in institutionalized norms and categories can be materialized within state policies or legislation, but such shifts can also affect non-state institutions, such as religious codes and scientific practices. Each of these is part of a broader trajectory of social mobilization and institutional change. The outcomes of social movements are produced over the course of multiple rounds of contention. And in each of these rounds, the movement can engage with shifts in the context of action in order to leverage strength in further contention. It is in this process of relating to contextual shifts and partial outcomes that movements representing weak interests such as the pro-indigenous movement can leverage strength to become sustained agents of incremental institutional change.

1.3 Studying land tenure and identity

The present study is empirically situated within what has been referred to by scholars investigating interethnic relations in Brazil as field of indigenism (Lima 1995, 1991, Ramos 1998). Drawing and

somewhat developing on these scholars, I define indigenism as the field composed by dominant categories, norms and practices which govern the relative position of indigenous minorities within Brazilian society (Lima 1995, Ramos 1998, Lima 1991). As pointed out by Ramos (1998, 6), "[i]ndigenism is a political phenomenon in the broadest sense of the term. It is not limited to policy-making by a state or private concerns or putting indigenist policies into practice (…) what the media write and broadcast, novelists create, missionaries reveal, human rights activists defend, anthropologists analyse and Indians deny or corroborate about the *Indian* contributes to an edifice that takes the 'Indian issue' as its building block." The field of indigenism is therefore inter-sectoral, structured by the practices, norms and categories that are produced and reproduced in institutionally-differentiated social sites.

As can be taken from this definition, the field of indigenism is a vast landscape. Throughout the past centuries, it has been disputed by different actors, organized around different logics and norms, and materialized through a variety of socially-shared practices. It is not my intention to systematically analyse this political field. Such historical reconstructions have already been carried out by scholars in Brazil and I base my own analyses partially upon their findings (Cunha 2012b, Oliveira and Freire 2006, Lima 1995, 1991, Oliveira 1988, Ramos 1998). Rather, my goal is to investigate specific movement-induced institutional shifts that took place within this field between 1968 and 2015 and that contributed to the transition from the situation of the reservation to that of the reclaiming among the Terena communities. While my study is situated in the field of indigenism more generally, it is focused on addressing the issue of indigenous land tenure and forms of indigenous territorialization, investigating how these changed over the course of the past decades and how social mobilization contributed to such transformations.

In Brazil, as in other Latin American countries, identity classifications have long been used as a basis upon which territorial rights are allocated and practices of land use legitimized (Mahoney 2015). As Cunha (2012b) as pointed out, as of the late 19th century the "indigenous question" in Brazil ceased to be a question of labour – about capturing and exploring indigenous peoples as labour force – and started to be a question of land. Herein lies the crux of the indigenous question for the 20th century: how to convert the vast territories occupied by indigenous groups into pastures and crops, and how to explore the rich underground of these territories? The form of indigenous territorialization carried out throughout most of the 20th century, the indigenous reservation, was in a way an answer to these

questions. It implied the concentration and confinement of indigenous groups into small parcels of land, with no account whatsoever being taken of how those groups occupied and understood their territory (Ferreira 2009, Cavalcante 2013).

The transformation of this form of territorialization has been at the core of pro-indigenous struggles over the past decades. To displace the notion of indigenous reservation, so it is understood, is to displace broader cultural codes and understandings of what it means to be indigenous in Brazil. A significant part of the pro-indigenous movement has fought for the institutionalization of a novel, post-reservation form of indigenous territorialization which supports the cultural and material endurance of indigenous societies, including their dynamic forms of organization, production, and politics. In 1988, after much struggle, the Brazilian Federal Constitution established that indigenous groups are entitled to their traditionally occupied territories, defined as "those on which they live on a permanent basis, those used for their productive activities, those indispensable to the preservation of the environmental resources necessary for their well-being and for their physical and cultural reproduction, according to their uses, customs and traditions."[4] But legal change is only part of a broader process of social transformation. Until today, in many regions of Brazil, the exact meaning and limits of these territories is under intense dispute, and indigenous peoples in Brazil's older development regions, such as the Terena, fight for the transformation of territorial boundaries that have been in place for many decades. In the post-constitutional era, indigenous struggle over land has become mainly a dispute over the interpretation of the meaning and limits of traditionally occupied territories.

By studying the transformation of indigenous land tenure and investigating how the pro-indigenous movement has contributed to these shifts, I hope to shed light on the dynamics of mobilization and institutional change in the broader field of Brazilian indigenism. To be sure, I will not directly address other themes and topics which have become increasingly important to the pro-indigenous movement, such as access to public health services, political participation and access to the education system, especially higher levels of education which have historically been out of reach for indigenous peoples (Cunha and Cesarino 2014). But since land tenure and the struggles surrounding it are so intimately connected to the issues of indigenous identity and citizenship, analysing mobilization and

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[4] Brazilian Federal Constitution of 1988, Article 231, §1.

resistance to new forms of indigenous territorialization enables us to access the broader issues implied in the historical struggles of indigenous struggles in Brazil.

1.4 Research methods and data sources

The present investigation is designed as a longitudinal single case study (Yin 2013), which analyses the multi-level and inter-sectoral trajectory of pro-indigenous mobilization from 1968 until 2016 and investigates how it has contributed to social change. As stated above, this trajectory is made up of a set of episodes of contention situated within different institutional sectors and at different scales which are woven together by activists as they engage in continuing rounds of mobilization. The longitudinal character of the case study is crucial since it allows for the investigation of the dynamic interplay between activists, opponents and institutional contexts and of how this interplay contributes to incremental yet consequential change in dominant social arrangements.

Among the multitude of trajectories of pro-indigenous mobilization that have taken place in Brazil over the course of the past decades, the present study investigates the trajectory multi-level and inter-sectoral contention involving Terena Indians in the state of Mato Grosso do Sul (MS), in the Midwestern region of Brazil (see map 1 below). It does so because this trajectory represents an extreme case of multi-level and inter-sectoral mobilization and social change, and thereby provides setting in which causal processes and mechanisms can be identified and investigated with greater clarity. According to Gerring (2008, 654), "[t]he extreme-case method selects a case because of its extreme value on an independent (X1) or dependent (Y) variable of interest (…). Often an extreme case corresponds to a case that is considered to be prototypical or paradigmatic of some phenomena or interest." Moreover, Flyvbjerg (2006, 229) states that "[e]xtreme cases often reveal more information because they activate more actors and more basic mechanisms in the situation studied."

The trajectory of mobilization and social change investigated in this study can be understood as extreme in two ways. First, concerning the value of the dependent variable being analysed: the occurrence of institutional change, represented by the consolidation of new formal and informal norms and social-shared practices governing land tenure. As stated above, the social-territorial situation of the reclaiming has recently emerged in different regions of Brazil, including the South, Northeast and Midwest. All of these are regions of old frontier development in which – different from

the Amazon region, for instance, which was only systematically occupied by the Brazilian state as of the 1970s – indigenous groups had been confined within reservations since the early of mid-20th century. But of all reclaimings that have taken place in Brazil, over 70% of them are situated within the state of MS.[5] Situated against the broader universe of cases, the, the Terena trajectory has undergone a more intense process of social change. Second, the case is extreme concerning the patterns and forms of mobilization taking place within the trajectory. The latter is very long-term and enduring – having begun in the 1970s and lasted until the present day – and it has become increasingly inter-sectoral. Even if there are no systematic measurements that show how this movement fares in endurance and inter-sectoral character vis-à-vis other trajectories of mobilization, a general review of the social movement literature suggests that the concatenation of Indians, lawyers, anthropologists, bureaucrats within this movement process situates it at the high end of inter-sectoral dynamics. Therefore, and since I want to investigate the mechanisms that link inter-sectoral, long-term mobilization to social change, this trajectory constitutes an ideal case study.

Map 1. Location of Mato Grosso do Sul

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[5] For information about land disputes and land occupation in Brazil, see CPT (2000-2016).
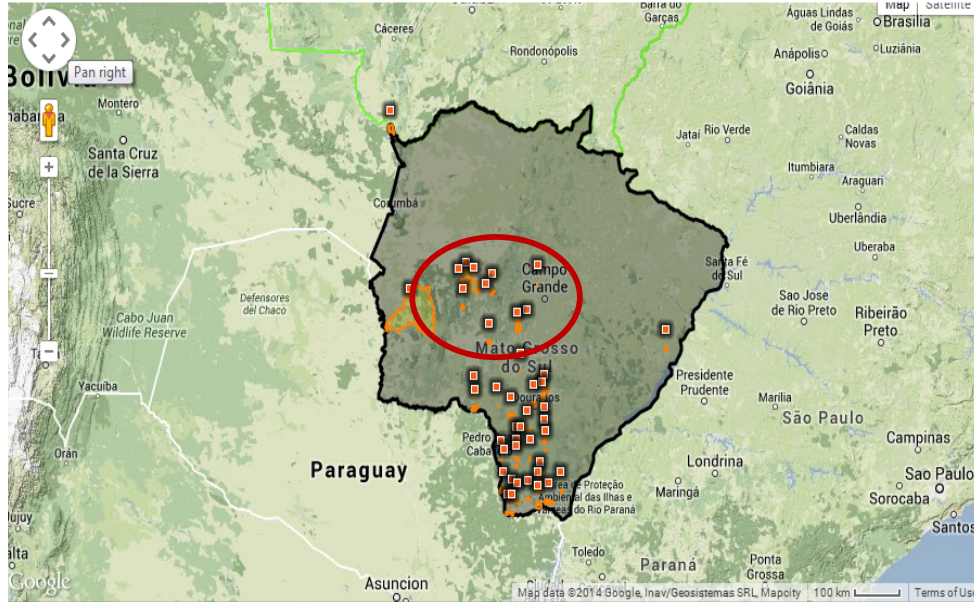
Map 2. Terena Reservations in Mato Grosso do Sul

I use process tracing techniques in order to investigate the social mechanisms through which mobilization has affected incremental social change. According to Beach and Pedersen (2013, 2), "process-tracing methods are tools to study causal mechanisms in a single-case research design." In the present study, the terms social and causal mechanisms are used to refer to those recurrent social processes linking specified initial conditions to specific outcomes (Mayntz 2004). According to Beach and Pederson, process-tracing methods can be differentiated into three variants within the social sciences: theory-testing, theory-building and explaining-outcomes process-tracing. These variants are distinguished by whether they are theory- or case-centric, the types of inferences being made, how causal mechanisms are understood, and whether they can be nested into mixed-methods designs (2013:3).[6] The present study combines outcome-explaining and theory-building variants of process-tracing. The empirical research question – how can transition from the situation of the reservation to that of the reclaiming be explained? – demands that an explanation of a puzzling outcome in a specific historical context be crafted. It therefore calls for a typical outcome-explaining usage of process-tracing. But the analysis also addresses important theoretical questions and seeks to "build a generalizable theoretical explanation from empirical evidence, inferring more general

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[6] See Annex 1 for an in-depth explication of these different types of process-tracing as well as how they are deployed in this study.

causal mechanisms from the facts of a particular case" (Beach and Pederson 2013:3). It contributes to theory-building by investigating the mechanisms through which social movement processes contribute to gradual institutional change. I deploy process-tracing to investigate the interaction between social mobilization and institutional contexts over the course of several rounds of contention so that the relationships between initial conditions and outcomes, or movements and institutional change, are dynamic and iterative. This analysis requires what Vennesson (2008) has referred to as a constructivist approach to process tracing, since it implies investigating how activists, authorities and opponents have perceived and related to their contexts of action in continued processes of contention.[7] Moreover, the in-depth analysis of long-term mobilization processes allowed for the deployment of different types of within-case comparison as central instrument of my process-tracing. Most important were comparisons between periods of mobilization, which enabled the study of variation in forms of claim-making across time and between sectors of mobilization, enabling the comparison of how contention and its outcomes were produced within different social sites.

The data used to conduct process-tracing was gathered through a variety of methods, including participant observation, semi-structured interviews and archival research. From 2014 to 2015, I conducted 48 semi-structured interviews with Terena Indians, pro-indigenous activists, researchers, rural landowners and public authorities.[8] The latter included public servants from the Justice Ministry, the National Indian Foundation (FUNAI), the Federal Public Prosecutor´s Office (MPF) and the State Attorney´s Office. In 2014, I spend roughly four months in indigenous villages and in the capital of MS, where I spent my time at the Federation of Agriculture and Livestock of Mato Grosso do Sul (FAMASUL), at the National Indian Foundation (FUNAI), in the Federal Public Prosecutor´s Office (MPF), and in local courthouses. During this time, I conducted research in the archives of FUNAI, where I gathered documents about processes of indigenous land demarcation; in the archives of the National Constitutional Assembly (NCA), from which I traced the debates and disputes that took place

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[7] According to Vennesson (2008:233), „In an interpretivist perspective, process tracing allows the researcher to look for the ways in which this link manifests itself and the context in which it happens. The focus is not only on what happened, but also on how it happened. It becomes possible to use process tracing to examine the reasons that actors give for their actions and behavior and to investigate the relations between beliefs and behavior (Jervis 2006). Process tracing is a fundamental element of empirical case study research because it provides a way to learn and to evaluate empirically the preferences and perceptions of actors, their purposes, their goals, their values and their specification of the situations that face them".
[8] See Annex 1 for a list of interviews.

in the commissions that regulated indigenous rights and in the Plenary; and at the archives of the Socio-Environmental Institute (ISA), where I could consult primary documents – letters, petitions, reports – issued by pro-indigenous activists and organizations from the 1970s until 1990s. During my fieldwork in 2014, I also engaged in the participant observation of 14 political events, including protests and rallies in Brasília, road blockings, local assemblies to discuss reclaimings, regional indigenous assemblies and indigenous academic's rallies.

Concerning the last period of pro-indigenous mobilization (2005-2016), I systematically analyse how one especially important sector into which mobilization has been channelled – the judiciary – has responded to and decided about land tenure disputes in the region. Since the early 2000s, counter mobilization by landowners has channelled local land disputes into the legal system, and federal judges have become protagonists in processes of institutional interpretation and implementation. In order to study how courts have processed and been affected by such disputes, I analysed the full set of judicial decisions situated within 132 legal suits concerning land ownership and possession. I applied sequencing techniques to these materials in order to identify how courts and contending parts in legal disputes interpret and engage with the existing institutions of land tenure and analysed the consequences of judicialization upon land tenure institutions.[9]

1.5 Implications of this study

The present study of pro-indigenous mobilization and social transformation in Brazil opens up new avenues for investigating the linkages that connect social movements to institutional dynamics. Namely, it provides new ways of thinking about the processes through which social movements contribute to incremental yet consequential institutional change and bridges across recent bodies of literature in social movement theory and institutional analyses.

Whereas existing studies tend to conceptualize movement outcomes as the end-points of contentious episodes and study them as the final product of mobilization, the investigation of the

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[9] The methodology used to analyze these decisions is presented in Annex 1.

pro-indigenous movement in Brazil demonstrates that it is crucial to pay more attention to how the outcomes of contention are activated, drawn on and used, thereby becoming input for further rounds of claim-making. This means adopting a relational approach to social movement outcomes. By reflecting upon and engaging with the outcomes of previous rounds of contention, movements may transform something that was initially perceived as a defeat into a source of strength. Conversely, important movement victories may lead to the demise of the movement if not properly managed. All in all, the meaning and consequence of outcomes of contentious interactions can only emerge through later contentions interactions, as those outcomes are activated, signified and used by actors striving after certain goals.

Furthermore, the study shows that movements contribute to change in societies over time, by producing piecemeal transformations in the different sectors in which they mobilize and then progressively weaving together these transformations in unfolding contentions processes. Therefore, analysist should be more attuned to the incremental impacts movements produce upon their contexts of action over long-term trajectories of mobilization and not on the successes or failures of specific, isolated campaigns and episodes of contention.

On a broader level, the analysis opens up new avenues for bringing together existing scholarship in social movement analysis to recent literature in institutional theory. To be sure, linking across these bodies of scholarship is not a new idea, and different analysts have done so in the past. In a first wave of theoretical integration, social movement scholars borrowed heavily from organizational institutionalism in order to devise theories of social movements as rational, goal-oriented processes akin to firms and other formal organizations. Scholars working from within the resource mobilization paradigm argued that organizational resources were crucial for movement endurance and that, over time, movements undergo inevitable processes of specialization and bureaucratization.

In the early 2000s, a new bridge was constructed between the two literatures, but now it was the institutional scholars which were borrowing from social movement analyses in order to devise new theories, imageries and conceptions of institutional dynamics and, above all, of institutional change. This integration resulted in models of institutional change which emphasized the role of conflict and goal-oriented collective action in institutional change, which is seen as resulting from underlying

struggles over social and political order. The ensuing literature investigates how movements contribute to change in specific, local-level organizational fields.

The present study points to a third form of bridging across these two fields of study, which has not been systematically and explicitly theorized in either of the literatures. Namely, it suggests a fruitful integration between what has been referred to as a pragmatist institutionalism and social movement analysis (Schneiberg 2007, Quack 2007, Berk, Galvan, and Hattam 2014, Schneiberg and Clemens 2006). As a loosely-integrated branch of institutional theory, pragmatist institutionalism claims to "shift the perspective" of institutional analysis in order to investigate institutions through the viewpoint of the actors who have the experience of "living, practicing and doing rules" (Berk and Galvan 2009, 549). The open and indeterminate character of institutions, already recognized in recent historical institutionalist scholarship, is here pushed to its limits. Institutions are taken to be syncretic structures composed of an indeterminate number of features and recombinable in unpredictable ways. Influenced by the thought of American Pragmatists such as John Dewey (2000 [1925], 2007 [1922]) and George Herbert Mead (2002 [1932]), this pragmatist institutionalism offers an analytical framework which is more sensitive to "the way actors work in and with institutions, including their capability to deploy and modify them and to what states, organizations and transnational governance systems do, including their role in fostering learning, reflexivity and improvement" (Schneiberg 2012).

This perspective is especially fitting for analysing the deliberative and creative ways through which activists engage with their institutional contexts of action and with the institutional outcomes of contention. The tools and building-blocks that activists and movement networks use in order to construct and advance new visions of order consists of repertoires available within the institutional contexts (Clemens 1993). Existing skills and practices are converted by mobilized actors into repertoires of contention, and the norms and processes which were once used to sustain order are activated and recombined in order to advance change. And as the effects of mobilization are perceived by activists, they become input for deliberation and for redrawing the course of action according to shifting contexts. In sum, looking at the relationship between actors and institutions from a pragmatist perspective allows us to see how activists engage with ever-shifting contexts in creative ways, thereby leveraging strength and capacity.

1.6 Looking ahead

The remainder of this study is structured into four parts. The two chapters in Part 1 set the stage for the analysis of pro-indigenous mobilization and social change in Brazil by presenting the analytical framework that will guide the study and analysing the inter-sectoral situation of the reservation as it presented itself in the north of what is today Mato Grosso do Sul. In chapter 2, I develop what I call a dynamic model of mobilization and institutional change, which looks beyond the outcomes of single rounds of contention to trace the long-term, dynamic interactions between movements and contexts of action and investigate their outcomes. In chapter 3, I analyse the main pillars of the socio-territorial situation of the reservation in Mato Grosso do Sul, describing how the convergence between rules and engagements espoused by actors affiliated to different institutional sectors contributed to its stabilization in the early to mid-20th century.

The following three parts of the study each correspond to sequential periods of pro-indigenous mobilization in Brazil. These periods are set apart from each other by the occurrence of what I call landmark moments in the field of indigenism, or moments to which mobilization contributed and which represent significant shifts in institutional contexts of action. The chapters in Part 2 trace the emergence of sustained pro-indigenous mobilization within three institutional sectors – the media, religion and science – to investigate how these processes contributed to the generation of inter-sectoral dissonance in the field of indigenism. Chapter 4 traces the media campaign carried out by international journalists against the systematic abuses inflicted upon indigenous groups in Brazil and analyses how their activism contributed to the passing of the Statute of the Indian, a highly ambivalent federal law that regulates the territorial rights of indigenous groups while maintaining the underlying premises of indigenous assimilation which dominated the field of indigenism. Chapter 5 traces how progressive missionaries and anthropologists mobilized within the Catholic Church and science to question the colonial and bigoted engagement of actors and organizations situated within these institutional sectors vis-à-vis indigenous groups. By mobilizing within these different sectors, activists established novel organizations – progressive missionary organizations and indigenous support organizations - which enacted new modes of engagement vis-à-vis indigenous peoples. Their activism resulted in the first landmark moment: the constitution of a field characterized by dissonance and heterogeneity, where multiple practices and logics of engagement with indigenous groups were available within and across institutional sectors. The previously existing convergence

between state, church and anthropology in indigenous matters was substituted by dissonance amongst these sectors in the as of the late 1970s.

The chapters in Part 3 analyse episodes of mobilization set within the second period of pro-indigenous contention in Brazil. Part 3 investigates the process through which contention within different sectors was woven together into an inter-sectoral social movement network and how the latter mobilized to develop concrete institutional projects and consolidate them in the National Constitutional Assembly of 1987-88. Chapter 6 traces how mobilized missionaries, episcopates, anthropologists, lawyers, indigenous leaders and others reacted to the perceived threat posed by government plans to "emancipate" indigenous peoples – i.e. rid them of their special legal status and identity-based rights – by forming a sustained and inter-sectoral social movement which campaigned for the consolidation and implementation of land and citizenship rights of indigenous groups. Chapter 7 analyses how the rights-based discourse of these activists was channelled into the National Constitutional Assembly (NCA), and how, by persuading congressmen and negotiating with the political opposition, the pro-indigenous coalition managed to consolidate the institutional projects espoused by the movement within the Federal Constitution of 1988. The passing of the new constitution represented a landmark moment in which the counter-institutions which had been developed within the movement were consolidated within the formal legal system. Highly negotiated and ambivalent, the articles pertaining to indigenous rights would thereafter become the object of intense disputes and resources for mobilization in the following decades.

The chapters in Part 4 turn back to Mato Grosso do Sul and to Terena mobilization in order to analyse how the rules, categories, practices and organizations that resulted from the previous, international and national-level contentious episodes influenced contention over land tenure. Chapter 8 traces how indigenous leaders and indigenist support organizations established in the late 1970s mobilized in the late 1990s to demand the demarcation of Terena territories in accordance with the institutions established in the Federal Constitution of 1988. This episode ensued in the administrative identification of three traditionally occupied Terena territories in Mato Grosso do Sul and in the emergence of the reclaiming as a repertoire of contention deployed by Terena communities to demand their territorial rights. Chapter 9 analyses how territorial contention inaugurated by land demarcation and reclaimings was channelled into the judiciary by affected landowners, and how pro-indigenous activists reacted to these processes of counter-mobilization by carrying out strategic

litigation in court. The chapters encompassed in this part of the study demonstrate how the different organizational and institutional outcomes that resulted from previous episodes of pro-indigenous mobilization were crucial for the transition from the situation of the reservation to that of the reclaiming among the Terena. Different outcomes were activated and appropriated as resources by indigenous and pro-indigenous activists in ways enabled the emergence of a novel socio-territorial situation.

Chapter 10 presents the main conclusions of the study. Given that the processes of territorial contention among the Terena are far from over, it is impossible to provide a conclusive analysis of "who gets the land" and of the ultimate material outcomes of mobilization. But the evidence presented and analysed throughout the dissertation allows us to address the central research questions posed in the present study concerning the impacts of long-term trajectories of mobilization and to identify the social mechanisms by means of which the processes of mobilization analysed in this study contributed to gradual institutional change.

PART 1: SETTING THE STAGE

Chapter 2. Towards a dynamic model of mobilization and institutional change

2.1 Introduction

In this chapter, I present the theoretical framework that will be deployed in this study to analyse how long-term trajectories of social mobilization affect incremental institutional change. Drawing on concepts from social movement analysis, institutional theory and cultural sociology, I develop an inter-sectoral and dynamic approach to studying the outcomes of social movements that draws attention to the sequential interactions between movements, opponents and contexts of action. This approach allows for the identification of the mechanisms through which movements engage with and impact their contexts of action over the course of subsequent episodes of mobilization.

This framework is composed of three analytical strategies that, together, distinguish it from existing approaches to the consequences or impacts of mobilization. First, rather than studying movement outcomes within a single, isolated institution or organization, the framework is based on a multi-sectoral approach to society which allows us to see how activists transit between, target and weave together multiple and multi-level institutional sectors as they pursue their goals of social transformation. Second, the framework does not conceptualize movement outcomes as fully resolute and fixed events or phenomena – such as the passing of a bill, the overruling of a judgment or change of public policy. Rather, outcomes are conceptualized as elements generated in the interaction between movements, counter-movements and authorities which gain significance as they are activated by contending parts in subsequent rounds of contention. Finally, the framework is longitudinal and dynamic, shedding light on the interplay between contending actors and shifting contexts of action. Together, these elements compose what I refer to as a dynamic model of mobilization and institutional change.

I begin the chapter by conceptualizing the institutional landscape within which mobilization develops. Building on existing approaches in social movement theory and institutional analysis, I define society as a complex landscape made up of institutionally-differentiated sectors distinguished by

constellations of cultural and institutional elements - socially-shared practices, systems of categorization, formal and informal norms, conventions, and systems of authority - that structure organization and intervention within them. Based on this definition, I conceptualize what I call inter-sectoral social arrangements, understood as relatively stable situations or regimes sustained by the convergence of multiple institutional sectors which can be targeted by social movements as they strive to promote social change (section 2). I then bring the notion of multi-sectoral societies more fully to bear upon the analysis of social movement dynamics by linking activists' embeddedness within and across sectors with the institutional repertoires - sets of skills, practices and dispositions - that are available to be converted into claim-making strategies in the midst of contention. By circulating between sectors or establishing inter-sectoral networks, activists expand, develop and transform the available forms of claim-making as well as the goals and projects which drive mobilization, thereby leveraging capacity to engage in contention and affect social arrangements (section 3). Finally, I develop a dynamic model for analysing the consequences of social movements by conceptualizing movement outcomes as incremental elements that ensue from iterated and sequential episodes of mobilization across institutional sectors. In these multiple encounters, contentious interactions generate different types of outcomes which can influence subsequent rounds of mobilization. It is through the analysis of the dynamic interaction between movements and shifting social contexts over the course of multiple episodes of mobilization that the gradual impacts of mobilization upon social change can be identified.

2.2 Multi-sited contention: Institutional sectors and inter-sectoral regimes

In this section, I bring together social movement scholarship with branches of institutional theory to develop an analytical topography of society as composed of multiple, partially overlapping institutional sectors in which social mobilization can take place. When the socially-shared practices, rules and categories reproduced within different sectors reinforce each other and converge around a common logic, the result is what I call an inter-sectoral social arrangement, which directly affects actors situated within different institutional sites and offers multi-sited opportunities for mobilization and intervention. These social arrangements are many times challenged by social movements and, by bringing this inter-sectoral topography more fully to bear upon social movement analysis, we can better understand the processes through which movements contribute to social change.

Existing approaches to the sites of contention

It may seem trivial to state that activists transit between different social spaces as they strive to affect and impact societal arrangements, but for a long time the multiplicity of sites of contention and their weaving together by activists was scarcely theorized. Up until the 2000s, such multiplicity had been downplayed or overlooked by the state-centric assumptions of political process theory, which in the 1980s and 1990s consolidated itself as a dominant approach to social movement analysis (Tarrow 2011, Tilly 1993, McAdam 1982, Tilly 1978). As a number of scholars have noted, studies of mobilization conducted from within the political process approach contributed to a research paradigm in which the nation-state is the central institution of reference and relevance for the understanding of social movements (Walker, Martin, and McCarthy 2008, Van Dyke, Soule, and Taylor 2004, Wood 2004, Emirbayer and Sheller 1999).

The centrality of the state in the study of social mobilization was already present in the early and seminal writings of Charles Tilly, who linked the very emergence of the social movement form to the rise and consolidation of nation-states in the mid-19th century (Tilly 1978). According to Tilly, states centralize the resources that movements seek to appropriate and influence; they are natural targets and provide the relevant opportunities for mobilization. In a now classical statement, McAdam (1982, 20), defined social movements as "rational attempts by excluded groups to mobilize sufficient political leverage to advance collective interests through noninstitutionalized means". In this conceptualization, the politics which movements strive to impact refer to "governmental policies and systems – the authoritative structures of public order", which movements seek to convert or appropriate to the benefit of their supporters and constituents (McAdam and Scott 2005, 11).

While political process theory has been crucial in advancing social movement studies, it has been repeatedly pointed out by scholars that the framework focuses too narrowly on the interaction between state authorities and political "outsiders" or challengers - that is, those that do not have routine access to the resources of the polity -, hindering a fuller understanding of the complex topographies of mobilization and of the polycentric and multi-sited exercise of power and authority in modern societies (Armstrong and Bernstein 2008, Van Dyke, Soule, and Taylor 2004, Snow 2004, Taylor 2003, Goodwin and Jasper 1999, Giugni 1999, Gamson 1989). Furthermore, the political process approach tends to emphasize one specific form of interaction between polity members and challengers – that of antagonism and contention – ignoring the other types of ties, such as

cooperation and support, that may connect activists within and outside the frontiers of the state (Abers and Bülow 2011).

Building on and developing these critiques, a wave of scholarship drawing on different theoretical traditions has emerged since the late 1990s to investigate when and how activists mobilize against a plethora of non-state institutions and organizations. An important part of this literature has explicitly combined organizational institutionalism with social movement analysis in order to study mobilization within institutional fields and organizations such as markets and corporations (King and Pearce 2010, Schneiberg and Lounsbury 2007, McAdam and Scott 2005, Schneiberg and Soule 2005). According to King and Pearce (2010, 250), "because markets tend to centralize resources and power, because not every member of society has equal access to all markets, and because markets sometimes produce harmful externalities, markets frequently become locations of contestation and disruption." Researchers have argued that the state's repressive capacity may deter movements from taking action against it (Soule 2009), and that because of their reputational concerns and stakeholder commitments, corporations may be more responsive to certain types of social activism than governments (McDonnell, King, and Soule 2015, King 2008, Schurman 2004). Significant developments have been made in understanding the channels through which movements change (and fail to change) market structures, corporate cultures and practices (Soule 2012, Schneiberg, King, and Smith 2008, Schneiberg and Soule 2005, Raeburn 2004, Lounsbury, Ventresca, and Hirsch 2003, Scully and Segal 2002). Not only do these studies look at mobilization that targets institutions other than the state, but they also see movements as emerging *within* these institutionalized spaces. Activists are not situated "outside" of institutions, as the political process approach and contention politics approaches would suggest, but also within them (for reviews, see King 2010 and Schneiberg and Lounsbury 2007).

Looking at this literature in combination with the political process scholarship could lead to the conclusion that, as they strive to reap benefits for their constituencies, movements inevitably target the two largest and most significant institutions of modern society – the state and the market. This would mirror the excessive focus on states and markets that has was denounced long ago in institutional theory (Friedland and Alford 1991). Since they guard access to crucial social resources and are relatively responsive – each for their own reasons – to social pressure, these institutionalized realms could very easily be understood as the primary targets and sites of contention. Nonetheless,

existing research suggests a different and more complex reality. In fact, movements have been shown to emerge within and mobilize against a plethora of social spaces and organizations, including religious establishments (Chaves 2004, Wilde 2004, Smith 1991), academia and science (Binder 2002, Rojas 2007), medical establishments (Gamson 1989, Epstein 1996), and legal systems (Jacquot and Vitale 2014, McCann 1998, Burstein 1991a, b).

A part of this literature draws on new social movement theories which argue that activists in contemporary societies resist and struggle against forms of domination that defy the boundaries between public and private realms (Melucci 1996, Cohen 1985, Kriesi 1989). According to this scholarship, the lenses of social movement analysis should be widened to encompass mobilization outside of the state because the sources of domination in modern, post-industrial societies are produced above all within diffuse cultural systems, beliefs and codes, elements which transcend state structures. Gamson (1989), for instance, argued that ACT UP activists in the 1980s challenged, among other things, the categories and values that underpinned the support and medical treatment available to AIDS patients at the time. Such categories and values were produced in multiple social spaces and not only within the state. Analysts of gay and lesbian movements have also argued that activism addressing the misrecognition of identities is better understood through the lens of expressive movements targeting non-state institutions such as cultural systems and dominant construction of identities. The new social movement approach was especially influent in the study of social mobilization in Latin America, especially since Touraine (1989) explicitly referred to the region in one of his theoretical statements (Shefner 2004, Escobar and Alvarez 1992).

Other scholars have built on and sought to advance the central insights of political process theory, advocating that concepts such as opportunities for mobilization, contentious repertoires and mobilization structures can be transposed to the study of contentious processes that occur within non-state institutions. Smith (1991), for instance, used the concept of opportunity structures to explain the emergence of Latin American Liberation Theology within the Catholic Church in the 1970s, while Wilde (2004) analysed the Vatican Council II as a case of contentious politics to show that social movement theories may benefit from a systematic study of the factors that explain its progressive outcomes.

Even if these different literatures developed separately and sometimes in opposition to each other, they have significantly contributed to our understanding of the wide array of social sites that are

implied in and affected by processes of mobilization. More specifically, they have revealed two important points: first, movements target and strive to transform a plethora of social arrangements as they mobilize. When seeking to achieve their goals, movements do not only target the state or strive to challenge norms, policies and practices situated within its boundaries. Rather, they mobilize within a complex institutional landscape, seeking to influence institutional elements – formal and informal norms, laws, codes, procedures – and cultural elements – socially-shared practices, beliefs, skill-sets, systems of categorization – that are produced and reproduced within very different institutional spaces such as markets, religious establishments, the media, the judiciary, academia, etc. (Snow 2004, Armstrong and Bernstein 2008, Zajak 2014).

Second, movements are not only extra-institutional forces, operating in an institutional vacuum against the highly-institutionalized structures of the state. Rather, activists are embedded within institutional sectors, from which they formulate demands and carry out protest activities (Almeida 2014, Mische 2008). Sometimes, they target elements situated within the sectors where they are primarily embedded – like progressive missionaries protesting against traditional missionary practices within the Church, or anthropologists protesting against the scientific paradigms which structure their academic field – and sometimes they seek to impact social arrangements produced within social sectors different from those in which they are primarily embedded. Taken together, this research points to a social landscape that differs significantly from the one advanced in classical social movement studies, which divide society into state and non-state, institutional and extra-institutional realms. Rather, it depicts a society in which multiple institutional realms are available for activists to protest within and against.

Unfortunately, even if it hints at this plurality, most existing research on social movements still provides an overly fragmented approach to this underlying institutional landscape and does not systematically engage in its theorization. Movements are predominantly seen as emerging in a world where only one social site exists, whether it is the state, the market, religion, or another. The institutionalized structures that appear in these analyses are normally the ones which are immediately targeted by activist, i.e., those norms, procedures or policies that the movement is trying to impact. Whatever lies outside those immediate targets is taken to be residual. But, as different authors have pointed out, a more comprehensive and integrated understanding of the underlying institutional landscape within which mobilization takes place is important for the analysis of

contention and its outcomes (Snow 2004, Armstrong and Bernstein 2008). I point out two reasons for this.

First, a fragmented take on the institutional landscape that underpins contention hinders a better understanding of the ultimate goals of social movements. One of the core characteristics of movements is their desire to have an impact on the world (Jasper 2011). As they mobilize, activists strive to transform societal arrangements that many times overflow the boundaries of any one sector, field or organization. Take the feminist movement for instance, which is not trying to transform any single norm or practice but rather to impact broader, inter-sectoral social arrangements which buttress patriarchal domination in the household, in science, in politics, in the market and beyond. The same is true for the pro-indigenous movement in Brazil, which struggles to overturn institutionalized elements that contribute to indigenous disenfranchisement and oppression in different social spaces – the judiciary, politics, science, the media. In this sense, studying mobilization within isolated social settings risks impoverishing our understanding of the broader, long-term social transformations that the movement strives to impact.

Second, activists transit between different social sectors as they search out and leverage resources and opportunities to carry out their goals, and focusing too narrowly on only one site of mobilization hinders a more complete investigation of how social sites are interwoven in the dynamics of contention and how they are affected by movements. Claim-making and challenges to institutional arrangements are not contained within the institutionalized boundaries of society, but rather overflow the latter in their patterns and effects. And at the same time that the possibility of displacing contention across sectors or weaving the latter together represents important opportunities for mobilization, the multi-sited character of contention also poses important challenges to activists striving to coordinate contention across different social spaces. Systematically analysing these opportunities and challenges is important for a fuller understanding of how mobilization develops and how it contributes to social change.

Society as a multi-sectoral and multi-level landscape

Addressing these issues requires developing a topography of society which accounts for the complex, inter-sectoral character of the social arrangements which movements strive to transform and the

multiplicity of social spaces in which mobilization takes place. To devise this topography, I draw on the notion that society is organized within and around a multiplicity of relatively autonomous institutionalized realms, distinguishable from one another by the norms, organizational templates, practices, and systems of categorization that are dominant within them (Thornton, Ociasio, and Lounsbury 2012, Fligstein 2001, Friedland and Alford 1991, DiMaggio and Powell 1983). Different concepts have been devised to refer to these differentiated social spaces – fields, sectors, realms, orders – and, despite their differences, they each point to the notion that society is constituted by a mosaic of institutionally-differentiated sites in which specific constellations of institutionalized elements are produced and reproduced by individuals and organizations.[10]

A growing number of scholars has drawn on notions of institutional differentiation to study social mobilization and its impacts, generating important insights for social movement analysis (Mische 2008, Lounsbury 2005, McAdam and Scott 2005, Emirbayer and Sheller 1999, Clemens 1997).[11] In her research on youth activism during the Brazilian democratic transition, Mische devised the concept of institutional sector, which she defines as "sets of institutionally-differentiated sites of social organization and intervention that share important aspects of their institutional logics (…) and derive at least part of this logic from intra-sectoral orientations and relationships" (Mische 2008, 39). This concept is used by Mische to investigate the sectors in which activists develop their specific styles of contention and communication. Snow (2004) and Armstrong and Bernstein (2008) point out that the reproduction of institutional logics within such institutional realms is organized around specific configurations of governance and systems authority, and that these configurations many times constitute the targets of social mobilization.

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[10] According to Fligstein (2001), these local social orders have been labeled alternatively in the institutional literature as "fields" (Fligstein and McAdam 2012), "organizational fields"(DiMaggio and Powell 1983), "sectors" (Scott and Meyer 1983), or "orders" (Friedland and Alford 1991). Conceptualized in different ways and partially competing ways (Machado da Silva, Guarido Filho, and Rossoni 2006), the concept of field has been predominant in organizational analyses, referring to clusters of actors and organizations that that operate according to shared organizing principles which stem from their mutual recognition and awareness.

[11] Some of this literature draws on the concept of institutional logics in order to study how movements draw on, signify and use these competing logics to promote institutional change through collective action (Lounsbury 2005, Rao, Monin, and Durand 2003). Others, such as Emirbayer and Sheller (1999), build on a long line of work on structural differentiation to theorize how movements emerge and develop in a world constituted by the three institutionally-differentiated realms of state, economy and civil society. Yet other studies look at how movements emerge and operate within organizational fields composed of corporations, state agencies, and the like.

I draw on these insights and define institutional sectors as institutionally-differentiated realms in which social organization and intervention are structured by specific constellations of institutional elements (conventions, formalized rules, procedures) and cultural elements (practices, beliefs, systems of categorization). Sectors also comprise diverse configuration of governance and authority which sustain the production and reproduction of order within their boundaries. Some scholars have used the concept of institutional logic to refer to these differentiated institutional constellations (Thornton, Ociasio, and Lounsbury 2012, Mische 2008).[12] While this approach can insightfully be used as a heuristic to emphasize institutional differentiation, it tends to downplay the fact that, empirically, there are many situations in which the logic of a sector is disputed and conflicting. I prefer the idea of institutional constellation because, while it retains the notion of differentiation and relative stability, it also is more open to the way institutionalized elements relate to each other and to the possible dissonance and contradictions that may exist among them.

Institutional sectors are comprised of concrete social sites inhabited by people, networks and organizations. While (Mische 2008) is predominantly interested in using the concept to theorize the social sites in which activists develop the skills they deploy in political action, I contend that it is also useful for developing a more general landscape of the sites and targets of mobilization. The latter occurs in a world where there are multiple, partially autonomous yet intersecting sectors in which institutional order and authority is reproduced. These institutional sectors encompass the institutionalized elements that are typically the targets of, and sometimes inspirational sources for, the challenges mounted by social movements (Snow 2004, 13). Depicting society as a multi-sectoral landscape opens up the analysis of activism to include multiple institutional sites and targets of mobilization. It allows us to redefine social movements as more or less sustained collective challenges to institutionalized practices, norms, conventions, and systems of authority that structure the sectors which make up society.

In my study of pro-indigenous mobilization in Brazil, I will focus on eight institutional sectors within and against which mobilization took place over the course of nearly over four decades. I investigate how they contributed to the stabilization of the socio-territorial situation of the reservation and study

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[12] Thorton and Ocasio define institutional logics as "socially constructed, historical patterns of material practices, assumptions, values, beliefs, and rules by which individuals [and organizations] produce and reproduce their material subsistence, organize time and space, and provide meaning to their social reality" (1999: 804).

how social mobilization developed across them at different times. These sectors are: religion, science, the media, the market, public bureaucracy, legislature, the legal system, and indigenous politics. Some of these sectors are present throughout the analysis, while others only gain relevance in later phases of contention as mobilization is channelled into them. I am interested in understanding the institutional constellations that structure these sectors regarding their participation in the stabilization of the field of indigenism, and not in general. For instance, I focus on how the judiciary engages with the rights and demands of indigenous groups, not with its general social role and intervention.

A crucial aspect of such sectors is that they structure social organization and intervention in ways that transcend the boundaries of the nation-state. Institutional sectors are multi-level to the extent that they comprise groups, networks and organizations that are situated both below and beyond national political systems, a fact which provides activists with the possibility of activating opportunities and resources situated across scales as they engage in mobilization. This influences how opportunities for mobilization are conceptualized and analysed, and the linkages connecting across levels of mobilization can be studied. Recently, scholars studying processes of mobilization beyond the nation state have asserted that "the concept of political opportunity structures has been developed with domestic social movements, nation-states and national policies in mind" (Rodriguez-Garavito 2007, 153). The notion of society as being organized around multiple institutional sectors demands looking beyond the political and institutional structures of the nation state in order to understand where and how opportunities for mobilization are perceived, activated and deployed.

The issue of state-centrism in the analysis of opportunities for mobilization has been tackled by researchers working from within political sociology and international relations. These scholars argue that a model of multi-level and nested political opportunity structures can lead to a better understanding of how activists mobilize by using political opportunities at one level in order to create political openings at another level" (Risse-Kappen, Ropp, and Sikkink 1999, Meyer 2003). In order to understand how multi-level opportunity structures that affect the capacity of actors to mobilize across settings and levels, it is necessary to analyse the linkages that connect across scales. It is through these linkages that ideational, organizational and institutional resources flow and thereby shift the contexts in which mobilization takes place. As resources are channelled across networks, new organizations emerge and forge links within their contexts of action. And if these linkages bridge

across institutional sectors and into the state, new alliances and openings are consolidated for challenger movements and thus the opportunities for mobilization emerge. In a setting where domestic political opportunities are closed, transnational linkages which support the flow of resources and information into domestic settings may become an important driver of movement formation.

Mobilization against inter-sectoral institutional arrangements

The sectors listed above are important because the dominant norms, categories and socially-shared practices reproduced within them contributed, in different ways and times, to the governance of inter-ethnic relations and to the relative position of indigenous minorities in national society. In the early to mid-20th century, they contributed to the stabilization and reinforcement situation of the reservation, which I conceptualize as an inter-sectoral social arrangement. In this study, I use the term inter-sectoral social arrangement to refer to more or less stable situations and regimes that lie at the intersection of institutional sectors and encompass complex sets of rules, categories and socially-shared practices that are reproduced and reinforced at their intersection. The socio-territorial situation of the reservation is a good example of such an inter-sectoral arrangement. The former emerged at the overlap of different institutional sectors including the state, the religion, science and professional networks. To be sure, important institutional underpinnings of this socio-territorial situation were enshrined within the legal regime which made the federal bureaucracy responsible for assisting, reserving and civilizing indigenous groups. But if we take a closer look at indigenism in the early to mid 20th century, we see that major institutions of society – the state, religion, science – converged around the basic assimilationist premises of the field, and, through their practices, governance structures, procedures and systems of categorization, contributed to the stability of the socio-territorial situation whereby indigenous groups were confined within small land parcels.

This is not to say that religious missionaries, state bureaucrats and scientists were always in agreement about the ultimate goals and governance devices that should be deployed in the field of indigenism. In fact, actors affiliated to these sectors many times disagreed and competed intensely over the adequate forms of engagement with indigenous minorities. The regulation of state-led

indigenism in the early 20th century was aimed at reducing the power of religious organizations over indigenous groups, and the federal indigenist bureaucracy often positioned itself explicitly against religious proselytism and religious work alongside indigenous groups. But despite disagreements and tensions, up until the 1970s the rationale that guided organization and intervention vis-à-vis indigenous groups within each of these sectors converged around and contributed to the practice of territorial reservation, political disenfranchisement and cultural and moral debasement of indigenous minorities. Within the Catholic Church, missionaries and religious orders declared the spiritual inferiority of indigenous peoples and took advantage of their territorial confinement to systematically carry out their conversion. Anthropologists inside academic establishments produced scientific concepts and narratives - such as acculturation and assimilation - that portrayed indigenous societies as backwards and primitive, legitimating the notion of "transitional" territories for indigenous groups. The state bureaucracy used these categories in developing policies of integration and acculturation. Such policies included the political disenfranchisement of indigenous groups (since they supposedly did not have the capacity to represent their own rights or interests), their reservation in small land parcels so that they could be more easily "civilized" (and their land freed up) as they integrated the rural labour force, among other measures. The marginalization and oppression of indigenous groups which pro-indigenous activists sought to transform as of the 1970s was therefore consolidated and reproduced through the convergence of multiple institutional sectors.

Far beyond the specific case analysed in this study, many overarching arrangements in society are likewise inter-sectoral, and many of them have been historically targeted by social movements. One important and well-studied example is the regime of racial segregation against which civil rights activists struggled in the United States as of the 1960s, which was simultaneously structured by institutions situated in the legal sector (doctrines, procedural rules, barriers to entry and access), the political sector (institutional limitation of civil rights, barriers to access and entry), as well as in the systems of beliefs, knowledge and values that were produced, reproduced and reinforced within educational establishments, the media and households. Together, normative and cultural elements from these different sectors structured a regime of racial exclusion. A similar point can be made about what women´s rights movements refer to as patriarchy, which upholds male dominance and the subjugation of women across institutional sectors such as the household, the market, academia, and others. Beyond the analysis of pro-indigenous mobilization in Brazil, the concept of inter-sectoral

regimes is important for understanding many broad societal arrangements that are challenged and targeted by movements.

Inter-sectoral arrangements affect and involve a variety of actors situated within different institutional spaces. This structural trait is an important starting point for theorizing how mobilization may emerge and take place within them. If actors within different sectors are affected by or implied in an inter-sectoral regime, then the grievances, dilemmas, injustices, political opportunities or threats associated with its reproduction can be perceived or felt by actors occupying very different social positions, with different sectoral affiliations. These destabilizing events can be perceived and become "problems" in the pragmatist sense – obstacles which hinder the seamless reproduction of habits (i.e. the reproduction of order) and lead to reflexive engagement and deliberation (Gross 2009, Mische 2015).

Given these problems, actors may come to imagine alternative pathways of action and visions of future order and act upon those elaborations – in a word, mobilize. To be sure, there is no mechanistic relationship between a destabilizing event and mobilization, and the link between these two is mediated by contingent processes of perception, reflection and deliberation. In an inter-sectoral arrangement, such as that of the reservation, destabilizing events that hinder the seamless reproduction of order may emerge within different sectors. Actors situated within the religious establishments, the legislature, academia, each may witness, simultaneously or at different times, destabilizing events that may result in the suspension of habitual engagements and in the emergence of a deliberative attitude in actors which come to question, criticize and search out alternative courses of action (Mische 2015, Emirbayer and Mische 1998). The fact that diverse actor groups situated within different sectors may be affected by or perceive problems in the functioning and consequences of the social arrangement means that mobilization against it can emerge in many different social sites, at once or sequentially.

Inter-sectoral arrangements may be faced with multiple instances of intra-sectoral mobilization. If actors become aware of similar grievances and processes of mobilization within different social sectors, cross-referencing and networking may occur across these groups, leading to inter-sectoral mobilization. If mobilization impacts the logics, norms and practices that are reproduced in one sector, this may ensue in inter-sectoral dissonance within the arrangement. By inter-sectoral dissonance, I refer to contradictions between dominant norms, practices and belief systems

comprised within the different institutional sectors that contribute to the inter-sectoral social arrangement. Such institutional contradiction can be leveraged and used to advance organized challenges across other sectors in later rounds of mobilization. Armstrong and Bernstein (2008), for instance, argue that movements may use a more favourable institutional space as a base from which to challenge the others, with the first institution providing material and symbolic resources for contention. What they do not note is that such contradictions may be generated by mobilization itself.

To investigate how movements navigate across multiple sectors, provoking dissonance and disputing dominant logics across institutionally-organized spaces, it is necessary to analyse contention and its impacts over the course of long periods of time, carefully investigating the multiple rounds of encounters between movements and their contexts of action (Bülow 2014, Clemens 1997, Zajak 2014). Mobilization and change within inter-sectoral regimes is likely to be a multi-step process in which different forms of claim-making must be skilfully deployed within varying sectors over long periods of time.

2.3 Claim-making and institutional engagement across institutional sectors

The concept of institutional sectors is also important because it allows us to understand the forms of action, skills, dispositions and worldviews that are available to actors and how they are deployed in contention. In this section, I develop the argument that the contentious repertoires actors deploy in the midst of political claim-making depend on the broader institutional repertoires – which include skills, dispositions, worldviews and understandings – that they acquire through their affiliation to groups and networks situated within specific institutional sectors, and that a social movement may broaden the repertoires that are available in contention by expanding inter-sectoral social movement network ties.

Institutional repertoires and sectoral embeddedness

In studies of social mobilization, the investigation of how people engage in political claim-making has been largely subsumed under the concept of repertoire (Tilly 1978, 2006, Tarrow 1995, Auyero 2004, Clemens 1993a, Steinberg 1995, Alonso 2012). Defined and deployed in a variety of often conflicting

ways, the notion of repertoire is used to emphasize that, despite the innumerable ways through which individuals could potentially make claims on authorities and challenge existing social arrangements, only a surprisingly small set of claims-making strategies is actually deployed in protest. This is because, in a given time and place, people only have knowledge of and access to some forms of organizing, understanding, and acting.

The concept of collective action repertoire was originally devised by Tilly (1978) in order to refer to the limited set of forms of political action that are known to common people and available for deployment as they make claims on authorities and élites.[13] The qualifier "political" is important, because the linkages that connect forms of political claim-making to other - not primarily political - forms of action that are known to actors are not explicitly theorized in Tilly´s approach, even if references to the connection between political repertoires and everyday life are mentioned in passing (Auyero 2004). Structural in its terms and references, the analysis of collective action repertoires was initially carried out through the development of typologies of existent forms of claim-making – rallies, marches, kidnappings, land occupations-, with little or no attention being payed to their semantic and symbolic dimensions. Tilly himself significantly altered his definition over the decades (Alonso 2012). In his later studies, structural undertones were offset by the concept of "performance", and reconciled with the notion that repertoires had to be drawn on and enacted in contentious performances. As they enact available forms of claim-making, actors interpret, improvise, adapt, and ultimately transform – even if marginally and incrementally – the forms of political claim-making that are available to them.[14] But the focus on political forms of action – rather than broader forms of engagement, dispositions, and skills – remained at the core of the concept.

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[13] In one of his first statements on repertoires, Tilly (1978: 151-152) argued that „At any point in time, the repertoire of collective action available to a population is surprisingly limited. Surprisingly, given the innumerable ways in which people could, in principle, deploy their resources in pursuit of common ends. Surprisingly, given the many ways real groups have pursued their own common ends at one time or another. Most twentieth-century Americans, for example, know how to demonstrate. They know that a group with a claim to make assemblies in a public place, identifies itself and its demands or complaints in a visible way, orients its common action to the persons, properties, or symbols of some other groups it is seeking to influence. Within those general rules, most Americans know how to carry on several different forms of demonstration: the massed march, the assembly with speechmaking, the temporary occupation of premises. (…) Various forms of demonstration belong to the repertoire of twentieth century Americans – not to mention twentieth-century Canadians, Japanese, Greeks, Brazilians, and many others."
[14] In one of his final statements, Tilly (2006, 34-35) argued that „[w]e can capture some of the recurrent, historically embedded character of contentious politics by means of two related theatrical metaphors: performances and repertoires. Once we look closely at collective claim-making, we can see that particular instances improvise on shared scripts. Presenting a petition, taking hostage, or mounting a demonstration constituted a performance linking

The notion of repertoire has become central in social movement studies, widely used to capture regularities in what people do as they engage in contention. Over the years, scholars working from within political and cultural sociology have significantly built on and transformed its meaning. For one, the term has been expanded to include aspects of political engagement that go well beyond forms of *action* deployed by contentious actors. By devising concepts such as organizational repertoires (Clemens 1993), cultural repertoires (Swidler 1986, 2001) and discursive repertoires (Steinberg 1995), scholars have demonstrated that repertoires by far exceed the known forms of action used in political claim-making. They also include organizational forms, discourses, dispositions, skills and worldviews which are relevant for how actors devise strategies of engagement and intervention in the world.

Writing from the field of cultural sociology, Swidler´s concept of cultural repertoire is important in widening of the scope and content of the concept (Swidler 1986, 2001). Swidler uses the metaphor of a toolkit to define how culture influences the strategies of action devised by actors. According to the author, culture consists of a "toolkit of symbols, stories, rituals, skills and worldviews which people may use in varying configurations to solve different kinds of problems" and which have an independent effect on action because they shape the initial capacities and elements from which strategies can be constructed (Swidler 1986, 273). Such strategies constitute general ways of organizing action that allow actors to reach certain life goals.

If the idea of culture as a toolkit holds, then the styles or strategies of action will be more persistent than the ends people seek to attain. In this sense, an actor that engages in contention may subscribe to new ends or novel goals, but the ways that she will protest and contend, the styles and skills that will be deployed in the midst of mobilization, will remain close to the toolkit capacities acquired through broader life experiences. Key here is the important, albeit undertheorized, connection between cultural repertoires and contentious (political) repertoires. As they engage in political claim-making, people are not drawing from scratch what they do; but neither are they drawing solely on political culture and political conventions and traditions. Rather, they draw on dispositions, skills and worldviews that they have acquired and developed in the cultural and institutional contexts in which

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at least two actors, a claimant and an object of claims (…) Performances clump into repertoires of claim-making routines that apply to the same claimant-object pairs: bosses and workers, peasants and landlords, rival nationalist factions, and many more. The theatrical metaphor calls attention to the clustered, learned, yet provisional character of people´s interactions as they make and receive each other´s claims."

they are embedded or through which they have passed. Swidler is not primarily interested in explaining patterns of contentious politics, but the notion of cultural repertoires as composed of a wide array of elements including dispositions, skills, worldviews and understandings can be transposed to the study of political claim-making in order to broaden the content of the repertoires that is relevant for studying patterns of contention.

Clemens (1997) and Mische (2008) go one step further in theorizing how cultural and institutional affiliations of activists are linked to the ways they engage in political claim-making. In developing the concept of organizational repertoires – defined as the set of organizational models that are culturally or experientially available to actors – (Clemens 1993) argues that actors situated within different organizational fields have access to and can employ a variety of organizational models and vary between different cultural logics. The existence of different repertoires within a single society implies that the institutional and cultural environment of society is not uniform but rather that multiple sets of conventions are available to differently positioned actors. Position within a complex cultural and organizational field is crucial in determining which forms of organization are and are not available to actors and groups. Mische (2008) similarly depicts society as organized around a set of institutionally-differentiated sectors and argues that each of these sectors is characterized by specific repertoires of institutional practices and relations, from rituals of initiation to procedures for debate and leadership selection. These institutional elements are aggregated around a given institutional logic, which informs life within each sector and distinguishes it from other institutional sites. In this view, actors are socially embedded carriers of the styles and repertoires that they pick up as they circulate within and across institutionally-differentiated social sites (Mische 2008, 353). The repertoires they access are the product of where they come from and where they stand in relation to overlapping and intersecting institutional sectors within complex institutional fields.

I elaborate on these scholars in order to link the sectoral affiliations of activists with the broader sets of skills, dispositions, and understandings – in a word, the institutional repertoires **-** that are available for them to deploy in contention. As stated in section 2 above, I define institutional sectors as institutionally-differentiated social orders in which social organization and intervention are structured by specific constellations of institutional and cultural elements. These elements come to integrate the perception, skills, habits and beliefs of these actors and to constitute the broader institutional repertoires that that are available to them. When actors and groups encounter "problem

situations" described in section 2 above – situations of crises, emerging opportunities or threats, grievances and frustrations associated to the reproduction of institutional order – they draw on the institutional repertoires in order to tackle and address the problem at hand. If contextual conditions emerge and aggrieved actors decide to take advantage of it to organize and challenge the institutional order - that is, if they mobilize – they will do so by converting the institutional repertoires that are available to them into contentious repertoires, or forms of political claim-making. The skills, dispositions, understanding and worldviews acquired by actors within the sectors will be activated in order to coin strategies of political action and engagement. For instance, drawing on the skills, dispositions and practices that they acquired through their affiliation to academia and professional networks, critical anthropologists devised novel anthropological theories pertaining to indigenous culture and interethnic relations, organized symposiums and engaged in new, politicized practices of research and activism within the National Indian Foundation, to which they had close ties. That is, their contentious engagements are closely connected to their professional experiences and roles. Their embeddedness in professional and academic organizations provided them with culturally and institutionally-shared understandings and skills, and these repertoires were drawn on as anthropologists developed their critiques and engaged in protest.

Inter-sectoral movement networks

But institutional repertoires available to actors are not just derived from their intra-sectoral embeddedness and affiliations. As pointed out by many scholars, even if society is organized around enduring and relatively bounded sites of social organization, there are many ways in which the experiences, relationships and lives of actors overflow the boundaries of institutionalized social spaces. In order to analyse these processes, I draw on relational approaches to social movements and define the latter as instances of collective action with more or less publicly enacted conflictual orientations to social and political opponents, conducted in the context of dense networking among actors, groups and individuals by activists linked by enduring solidarities and collective identities (Diani and Bison 2004, Diani and Eyerman 1992).

According to this definition, there are three elements which distinguish social movements from other types of collective action: first, the presence of conflictual orientations to identified opponents;

second, dense (as opposed to sparse) informal exchanges between individuals and organizations engaged in collective projects; third, a strong collective identity shared by members of those networks (Diani and Bison 2004). In the absence of conflictual engagements, collective action is better defined as consensus movements than social movements; in the absence of dense social ties across groups and organizations, they are better defined single group or organizational processes; and where only a weak or no collective identity is present, there is a coalition rather than a social movement process.

I add to this definition the distinction between intra-sectoral movements, those that develop and operate within the boundaries of institutional sectors, and inter-sectoral movements, characterized by strong linkages and collective identities that transcend those boundaries. Moreover, I argue that the constitution of inter-sectoral social movements is a recurrent process through which movements gain increased responsive capacity and autonomy vis-à-vis shifting institutional processes. Such process underlies, at least in part, the relative resilience and endurance of certain movements vis-à-vis one another. It is an important component of how movements contribute to long-term, incremental changes in social arrangements. Inter-sectoral social movements are constituted by means of a variety and, normally, a build-up of structural and cultural movement dynamics. I analyse two of such processes: inter-sectoral social networking and inter-sectoral recognition-building. These are both necessary conditions for the transformation of intra-sectoral activism into a sustained, inter-sectoral social movement.

Inter-sectoral social networking refers to the process through which activists situated in different sectors engage in intensified interaction and communication and actively coordinate protest across sectoral divides (Almeida 2014). Such a process occurs when actors situated across sectors engage jointly in events such as conferences, campaigns, petitions, rallies, and others. Such social networking represents an intensified flow of information and resources across sectoral divides. It enables the concatenation and aggregation of multiple institutional repertoires within the network of mobilization, providing the movement with possibility to critically engage with different modes of contestation and to open up new avenues and arenas of claim-making. In addition to this, and given the heterogeneity of world views, dispositions and skills which circulate within them, inter-sectoral

networks are sites where important innovations can take place within the movement.[15] As emphasized by Mische (2008), we can expect the intersection of various, multi-level institutional sectors to inform the narratives and repertories that circulate within and between groups, providing resources for the elaboration of new projects and strategies. New possibilities and projects emerge which are different from the sum of previously separate repertoires. Such innovation processes and aggregation of repertoires enhance the capacity of the movement to respond to and endure shifting contexts. If one form or arena of engagement is precluded, inter-sectoral networking allows for the opening up or channelling of contention into novel arenas and sectors, thereby increasing the chances that mobilization will bypass such obstacles. Inter-sectoral networking therefore provides movements with increased autonomy vis-à-vis shifting contexts of mobilization. Moreover, by deepening the flow of resources and communication between sectors, inter-sectoral social networking enables the recombination of repertoires and the emergence of new patterns of claim-making.

But inter-sectoral social networking can only be sustained if it is reinforced by underlying cultural processes which stabilize structural ties across sectors. Inter-sectoral mobilization can lead to significant tensions amongst activists and movement organizations. Promoting and sustaining cooperation across sectors is a difficult task which can easily go wrong. If actors cling too tightly to the conventions and practices that are dominant within one sector, if common goals and projects cannot be constructed, if repertoires situated across sectors are dismissed as wrong-headed or illegitimate, then inter-sectoral networks can easily fall apart. Promoting sustained linkages between actors situated in distant social sectors and groups requires actors with significant social skill in the sense defined by Fligstein (2001): the ability to mediate between different conceptions of identity and interest in order to generate consensus and cooperation in a complex field. It requires what I refer to as inter-sectoral recognition-building, or cultural processes through which activists

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[15] In institutional theory and economic sociology, it has been widely argued that novelty often emerges at the encounter of different institutional realms, systems or orders. In their study of path creation in open institutional systems, Djelic and Quack (2007), for instance, investigate the processes through which novel institutional paths emerge at the encounter of national and transnational institutional orders. And in a recent investigation on the emergence of organizational forms, Padgett and Powell (2012) and colleagues argue that the transposition and recombination of practices, understandings, and conventions across social realms and multiple networks may ensue in significant instances of organizational and institutional innovation. Such insights have also begun to be explored in social movement theory, as scholars look at how activists make use of overlapping and intersecting networks or fields as they strive to promote their goals (Almeida 2014, Evans and Kay 2008).

continuously construct the positive acknowledgment of forms of claim-making, forms of knowledge, skill-sets and other institutional repertoires situated across institutional sectors.

If actors are mobilizing together in a sustained and enduring fashion, we can say that a collective identity has been developed. Collective identities are not understood here as embedded or personal identities which inform the routine social and personal lives of activists (Tilly 1999). Rather, I use the term to refer to a sense of common purpose and commitment to a cause which is constructed through political and social processes and which enables activists to see themselves as linked to each other in pursuit of a common goal that transcends isolated episodes or instances of contention (Diani and Bison 2004). Actors participating in inter-sectoral mobilization will not necessarily share any embedded identities – they will rarely all belong to a same clan, race, ethnicity, or kinship group. Rather, their identification is linked by a constructed a common goal and a sense of jointly contributing to the edifice of a shared project. In this sense, the emergence of inter-sectoral social movements is related to the development of shared projects with which activists and organizations embedded in socially distant sectors identify. Future orientation and commitment to shared projects are elements which underpin the collective identities within inter-sectoral movement networks.

Neither of the processes described above is independent from contexts of action. In order to form sustained and inter-sectoral networks, activists must have the possibility and mobility to circulate and communicate across social sites. Inter-sectoral mobilization may be difficult under any conditions, but authoritarian contexts in which basic rights of citizenship, such as free expression, right of protest and political voice, are absent, represent an additional obstacle to the emergence of these networks. Under tutorship, for instance, indigenous groups could not actively participate in formal politics, take up positions in government bureaucracy, or organize associations for the defence of their rights and interests. Furthermore, transactions in the market were mediated by the tutor, i.e. the federal indigenist bureaucracy. This means that tutorship formally encapsulated indigenous peoples, severely limiting their ability to engage in inter-sectoral mobilization. When the formal obstacles of tutorship were lifted, indigenous peoples began to explore and integrate social circles within different sectors, thereby enhancing their relationships and repertoires.

Together, inter-sectoral social networking and inter-sectoral recognition-building ensue in the constitution of a sustained and enduring inter-sectoral social movement, which, by aggregating and generating novel institutional repertoires, is capable of bypassing or creatively responding, through

the activation of inter-sectoral network ties, to shifts in political and institutional contexts of action. By constructing inter-sectoral ties, movements gain responsive capacity and autonomy vis-à-vis their contexts and are therefore bound to be more enduring, resilient and capable of engaging in long-term and incremental processes of social change.

2.4 Analysing the outcomes of social mobilization

Over the course of roughly five decades, pro-indigenous activists targeted and interacted with a set of institutions that they perceived to be contributing to the marginalization and disenfranchisement of indigenous peoples. They united in inter-sectoral movements and wove diverse repertoires into multi-faceted forms of political claim-making. But did their efforts make a difference? Did they have any impacts on the institutions that govern interethnic relations in Brazil and on the conditions of Brazilian Indians? If so, how were these impacts generated?

To answer these questions, I draw and elaborate on the growing body of literature investigating consequences of social mobilization in order to develop a framework for analysing the recurrent processes through which movements contribute, over long periods of time, to incremental processes of institutional change. The overwhelming majority of research on the consequences of mobilization has investigated the conditions under which movements influence political and social contexts of action, but has failed to analyse the dynamic and long-term interactions between movements and shifting contexts. To address this gap, in this section I develop a dynamic model of social movements and institutional change. I conceptualize the outcomes of mobilization as the intended and unintended elements that emerge from contentious interactions between activists, authorities and opponents within specific political and institutional contexts of action. The dynamic model I develop here is intended to allow for the investigation of how such outcomes affect and influence patterns of subsequent mobilization. It is through multiple and sequential episodes of mobilization that movements contribute to change in inter-sectoral regimes.

It is important to emphasize that by the terms "social movement outcomes" or "consequences of mobilization" I not mean to imply that movements are the sole cause of the events described below. Such outcomes ensue from the interaction between movements, authorities and opponents within specific institutional contexts (Tilly 1999). I consider an event or process the outcome of mobilization

whenever the contentious engagement of a social movement contributed to its occurrence. This includes both intended and unintended outcomes of mobilization, and comprises outcomes generated by the engagement of opponents and authorities in the midst of contention. One important limitation should be pointed out. The relational approach I adopt in the study of social movements emphasizes those outcomes that were later drawn on and activated by movements in subsequent rounds of contention. Outcomes which were abandoned, forgotten, or for any reason did not come to influence subsequent patterns of mobilization are not systematically analysed.

I begin this section by reviewing how the existing scholarship has approached the theme of social movement outcomes and by presenting a dynamic and relational approach to the relationship between mobilization and institutional contexts. After this I go on to develop a typology of movement outcomes that builds on exiting literature and to elaborate an iterative approach to mobilization and long-term institutional change.

Existing approaches to social movement outcomes

Until the 1990s, systematic analyses of social movement outcomes were rare within social movement theory. Moreover, the data, concepts and theories deployed to explain when and under which conditions mobilization affects society were relatively incipient, leading one scholar to claim, as late as 1998, that "we still lack systematic empirical analyses that would add to our knowledge of the conditions under which movements produce certain effects" (Giugni 1998, 373). But much has changed over the past two decades, and since the late 1990s, social movement studies have witnessed an upsurge of scholarly interest on the outcomes of social mobilization (Bosi, Giugni, and Uba 2016, Giugni, McAdam, and Tilly 1999, Amenta et al. 2010, Giugni 1999, King and Pearce 2010).

Over the course of these decades, two important advances have been made in the literature on social movement outcomes: first, there has been a shift from models that explain movement impacts through movement-controlled variables to the deployment of interactive models which portray the interplay between multiple factors that contribute to the outcomes of social mobilization. Second, there has been a smaller, albeit significant transition from variable-based approaches to the search for mechanisms through which movements exert impacts on social contexts. I will briefly go over

these developments and argue why they still fall short of analysing the long-term and dynamic interplay between social movements and shifting contexts of action.

Most scholars of social movements assume that the latter exert some sort of impact upon society, whether such impacts are internal or external to the movement, intended or unintended (Deng 1997), and political, institutional, or cultural in nature (Moore 1999, King and Pearce 2010, Amenta et al. 2010, Soule and Olzak 2004, Giugni 2007, Earl 2004). Nonetheless, researchers have analysed and explained these impacts in different ways. In the literature, we find two broad models linking social movement activity to outcomes: direct-effect models and indirect effect or interactive models. While this classification has been developed to organize existing scholarship on the political impacts of social movements (Giugni 2008, Soule and Olzak 2004, Giugni 2007), it can easily be extended to scholarship which analyses broader, institutional and cultural outcomes of mobilization taking place within and beyond the state.

A first body of works on social movement outcomes focuses on assessing the characteristics of mobilization which favour movement success, i.e., which help movements achieve their stated goals. This research largely attributed successful mobilization to movement-controlled variables such as organizational form and movement tactics. More specifically, this research is framed along two lines of inquiry (Giugni 2008): 1) Are disruptive movements more successful than moderate ones? 2) Are strongly organized movements more successful that loosely-organized ones? These inquiries were introduced into the study of political effects of mobilization quite early on. In a now-classical study that investigates the degree of success of social movements on two dimensions – acceptance and new advantages – Gamson (1990 [1975]) concluded that movements which were successful in obtaining new advantages for their constituents tended to be more bureaucratized, pursue single-issue goals, and use radical and disruptive tactics. His findings were widely debated, with the ensuing discussions focusing on the effects of levels of organization and disruptive tactics upon the success of mobilization (Steedly and Foley 1979, Mirowski and Ross 1981).

While inconclusive in their findings, these debates led to the consolidation of a body of scholarship on the impacts of mobilization upon public policies and politics. Because this literature establishes a direct link between forms of social mobilization and policy effects, it has been referred to as the *direct effect model* of social movement outcomes, in which movements can have an effect on policy and

society with their own forces and in the absence of external support and other favourable conditions (Giugni 2004, 2008).

Even though the approach emerged in discussions concerning the impacts of mobilization upon state policies, direct-effect models have also been deployed by scholars studying the impacts of social movements beyond the state. Research on movements and markets, for instance, has suggested that, when mobilizing from within organizations to change corporate practices and market institutions, activists which are less contentious and less politicized are more likely to bring about desired changes (King and Pearce 2010). Furthermore, the literature has argued that claims that are framed according to market logics are more likely to be accepted and implemented (Lounsbury 2001, Lounsbury, Ventresca, and Hirsch 2003), and that activists can achieve field-level change if they engage in institutional diffusion and legitimation (Schneiberg and Soule 2005).

A second branch of inquiries on the impacts of mobilization shifts analytical attention to contextual factors. Inspired by political process theory, this literature looks *outside* of social movements to investigate the conditions under which activism is most influential. These studies suggest that the impacts of mobilization are conditional and contingent on the presence of facilitating external factors pertaining to their social and political environments. These factors include favourable public opinion (Burstein 1998) and advantageous political opportunity structures such as favourable political alignments within the institutionalized political system (Amenta, Carruthers, and Zylan 1992, McCammon et al. 2001, Amenta 2006). Even more recent studies have explained the effectiveness of mobilization by deploying interactive models, in which interaction effects between variables that are taken to explain the strength of social movements are modelled and tested. In their study of state-level Equal Rights Amendment ratification, Soule and Olzak (2004) argue that the effect of social movement organizations on institutional change was amplified in the presence of elite allies and that a favourable public opinion was an important driver for ratification under conditions of low electoral competition. In a comparative longitudinal study of the ecology, antinuclear and peace movements in the United States between 1975 and 1995, Giugni (2007) argues that for mobilization to have any impact on policy, a strong social movement must be active in a context that combines favourable public opinion with the presence of major political allies within institutional settings.

This literature demonstrates that research on the how social movements matter has advanced significantly over the past years. Scholars have developed more complex theories about the

conditions under which movements are influential, specifying interactions between aspects of movements and the political and social contexts in which they mobilize. In accordance with the conceptual framework adopted in the present study, outcomes of mobilization are understood as ensuing from the interaction between activists, authorities, and contexts of action, and not as emerging directly from internal movement dynamics alone. Nonetheless, important shortcomings remain. I point out two of them and propose that they can be tackled through what I call an iterative model of mobilization and institutional change.

A first problem is that existing studies still focus much more on the conditions under which movements exert influence than on the processes and causal mechanisms that link mobilization to changes in society. Because of this, our knowledge about the processes through which political or social change is affected by social movements is still limited (Kolb 2007, Earl 2000, Andrews 2001). As asserted by one author (Kolb 2007:8), "[m]ost studies have ignored, or at least underspecified, the causal links between external, non-movement factors and movement characteristics such as strength and strategies on the one hand, and political change on the other. The prevailing correlational analysis provides a weak foundation for integrating the diverse findings into the single coherent framework that is necessary for knowledge accumulation".

To be sure, important exceptions exist, and as of the late 2000s a trend emerged in the scholarship pointing to the search for causal mechanisms linking movements to political and institutional change. Bosi (2016) uses process-tracing methods in order to study the causal interaction between institutional change and social movements, showing how the slow process of institutionalization of the Northern Ireland Civil Rights Movement contributed to incremental regime change in Northern Ireland. In his study of the Civil Rights Movement in the United States, Andrews (2001, 2004) develops what he calls an infrastructure model for explaining movement outcomes. Drawing on literature on three different mechanisms through which movements exert influence on policy and institutions – persuasion, disruption and negotiation -, Andrews (2004, 30) argues that "movements are most influential when they can create leverage through multiple mechanisms. The prior three models focus on a single mechanism as the primary means by which movements create change – disruption, persuasion, or negotiation. The movement infrastructure model accounts for the ability of movements to impact political change through multiple mechanisms, and this change can occur when a movement´s leadership and organization allow for strategic flexibility and innovation." Kolb

(2007) draws on existing literature on mechanistic approaches to movement impacts (McAdam and Su 2002, Andrews 2004) in order to elaborate five basic causal mechanisms of political change: disruption, public preference, political access, judicial, and international politics mechanisms. The author also identifies which explanatory variables have to be present in order for the mechanism to be successfully activated by social movements (Kolb 2007: 13). Despite these advances, such approaches still constitute only a small, albeit growing, fraction of the literature.

A second problem is that scholars have failed to systematically investigate and explicitly conceptualize the dynamic interactions between movements and shifting contexts of action. While all the studies cited above investigate how movements affect social and political contexts, few of them consider that this relationship is dynamic, i.e., that the contextual shifts impacted by movements through their interaction with existing institutions and contending actors influence further contention, affecting whether and how movements engage in claim-making - how they organize, which repertoires of claim-making they use, and which sectors and authorities they target. Movements are reflexive and responsive, but this has not been systematically integrated into analyses of mobilization. Because of this, the majority of the literature fails to recognize that movement outcomes are not the end-points of contention, but rather the possible beginning of new rounds of claim-making which will again contribute to shifts in social and political environments. Movements can and many times do activate, build on and leverage the outcomes of mobilization in order to exert further pressure on targeted institutions. Their influence is exerted over multiple rounds of contention, in which the movement itself is transformed (Clemens 1997; Andrews 2004).

A dynamic model of mobilization and social change

Given these shortcomings, I elaborate on the existing perspectives and inquiries that guide analyses of social movement outcomes in order to develop a dynamic approach to the analysis of how social movements contribute to long-term and incremental processes of institutional change. Such contributions are constituted by diverse types of transformation, encompassing instances of institutional, cultural and organizational change. Mobilization contributes to each of these analytically-distinct outcomes and thereby they must be analysed together if the institutional effects

of mobilization are to be captured.[16] Moreover, transformations take place in a plethora of institutional sectors and over the course of sequential episodes of contention. A longitudinal framework which analyses the dynamic interplay between movements and contexts of action over iterated rounds of contention is crucial for the study broader social consequences of mobilization.

My dynamic approach has three pillars. First, outcomes of mobilization are not studied over single episodes or instances of contention, but rather over the course of multiple and sequential encounters between movements and their contexts of action. The framework captures the longitudinal interaction between movements and contexts in a way that is better suited for understanding how movements impact deeply entrenched and inter-sectoral social arrangements. No single round of contention, no matter how significant, is likely to fully transform such structures. Studying the outcomes of single episodes or campaigns is likely to distort the significance and extent of movement outcomes. The impacts of mobilization upon contexts will be better understood if observed over several sequential encounters between movements and institutions situated across sectors. Each of these encounters contributes to partial shifts and transformations, which may then be leveraged by activists in ensuing contention. Outcomes of mobilization are incremental instances of change which may be woven together into broader, long-term trajectories of mobilization and social transformation.

Second, I deploy a relational perspective on the outcomes of mobilization. Such outcomes are not conceived of as fixed and resolute impacts. Rather, they are conceptualized as elements which gain significance to the extent that they are drawn on by actors in subsequent episodes of contention. In this sense, the meaning and implications of the elements which ensue from mobilization depend on whether and how they are activated and drawn on in later contentious episodes. This means we must look at how activists perceive, relate to and use partial and intermediary outcomes in order to advance (or change) the goals of the movement. Allowing for iteration to take place in the analysis of movement outcomes requires that researchers be attuned to changes both in contexts as well as in forms of action, and to the mutual influence between them. Such iteration, moreover, does not

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[16] As pointed out by Giugni (1998, 1999) and Tilly (1999), understanding how movements contribute to social change requires the development of frameworks which take into account the dynamics of mobilization and the different types of consequences that ensue from contentious interactions. Understanding how movements contribute to shifts in deeply entrenched social arrangements requires investigating other outcomes such as the formation of collective identities, inter-sectoral solidarities and the acceptance of these identities as legitimate political actors.

involve only the contextual shifts to which movements contribute, but also those which occur independently of mobilization.

Such a relational approach echoes recent scholarship in pragmatist institutionalism, which conceptualizes social and political institutions as repertoires or resources which must be interpreted, activated and used by actors (Berk and Galvan 2013, 2009, Schneiberg 2007, Clemens 1997, 1993). Some of this literature explicitly links such institutional repertoires to social movement activity. In his study of organizational diversity in American infrastructure industry, Schneiberg (2007) shows that institutional conflicts, many times undertaken by social movements, generate scores of "institutional flotsam and jetsam", that is, more or less developed institutional projects and elements including theories of order, organizational models and normative templates. These elements "constitute resources and building-blocks for institutional assembly, rehabilitation or revival. And they can be redeployed to support new experiments, theorization, mobilization for change, and even the consolidation of entirely new paths within existing systems" (2007, 47). Such a conceptualization allows us to see the outcomes of movements not as the end of mobilization, but rather as elements which can be used to bridge one episode of contention to the next in broader trajectories of inter-sectoral movement activity.

Some research in the field of social movement theory has begun to explore a relational approach to the outcomes of social mobilization. In his study of how movements claim credit for societal transformations, Meyer (2006) insightfully argues that activists are constantly constructing narratives about their influence and the achievement of movement goals, and that these narratives open up some avenues for further mobilization while barring others. According to the author, in organizing for the future, activists must make sense of the events of the past, explaining previous triumphs and defeats by constructing stories that resonate with dominant beliefs and values. These stories are not built from scratch, but draw on the raw materials of actually existing events and actors. According to Meyer, "the dominant narrative about the trajectory of a movement, or of the origins of a policy, becomes part of the culture in which movements arise (or not), legitimating certain kinds of claims, actors, and tactics, while undermining others" (2006, 212). This scholarship begins to construct a more relational approach to the impacts of movements, showing that the latter are not static and resolved but rather open to appropriation, interpretation and activation.

Third, my framework is based on the integrated analysis of different types of movement outcomes. The recent surge of scholarly interest in the outcomes of social movements has generated a plethora of studies on the diverse impacts that movements have on society.[17] But despite these developments, two problems remain: a persistent focus on political and policy outcomes and the failure to integrate the study of differently types of movement outcomes into one analytical framework. To be sure, studying the outcomes of mobilization is already a challenge (Earl 2000), and including different types of outcomes into a single framework is still more challenging. But studying the broader social implications of mobilization demands that analysts face this task and look at the different ways in which movements affect society. In my analysis of social movements and their contribution to institutional change, I incorporate two analytically distinct levels of movement outcomes: the first level encompasses those outcomes that are external to the movement – impacts produced upon the institutional contexts of action – and the second level comprises outcomes that are internal to the movement – shifts in the structural and cultural dynamics of mobilization. In order to develop a dynamic approach to mobilization and incremental social change, these two levels must be analysed together.

Concerning the external outcomes of mobilization, in this study I focus on analysing the impacts that movements exert upon their institutional contexts of action. I define institutions as the formal and informal normative elements such as rules, conventions and procedures which govern society. Among these normative elements, we find laws, principles, administrative and legal procedures, judicial decisions as well as norms structuring non-state sectors such as religious codes, academic

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[17] The growing interest in studying how movements matter has generated a plethora of studies on the different types and modalities of movement outcomes, as well as on the internal and contextual conditions which affect the movement´s capacity to achieve its goals. Despite the many calls for a diversification in the study of social movement outcomes, the majority of existing research still focuses on the polity and political outcomes of mobilization. This scholarship assesses the conditions under which and, to a lesser extent, the mechanisms through which movements are likely to influence the policy agenda (for reviews, see Bosi, Giugni and Uba 2016, Amenta et al 2010). But other types of outcomes have also been increasingly examined. For instance, some scholars have explored cultural consequences of social movements, proposing different strategies for conceptualizing culture and measuring the impacts that mobilization may have on its different aspects – for instance, public opinion, existing symbolic systems and categories, and prevailing discourses (Earl 2004). Others have looked within movements for the consequences of mobilization, examining how participation in movements impacts the life trajectories of activists (Blee 2016, Giugni and Grasso 2016) and how mobilization leads to the institutionalization and legitimation of movements and collective political identities (Peterson 2016, Bosi 2016). This scholarship bears crucial insights on the wide array of ways that movements impact society. But there is a problem of analytical fragmentation. Most studies tend to focus too rigidly on single outcomes or types of outcome, failing to provide an integrated analysis of how such outcomes are interconnected in broader processes of mobilization and societal change.

procedures and, professional codes of conduct and the like. Such institutions are therefore situated across diverse institutional sectors. I follow scholars who conceptualize institutions as composed of open and ambivalent normative elements, passible of usage, signification, and appropriation by actors (Berk and Galvan 2009, Schneiberg 2007). Moreover, I follow the scholarship in institutional theory that conceptualizes institutional change as occurring through incremental yet consequential instances of transformation in institutionalized elements of society. Change takes place slowly and over the course of multiple junctures, which add up to significant trajectories of social transformation (Djelic and Quack 2007). Studying how movements contribute to change therefore requires that we look at their interventions and influence over the course of long-term trajectories.

I define institutional outcomes of mobilization as changes in institutional elements to which social movements in some way contribute. This is not to say that contentious interactions are sufficient causes of such shifts, but that they are necessary causes in the absence of which the observed outcome would not have occurred. Such outcomes may be both intended and unintended. They can emerge as a result of mobilization within different institutional sectors, and there can be spill-over effects between connected or overlapping sectors affected by mobilization. In order to significantly impact an inter-sectoral social arrangement – such as that of the socio-territorial situation of the reservation –it is likely that the social movement will have to affect several institutional sectors. Through the layering of new institutional elements within these diverse sectors, and by weaving them together into a meaningful trajectory of change, social movements can impact such structures.

Concerning the outcomes of mobilization which pertain to the social movement, I focus on the analysis of infrastructural outcomes and cultural outcomes of mobilization. Movement infrastructures are composed of the set of actors and organizations which compose the social movement, their location within broader multi-sectoral fields, as well as the ties that bind them together. Infrastructures can change in the midst of mobilization processes as new organizations are formed and new network ties are constituted. By movement culture, I refer to the institutional repertoires that are available to and deployed by the movements. Outcomes in these repertoires refer to the changes in the practices, beliefs, projects and systems of categorization that circulate and are dominant within the movement network. In this framework, I do not refer to cultural change outside the social movement, or in society more generally. My analysis is bound to intra-movement cultural dynamics and change. Nonetheless, when a repertoire, belief or form of categorization that

emerged in the movement is institutionalized within formal normative elements that pertain to society more generally, I take it that the cultural elements which emerged within movement structures has overflown its boundaries.

Analysing such internal outcomes is important for two reasons. First, because processes of social change involve not only change in institutional contexts but also transformations in social actors. Investigating how movements – their actors, organizations, and networks - are transformed in the midst of mobilization corresponds to analysing a dimension of social change that we cannot see if we look only at shifts in the institutional structures that govern society. Second, infrastructural and cultural movement dynamics are crucial for the movement´s ability to engage in and contribute to long-term, incremental processes of social change. Therefore, if we are to explain how social movements contribute to long-term, incremental trajectories of social transformation, it is necessary to systematically consider the development of the movement´s capacity to endure and respond to shifts in contexts of action.

Based on the framework developed above, we can hypothesize about the processes through which social movements contribute to long-term, incremental trajectories of social transformation. Concerning internal movement dynamics, I propose that the construction and reinforcement of inter-sectoral movement networks is crucial in ensuring the resilience and responsive capacity of mobilization. As argued in the section above, the constitution of inter-sectoral networks allows for the concatenation and coordination of multiple forms of claim-making. It also opens up new channels and arenas of contention. With these resources, movements are more likely to bypass or creatively respond to shifts in contexts of action which could undermine or preclude mobilization.

Concerning the engagement of such inter-sectoral networks with institutional contexts and their contribution to institutional change, two processes are crucial: institutional innovation and institutional framing. As they engage jointly in contention, inter-sectoral movements bring together, wittingly or not, repertoires from different sectors. At this encounter, new institutional projects, visions of order, or counter-institutions may emerge. This occurs because of the sense-making and creativity that takes place at the encounter of different repertoires and because of the resources that actors with different institutional affiliations bring into mobilization, which enable forms of claim-making that were previously precluded or hindered. Moreover, movements also work within

institutional systems by engaging in what I call institutional framing – the process of attributing meaning to institutionalized normative elements. By engaging in institutional framing, movements work with and through institutional elements that are already present in the institutional contexts in order to dispute their signification and implications. The more inter-sectoral the movement, the more skills and knowledge systems will be available to activists in these semantic disputes. Like institutional innovation, institutional framing occurs across multiple episodes of contention and across institutional sectors. It is an important process which weaves together past rounds of claim-making and their outcomes with ongoing and projected contention.

Outcomes and landmark moments

As movement target and interact with their institutional context of action, they produce different types of outcomes which, in turn, come to influence and affect mobilization in later rounds of contention. At certain points in time, such outcomes add up to landmark moments in which institutional contexts of mobilization change significantly and mark a transition between periods of contention. When observed in detail, we see that such landmark moments often result from the accumulation of smaller, incremental outcomes of mobilization and their embeddedness within broader exogenous processes of social change (that is, processes which cannot be attributed to mobilization). The present investigation of the of pro-indigenous mobilization in Brazil is organized around three of such landmark moments and corresponding periods of mobilization.

The first period (1968-1982) begins with uncoordinated, intra-sectoral mobilization and ends with the generation of inter-sectoral institutional dissonance in the field of indigenism (chapters 4 and 5). This period somewhat precedes and then develops with the "slow and gradual" transition to democracy announced by the authoritarian government which had ruled over Brazil since 1964. The second period (1983-1988) begins with such inter-sectoral dissonance and ends with the passing of the Federal Constitution of 1988, which enshrines the institutional projects espoused by the pro-indigenous movement within the Brazilian legal system in 1988 (chapters 6 and 7). This was an extremely intense time of civic activity in Brazil, with various social movements (re-) emerging after decades of repression, the establishment, in 1985, of the first civil government since the 1964 military coup and the enactment of a National Constitutional Assembly in 1987 to reconstruct the Basic Law

of the country. The third period (1998-2016) begins with the intensification of mobilization around land in Terena territories in Mato Grosso do Sul and ends with the emergence of novel land tenure institutions which take form through the contentious interactions of the pro-indigenous movement, authorities and counter-movements in the administration, in the legal system and on disputed land parcels.

Two important points should be made about this analysis. First, the fact that the trajectory of the pro-indigenous movement is analysed across different periods, each of which is distinguished by the specific forms of interaction between movements and contexts of action, does not mean that I take this movement to be characterized by any sort of natural history in the sense that it is constituted by a seamless and constant identity and existence. In fact, I hope to demonstrate that any sort of continuity that cuts across these periods ensues from the creative and reflexive engagements of actors situated across times, scales and social spaces, which were capable of drawing on elements of previous or overlapping processes mobilization on order to create a sense of identity and continuity over time. Second, unlike many analyses of social movements and institutional change, the processes I am studying are far from concluded. There is nothing to indicate that pro-indigenous and indigenous mobilization will fade away anytime soon in the Brazilian political landscape. And as the process unfolds, previously unexplored institutional elements from the past are activated and deployed in contention; other are left aside or forgotten. Therefore, I do not claim to include in my analysis all the elements generated by and used in pro-indigenous activism. What I do claim is to provide an understanding of how mobilization contributes to the generation of incremental institutional change and how those incremental changes are woven together into consequential instances of social transformation.

Chapter 3. Inter-sectoral convergence and Terena resistance in the situation of the reservation

3.1 Introduction

In the 1970s, after decades of systematic state intervention in the lives of local indigenous groups, a large part of Terena Indians in Mato Grosso do Sul were living within a handful of indigenous reservations that had been established by the Indian Protection Service (SPI), the federal government bureaucracy responsible for implementing state-led indigenist policies since the early 20th century. Within these reservations, the SPI sought to govern the lives and routines of the Terena, intervene in local politics, and mediate interactions between the Indians and surrounding society. Even if the indigenist bureaucracy never managed to fully control indigenous livelihoods or eradicate the agency and resistance of indigenous peoples, the forms of governance and control imposed upon the Terena created significant obstacles to the emergence of open and sustained contestation on the part of indigenous groups against the state-sponsored form of territorialization. In the situation of the reservation, the Terena exercised their agency by silently trespassing the territorial boundaries imposed upon them, demanding that the federal indigenist bureaucracy prevent further encroachment upon their reserved territories, and appropriating as they could elements of state-led indigenist policy. If, by spatially segregating "Indians" from "non-Indians", the reservation may have contributed to the endurance of ethnic identification despite intense pressure for assimilation, it did not create the conditions for the politization of indigenous identity or for the coordinated mobilization of indigenous groups against the institutionalized forms of indigenous territorialization.

In the present chapter, I draw on classical and contemporary ethnographies of the Terena Indians and of the processes of interethnic contact that affected them since the late 19th century in order to analyse the how actors and organizations situated in different institutional sectors – the state bureaucracy, religion, science, and the market – contributed to the consolidation of the situation of the reservation in the early to mid-20th century (section 3.2). After this, I draw again on these ethnographies as well as on official documents of the federal indigenist bureaucracy to analyse the

patterns and forms of resistance deployed by the Terena Indians from three reservations – Cachoeirinha, Buriti and Taunay-Ipegue – against the progressive territorial dispossession which affected them (section 3.3). In the conclusion, I argue that, given the convergence of practices, modes of engagements and systems of categorization set within different institutional sectors in stabilizing and reinforcing the socio-territorial situation of the reservation, the elements and processes which enabled the transition from the situation of the reservation to that of the reclaiming emerged outside of this local situation, in processes of contention through which the logics of engagement of missionaries and anthropologists on the transnational and national levels were transformed.

3.2 The situation of the reservation: Territorialization and land disputes among the Terena Indians

As of the first decades of the 20th century, the field of indigenism was constituted by actors and organizations situated across institutional sectors and characterized by distinct forms of engagement with indigenous groups. An analysis of the situation of the Terena Indians in different villages reveals that the actors interacting with the Indians since the end of the Paraguay War (1864-1870) can be divided into four groups: agents from federal indigenist bureaucracy, religious missionaries of protestant and catholic affiliations, anthropologists, and local landowners (or, more often, land squatters) (Oliveira 1976, 1968, Oliveira and Pereira 2012). Each of these actor groups was primarily affiliated to different institutional sectors – respectively the state bureaucracy, religion, science and the market – and had different, albeit interacting and, in some ways, convergent and mutually-reinforcing, forms of engagement with the Terena communities.

As has been pointed out by studies of interethnic contact involving the Terena Indians, the relationships between these actor groups were often tense, competitive and even outright contentious (Oliveira 1976, Ferreira 2014). Not only was there often intense competition between Catholic and protestant missions to convert the Indians, but the federal indigenist bureaucracy tended to side with the Catholics against the aggressive forms of evangelical proselytism, which, in their view, disorganized life in the indigenous reservations and interfered in the work of the indigenist bureaucracy (Oliveira 1976, 97). The state-led regime of indigenous tutorship itself had been conceived by positivist sectors of the military in the early 20th century as a secular institution intended to bring the Indians under the governance of the state and reduce – or at least control – the influence

of religious missions upon indigenous societies. Moreover, tutorship was also intended to "protect" the Indians from the brutality of frontier expansion and from exploitation by landowners who sought to enslave them as the occupation of land by pastures and crops progressed. Nonetheless, and despite the tensions between organizations situated within these different sectors, there were also important dimension of cultural and institutional convergence amongst them. In this section I describe the main aspects of such convergence.

Dispossession and captivity: Terena societies in the aftermath of the Paraguay War

Frontier consolidation in the central and northern regions of MS relied on systematic processes of spoliation and territorial dispossession of indigenous groups dating back to the late 19th century.[18] Historical studies of national frontier expansion in the region which is today Mato Grosso do Sul have shown that different waves of incoming Brazilian and Paraguayan settlers had reached the region in the 18th century. Nonetheless, early waves of migration involved livestock herders that did not fixate themselves upon the territories. Their territorialization was driven by the search for new pastures, and their presence tended to be intermittent and fluid (Oliveira 1968, Almeida 1951). It was only in the aftermath of the Paraguay War (1864-1870) that Brazilian nationals began to settle permanently in the region. Many of these settlers were demobilized troops, who, having come from different regions of Brazil to fight in the war, ended up remaining in the region after the victory of the Triple Alliance, composed by Brazil, Argentina and Uruguay. As the situation stabilized after the war, farmers from other regions began to migrate to the region in search of land. Seeking to consolidate possession over the newly conquered territories, the state supported such migratory processes, leading to an intensified rush for land in the late 19th and early 20th centuries.

The intense process of economic frontier expansion into Mato Grosso during the years that followed the end of the Paraguay War can be read off the data on demographic growth in the region. As can

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[18] Many classical and contemporary ethnographies of the Terena analyze such processes of dispossession, reservation, and urbanization, as well as their impacts on Terena Indians and their interactions with surrounding society and the state. It is not my intention to systematically analyze these processes, but only provide a brief description of the situation of the reservation and describe and the contribution of different institutional sectors to this process. For a more detailed and systematic account of the historical processes of frontier expansion and consolidation in Mato Grosso do Sul and its impacts on Terena Indians, see Azanha (2005), Vargas (2003), (Ferreira 2014, 2009) Oliveira (1976, 1968), Altenfelder Silva (1949), and Baldus (1937).

be seen from the table below, the population of the state nearly doubled from 1872 until 1900. In addition to the fixation of demobilized groups in the southern region of Mato Grosso and internal migration, during the late 19th century government provided wide incentives for international migrants who wished to settle in the region, offering them accessible land and labour contracts. According to Ferreira (2009, 21), from 1872 until 1900 10.296 migrants settled in MS; from 1990 to 1920, there were 15.864 immigrants, and from 1920 until 1940 this number reached 47.002.

Table 2. Population of Mato Grosso, 1872-1930[19]

Year	1872	1890	1900	1920	1930
Population	60.417	92.827	118.025	246.612	349.857

Source: Ferreira (2009, 393)

The influx of settlers looking for land and work significantly impacted the livelihood of the local indigenous groups, which included the Terena.[20] This influx contributed to accelerated transformations in the allocation and usage of land in the region. If before the war the territories of southern Mato Grosso been only scarcely occupied, the expansion of the extractive and agricultural frontiers into the region demanded a "disciplining" and stricter governance of the land. Possession and ownership of land were progressively formalized under the regime of land tenure established under the Land Law of 1850 (Brazil 1850), and fluid and intermittent forms of territorial occupation were increasingly impeded. If the Terena had, until the War, managed to avoid sustained contact with non-indigenous society, from this point on their situation was substantially transformed. Already during the War, the Terena abandoned their villages and lands in order to seek refuge from the violence in nearby highlands or even to take part in the conflict. But when the War was over, the Indians found that they had nowhere to return to, since most of their villages had been destroyed by the armies and their lands were being occupied by incoming settlers. In the period following the War, the landless indigenous populations were incorporated into the farms that were being formed in the

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[19] These numbers do not take into account the indigenous population.
[20] Other indigenous groups living in the region that is today Mato Grosso do Sul included the Guarani and Kaiowá, in the southern cone of the state, the Kadiwéu, to the west, the Kinikinau, the Ofaié, among others.

region. In the absence of any support or protection, this integration occurred in the most exploitative matter. Oliveira describes this period of frontier expansion:

> The fixation of demobilized troops initiated a cycle of colonization that would last until the first decade of the next century (…). This cycle corresponds to the consolidation of large farms, already with `modern´ characteristics, because they were constituted by pastures which were delimited by wired fences, necessary for keeping the livestock within the land parcels of their owners. In the previous cycle – since the first occupation with cattle from the `triangle´ [of Minas Gerais] until the beginning of the conflict with Paraguay -, the cattle were not kept within fenced areas, because the extensive fields and the small number of herders did not require it. But in the following cycle, given the growth of the regional population and the appearance of new farmers, the disciplining of territories was inevitable. In this cycle, indigenous labour was definitely incorporated into the regional economy. If before this it had served to produce agricultural resources for an inconstant market, organized around the exchange of primary products for merchandise, now its incorporation into the regional social and economic orders was institutionalized in two ways: as captives, in a position which was analogous to that of remaining slaves, or as 'free' rural workers (*peões*), who were tied to the farms through endless debts that were assumed with the 'farm headquarters' in their work relations (Oliveira 1968, 63).

The situation of the Indians was worsened by the engagements of government. Existing research suggests that, concerned with the consolidation of Brazilian possession over the southern cone of Mato Grosso, the Brazilian monarchy (and later the republican government) considered the nomadic and intermittent forms of indigenous land occupation to be a danger to the territorial stability of the region (Ferreira 2009). The Indians themselves were considered by government to be foreign groups and, therefore, their occupation was not taken to consolidate Brazilian domain over the territory (Ferreira 2009). In this sense, priority was afforded by the state to incoming settlers, who wished to occupy and produce on the land in a way that was intelligible and taxable by government.

The first systematic contact of the Terena Indians with Brazilian society was therefore led by local landowners and followed the logic of labour exploitation which resembled a regime of forced labour or enslavement. In the Terena collective memory, the time between the Paraguay War and the establishment of the first indigenous reservations in the 1900s is known as the "time of captivity" (Oliveira 1976, 57). Several studies of the Terena Indians, carried out as late as the 21st century, have reported on how intensely this period still marks the narratives and memories of the Terena (Oliveira and Pereira 2012).

The engagement of the state: Reservation and nationalization

It was in this situation that the Telegraphic Lines Commission (also called the Rondon Commission), sponsored by the state to install telegraphic infrastructure through the Brazilian hinterlands, would encounter the Terena in the early 20th century. The leader of the Commission, Marshal Cândido Mariano da Silva Rondon, was an orthodox positivist and himself a descendant of Terena Indians. In a report on what was encountered in the region, the Commission wrote that

> [The Terena] are commonly exploited by the farmers. It is difficult to find a Terena comrade that does not owe to his boss the hair on his head. No Terena is able to leave his boss without a new boss assuming or immediately paying off his debt. And, if he is bold enough to escape, he almost always runs the risk of suffering humiliations, beatings, and often death, and in all cases the police are associates in these attacks" (Comissão de Linhas Telegráficas do Estado de Mato Grosso 1949, 83).

But the arrival of the Rondon Commission and the consolidation of orthodox positivist project of state-led indigenism within the federal bureaucracy marked the beginning of a new historical moment for the Terena Indians. Inspired by the evolutionary imagery and theories of orthodox positivism, Marshal Rondon and his like-minded colleagues were convinced that Brazilian Indians had the potential to become, if "protected and assisted", proper national citizens and workers.[21] Through his work in the Telegraphic Lines Commission, Rondon had encountered numerous indigenous groups in situations of misery and exploitation such as that of the Terena. In the early 20th century, he made use of the prestige he had obtained in leading the Commission in order to pressure the republican government to afford increased protection to these Indians. Rondon's argument was based on the idea that the latter must not be relegated and exterminated, as was occurring throughout the country. Rather, they should be educated, protected, and tutored in order to trail the path of civilization and progress and, thus doing, become proper citizens. It was up to the state to accomplish these tasks. These orthodox positivists lamented the oppression of indigenous peoples throughout the history of Brazil, and were convinced that such injustices were caused by the absence of targeted state policies and sustained state intervention in their lives (Ferreira 2014, 75). The proposed solution for the situation was that the state must step in as a mediator and a "father" that would "assist and protect" indigenous groups in their coming of age. In 1910, these sectors successfully lobbied for the

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[21] For an in-depth analysis of Marshal Rondon and his work, see Diacon (2004).

creation of a state agency responsible for mediating the encounter between the nation and ethnic groups scattered across the Brazilian interior. Named the "Service for the Protection of the Indians and Localization of the National Workforce" (SPILTN)[22], this agency was responsible for, on the one hand, ensuring the expansion of national frontiers and the consolidation of national territorial boundaries, and, on the other, protecting the groups at the margins of "civilization" from the violence of the frontier and enabling a more or less gradual process of integration and assimilation into national society (Oliveira and Freire 2006, Lima 1995).

The institutionalized interactions between state and indigenous minorities that ensued from these ideas received the name of indigenous tutorship regime. Formally, this regime was enacted in a series of legal documents. After the creation of the Service for the Protection of the Indian (SPI) in 1910 through Federal Decree 9.214, the Brazilian Civil Code of 1916 (Brazil 1916), classified indigenous peoples as "relatively incapable", and the tutorship powers of the SPI were regulated by Federal Decree 5.484 of 1928 (Brazil 1928). These legal norms instituted the formal normative basis of tutorship. First, they provided the state with authority to substitute for the volition and autonomy of indigenous groups. In the tutorship regime, the tutor – the federal indigenist bureaucracy – would govern the resources – the land, the production, the routine, the labour – of the Indians. And since indigenous peoples were legally precluded from joining the administration, this meant that such governance was carried out exclusively by the ethnic "other".

Furthermore, the indigenist bureaucracy had the power of ethnic investment, that is, the power to determine *who was and who was not an Indian*, and what category of Indian they were. Federal Decree 5.484 of 1928 classified indigenous groups into four categories, ordered according to the degree of integration into national society: 1) nomad Indians; 2) settled Indians; 3) Indians living in indigenous villages; and 4) Indians living in centres of agricultural production and that live promiscuously with civilized persons (Article 1). This classification was underpinned by beliefs that indigenous groups would "evolve" from one state to the next.

Finally, one of the attributions and responsibilities of the federal indigenist bureaucracy was to "enter in agreement with state and municipal governments so that the latter would legalize the lands currently occupied by the Indians". After such an agreement was concluded, the federal government

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[22] In 1918, the bureaucracy´s name was shortened to "Service for the Protection of the Indians" (SPI).

measured and demarcated the territories. What indigenous territorialization and land demarcation meant under tutorship is the result of how these legal regulations were enacted given the broader ideational backdrop against which tutorship had consolidated itself. Territorialization took the form of indigenous reservations – small and provisional parcels of land where indigenous groups would be progressively concentrated and organized to integrate rural workforce. As emphasized by Ferreira (2014), tutorship was an ethnic as well as a class project, and the class position that it had reserved for indigenous groups was that of the rural labour force.

Even before the tutorship regime had been formalized in national legislation, and before the SPI was established, Rondon had begun to request the demarcation of reservations for the Terena. The first three Terena reservations – Cachoeirinha, Bananal/Ipegue and Lalima– were established in the years of 1904 and 1905. According to Oliveira, "the constitution of these three reservations resulted from a single political decision, which was imposed by the prestige of Rondon" (Oliveira 1968, 43). With a single stroke of his pen, the President of Mato Grosso reserved 7.200 ha of land for Bananal/Ipegue, 3.200 for Cachoeirinha and 3.600 ha for Lalima.[23] It would take years before other reservations were demarcated for the Terena. In 1917, the reservation of Francisco Horta was established with 3.600 ha, inhabited by mostly Guarani-Kaiowá but also Terena Indians.[24] In the 1920s, three more reservations were demarcated for the Terena: Capitão Vitorino, established in 1922 with 2800 ha, Moreira-Passarinho, established with 171 ha in 1925, and Buriti, established in 1928 with 2.000 ha.

Reservations were implemented in the absence of any anthropological or demographic studies – neither traditional occupation nor the material and cultural demands and needs of communities were taken into account. A report written by a public servant in 1904 illustrates the rationale behind Terena reservation. The document reports on the situation of an indigenous station called Bananal, located in the municipality of Aquidauana, and asks that the station be transformed into an indigenous reservation:

> [In the indigenous station of Bananal] we found the pillars of what can be a large indigenous reservation. Its life lies in livestock, which can be systematized in order to become an industry of great profits. The plantation was also not abandoned (…), which is why I ask that the Bananal indigenous station be transformed into an Indigenous Reservation surrounded by the indigenous villages of Ipegue, Cachoeirinha, Brejão, and it can be also inhabited by other tribes, such as the

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[23] State of Mato Grosso, Decree 217 of May 6th 1904.
[24] State of Mato Grosso, Decree 401 of September 3rd 1917.

currently landless Quinikinaus, the Guaicúrus, and others (SPI report addressed to Horta Barbosa, *apud* Vargas 2003, 93).

Indigenous reservation, therefore, had nothing to do with the forms of land occupation traditionally undertaken by indigenous groups or with the territories that had been lost in the aftermath of the Paraguay War. The goal was to organize the Terena Indians, considered to be highly skilled at agriculture, within well-delimited land parcels so that they would be able to produce not only for themselves, but also supply the villages and cities surrounding the reservation. The delimitation of these parcels also contributed to the consolidation of land allocation and tenure in the region. Farmers would – many times with the assistance of state agencies – remove indigenous groups from the land and then file for the formal recognition of their possession in local land registries. The table below presents a list of Terena reservations that were demarcated in the 1920s by the SPI. These reservations were set up well after the intense influx of settlers had already affected the region. This means that they were consolidated after significant territorial losses had already been inflicted upon the Terena and indicated the "secondary importance" afforded to indigenous reservations by the government vis-à-vis other forms of territorial occupation (Ferreira 2009, 398). Map 3 below represents the location of the Terena reservations in the early 21st century.

Table 3. List of Terena reservations established in the early 20th century

Indian Reservation	Area in Hectares	Date of reservation
Taunay-Ipegue	6,337	1904
Cachoeirinha	2,260	1905
Lalima	3,604	1905
Francisco Horta	3,600	1917
Capitão Vitorino	2,800	1922
Moreira-Passarinho	171	1925
Buriti	2,000	1927

Limão Verde	2,500	2003[25]
Total	23,268	

Within the reservations, the SPI set up indigenous stations, which constituted the basic units deployed by the indigenist bureaucracy to implement national indigenist policy (Oliveira 1968:51). As a rule, each indigenous reservation had one station, but among the Terena there have been cases of reservations with two stations (such as Bananal/Ipegue) and reservations with no station (as was the case with Moreira-Passarinho), where Indians were supervised by agents from nearby stations. As stated by Oliveira in his study of Terena reservations, conducted in the 1950s, "the activities of the Station, rather than assisting the Indians, tend to be only protective, if we understand protection to refer to the control of interethnic relations: The Stations constitute the mediation between Indians and Whites, with a focus on the *policing* of these relationships" (Oliveira 1968, 52-53). The Head of Station – an agent of the SPI – governed the lives, the land and the labour of the Terena Indians. It was common for this agent to allocate the Indians to work on his land and crops. Still according to Oliveira,

> In the villages where the SPI is present, the impression that one has is that the organization does not take care of the communal economy, i.e. of the Indians themselves, but rather of the economy of the Station. We will not go into the merit of this 'policy' here, since we don't know the extent to which it reflects the directives of the central administration, in Rio de Janeiro, or of the regional inspectorate, in Campo Grande. The truth is that there is an enormous concern about economic production *within* the Station, i.e. the production which ensues from the work that is supported by the SPI, be it in agriculture, the treatment of cattle or the extraction of wood. This work is generally carried out by the Indians themselves, who are especially paid to do so, but sometimes a purutuya [Whiteman] is hired, almost always in the quality of Station employee (Oliveira 1976, 95).

When questioned by Oliveira about the habit of using the Indians for their own production, the Heads of Station responded that this worked was intended to educate the Terena in new productive

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[25] The area of Limão Verde was effectively occupied by the Terena but was not formally demarcated until 2003.

techniques. Oliveira points out the malice in this response and in the practice, since both in their own crops and in the crops of the Station the Indians used practically nothing but their own traditional techniques (Oliveira 1968, 52).

In addition to using the Indians for his own profits, the Head of Station served as the middleman in the economic relations between the Terena and regional landowners. Contacted by surrounding landowners, the agents often signed contracts which guaranteed a certain number of Indians to work on extractive and agricultural activities in the nearby farms (Ferreira 2014, 2009; Oliveira 1976). The reserved Terena served as a crucial supply of low-wage labour in the regional economy. They performed tasks which required little or no qualification – cutting sugarcane, extracting wood, burning down forests – which regional settlers were unwilling to do. The reservation ensured the fixation and organization of this state-governed workforce.

In the first decades of the 20th century, a number of stations were established by the SPI within the Terena reservations, and all of them were classified as "Stations of assistance, education and nationalization" (Ferreira 2009). According to existing regulations, the goal of such stations and of the territories governed by them included the construction of a national identity among the Terena Indians, ultimately replacing their ethnic forms of identification. Education and labour were the tonics of this process of nationalization, and the reservation was the space in which it should occur (Ferreira 2009). The mediation and engagements of the SPI in the lives of Terena Indians described above point to the broader goal of state indigenism in general and reservation in specific: to nationalize and integrate the Indians. The reservation was the space in which the ethnic identification of the Indians should be substituted by a single, homogenous, national identity; it was a crucial device in the assimilation of the Indians and their transformation in rural worker (Lima 1995).
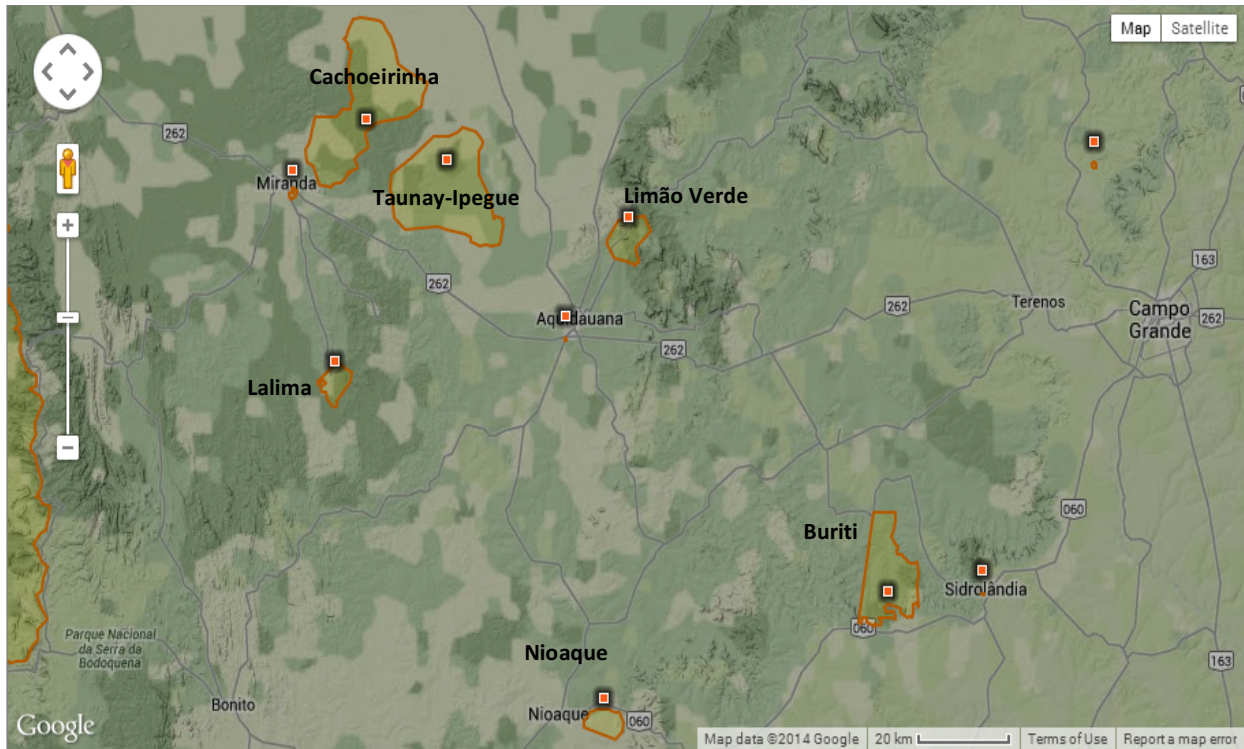
Map 3. Main Terena Reservations in Mato Grosso do Sul, 2014

Source: http://ti.socioambiental.org/pt-br/#!/pt-br/regiao/20

The engagement of missionaries: Proselytism and religious conversion

The agents of the federal indigenist bureaucracy were not the only ones engaging with and seeking to transform and civilize the Terena Indians. Within the reservations, the Terena were submitted to intense religious proselytism from different missionary organizations. According to Oliveira (1968), the Terena had relatively little contact with religious missions up until the 19th century when compared to other indigenous societies living in the region. This is attributed to the fact that the Terena were more "withdrawn" than other indigenous societies, having avoided contact with Brazilian nationals for as long as they could.

The first wave of missionary work among these Indians was carried out by Catholic priests belonging to the Congregation of the Most Holy Redeemer in the late 19th century. According to Oliveira, the intervention of Catholic missions, especially in the 19th century, were only relatively efficient in breaking down and disorganizing the ancient Terena religion. These interventions were not capable of introducing a more or less coherent system of beliefs into the Terena communities capable of

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diminishing the `cultural distance´ between that tribal people and European civilization, represented by the missionaries (Oliveira 1976: 121). The Catholic missionaries did not manage to carry out deep spiritual conversion among the Terena in part because they had been incapable of establishing sustained access to and coexistence with the Terena Indians, who at the time avoided contact with external agents.

But missionary work would become more intense and effective in the early decades of the 20th century, once the Terena were already confined within the demarcated reservations. Within these spaces, a second and more intense wave of missionary engagement would emerge, this time lead by protestant missions. Like the Catholic Redeemers before them, these missions sought out the religious education and, ultimately, the catechism and conversion of the Terena to their religion:

> [Protestant missions] entered the Terena villages in a highly competitive environment, since their objective was to convert the Indians that declared themselves to be Catholic (…). Because their forms of proselytism and conversion were more intense and efficient than the Catholics, the protestant missionaries managed to organize indigenous groups which internalized the doctrine and practice of the gospel, and who went on to convert, in certain villages, a considerable number of individuals, to the point where there was hostility between converted protestants and non-protestants or Catholics (Oliveira 1976, 97).

Due to their aggressive forms of proselytism and radical attempts at promoting social re-organization within the Terena villages, protestant missions were many times confronted by the agents of the SPI:

> [T]here is a contradiction between existing agencies concerning protestant conversion. In most of the cases or the villages, there is a certain incompatibility between the bureaucrats of the SPI and evangelical missionaries; one which does not occur with the Catholic Priests. This discrimination against the protestant Missions is due to two basic reasons: first, because of the SPI's struggle against the religious ideology which is already deeply entrenched in the Brazilian and indigenous population, which is a mixture of Catholicism, Spiritism, and tribal beliefs and practices; second, because of the aggressive character of the protestant missions within the reservations, to the point in which they would use loudspeakers to carry out propaganda of the bible amongst the Indians (Oliveira 1976, 97).

These observations reveal that the relationship between religious missions and the SPI in Terena territories were far from easy-going and cooperative. Rather, there were significant doses of competition among these groups, and these tensions were explored by the Terena who would

migrate between religions and loyalties as part of their own political projects (Ferreira 2014). But despite these tensions, the situation of the reservation significantly facilitated the work of the missions and was many times promoted and supported by the latter. Writing about the contact between protestant missions and Guarani Indians in the South of Mato Grosso, Benites (2014) described how the missionaries many times lured the "scattered" Indians into reservations demarcated by the SPI by promising them health and educational services within these areas. In a long transcription of an interview with Félix Pires, an elderly Guarani man, the latter speaks about how the trio composed by the Church, the federal indigenist bureaucracy and newly arriving farmers forced/convinced his family to leave the *tekoha*, a term used by the Guarani to refer to their traditionally occupied territories. According to his statement,

> [M]y family was pressured and convinced by the non-Indian *karai*, such as: farmers, missionaries from the German Church and the chief of the station to move from Capi´i Ranch/Portero Guasu to the Pirajuí reservation, which is located 15km away. I remember that in 1968, the missionaries built a church on the border of the reservation and started to invite us to service led by their reverend (…). These people brought us clothing and medication, they provided us with transportation when we needed it. They would tell us that our children and young ones should go to school and learn to read and write. The would constantly tell us that in the Pirajuí reservation they had all the support we needed – school and teachers for the children, health stations, medicine and nurses for the sick. They also told us that in the Pirajui reservation there were already state representatives helping the Indians. They told us that the station director at Pirajui helped and protected the Indians under his jurisdiction from the whites and offered all kinds of support such as housing, seeds and tools for planting – but in order to receive these benefits we would have to live within the Pirajui village.

> Less than two years from then or in 1969, the missionaries together with the director from the reservation told us that many white karai would soon arrive to occupy the *tekoha* Capi'i Ranch/Porteto Guasu. Then asked us to move immediately from the *tekoha* to the Pirajui village. They guaranteed that once we moved they would continue to help and protect us against the danger of the *karai*. The news of the farmers that would be arriving made us afraid. Due to this news, the prayers and leaders of the families from the *tekoh*a got together to speak about what was going on, and to do this they put together a large *jeroky* ritual. Their decision was to not leave the area and to resist. So, at that first moment, all my family decided to stay in the *tekoha,* but the missionaries and station director continued insisting in convincing and intimidating my family to leave. A year later, in 1970, my wife wanted out son to study in the school, and she convinced me to move and I left *tekoha* and went to live in the Pirajui reservation with my family and my son started going to school, but the rest of our family did not leave the *tekoha*, they resisted and stayed there (Benites 2014, 54-56).

Even if the interview transcribed above portrays a situation taking place in indigenous reservations in the south of Mato Grosso do Sul, it illustrates the type of religious proselytism that also affected the Terena. It also illustrates how religious missionaries contributed to the reservation of indigenous peoples during the era of tutorship. In his ethnography of the Terena, Oliveira is clear in concluding that religious missionary work had historically constituted one of the most significant factors of cultural change among the Terena and of their assimilation into national society (Oliveira 1976). Considered (and considering themselves) to be the bearers of European high culture and civilization, the missions were oriented towards the transformation and, more specifically, the conversion of indigenous peoples to their own faith (Oliveira 1976, 121). As other religious missions operating in Mato Grosso, the evidence suggests that the missionaries had little consideration for the cultural forms of the Terena. Their intervention was oriented towards radical assimilation and conversion to the Christian faith. And indeed, conversion and evangelization of the Catholic and protestant missions, argues the author, had, together with state-led territorial confinement, ensued in the progressive disorganization and re-organization of Terena societies, leading to new forms of local politics and new factionalisms among the Indians. In the 19th century, Catholic missions had delivered the first blow against Terena organization and culture, and in the 20th century, protestant competition had led to more aggressive processes of conversion. If religious orders were many times in conflict with the SPI, it was because they had their own project of indigenous civilization, one that operated through religious conversion rather than patriotic forms of education and nationalization. But the general idea of indigenous cultural forms as being primitive and the overarching disdain for the volition and agency of the Indians themselves was common to the bureaucrats as well as the missionaries. Both of them operated within a logic of transforming and integrating the Indians, and both of them contributed to the debasement and disenfranchisement of the Terena.

The engagement of anthropologists: Theorizing the process of Terena assimilation

Moreover, material practices and symbolic systems which circulated in the field of indigenism in the early to mid-20th century were also espoused and legitimized by another type of discourse and engagement – that of scientists and, more specifically, anthropologists. As of the 1930s, the discipline of anthropology was becoming increasingly institutionalized in Brazil through the foundation of university departments and research institutes, and at this time the Terena became a privileged

"object" of study for anthropologists interested in investigating the consequences of cultural contact between indigenous groups and the surrounding, dominant, Western culture. Between 1930 and the late 1950s, a series of studies were published on the Terena and, despite their important differences, all of them were interested in the theme of contact between Brazilian society and indigenous society and in investigating how this contact contributed to cultural change or acculturation of indigenous groups.

In an early scientific study of the Terena Indians, Baldus (1937, 10), for instance, asserted that "the history of Brazil teaches us that a total loss of culture occurred in all those tribes of Indians which were put in permanent contact with the Whites." According to Baldus, interethnic contact is a factor which had led to the disorganization and degeneration of Terena society; contact is a destructive force which has the capacity to eradicate indigenous culture. Despite differences in theoretical references and concepts, Oberg (1948), in his study entitled *Terena Social Organization and Law*, affirms that "contact initiated a process of detribalization, individual impoverishment and moral degradation. The Terena, in common with many other Brazilian Indians, were not able to compete with their white neighbours on equal terms either as individuals or as groups" (Oberg 1949, 291).

Taken together, the scholarship produced by anthropologists in the mid-20th century was focused on the theme of acculturation and assimilation, and tended to view interethnic contact as profoundly destabilizing and destructive of indigenous cultures. Many of them contrasted the "old" and "traditional" culture of Terena Indians to the new, degenerate and post-contact culture in order to demonstrate this point. The scholars which were conducting research on the Terena Indians were many times simultaneously positioned as political actors, advising or directly working for the state in the planning and implementation of indigenist policies. As pointed out by Ferreira (2002), there was significant overlap between the scientific and political sectors in the field of indigenism, with many anthropologists being affiliated to both of these sectors simultaneously. Because of this, the theories and truth claims of these anthropologists were many times used to guide, legitimate or directly subsidize public policies. In pointing the destructiveness of contact, it was common for these scientists to portray the engagement of the SPI and the demarcation of indigenous reservations as crucial interventions which eased cultural transition and allowed the Terena to maintain some cultural organization as they were integrated into society. In this sense, these anthropologists contributed to the legitimation of the reservation as the most appropriate policy.

As pointed out by Ferreira (2002), underlying all the ethnographies of the Terena in the mid-20th century is a common "narrative of acculturation", that is, a specific way of speaking about indigenous populations which implied a subjacent belief in their imminent disappearance and a dualist assumption. According to Ferreira,

> We can, in the Brazilian case, speak of a narrative of acculturation because a significant part of the activities (academic and political) of the anthropologists (…) was marked by a collectively shared narrative. The studies of acculturation implied an underlying belief in a certain destiny of indigenous groups – assimilation. The term acculturation was used to designate a practice related to certain concerns affecting the concepts of cultural change and assimilation, which were sometimes used in an interchangeable matter with assimilation. It is true that this belief was not equally shared by all anthropologists at all times; some came to doubt that assimilation would one day take place. But as a public construction, this narrative and this belief in the disappearance [of indigenous peoples] was a type of inevitable starting point, even for those that were to question it (Ferreira 2002, 46-47).

The notion of inevitable assimilation was well aligned with the reservation as the basic form of indigenous territorialization. If they would soon be integrated into national society, what indigenous communities needed were small and transitory spaces where they would be sheltered from the violence of frontier expansion.

Inter-sectoral convergence in the situation of the reservation

The evidence presented above demonstrates that several actor groups were directly and indirectly engaging with the Terena Indians in the early to mid-20th century. These actor groups, the institutional sector(s) to which they are primarily affiliated, as well as their main form of engagement, are summarized in the table below:

Table 4. Sectoral engagements in the situation of the reservation

Actor group	Primary sectoral affiliation	Primary form of engagement
Landowners	Market	Labour recruitment
Government bureaucrats	State bureaucracy	Tutorship
Christian missionaries	Religion	Proselytism and conversion
Anthropologists	Science and state bureaucracy	Scientific analysis

The evidence suggests that, despite the tensions that existed between the church, science and the state, in the mid-20th century there was broad inter-sectoral convergence around the main pillars of the field of indigenism. First, the engagements of state bureaucrats, religious missionaries and anthropologists were all based upon an underlying logic of assimilation, according to which indigenous culture, identity and forms of social organization were primitive and transient elements which would be overcome with the process of civilization.[26] Second, rather than engaging with indigenous peoples as subjects, these actors conceived of them as passive objects, be it of religious conversion (in the case of missionaries), of secular nationalization (in the case of the federal indigenist bureaucracy), of labour exploitation (in the case of local landowners) or of cultural change ensuing from inter-ethnic contact (in the case of anthropologists). Third, they each legitimated or supported, in different ways, the situation of the reservation, which was seen as protecting the Indians from the violence and pressures from surrounding society and as facilitating processes of conversion and civilization.

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[26] Since local landowners did not have an explicit "theory" of interethnic contact and indigenous integration– at least not one that I came across in my research – I do not analyze whether or not they also abided by the logic of indigenous assimilation.

3.3 Resistance and contestation in the situation of the reservation

But despite these inter-sectoral forms of disenfranchisement, there was resistance by indigenous groups against the forms of territorialization and behaviour that were imposed upon them. An analysis of administrative documents containing information on the relationships between Terena Indians and the indigenist bureaucracy in the mid-20th century reveals important traits of these processes. The engagements of state bureaucrats, religious missionaries, and anthropologists described above had in common the fact that they reproduced and legitimated the logic of indigenous assimilation and disenfranchisement. In each of these engagements, there was no project concerning the full citizenship of indigenous groups as such or their future as ethnically differentiated societies. In different ways and despite their at times significant disagreements, actors situated within each of these institutional sectors perceived and treated indigenous assimilation as an inevitable process, even if some mourned this teleology more than others. What these engagements and narratives concealed was the agency and resistance of indigenous groups which, even under the dire conditions of tutorship, the confinement within small reservations, and the intervention of proselyte missions, found different channels and ways of engaging with and, at times, resisting and challenging the boundaries of territory and identity that were being imposed upon them.

An analysis of official documents from the archives of the SPI demonstrate that Terena groups within different reservations were constantly channelling complaints and making claims concerning territorial dispossession. Historical documents from the mid to late 20th century illustrate the kind of territorial claims made by Terena Indians during this time. Throughout the decades, administrative processes were instituted within the SPI in order to register and investigate grievances, conflicts and other events that occurred within the reservations. In the 1980s, many of these processes – comprised by documents such as petitions signed by Terena Indians, reports written by the chiefs of station, and travel reports written by the cadres of the SPI upon visiting Mato Grosso - were compiled by the indigenist bureaucracy and integrated into administrative process seeking to clarify the extension and boundaries of Terena reservations. An analysis of these documents reveals the types of territorial grievances addressed by indigenous groups to the federal indigenist bureaucracy in the decades ranging from the 1950s to the 1980s.[27]

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[27] As I will describe in greater detail below, in 1967, due to corruption scandals and accusations of human rights violations directed against the SPI, the latter was extinguished and substituted by the National Indian Foundation

The reservation whose members most actively directed their territorial grievances to the state in this period was Buriti, situated 200km northeast of Campo Grande. Buriti was reserved in 1928 with 2100 hectares but, in the 1930s and 40s, the reservation was progressively invaded by neighbouring farms. In the 1950s, Terena Indians from Buriti were addressing complaints to the federal indigenist bureaucracy by means of letters and petitions that denounced territorial encroachments. In 1951, the captain of the reservation[28] sent a letter to the local coordination of the SPI requesting that the agency intervene to prevent the invasion. The letter was sent together with a petition signed by 30 Indians, documenting that their traditional cemetery, located within the perimeter of the reservation, had been invaded by a farmer and they were no longer able to make use of it:

> The Indians that sign the present petition, all from the station of Burity, respectfully ask that the SPI, as our legitimate guardians, take the necessary measures so that the inhabitants of this station can continue to make use of the station´s cemetery, in which we have been burying our dead since 1922, a cemetery which, currently, is abusively closed off with a wire fence with no access for the Indians from Burity. The names that signed this petition have been written by the captain of the village Joaquim Figueiredo, in response to the request of the aggrieved (National Indian Foundation 1993, 90).

Despite these complaints, the administrative process that was instituted to investigate this grievance resulted in a report which concluded that the landowners "were not preventing indigenous groups from using the cemeteries, and that there was nothing to be done" (National Indian Foundation 1993, 465). In the mid 1960s, nearly 20 years later, an employee from the regional office of Funai went on a field visit to Buriti and wrote a report about the Indian´s grievances concerning those same territories. He suggested that a commission be put together to investigate "whether the claims were plausible and legitimate" (National Indian Foundation 1993: 123). The matter was never solved, despite reiterated complaints about the invasion.

(FUNAI). Therefore, up until 1967, the federal indigenist bureaucracy is constituted by the SPI and its cadres, and, as of this date, most of these cadres, along with documents, procedures and administrative attributions are passed on to FUNAI.

[28] The captain of the indigenous reservation was an indigenous leader nominated by the federal bureaucracy to establish and maintain order in the reservation.

Throughout the 1970s and 1980s, we find other letters and petitions denouncing territorial encroachments. In a letter signed by Terenas and sent to Funai in 1985, we find the following statement:

> The Indians Armando Gabriel, Captain of the Indigenous Station of Buriti and Leonardo Reginaldo, Captain of Buriti, provided this statement concerning the situation of the land occupied by the farmer Geraldo Correa, from the Estrela Farm, where the "Invernada Village" of the Station of Buriti was situated. From 1887 until 1922, Invernada Village was occupied by Terena Indians, and at this time the illegal character of indigenous occupation was raised, and until 1938 several evictions of Indians took place, evictions which were carried out by the policemen of Aquidauana. The then chief of station Alexandre Rodrigues Onorato, which supported the eviction, [was responsible for this], and, as the authority of the Indigenous Station, he acted in a dishonest way towards the indigenous community when he agreed with the farmer that he could take over the land that was under the possession of the Indians, [an area] of approximately 500 or 600 hectares. Alexandre Rodrigues Onorato, which was sheriff before being chief of the Buriti Station, was an influential person in the region. (…) The only cemetery of the village and of the Indigenous Station was situated within this area [of Invernada Village], and we have buried dozens of Indians there. In 1939, the farmer Geraldo Correa took definite possession over the area but, before this, the land belonged to Agostinho Rondon. In 1984, Mr. Geraldo Correa met with the Indians José Jorge and Liberalino da Silva, which worked on his farm, and insulted them, and this happened in the area we mentioned, of the Invernada Village. On this occasion, Mr. Geraldo said that the Indians were thieves and that they had stolen eight heads of cattle. The captains that provided this report, in summary, said that the land taken by the farmer belongs to the Indians, because they were occupying it and were evicted from it. And they requested that the Chief of the 9th Regional Office of FUNAI (9a DR/FUNAI) take measures so that these lands may be reclaimed by the Indians from Buriti, since they have occupied it since before 1987 (National Indian Foundation 1993, 20).

Up until the 1980s, we find news that the invasions had not been investigated and solved by Funai, and that disputes over these territories continued to be reported by the Indians to Funai officials. At that time, Juracy Almeida Andrade, an indigenist working in FUNAI, wrote a report concerning the land conflicts and invasions taking place in the different indigenous reservations of MS. His conclusion was that, in Buriti, three areas within the village remained invaded by owners of the Arrozal Farm, the Buriti Farm and the Estrela Farm. Still according to the report, the extension of contested land summed up to circa 600 ha. Other similar invasions are also reported within other Terena reservations, such as Nioaque, Limão Verde and Cachoeirinha (National Indian Foundation 1982, 1993).

These passages demonstrate that, far from being completely settled, the delimitation of territorial boundaries in MS faced contestation throughout the 20th century. This is largely due to the lack of initiative of the government to adequately register these territories in land registries as required by law and physically measure and demarcate their boundaries. Without registration and physical demarcation, neighbouring landowners continued to eat at the fringes of indigenous reservations. The reluctance of the SPI and, later Funai, to seriously discuss and address these issues, and the internal politics of control that the agency exercised through tutorship, blocked the effective and sustained channelling of these grievances as well as their definite solution (Ferreira 2014). This reluctance is likely to have ensued in part from the under-funded and under-staffed situation of the indigenist bureaucracy and in part from the collaboration between this bureaucracy and state agencies interested in consolidating the domain of farmers over contested territories.

Other examples of historical land disputes involving indigenous territories can be found in the documents pertaining to the reservation of Cachoeirinha, located in the municipality of Miranda and delimited by Marshall Mariano Candido Rondon in 1905. The definitive land title to this reservation was issued by the state of Mato Grosso in 1926, but the territory was only registered in the public registry in 1966. In 1982, indigenous leaders from Cachoeirinha visited the Department of Land Issues of Funai in Brasília in order to complain about the invasion of their territory. According to a report issued by a bureaucrat from Funai on August 31st 1982 and addressed to the Chief of the Department of Land Issues,

> The Indians Rufino Candelário and Sabino Albuquerque came to this department, the first being the Captain of the Indigenous Station of Cachoeirinha, situated within the 9th Regional Division, and presented a map of the Cachoeirinha Reservation, elaborated by the Administration of José Fernando Cruz, Chief of the 5th Regional Inspectorate, which is attached to this report, requesting that Funai assist them in having access to the historical property chain of the area on the map.
>
> The informed that they have found two physical marks in the area [indicated on the map], one in the extreme north of the western line, and the other on this same line, between the north-south extremes. They also state that these marks had inscriptions which relate to the reservation that had been given to the Indians [in the early 20th century]. In light of this information, we request that the Indians be oriented with regards to their claims, and that this department be informed about which measures should and should not be taken (National Indian Foundation 1982, 20).

The Terena of Cachoeirinha, like the Terena of Buriti, were therefore aggrieved that the territory that had been reserved for them in the beginning of the century was being progressively encroached by settlers, and they demanded that FUNAI proceed to enforce the territorial boundaries established by the SPI in the early 20th century. But this was not all. Ethnographic work on the Terena Indians has revealed that, even though open debates about ownership and possession only targeted the land that was contained within the reservation, it was normal and routine for Terena Indians of different areas to carry out excursions into neighbouring farms in order to hunt, fish, and collect honey (Azanha 2005, Ferreira 2014). These actions have been conceptualized as "everyday forms of resistance" (Scott 1985) against the territorialization and power structures imposed by the tutorship regime. This routine trespassing of boundaries and norms and the day-to-day use of farmland demonstrate that on an informal and non-articulated level, the boundaries of the reservation were not accepted or respected by indigenous groups.

These documents and literatures suggest four important characteristics of the contentious dynamics pertaining to the territorial boundaries of indigenous reservations MS under the tutorship regime. First, the explicit territorial claims articulated by indigenous groups were comprised within the boundaries and the terms established by the SPI in the early 20th century. They did not so much explicitly question the legitimacy of those boundaries or of the process of reservation, but rather argue that, in the historical process of frontier consolidation, parcels of land to which indigenous groups were entitled had been invaded by landowners. Second, on an informal and routine level, indigenous groups acted out their inconformity to the territorial limits of the reservation on a daily basis, proving that the boundaries – on an informal and unarticulated level – were permeable and that different forms of land use were present and overlapping. This permeability and multiplicity may have contributed to the formal consolidation of the boundaries of the reservation, since it allowed the Indians to gather material resources that were necessary but unattainable within the reservation (Azanha 2005). Moreover, it contributed to keeping alive the collective memory of land use before reservation among the Terena Indians. Third, the land claims articulated by indigenous groups were formulated in isolation from each other. The evidence presented above suggests that, even though forms of resistance were present in different Terena communities, there was no mediation bridging them together into a broader field of articulated contention. In this sense, they produced only a limited amount of contestation concerning land ownership, situated at the fringes of each

reservation. These processes did not pose a systematic threat to the land tenure structures – the enclosure of land and establishment of farms and pasture – that were being consolidated in the region throughout the 20th century.

To say that the Terena Indians did not openly express systematic challenges against the boundaries of the reservation does not imply that these boundaries were taken as legitimate and accepted by indigenous groups. As several ethnographies of indigenous societies in Mato Grosso do Sul have demonstrated, not only the Terena but also the Guarani Kaiowá and Ñandeva did not see legitimacy in these boundaries and continued to use and claim entitlement to their extended territories (Benites 2014, Azanha 2005). But the characteristics of the situation of the reservation described above made it very difficult for coordinated mobilization to emerge against the socio-territorial situation of the. First, the political and civil rights of indigenous groups were severely restricted by the tutorship regime and the latter were not allowed to form autonomous associations and organizations to represent their interests. Second, the SPI tried to mediate all interaction between indigenous groups in the reservations and surrounding society so that the Indians only developed relationships with actors and organizations that supported or were at least neutral towards state-lead indigenism. Finally, until the 1970s, different forms of knowledge and intervention reproduced within different institutional sectors – the state bureaucracy, religion and science -, despite their disagreements, converged around the logic of indigenous assimilation and contributed to the enactment and legitimation of the reservation. This inter-sectoral character of the situation of the reservation made systematic contestation difficult.

3.4 Beyond the reservation

The sections above analysed the engagement of different actor groups and their contribution to the stabilization of the situation of the reservation among the Terena. They also described the forms of contestation and claim-making deployed by the Terena Indians in this situation in order to resist and reverse processes of territorial dispossession. The data suggests that the situation of the reservation was supported by inter-sectoral convergence on core aspects of indigenism. These convergent engagements represented a significant obstacle to the emergence of systematic critiques against the situation of the reservation and of tenable counter-institutions that questioned the legitimacy and

offered alternatives to the dominant social arrangement. Outside of the indigenous communities – which, as was shown above, never failed to resist the territorial boundaries imposed upon them - there were no systematic critiques being made against the situation of the reservation and the logic of indigenous assimilation that underpinned it. Indigenous groups seeking to question the state of affairs did not have access to resources and allies which could assist and support them in their struggle.

In order to understand the transition from the situation of the reservation to the situation of the reclaiming – in which the Terena Indians openly and systematically question the very limits of the reservation as well as the underlying notion of nationhood which underpinned it – it is necessary to analyse the broader processes of mobilization and institutional transformation which impacted the field of indigenism as of the late 1960s and early 1970s. These processes emerged well beyond the local setting of the reservation. They were connected to transnational and national mobilization taking place within religion and science, which ensued in important transformations in the engagement of missionaries and anthropologists vis-à-vis indigenous peoples. As I will analyse in the next two chapters, in the 1960s and 1970s actors situated within different institutional sectors began to systematically question the regime of tutorship, the proselyte engagements of missionary practices, and the analytical frameworks deployed by anthropologists investigating indigenous groups.

PART 2: INTRA-SECTORAL MOBILIZATION AND THE GENERATION OF DISSONANCE IN THE FIELD OF INDIGENISM (1968-1977)

Chapter 4. Transnational journalists and the passing of the Statute of the Indian

4.1 Introduction

To trace the emergence of the conditions which enabled the Terena Indians to systematically rise up against the situation of the reservation as of the late 1990s, it is necessary to look beyond on-the-ground resistance and analyse broader contentious processes taking place within multi-level and non-state institutional sectors. As late as the mid-1960s, there were no systematic challenges being made against the logic of indigenous assimilation as well as the corresponding form if indigenous territorialization – the reservation. This was true on the local, national and transnational levels. But towards the end of the decade, such challenges as well as alternative projects and visions for indigenism began to emerge within different institutional sectors. Actors situated within the media, the Catholic Church and networks of anthropologists were, due to the inter-sectoral nature of the field, directly in touch with the problems and oppression generated by the ideal of assimilation and corresponding practices. They drew on their institutional repertoires in order to question the legitimacy of the norms, socially-shared practices and dominant cultural codes which they perceived as contributing to indigenous disenfranchisement and marginalization. They activated multi-level and sector-specific opportunities for mobilization in order to advance their alternative visions order. Even if they were increasingly aware of the contention emerging across institutional sectors, during this first period of pro-indigenous mobilization activists did not come together in enduring and inter-sectoral social networks. The dynamics of contention were for the most part bound within the limits of different institutional sectors.

The protagonists of the three episodes that constitute the first period of pro-indigenous mobilization in Brazil contributed to the generation of a set of incremental outcomes. Some of these outcomes were internal to the movement, such as the emergence of new organizational forms, socially-shared practices and systems of categorization pertaining to the field of indigenism. Others were institutional, such as the passing of new legal norms and the consolidation of new codes of conduct within the Catholic Church and anthropology. In the late 1970s, these piecemeal outcomes added up

to the first landmark moment in the field of indigenism, characterized by the transition from a field which was relatively convergent and homogeneous in terms of overarching logics to one characterized by inter-sectoral dissonance concerning the norms, practices and understandings that organized intervention vis-à-vis indigenous peoples. Such institutional and cultural dissonance was especially intense concerning the themes of indigenous assimilation, autonomy, and land tenure rights. The consolidation of such dissonance marks the transition from the first to the second period of pro-indigenous mobilization in Brazil.

The present chapter and the next investigate this first period of pro-indigenous mobilization and analyse how the processes that compose it led up to the landmark moment described above. This period is constituted by three partially overlapping episodes of intra-sectoral mobilization situated within the media, science and religion which take place from the late 1960s until the mid-1970s. This chapter analyses the first episode of mobilization, constituted by the claim-making activities of journalists working within the international media during the harsh dictatorship years of the late 1960s. By drawing on their transnational networks and publishing reports in the international media on the atrocities taking place against Brazilian Indians, these journalists contributed to the passing of a piece of legislation which regulated, for the first time in Brazilian history, the land rights of indigenous peoples in the country.

4.2 The Figueiredo Report and mobilization of transnational journalists

The first episode of mobilization which affected the field of Brazilian indigenism took place during the most repressive years of the military dictatorship, instituted by a military coup which overthrew the democratic government in 1964. This episode, which began in 1968 with the publication of a government report on the corruption and abuses of the SPI and ended with the passing of the Statute of the Indian in 1973, took place predominantly within the institutional sector of the media and had the Brazilian federal government as its main target. The protagonists of this episode were journalists writing for international newspapers and international non-governmental organizations who used data on the endemic corruption and abuses within the Indian Protection Service (SPI) in order to pressure government to change its legal and bureaucratic treatment of ethnic minorities in the early 1970s.

The SPI had served as Brazil´s indigenist bureaucracy throughout the 20th century. If its official mission had been to "assist and protect" the Indians in their process of integration into national society, the agency had, over the decades, significantly distanced itself from this duty, becoming plagued by endemic corruption and human rights abuses (Davis 1977, Garfield 2001, Lima 1991, Ribeiro 1996). As of the late 1950s, the federal indigenist bureaucracy underwent a rapid process of general demoralization and degradation. Subordinate to the Ministry of Agriculture, which had low priority and low funding within a developmentalist state committed to import substitution and industrialization, the SPI´s budged was scarce and insufficient for the fulfilment of its attributions. Moreover, Ministry of Agriculture was ruled by regional oligarchs and set on modernizing large-scale agriculture in the Brazilian south and southeast, further relegating the duties of indigenous protection and tutorship. According to Garfield,

> Within the Ministry of Agriculture, the redoubt of regional oligarchs, the SPI held secondary importance. In 1960, for example, the SPI´s budget was CR$17 million. Even if earmarked solely for the 60,000 Indians directly under the agency´s tutelage – rather than, say, for administrative purposes - this sum represented CR$283.33 per Indian, at the time less than the price of a pair of pants. With more than one hundred posts nationwide, the SPI´s resources were stretched thin. Administrative and financial burdens crushed the SPI regional offices, or inspectorates, entrusted with the demarcation of reserves, topographical studies, post construction, and maintenance for all indigenous communities under their jurisdiction. The SPI was a poor guardian of Indians in more than character: its meagre funding reflected the marginal status of Indian protection in federal policy making (Garfield 2001, 104).

The lack of prioritization within the ranks of federal government and the lack of proper funding, planning and scrutiny resulted in the progressive degeneration of the SPI, a fact which was especially grave for the indigenous groups who relied entirely on the indigenist bureaucracy to guarantee their well-being. In the words of Ribeiro (1996), in the 1950s the SPI was transformed into an instrument of electoral bargain between the victorious political parties and handed over to the Brazilian Labour Party (PTB) with the 1955 election of president Juscelino Kubitschek. In his critiques of Brazilian indigenism written in the 1960s, Ribeiro points out that, as of the late 1950s, "no longer guided by the philosophical principles of positivism, as it had been in the times of Rondon, the SPI had reached the lowest point of its existence, making it fall, in certain regions, to the degrading condition of supporter of the murderers of Indians" (Ribeiro 1996 168). Indeed, by the early 1960s all evidence

and accounts of the SPI suggest that it had significantly distanced itself from its declared mission and fallen prey to corruption, patronage and outright violation of indigenous people´s most basic fundamental rights.

 If on the national level the Ministry of Agriculture, as many branches of the Brazilian federal government, was plagued by patronage, nepotism and corruption, at the local level the demoralization of the SPI had dire consequences for the interventions of SPI agents and, most importantly, for the livelihood of indigenous peoples:

> Post employees, occupying the lowest rung on the SPI administrative ladder but a vital link for indigenous communities, particularly suffered from financial disarray. Because salaries were low and arrived months late, post officials often turned to local "agents" or *procuradores*, who advanced payment in return for a fee. Dependence on the very elites most hostile to the indigenous cause surely compromised the loyalty of some. If principled, *encarregados* [post employees] served as the Indians´ defenders; if unscrupulous, they stood poised like a fox guarding the henhouse. Through complicity or dereliction, Indian land might be seized, cattle sold off, resources embezzled, and the cry for justice muffled. Such malice and delinquency was not universal, nor restricted to lower levels of SPI administration. A good number of post chiefs were probably neither knight nor knave; in the tradition of patronage permeating the Brazilian public service, many simply lacked will or merit (Garfield 2001, 117).

In the mid-1960s there was an important shift in the Brazilian political landscape, which significantly affected the federal indigenist bureaucracy and opened up an opportunity for mobilization. In 1964, the democratic and left-leaning government of President Jõao Goulart of the Brazilian Labour Party (PTB) was ousted by a military coup carried out by sectors of the armed forces. The coup was the result of a long trajectory of political polarization in Brazil. It was supported by rural landowners, industrial capitalists and conservative sectors of the Catholic Church, all of which, mirroring the global context of the cold war, feared that Goulart´s government was leading Brazil down the path of communism. In the following years, the military dictatorship governed by means of a set of Institutional Acts (AIs) and corresponding regulations, which progressively restricted civil and political rights in the country. The AI-5, edited in 1968 in response to a series of protests and civil unrest, inaugurated the so-called "lead years" of the Brazilian military dictatorship characterized by widespread censorship and repression. The AI-5 gave the president a set extraordinary powers, which could be exercised independently of judicial control. These powers included the mandates to

determine recess of National Congress; intervene in states and municipalities; determine the suspension of parliamentary mandates; suspend, for 10 years, the political rights of citizens which opposed the regime; determine the confiscation of goods considered to be illicit; and suspend the habeas corpus. The act gave the military government the power to arbitrarily punish anyone who was considered to be an enemy of the regime.

One of the stated missions of the authoritarian government was to "rationalize" and "moralize" bureaucracy and to eliminate the corruption, clientelism and leftist infiltration which had developed under the "populist" governments that preceded the coup (Davis 1977)). It was in this context that the military government ordered a thorough investigation of the SPI to be carried out. Responding to the claims that the SPI was plagued by endemic corruption and abuses, in 1967 Minister of Interior Albuquerque Lima commissioned Attorney General Jader Figueiredo to lead the investigation on the SPI and issue a report on its findings (Brazil 1967). Figueiredo and his staff travelled over 16,000 kilometres across Brazil, interviewing indigenous agents, missionaries, local residents and Indians. The Commission's report, named "Figueiredo Report" after its director, was published in 1968, and documented systematic misuse of funding by the agency, as well as abuses and violence perpetrated by agents of the SPI against indigenous groups (Figueiredo 1968).

More perplexing than the report itself was the government´s decision to divulge, rather than stifle, the atrocities revealed in the final document. In March 1968, General Albuquerque Lima held a press conference in Rio de Janeiro where he presented and elaborated on the main findings of the 30 volume, 7,000-page report. Several national and international reporters were present at the conference, and a number of others flew into Brazil in its aftermath to investigate the situation revealed in the document.

According to Garfield, the press conference was a deliberate artifice of the military, engendered to boost its morale and leverage support for its efforts to enforce human rights in the country:

> In part, the Figueiredo Report staged a perfect morality play to legitimize authoritarian rule in spotlighting corrosion of the public sector under the populists. Military officials apparently also wagered that in publicizing crimes against Indians they would earn kudos for salvaging Brazil´s racial harmony. One month after the release of the Figueiredo Report, the Ministry of the Interior impressed on a skittish Ministry of Foreign Relations that denouncing these atrocities 'could only strengthen abroad the Brazilian image with regard to racial democracy' and demonstrate that

military rule was 'incompatible, in its spirit, with the process of human degradation' (Garfield 2001, 143).

It did not take long for the decision to divulge the report to backfire. Despite the censorship and restrictions to political rights that prevailed at the time, news reports appeared in the Brazilian media accusing the government of backing genocidal policies, and, for government opponents within Brazil, the controversy provided the chance to challenge the military and enlist foreign support. The legal opposition party called *Movimento Democrático Brasileiro* (MDB) seized the opportunity and threatened to appeal to the United Nations in order to put Brazil´s indigenous peoples under international guardianship (Garfield 2001, 144). Nonetheless, due to the censorship which prevailed at the time, the repercussions of the report in Brazilian civil society were short-lived.

The most prominent, visible and persistent consequences of the report and its disclosure took place in the transnational realm and within the sector of the media (Oliveira 1985). A handful of journalists working for international media outlets were present at the press conference, and, in its aftermath, a number of foreign journalists were sent to Brazil in order to investigate the situation (Davis 1977). These journalists went on to publish impacting articles and reports in the international press, including the New York Times, the British Sunday Times and Der Spiegel (Montgomery 1968, Der Spiegel 1968, Lewis 1969). Norman Lewis´ piece on the British *Sunday Times* entitled "Genocide" was especially influential, presenting a thorough description of the institutionalized violence perpetrated against indigenous peoples by the state. Lewis was an influential British journalist who had previously written critical accounts of missionaries on indigenous people in Latin America. Lewis´ piece is especially thorough in its historical treatment of indigenism in Brazil, linking the Figueiredo report to the broader development of the SPI throughout the decades:

> Life in the reservation was far from happy for the *Bororos*. They were hunters, and fishermen, and in their way excellent agriculturalists, but the reserve was small, and there was no game left and the rivers in the area had been illegally fished out by commercial firms operating on a big scale, and there was no room to practice cultivation in the old-fashioned nomadic way. The government had tried to turn them into cattle-raisers, but they knew nothing of cattle. Many of their cows were quietly sold off by agents of the Indian Protection Service, who pocketed the money. The Indians ate the few that remained before they could die of disease and starvation, after which they were reduced to the diet of hard times – lizards, locusts, and snakes – plus the occasional handout of food from one of the missions (Lewis 1969, 36).

Lewis´ reporting on the violent engagements of SPI agents is especially striking and graphic:

> An extract from the report by the President of last years´ inquiry commission into atrocities against the Indians corrects the complacent viewpoint that we live in milder days: `In the 7th inspectorate, Paraná, Indians were tortured by grinding the bones of their feet in the angle of two wooden stakes, driven into the ground. Wives took turn with their husbands in applying this torture.´
>
> It is alleged, as well, in this investigation, that there were cases of an Indian´s naked body being smeared with honey before leaving him to be bitten to death by ants.
>
> Why all this pointless cruelty? What is it that causes men and women probably of extreme respectability in their everyday lives to torture for the sake of torturing? Montaigne believed that cruelty is the revenge of the weak man for his weakness; a sort of sickly parody of valour. ´The killing after a victory is usually done by the rabble and baggage officials´ (Lewis 1969, 47).

Paul L. Montgomery, New York Times bureau chief in Rio de Janeiro from 1966 to 1969, was another international journalist who was well connected through wide travel across Latin America and reported in the *New York Times* about massacres against Indians. According to his report, entitled "Killing of Indians Charged in Brazil" and published in the New York Times on March 21st 1968,

> A 20-year scandal of murder, rape and robbery of Brazil´s Indians has been uncovered by an investigating commission of the Ministry of Interior. The commission has just completed a five-month examination of the nation´s Indian Protective Service, which was dissolved last year. The commission´s findings include charges of widespread corruptions and sadism, of crimes ranging from the massacre of whole tribes by dynamite, machine guns and sugar laced with arsenic to the removal of an 11-year-old Indian girl from school to serve as an official´s slave.
>
> Gen. Afonso Albuquerque Lima, the Interior Minister, said today that the defunct service `appears to have well-earned the its nickname of `Indian prostitution service´. The principle motive of official accused of the crimes was said to have been to make the Indians vacate lands given to them by government. Once the lands were unoccupied, they reverted to the state (Montgomery 1968).

The impacts and repercussions of these reports in Brazil should not be underestimated, especially in the context of a military government which was striving to consolidate its legitimacy in the eyes of an international community. According to Davis, "these reports (…) were a major source of embarrassment for the new military government of Brazil and produced a momentary wave of

protests throughout the world. A number of newspapers accused the Brazilian government of condoning a policy of genocide against its remaining Indian tribes and called for an immediate investigation by the United Nations" (Davis 1977, 12). In 1970, the International Red Cross sent a mission to Brazil to report on the findings of the Figueiredo Report, and other international delegations followed.

4.3 Institutional change: The passing of the Statute of the Indian

The Brazilian government desperately took measures to silence the worldwide condemnation sparked by the activism of transnational journalists. In 1967, government extinguished the SPI and instituted the National Indian Foundation (FUNAI) as its successor. Another response came in the form of a legislative bill proposed in October 1970 by the federal government and dedicated entirely to the regulation of indigenist policy. It received the name of Statute of the Indian (Brazil 1970). The Bill was another step taken in order to stifle external disapprobation, demonstrating to international public opinion the positive facet of Brazilian government and its concern with indigenous rights. It was developed behind closed doors by Alfredo Buzaid, Minister of Justice, and José Costa Cavalcanti, Minister of Interior under President Emílio Médici.

The Statute of the Indian was discussed and approved during the most repressive period of the Brazilian dictatorship, and at a time in which there was no systematic pro-indigenous mobilization within Brazil. There is no evidence that the proposal and passing of the Bill was a response to internal claim-making and mobilization. The only representative of civil society to participate in the legislative process was Father Vicente César, a Salesian priest and director of the *Anthropos do Brasil* institute. Founded in 1970, Anthropos was an ethnology and linguistics institute which sought to "promote the studies of Ethnology and Linguistics in Brazil" and "promote field research in Ethnology and Linguistics, especially among the indigenous tribes which are not well known or which are in the process of being absorbed into Modern Civilization" (Anthropos do Brasil 1970). The mission of this organization was to advance the sciences, and not to politically assist or give voice to indigenous peoples. The Salesians are known for their historical collaboration with state indigenism and their

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systematic practices of forced conversion of indigenous groups. Their position posed little challenge to official government policy and to the pillars of state indigenism.

The absence of sustained mobilization for indigenous rights in the country corroborates the argument that the Statute of the Indian was proposed to stifle international shaming and critique. Moreover, at the same time that there were no broad and systematic debates concerning the statute within Brazil, the law was sent off and shown off to governments and civil society organizations across the world. According to Oliveira, "Luxury editions [of the Statute], with translations to English and French, were widely distributed within and outside of the country [while] this text has until this day not been translated to any one of the 200 indigenous languages that exist in Brazil" (Oliveira 1985, 20). This fact reinforces the argument that legislative change was more a response to international pressure and shaming than to internal political dynamics.

The Statute of the Indian, Federal Law 6.001 of 1973 (Brazil 1973), constitutes a highly ambiguous legal document that remains committed to the assimilationist project of the previous institutional framework while also introducing new regulation on indigenous land rights. The Statute reaffirmed the regime of tutorship, establishing that "the Indians and the indigenous communities that are still not integrated into national communion are subject to the tutorship regime established in this law" (Article 7). The logic of assimilation is especially clear in the Article which regulates the "emancipation" of indigenous groups, i.e., the administrative act through which the full integration of Indians into national society is declared and their identity and special rights extinguished. According to Article 11, "The President of the Republic may, by Decree, declare the emancipation of an indigenous community and its members vis-à-vis the tutorship regime established in this law, as long as (…) their full integration into national society is proven by means of an investigation undertaken by the competent federal bureaucracy." The institution of indigenous emancipation corresponds perfectly to the assimilationist and evolutionist logic of the tutorship regime, according to which Indians will one day cease to be Indians and become fully integrated into national society.

But, in a somewhat contradictory matter, the Statute also determines that "the customs and traditions of indigenous communities and their effects shall be respected with regards to family relations, succession, property rights regimes and in the transactions realized amongst indigenous peoples" (Article 6). Furthermore, it is the first legislation to systematically regulate the land rights of indigenous groups. Despite the fact that indigenous land rights had been enshrined in Brazilian

constitutions since the 1940s, they had never been duly regulated. The Statute created three categories of indigenous land: the lands that are occupied or inhabited by Indigenous groups; indigenous reservations; and territories under the domain of indigenous communities (Article 17). According to Article 22, Indians are entitled to the permanent possession of the land they inhabit and to the exclusive usufruct of the natural resources and utilities which exist upon that land. Furthermore, the federal indigenist bureaucracy was made responsible for the demarcation of all indigenous lands within a deadline of 5 years of the promulgation of the Statute of the Indian – i.e. until 1978.

Overall, this first episode of mobilization which began in 1968 contributed to an instance of formal institutional change in the field of Brazilian indigenism. The episode was constituted by the intra-sectoral activism of journalists writing for international media outlets and INGOs. With little room for domestic mobilization during the "lead years" of the military regime, this episode took place within the international media and had as protagonists international journalists, who drew on data produced by the Brazilian government itself in the Figueiredo Report in order to write articles in renowned media outlets spreading throughout the world word about the Brazilian government's abuses against ethnic minorities. Deploying information politics, a strategy by which politically usable information is moved around and disseminated quickly and credibly to where it will have the most impact (Keck and Sikkink 1998), these journalists placed pressure on the Brazilian government to review its legal treatment of ethnic minorities and thereby contributed to the government's defensive enactment of formal legislation, i.e., in an instance of formal institutional change. Their activism took advantage of the fact that the Brazilian military dictatorship was striving to show its human face and assert its legitimacy to other governments.

The ambiguities which constituted this legislation – which, on the one hand, recognized new rights and entitlements for Indians, on the other, insisted on tutorship and assimilation - were especially important since they set the ground upon which the field of indigenism would be polarized over the course of the following years. On the one hand, government would continue to insist on the logics of assimilation and, on the other, pro-indigenous activist would draw on the rights and entitlements regulated in the Statute in order to mobilize for transformations in the field of Brazilian indigenism.

Chapter 5. Anthropologists, missionaries and the emergence of new organizations and practices

5.1 Introduction

The first period of pro-indigenous mobilization in Brazil is also constituted by two partially overlapping episodes of intra-sectoral mobilization within the institutional sectors of religion and science and, more specifically, within the setting of the Catholic Church and of transnational networks of critical anthropologists. These episodes began in the early 1970s as activists interpreted and took advantage of transnational opportunities for mobilization and built on the institutional outcome of the previous episode – the Statute of the Indian – in order to found new organizations, develop new practices and new understandings of the category "indigenous" and the role played by indigenous minorities in national society. Even if the outcomes of these two episodes of mobilization are most intense within the organizations and networks of activists – i.e. they are outcomes which are internal to the movement – some of the innovative practices and forms of categorization developed by critical anthropologists, progressive episcopates and missionaries were institutionalized within the codes of conduct and guidelines for engagement within the Catholic Church and anthropology. The present chapter analyses these two episodes along with the outcomes to which they contributed, in addition to probing the linkages that connect across intra-sectoral and sequential processes of mobilization.

5.2 Critical anthropologists against colonial anthropology

It has been widely argued that institutions are likely to produce their own patterns of challenge and contention. Institutions, in addition to producing new actors with new interests, "may also fail to deal with certain problems or generate new grievances around which contenders may mobilize" (Schneiberg and Clemens 2006, 218). Following this insight, the search for the origins of contestation

around indigenist policies within Brazil should begin at the heart of the tutorship regime. And in fact, it was within the SPI that systematic critiques against indigenist policies first emerged.

In the late 1950s and 1960s, after more than three decades of existence, the functioning of the Indian Protection Service (SPI) was becoming increasingly demoralized, and the goals and practices of indigenism came under increased scrutiny of anthropologists and public servants who had worked for the organization and who were sceptical of the efficacy and morality of tutorship. These anthropologists had entered the cadres of the SPI in the early 1950s imbued with knowledge of contemporary anthropology and avid for change. They noted and theorized the discrepancies between the stated goals of the indigenous bureaucracy ("protection and assistance") and the actual impacts that the latter was having on indigenous groups. These discrepancies fuelled critique and contestation.

Darcy Ribeiro, an anthropologist who worked for the SPI between 1949 and 1956, elaborated important critiques towards tutorship and its aftermath, especially concerning the disastrous consequences that the institution had upon indigenous groups (Ribeiro 1996). But Ribeiro himself, like many of these idealist anthropologists, left the organization in the late 1950s as its corruption and abusive practices towards indigenous populations became increasingly obvious. In 1956, Ribeiro wrote an open letter to the Minister of Agriculture, declaring that he was resigning as chief of SPI´s Research Section because of the nomination of knowingly corrupt officials for important positions in the organization. In 1964, Ribeiro was sent into exile by the military dictatorship, where he was progressively incorporated into an incipient network of exiled South American anthropologists that was forming at the time. These scientists formed a professional network which would challenge the way anthropology had been carried out throughout the continent.

In the late 1960s, Georg Grünberg, an Austrian anthropologist who conducted extensive fieldwork amongst the Kayabi Indians in Brazil, witnessed first-hand the violence of frontier expansion and the inability of the indigenist bureaucracy to protect the Indians. Grünberg saw a war between the patrons of rubber tapping and the Kayabi Indians, forced to flee to the recently instituted Xingu National Park (Grünberg 2015). Like Ribeiro, Grünberg became dedicated to denouncing the shortcomings of South American indigenist policies and idealizing alternative models of indigenism for the continent. Ribeiro and Grünberg's work is representative a broader set of anthropological critiques against the foundations and practices of indigenous tutorship and the narrative of

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acculturation that developed at the time. However, following the coup and establishment of a military dictatorship in 1964, it became difficult and dangerous to articulate such critiques in Brazil. In the years that followed the coup, political parties were banned, political organizing was harshly restricted, civil liberties were suspended and public debate was subjected to censorship. Many critical Brazilian anthropologists had to leave the country and go into exile. This is precisely what happened to Ribeiro, who first sought refuge in Uruguay, then in Venezuela and Peru.

At this time, an informal transnational network of roughly two dozen politically engaged anthropologists scattered throughout Latin America emerged. These researchers shared a deep critique of South American indigenism as well as a will to transform it. Austrian anthropologist Grünberg was one of them. Upon returning from fieldwork in Brazil to Europe, he pursued the idea of setting up a forum where anthropologists with extensive field experience and critical perspectives on Latin American indigenism would be able to engage in joint action against indigenous policies in the continent. These ideas took form in 1970, when Grünberg had a fortuitous encounter with the coordinator of the World Council of Churches (WCC) Program to Combat Racism. The program had been instituted to intervene in the context of South African apartheid, but Grünberg convinced the coordinator that institutional racism was an operating force well beyond the African continent and that the WCC should get involved in South America. They decided to organize a gathering where anthropologists with experience in the field of South American indigenous policy would be able to exchange information and develop a project for intervention. This was the birth of the Barbados Symposium on Interethnic Conflict in Non-Andean South America.

In 1970, Grünberg travelled to South America and across the continent with the support of the WCC issuing invitations, discussing the project, and consolidating the guiding principles of the gathering. According to Grünberg,

> In those times the anthropologist that had long and rich experiences in the field formed almost automatically a network, in the sense that they were constantly meeting each other in international conferences of Americanists and that they also needed to find refuge in face of military persecution. So there was a culture of mutual assistance and support, because we had always been considered communists by the military, subversives, and we were seen as people who wanted to turn Indians into subversive elements against the state. So there was a quite practical sense of fraternity, because we many times had to disappear from our countries and seek exile elsewhere. In Paraguay you found exiled Argentinians, in Argentina you found Uruguayans…so there was a personal network that formed among these two dozen field

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anthropologists who were set on speaking out and shouting 'enough!', and who were insisting that we could not go on with internal colonialism and that it had to end. And it was not hard for us to find each other – if you knew three of us then you knew us all, at least by name (Grünberg 2015).

Given the "subversive" character of the meeting, it was difficult for Grünberg to find an institution in Latin America which was willing to house their gathering. The only institution that offered a space for the meeting and ensured that it would shelter participants from political interventions was the University of the West Indies in Bridgetown, Barbados. This is where the First Symposium on Interethnic Friction in South America was held in 1971. It was attended by 19 anthropologists from Argentina, Brazil, Colombia, Bolivia, Mexico, Peru, Paraguay, Venezuela, Switzerland, Denmark, Germany and France, all of whom had conducted field research in South America and were well acquainted with the impacts of indigenist policies in the region. As they engaged in political critiques and claim-making in the name of indigenous groups, these anthropologists drew on their sector-specific institutional repertoires in order to put together a critical professional network, write papers on their regions of expertise and organize a Symposium at the end of which they signed a declaration outlining the responsibility of the state, religious missions and anthropologists in the genocide of indigenous groups throughout South America. According to their final document,

> Our analysis of the Indian policy of the several Latin American nation states reveals a common failure of this policy by its omissions and by its actions. The several states avoid granting protection to the Indian groups' rights to land and to be left alone, and fail to apply the law strictly with regard to areas of national expansion. Similarly, the states sanction policies which have been and continue to be colonial and class oriented. This failure implicates the State in direct responsibility for and connivance with the many crimes of genocide and ethnocide that we have been able to verify. (…)

> Anthropology took form within and became an instrument of colonial domination, openly or surreptitiously; it has often rationalized and justified in scientific language the domination of some people by others. The discipline has continued to supply information and methods of action useful for maintaining, reaffirming and disguising social relations of a colonial nature. Latin America has been and is no exception, and with growing frequency we note nefarious Indian action programs and the dissemination of stereotypes and myths distorting and masking the Indian situation - all pretending to have their basis in alleged scientific anthropological research.

> A false awareness of this situation has led many anthropologists to adopt equivocal positions. These night be classed in the following types:

1. A <u>scientism</u> which negates any relationship between academic research and the future of those peoples who form the object of such investigation, thus eschewing political responsibility which the relation contains and implies;

2. A <u>hypocrisy</u> manifest in the rhetorical protestation based on first principles which skilfully avoids any commitment in a concrete situation:

3. An <u>opportunism</u> that although it may recognize the present painful situation of the Indian at the same time rejects any possibility of transforming action by proposing the need `to do something´ within the established order. This latter position, of course only reaffirms and continues the system.

The anthropology now required in Latin America is not that which relates to Indians as objects of study, but rather that which perceives the colonial situation and commits itself to the struggle for liberation. In this context we see anthropology providing on the one hand, the colonized peoples those data and interpretations both about themselves and their colonizers useful for their own fight for freedom and on the other hand, a redefinition of the distorted image of Indian communities extant in the national society, thereby unmasking its colonial nature with its supportive ideology (Bartolomé et al. 1971, 1-3).

The Barbados Declaration was a milestone document. It articulated severe critiques against Latin American indigenism and proposed that the liberation of indigenous peoples should be undertaken by these peoples themselves (Bartolomé et al. 1971). This outcry for the recognition of indigenous agency challenged the underlying foundations of Latin American indigenism. It challenged the engagements of the Church, the state and science and thereby recognized the field´s inter-sectoral pillars. Following the Symposium, some anthropologists returned to South America in order to develop and implement this new indigenism. In 1974, after having his Brazilian visa revoked because of his engagement in Barbados, Grünberg travelled to Paraguay where he worked with the Pai Tavyterã Indians. He founded an organization called the Pai Tavyterã Project (PPT), which engaged in an entirely new way with indigenous peoples. Members of the PPT asked that the Indians to determine the goals, priorities and means of organization and activism, while the PPT´s staff would support the endeavours of the local communities (Grünberg 2015). They engaged with the Indians as subjects, and not as objects, as had been denounced by the Barbados Declaration.

This model of "indigenous support organization" soon spread into Brazil, where one of PPT´s interns Rubem Thomaz de Almeida founded the Kaiowá Ñandevá Project (PKN) in 1976 (Almeida 2001). These organizations were pioneers in experimenting with a new form of indigenism, in which the

anthropologists lived among the Indians and intervened as requested by the indigenous communities, serving as mediators between the village, surrounding society and the state. In addition to this, the PKN was pioneer in introducing foreign funding into the field of pro-indigenous activism in Brazil. The relationship between public anthropologists and the "ecumenical axis" of Christian Churches enabled them to get funding from international organizations such as the World Council of Churches, Bread for the World and Misereor to carry out their engagements (Almeida 2001, Grünberg 2015).

Under the tutorship regime the Indians were not allowed to organize themselves in order to defend their own rights and interests and depended on the mediation of third parties in order to gather resources and channel their grievances and demands. Until the 1970s, these third parties were either missionary organizations, the state indigenist bureaucracy or anthropologists conducting ethnographic research. The indigenist support organizations represented a new model of intervention in the field. These grassroots support organizations were important in backing local political organization of indigenous groups and thoroughly documenting their local claims – especially claims for land demarcation (Almeida 2001).

Other such indigenous support organizations emerged in the following years. If the first of these organizations was founded in Brazil in 1976, by the early 1980s there were nearly 20 of them, including the Centre for Indigenous Work, founded in 1979, the Pro-Indian Commission of São Paulo and the Commission for the Demarcation of Yanomami Territory, both founded in 1978, and the Association for Indigenous Support of São Paulo, founded in 1977. Even if there were variations among the specific forms and engagements of these organizations, they were all rooted in the idea of the transformation of indigenism and of the interethnic field coined by the Barbados anthropologists. They were guided by the principle of working alongside indigenous groups in their interests and in defence of their culture and rights. Within these organizations, anthropologists brought the Statute of the Indian to life by deploying their skills and expertise in the demarcation of indigenous lands and supporting and channelling the demands of indigenous groups. From the early days of pro-indigenous activism, these actors created channels into state agencies. This meant overcoming concrete obstacles and finding "the right people at the right instances and moments in which there is some sort of opening so that you will be able to push for the application of the law in a way that is favourable to the Indians" (Grünberg 2015).

Overall, the mobilization of public anthropologists which in the early 1970s contributed to different types of incremental outcomes in the field of indigenism in the late 1970s. First, these anthropologists innovated in their way of understanding and engaging with indigenous peoples. The critical anthropologists developed, through their engagements in the 1970s, a new shared understanding of the category "indigenous". This transformed understanding is already present in the Declaration of Barbados in the following terms:

> That Indians organize and lead their own liberation movement is essential, or it ceases to be liberating. When, non-Indians pretend to represent Indians, even on occasion assuming the leadership of the latter's groups, a new colonial situation is established. This is yet another expropriation of the Indian populations' inalienable right to determine their future.
>
> Within this perspective, it is important to emphasize in all its historical significance, the growing ethnic consciousness observable at present among Indian societies throughout the continent. More peoples are assuming direct control over their defence against the ethnocidal and genocidal policies of the national society. In this conflict, by no means novel, we can perceive the beginnings of a pan Latin-American movement and some cases too, of explicit solidarity with still other oppressed social groups.
>
> We wish to reaffirm here the right of Indian populations to experiment with and adopt their own self-governing development and defence programs. These policies should not be forced to correspond with national economic and socio-political exigencies of the government. Rather, the transformation of national society is not possible if there remain groups, such as Indians, who do not feel free to command their destiny. Then, too, the maintenance of Indian society's cultural and social integrity, regardless of its relative numerical insignificance, offers alternative approaches to the traditional well-trodden paths of the national society (Bartolomé et al. 1971, 3).

Radically different from what this category represented in the tutorship regime as well as in the previous and purely academic forms of ethnographical engagement, critical anthropologists treated indigenous groups as autonomous subjects who were fully capable of understanding the historical situation which was affecting them and developing their own demands and forms of contestation. As established in the Barbados Declaration, the Indians should be the agents of their own liberation, and external intervention and mediation should serve to support this goal. By treating indigenous groups as subjects rather than objects, the critical anthropologists were significantly diverging from the premises of existent state, religious and scientific engagements vis-à-vis indigenous groups.

Second, anthropologists developed and brought into Brazil a novel organizational form – the indigenous support organization. Through their connections with transnational networks, and especially the transnational ecumenical movement, these organizations channelled new and previously unavailable resources into the field of indigenism, directing them towards the support of local demands and claims made by indigenous groups. By supporting such demands, the support organizations introduced a new resource for indigenous peoples, who could count on an alternative interlocutor and ally – different from the state and the church – in order to pursue their rights and interests. Anthropologists within these organizations made use of the land rights contained in the Statute of the Indian in order to push for the enactment of indigenous tenure claims.

Finally, the combination of cultural innovation – innovation in the practices and understandings – with organizational innovation – the establishment of indigenous support organizations – allowed anthropologists to advance in the institutionalization of their projects and visions. To be sure, their ideas and practices remained highly contested outside the boundaries of their sector, and even within anthropology itself. But as of the mid-1970s, the notions of indigenous political autonomy and cultural recognition with indigenous groups became an increasingly sustained part of anthropology as an academic discipline and form of political engagement. They become part of the life of organizations, researchers and activists within the sector and were transformed into codes of conduct for actors in the field. Therefore, the mobilization of critical anthropologists also led to a gradual and intra-sectoral process of institutional transformation.

5.3 Struggling within the Church: Constructing a new missionary engagement

The Barbados Declaration of 1971 also directed harsh attacks against the engagement of religious organizations with indigenous groups in the Americas, concluding with a call for the suspension of all missionary activity. According to the Declaration,

> [E]vangelization, the work of religious missions in Latin America, also reflects and complements the reigning colonial situation with the values of which it is imbued. The missionary presence has always implied the imposition of criteria and patterns of thought and behaviour alien to the colonized indigenous societies (Bartolomé et al. 1971, 2).

But by the time this document was published, the Catholic Church in Latin America was already starting to undergo a process of transformation. Drawing on the ecumenical directives and inter-cultural spirit of the Second Vatican Council (1962-1965), progressive groups within the Catholic Church were trying to make the institution more directly engaged with the emancipation of marginalized sectors of the population, including landless peasants, dwellers of urban peripheries, and ethnic minorities. Within the Latin American Catholic Church this movement became known as liberation theology (Smith 1991, Gutiérrez 1998, Boff and Boff 2000). In 1968, Reformist actors within the Church met at the 2nd Conference of the Latin American Episcopate, where they signalled their commitment to a reformed Catholicism and coined a joint statement affirming that:

> For the vast sectors of marginalized men, the goal of education should not consist in incorporating them into the cultural structures which surround them, which can be equally oppressive. Its goal should be to build their capacity to, themselves, as agents of their own progress, develop, in their creative and original way, a cultural world that mirrors their own richness. And, especially with regards to the Indians, it is necessary to respect their own cultural values (CELAM 1968).

The intervention of the Church in the lives of indigenous communities was subsequently discussed in trans-local, regional and national meetings of the Latin American Episcopal Council (CELAM). This indicates that missionary intervention in Latin America was, as of the late 1960s, extensively debated in transnational fora of the Church. Between 1968 and 1980, over 50 of such events took place in South America (Prezia 2003, 335-338).

In Brazil, the vocal outcry of the Barbados Declaration against Christian missionaries fuelled the engagement of reformist sectors of the Church and aggravated the incipient crisis of missions in Brazil, which were being questioned for their ongoing practices of mass baptism and conversion, forced custody of indigenous children in educational facilities and complicity with the state in genocidal practices. In the early 1970s, religious orders and missionary organizations in Brazil were like islands, with no coordination amongst them. At this time, the National Conference of Bishops of Brazil (CNBB)[29] felt it was important to promote a certain degree of centralization among the missions and, to this end, organized the Third Meeting of Studies about the Indigenous Pastoral, which took place in 1972 in Brasília and brought together missionaries from all over Brazil. In this meeting, a

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[29] Founded in 1952, the National Conference of Bishops of Brazil (CNBB) is a permanent organization composed by Catholic Bishops in the country.

group of progressive Jesuits from the city of Diamantino who worked in the *Anchieta Operation* (OPAN) took advantage of the gathering to propose a new agenda, which included the formation of a dynamic and representative institution within the Church which should contribute to indigenist policies in the country and unify missionary practice around a core set of ideals and principles. These missionaries referred to the political context of the time, arguing that the Church had to organize itself in order to define a clear position vis-à-vis the Statute of the Indian, which was being examined in National Congress, and the Barbados Declaration, which had recently been publicized.

It was in this light that the Jesuits proposed the foundation of the Indigenous Missionary Council (CIMI). On April 23rd 1972, CIMI was founded and attached to the administrative structure of the CNBB. According to the records of the meeting, CIMI was to be "the centre of coordination of missionaries which work with indigenous peoples in national territory" (Suess 1989, 18). The statute of CIMI states that the organization would strive to:

> (…) promote the indigenous pastoral; develop theological, anthropological, and technical capacity among missionaries; develop awareness among the Brazilian population about the indigenous cause; establish a relationship between the indigenous missions, CNBB [National Council of Bishops of Brazil] and public agencies; provide legal support for missionaries in the defence of indigenous lands and patrimony (Prezia 2003).

CIMI was to be the umbrella organization unifying and supervising Catholic missions all over Brazil in a way that respected principles of the Second Vatican Council. Its founding was in part a response to the Barbados Declaration, and a demonstration that sectors within the Church were willing to engage in profound transformation of missionary practice and religious engagements more generally. According to Egon Heck, a CIMI missionary who has been engaged in the organization since its foundation in 1972,

> CIMI was born first from the frustration felt by a group of missionaries regarding their presence and engagement among indigenous peoples. Secondly, it was born from a context in which the Catholic Church was becoming more open to social issues, as can be seen from the Second Vatican Council. So it was this context of transformations within the Church and frustration amongst missionaries that led to the foundation of CIMI. I could also add a third factor: the emergence of conflicts within society in general concerning the dictatorial and authoritarian context of the time (…). CIMI, when it emerged, was one of the few spaces that was active in terms of contestation against the dictatorship. The organization positioned itself as an articulation of missionaries fighting for the transformation of the Catholic Church concerning the Indians, and contributing to

a broader transformation within Brazilian society so that it would finally be able to recognize its plurinationality (Heck 2014).

There were important political disputes within CIMI in the first years following its foundation. The organization had been founded by a very heterogeneous group of ecclesiast and missionaries with very different visions and postures (Prezia 2003). In 1972, Angelo Venturelli, a father belonging to the Salesian Order, was elected president of CIMI. The Salesians were known for their conservative posture and for their tradition of "dialogue and collaboration" with government and state-led indigenism – a position which they were not willing to question. But already in late 1973, Father Venturelli renounced his position as president of CIMI in the midst of an internal dispute with progressive missionaries. At the time, progressive missionaries and bishops from CIMI had put together a report documenting the systematic violence of state indigenism against indigenous groups called *Y-Juca-Pirama: The Indian, He Who Must Die* (Biènnes et al. 1973). Declaring his profound disagreement with the document and indignation regarding the insubordinate posture of the men who signed it, Venturelli renounced the presidency of CIMI. Father Vicente César, another member of the conservative branch, took his place. In the midst of these shifts, Dom Tomás Balduíno, the Bishop of Goiás who was associated to liberation theology and known for his progressive positions, assumed the vice-presidency of the organization and increased the power and resources of the progressive branch within CIMI.

In 1974, despite the resistance of Vicente César, *Y-Juca-Pirama* was published as a protest statement against the treatment of Brazilian Indians. It was not signed by CIMI but by six bishops and six missionaries.[30] CIMI vice-president Dom Tomás Balduíno was amongst them, intensifying the already existing polarization within the organization. The document is replete with biblical imagery and references to liberation theology. The process of education of indigenous minorities, it argues, "must be characterized by the exercise of freedom", and it is affirmed that "indigenous peoples in general have a system of land use based on the social, which resonates with all the teachings of the bible

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[30] *Y-Juca-Pirama* was signed by the following Bishops and missionaries: Dom Máximo Biennès, bishop of Cárceres, MT; Dom Hélio Campos, bishop of Viana, MA; Dom Estevão Cardoso de Avellar, bishop of Marabá, PA; Dom Pedro Casaldáliga, bishop of São Félix do Araguaia, MT; Dom Tomás Balduíno, bishop of Goiás, GO; Dom Agostinho José Sartori, bishop of Palmas, PR; Frei Gil Gomes Leitão, missionary of Marabá, PA; Father Antônio Iasi, missionary of Diamantino, MT; Frei Gomes Maia Leite, missionary of Conceição do Araguaia, MT; Father Leonildo Brustolin, missionary of Palmas, PR; Father Tomás Lisboa, missionary of Diamantino, MT.

concerning possession and usage of territories, not only in the Old but also in the New Testament. In this way, the possibility that a few will be able to dominate the others due to their private domain over the means of production is fully eradicated" (Biènnes et al. 1973, 11-12). The document explicitly denounces the government and positions the missionaries against the traditional form of indigenist engagement undertaken by both the state and the Church:

> (…) we do not accept being used as instruments in the Brazilian capitalist system. We will in no way collaborate with those that seek to "attract", "pacify", and "calm down" the Indians in order to enable the advancement of large landowners and explorers of minerals and other sorts of wealth. To the contrary, such procedures will be the object of out brave accusations alongside the Indians. With them, we shall not accept any type of "integration" which seeks to transform them in cheap labour, adding to the marginalized masses which, in our system of production, only serve to provide wealth to the already wealthy. Even less, because it is humiliating and criminal, will we collaborate with any engagement that seeks to transform the Indian in a human being in need of tutorship, because he is not a minor nor is he in any way invalid, and his maturity as individual and as group, guaranteed by the law of Nature itself, and by God, cannot be conditioned to the criteria of a supposed "integration" (Biènnes et al. 1973, 9).

It did not take long for government to retaliate against the authors of the report. Dom Pedro Casaldáliga, Father Egydio and Father Iasi, three of the men who had signed the document, were prohibited from entering indigenous lands, and the latter was detained in an indigenous station in Paraná (Prezia 2003). CIMI´s president father Vicente César refused to support the document and the claims made by the Indians.[31] But this did not keep the progressive wing in CIMI from carrying out "subversive tasks" and competing for control over the organization. Reaffirming their autonomy and critical stance towards government, progressive missionaries put together a mobile team which travelled throughout Brazil in order to visit and monitor indigenous reservations, reporting on the conditions of indigenous groups (Prezia 2003).[32] This was a crucial instance of organizational innovation, since it helped indigenous groups to overcome the isolation which they had been subjected to in their reservations and enabled information to be collected across regions. According to Iaisi (1995), the engagements of CIMI´s mobile team caused significant unease in sectors of the

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[31] "CIMI não opina sobre documento feito por bispos", *O Estado de São Paulo*, May 11th 1974, available at http://www.docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=10022&Pesq=
[32] On the mobile team constituted by CIMI, see also "Igreja Estuda Situação Indígena", *O Estado de São Paulo*, August 27th 1974, available at
http://www.docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=10022&Pesq=.

military government. After penetrating into indigenous areas under the control of FUNAI, the team sent detailed reports not only to the direction of FUNAI but also to national and local newspapers. When they managed to bypass censorship, the reports were widely publicized, generating a sort of counter-publics in the field.

Another important organizational innovation was the organization of the General Assemblies of CIMI as of 1975. These assemblies took place every two years from 1975 onwards. They represented important moments in which members of the indigenous pastorals throughout Brazil shared information and experiences, coordinated engagements and revisited the core values and principles of CIMI. The assemblies were also a crucial space for the progressive branch of missionaries and ecclesiasts to assert their prevalence within the organization. In the two years that preceded CIMI´s first general assembly, the relationship between CIMI and FUNAI had grown increasingly uneasy.

Father Vicente César tried to maintain close ties with FUNAI and the Interior Ministry, to which FUNAI responded. According to news articles of the time, father César on different occasions joined General Ismarth Silva, president of FUNAI, on trips to indigenous villages in order to show off the work of missionaries and look for collaborative solutions to the problems faced by the Indians.[33] Responding to his engagement, FUNAI had declared that it did not intend to interfere in the work of any of any missionary organization, including CIMI.[34] But parallel to this, two councillors of CIMI – father Iasi and father Schwade – insisted on publicly denouncing the indigenist bureaucracy. The situation became increasingly polarized as of early 1975, when Iasi declared to reporters that CIMI "did not believe FUNAI would be able to solve the invasion of indigenous lands in the south of the country."[35] In April, FUNAI held a large conference on indigenous policy in Manaus, in the state of Amazonas, but missionaries from CIMI refused to attend, causing embarrassment for father Vicente César, who tried to brush off the discomfort saying that the missionaries "were probably busy with previous

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[33] "Funai não limitará o trabalho das missões", *O Estado de São Paulo*, September 5th 1974. Available at http://www.docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=10022&Pesq=
According to the news article, "Accompanied by the president of the Indigenist Missionary Council, father José Vicente César, the general [Ismarth de Araújo, president of FUNAI] visited the reservations of São Marcos and Sangradouro, where the Xavante Indians live, and of Merure, where the missionaries assist circa 500 Bororos. Impressed with the excellent state of the health of the Indians and the infra-structure that the Salesian missions have developed in the area, the general said that the missionaries are accomplishing a project that will enable the future integration of indigenous groups into society".
[34] "Funai não limitará o trabalho das missões", *O Estado de São Paulo*, September 5th 1974. Available at http://www.docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=10022&Pesq=
[35] "CIMI não crê nas promessas", *O Estado de São Paulo*, January 4th 1975.

appointments."[36] The CIMI councillors ended up attending the conference, only to later criticize the authoritarian posture of FUNAI and point out the impossibility of engaging in open dialogue with the agency. Father Iasi defiantly stated in a public note that "Funai should have its name changed to the National Indigenous Funerary."[37] After further rounds of public critique, the president of FUNAI sent a letter to the president of CIMI communicating that father Iasi and father Schwade were once again prohibited from entering indigenous lands. The response fathers Iasi was defiant: "It is not up to me to respond the letter, which was addressed to the president of CIMI (…) but I know that I can enter indigenous areas – not only as the tourists, the informal merchants, and all sorts of people enter without the control of FUNAI – but as a friend of thousands of Indians who know me and know that I am fighting for their interests".[38]

This declaration sparked a quick response from the president of FUNAI, which forbade all CIMI missionaries from entering indigenous territories. In a letter to the president of CIMI, general Ismarth Araújo stated that "Despite our good disposition in the past months, elements at CIMI have insisted on inappropriate and why not call them rude attitudes. Moreover, the newspapers have presented stories about meetings and gatherings organized by CIMI or by its members with indigenous groups without the knowledge of FUNAI, which was not invited to participate and has not been informed about the outcomes of these gatherings."[39]

In the midst of these conflicts, CIMI held its first National Assembly on June 24th-27th 1975. All members of the indigenist pastoral – that is, all fathers, bishops and missionaries who worked with indigenous groups – were invited to attend. Already isolated within the organization, father Vicente César renounced the presidency of CIMI, leaving Dom Tomás Balduíno to assume in his place. Father Egydio Schwade was nominated executive secretary. This event consolidated the dominance of progressive sectors within CIMI. From then on, the organization would engage in continuous and explicit challenges to the premises of state-led indigenism.

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[36] "Missionário nega boicote do CIMI a encontro da FUNAI", *O Estado de São Paulo*, April 1st 1975. Available at http://www.docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=10022&Pesq=
[37] "CIMI critica ministro e atuação da FUNAI", *A Crítica*, April 9th 1975, available on http://www.docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=10022&Pesq=
[38] "FUNAI proíbe 2 missionários de assistirem índios", *O Estado de São Paulo*, June 14th 1975. Available at http://www.docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=10022&Pesq=http://www.docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=10022&Pesq=
[39] „FUNAI confirma proibição ao CIMI", *O Estado de São Paulo*, June 17th 1975. Available at http://www.docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=10022&Pesq=.

Figure 1. Dom Tomás Balduíno, Dom Pedro Casaldáliga and Ivar Busatto (from left to right)

Picture taken at the First General Assembly of CIMI in 1975, when Dom Balduíno assumed the presidency of the organization.

The final document of the 1st General Assembly of CIMI recognized the role that missionary practice had previously played in indigenous abasement and disenfranchisement, and declared that CIMI was committed to engaging with a set of themes and directives in order to "develop a new alternative to the socioeconomic and religious model of national society, guaranteeing a more plural and fair Brazil" (CIMI 1975, 3). Among the directives adopted by CIMI were the following: (a) Land – CIMI committed itself to preparing, together with indigenous groups, reports about indigenous land problems, to send these reports to CIMI´s Land Council and to FUNAI, and to seek out fast and effective solutions to these problems; (b) self-determination - according to the document, CIMI should seek out all viable ways to develop in indigenous peoples the right to be subjects and authors of their growth. To do this, it should "support, promote and enable meetings of tribal leaders as well as the participation of Indians in meetings of the Indianist pastoral" (CIMI 1975: 3); (c) Information: CIMI committed itself

to fostering the circulation of information between CIMI, the missions, and society more generally by all possible means – newsletters, texts, etc. (CIMI 1975, 5).

Just like for the public anthropologists, land and self-determination were at the core of CIMI´s project. Following these directives, in 1978, CIMI founded an independent magazine named "Porantim", through which missionaries and Indians could share their stories, grievances and demands. Organized on a national scale, CIMI was able to collect, compile and compare information about the situation of Indigenous groups all over Brazil. The first issues of the newsletter were very short and simple, constituted by a few pages of reports and communications written by missionaries in different regions of Brazil. But soon Porantim began to also publish reviews of news articles that had come out in the regional and national press concerning indigenous groups and to publish more analytical texts by anthropologists and religious men and women.

It was also increasingly common for anthropologists to publish in Porantim, which thereby became a platform in which actors affiliated to different institutional sectors could share their research, experiences, and projects. An article published in Porantim in 1978 emphasizes how, missionaries were beginning to draw on the work of critical anthropologist in order to develop a new and transformative understanding of indigenous groups within Brazil:

> Recently, CIMI concluded an investigation about the indigenous population in Brazil. And the data that were presented tell us that it is worth RESISTING. According to the investigation, there are currently 144.405 Indians, distributed between 166 tribes. Twenty years ago there were less than 100 thousand non-contacted Indians and another 30 thousand detribalized Indians (Indians living in cities and farms, such as for instance the 10 thousand that live in Manaus and 5 thousand in Boa Vista). In Mato Grosso, the Iranche ended their self-imposed methods of birth control and the average number of children per couple went from two to five. (…)

> The anthropologists Sílvio Coelho dos Santos tells us: that demographic growth is taking place in most of the indigenous nations, and that this is very positive. The fact is that the culturated (sic) Indian has already adapted his organism, resisting more to illnesses. Silvio explains that `it has been perfectly demonstrated that it is impossible to assimilate the Indian, because, despite everything, he sees himself as a different race, and he is also seen as different by so-called civilized society. The Indian with a bow and arrow become the Indian with a hoe (…), but he does not cease to be an Indian (CIMI 1978, 5).

The analysis cited above demonstrates the consolidation of a new way of understanding the development of indigenous identity and its place in national society. CIMI missionaries and critical

anthropologists[40] were increasingly working with new demographic data which allowed them so see that the Indians were not disappearing, but rather resisting and even flourishing in certain places of Brazil.[41] And these actors now had a specialized media outlet to share and diffuse their points of view.

In addition to this, and following the directive of indigenous self-determination, CIMI fostered and promoted the organization of indigenous peoples across Brazil. Beginning in 1974, CIMI organized a series of National Assemblies of Indigenous Chiefs, another important instance of organizational innovation promoted by the CIMI missionaries. Indians from around the country were transported with the help of CIMI to these gatherings, where they would receive political training, material support, and incentives to put together an autonomous instance for indigenous politics at the regional and national levels. Father Iasi reported on the First Assembly of Indigenous Chiefs, held in 1974, in the following way:

> [T]he Indians came to the assembly without knowing very well its goal. Indeed, the meeting could not have had a goal that was not the meeting itself. The results were surprising: The Indians rediscovered that they were the subjects of their own destinies; it is not Funai and it is not the Missions which will solve their problems. But rather "we ourselves" as they incessantly affirmed" (Iasi, 1974, *apud* Prezia 2003, 64).

Within these assemblies, indigenous leaders had the chance to share and elaborate on their common grievances, and the main issues brought up at the assemblies were disseminated through declarations, transcriptions and articles in CIMI´s newsletter (CIMI 1983, 1985, 1975, 1977, CIMI 1979). In these processes of organization and communication, the category "indigenous" slowly became a shared and political identity used by several groups which were previously isolated from each other. Between 1974 and 1983, over 20 national indigenous assemblies were held throughout the country, sixteen of which were directly supported by CIMI (Prezia 2003, 64). If the first assembly in 1974 was attended by not more than 20 Indians (see figure 2 below), by the time the Seventh Assembly of Indigenous Groups was held in 1977, there were over 100 Indians present. The size of the meetings was becoming disturbing for FUNAI, which often sought to hinder the gatherings. For

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[40] Silvio Coelho dos Santos was present at the Barbados Symposium and published a chapter in the book that ensued from the meeting (Coelho dos Santos 1972).
[41] This completely novel way of understanding indigenous peoples and the endurance of their identities and societies was also emphasized by Márcio Santilli in an interview (Santilli 2016).

example, the Seventh Assembly was suspended by FUNAI under the allegation that the organizers had not asked for official permission for the gathering.

Figure 2. About twenty indigenous leaders gather for the 1st Assembly of Indigenous Chiefs, organized by CIMI in 1974.
Source: http://egonheck.blogspot.com.br/2014/04/assembleias-indigenas-40-anos-depois.html

Like the critical anthropologists, the priests, bishops and missionaries mobilizing within the Church contributed to two types of incremental outcomes in the field of Brazilian Indigenism. First, they contributed to outcomes that were internal to their emerging social movement. On the one hand, these outcomes were cultural, since they pertained to new forms of understanding and engaging with indigenous peoples which directly challenged the systems of categorization and imageries which underpinned tutorship and the dominant practices in the field. As spelled out in the *Y-Juca-Pirama* (Biènnes et al. 1973) document and in the final documents published by the CIMI General Assemblies (CIMI 1975, 1977, 1979), the CIMI missionaries refused to take indigenous peoples as underage or invalid and in need of tutelage. Rather, they advanced the idea that Indians were full citizens and bearers of cultural attributes which Brazilian society should recognize and learn from. Based on this notion, they prepared and trained missionaries to engage in inter-cultural missionary work, where they would get to know and understand indigenous groups in their specificities, and intervene to

guarantee their rights before the state. Moreover, they challenged the notion that Indians were bound to disappearance and integration, insisting that they would remain a part of the Brazilian nation for times to come.

In addition to these instances of cultural innovation within the Church, progressive missionaries and episcopates also took advantage of shifts within the Church in the aftermath of the Second Vatican Council in order to generate important instances of organizational innovation. The first was the foundation of a new missionary organization, CIMI, which provided a unifying structure and framework for indigenous missionary practice in the country and supported new forms of engagements among missionary groups. CIMI served as infrastructure for advancing and sustaining series of organizational innovations, such as the institution of a mobile team of missionaries which travelled across the country, entered indigenous areas, and put together reports on the conditions they found, and the consolidation of General Assemblies of CIMI, where ecclesiasts and missionaries from across Brazil came together every two years to align and consolidate positions, principles and forms of engagement vis-à-vis indigenous groups and indigenist policies more generally. The second organizational outcome which mobilization within the Church contributed to was the promotion of National Assemblies of Indigenous Chiefs, which constituted the seed of new forms of organization of indigenous peoples in the country.

The organizational infrastructure that emerged from this episode of mobilization, like in the case of critical anthropologists, provided stability and continuity to the new forms of engagement, practices, and modes of understanding espoused by the progressive missionaries and episcopates. The General Assemblies of CIMI consolidated principles and rules of conduct which slowly came to govern Catholic missionary practice more generally. After CIMI was established and backed by the National Council of Bishops of Brazil (CNBB), its positions and engagements became institutionalized within the Church. The cultural and organizational innovations taking place within the religious sector also resulted in intra-sectoral institutional change, i.e., transformations in the formal and informal norms that structured and governed the engagement of members of the Catholic Church vis-à-vis indigenous peoples in Brazil.

5.4 First period of pro-indigenous mobilization: Incremental outcomes and first landmark moment

The first period of pro-indigenous mobilization analysed in the sections above emerged in a context in which there was ample convergence across institutional sectors about the core premises of Brazilian indigenism. Up until the late 1960s, and despite the tensions which characterized the relationship between state, church and science in the field of Brazilian indigenism, there was broad inter-sectoral convergence around the notion that Indianness was a transient form of ethnic identity that was bound to disappear as indigenous peoples were integrated into national society and the premise that Indians needed to be assisted and protected, guided as objects, down the road of civilization. But the intra-sectoral engagements of different actor groups in the first period of pro-indigenous mobilization from 1968 until 1977 significantly altered this landscape, adding new organizations, understandings and forms of engagement to the field.

From 1968 until roughly 1977 pro-indigenous mobilization in Brazil was constituted by intra-sectoral mobilization within three institutional sectors: the media, science and religion. Mobilization within these sectors can be roughly divided up into three partially overlapping episodes, each of which contributed to different types of incremental outcomes. The first episode of mobilization is constituted by the contentious engagement of journalists working for renowned international media outlets in order to denounce the endemic corruption and systematic abuses against the human rights of indigenous peoples perpetrated by the indigenist tutorship agency. These journalists engaged in information politics by using data produced by the Brazilian government in order to pressure for policy and institutional reform in the field of indigenism. They did this by publishing reports in prominent media outlets which caught the attention of large organizations such as the International Red Cross and the United Nations, giving the Figueiredo Report powerful international visibility. It was in this context that the SPI was extinguished and substituted by FUNAI and that a bill was proposed by the Interior Ministry and the Justice Ministry regulating new rights for indigenous groups in the country and specifying procedures for the enactment of these rights.

The second and third episodes of mobilization are constituted by two overlapping processes situated within the sectors of science and religion. Even though these processes of mobilization, and especially the process situated within the Catholic Church, were connected to long-term trajectories of transnational activism and institutional transformation (as is illustrated by the connection of CIMI to

the Second Vatican Council), they first became relevant for the field of Brazilian indigenism in the early 1970s. This is when the critiques of anthropologists against Latin American indigenism, formulated in the Barbados Declaration of 1971, were systematized, made visible and channelled into the Brazilian social and political landscape. It is also when progressive ecclesiasts and missionaries took advantage of transnational processes of transformation within the Catholic Church in order to push for change in indigenist missionary engagements in Brazil.

The three episodes of mobilization described above were only sparsely connected in the period under investigation. The connections between them occurred by means of inter-sectoral cross-referencing, a process through which the outcomes and reminiscences of mobilization within one sector are drawn on by actors mobilizing in another in order to justify and advance their goals. The most important instance of cross-referencing lies in the activation of the Statute of the Indian in the contentious processes led by anthropologists and missionaries. The latter referred to and used the indigenous land tenure rights contained in the Statute to push for the demarcation of indigenous lands, and justified the need to organize by referring to the ongoing process of deliberation over the bill in national congress. Moreover, both actor groups in the second and third episodes selectively activated parts of the Statute in arguing that indigenous peoples were ensured the recognition of their cultural systems and modes of social organization.

Other instances of cross-referencing also occurred throughout the period, for instance as missionaries drew on the Barbados Declaration to legitimize their new pro-indigenous approach towards the official doctrine of Church and to reform it through linkages with missionaries and bishops across Latin America. Critical anthropologists referred to ongoing efforts of progressive branches within the Church in transforming missionary practice, affirming that "we recognize that, recently, dissident elements within the Churches are engaging in a conscious and radical self-evaluation of the evangelical process" (Bartolomé et al. 1971, 2). But these processes notwithstanding, it is important to emphasize that mobilization was uncoordinated across institutional sectors. Activists were aware of what was happening in other sectors and referred to these processes in their engagements, but existing data does not suggest that journalists, anthropologists and missionaries saw themselves as part of a common enterprise nor that they cooperated closely in achieving their goals.

Despite the parallels and approximations between the processes of mobilization within religion and science, anthropologists and missionaries were mobilizing in very different institutional sectors and through different repertoires. The progressive missionaries had fought their first battle to gain influence over the Church, and after having consolidated their dominance over CIMI, they adopted a highly defiant and confrontational stance towards government. State-led indigenism was publicly monitored and denounced, the orders of FUNAI were challenged, and CIMI was insubordinate enough to organize autonomous instances of organization, such as the institutionalized assemblies of missionaries and indigenous chiefs. Moreover, CIMI did not hide that it had had very deep reforms in mind for the field of indigenism. In newsletters and in the final documents of CIMI assemblies, the missionaries were increasingly explicit about their vision of Brazil as a plurinational state, as a nation comprising several (indigenous) nations which should be recognized by the institutions of the country (Heck 2014). The anthropologists were not nearly as outspoken. After the initial forthright message of the Barbados Declaration, their tactics were much more low-key. Moreover, when they did make themselves visible to the state and public opinion, it was crucial that these anthropologists show themselves to be at least minimally collaborative. If they didn't, they risked serious punishment. As stated by Grünberg, "we could not simply turn our backs to the state. If CIMI could do this, it was because they were supported by another powerful institution: The Church. We were not. So, our strategy was to look for allies within government, to seek out progressive ways of interpreting and applying the law. We could not afford all-out confrontation with the state" (Grünberg 2015). These findings show that, even though anthropologists and missionaries were working for a similar cause, they were ultimately mobilizing within different worlds and under very different conditions. They also perceived themselves to be different social actors with distinct modes of engagement.

Together, these overlapping processes resulted in three types of incremental outcomes. The first two constitute what I refer to as outcomes internal to the movement: - the emergence of new forms of engaging with and understanding the stance of indigenous minorities in Brazilian society and the, second, the consolidation of new organizational forms within the two sectors. The third constitute what I refer to as an institutional outcome – a shift in the intra-sectoral rules and conventions that structure the field of indigenism.

Concerning the outcomes which are internal to the movement, I distinguish between cultural outcomes and infra-structural outcomes. The former is constituted by the novel forms of engagement and understandings developed deployed by activists, while the latter are constituted by the new organizations and networks formed in the midst of mobilization. The engagements of critical anthropologists and progressive missionaries represented a significant shift in the way the notion or category of "indigenous" was understood within the field of indigenism. Activists insisted that indigenous peoples be treated as full citizens and subjects, capable of political self-determination. This contrasted significantly with previously existing ideas of Indians as relatively incapable beings who were in need of patronizing protection and assistance. In addition to this resignification of Indians as subjects rather than passive objects, anthropologists and missionaries also drew on their knowledge and experiences in order to challenge the deeply-entrenched idea that indigenous groups were bound to be assimilated and integrated into Brazilian society – in a word, to disappear as Indians. Rather, they argued, indigenous societies and cultures are resilient and capable of responding to the destructiveness of contact. Public policies should be aimed at supporting the material and cultural reproduction of these societies.

In their writings and engagements, public anthropologists and progressive missionaries were developing an important conceptual argument which would be crucial in later developments of pro-indigenous mobilization. At the core of their activities was the notion that indigenous identity, land tenure and citizenship were three profoundly inter-connected themes. In the early landmark statements of these actor groups – such as the Barbados Declaration and *Y-Juca-Pirama* – we find the argument that the self-determination and cultural endurance of indigenous society depends on their access to land. Anthropologists and missionaries argued that *without land, there can be no Indian*. This diagnosis came from their routine interactions with indigenous groups, which revealed the plight that indigenous peoples suffered as they were progressively dispossessed and forced to migrate to urban peripheries or to work as cheap or forced labour in farms. This diagnosis was also linked to the Marxist roots of liberation theology. At this point in time, the pro-indigenous activists did not yet have a structured institutional alternative to the existing forms of indigenous territorialization enshrined in the Statute of the Indian. But they did mobilize in order to link land tenure to important dimensions of cultural and political rights. Given the context of military dictatorship, the importance and prescience of these formulations should not be understated.

Alongside these cultural innovations, anthropologists and missionaries also engaged in significant instances organization-building. In the mid 1970s critical anthropologists introduced the model of indigenous support organizations into the field of indigenism, and progressive missionaries put together an unprecedented umbrella organization for indigenous missionary practice which followed the principles of inter-culturalism and liberation theology. Very different from traditional religious organizations, CIMI sought to promote a missionary practice that was inter-cultural and respectful of the forms of spirituality that characterized different indigenous societies. Their form of engagement was not conversion, as had been the case with traditional missions, but rather dialogue and political organization. At the same time, the indigenous support organizations modelled after the Barbados Declaration imperatives also represented a new form of engagement among anthropologist vis-à-vis indigenous groups. Rather than echoing classical ethnographical practices, which claimed to study cultural transformation among indigenous societies in a neutral matter, the critical anthropologists, through their grassroots organizations, placed political engagement front and centre, and guided their practice by the demands and claims of local indigenous groups.

Beyond these intra-movement outcomes, mobilization also contributed to different instances of institutional change. First, the mobilization of international journalists contributed to the passing of the Statute of the Indian in 1973. Second, as the forms of engagement and understandings espoused by critical anthropologists and progressive missionaries were incorporated into the codes of conduct adopted by organizations and networks, they were also institutionalized within their specific institutional sectors. Since these elements diverged significantly from the institutions which had been dominant in the field of indigenism at the time, since they diverged from the ongoing engagements and norms espoused by the federal indigenist bureaucracy and by other networks within religion and science, I contend that these shifts ensued in what I refer to intra- and inter-sectoral institutional dissonance.

Within the Catholic Church, CIMI represented a progressive stance on indigenist missionary practice, which had to struggle against more traditional branches within the sector. The same is true for the public anthropologists, who had to defy the traditional stance of a science. In addition to the emergence of multiple views and engagements within institutional sectors, the first period of pro-indigenous mobilization also contributed to the consolidation of inter-sectoral dissonance in the field

of indigenism more broadly. By inter-sectoral dissonance, I refer to a situation characterized by contradictions among the norms, practices and broader institutional logics prevalent within the institutional sectors structuring an inter-sectoral regime.

The figure below illustrates the episodes of mobilization described above and the incremental outcomes they each contributed to. The solid-line arrows indicate the connection between a process of mobilization and outcomes; the dotted lined represent processes of inter-sectoral cross-referencing that occurred between episodes of mobilization.

Timeline 1: Episodes and incremental outcomes in first period of pro-indigenous mobilization (1968-1977)
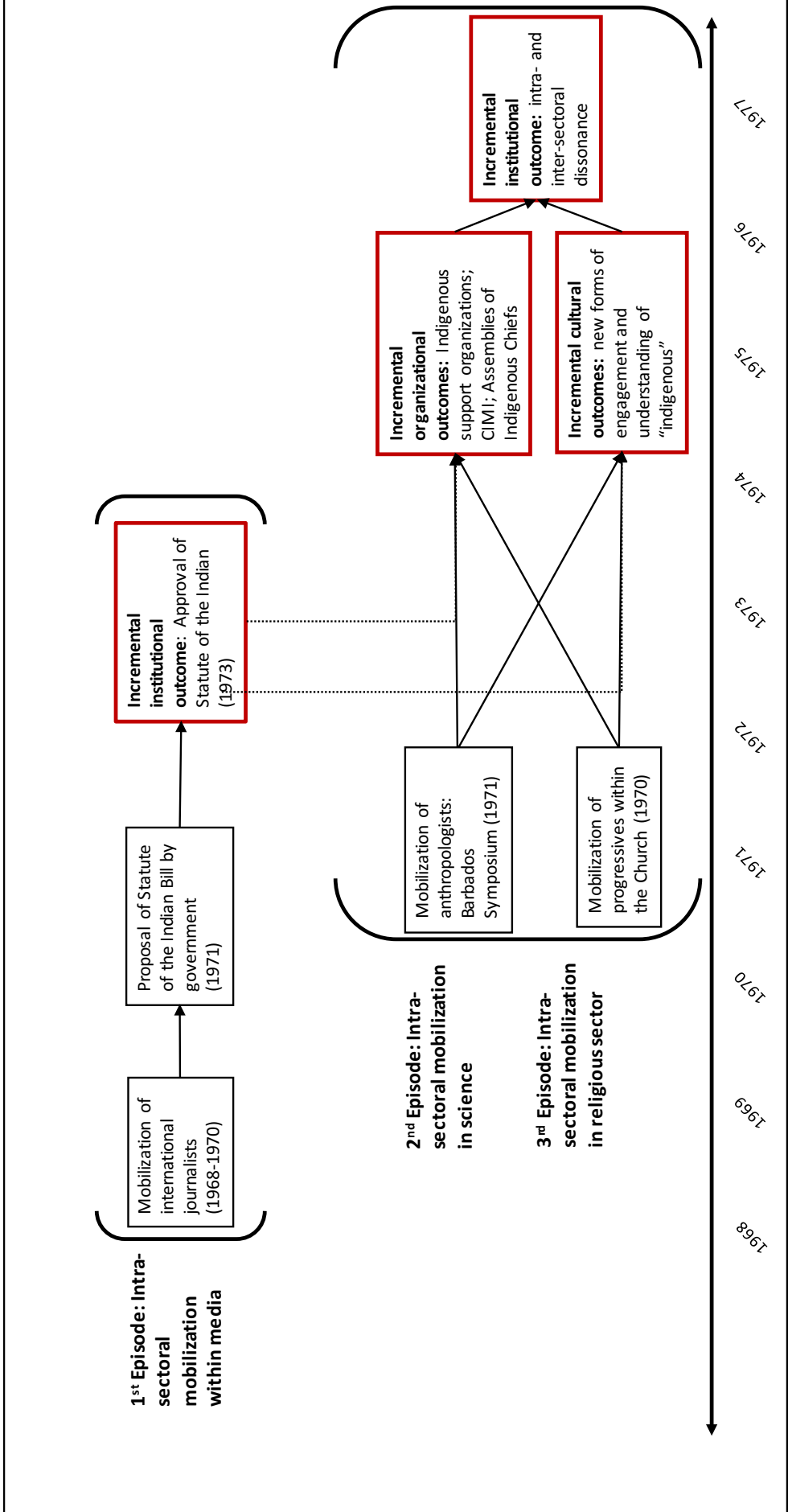
The institutionalization of categories and forms of engagement described above broke with the logic of assimilation and indigenous disenfranchisement. What may have been minority voices of opposition amongst members of the Catholic Church and of scientific establishments in the late 1960s managed to consolidate prevalent positions throughout in those sectors in the following decade. Critical anthropologists and progressive missionaries both criticized the idea that Indians were relics from the past and advocated the notion that their ethnic identities, material practices and forms of social organization were resilient and enduring. They also called out for the recognition of indigenous agency, demanding that indigenous groups be allowed to organize autonomously and represent their rights and interests without the intervention and mediation of third parties. At the same time, they backed the struggles of indigenous peoples and to help channel their demands into urban centres and political arenas.

Meanwhile, the federal indigenist bureaucracy continued to abide by tutorship and its premises. FUNAI not only punished missionaries who criticized its state policies and interventions, but it sought to hinder the organization of indigenous groups and prevent new claims – especially those pertaining to land – from arising. Assemblies of Indigenous Chiefs were monitored and broken up by the military and pro-indigenous activists labelled subversives. Moreover, FUNAI and the Ministry of Interior to which it was subordinate continued to insist that the goal of state indigenism was to integrate the Indian into national society. The Statute of the Indian of 1973 somewhat reflected this incipient dissonance. On the one hand, the ambivalent statute reaffirmed the pillars of tutorship by casting indigenous peoples as wards of the state and reproducing the classification of indigenous groups according to their degree of integration into national society. On the other, it established that indigenous peoples have the right to live according to their culture and regulated extensive tenure rights for indigenous groups. Over the course of the next years, and as the field of indigenism became increasingly polarized, this ambiguity would be selectively drawn on and disputed by contenting actors.

The consolidation of intra- and inter-sectoral institutional dissonance in the field of indigenism is here taken to represent the first landmark moment in the long-term trajectory of pro-indigenous mobilization because it constitutes a major turning point in the field to which activists contributed significantly. As of the mid-1970s, the field was constituted by heterogeneity and multiplicity, and

actors within it could draw on and use such multiplicity in their engagements in order to formulate and advance transformative institutional projects. Moreover, challengers could rely on organizations and resources within dissonant sectors to continue fighting their institutional battles.

PART 3: INTER-SECTORAL MOBILIZATION AND THE INSTITUTIONALIZATION OF MOVEMENT PROJECTS (1978-1988)

Chapter 6. Weaving together an inter-sectoral pro-indigenous movement

6.1 Introduction

The processes of mobilization described in the previous chapter contributed to a series of incremental outcomes that significantly affected the field of indigenism. In the mid-1970s, and due to the processes of contention that had previously taken place within different institutional sectors, the field was now ripe with dissonance and with dissonant and conflicting institutional elements. Moreover, the political context in Brazil was changing rapidly. In the late 1970s and early 1980s, the authoritarian regime was showing steadier signs of liberalization, and civil society was beginning to flourish after years of harsh repression. Pro-indigenous activists mobilizing during this period leveraged the resources and activated the institutional outcomes generated in earlier episodes of mobilization and interacted with this shifting political landscape in order to advance their claims during the Brazilian democratic transition – the opening, or *abertura*, as it is called -, which went from the late 1970s until the promulgation of the Federal Constitution of 1988.

This chapter and the next trace the second period of pro-indigenous mobilization in Brazil and investigate its incremental outcomes. This period begins in 1977, as actors situated across institutional sectors engaged in an increasingly coordinated struggle against indigenist policies of the military government, and comes to a close in 1988 with the passing of the Brazilian Federal Constitution. The period is composed of two sequential episodes of mobilization, constituting the third and fourth episodes of the trajectory of pro-indigenous mobilization being studies. The third episode ranges from 1978 until roughly 1984. It begins with protests against the military government´s plans to "emancipate" indigenous groups and ends with the consolidation of a densely connected pro-indigenous social movement network that cuts across sectoral boundaries and brings socially distant activists together against a common enemy – the military government (namely FUNAI) and its indigenist policies. Despite the divergences between anthropologists, missionaries, bishops,

lawyers, indigenous chiefs and other actors participating in this contentious network, as of the late 1970s the activists and organizations which integrated the pro-indigenous movement put their differences aside, even if temporarily, in the name of a common political struggle. They actively came together to attribute and dispute the meaning of the institutions which existed in the field and effectively advanced their preferred institutional interpretations.

The second episode begins as this inter-sectoral movement engages within the National Constitutional Assembly (NCA), a defining moment in the Brazilian democratic transition. The NCA itself took place between the years of 1987 and 1988, but it was placed on the political agenda well before that, and, already in 1985, the pro-indigenous movement was organizing its strategy to intervene in the important institutional arena. The mood was of mixed hope and fear, but mostly of fear. In the years preceding the NCA, powerful sectors within government had made clear that they were set on abolishing the special status and identity-based rights of indigenous peoples. Activists feared the NCA would set the stage for such a move (Santilli 1991). But by mobilizing in inter-sectoral networks, the movement developed novel institutional projects and successfully channelled many of their elements into the national legal system. This layering of institutional projects into the formal legal system constitutes the second landmark of pro-indigenous mobilization in Brazil, marking a significant shift in the context of action and the beginning of the third period of contention.

6.2 Mobilizing during the *abertura*

Before analysing the processes of mobilization within this second period, it is important to provide an overview of the political context in Brazil during the eventful decade leading up to the NCA. As seen in the previous chapter, it was precisely in the most authoritarian period of the Brazilian dictatorship, during the government of military hardliner Emílio Médici (1969-1973) that the first episodes of pro-indigenous mobilization took place. In 1974, Médici was succeeded by the more moderate President Ernesto Geisel, who assumed office amidst promises to make up for the social inequalities and ease the repressive interventions of government. Public expectations about the Geisel government, especially among the elites, cantered around the anticipation that his government would bring the repressive apparatus under control, especially by ending torture (Skidmore 1989). Soon after he took office in 1974, Geisel announced that he hoped to preside over

a process of slow and gradual democratization, which would begin with what he called a *distensão* (decompression, or the reduction of tensions) and result in the devolution of political power to civil society. But this announcement spelled out neither a timetable nor a program. If Geisel´s proposal signalled that some sectors of the military were willing to engage in political liberalization and democratization, from 1974 until 1977 few steps were effectively taken in this direction. During these years, the promise of decompression was overshadowed by the government´s fear of electoral defeats which might undermine the military´s control of the executive and legislative.[42] It was only in 1977 and 1978, his last years in office, that Geisel began to effectively phase out authoritarian elements of the regime. He abolished the AI-5, depriving the president of the authority to declare congressional recess, remove congressmen, and strip citizens of their political rights. The habeas corpus was re-instituted for political detainees, and much of prior censorship was lifted from radio and television. At the same time, Geisel revoked the ban on over one hundred political exiles, most of whom had left the country in the late 1960s. At the same time, a profound economic crisis was starting to hit the country in the early 1980s, and calls for the reform of the political regime – which had maintained some degree of legitimacy due to Brazil´s "economic miracle" of the 1970s – escalated.

This was the beginning of the period of political liberalization, the *abertura*, a time during which civil society thrived in the country. Church-based mobilization, the feminist movement and labour movements began to resurface (Sader 1988, Keck 1989, Sandoval 1998). As was shown in the previous chapters, the emergence of pro-indigenous mobilization has its roots in a previous period, dating back to the toughest period of military repression. The roots that had been laid down during the early 1970s effectively grew in the period of the *abertura*. As of roughly 1977, pro-indigenous activists engaged in sustained and mounting challenges against government policies vis-à-vis indigenous groups. They also vocally criticized the military government and called out for political reform. These engagements interacted with and contributed to the processes of liberalization and

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[42] Unlike other authoritarian regimes of its time, Brazil kept a series of democratic elements in its political institutions, such as legislative elections, presidential terms and some role for a legislative-based electoral college in the presidential selection process (Lamounier 1989). According to scholars, these elements indicate the ideological ambivalence which was present within Brazil´s ruling élite. This ambivalence can also be found in the disputes between the military "hard-liners" and more liberal sectors within the military, which enabled the type of "liberalization from above" that Brazil experienced in the late 1970s (Sallum Jr. 1996).

democratization that took place during the period. This is the political context within which the second period of pro-indigenous mobilization in Brazil unfolded.

6.3 The controversy of indigenous emancipation: Weaving together an inter-sectoral social movement

In the mid-1960s, a series of scandals involving corruption and systematic abuses against indigenous peoples perpetrated by the agents of the Indian Protection Service (SPI) had resulted in its dismantling and replacement by the National Indian Foundation (FUNAI), which became the federal indigenist bureaucracy in 1967. Such scandals, echoed and diffused by the mobilization of transnational journalists in the late 1960s, also resulted in the passing of the Statute of the Indian in 1973. But FUNAI failed miserably in overcoming the illegal practices which plagued the SPI. Since its establishment, FUNAI was placed under the Ministry of Interior (MINTER), demonstrating that, to the military government, the "indigenous question" was above all a question of national security, one which was especially delicate in the Brazil´s amazon region.[43]

In the mid-1970s, the Minister of Interior Rangel Reis made an announcement that the protection of Indians and enforcement of indigenous rights should not, by any means, hinder national development and frontier consolidation, indicating that that indigenous rights were increasingly perceived by government agents as an obstacle to national developmentalist ambitions (Comissão Pró-Índio/São Paulo 1979). But despite the political urge to downplay and bypass the protection of indigenous groups, there were, by this time, institutional obstacles to the simple relegation of indigenous peoples and their rights. As of 1973, the Statute of the Indian recognized the cultural diversity of indigenous groups and regulated a surprisingly extensive set of land tenure rights for indigenous peoples. While the Statute had little immediate impact on the practical life of Indians due to lack of implementation, the rights enshrined within it were seen by many within government as a problem for plans to expand infrastructure and "development" to the four corners of Brazil. By the mid to late-1970s, the state was already failing to accomplish its legal duties vis-à-vis the Indians. The Statute of the Indian had

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[43] As of the early 1970s, the Brazilian government stepped up developmentalist policies in the Amazon, advancing plans to install large infrastructure projects such as the trans-Amazonian highway and hydropower dams (Davis 1977). From the early 1970s, the often-violent encounters between government agents and "wild Indians" in the Midwest and North of Brazil were increasingly mediatized in regional and national media.

established a deadline of five years for government to demarcate all indigenous lands. This meant that demarcation should have been complete in 1978, and by the middle of the decade few efforts had been made towards this deadline. As the years passed, federal government did little to demarcate the lands that were occupied and claimed by indigenous groups.[44]

In all its ambiguity, the Statute of the Indian provided legal resources for both pro-indigenous activists and for authorities. If, on the one hand, it formalized a series of rights for indigenous groups, it was also deeply assimilationist in its underlying assumptions and systems of classification (Oliveira 1985). Moreover, the Statute contained a sort of get out of jail card for government. In Article 11, the Statute established the institution of indigenous emancipation, according to which, "[a]n indigenous community may be emancipated from the tutorship regime established in law by means of a presidential decree as long as [the emancipation] is requested by the majority of the members of the group and [as long as] the full integration of the group within national society is attested by means of an investigation carried out by the competent federal agency." This was the clause that the Ministry of Interior drew on in order to escape its obligations vis-à-vis indigenous groups. By activating and recasting this norm, Minister Rangel Reis attempted, over the course of several years, to dismantle tutorship and reduce the protection afforded to indigenous groups by the legal system. The plan might well have succeeded if pro-indigenous mobilization were not already nested within several sectors of society.

In a press conference held in January 1975, the Interior Ministry announced that government was planning to emancipate certain indigenous groups in Brazil and thereby rid them of their special legal status and corresponding rights (Comissão Pró-Índio/São Paulo 1979).[45] The idea of indigenous emancipation was directly linked to the assimilationist logic of tutorship, according to which, as they progressed, Indians would cease to be Indians and would therefore no longer require the targeted assistance and protection of the state. Emancipation referred to the formal act through which Indians

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[44] For an analysis of indigenous land demarcation in the 1970s, see Oliveira and Almeida (1988).

[45] The timeline of events presented in the following paragraphs is based on the dossier published by the Pro-Indian Commission of São Paulo (Comissão Pró-Índio/São Paulo 1979), which contains a detailed description of the history of the emancipation campaign from 1975 until 1979, and an online repository of newspaper clippings concerning indigenous groups, which contains newspaper articles from 1969 until 1988. The news articles in the repository were originally collected by CIMI and organized in the archives of the organization. Since 2014, they have been made available online by the *Armazém da Memória* initiative and are available at the following online address: http://docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=1167&Pesq= (last access December 10th 2016).

would be declared *non-Indians* (or *former* Indians) by government, and would therefore no longer be entitled to the special rights of indigenous peoples, including cultural, social and land rights. The Ministry of Interior defended that the Statute should be reformed in order to allow for emancipation of entire groups "from above" and in the absence request from the Indians. Again, in February of 1975, General Ismarth Silva, President of FUNAI, defended the reformulation of the Statute, stating that, since different groups had reached different levels of acculturation, it was a bad idea to have only one statute for all the Indians of Brazil. In April that same year, Rangel Reis openly defended collective emancipation and reaffirmed that FUNAI´s indigenist policy consisted in integrating indigenous groups into society as quickly as possible, stating that "in the areas which are inhabited by tribes in advanced states of acculturation, the goal is to lead them to economic self-sufficiency through the implementation of special projects formulated by FUNAI" (Comissão Pró-Índio/São Paulo 1979, 5). Such announcements and taking of position by federal government continued into 1976, when, in April, Minister Rangel Reis affirmed that the government was advancing in the development of an indigenous emancipation decree and declared, once again, that the Statute of the Indian delays the integration of indigenous groups.[46]

In 1975 and 1976, civil society reacted only sporadically to the government´s statements. Anthropologists were quickest to react. In February 1975, shortly after the first statements of Rangel Reis, anthropologists from the Göeldi Museum, situated in the state of Pará, criticized the declarations of the Ministry of Interior, affirming that indigenous integration into society had always placed them in subordinate social positions, and that indigenous groups would require sustained government assistance. But in April 1975 and again in the beginning of 1976 the Interior Minister reiterated that it was the goal of the Geisel government to "put an end to FUNAI´s paternalism" and to adopt "an aggressive policy of integration through the implementation of economic development projects within indigenous areas" (Comissão Pró-Índio/São Paulo 1979, 7). Emancipation would come after economic autonomy was achieved by indigenous groups. In interviews to the press in April and December of 1976, the indigenist Orlando Villas-Boas condemned the aggressive idea of integration defended by minister Rangel Reis.

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[46] "CIMI ameaça tirar apoio à FUNAI", *O Estado de São Paulo*, April 24th 1976, available at http://docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=856&Pesq= (last access December 10th 2016)

In December 1976, Reis was once again in the press, this time to announce the main three goals of indigenist policy: (a) the rapid integration of the Indians and their subsequent emancipation; (b) the abolition of bilingual schooling; (c) the distancing of religious missions from indigenous groups.[47] According to the minister, "[w]e will try of accomplish the goals stipulated by President Geisel so that, by means of concerned interventions by several ministries, in ten years we can reduce to 20 thousand the 220 thousand Indians which exist in Brazil and, in 30 years, all of them will be duly integrated into national society" (Comissão Pró-Índio/São Paulo 1979, 7). This declaration sparked the immediate and joint reaction of civil society sectors. Missionary organizations had been silent up until the moment, but missionary work had now been explicitly attacked in government declarations. In December 1976, missionaries, anthropologists and indigenists reacted to Minister Rangel´s statement by issuing a joint public statement against the emancipation plans and denouncing the violations of indigenous rights by authorities.

As of 1977, the defiance of civil society against emancipation policy escalated as new actors entered the controversy and as groups affiliated to different institutional sectors began aligning around a common understanding of the implications of emancipation. In January 1977, seventeen anthropologists from the National Museum of Rio de Janeiro signed a manifesto against the rapid integration policy announced by Minister Rangel Reis. In March that same year, Gavião Indians from Pará sent a magnetic tape to the president of FUNAI stating that the emancipation of their tribe would be premature and undesirable; that same month a roundtable published in *O Estado de São Paulo,* a major newspaper in Brazil, brought together the president of FUNAI, missionaries and anthropologists to discuss the issue of emancipation (Comissão Pró-Índio/São Paulo 1979, 10). Minister Reis´ statements were criticized, and the participants agreed that the state should not consider the issue of indigenous emancipation without, first, solving the problem of indigenous land tenure. In April that same year, the 26 indigenous chiefs which were present at the National Assembly of Brazilian Indians, held in Santo Angelo, RS, sent a letter to FUNAI protesting emancipation and demanding that solutions be presented by the government to address their poor living conditions. This round of declarations and petitions seems to have hit a nerve. In response, Ismarth de Araújo sent a tape to the Gavião Indians stating that they would only be emancipated if they requested such

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[47] By this time, the „subversive" engagement of missionaries and priests among Indigenous groups was well known to the military, and the latter commonly implemented measures to hinder the entry of CIMI missionaries into indigenous reservations (Valente 2009).

a measure themselves; Minister Rangel Reis also stated that both the emancipation of Indians *and* the guarantee of their land possession were goals of FUNAI.

Meanwhile, the relationship between federal government and the pro-indigenous movement became increasingly tense. In January 1977, a National Assembly of Indigenous Chiefs, organized by CIMI, was dissolved following a direct command of the Ministry of Interior.[48] The assembly had brought together 140 indigenous chiefs from fifteen ethnicities and seven states in order to discuss their land tenure and the consequences of the emancipation decree. In an interview about the incident, general Ismarth Araújo affirmed that the assembly had been an illegal event, that it was a devise used by CIMI to bypass the norms established by FUNAI, and that all the delegates and chiefs of station had the order to prevent the entry into indigenous territory of anyone who did not have a written permission signed by the presidency of FUNAI. According to the general, "our agents have permission to prohibit the Indians from taking part in any gathering if they do not have permission. The opposite is also true. If at the moment CIMI is not allowed to enter indigenous lands, then the Indian cannot leave their lands to participate in an assembly with the council".[49] Even after the dissolution of the assembly, the indigenous chiefs decided to continue the meeting on their own, and prepared a public statement denouncing the intervention addressed to the president of FUNAI.

The year of 1978 started off with a rekindling of the emancipation controversy. In February, Rangel Reis announced that President Geisel would sign the emancipation decree within the following month, and that this decree would "benefit" two thousand Indians, who would receive lands that would be alienable after a 10-year period. FUNAI was to decide which Indians would be emancipated. The Terena Indians were cited as an example of an indigenous group which would benefit from emancipation given their advanced state of integration into national society; the indigenous chief Mario Juruna, of Xavante ethnicity, was also cited as an example of an "emancipatable" Indian. According to General Ismarth Araújo, "to keep a practically integrated Indian under the regime of tutorship is, in my opinion, an act of racial discrimination, and government does not want to create racial cysts" (Comissão Pró-Índio/São Paulo 1979, 8). That same month, the Indian Mario Juruna

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[48] „FUNAI dissolve encontro de 140 caciques em Roraima", *O Estado de São Paulo*, January 11th 1977, available at http://docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=856&Pesq= (Last access on December 10th 2016).

[49] "FUNAI dissolve Assembleia de indios", *O Globo*, January 14th 1977, available at http://docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=856&Pesq= (Last access on December 10th, 2016).

affirmed that emancipation would result in the disappearance of the Indians, and father Antônio Iasi of CIMI explicitly linked the issue of emancipation to the issue of land, affirming that "[t]hose who are interested in the phantasmagorical emancipation of the Indian are more concerned about the emancipation of their land" (Comissão Pró-Índio/São Paulo 1979, 8). According to an official note by CIMI, "emancipating the Indian at this moment is analogous to handing their land graciously to the large landowners. The Indians will have no way of defending themselves against squatters, and will quickly be turned into cheap rural labour in the nearby farms."[50]

Over the course of the following months, intra-sectoral mobilization, especially in the scientific sector, would expand and intensify, while inter-sectoral networking among pro-indigenous activists and organizations would also increase. From March until November 1978, anthropologists met repeatedly among themselves and with professionals from other areas to discuss indigenous emancipation. In March 1978, over 150 anthropologists, doctors and linguists from different regions in the country signed a manifesto against the emancipation decree, and an editorial in the *Estado de São Paulo* criticized the ambitions of Minister Rangel Reis. In April, Indians, anthropologists, linguists and missionaries gathered at an assembly in São Paulo to protest against the emancipation decree. Still in April, CIMI and the recently founded Association for the Support of the Indians (ANAÍ) held a national assembly to discuss indigenist policies, and published a joint statement promising they would struggle against the "false emancipation" of the Indians. In June, anthropologists met once again, this time at the University of São Paulo (USP), to discuss the policy, and, on August 28th, they released a statement condemning any attempt at indigenous emancipation given the conditions in which indigenous groups live. The statement emphasizes the right of indigenous groups to live according to their cultures, and stresses that emancipation depends on the implementation of a successful tutorship, which thus far had not occurred. It also emphasized the need to demarcate indigenous lands and enforce their land rights. According to the document,

> To respect [cultural] diversity is more than to accept or even admire those groups which hold well-defined cultural tradition, with headdresses, body paints and, preferably, bows and arrows. Much more difficult, but equally important, is to accept these other groups who have lost their languages and their traditional customs and who insist, nonetheless, in maintaining their indigenous identities. One must understand that these movements towards the reconstruction of indigenous identities among groups which are apparently similar to other regional groups

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[50] "CIMI denuncia a emancipação do Índio como decreto de legalização do genocídio", *O Jornal do Brasil*, November 3rd 1978.

represent an attempt to salvage a dignifying image of oneself. And, precisely because of this, there are no other parameters to define a community or one of its members as Indians, except for those adopted by Article 3 of the Statute of the Indian, according to which an Indian is he who identifies and is identified as such.

It is not, therefore, the moment to regulate their emancipation, but rather to reflect about the responsibilities of tutorship. In approving the Statute of the Indian, the state committed itself to ensuring adequate protection to indigenous societies and their cultures. Emancipation depends on a successful tutorship. Well, the resources necessary to implement such tutorship have not been deployed, and indigenous communities are not prepared for emancipation. There are much more urgent problems than regulating [emancipation]. Amongst them, absolute priority should be given to the demarcation of indigenous lands which, according to article 65 of the Statute of the Indian, should be finished by the end of this year. We are far from this. The domain over a continuous extension of collective and inalienable land is the first necessary condition for the survival of any indigenous group with dignity. (…)

We, anthropologists, are also responsible before indigenous communities. We, who for so many years sought to be the voices of indigenous populations, must support any initiative which comes from them and which seeks to directly express their claims. In this sense, we must support the recent initiative in organizing a Federation of indigenous communities.

We must keep ourselves completely informed and must inform the public about the concrete cases that come to our knowledge, and must council government agencies in their search for adequate solutions to the problems which are emerging. We need, nonetheless, the help of indigenists, lawyers, doctors, religious men, journalists and the population in general if we are to obtain any result. In this sense, we propose the constitution of a Pro-Indian Commission (Comissão Pró-Índio/São Paulo 1979, 17-20).

This statement is important for several reasons. It activates the Statute of the Indian in order to challenge the plans of government and demand the implementation of indigenous rights. It advances an interpretation of what these rights are and how they should be implemented. Moreover, the document recasts the content of the category indigenous. Indians, it argues, are not only forest-dwellers. They are also individuals who look and act like non-ethnic Brazilians but who nonetheless maintain an ethnic identification. Because of this, the Indians and their communities should decide who is and who is not indigenous, and not the government. Moreover, the statement is a call to all actors and organizations that support the indigenous struggle in the country, summoning them to act jointly and to put together their forces in the fight against the emancipation decree. The unfolding of mobilization over the following months demonstrated that the call was heard and answered. In August, the general assembly of the Brazilian Society for the Progress of Science (SBPC) issued a

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motion against the emancipation decree and, that same month, both CIMI and the Lutheran Church publicly announced their support for the anthropologist´s statement. In October, anthropologists, doctors, linguists, students and lawyers founded the Pro-Indian Commission of São Paulo (CPI-SP), and anthropologists from different universities gave a press conference alongside the president to CIMI in which they jointly affirm that emancipation is a form of genocide. Still that same month, the National Conference of Bishops of Brazil (CNBB) echoed this interpretation, publicly announcing that:

> Emancipation implies the premeditated submission of Indians to conditions of existence that will forcefully lead to their extermination as a people. The extermination will be carried out in through the cold letter of the law.

> Previous governments, even if they enacted policies which were against the interests of indigenous groups, did not mount such an aggression against indigenous populations in a legal code like this one. Instead of regulating the Statute, the executive branch, sheltered exclusively by arbitrary force, keeping at arm´s length all sectors which are committed to the indigenous cause, and leaving legislative power completely at the margins of decision-making, is inverting the text of the law as it seeks to modify it. In case it succeeds, public opinion shall know the names of those who were responsible (Comissão Pró-Índio/São Paulo 1979, 15).

At this point in time, scientists, missionaries, episcopates, and indigenous chiefs were aligned around a common interpretation of emancipation. They were planning their statements and strategies also in view of the engagements of activists situated in different sectors. Anthropologists, Indians and religious men and women were giving joint press conferences, subscribing publicly to each other´s statements and framings of the controversy, and signing joint manifestos against the emancipation decree. To be sure, these actors continued using sector-specific repertoires in the midst of contention: anthropologists held symposiums and issued more or less theoretical statements which advanced certain conceptions of culture and cultural diversity, while missionaries and episcopates continued to support indigenous and religious assemblies and held masses from time to time to attract attention to the plight of indigenous peoples (Prezia 2003). The Indians themselves, in addition to participating in the Assemblies, were coining public statements and had managed to organized a trip to Brasília in late 1978 in order to speak directly to President Geisel himself about the emancipation policy. They were unable to speak to the president, but left their petition with the staff of the presidential ministry, demanding that government immediately throw away the emancipation decree and consult the Indians about the policies that are to directly affect them. This letter had been

written during the assembly of indigenous chiefs that had been held in the state of Goias a few days before with the support of CIMI.

Looking at pro-indigenous mobilization in the midst of the emancipation controversy, we see that these different repertoires were deployed in a way that made them increasingly aligned around the goal of preventing the emancipation of Indians and, more broadly, pushing government to effectively fulfil its duties as the tutor of indigenous groups. At the core of the claims being voiced by the movement was the need to demarcate indigenous lands. In the statements and petitions of anthropologists, missionaries and Indians themselves, there was a unison voice demanding land for indigenous peoples and asserting that land demarcation is the core duty to be fulfilled by the state vis-à-vis indigenous populations. Land and ethnicity are inextricably linked in the demands and claims of the pro-indigenous movement.

In November 1978, the National Society of Social Scientists (SNCS) and the Pro-Indian Commission of São Paulo (CPI-SP) organized a rally at the theatre of the Catholic University of São Paulo, named *Act Against the False Emancipation of the Indian*. Over 2000 people attended (Bicalho 2010), and notorious jurists sat side by side with public anthropologists and indigenous leaders as they spoke out against the manoeuvre of the government. The rally was supported by well over 100 organizations which spanned across institutional sectors (Comissão Pró-Índio/São Paulo 1979, 30). They included national and international associations of anthropologists, engineers, lawyers, geographers, dentists, and doctors; catholic and protestant organizations including CIMI and the CNBB; feminist and women´s rights organizations; environmental associations; international universities such as the London School of Economics, youth pastorals; Bar Associations; youth pastorals; student groups, and many others.

The rally marked a moment in which pro-indigenous mobilization reached broad constituencies in important urban centres of Brazil. At the rally, the indigenous struggle was explicitly linked to the democratic struggles of other social sectors in Brazil, thereby providing resonance to the claims of pro-Indigenous organizations. Activists succeeded in linking indigenous emancipation not only to the intent to commodify indigenous lands, but also to the authoritarian nature of decision-making under the military regime. At this time, mobilization against the military government was beginning to resurface in Brazilian civil society. The demands for democratization were used to bridge across the

pro-indigenous struggle and other struggles for democratization. According to the opening statement at the rally,

> The presence of such an enormous public, which we know is not only from São Paulo but from the different regions of Brazil, the presence of representatives of indigenous communities, convinced us of the importance of this Act, showing the profound significance of the unified movement for democratic struggles. Because, after all, this Public Act expresses a democratic demonstration against the tendency to only decide from above, without listening to the interests of the community, whichever community one is referring to (Comissão Pró-Índio/São Paulo 1979, 2).

The emancipation decree was therefore perceived as a target of mobilization by various social sectors and targeted as they sought to promote and bridge across their goals. But it was not only professionals, academics and religious men who were present and vocal at the rally. Indians also participated both in the meeting and its preparation. During the rally, two indigenous leaders, Nelson Xangrê and Daniel Pareci, gave speeches about their experiences in the indigenous movement and their position vis-à-vis the policies announced by the federal government. Furthermore, in 1978 the Assembly of Indigenous Chiefs issued a statement against the emancipation decree which was taken to and read at the rally. According to the document,

> We are not impressed by the Minister´s declarations in the press, whereby he defends our emancipation. *Because we, the victims of this policy, are the only people who can provide a true assessment of what emancipation represents.* Mr. President, after the deadline for the demarcation of indigenous land has expired, we find ourselves in the rightful position to defend our land, in case the competent body, FUNAI, does not do so. *We demand that the deadline for the demarcation of our lands be respected as enacted by law, and that the bill concerning the emancipation, authored by Minister Rangel Reis,* be discarded.

> These are the thoughts of the Brazilian Indian, presented by their representatives that are here today: Karipuna, Palikur, Galibi, Dessana, Apurinã, Jamamadi, Tapirapé, Xavante, Rikbaktsa, Pareci, Kaiwa, Kaingaing and Guarani, at the meeting held in Goias on December 17-19 1978 (Assembleia de Chefes Indígenas 1989, 29).

The social networking between actors and organizations culminated in tightly-knit contentious network which brought together Indians, missionaries, episcopates, anthropologists, lawyers, and others in a movement for the defence of indigenous rights. The anti-emancipation rally, moreover, placed indigenous struggles at the centre of Brazil's emerging pro-democracy mobilizations, providing

it with support and visibility in the large urban centres of the country. According to Alcida Rita Ramos, an anthropologist who, in addition to analysing pro-indigenous mobilization, had also taken part in the contentious processes of the 1970s and 1980s,

> The contemporary phase of this civil indigenist activism began in 1978. The spark which ignited it was the threat that government would `emancipate´ the Indians, that is, declare them legally non-Indian and, in this way, would free itself from the duty to protect them, along with their traditions, their customs and, above all, their lands. The emancipation decree, drafted by President Geisel through Rangel Reis, his Minister of Interior, had the catalytic effect of uniting around a same platform a series of professionals. Together and alone, anthropologists, lawyers, journalists, religious men and artists took turns in an inflamed political stage with indigenous leaders who, as of by some sort of magic, flourished in the public scene, taking hold of the means of communication (Ramos 1995, 1).

The escalating process of mobilization against indigenous emancipation reveals important aspects of this process of contention. The first is the intensification of public protest and resistance to state policies, channelled by means of public statements, assemblies, debates, and conferences. Even though the military government was beginning to show signs of tolerance towards civil society and contestation, the building up of protest seen above was still unusual at the time. In the late 1970s, many sectors of Brazilian society were eager to engage in debates about democratization. The "indigenous question" served as a relatively safe topic around which intellectuals and activists from different areas could protests against the policies of the military government (Ramos 2002, 266).

Second, the pro-indigenous field became significantly denser due to the activation and appropriation of existing structures – including the association of lawyers of São Paulo (OAB-SP), the National Anthropology Association (ABA), the National Association of Social Sciences (ANCS), and the National Society for the Progress of Science (SBPC) – and as a result of the emergence of new organizations. The wave of pro-indigenous mobilization in 1977-78 drew attention to the indigenous question and created momentum for the foundation of several pro-indigenous organizations throughout Brazil (Ricardo 1991, 71). In 1977, the National Association for Indigenist Action was founded in Porto Alegre (ANAÍ); in 1978, the Pro-Indian Commission (CPI-SP) was founded in São Paulo by lawyers, doctors, linguists and anthropologists in order to defend the rights of indigenous peoples against emancipation and beyond; that same year, the Pro-Yanomami Commission was formed in São Paulo (CCPY).

Third, the actors and organizations that were part of the field of pro-indigenous mobilization increasingly worked hand-in-hand, coalescing around a unified goal – to prevent the emancipation decree and, more generally, use the Statute of the Indian to pressure the federal government to enforce indigenous rights - and against a common enemy – the authoritarian government and its militarization of indigenist policy. The target of mobilization was mostly FUNAI, but involved also the Ministry of Interior. As stated by Ramos (1995), the emancipation proposal had the effect of uniting, in the same platform and struggle, a set of professionals, religious authorities and Indians which had not previously engaged in sustained joint action and which were by no means naturally inclined to cooperate. All of them came to understand and frame the emancipation policy as a "false emancipation of the Indian", an authoritarian move carried out by the government in order to emancipate indigenous lands and open up the way for national expansionisms (Martins 1979, Balduino 1979, Dallari 1979). The issues of land tenure and land rights were placed at the centre of the agenda of the contentious network, which unanimously called out for the demarcation of indigenous territories. Furthermore, by framing emancipation as an authoritarian act carried out "from above", imposed by the military government upon civil society, the still relatively isolated indigenous movement could connect to other emerging social movements and broaden its alliances and coalitions. The emergence of an inter-sectoral pro-indigenous network in Brazil therefore occurred as activists situated in different sectors perceived and responded to a threat by strengthening links across sectoral boundaries as they planned and carried out protest activities.

Figure 3. Anti-emancipation rally held in São Paulo in 1978, with a sign that reads "Against the False Emancipation!"
Source: (Comissão Pró-Índio/São Paulo 1979)

Mobilization against the emancipation decree ended with a victory for the pro-indigenous movement. In December 1978, shortly after the rally took place in São Paulo, the Ministry of Interior announced it would reconsider its plans to reform the Statute of the Indian and regulate indigenous emancipation, and declared its willingness to engage in dialogue with scientists and specialists on the issue. In a public statement, Minister Rangel announced that "I have received new and important contributions concerning this document, and, since they are concrete and objective, I am ready to take them into account".[51] And in the end of December 1978, the day after a group of Indians had paid a visit to President Geisel in Brasília demanding that the "throw away" the emancipation decree

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[51] "Projeto de Emancipação pode mudar", *O Estado de São Paulo*, November 24th 1978, available at http://docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=856&Pesq= (Last access December 10th 2016).

once and for all,[52] Minister Reis announced the government would leave the emancipation issue to be addressed by president Figueiredo.[53]

This represented an important policy victory with deeper implications. By resisting the measure, the movement had in fact turned an important institutional element of tutorship on its head. In this episode, the underlying temporal logics of tutorship as well as part of the authority granted to the state under the regime had been successfully challenged. As analysed in chapter 3, one of the powers recognized to the indigenist bureaucracy under tutorship was that of ethnic attribution, i.e., the power to establish who was and who was not indigenous. The power to emancipate ensued from this, since it would be the prerogative of the indigenist bureaucracy to decide when a person was no longer an Indian and therefore no longer submitted to the corresponding limitations and granted the corresponding entitlements.

By resisting the emancipation decree, the pro-indigenous movement had de facto taken that power from the government and appropriated the category of "Indian". This represented an important change in the institutional structure. The resistance posed by the movement against the emancipation decree represented a turning point in which the category "Indian" is appropriated by the movement. From this point on, the category no longer exists (only) because it is in the interest of sectors of the state and of the economic elite. It exists also because the very subjects created by it (and their allies) insist on its persistence. The ambiguities of tutorship were appropriated by its wards (and the ward´s supporters) in a way the regime is recast as a project of the pro-indigenous movement. In a selective and instrumental framing of the Indigenous Statute, which stressed the unfulfilled deadline for the demarcation of indigenous lands and emphasized the rights that had been attributed to indigenous groups, activists insisted that tutorship was about assistance, protection, and most notably land demarcation. They also emphasized and enacted the agency of indigenous peoples, who were present and vocal during the mobilizations and demanded their right to participate in the political process which would affect their livelihoods. These performances showed that Indians were not passive and incapable wards but rather reflexive and assertive political subjects.

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[52] „Presidente, rasgue a emancipação", *O Estado de São Paulo*, November 20th 1978, available at http://docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=856&Pesq= (Last access on December 10th 2016).

[53] „Rangel deixa emancipação de índio para Figueiredo", *O Estado de São Paulo*, December 20th 1978, available at http://docvirt.com/docreader.net/DocReader.aspx?bib=HemeroIndioRecortes&PagFis=856&Pesq= (Last access on December 10th 2016).

It was the appropriation and resignification, through process, of an identity category around which the movement would converge.

Successful resistance to emancipation and appropriation of identity represented an important challenge to the evolutionary assumptions underlying the tutorship regime. As described above, the latter was rooted upon the idea that indigenous groups would sooner than later be integrated into national society. Emancipation was the logical culmination of tutorship. By refusing to be emancipated, the indigenous groups challenged that teleology. Since the early 1970s, anthropologists had been speaking about the right of indigenous groups to exist as such, and not as homogenous citizens. The refusal of emancipation represented the defence of the endurance of ethnic identity.

6.4 Sustaining momentum: Mobilizing in the aftermath of the emancipation controversy

As conceptualized by Diani and Bison (2004), a social movement process implies the formation of a shared political identity which transcends any one instance of mobilization or any specific campaign. Therefore, to assess whether we can speak of the formation of an inter-sectoral and pro-indigenous social movement in the late 1970s, it is important to look beyond the campaign against the emancipation decree and investigate the unfolding of contention in the following years. Did inter-sectoral and pro-indigenous mobilization die out after Rangel Reis announced the suspension of the emancipation plans? If not, what held the movement together in a prolonged and sustained process of mobilization?

To answer these questions, I look at what happened to the movement organizations in the aftermath of the emancipation controversy. In the years following the suspension of the government´s emancipation plans, the field of indigenist organizations not only endured but continued to grow. New pro-indigenous organizations continued emerging in the in the late 1970s and early 1980s. The year of 1979 witnessed the foundation of the Centre for Indigenous Work in São Paulo (CTI), the National Association for Indigenous Support of Bahia (ANAÍ-BA) and the Pro-Indigenous Commission of Acre (CPI-AC). These developments consolidated the proliferation of the pro-indigenous organizations which had emerged in the aftermath of the Barbados Symposium. Moreover, in 1980 a new and important development took place. If up until then the movement was composed of pro-indigenous, or "indigenist" organizations, in 1980 the first national-level organization of indigenous

leaders was founded. Still in the aftermath of the emancipation mobilizations, a group of indigenous leaders came together at the Federal University of Mato Grosso do Sul (MS) and founded the Union of Indigenous Leaders - UNIR (Oliveira 1988, 36). In April 1981, due to conflicts amongst indigenous groups concerning the leadership of UNIR, the entity was re-founded as the Union of Indigenous Nations (UNI) in a meeting that took place at the Pro-Indian Commission in São Paulo (CPI-SP).[54] A new directory was elected and a statute established. According to its statute, the organization sought to represent the Indigenous Nations and communities which took part in it, advance the demarcation of indigenous lands and promote the autonomy and self-determination of indigenous groups.

The field of indigenist and indigenous organizations was therefore denser than ever before. But what were these organizations and the activist affiliated to them *doing* in the early 1980s? Were they networking, collaborating and engaging in joint struggle, or had they retreated back into their institutional sectors and organizations after the anti-emancipation campaign? To answer these questions, I turn to the documentation of mobilization that was carried out by pro-indigenous organizations themselves as of the early 1980s and to the wide array of publications – books, conference and symposium proceedings, articles in national and regional newspapers and specialized media outlets - in order to trace the patterns of engagement in the years following the emancipation controversy.

These materials suggest that these organizations and their members were more active than ever in the early 1980s. One form of mobilization that became more prominent at this time was the organization of sustained debates about the indigenous question within academia and professional organizations such as the Brazilian Anthropological Association (ABA), the Brazilian Society for the Progress of Science (SBPC), the National Association of Social Sciences (ANSC) and important universities such as the Federal University of Santa Catarina (UFSC), the University of São Paulo (USP), the University of Campinas (UNICAMP), and the Federal University of Rio de Janeiro (UFRJ). Such

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[54] UNI was supported by both religious and secular pro-indigenous activists, who helped the organization obtain support and funding from international organizations such as the World Council of Churches and Miseor. Nonetheless, there was some tension surrounding the formation of UNI. CIMI representatives found that its foundation was premature and risky, since UNI had consolidated itself too quickly and in a way that was markedly distant from local villages and indigenous constituencies. According to Prezia, "Despite divergences concerning the decisions made at the meeting, which lead to the election of a national directory which was somewhat shut off from local villages, CIMI always stimulated UNI, be it by supporting its projects of by providing logistic support [for its meetings]" (Prezia 2003, 66).

academic establishments had been appropriated by pro-indigenous scholars. From 1980 until 1984, a series of meetings, symposiums, panels, and roundtables were organized within the organizations.

In these meetings, there was close collaboration between lawyers and anthropologists, and there was a decidedly rights-based framing of the indigenous question. Following the apparently successful outcome of the anti-emancipation mobilization, activists began to pay more attention to the rights of indigenous peoples – both those rights which were already enshrined in existing legislation and the rights that the movement should fight for. In 1980, the Graduate Program in Social Sciences of the Federal University of Santa Catarina (UFSC) sponsored, alongside Cultural Survival, a symposium on "The Indian and the Law", which in 1982 was published in book form (Santos 1982); in 1981, the annual meeting of the SBPC sponsored a roundtable on the rights of indigenous groups; and in July 1981, ABA and CPI-SP promoted a symposium entitled "Historical Rights of the Indian" and the Bar Association of Rio de Janeiro (OAB-RJ) sponsored a panel on "The Indian and the Law". In 1982, two panels were held to discuss similar themes, one called "The Indian and Citizenship", organized during the 13th annual meeting of ABA, and the other called "Citizenship and Ethnicity", promoted by the sociology department of the University of Brasilia (Lacerda 2008, 30). In 1983, a second symposium was organized at the Federal University of Santa Catarina, called "Indigenous Peoples and the Law: A Question of Human Rights" (Santos et al. 1985). Its goal was to bring together lawyers and anthropologists in order to discuss the pluriethnic reality of Brazilian society and contribute to the formulation of strategies that would allow an increasing number of Indians to have access to legal assistance (Santos et al. 1985, 11). The meeting brought together a set of increasingly renowned academics such as Jõao Pacheco de Oliveira, Manuela Carneiro da Cunha, Roque de Barros Laraia, and Raimundo Laranjeiras.

All these events and their ensuing publications emphasized the need to overcome the assimilationist perspective contained in indigenist policies and to implement the rights which were already enshrined in exiting legislation. They also suggest that the pro-indigenous movement was developing an increasingly academic engagement towards the reform of indigenism. If the previous period of mobilization had involved anthropologists working in the field with indigenous groups, now these scholars were occupying and influencing the agenda of academic establishments as well. In their meetings and publications, activists working from within academia sought to activate and resolve the

ambiguities of the Statute of the Indian in their favour, as can be seen in the preface to a book published in 1983 by and anthropologist from the University of Santa Catarina (UFSC):

> It was emphasized that there is an apparent contradiction in the Statute of the Indian, given that it recognizes the right of the Indians to their land and to their way of life while at the same time insisting that they must be integrated into national society. But this position is not as paradoxical as it may seem, given that the law makes a distinction between integration and assimilation and establishes that the Indians shall be integrated into a multi-ethnic system. Integration, therefore, does not imply assimilation and the ensuing abandonment of indigenous culture and identity. There is, nonetheless, a grave contradiction, not in the Statute of the Indian, but between this legislation and the attitudes and practices which are dominant vis-à-vis indigenous groups (…) when FUNAI consistently seeks to "integrate" the Indians into Brazilian society, it is, indeed, seeking to assimilate and not integrate them (as the Statute of the Indian mandates) (Maybury-Lewis 1982, 9-10).

In addition to their academic engagements, scientists also adopted a more contentious and defiant stance towards indigenism and the state. In the early 1980s, FUNAI and the Interior Ministry began announcing a new plan to deal with the Indians. The government was trying to formulate so-called "scientific criteria of Indianness", which would allow it to distinguish "with precision" who was and who was not Indian. From 1980 until 1983, anthropologists widely protested this and other government interventions in indigenist policy. For instance, in 1982 and 1983, ABA used the increasingly liberalized the media to denounce against FUNAI´s attempt to establish official criteria of Indianness in order to discriminate real Indians from non-Indians (Cunha 2012a). It also issued public motions demanding that FUNAI change its "discriminatory and racist" policy of indigenous education (Centro Ecumênico de Documentação e Informação 1982, 84), and change the regulation of field research within indigenous areas (Centro Ecumênico de Documentação e Informação 1983, 107).

The Church and affiliated religious organizations also continued their contentious activism. For one, CIMI continued supporting the national assemblies of indigenous chiefs and channelling demands which emerged in these gathering into higher instances of the Church. On the very local level, CIMI missionaries continued entering indigenous reservations in order to carry out their understanding of missionary work – to provide support for the political organization, critical reflection and mobilization of indigenous groups. CIMI and the CNBB actively participated in the campaign against the "criteria

of indianness" advanced by FUNAI. In 1982, the executive secretary of CIMI, Paulo Suess, accused FUNAI of wanting to exclude indigenous peoples from the protection afforded by tutorship. According to Suess, "I have seen the studies which are being ordered by [FUNAI director] cornel Zanoni, in which he proposes to determine, by conducting blood tests, who is still Indian in Brazil. It is an absurd and unacceptable study which seeks to legalize racism against the indigenous peoples" (Centro Ecumênico de Documentação e Informação 1983, 105). The CNBB also took to the media to denounce that federal government was not enforcing the laws of the country, since up until the 1980s not even a third of indigenous lands had been demarcated, despite the terms of the Statute of the Indian.

This evidence demonstrates that mobilization was alive and well within different institutional sectors. Scientists and academics were more active than ever in promoting debates about cultural diversity and indigenous rights, while missionaries continued carrying out their work of organizing indigenous peoples at the very local level. And both professional and religious organizations were continuously monitoring the government and using the increasing liberalized media in order to protest against and denounce indigenist policies. FUNAI and the Ministry of Interior were their main targets. But were these actors and organizations networking and collaborating across sectoral divides, or had they retreated into their primary institutional sectors?

To answer this question, I turn to the annual compilations of news clippings concerning Indians and indigenism that were organized as of 1979 by the "Indigenous Peoples of Brazil" project within the Ecumenical Centre for Documentation and Information (Centro Ecumênico de Documentação e Informação 1982, 1983, 1984). First of all, it is worth noting that CEDI was, itself, an ecumenical organization which had brought together religious and secular activists since its foundation in 1972. In the late 1970s, it instituted the *Indigenous Peoples of Brazil Program*, in which activist anthropologists such as Carlos Alberto Ricardo, Fani Ricardo and Vincent Carelli used the institutional space and resources provided by the "ecumenical axis" in order to generate and circulate information, critiques and analyses concerning the many facets of indigenism. The program published weekly news bulletins, called *Aconteceu,* which systematized media clippings related to indigenous peoples, and special yearly editions, called *Aconteceu Especial,* containing summaries and analyses of the years' events. The yearly editions in a way mirrored the organization of the field of pro-indigenous mobilization. After systematizing, in chronological order, all the news clippings pertaining

to indigenous peoples throughout Brazil, the publications had special sections on "the Church and indigenous peoples", "anthropologists" and "indigenous support organizations".

The data systematized in these publications suggest that, in addition to intense intra-sectoral mobilization of religious, scientific and professional organization, there was also sustained inter-sectoral collaboration amongst them. For instance, in 1981 the Association of Lawyers in Rio de Janeiro (OAB-RJ) formed a working group composed by CIMI, UNI and OAB representatives in order to develop a series of legislative proposals aimed at putting an end to the violence and land dispossession suffered by indigenous groups (Centro Ecumênico de Documentação e Informação 1982). According to an article published in the newspaper Estado de São Paulo on November 20th 1981, the initiative was undertaken by the regional president of OAB after UNI leaders Marcos Terena and Álvaro Sampaio had made a presentation to the lawyers on the situation of indigenous groups throughout Brazil. The indigenous leaders had emphasized the threat posed by the government´s initiative to establish criteria determining who is and is not indigenous, and insisted on the need for new proposals in the field. That same year, indigenous leaders and religious and secular pro-indigenous organizations came together in a seminar organized by CPI-SP to discuss the historical rights of indigenous peoples and to defend the legitimacy and rightfulness of the UNI, which had been attacked by the Minister of Government General Golbery Couto e Silva. Later, from September 25th to 27th, religious, secular, and scientific organizations came together at the 3rd Annual Meeting of Indigenous Support Organizations, at the end of which a statement was published accusing government of not granting public access to crucial documents pertaining to indigenist policies, and stating that the "criteria of indianness" which the government was preparing consisted in a "new attempt by government to forcefully emancipate the Indians" (Centro Ecumênico de Documentação e Informação 1982, 84).

In September 1982, the CPI-SP, ANAI-BA, CTI and CIMI filed a representation at the Federal Attorney General´s Office protesting against the forced transfer of *Pataxó Hã-Hã-Hãe* Indians out of their lands, arguing that, according to the Statute of the Indian, the transfer of Indians can only take place exceptionally, for well-specified motives, and by means of a presidential decree. Two months later, eighteen pro-indigenous organizations came together in the Fourth Annual National Assembly of Indigenous Support Organizations, where they signed a joint statement protesting against the transfer of FUNAI to the Extraordinary Ministry for Land Issues. The document also explicitly

supported the land tenure struggles of the *Potiaguara* and *Pataxó Hã-Hã-Hã* Indians, demanding that FUNAI conclude the demarcation of their land and defend them in judicial processes (Centro Ecumênico de Documentação e Informação 1983).

Taken together, these events point to important characteristics pro-indigenous mobilization in the period that followed the emancipation controversy. First, despite the suspension of the emancipation decree in 1978, government continued to advance strategies to distinguish Indians from non-Indians, and pro-indigenous and indigenous activists were well aware of this, mobilizing accordingly. They drew extensively on the institutionalized rights of indigenous groups – namely on the Statute of the Indian – in order to challenge and denounce government policies and demand the demarcation of indigenous lands.

Second, intra-sectoral mobilization continued to be important, and the engagements of the scientists and professionals were especially intense during these years. These actors appropriated previously-existing organizations such as ABA, SBPC, ANSC, and public universities in order to promote and diffuse debates about the rights and entitlements of indigenous peoples and the duties of the state vis-à-vis the latter. They published numerous media articles and books which allowed these reflections to spread across the burgeoning pro-indigenous field and society more generally. They drew on, interpreted and appropriated the indigenous statute in ways that were considered favourable to the Indians. The problem, they concluded, was not the existing legislation, but the way it was enacted and enforced by the authoritarian bureaucracy. Such debates contributed to the capacity of the pro-indigenous movement to adopt a contentious yet legalistic stance towards indigenist policy and the state. The CNBB and CIMI missionaries also continued to act in support of indigenous groups, not only by preparing controversial and defiant publications, but by working on-the-ground in the organization of indigenous assemblies and supporting the mobilization of Indians within reservations. Moreover, the UNI leaders were looking for their place under the sun, seeking to gain acceptance and legitimacy in the eyes of society and of a government that insisted that indigenous groups did not have the right to self-organization.

Third, and despite the foundation of UNI, the mobilization of indigenous peoples continued to be extensively mediated and organized by indigenous support organizations, that is, by non-Indians. Still classified as "relatively incapable" under the Brazilian Civil Code, Indians were not allowed to constitute their own organizations without the permission of FUNAI, and the latter was highly

reluctant to grant such permission. Indians depended on their White allies to access organizational and financial resources and to have access to the legal system in defence of their rights (since they were not allowed to represent their own interests in courts). In a sense, indigenous groups occupied a dependent and subordinate position in the movement, despite the lofty ideals of their allies who defended indigenous autonomy and self-representation.

Fourth, in addition to their intra-sectoral engagements, the community of religious and secular indigenous support organizations also acted in a concerted and coordinated matter against a common target and around shared goals. As of the late 1970s and well into the early 1980s, there was increased social networking among these organizations, which came together at institutionalized national conferences and published joint notes and statements protesting against government measures. Coordinated mobilization was sustained in part by a common target: FUNAI and, more broadly, the militarization and subordination of indigenist policies to national security, economic development and frontier expansion and consolidation. It was also sustained by shared repertoires of action, namely the publication of joint statements and protest notes and the organization of public meetings and assemblies where the worthiness, unity and commitment of the movement was enacted and where points of critique against specific instances of indigenist policies were developed.

To be sure, this pro-indigenous movement was not always aligned, and in the early 1980s the first tensions started to appear within the network. Looking back on her own experiences within the field at the time, Ramos recalls one of these tensions:

> [T]he feeling of *esprit de corps* that involved activists was an ideological parenthesis which, at the same time that it united them in one single body, also separated them from the rest. But, with the consistency of a cloud, its ephemeral nature quickly and clearly came to light (…). Already in 1982, the first signs of internal misunderstandings between Whites and Indians began to appear within the movement which, by this time, had become pan-indigenous, reaching all the regions and the majority of indigenous peoples in the country. That year, during the national meetings of indigenous chiefs in Brasília, most of the anthropologists and other movement activists rebelled against the Indians when they decided to invite the then president of FUNAI, cornel [Paulo Moreira] Leal, to give a speech. In this moment, opposition against the military was growing, and the initiative of the Indians to call on a man who was also a member of the National Security Council to present at their meeting felt like a real 'slap in the face'. After having helped the Indians organize and finance their meetings, these friends-of-the-Indians felt they were in the position to tell the latter what was right and what was wrong, who the good guys and the bad guys were. Many felt betrayed by the indigenous leaders, who, through their invitation, demonstrated a lack of consideration for their political ideals (Ramos 1995, 2).

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The episode presented by Ramos demonstrates the difficulty that pro-indigenous activists had, despite their calls for indigenous autonomy and the recognition of diversity, cultural and otherwise, in dealing with the protagonism of indigenous peoples as it actually was. Ramos (1995) suggests that in the process of movement institutionalization, the white and urban activists had distanced themselves from the Indian of flesh and bone, and began to interact with an idealized Indian who would abide perfectly by political ideals of the left urban oppositions to the authoritarian government. But this incident suggests that the Indians had a different reading of the situation, different political strategies and often a very different relationship with authorities.

Despite such tensions and disagreements, throughout the 1980s the movement was able to keep itself together. Still according to Ramos, in the period ranging from the early to the mid-1980s,

> [I]nternal divergences, dictated by interests which were not always convergent (for example, between members of the Church, lawyers, anthropologists and militaries), were suppressed. During the Tancredo Neves campaign for presidency [in 1985], it seemed like the utopia of having indigenist activists participating in the construction of the official indigenist policy would, finally, come true. We hoped to leave the opposition in order to, finally, become part of the situation. But with the death of Tancredo Neves and the coming to power of [President José] Sarney and his team, in a few months of the New Republic the indigenists saw their utopia betrayed. From then on, and still in the first semester of 1985, it became clear that the military era of indigenism was far from over. To the contrary, the militarization of the Amazon and of the indigenous question was becoming stronger. The common enemy continued safe (Ramos 1995, 2).

Episodes such as the one narrated by Ramos, nonetheless, serve to remind us of the fragility that underpinned the inter-sectoral pro-indigenous movement. Even after the construction of linkages connecting across institutional sectors, actors and organizations evolved in the movement were still primarily affiliated to very different sectors where organization and networking was more constant and stable. For instance, CIMI missionaries may have gathered and protested in many occasions alongside scientists, but this interaction never became as routine as the interactions between missionaries and episcopates within the Church. Missionaries had their own, autonomous and to some extent exclusive arenas of organization and interaction, such as the CIMI assemblies, international church gatherings, and the day-to-day of the missions. The anthropologists, who

interacted on a frequent basis within academic environments such as the universities, symposiums and the like, also circulated, built solidarities and political projects in intra-sectoral contexts. In addition to this, there was a significant geographical distinction between the mission-based activists, who had their primary basis in the Brazilian Centre-West (namely in Mato Grosso and Goiânia), and the anthropologists and lawyers who were primarily based in the southeast and, more specifically, in São Paulo. In one informal conversation, a missionary and founder of CIMI stated that the encounter of these actor groups was also the encounter of two geographically very distinct waves of activism, which never quite merged into one single process. All of this points to the notion that these cross-sectoral alliances, which at one point may have seemed unbreakable, where indeed based upon somewhat fragile foundations, and keeping the network together required significant efforts from those involved.

6.5 Fourth episode of pro-indigenous mobilization: Patterns and incremental outcomes

The fourth episode of pro-indigenous mobilization was characterized by, first, the intensification of intra-sectoral activism and its corresponding institutional repertoires and, second, the intensification of social networking, communication and coordination of mobilization across institutional sectors. This coordination occurred as actors situated across institutional sectors came to perceive themselves as affected and threatened by a common enemy – the government´s emancipation plans. But this perception was not the only element in the construction of an inter-sectoral contentious network. Rather, it was followed by intense inter-sectoral social networking by activists, who began to organize and attend joint meetings, press conferences, and seminars. There was even a special assembly of pro-indigenous organizations as of the late 1970s. These encounters were crucial for activists situated across sectors to recognize each other as part of a unified struggle and construct common proposals and interventions. These included the displacement of assimilationist policies and the implementation of policies oriented towards the improvement of indigenous livelihoods rather than at their accelerated integration. The issue of land tenure and land demarcation was at the core of their demands.

Throughout the episode, this inter-sectoral network engaged continuously and creatively with institutional contexts of action. Far from taking the formal rule systems as ready-made structures,

activists debated, interpreted, selectively activated and publicly disputed the meaning and implications of the institutional elements which were within their reach. Academics tested interpretations and put together theories about the implications of legal regulations. Indigenous chiefs enacted a form of active political engagement which conflicted with the notion of relative incapacity and political passivity. By doing this, these different actor-groups were, in their own ways, publicly disputing the very terms and structure of the field of indigenism – they were engaging in institutional framing. Most instances of institutional framing were carried out with the elements provided by the Statute of the Indian. In the late-1970s, the pro-indigenous movement framed this piece of legislation as an unambiguous declaration of indigenous rights. Activists drew on it to emphasize the imperative of cultural recognition and to publicly announce the unfulfilled obligations of government vis-à-vis indigenous peoples. Moreover, they subverted and appropriated the institutional category of "indigenous" contained in the statute in order to recast the meaning of indigenous identity and reorganize the field of indigenism more generally.

This episode contributed to two incremental outcomes. First, the anti-emancipation campaign ensued in the consolidation of an inter-sectoral pro-indigenous movement, connecting across institutional sectors and bringing together actors in distant social sites. Despite the different strategies and perspectives of actors taking part in this movement network, and the tensions which many times ensued, they were able to put their differences aside, at least temporarily, in order to pursue common goals and mobilize around common targets. Moreover, the pro-indigenous movement brought together in a closely-knit contentious network the recently-formed pro-indigenous organizations and other organizations and activists participating in broader struggles. In other words, by this time, the pro-indigenous movement was linked to the broader progressive field which struggled against the authoritarian government. By the mid-1980s, the pro-indigenous social movement network was comprised by the following organizations from different institutional sectors: Brazilian Anthropological Association (ABA), National Association of Indigenist Action (ANAÍ-RS), the Ecumenical Centre for Documentation and Information (CEDI), the National Council of Brazilian Bishops (CNBB), the Brazilian Bar Association (OAB), the Brazilian Society for the Progress of Science (SBPC), the Brazilian Society of Social Sciences (SBSC), the Centre for Indigenous Work (CTI), the Indigenist Missionary Council (CIMI), the Pro-Indigenous Commissions of Acre, São Paulo and

Sergipe (CPI-AC, CPI-SE, CPI-SP), the Pro-Yanomami Commission (CCPY), and the Union of Indigenous Chiefs (UNI).

Second, the episode also contributed to an incremental instance of institutional change in the field. As described above, pro-indigenous activists were engaged in continuous disputes over the meaning and implications of institutionalized norms and categories. When they advanced their preferred interpretations concerning the content and elements of these norms over other, dominant, interpretations, they also contributed to piecemeal institutional change. By demanding that government fulfil its obligations towards indigenous peoples and insisting on the permanence of "Indian" as a legal category, the pro-indigenous movement challenged the government´s authority to determine ethnic attribution, and defied the temporal logic of tutorship, according to which indigenous groups were bound to disappear as ethnic communities as they progressively integrated national society. Mobilization around the emancipation decree effectively changed an important aspect of tutorship in that it took from the hands to government the authority to dictate who is and who is not indigenous.

Chapter 7. Inter-sectoral mobilization at the National Constitutional Assembly and the institutionalization of movement projects

7.1 Introduction

As the pro-indigenous movement expanded and consolidated itself in the early 1980s, Brazil was undergoing an intense period of political and economic turbulence. The "slow and gradual" process of political liberalization, the *abertura*, which had its origins in the early 1970s, was now met with intense economic deterioration which intensified calls for political reforms. After the second oil shock of 1979, the Brazilian economy entered a progressive downward spiral that, despite having been slowed down by a series of economic packages, ultimately led Brazil into economic crisis. The economic miracle years, with their double-digit annual GDP growth rates, had already come to an end in the mid-1970s, delivering a first blow to economic and political stability. But after 1979, things became progressively worse. Inflation escalated quickly, reaching 110% per year in 1980, surpassing 200% per year in 1983 and escalating to so-called hyperinflation rates following after (Cerqueira 2007). Growth turned into recession, with a -4,25% variation in GDP in 1983 (Cerqueira 2007). These economic indicators, and their impacts upon politics and society, signalled the crisis of the Brazilian developmental state. Economic deterioration gave force to the already incipient political crisis of the military regime and was crucial for the process of democratization which ensued (Sallum Jr. 1996).

At the same time, civil society had been reconstituting itself in the period of the *abertura*. By the 1980s, groups and sectors within civil society were increasingly connected and able to appropriate the shifting political and economic contexts in order to advance their goals. In 1983-84, Brazil witnessed an unprecedented rise in civil society activity in the campaign for direct presidential elections, known as the *Diretas Já!* (which roughly translates into *direct elections now*). The campaign was largely unsuccessful due to backstage elite manoeuvring, but it resulted in the return to civilian rule via indirect elections in 1985 with the indirect election of President Tancredo Neves of the opposition party, the PMDB (successor of the MDB after a political party reform carried out in 1979).

Nonetheless, Tancredo passed away suddenly before he could begin his mandate. He was substituted by vice-president José Sarney, a conservative and former leader of the government party who had no control over the PMDB and little sympathy from society. Sarney in no way represented the democratic aspirations of society and was largely identified with the authoritarian government rather than with progressive political forces. His presidency was a slap in the face for the movements which had mobilized in the *Diretas Já* campaign. This unfolding of events led to a situation in which political and economic crises were aligned with a weak and illegitimate executive power right in the aftermath of an enormous show of strength of civil society (Stepan 1989).

It was in this context of crisis, flourishing civil society and search for new political and economic institutions that claims for a new federal constitution intensified in the mid-1980s. The idea of enacting a constitutional assembly was not entirely new in Brazil. Since the 1970s different sectors of society had advanced, albeit in an intermittent matter, the idea that a new constitutional order was crucial for the consolidation of democracy in Brazil (Brandão 2011). In 1977, the Democratic Movement of Brazil (MDB), the political opposition party during the military regime, had announced that the enactment of a National Constitutional Assembly was a supreme priority for the party, and declared it would organize rallies, seminars and publications in order to promote this idea. In 1980, the party launched a "Manual of the Constituent" (*Manual da Constituínte*). That same year, mobilization for a constitutional assembly already transcended political parties, with the Brazilian Association of Lawyers (OAB) publishing a formal announcement, called the "Manaus Letter", in which it criticized the piecemeal amendment of the Federal Constitution and defended the enactment of full-blown constitutional change. Also in 1980, the Municipal Legislative Chamber of São Paulo held an act in favour of a constitutional assembly, which brought together a number of party leaders and social activists (Brandão 2011). The demand for a new and democratic constitution was therefore not new. But it gained momentum and force in the mid-1980s as the economic crisis unfolded and as calls for political reforms escalated. After the *Diretas Já* campaign and the disappointing rise of Sarney to power, the stage was set for the unfolding of a new campaign, which brought together civil society organizations mobilizing for a National Constitutional Assembly (NCA).

It was in this context that the pro-indigenous movement, consolidated in the processes of contention analysed in the section above, engaged in a new episode of mobilization. In doing so, it drew on the organizational infrastructures, repertories and agendas which had been developed throughout the

preceding decade in order to influence the course of the constitutional process. If the economic and political crises that preceded the NCA were largely independent of the pro-indigenous movement, the latter – as the many other movements which came together to influence the course of the constitutional process - was crucial for its unfolding and outcomes. Since the moment at which calls for a NCA emerged to the final plenary sessions in which the Brazilian Federal Constitution of 1988 was voted, the pro-indigenous movement was mobilized around the constitutional process, seeking to influence it through different strategies. The movement adopted a decidedly institutional engagement with the NCA, making use of different forms of participation established in its Internal Regiment to advance institutional projects. To do this, it transformed its institutional critiques, which were many times reactions and responses to government policies, into projects and concrete proposals that were defended and negotiated. The NCA provided an opportunity for the pro-indigenous movement to systematize diffuse ideas into core institutional proposals that were assessed by the constitutional deputies.

In the following sections, I trace the process of pro-indigenous mobilization throughout the NCA, analysing how it prepared for and engaged in the constitutional debates, the battles it won and lost, and the institutional outcomes of this episode of mobilization, which lasted from 1985, with the debates which preceded the enactment of the NCA, until 1988 with the approval of the Brazilian Federal Constitution of 1988.

7.2 Preparing for the Constitutional Assembly

As of early 1985, the idea of a constitutional assembly was becoming more of a reality. Backed by the opposition in congress, different civil society groups, including the pro-indigenous movement, began organizing to monitor and participate the constitutional process (Lacerda 2008, Brandão 2011). From 1985 until 1987, indigenous and indigenist organizations fostered debates about indigenous rights in the NCA, developed joint strategies of mobilization and coined joint institutional proposals for the congressmen which would be directly involved in deliberating on the new constitution.

To many pro-indigenous activists, the constitutional assembly represented much more of a threat than an opportunity. An editorial written by CEDI in the 1987 publication of *Aconteceu Especial* spells

out the risks that the constitutional assembly could represent for the struggle of indigenous groups and indigenist organizations:

> [Indigenous peoples] have been demanding the recognition of their **permanent** rights for a long time, including the right to live according to their cultures, rights of full citizenship and the conservation and usufruct of their lands and natural resources.
>
> These rights, in their most general formulation, are at risk during the constitutional assembly. Given the expected hegemony of conservative sectors in the upcoming Congress, aggravated by the distance and "generic" sympathy felt by the more progressive sectors concerning the issue of indigenous policies, [we can] expect large difficulties in inscribing permanent rights for indigenous groups in the new constitution, overcoming the condition of tutorship and ensuring a set of guarantees that express the future which is desired by the indigenous peoples and the sectors which support their struggles.
>
> The official ideology on which existing legislation is based starts with the assumption that "the Indians" are a transitory category, to which, therefore, one must not recognize **permanent rights**, but rather **temporary support** aimed at their assimilation into Brazilian society. The Statute of the Indian is based on this assumption, and the official indigenist agency, FUNAI, frequently complements the "civilizational" work of confessional organizations (Santilli 1991, 13).

This passage sums up the central concerns of the pro-indigenous movement at the eve of the constitutional process – culture, citizenship and land - and points to the extent to which they were linked together in the political imageries of these activists. It also points to the central claim of the pro-indigenous movement: that indigenous rights be made permanent and not transient as they had been thus far. Indeed, the Brazilian Constitution of 1967, like others before it, had stopped short of recognizing any permanent rights to Indians. To be sure, it did determine that Indians had the right to the possession over the lands they occupy, but it did not define those lands any further, nor did it specify rights and entitlements which would support the flourishing and endurance of indigenous societies. Other than the constitution, the only other legislation that referred to indigenous peoples was the Statute of the Indian which, as seen above, was ambiguous at best – and assimilationist at worst – regarding its more general stance towards indigenous peoples. But the pro-indigenous movement had been mobilizing and, to some extent, affecting the implementation of tutorship. They had managed to make some progress, despite attempts by the state to emancipate the Indians. According to Márcio Santilli, who had been a federal deputy in congress for the PMDB from 1982 until 1986 and became increasingly involved in the indigenous cause as of 1986,

> That was a time in which we were all really afraid, afraid of what might happen. Mario Juruna was the only Indian that had ever been elected for congress, but he had not managed to get re-elected. So it was going to be a constitutional assembly with no Indians…it was a time of enormous paranoia…we had no idea what was going to happen (Santilli 2016).

Activists knew that they would have to mobilize at each step of the constitutional process. Already in 1985 and 1986, before the NCA was effectively installed, the pro-indigenous movement sought to, on the one hand, influence the rules of election and representation in the assembly and, on the other, formulate a "minimum program" of indigenous rights which would hopefully serve as a benchmark for deliberations at the assembly.

In June 1985, CIMI held its VI General Assembly, which elected two priorities for the years 1985-1986: the monitoring and participation in the constitutional process and agrarian reform (CIMI 1985). After this, CIMI underwent a process of internal reorganization in which it hired legal advisors to coordinate the activities pertaining to the constitution. These activities involved "not only advising the members of the constitutional assembly through technical information, but also constantly carrying out political alignments, networking and negotiations" (Lacerda 2008, 41). CIMI also instituted a specialized print newsletter called *Informes Constituíntes*, which sought to spread news about the NCA to indigenous support organizations and to indigenous communities. From 1987 until the promulgation of the Federal Constitution in October 1988, 46 editions of the newsletter were published.

Still within the religious sector, the National Council of Bishops of Brazil (CNBB) organized in 1985 a special commission to monitor and intervene in the NCA. Its goal was to

> [E]nable the interaction between Congress and the Church by promoting contact with constitutional deputies, articulating with other religious and popular organizations, receiving suggestions, passing on information about the unfolding of the constitutional process to different departments within the Church, promoting meetings with the constitutional deputies about specific themes, [and] diffusing among the NCA documents that had been elaborated by the CNBB and aligned sectors (Lacerda 2008, 37).

Supported by its allies, the Union of Indigenous Nations (UNI) carried out in 1985 and 1986 a series of assemblies and smaller meetings in preparation for the NCA. The goals of these meetings were threefold: first, to discuss forms of indigenous participation in the constitutional process, second, to

promote awareness in local communities about the importance of the NCA and, third, to develop a consensual agenda of the pro-indigenous movement to be advanced in the constitutional assembly (Lacerda 2008).

At the time, an intense debate developed concerning how the NCA would be elected. Social movements campaigned for an exclusive constitutional assembly, composed of deputies elected with the sole purpose of coining the new constitution. Organizations of the pro-indigenous movement joined this campaign by defending an exclusive constitutional assembly as well as special forms of representation for indigenous minorities. Between June and October 1985, UNI called two national meetings to discuss the topic of indigenous representation in the NCA. In October, they launched a public statement stating that they had "decided to participate in the elaboration of the constitution, given that this law concerns topics which are of the immediate interest of indigenous groups" (Lacerda 2008, 34). They demanded that indigenous peoples be represented by 10 deputies in the assembly, two for each region of Brazil. Moreover, these deputies should be chosen by indigenous communities and not submitted to general elections. The proposal was presented to the Minister of Justice on October 14th, to the OAB on October 16th and later to the Afonso Arinos Commission, which had been installed by the executive branch to gather information and proposals for the NCA. The latter nonetheless refused to receive UNI´s proposal, arguing that the Indians should be represented by their tutor (CIMI 1986).

Direct and differentiated representation was seen by the pro-indigenous movement as the only way it would be able to make its claims reach the NCA. But in November 1985, congress passed a constitutional amendment summoning a congressional constitutional assembly. [55] This meant that the NCA would not be composed of representatives elected for the sole purpose of deliberating on the federal constitution; it would be composed of senators and federal deputies elected in 1986, and these representatives would accumulate the function of congressmen and constitutional deputies. This was the first big disappointment for civil society in the constitutional process, and it brought on a large concern upon indigenous groups. The project of special representation was overrun, and it was very unlikely that the indigenous movement would be able to elect representatives through the normal electoral process. Despite the odds against them, seven Indians ran for federal deputy in the

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[55] Constitutional amendment n. 26 of November 15th 1985.

1986 elections, four of which were supported by UNI and three of which ran independently. None of them was elected.

In May 1986, UNI summoned a meeting with a set of pro-indigenous organizations in order to discuss a "minimum program" of indigenous rights in the constitutional assembly. Renown lawyers such as Dalmo de Abreu Dallari and Carlos Frederico Marés were present, as well as representatives from CTI, CIMI, CEDI, and INESC. The movement was concerned about the absence of a baseline document to ground and limit deliberations at NCA, and wanted to ensure that its demands and proposals would be taken into account. According to the document developed by UNI and its allies,

> This minimum proposal points out the fundamental rights of indigenous peoples, which are to be inscribed in the new Constitution of Brazil. The guarantee of territorial and cultural rights of indigenous groups, as well as full access to participation in the life of the country, are the basic principles upon which the constitution must be built.
>
> First occupants of this land, the Indians were the first to be denied their fundamental rights. The redemption of this historical debt starts here (UNI et al. 1986).

The document goes on to list the five topics which should integrate the chapter on indigenous rights in the new constitution:

1. RECOGNITION OF TERRITORIAL RIGHTS of indigenous peoples as the first inhabitants of Brazil. The Indians should have the right to land, which is their habitat, that is, the place where they live according to their culture and where their future generations will live. This right should have priority over others because it is founded upon indigenous occupation, which precedes European occupation.

2. DEMARCATION AND GUARANTEE OF INDIGENOUS LANDS. According to Law n. 6001/73, the deadline for the demarcation of all indigenous lands expired on December 21st 1978. Today, only 1/3 of these lands are demarcated. Because of this, it is necessary to insert this issue into the new constitution. Nonetheless, demarcation is not enough: it is necessary that the lands, once demarcated, are effectively protected, avoiding the invasions which are common today.

3. EXCLUSIVE USUFRUCT BY INDINGEOUS PEOPLES of the natural resources in the ground and the underground. Demarcation is of no use if the Indians cannot freely decide how to use the resources which are in the underground. They have the right, as differentiated peoples, to decide how to use these resources (…).

4. FAIR AND DIGNIFIED RELOCATION OF THE POOR SQUATTERS which occupy indigenous lands. The Indians do not wish to solve their problems to the expense of poor rural workers who were pushed

onto indigenous lands. Therefore, we demand that poor squatters be reallocated in a way that does not harm them and that does not oblige them to invade indigenous lands once more.

5. RECOGNITION AND RESPECT FOR THE SOCIAL AND CULTURAL ORGANIZATIONS of indigenous groups with their projects for the future, in addition to the guarantee of full citizenship. Brazil is a pluriethnic state, that is, a state that has the luck to be constituted by, amongst others, 170 different indigenous peoples (UNI et al. 1986).

Of the five topics, four are directly related to land, an issue which had been extensively debated, monitored and researched by the pro-indigenous movement in the preceding years. Moreover, the right to land is linked to two other projects of the movement: the right to a future and to full citizenship. The proposal therefore differed significantly from the existing institutional context and pointed to a transformative institutional arrangement. Rights and entitlements should be granted in order support the future existence of indigenous peoples, and not to "assist and protect" them in their process of civilization and integration. Moreover, land was linked to the full citizenship and cultural rights of indigenous groups.

Mentioning the rights of poor squatters was a signal to the rural social movements which were also participating in the constitutional debates. The pro-indigenous movement was aware of its limitations in terms of size, visibility and outreach, and knew that they had to constitute alliances with broader progressive sectors if they were to have any results in the NCA (Santilli 1991, Centro Ecumênico de Documentação e Informação 1987). In total, 29 organizations subscribed to UNI´s "minimum program", including all of the usual suspects – the indigenous support and religious organizations – plus new allies such as the Landless Movement (MST), the National Confederation of Workers in Agriculture (CONTAG), the Unified Worker´s Central (CUT), the General Worker´s Central (CGT), the Brazilian Association for Land Reform (ABRA) and the National Coordination of Geologists (CONAGE). The pro-indigenous coalition in the NCA therefore included the usual religious, indigenous, academic and professional organizations, but now these were supported also by unions and rural movements.

In addition to the consolidation of a Minimum Program, the meeting organized by UNI in May 1986 also resulted in the formation of a National Coordination for Indigenous Peoples in the Constitutional Assembly. This coordination was led by CIMI, CEDI and INESC, and its goal was to monitor all debates and developments pertaining to indigenous rights in the NCA, as well as to pressure individual

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congressmen, work to keep the coalition in place and produce and circulate technical information and data on and within the NCA (Centro Ecumênico de Documentação e Informação 1987, Santilli 2016). The coordinators of the campaign knew how important it was to have someone on their side who mastered the congressional norms and procedures and who had a foot in the door within the assembly. In 1986, Alberto Ricardo, coordinator of the Indigenous Peoples of Brazil Program in CEDI contacted former deputy Márcio Santilli to see if he was interested in joining the coordination and acting as the middle man between the national coordination and congress. Santilli had been elected deputy in 1982 for the PMDB but had not gotten re-elected in 1986. During his mandate, he had participated in the Commission of the Indian in the Chamber of Deputies, so he was acquainted with the topic of indigenous rights and demands. According to Santilli,

> I had a lot of doubts, but ended up accepting the proposal. I talked a lot with them. The main actor behind this whole story, behind the coordination I think, was Beto [Ricardo], he was the one who really insisted that I participate. I had spent four years in there, I didn't know what I was going to do with my life. I didn't know Beto very well, only from a few meetings in the Commission [of the Indian], but I could see that he was a more cantered and articulated guy, that he was the one weaving together that whole coordination, doing the work backstage of organizing, and he kind of begged me `for the love of god help us out with this´, because they needed someone who knew congress from within, who knew the people, someone with access. You have to understand, at that time everything was so distant…can you imagine…after 20 years of dictatorship, all those things were extremely remote to them, nobody had headquarters in Brasília. And to we talked about it and decided on what the strategy would be (Santilli 2016).

With the Minimum Program and the national coordination in place, the pro-indigenous movement was ready to intervene in the NCA. For a movement that had hoped to have some sort of special representation in the assembly and then had unsuccessfully sought to elect indigenous representatives, this was far from a best-case scenario. Activists knew about the obstacles and difficulties they might face in the upcoming battles, and framed their strategy of mobilization accordingly. When asked to speak about this strategy, Santilli answered the following:

> Well, this was the main point: we were going to defend the rights of a group which had zero representatives, you understand? So, you can´t do that by confronting the rest of the country, the rest of society, it can´t be a process which pits `us´ against `the rest´. It had to be a battle that the rest could accept. If you are going to defend these rights by opposing the rest of society, you can be sure that you will lose, you understand?

The second issue is more related to tactics. The point was this: we had to present our own propositions, we could not be on the defensive, retreated. Once the game started, we had to have our own proposal to put on the table, we had to advance into the battle. We couldn't just sit around, watch and complain. So, what we wanted to propose…it emerged from an exercise, a collective formulation (…) and, at the beginning, we were all together. We had one proposal and everyone was behind it, everyone backed it, and this gave us strength. No matter what, we knew and others knew what we stood for (Santilli 2016).

The strategy, then, was to interact with the NCA in a way that was both propositional and moderate, to coin proposals that other sectors of society could understand and agree with, or at least accept, and to interact as much as possible with the assembly "from within". Fortunately, the Internal Regiment of the National Constitutional Assembly (IRNCA) opened up several possibilities for institutionalized participation of social movements in the NCA. The pro-indigenous movement, represented by the National Coordination of Indigenous Peoples in the Constitutional Assembly, would take advantage of each one of them.

7.3 Mobilization in the Thematic Sub-Commission and Commission

The ANC was formally installed on February 1st 1987, but it would take another month for deliberations to begin. From early February until mid-March, there were intense discussions over the Internal Regiment of the NCA (IRNCA), containing the rules that would structure constitutional deliberation. Profoundly disappointed with the non-exclusive character of the NCA, civil society had, already in December 1986, begun to demand that IRNCA establish institutionalized channels for social participation. A number of letters and telegraphs were sent to the NCA, and civil society organizations managed to convince moderate to progressive congressmen, such as Mario Covas, Fernando Henrique Cardoso, and Plínio de Arruda Sampaio, to propose amendments to the draft version of the Internal Regiment in which different forms of social participation would be guaranteed.[56]

These efforts paid off, and the final version of the IRNCA, approved on March 25th 1985, was an important outcome of social mobilization (Brandão 2011). The document institutionalized channels of social participation in the NCA that were widely used by social movement in general, and the pro-

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[56] For a detailed account of social mobilization around participatory mechanisms in the NCA, see Brandão (2011).

indigenous movement in specific, over the course of the following years in order to participate in and influence the course of the NCA (NCA 1987a). Four of these channels were especially important:

- **Formulation of suggestions**: According to article 13, §11 of the IRNCA, the legislative bodies, courts and organizations representing segments of society may elaborate and present suggestions concerning constitutional matters, which will be sent by the President of the NCA to the respective Commissions;

- **Public hearings**: According to Article 14 of the IRNCA, the Subcommissions of the NCA must dedicate 5-8 of their meetings to holding public hearings with organizations representing different social segments, and they must also receive the suggestions which these organizations send to the Chair or the Commission;

- **Attendance**: According to Article 40 of the IRNCA, anyone can watch the sessions from the galleries, as long as they keep silent;

- **Popular amendments**: According to Article 24 of the IRNCA, popular amendment proposals may be presented to the NCA, as long as they are subscribed by 30,000 Brazilian voters in lists organized by at least 3 legally constituted associations, which are responsible for the signatures. Such proposals were to be handed in to and analysed by the Systematization Commission.

The institutionalization of popular amendment proposals was a large victory for mobilized civil society, since it ensured a channel of direct participation in the NCA. As we will see in the paragraphs below, all the forms of intervention enshrined in the IRNCA were used by the pro-indigenous movement at different moments of the NCA to channel their institutional project into the assembly.

In addition to defining mechanisms of social participation, the IRNCA also established the process of deliberation in the NCA. Deliberation was structured in the following way: the NCA was divided into eight thematic Commissions and twenty-four Subcommissions. The Subcommissions deliberated upon the topics ascribed to them and send a draft proposal to the Commissions, with each Commission reviewing the work of three Subcommissions. The Commissions examined and voted on the proposals of the Subcommissions, and send the approved versions of the constitutional articles to a Systematization Commission, which would, again, examine and vote on the proposed norms. After the systematization of the proposals from all Commissions, the Systematization Commission

would vote and approve a Draft Constitution (called the A-Project) to the plenary session composed of all deputies and senators. This A-Project would then be voted by the Plenary in two turns (NCA 1987a). At each step of this deliberative process, substitutive proposals or amendments could be submitted by Congressmen, meaning that everything that had previously been agreed upon could be changed, as long as the requirements of the IRNCA were respected.
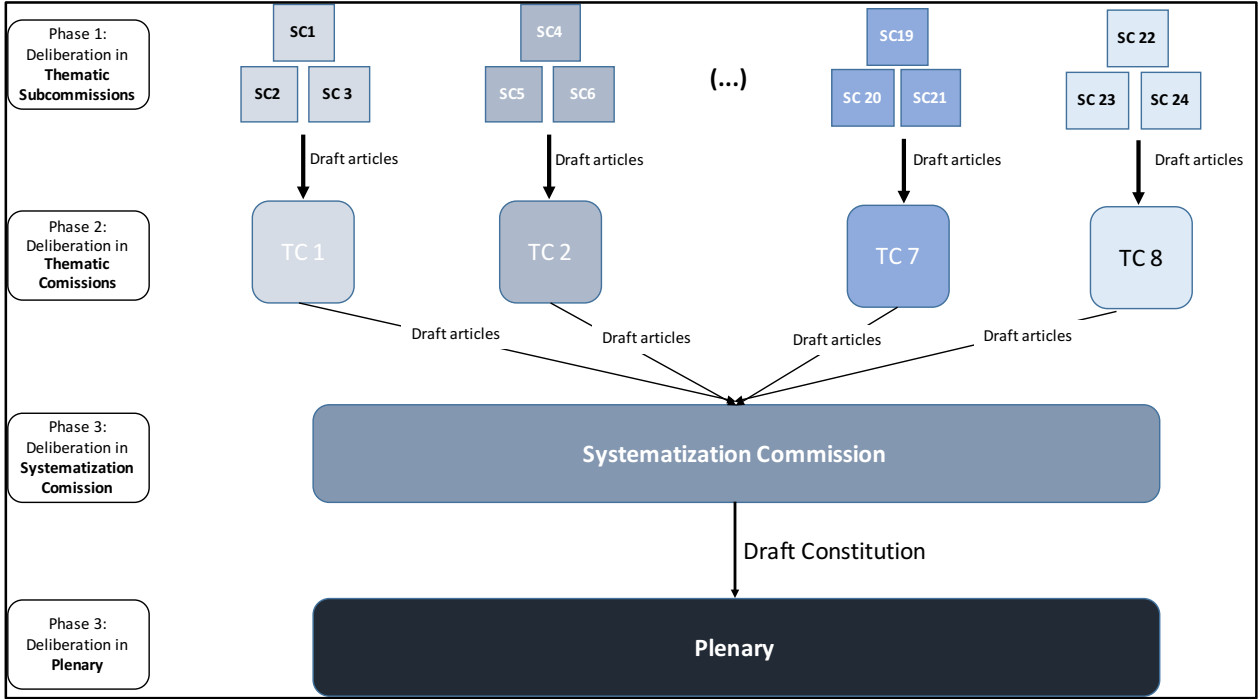
Figure 4. Simplified representation of Constitutional process at the National Constitutional Assembly

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┌──────────────────┐      ┌──────────────────┐      ┌──────────────────┐      ┌──────────────────┐
│ Deliberation in  │  →   │ Deliberation in  │  →   │ Deliberation in  │  →   │ Voting in Plenary│
│ Thematic         │      │ Thematic         │      │ Systematization  │      │                  │
│ Subcommissions   │      │ Commission       │      │ Commission       │      │                  │
└──────────────────┘      └──────────────────┘      └──────────────────┘      └──────────────────┘
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- Subcommission of Black Peoples, Indingeous Peoples, Persons with Disabilities and Minorities initiated on April 7th 1987.

- Draft text approved on May 25th 1987.

- Meeting of Commission on Social Order initiated in May 1987.

- Draft text approved on June 14th 1987.

- Deliberation begun in June 1987.

- Popular amemdments due August 13th 1987.

- Prioject-A sent to Plenary on November 14th 1987.

- Plenary installed on

- First round of voting begins in July 1988.

- Second round of voting begins on June 21st 1988.

- Final Constitution approved on September 22nd 1988.

Figure 5. Phases of the NCA and timeline of arenas and deliberations pertaining specifically to indigenous rights

The norms pertaining to indigenous peoples were discussed within the *Subcommission of Black Peoples, Indigenous Peoples, Persons with Disabilities and Minorities*. This Subcommission was structured under the *Commission on Social Order*. Identifying important opportunities for incidence in the IRNCA, the pro-indigenous movement held a final meeting before the first hearings of the Subcommission. On April 2nd and 3rd 1987, at the headquarters of INESC in Brasília, members of UNI, CIMI, ABA, CEDI, CTI, CCPY and CONAGE came together to formulate a Unitary Proposal on Indigenous Rights at the NCA (Lacerda 2008, 53). The idea was that this proposal should be sent to the NCA in order to provide a basis for debates within the Subcommission. Its main points were not new: the guarantee of extensive land tenure rights for indigenous groups, the recognition of full civil capacity to indigenous groups and the recognition of their cultures and values. While the National Coordination of Indigenous Rights managed to ensure full support from all pro-indigenous organizations for this proposal, there were important tensions surrounding the document. Namely, CIMI and the CNBB argued that the proposal was too shy and stopped short of proposing the

"plurinational character" of the country, a theme which had been on the agenda of these two organizations.[57]

Sub-commission of Black Peoples, Indigenous Peoples, Persons with Disabilities and Minorities held its first meeting on April 7th 1987. It was presided by Ivo Lech (PMDB-RS) and reported by a deputy from a conservative party, Alceni Guerra (PFL-PR). The two first meetings, held on April 7th and April 9th, were postponed due to insufficient quorum. It was during the third meeting of the Subcommission, held on April 22nd 1987, that the presence of indigenous peoples made itself visible (NCA 1987b). Forty indigenous leaders from seven different ethnicities were present at the hearing in order to present the Unitary Proposal which had been formulated a few weeks before. Before heading to the auditorium where the Subcommission was gathered, the Indians, led by the Kayapó, occupied the cabinet of the President of the NCA, Ulysses Guimarães. There, "the Gorotire and the Txukarramãe, most of which were painted, started to sing and dance. When Ulysses opened the door and saw the performance, he couldn't speak. He stopped, astounded, and just starred. A headdress was put on his head and the proposal was placed in his hands" (Gaigner 1987a). After this, the group followed up to the cabinet of the leader of the PMDB, Mário Covas, to whom they handed the proposal. They then went up the ramp of the National Congress and performed a ritual upon the president of the Subcommission, Ivo Lech, to allow the good spirits to guide his work (Lacerda 2008, 57).

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[57] According to Lacerda (2008, 54), "the Unitary Proposal had a content that was much more limited than what was being defended by CIMI and the CNBB. These two entities had proposed the recognition of the plurinational character of the country, a theme which was very controversial and with which the other organizations, because of their strategy, decided not to engage."

Figure 6. Ulysses Guimarães is crowned by Indians at the NCA. Source: Lacerda (2008)

In the Subcommission, the Unitary Proposal was subscribed and presented by Deputy José Carlos Sabóia (PMDB-MA), and defended by two indigenous leaders – Idjarruri Karajá and Cacique Raoni. In their speeches, the three men recalled the violence to which indigenous peoples had been historically submitted, and that it was the duty of the NCA to start a new chapter in the treatment of these minorities. The following meetings were dedicated to expert panels and public hearings, as was established in the IRNCA (NCA 1987b). On April 23rd, an expert panel composed of anthropologist Manuela Carneiro da Cunha and sociologist Florestan Fernandes discussed the historical development of indigenous rights in brazil and the social problems faced by Blacks and Indians in the country. On April 29th, Dom Erwin Krautler, president of CIMI spoke alongside the lawyer Carlos Frederico Marés, who represented the CTI-SP and CCPY, anthropologist Mércio Gomes, of the Institute for Anthropological Research from RJ and Vanderlino Teixeira de Carvalho, a geologist from CONAGE. All of them defended the importance of ensuring indigenous land rights firmly in the Federal Constitution. Moreover, the representative of CONAGE handed into the Subcommission a normative proposal regulating mining in indigenous lands.

The public hearings began on May 5th 1987, and it was at this time that indigenous leaders were able to directly and freely address the Subcommission. There were many indigenous leaders present, and eleven of them had the chance to give their speeches. After hearing the Indians in Brasília, on May

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6th 1987 the Subcommission made an unprecedented move: an extraordinary public hearing session was held in the Gorotire Indigenous Village, home of the Kayapó Indians, situated in the south of Pará. The president of the Subcommission Ivo Lech, along with Subcommission members Benedita da Silva (PT-RJ), José Carlos Sabóia (PMDB-MA), Salatiel Carvalho (PFL-PE) and Ruy Nedel (PDT-RS), attended the hearing. There, the congressmen could see and experience the plight of indigenous groups. According to the official records of the NCA, the indigenous community presented their main demands, such as the formalization and enforcement of their land rights and the prevention of the pollution of rivers which was ensuing from mining activities in the region (NCA 1987b, 175).

It was on the week of May 25th that the reporter of the Subcommission, Alceni Guerra, presented the legislative proposal which had resulted from the meetings, panels, and hearings held over the course of the preceding months. He presented a substitutive text which brought together elements of the different proposals made to the Subcommission. Approved on May 25th by the Subcommission, the text defined Brazil as a pluriethnic state, granted extensive land rights to Indigenous Groups and recognized the languages, customs and forms of social organization of the latter as rightful components of Brazilian society. On June 14th 1987, the proposal was approved by the Commission for Social Order. The text approved by the latter recognized the existence of indigenous nations in Brazil, established the capacity of indigenous groups to represent and defend their rights in court, and defined extensive land rights for indigenous minorities. All of the core elements contained in the Unitary Proposal of the pro-indigenous movement had been contemplated in the document that was approved by the Commission.

The evidence presented above points to important characteristics of pro-indigenous mobilization in the first phase of the NCA, that is, leading up to the approval of a legislative proposal by the Commission on Social Order. As stated by Santilli (2016), the pro-indigenous movement had adopted a resolutely institutional and moderate engagement within the NCA. By institutional, I mean that it took advantage of the mechanisms of social participation which had been enshrined in the IRNCA. First, they had formulated a Unitary Proposal in which the demands and grievances of the movement had been transformed into an institutional project which could be analysed by the Subcommission. In the absence of any official baseline document to structure the debates, the movement´s proposal ended up fulfilling this function. Second, the pro-indigenous organizations had made themselves widely present in the expert panels and guided the debates about indigenous rights. Indigenous chiefs

took advantage of the public hearings to make speeches and present to the congressmen the conditions in their villages. Moreover, a group of indigenous chiefs, many of which Kayapó, were constantly present in the galleries and hallways of the NCA, reminding the congressmen of their demands. They enacted dances, crowned key congressmen with traditional headdresses and performed rituals which made their presence, as numerically insignificant as it may be, felt among the constituents.

Moreover, the engagement of the movement was moderate given the efforts of activists to frame and advance their demands in a way that would be palatable the congressmen and to society more generally. Despite the insistence of CIMI to the contrary, no radical forms of political autonomy were claimed. And the new demands that were presented in the early months of the NCA – the recognition that Brazil was a pluriethnic country, the extension and elaboration of territorial rights – were extensively justified by the "experts" in anthropology, law and geology that talked before the Subcommission. Everything to make the movement´s demands acceptable and to prevent a backlash from conservative sectors (Santilli 2016).

7.4 The proposal of popular amendments and a split in the indigenous coordination

But it was precisely this moderation that led to internal tensions in the pro-indigenous movement. As stated above, the alliance between actors and organizations from different institutional sectors had important points of potential fragility. One of these points was the fact that sectoral components of the movement, before being linked to one another, were embedded within intra-sectoral networks and arenas where decisions were made and solidarities were constructed. From the final documents published by the CIMI General Assemblies and other gatherings of the Catholic Church, we can see that the latter had been developing a project for indigenous citizenship that involved recognizing the plurinational character of Brazil and the multiple citizenship of indigenous peoples (CIMI 1983, 1985). According to Heck)2014), the agenda of the Church throughout Latin America involved the construction of polities composed of multiple nations, where indigenous nations were recognized as politically autonomous units within broader nation-states. Progressive branches of the Church were convinced that this was the only way to ensure the dignity and development of indigenous societies.

Up until the approval of the draft text by the Commission on Social Order, CIMI may have been convinced that the adoption of a more moderate stance was the best choice, despite the different, more radical, political project of the Church. But the success of the movement in the Thematic Subcommission and Commission, and the ease with which the basic pillars of the Unitary Proposal had been approved, led CIMI to speculate that the National Coordination of Indigenous rights had been too shy and too moderate, failing to provoke more structural debates at the NCA. In a text written in the Constitutional Newsletter organized by CIMI on June 18th 1987, Julio Gaigner, CIMI´s legal councillor at the NCA, stated that "we can be sure that we failed to bring to the NCA a more extensive and enriching discussion" (Gaigner 1987a). He was referring to the fact that CIMI and the CNBB had refrained from pushing for the recognition of "plurinational states" in national legal frameworks, thereby opening up space for the recognition of indigenous political autonomy (Gaigner 1987a).

It was an extremely delicate agenda given the absolute reluctance of the military government – and possibly broader sectors of society – to accept that there may be more than one nation within the nation. The idea was absurd to a nationalist, developmental and authoritarian state. This is why the debate was carefully avoided by the National Coordination of Indigenous Rights. But now CIMI was beginning to think that they had made a wrong move. And together with a few other pro-indigenous organizations mobilizing in the NCA, they decided they should retrieve such debates while there was still time. On the week that the draft text was approved by the Commission on Social Order, CIMI and the CNBB addressed a letter to the presidency of the NCA asking that it take into account the popular amendment that the Church was formulating, which encompassed the recognition of multiple nations within Brazil and of the multiple nationalities of indigenous groups (Casaldáliga 1987). The decision made by CIMI and CNBB to bring up the theme of plurinationality and political autonomy into the constitutional debates led to a scission in the National Coordination of Indigenous Rights. The other organizations which were involved in the coordination – UNI, CEDI and INESC – decided to take the draft text which had been approved by the Commission on Social Order and turn it into a popular amendment. This would add to the legitimacy of the normative proposal by demonstrating that it had broad support from society. But CIMI, backed by the CNBB, decided to elaborate a new and separate popular amendment, leading to a split in the movement.

According to the Internal Regiment of the NCA, the deadline for the submission of popular amendments was August 13th 1987. The draft text on indigenous rights had been approved by the Commission on Social Order on June 14th 1987, giving activists two months to prepare their popular amendments, gather 30,000 signatures and leverage the support of at least three legally constituted associations representing the interests of the social segment addressed in the proposal. Based on the draft texts that it had received from all eight Thematic Commissions, the Systematization Commission put together by mid-July 1987 a first Draft Constitution. Most of the proposals of the National Coordination had remained in this draft, although terms like "indigenous nations", present in the draft of the Commission on Social Order, had been removed. It was to this Draft Constitution that amendments, including popular amendment proposals, would be submitted. Between mid-July, when the Draft Constitution was approved by the Systematization Commission, and August 13th 1987, the deadline for submission of popular amendments proposals, civil society organizations were busy leveraging support for their projects.

The popular amendment proposal developed by CIMI was supported by three organizations: Operação Anchieta (OPAN), The National Association of Indigenous Support (ANAÍ-RS) and the Movement for Justice and Human Rights (Indigenous Missionary Council et al. 1987). The document proposed changes in most of the articles which had been previously discussed and approved. It established that Brazil "is a federative and plurinational republic" (article 1), and that "the Indigenous Nations are public legal entities, constituted by societies, communities or ethnic groups which consider themselves as distinct segments of society given their historical continuity with pre-Colombian societies of which they are aware" (Article 3). Moreover, "the members of Indigenous Nations", the document proposed, "have their own nationalities, distinct from the Brazilian nationality, even though their Brazilian citizenship is guaranteed" (Article 1). Finally, the proposal removed indigenous lands from the ownership of the Union and affirmed that "the lands occupied by the Indigenous Nations belong to these Nations, as do the natural resources situated in the ground, the underground, and the rivers situated within the limits of these territories" (article 7).

This proposal represented an institutional project which was far from moderate and which had not been previously discussed in the NCA. The institutions enshrined within it represented not only the end of tutorship, but the recognition of nations within the nations, an idea which mirrored the worst nightmares of the conservative – and to a certain extent, even moderate – sectors of government

and legislature, who saw indigenous peoples as a possible threat to national security (Santilli 2016). These sectors would not take long to respond. Retaliation came on the week before the handing in of popular amendments. On Sunday, August 9th 1987, a news report entitled *The Indians and the New Constitution – A Conspiracy Against Brazil* was published on the front page of the *Estado de São Paulo*, one of Brazil´s largest newspapers (O Estado de São Paulo 1987). It accused CIMI of working for "foreign interests" which wanted to hinder mining in Brazil by prohibiting mining activities in indigenous territories. It also accused CIMI of being part of a World Council of Catholic Churches which were trying to advance the concept of "indigenous nations" in order to promote and benefit from the internationalization of Brazilian territories and underground. The accusations and news reports continued in the following days. On Tuesday, August 11th the front page of O Estado de São Paulo read *CIMI Lives not of Indians Alone,* and on the 13th the first page news report was entitled *CIMI, the Way to the Minerals*, followed by *CIMI Proposes the Division of Brazil* on the 14th (Lacerda 2008).

This orchestrated campaign against CIMI and the CNBB hit the entire pro-indigenous coordination at the NCA. The campaign took place exactly at the time that the popular amendment proposals were being handed in and analysed by the Systematization Commission. On August 13th – the final deadline for the handing in of popular amendment proposals – a request was filed by a group of thirteen congressmen, asking for the installation of a Parliamentary Commission of Inquiry to investigate the accusations. Throughout the next month, a series of investigations were carried out, and it was ultimately concluded that the accusations against CIMI and the CNBB were fraudulent and untrue (Lacerda 2008). But the damage had been done. Right in the middle of the investigations, Deputy Bernardo Cabral, reporter of the Systematization Committee, released on August 26th a First Substitutive to the Draft Constitution. The document was a hard blow to the pro-indigenous movement. According to Santilli, "the text simply threw away everything that had been discussed until that point. Everything. The same people who had promoted that defamation campaign against CIMI, they had written this text and placed it in the hands of Cabral. And the guy simply published it. And at the time the indigenous movement was weakened…it was a disaster…" (Santilli 2016).

Cabral´s Substitutive was a severe setback for the movement. First, it had changed the definition of indigenous land rights by establishing that indigenous groups were entitled to the lands of "immemorial possession", meaning those lands that they had always possessed and from which they

had never been removed (Gaigner 1987b). Given the intensity of indigenous dispossession and processes of internal migration, "immemorial possession" was very hard to come by. Moreover, the document reaffirmed the regime of tutorship, establishing that "the federal indigenist bureaucracy and the Public Prosecutors Office must participate in all acts which affect the interests of indigenous communities" (Article 302, §1). Finally, both public and private national enterprises were given the right to explore the underground of indigenous lands, as long as the legal regulations are respected (article 232).

It was in this context that the popular amendment proposals were defended on September 4th before the Systematization Commission. There were two proposals that were presented by pro-indigenous organizations – proposals n. 39 and 40. The first was CIMI´s proposal, backed by three other organizations (Indigenous Missionary Council et al. 1987). The second was a more moderate proposal presented by UNI and supported by thirteen pro-indigenous organizations (Union of Indigenous Nations et al. 1987).[58] It drew on and replicated the document that had been approved in the Commission for Social Order. It established the pluriethnic character of Brazilian society (Article 1), recognized the social organization, customs, languages and traditions of the Indians, and guaranteed their original rights to the lands they occupy (Article 2). The "lands occupied by indigenous groups" – those they were entitled to according to the amendment – were constituted by those lands used for living, for hunting, fishing, extraction, gathering, agriculture and other productive activities, and the areas necessary for their physical and cultural reproduction according to their uses, customs and traditions, including the lands necessary for the preservation of the environment and of their cultural heritage" (article 3). The document also ensured that indigenous peoples were capable of and had the legitimacy to defend their own rights and interests in the Judiciary, and that they had exclusive rights to the land that they occupied as well as to the underground. Mineral research and extraction within indigenous lands could only be carried out by the Union under regime of monopoly, in cases where "relevant national interests, recognized by Congress" were present and when it had been demonstrated that the mineral reserves situated outside of indigenous territories were insufficient for national consumption, thereby making it necessary to explore the indigenous lands.

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[58] These included ABA, CONAGE, SBPC, ANAI-BA, CCPY, CDPAS, CEDI, CIB, CPI-AC, CPI-SP, CTI, INESC, PKN and SEESP.

The proposals were defended in the meeting of the Systematization Committee on September 4th. The meeting was nearly empty: only 27 of the 97 members of the Commission were present (Lacerda 2008, 103). Indigenous leaders proffered memorable speeches. Representing UNI, Ailton Krenak spoke before the audience as he painted his face with black pigment in a gesture that evoked the situation of warfare. In this speech, the Krenak was defending the popular amendment proposed by UNI and denouncing the consequences of approving the substitutive proposal of Cabral:

> I hope I will not offend the protocols of this house with my manifestation. But I believe that you cannot omit yourselves and you cannot remain indifferent to this aggression advanced by economic powers, by greed, and by the ignorance of what it means to be indigenous. Indigenous peoples have a way of thinking, a way of living. And there are fundamental conditions for our existence and for our livelihoods, for our culture, [a culture] that does not pose a risk and never has posed any risk not even to the animals that live around our reservations, let alone to other human beings. None of you would be able to point to acts or attitudes of indigenous peoples that posed a risk to the life or patrimony of any person, of any human group in this country.
>
> And today we are the targets of an aggression that seeks to destruct our faith, our confidence that there is still dignity, that it is still possible to build a democratic society that knows how to respect those who are weak; a society that respects a people that have always lived without wealth, a people that sleeps in straw houses and that sleeps on the floor; a people that should not be identified as an enemy of the interests of Brazil, an enemy of the interests of the nation, which puts at risk any sort of development. The indigenous people have showered with their blood each hectare of Brazil´s eight million square kilometres. You sirs, are the witnesses" (Speech given on September 4th 1987 at the ANC, *in* Lacerda 2008:105).

These words, as the others proffered by activists defending the popular amendments, fell upon deaf ears. On September 18th, Bernardo Cabral presented the Second Substitutive Draft Constitution of the Systematization Commission. This Draft maintained all the aspects of the First Substitutive which had been criticized by the movement. The popular amendments had been simply ignored, as had all the work that had been done in the previous Subcommissions and Commissions.

The pro-indigenous organizations continued to struggle for the approval of their amendments, which would be voted by the Systematization Commission on early September. They reached out to allies within Congress, such as Severo Gomes (PMDB-SP) to subscribe to and defend their proposals, and brought in delegations of indigenous peoples to Brasília in order to pressure congressmen in the hallways and galleries of congress. But another blow was about to be delivered on the movement. November 14th was the final deadline for voting by the Systematization Commission and the chapter

on indigenous peoples had not yet been voted. As extension of the deadline was proposed but declined by the majority of votes, meaning that the articles on indigenous rights would be sent to the Plenary of the assembly as they had been formulated in Cabral´s Second Substitutive Draft. If, on the one hand, this meant that the "baseline" document to be voted by the Plenary was the worst possible, on the other it also meant that the Second Substitutive had not been validated by the Systematization Commission and therefore had a low degree of legitimacy (Santilli 2016).

The table below presents the main issues that were under dispute by the pro-indigenous movement – the characterization of the Brazilian state, the definition of indigenous land rights, cultural rights, indigenous citizenship rights, and the regulation of extractive activities in indigenous lands– were treated by the two popular amendments and by the Draft Constitution that was sent to the Plenary for voting.

	CIMI Popular Amendment Proposal	UNI Popular Amendment Proposal	Draft Constitution sent to Plenary
Definition of Brazilian state	Brazil is defined as a **plurinational state**, and indigenous nations are internal public legal entities (Articles 1 and 3).	Brazil is defined as a **pluriethnic state**	Brazils is defined as a **pluriethnic and multicultural state.**
Definition of Indigenous Land Rights	Indigenous groups are entitled to **the lands they occupy**, the latter being defined as "the lands inhabited by [indigenous groups], the lands used for hunting, fishing, extracting, gathering, agriculture and other productive activities, the areas that are necessary for their cultural and material reproduction according to their uses, customs, and traditions, including those necessary for the preservation of the environment and their cultural patrimony" (Article 6, §1). These lands are	Indigenous groups are entitled to **the lands they occupy**, the latter being defined as "the lands inhabited by [indigenous groups], the lands used for hunting, fishing, extracting, gathering, agriculture and other productive activities, the areas that are necessary for their cultural and material reproduction according to their uses, customs, and traditions, including those necessary for the preservation of the environment and their cultural patrimony" (Article 6, §1).	Indigenous groups are granted the right to their **lands of immemorial occupation,** where they find themselves permanently situated (Article 261).

	owned by the indigenous communities;	Indigenous lands are inalienable and destined to the permanent possession of Indigenous groups independently of demarcation.	
Rights of extraction	It is forbidden to extract any non-renewable resource from indigenous lands with the exception of gathering and mining carried out by the Indians themselves.	Indians may explore mineral resources in their lands (Article 3, §3). The Union may research and explore minerals in indigenous lands, in exceptional cases where relevant national interests, recognized by Congress" were present and when it had been demonstrated that the mineral reserves situated outside of indigenous territories were insufficient for national consumption, thereby making it necessary to explore the indigenous lands (Article 3, §4). All of the profits from mining would revert to the Indians.	The extraction of mineral resources from indigenous lands may only be carried out with permission from National Congress and after hearing the affected indigenous communities. The latter are entitled to a percentage of the profits that ensue from extraction.
Cultural rights	The text recognizes the original rights of Indigenous Nations to their lands, their social organization, their uses, customs, traditions, languages and their autonomy in governing the goods and transactions that affect them; - Indians have the right to a bilingual education and to use their own languages in the municipalities that surround their lands, in the federal indigenist bureaucracy, in the judiciary, and in congress.	The text recognizes the original rights of indigenous groups to their social organization, uses, customs, languages, traditions, and to the lands they occupy.	Education at all levels shall be carried out in Portuguese. Indigenous communities may use maternal language in their own educational processes.

Citizenship rights and applicability of special rights	Indians are full citizens with natural dual citizenship – one Brazilian and one of the specific indigenous nation to which they were born (Article 1).	The Indians, their communities and organizations, as well as the Public Prosecutor´s Office and Congress, are legitimate parties to defend indigenous rights and interests in court (Article 6).	The specialized federal bureaucracy and the Public Prosecutor´s Office shall participate in all acts that involve the interests of indigenous groups, lest they be null and void (Article 261, §1).
		The Public Prosecutor´s Office must defend and protect, within and outside of court, the rights of indigenous peoples (Article 7).	Identity-based rights to not apply to Indians in an advances stage of acculturation. (Article 263).

The disputes were based on a few key terms which, in the eyes of the activist, would make an enormous different in the interpretation and implementation of the new constitution. Two of these terms, which expressed broader projects pertaining to indigenous peoples, were "immemorial occupation" and "permanent possession". The Draft Constitution presented by Bernardo Cabral established that the Indians would only have the right to land that they had never left (i.e. which they occupied since immemorial times) and which they inhabited permanently. Lands which the Indians had more recently settled due to forced displacement or due to processes of migration, and lands which were only used periodically, for hunting, for instance, were not protected. Both of the popular amendments used the term "original" to refer to the rights of indigenous peoples, which was not the case with the Deputy Cabral´s draft. Moreover, the Draft Constitution which was sent to the Plenary had one more article that worried pro-indigenous organizations: it established that the special rights enshrined within the Federal Constitution would not apply to Indians who were in an advanced stage of acculturation, who maintained a constant coexistence with national society and who did not live on indigenous lands (Article 264). This article represented the old ideas of acculturation perpetuating themselves in the new Constitution. With it, FUNAI could deny assistance, rights and land to indigenous groups arguing that they had already been integrated. Together with the other concepts deployed in the draft, this explicit summoning of acculturation meant that the proposal was pointing in the opposite direction of the goals of pro-indigenous activists. Indians were once again seen as

transitory beings and relics of the past which would one day reach an advanced stage of acculturation in which no more special rights would be necessary.

7.5 Unorthodox alliances: Negotiating the new constitution

The final phase of mobilization in the NCA began in late January 1988 with the installation of the Plenary of the NCA, which had 560 congressmen and women. Earlier that month, important changes had been made to the Internal Regiment of the Nacional Constitutional Assembly. The original IRNCA, from March 1987, had made it very difficult for the Draft Constitution approved by the Systematization Commission – called the A-Project – to be altered in any way. According to the IRNCA, changes to the A-Project required the approval of absolute majority of the Plenary –280 votes-, and the regiment explicitly prohibited the presentation of amendments which fully altered parts of the project or which affected more than one article (IRNCA, Article 8). Unhappy with the progressive outcomes of the Systematization Commission, conservative and moderate congressmen united around a fluid coalition called the *Centrão* – the Big Centre – in order to change the rules of the game and veto some of the norms which were encompassed in the A-Project. Resolution 03/1988, approved on January 5th 1988, altered these rules. This resolution established that all articles contained in the A-Project must be submitted to nominal vote and approved by the majority of the NCA. In other words, if 280 votes had previously been necessary to *change* anything in the A-Project, this same number of votes was now required to *maintain* any part of it. Moreover, the change in the IRNCA enabled congressmen to present amendments substituting entire chapters, and not only altering individual projects.

At this point, the pro-indigenous movement was looking to find powerful allies within the NCA to sponsor their projects, intensify the day-to-day lobbying activities and, as the legal advisor of CIMI put it, "sensitize" of the constituents (Gaigner 1988a). Already in March 1988, some important articles pertaining to indigenous peoples which were scattered in different sections of the constitution were voted. Article 24, for instance, determined that it was the exclusive competence of the Union to legislate about indigenous populations, and Article 22 listed as belonging to the Union the land which were permanently occupied by indigenous groups. But the exclusive chapter on indigenous peoples would have to wait until June to be voted.

On March 18th, a caravan of 50 Kayapó chiefs arrived in Brasília in order to participate in the constitutional process (Gaigner 1988b). According to Lacerda (2008), they had been advised by CIMI about the threats posed to their rights by the new constitution and wanted to participate in and monitor the negotiations. The chants and dances of the Indians forced the president of the NCA, Ulysses Guimarães, to suspend voting in the plenary in order to welcome the Kayapó, who took the opportunity to crown Guimarães once more with their traditional headdress and to present him with the draft articles that had been approved by the Commission on Social Order (Centro Ecumênico de Documentação e Informação 1991). In May, a new caravan of Kayapó Indians, along with Indians from other ethnicities, arrived in Brasília to accompany the work of the Plenary (Lacerda 2008: 114). These delegations remained in Brasília for over three weeks awaiting the voting of the chapter in indigenous peoples. Supported by CIMI, they were hosted at the Santa Maria School, where they would take part in daily gatherings to receive news and discuss the latest occurrences at the NCA. As part of their sensitizing work, the Indians visited almost every cabinet of the constituents. According to a report on *Porantim*, it was possible to see them in all the hallways, alongside constituents, news reporters and staff wearing pins in support of the indigenous cause (CIMI 1988, 9).

Figure 7. Indians from different ethnicities gather at the National Constitutional Assembly to protest for the recognition of their rights in 1988.[59]

CIMI had given up on its radical proposals of a "plurinational state" and on lobbying for the full prohibition of mining on indigenous lands. According to CIMI´s legal advisor, to insist on their original project would imply hardship in the future negotiations over the chapter on indigenous peoples (Gaigner 1988c). The general article on mineral extraction was approved in late April and it had established that mining could only be carried out with the permission of the Union, in the national interest and by Brazilians or Brazilian companies with national capital (Art. 205, § 2).

While the caravans of Indians arrived from all over Brazil and CIMI revised its positions, an even more important process was taking place in the hallways of congress. As stated above, the pro-indigenous movement was striving to find constituents who were willing to support their project and that possessed political capital to leverage 280 votes for the approval of a substitutive amendment to the A-Project. According to Gaigner,

> Seeking to reduce the resistance of the *Centrão*, we asked for the direct interference of several bishops, who spoke to centrist deputies, explaining why they had to support the amendments

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[59] Image available at https://www.socioambiental.org/pt-br/noticias-socioambientais/exposicao-de-fotos-traz-retrospectiva-de-mais-de-30-anos-de-lutas-pelos-direitos-indigenas (Last access on December 10th 2016).

they had identified in their publication [entitled] *The Indians Can Live: The Constituent Must Support This Right* and trying to sensitize them to our arguments (Gaigner 1988d).

The bishops served as crucial mediators between the pro-indigenous movement and conservative sectors of the NCA. In an interview held in 2016, Márcio Santilli, political advisor to the National Coordination of Indigenous Rights in the NCA, explained how one bishop helped pro-indigenous activists get support from an unlikely ally which was decisive in the last phase of negotiations:

> There was one story that was really important, and that was the story of senator Jarbas Passarinho. This guy played a crucial role. He was from the *Centrão*, from the military party, the party of the dictatorship, he was a military, he had even participated in the CPI [Parliamentary Inquiry against CIMI] he was supposedly from the anti-indigenous coalition in Congress. But there was also another story…one of these things that only happens in Brazil…Jarbas Passarinho had lost his wife recently and Bishop Dom Erwin [Kräutler] - you know, things from Pará – well Dom Erwin had celebrated a mass in Pará at the time and Jarbas Passarinho was really touched by it. So, Dom Erwin had gained a channel to Jarbas Passarinho by means of these "divine connections", you understand? And Dom Ervin gave me a heads up…he asked me to talk to Passarinho…because it was hard for all of us to even look this guy in the eyes…but I went. I went and a guy from CIMI went with me. It was a really tough conversation with him…We took the text which had been approved by the Social Order Commission, we showed it to him and told him `look, this is the proposal of the commission´…and the guy put us through an excruciating inquiry, he played devil´s advocate, it took hours, I don't even know it that was a conversation or a confrontation…each word, each comma…he would ask, scribble, cross off, tick off…and so when the session was over he turned to us and said `if we agree on this, I´ll back it".

> He was a leader of the political party of the military, which had volume, density, a strong coalition, and at the same time it was like…he functioned like a tweezer manoeuvre, because to stand against him meant that you were standing *to the right of the right*, it generated a sort of embarrassment, so no one wanted to me more conservative than him…but the entire thing was a process, so he tore the thing apart, then we rewrote the proposal, negotiated, evaluated whether it was worth it. He even went back to the previous constitution and got some things from there, including that part that is the most radical in the constitutional text – that article that makes land titles null and void. That part doesn't fit well with the rest of the article, or with the entire constitution, because its inadmissible for you to have something like that in a capitalist regime, you understand? But it was in every constitution, even the constitution of 1967…all of them…because until then everything had been transitory. What was the logic? You have to have a really strong institution that will support the Indians while they are Indians, so the norm was radical but also provisional. But when the norm migrated into a constitutional text where [the Indian] is not transitory, then it becomes an offense against private property, you see?

So then, mind you, the guy supported us. He supported politically that article. He knew what it was about. He defied Cabral and presented his own amendment. Actually, we presented four amendments to Cabral´s text. The main one was his, which turned into Article 231 [of the Federal Constitution]. (…) The other amendments were smaller – [Deputy Alceni] Guerra presented one, Feldman presented another…but the most important was Passarinho´s, which was the most complete text. So, he did his censorship, but after that he defended the proposal with all he had (Santilli 2016).

The first vote of the chapter on indigenous peoples was scheduled for June 1st. The week before this the negotiations surrounding the articles had intensified. The party leaders were gathered in the cabinet of the PMDB leadership, where they were discussing the amendments that were going to be voted. The negotiations were tense, as can be seen from the testimony of CIMI´s legal councillor, present in the meeting:

We were once again surprised by the intransigence of our interlocutors from the *Centrão*, which ignored all informal agreements made beforehand. They sought, through the actions of Dep. José Dutra, to reinsert in the text the requisites of "immemorial possession" and "permanent possession", and to treat the Indians as relatively incapable. In addition to this, they wanted to take out of the text the adjective "original" referring to the rights of indigenous groups. (Gaigner 1988e, 6).

On May 31st, there was still no deal about the controversial points of the article. Still according to Gaigner,

We resumed our discussions at 14:00. And there was yet another surprise: the Centrão reopened the discussions about article 268 because of the term "originary". We decided that the issue should be settled at the end of the debate and went on to discuss the amendment of Jarbas Passarinho, who defended it brilliantly (Gaigner 1988e, 7).

The debates are described in greater detail by Santilli:

For each amendment that went to the plenary there was previously a negotiating process with the leaderships, and when we started our negotiation Passarinho already said that the basis for the discussion was his amendment and not Cabral´s proposal. And he defended that amendment with all his strength, and there was an enormous amount of resistance, to the point where the guys began to insert exception clauses like the one on paragraph six…so the guys started inserting

exceptions in the amendment and the old man went crazy, he wanted to turn over the table, he had a fit! He wanted his proposal, you understand?! But then the other guys wanted to put in conditions and exceptions and he wouldn't have it…and then he ended up accepting the exceptions but based on exceptions to the exceptions…and this is why article 231 ended up the way it is! First you have the principle, then you have the exceptions, then the guarantees on top of the exceptions, you understand? Because this is what had happened in the negotiation process. You can see it in that paragraph that talks about removing indigenous peoples from their lands…it's like a zig-zag that article (Santilli 2016).

After hours of negotiation, late in the afternoon of May 31st an agreement was reached on the text of the chapter on indigenous peoples. The following morning, CIMI´s advisory held a meeting with the Indians who were in Brasília to explain the agreement to them, and later that afternoon they all headed to the national assembly to monitor the vote. The substitutive amendment that had been constructed with the help of Passarinho was approved by the first vote of the NCA on June 1st and on the second vote on August 17th 1988. There were some changes in the text of the two versions, but the essence of the agreements had remained intact. Box 1 below presents the text which was finally approved by the Plenary of the NCA in late 1988.

Article 231. Indians shall have their social organization, customs, languages, creeds and traditions recognized, as well as their original rights to the lands they traditionally occupy, it being incumbent upon the union to demarcate them, protect and ensure respect for all of their property.

Paragraph 1. Lands traditionally occupied by Indians are those on which they live on a permanent basis, those used for their productive activities, those indispensable to the preservation of the environmental resources necessary for their well-being and for their physical and cultural reproduction, according to their uses, customs and traditions.

Paragraph 2. The lands traditionally occupied by Indians are intended for their permanent possession and they shall have the exclusive usufruct of the riches of the soil, the rivers and the lakes existing therein.

Paragraph 3. Hydric resources, including energetic potentials, may only be exploited, and mineral riches in indigenous land may only be prospected and mined with the authorization of the National Congress, after hearing the communities involved, and the participation in the results of such mining shall be ensured to them, as set forth by law.

Paragraph 4. The lands referred to in this article are inalienable and indisposable and the rights thereto are not subject to limitation.

Paragraph 5. The removal of indigenous groups from their lands is forbidden, except *ad referendum* of the national congress, in case of a catastrophe or an epidemic which represents a risk to their population, or in the interest of the sovereignty of the country, after decision by the national congress, it being guaranteed that, under any circumstances, the return shall be immediate as soon as the risk ceases.

Paragraph 6. Acts with a view to occupation, domain and possession of the lands referred to in this article or to the exploitation of the natural riches of the soil, rivers and lakes existing therein, are null and void, producing no legal effects, except in case of relevant public interest of the union, as provided by a supplementary law and such nullity and voidness shall not create a right to indemnity or to sue the union, except in what concerns improvements derived from occupation in good faith, in the manner prescribed by law.

Paragraph 7. The provisions of article 174, paragraphs 3 and 4, shall not apply to Indian lands.

The constitutional text reflects the polarizations and projects that permeated its negotiations. First, as pointed out by Santilli (2016), the norms pertaining to indigenous peoples are constituted by a zig-zagged movement between rules, exceptions to rules, and sometimes exceptions to the exceptions.

Each of these conflicting elements represents the different perspectives that were present in the development of the norm – as well as the insistence of Jarbas Passarinho, who served as a key negotiator on the pro-indigenous camp. Paragraph Five of Article 231 is a perfect example of the multiple perspectives contained in the norm. In principle, the removal of indigenous peoples from their land is forbidden; nevertheless, it may be allowed under certain conditions and when national congress explicitly sanctions such removal; but, if removed, Indians must be allowed to immediately return to their lands when the conditions that justify the removal cease. Paragraph Six presents a similar structure, presenting an initial norm (acts with view to the occupation or usufruct of indigenous land are null and void) except in cases of public interest of the Union and as long as there is a law stipulating the terms of exploitation.

In addition to these normative zig-zags, the constitutional text also contains conceptual innovations which ensued from the preceding conflicts and negotiations. Take, for instance, the concept used to refer to indigenous land rights - that of "traditional occupation". Throughout the constitutional debates, the tensions pertaining to land use had centred around the term "immemorial occupation", introduced by conservative sectors to restrict the reach of indigenous land tenure rights by signalling that Indians would only have right to a territory if they could prove they had been there since the beginning of memorable times. Since this notion does not take into account the fact that Indians had been systematically dispossessed throughout centuries of colonization, and they many times had intermittent forms of land use, the pro-indigenous movement systematically opposed it. Passarinho realized that the *Centrão* wanted some restriction to indigenous land rights, and that they wanted these restrictions to have temporal undertones. On the other hand, the pro-indigenous movement wanted to take out all references to immemorial occupation as a restrictive qualification of indigenous land rights. To solve this conundrum, he came up with a new term which, in its uncertain meaning, pleased all parts involved:

> And then you look at the things that Passarinho invented… "traditionally occupied" was something that he invented. It was a Columbus´ Egg that he invented, because you can actually read two meanings into the term *traditional*. You can have a chronological interpretation and you can have an anthropological interpretation. So, the guys that were insisting on the chronological concepts, on immemorial occupation, they looked at it and though 'ok, that's fine'. And we looked at it and though 'we're fine with this because we dispute the interpretation later on' (Santilli 2016).

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In terms of land tenure rights, then, the pro-indigenous movement settled for ambiguity, confident that the meaning of a term like "traditionally occupied" could be disputed and won by pro-indigenous lawyers and anthropologists in later disputes. In other words, activists prepared the institutional context for further framing and disputes. The idea of traditional occupation was perceived to have two different meanings. The first was equivalent to the chronological restriction espoused by the conservatives, where to occupy traditionally means to occupy historically, to occupy for a long time. But the second, more to the liking of the pro-indigenous movement, held traditional occupation to refer to the forms of occupation that are meaningful in the Indian´s cultural system. In this sense, the term traditional refers to the aspects of indigenous culture and culture-specific forms of occupation. No chronological restrictions apply. And the term "occupation" ceases to point to physical occupation – it can refer to different forms of being linked to a territory which are meaningful in a given cultural and social system. In sum, the term traditional occupation was perceived at the time as opening up ample space for interpretation and dispute.

Concerning the recognition of indigenous cultures and identities, the Federal Constitution of 1988 introduced normative elements that overcame the idea that Brazil would undergo an inevitable process of progressive ethnic integration and disappearance. The text of the constitution consolidated a new imaginary and inaugurated a potentially transformative path for the construction of national identity, one that implied the positive recognition of multiplicity instead of homogeneity. If throughout the 20th century ethnic identity was considered a retrograde reminiscence of the past bound to disappearance, the new constitution asserts the rightful existence of ethnic groups within the *future* of the polity. According to article 231 of the Brazilian Federal Constitution, Indians shall have their social organization, customs, languages, creeds and traditions recognized and they are entitled to the resources that are necessary for the material and cultural reproduction of their communities.

Finally, Article 232 established that indigenous peoples have the legitimacy to represent and defend their own rights and interests. Even if the Article specifically refers to their right to defend these interests in court, its terms represent a fundamental break with the logics of tutorship and the institutionalization of indigenous incapacity which underpinned it. If Indians can represent their own

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rights and interests, this means that the indigenist bureaucracy no longer had the authority or prerogative to intervene in acts of indigenous peoples or to substitute for their volition. Based on this norm and on Article 231, Indians could claim their right to self-organization and self-representation independently of FUNAI or any other government agency. Moreover, the Federal Constitution of 1988 institutionalized the intervention of the Federal Public Prosecutor's Office (MPF) in all judicial suits involving the rights and interests of Indigenous peoples. Different from the logics of tutorship, this does not mean that the MPF substitutes or the Indians in court. Rather, they intervene, as representatives of the public interests alongside indigenous communities and individuals, in the disputes that may affect the livelihood of indigenous peoples.

7.6 Fourth episode of pro-indigenous mobilization: Patterns and incremental outcomes

In the episode of pro-indigenous mobilization ranging from 1985 until 1988, activists engaged in inter-sectoral mobilization in order to coin transformative institutional projects and to consolidate, through persuasion and negotiation, elements of these projects within legal system. During this period of institutional innovation and creativity, the inter-sectoral movement drew on the critiques it had previously coined against tutorship and dominant practices in the field of indigenism to weave together a cohesive institutional proposal that could be defended and advanced in the NCA. The pro-indigenous movement had entered the NCA organized in a common front – the National Campaign for Indigenous Rights – with a common, unitary institutional project. The central themes of the unitary project were identity, land and citizenship. These themes were articulated around a central goal – to ensure the place of the Indian in the future of Brazil. This future-orientation was novel and transformative in comparison to previous institutional orders and socially-shared categories, which considered Indians to be transient and provisional beings. The project of the movement was that ethnic identity be considered in its endurance and resilience, and that indigenous societies be granted a place in the future of the nation. Their proposal for indigenous land rights follows this logic of future-projection. Indigenous land tenure should no longer be a protective and temporary institution, architected to ease the integration of fragile ethnic minorities – like the reservation – but should be designed to enable the development and flourishing of indigenous societies and cultures. The political and civil rights of indigenous groups – their right to self-representation and the end of civil incapacity

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– are also measures to ensure that indigenous peoples will actively participate in the construction of an inter-ethnic society.

During the episode, the movement interpreted, appropriated and interacted with the unfolding political process of the NCA. The onset of the NCA was interpreted as a possible threat to the movement´s goals of promoting the permanent rights of indigenous peoples, and activists developed their strategies of intervention and mobilization in light of the perceived weakness of their political position. But the NCA was also a space of institutional openness and projection, where activists could free themselves of the constraints represented by existing institutions and develop a different vision of order for the future (Emirbayer and Mische 1998). Their diagnosis of the situation sparked in activists a sense of urgency and need for proactivity. To advance their institutional project, the movement made use of the opportunities for participation and influence which had been institutionalized in the Internal Regiment of the National Constitutional Assembly (IRNCA). They used the space of the Subcommissions to present a Unitary Proposal for the article on indigenous rights, organized expert panels on topics related to indigenous rights and give speeches in defence of their project. Later in the constitutional process, the pro-indigenous movement intensified the lobbying of individual constituents as well as party leaderships and put together popular amendments to the constitution. Throughout the process, indigenous peoples were present in the galleries and hallways of National Congress. They performed dances and rituals, crowned congressmen and intensively pressured constituents to support their cause.

In the plethora of repertoires deployed by the movement to promote their institutional projects, we can see the coordination of intra-sectoral specificities and modes of engagement. The anthropologists and other scientists were active in promoting and disseminating technical analyses by means of expert panels, public hearings and texts, while CIMI continued to support the mobilization of indigenous groups at the bases and continuously disseminate information on the constitutional process across levels and sectors of mobilization by means of the Constitutional Newsletter. The Indians, in turn, deployed their identities in performances which marked their presence throughout the constitutional assembly. All of these repertoires were woven together in the midst of contention.

But the movement was not always united and inter-sectoral collaboration was not always the rule. Mobilization at the NCA also revealed important fragilities and tensions that existed within the inter-sectoral coordination. The evidence presented above suggests that all organizations agreed upon these basic themes. Nonetheless, actors diverged significantly on the ultimate projects they had in mind concerning the institutional architecture of this inter-ethnic society. If the pro-indigenous movement had started off with a single proposal and front, the unfolding of the constitutional process led the actors affiliated to the religious sector to reconsider the moderate stance that had been assumed until then. This led to a split within the movement and to the proposal of two popular amendments by pro-indigenous activists instead of one in the systematization phase of the NCA. It also provoked an important process of counter-mobilization which led to setbacks in pro-indigenous mobilization in the NCA.

The "split" in the movement was not permanent nor absolute. In fact, the continued mobilization and the successes of the movement in consolidating important parts of its institutional project in the final version of the Federal Constitution can only be understood in light of the enduring inter-sectoral linkages which composed the movement. It was a Catholic bishop – Dom Erwin Kräutler – who got access to an unlikely ally in the NCA. This access was passed on to Márcio Santilli, who was working for CEDI, and it ultimately became the interlocutor between the pro-indigenous movement and Jarbas Passarinho. The inter-sectoral realignment between actors and organizations situated in the religious sector and the remainder of the movement was crucial for the successes of the movement in the NCA.

The episode of mobilization at the NCA contributed to the transformation of the legal institutions that govern the field of indigenism and that structure the interethnic field more broadly in Brazil. As analysed above, these transformations encompass the norms that govern the identity, land tenure rights, and citizenship rights of indigenous peoples. Moreover, the 1988 Federal Constitution also mandated the participation of the Federal Public Prosecutors Office in all legal disputes involving indigenous rights and interests. Looking back at pro-indigenous mobilization in the late 1970s, we see that many of the institutional changes that were consolidated in the Federal Constitution were being developed within the social movement since nearly a decade earlier.

7.7 Second period of mobilization: Intermediate outcomes and landmark change

The second period of pro-indigenous mobilization analysed in this and the preceding chapter was constituted by two subsequent episodes of contention, the first ranging from roughly 1977 until 1984 and the second ranging from 1985 until 1988. Both of these episodes where characterized by intensified inter-sectoral mobilization, in which actors and organizations affiliated to different institutional sectors coordinated their repertoires and engagements in view of a shared political identity and shared political goals, both of which were constructed in the midst of contention.

The fourth episode consisted in inter-sectoral mobilization against the anti-emancipation decree and ensuing attempts to discriminate in a top-down manner Indians from non-Indians. In this episode, activists situated in different institutional sectors perceived a common threat to them all – the federal government and its emancipation plans – and began to engage in inter-sectoral social networking in order to coordinate joint forms of resistance and mobilization. Such networking allowed the movement to bring together skill-sets from different sectors as they disputed the meaning and implications of the Statute of the Indian and formulated joint political proposals. The latter were constituted by the core political demands that were progressively developed throughout the emancipation controversy: the demarcation of indigenous lands, the recognition of indigenous cultures and the establishment of full citizenship for indigenous peoples.

Moreover, by collectively and publicly disputing the meaning of the institutional elements contained in the Statute of the Indian – a process I refer to as institutional framing – the inter-sectoral movement contributed to an instance of institutional change. Namely, it affected the socially-shared signification of an institutionalized category which underpinned the regime of tutorship – that of "indigenous". Until this moment, this category had been signified and institutionalized "from above", by government agents, and had largely served as a device of control and governance of identities, people and resources. It referred to indigenous groups as transient, relatively incapable, and politically voiceless. But by activating and framing this institutionalized category in a novel way, by elaborating and disputing its meaning and using it to demand entitlements and by persuading broader constituencies about the importance of their struggle, the pro-indigenous movement recast it as referring to groups with rights, political agency and a future. The capacity to attribute meaning to the category was taken away from the hands of the state and appropriated by the movement,

which rejected the emancipation policy and insisted on the endurance of "indigenous" as a legal category and a social group.

The fifth episode of pro-indigenous mobilization began with the preparations for the National Constitutional Assembly (NCA) and ended with the approval of the Brazilian Federal Constitution of 1988. This episode was constituted by intense inter-sectoral mobilization, which was relevant and consequential in two ways. Activists and organizations situated in different sectors participated in processes of institutional innovation, whereby piecemeal critiques, projects and visions of order were brought together into cohesive and future-oriented institutional projects that were extensively debated in the NCA. By concatenating an array of inter-sectoral forms of claim-making – scientific presentations, assemblies, rituals and dances, etc. – and making use of the channels of participation that had been institutionalized in the IRNCA, the pro-indigenous movement ensured that a significant part of its institutional project made its way into the Federal Constitution of 1988. By negotiating with constitutional deputies and persuading them through a series of repertoires and performances about the rightfulness of the movement´s claims, the latter contributed to an important instance of institutional change. The importance of inter-sectoral ties is illustrated by the importance of the alliance between the episcopate and secular branches of the movement in bridging across to Passarinho at the end of the constitutional process. But the relationship between the religious sector and the other, scientific and professional sectors that constituted the pro-indigenous movement also revealed the fragilities and potential pitfalls of mobilizing across-sectors.

Even if important parts of the movement´s institutional project were not enshrined within the constitutional text – for instance, mining on indigenous lands was not prohibited but only restricted, and the concept of "permanent possession" was maintained in the text despite the movement´s protest – a significant proportion of the movement´s core project was institutionalized. Indigenous societies now had their traditions, cultures and forms of social organization recognized in the highest legal text of the nation, and they no longer formally depended on external mediation to represent their rights and interests. The territorial rights of indigenous peoples had also been significantly transformed in light of the claims of the movement.

Perhaps most interestingly, the final constitutional text was interpreted by the pro-indigenous coalition as a positive compromise precisely *because* of its ambiguity and because it allowed space

for future rounds of interpretation and meaning attribution. Not having the strength to settle for their project, the movement settled for an ambivalent solution which deliberately set up the field for ensuing institutional framing. The figure below depicts the two episodes of mobilization described in the chapter above and presents their incremental outcomes.

Timeline 2: Episodes and incremental outcomes in second period of pro-indigenous mobilization (1977-1988)

4th Episode: Mobilization against the Emancipation Decree

Mobilization of scientists, missionaries, episcopates and professionals against emancipation decree and its aftermath

Incremental institutional outcome: Change in legal category "indigenous"

Incremental outcome in movement structure: Consolidation of inter-sectoral movement network

Mobilization of National Coordination for Indigenous Rights at the Constitutional Assembly

5th Episode: Inter-sectoral mobilization at the NCA

Incremental institutional outcome: Change in legal norms pertaining to indigenous land rights, cultural rights and citizenship rights (1988)

1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988

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According to some analysts, the history of indigenism in Brazil can be organized into two periods: B.C. and A.C., that is, before the Constitution and after the Constitution (Ramos 1998). Indeed, the passing of the Federal Constitution of 1988 represents a landmark moment in the field to which pro-indigenous mobilization contributed significantly. Beyond the specific norms which were institutionalized in the legal system, the Federal Constitution of 1988 represents the moment in which the institutional projects which were being developed within the pro-indigenous movement over the course of the previous decade were consolidated within the institutional structure of the state, making the latter more heterogeneous and ambivalent than ever before. The reminiscences and logics and tutorship did not disappear from one day to the next. FUNAI still existed, and the indigenous reservations were in place throughout Brazil. But now there was a set of novel formal institutional elements available in the field which the movement could draw on. These elements had been coined in a language that was familiar and mastered by allies of the Indians, and they which framed the rights of indigenous groups as *permanent* and *future oriented* rather than transitory and bound to the past. These institutional elements that were enshrined in the constitution could be activated by pro-indigenous and indigenous activists in different processes of mobilization as they sought to influence the field of indigenism and its forms of territorialization in later disputes. In the next two chapters, I will analyse how these elements were activated and used by the Terena Indians and their allies in Mato Grosso do Sul as they challenged and sought to overcome the situation of the reservation as of the 1990s.

PART 4: INTER-SECTORAL MOBILIZATION ON THE LOCAL LEVEL AND INSTITUTIONAL CHANGE: THE TERENA LAND DISPUTES IN MS (1999-2016)

Chapter 8. Inter-sectoral cooperation and antagonism in the reconfiguration of three Terena territories

8.1 Introduction

The present chapter and the next shift back to the local level and to socio-territorial dynamics involving Terena communities presented in chapter 3 in order to investigate how the outcomes generated in the first two periods of pro-indigenous mobilization – including novel organizations, practices, networks and institutions - influenced contention over land tenure among the Terena, their allies and antagonists. Up until the 1970s, the Terena Indians that had not migrated to nearby cities were living within indigenous reservations, small land parcels that had been discriminated by government in the early 20th century to serve as transitional spaces in which Indians could be "protected and assisted" in their process of integration into national society. At the time, the actor groups that mediated the communication between reserved Indians and surrounding society were proselyte missionaries, agents of the federal indigenist bureaucracy and local landowners, all of which in some way contributed to or supported the confinement and isolation of indigenous groups within the reservation. Moreover, under the indigenous tutorship regime, the federal indigenist bureaucracy was responsible for managing the lives and resources of indigenous peoples, in addition to representing their rights and interests. The Terena were not allowed to organize themselves in formal groups or associations and any third party that wished to enter Terena could only do so with the authorization of the indigenist bureaucracy.

But starting in the 1970s, important processes of mobilization and social transformation took place at the national level within the field of indigenism. As seen in the previous chapters, new organizations emerged with the mission of politically supporting the demands of indigenous peoples and positioned themselves against the ideal of indigenous integration, seeking to consolidate new forms of engagement with indigenous groups. Moreover, indigenous mobilization in the 1970s and

1980s had challenged dominant notions of what it meant to be indigenous. From legal category instituted by the state to refer to primitive and transient ethnic identification, the category "indigenous" was appropriated and transformed by the burgeoning indigenous movement. By organizing, making political claims, and fighting for their rights and interests, indigenous peoples had shown that they were active political subjects who were reflectively interacting with shifting contexts and who had no intent of being assimilated into a culturally and socially homogenous nation. Finally, the Federal Constitution of 1988 had introduced a set of new rules and overarching logics into the interethnic field. Following intensive and inter-sectoral pro-indigenous mobilization in the National Constitutional Assembly (NCA), the Federal Constitution of 1988 had recognized the right of indigenous groups to their traditionally occupied territories, culture and forms of social organization. This meant that Indians could now organize in order to engage in political claim-making, and that identity-based rights attributed to indigenous peoples could be interpreted according to a new overarching logic which saw indigenous societies as enduring elements of the Brazilian nation.

If systematic and broad-based pro-indigenous mobilization first emerged in the national political scene, as of the 1980s and especially in the late 1990s the outcomes of national-level contention started to be activated and drawn on by actors in the northern region of Mato Grosso do Sul. This shift of contention to the local level inaugurates the third period of pro-indigenous mobilization, which is deeply rooted in local contexts and in indigenous politics and seeks to affect and change local social arrangements and land tenure structures. To trace the development of contention and its outcomes in this period, I investigate the unfolding of land tenure disputes in three Terena lands – Buriti, Cachoeirinha and Taunay-Ipegue –, and trace how the outcomes that ensued from previous episodes of mobilization were channelled into local contention and used to develop and legitimate novel patterns of claim-making and forms of indigenous territorialization. The analysis of the processes that constituted this period of pro-indigenous mobilization relied extensively on official data sources obtained through research in the archives of government agencies and the judiciary. These include administrative land demarcation procedures of FUNAI, administrative ordinances, legal petitions written by public lawyers and aggrieved parts in legal suits and judicial decisions issued by

federal courts and judges in the first instance, Court of Appeals and Supreme Courts. These materials were used to trace the processes as well as outcomes of contentious interaction.[60]

The third period is composed of two partially overlapping episodes of pro-indigenous mobilization. The sixth episode begins in the late 1990s as groups of Terena Indians and anthropologists from the Centre for Indigenous Work (CTI) make use of a favourable political context in order to reopen the administrative processes of land demarcation in three Terena territories. It is constituted by contentious interactions between Terena political factions, the federal indigenist bureaucracy and anthropologists who mediate between these two sectors. Throughout the episode, there is significant tension between indigenous activists, anthropologists and state bureaucrats, who, together, constitute an uneasy and relatively unstable inter-sectoral network. Inter-sectoral engagements are crucial for the advancement of the projects of the movement, but difficult to maintain. Inter-sectoral engagements only align at certain points due to the insistent and disruptive activism of indigenous leaders and to the social skill demonstrated by mediators who position themselves strategically between institutional sectors. Despite stretching out to national arenas of decision-making, this episode is locally-rooted in that their claims aim to consolidate new forms of social and territorial organization among the Terena Indians in MS. By activating and developing novel interpretations of the Federal Constitution of 1988 and by deploying a series of repertoires to advance these interpretations, the pro-indigenous network contributed to an instance of incremental institutional change: the sanctioning by FUNAI of new forms of Terena territorialization in MS. The publication of administrative demarcation reports in the mid-2000 validating indigenous land claims in Buriti, Cachoeirinha and Taunay-Ipegue and altering the territorial boundaries in the region inaugurates a post-reservation form of territorialization for the Terena Indians. This shift, coupled with the consolidation of inter-sectoral networks of mobilization at the local level and the emergence of land occupations as a sustained repertoire of claim-making, marks the consolidation of the socio-territorial situation of the reclaiming.

The seventh episode begins with the counter-mobilization of landowners who, refusing to accept the expansion of indigenous lands in the state and the unsettling of existing territorial boundaries, systematically challenge indigenous land claims in court. This shifts the primary locus of contention

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[60] See methodological appendix for a detailed account of these data sources.

away from interactions between movement and administration and into a new sector– the judiciary. In response, the pro-indigenous movement activated and intensified its ties to public lawyers affiliated to the legal sector in order to dispute the meaning and extension of indigenous land rights in court. In addition to this, new forms of organization – such as the Terena Assembly – were devised in order to sustain mobilization and inter-sectoral alliances, and the reclaiming became a central form of claim-making. This episode ends in 2015 with the emergence of new institutional forms governing the allocation of land tenure in the region. These new institutions emerge from the active framing and recombination of institutional elements, many of which ensued from previous rounds of pro-indigenous mobilization.

The present chapter analyses the sixth episode of pro-indigenous mobilization in Mato Grosso do Sul, which took place from 1999 until 2005. To do so, it first takes a step back to present the precursors of this episode and revisit patterns of land-related protest amongst the Terena Indians in the 1980s (section 8.2). Even if these processes do not fall within but rather precede the fifth episode of mobilization investigated in this chapter, they encompass important precursors of this episode, such as the penetration of an indigenous support organization – the CTI - into Terena territories and the increasing politization of the land question among the Terena Indians. After having briefly investigated these precursors, I go on to trace the onset of the fifth period of pro-indigenous mobilization (section 8.3) and to investigate how the concatenation of increasingly inter-sectoral institutional repertoires contributed to the validation of indigenous land claims by the federal indigenist bureaucracy (sections 8.4 and 8.5). I conclude by summarizing the main patterns and outcomes of the fifth episode of pro-indigenous mobilization (section 8.6).

8.2 Precursors of mobilization: Indigenist support organizations and indigenous associations in Terena reservations (1981-1988)

As seen in chapter 3, as of the early 20th century the Terena Indians had been confined into a set of land parcels called reservations. Throughout the decades, these reservations were progressively invaded by surrounding landowners, leading the Terena Indians to direct several complaints by means of letters and petitions to their tutor, demanding that the integrity of their demarcated lands be enforced. The SPI and later FUNAI were largely unresponsive to Indigenous demands, and there

were no mediators or allies which supported the territorial claims of indigenous groups. In this historical context, the explicit territorial claims articulated by indigenous leaders were comprised within the boundaries of the reservation; they did not so much question the legitimacy of those boundaries or the process of reservation itself but rather argue that parcels of land to which indigenous communities were entitled had been invaded by farmers. But this does not mean that those boundaries were taken to be legitimate and consolidated by Terena Indians. It only means that, in the dialogue between indigenous leaders and public authorities, they were not passible of contestation. But on an informal and routine level, indigenous groups acted out their inconformity vis-à-vis the territorial limits of the reservation on a daily basis, proving that these boundaries were highly permeable. Such permeability was possible because many of the men who worked on the farms surrounding indigenous reservations were Terena themselves, and allowed Indians to hunt, fish and gather on the estates (Azanha 2005). But given the constellation of actor groups within the situation of the reservation, such inconformity could only remain on the informal and routine level.

Up until the 1980s, there were no external organizations systematically operating within Terena reservations other than FUNAI – which was represented by the figure of the Head of Station - and proselyte religious missions. But this would change in the 1980s, largely due to the national-level pro-indigenous mobilizations examined in the previous chapters. In 1981, the Union of Indigenous Chiefs (UNI) was founded in MS with the collaboration and support of a group of Terena Indians, and namely of Marcos Terena, who became the director of UNI for a short time and then went on to integrate the cadres of FUNAI. UNI itself was an organization that barely operated on the local level, since it was so focused and directed at national political processes taking place at the time. But the foundation of UNI attracted the attention of indigenous organizations to the Terena Indians. In 1982, Gilberto Azanha, an anthropologist and founder of the Centre for Indigenous Work (CTI), an indigenist support organization founded in 1979 in São Paulo, decided to go investigate what was happening among the Terena. He arrived in the reservation of Cachoeirinha and started to get involved with the Indians.

In an interview conducted in 2014, Azanha stated that, when he arrived in Cachoeirinha in the 1980s and for a long time after that, it was impossible to discuss land and territory with the administration. FUNAI was absolutely resistant to reopening and revisiting the demarcation processes. When

inquired about the possibilities of discussing indigenous land demarcation in the 1980s, Azanha responded the following:

> There were no possibilities. You could not do anything. Maybe ask for the opening of some land reform process. But there was none of this talk about 'traditional territory' like there is today. Of course the land was traditional, it had always been traditional. I would go around with the Indians and they knew very well where they were going, they knew where they fished, where they hunted, they knew everything and they knew the land was theirs (…). Land was an issue, of course it was an issue, but they did not want to do anything about it, and they did not want us to do anything about it. They wanted FUNAI to do something. But FUNAI was slow and ineffective, and had no initiative to do anything. So that…that was the situation (Azanha 2014).

As of the early 1980s, the CTI, represented by Azanha, started to interact with the different political factions among the Terena Indians in Cachoeirinha. Azanha, as well as a few local indigenous leaders, believed that land was a core issue to be addressed, an issue which lie at the heart of the indigenous struggle. Azanha justified his eagerness to work with land-related issues by summoning previous experiences the CTI had with other indigenous groups throughout Brazil:

> I had previously worked with the Kaiowá [in the south of Mato Grosso do Sul]. Many of the indigenous lands which had been identified there I had worked on…with Celso [Aoki]…the lands that came out under President Collor, I had worked on them. We had also done work with the Canela [Indians] in 1973 and their land was not demarcated…what we heard from the Indians was that the farmers were extremely violent…and we saw that the land was crucial for them to live and survive *as Indians*, so we had this mind-set…the Indians needed the land, without land there is no Indian.

> And the Terena had no land, it was dirty…everything, all their land had been invaded and everyone was complicit in this…the dictatorship was complicit, FUNAI was complicit…so we wanted to understand the stance of the Indians and start a dialogue with them about the issue. With the Terena, we knew that the source of the problem lie in the original land titles, because that´s where we could find evidence about the historical presence of indigenous peoples on that land, where we could find information about how the land titles had been issued. But we also knew that the historical ownership chains were much older than in the south of the state and that they would be hard to get access to…so this is the situation we wanted to understand (Azanha 2014).

But discussing an issue as contentious as land was extremely difficult within the context of tutorship. FUNAI was decidedly against opening up a discussion about land tenure, and without the support of FUNAI, and given the control the bureaucracy had over politics and life within the reservation, it was

very difficult to initiate a sustained debate about land tenure. FUNAI sought to control indigenous groups that were under its jurisdiction through a policy that aimed at centralizing power within the reservations and institutionalizing the exchange of "oil and seeds for loyalty and obedience" (Ferreira 2014). Simply put, the indigenous leaders within the reservations – called "caciques" – were elected by the inhabitants of villages within the reservation. Cachoeirinha, for instance, is divided into five villages – Cachoeirinha, Babaçu, Lagoinha, Argola and Morrinho – each of which has their own elected cacique. Disputes over the position of cacique within the villages were and are intense. In the process of centralizing power within the reservations, FUNAI established that one of the village caciques – normally the cacique of the largest village within the reservation, where the indigenous station is located – was the cacique-general, i.e., the cacique that had precedence over all others. All resources that flowed into the reservation through FUNAI necessarily flowed through the cacique-general, making this a central position in the allocation of resources, such as oil, seeds, and machinery, within the village.

Under tutorship, in which resources that went into the reservation were controlled by FUNAI, the support of the bureaucracy was central in the maintenance of political power within the reservations. To be sure, as shown by Ferreira (2014), the process of political centralization carried out by FUNAI within Cachoeirinha was responded by certain indigenous groups through increasing factionalism and decentralization. Political factions – many times composed of family alliances – that were not favoured by FUNAI´s politics would often seek out the support and resources of other external agencies – missionary organizations, political leaders on the municipal and state levels – in order to strengthen themselves. But, in the regime of tutorship, FUNAI was very strong and took precedence over other possible mediators. In the midst of contentious struggles over local power and resources, FUNAI was nearly always called on to intervene as a "moderating power that is demanded and legitimated by the Indians, and that seeks to generate a balance or imbalance of power that is favourable to this or that faction" (Ferreira 2014, 269). The extent of intervention by FUNAI within the local politics of the village – its monopoly in the mediation of disputes and central role in the distribution of material resources – made the agency a crucial player. If the agency was positioned against the discussion of land claims, there would probably also be significant resistance from power holders within the village to engage in the debate.

This was the situation that CTI encountered in the early 1980s. The organization slowly constructed an alliance with the faction of Sabino Albuquerque, a Terena from Cachoeirinha, and began to promote debates about land tenure and land demarcation. The results of this incipient alliance can already be seen in 1982, when Albuquerque, together with the captain of Cachoeirinha, visited the Department of Land Issues of FUNAI in Brasília in order to complain about the invasion of their territory. According to a report issued by a FUNAI bureaucrat on August 31st 1982 and addressed to the Chief of the department of Land Issues,

> The Indians Rufino Candelário and Sabino Albuquerque came to this department, the first being the Captain of the Indigenous Station of Cachoeirinha, situation within the 9th Regional Division, and presented a map of the Cachoeirinha Reservation, elaborated by the administration of José Fernando Cruz, chief of the 5th Regional Inspectorate, which is attached to this report, requesting that FUNAI assist them in having access to the historical property chain of the area on the map.

> They informed that they had found two physical marks in the area [indicated on the map], one in the extreme north of the western line, and the other on this same line, between the north-south extremes. They also state that these marks had inscriptions which relate to the reservation that had been given to the Indians [in the early 20th century],

> In light of this information, we request that the Indians be oriented with regards to their claims, and that this department be informed about which measures should and should not be taken (Alves 1982).

As stated by Azanha, in order to prove the illegitimacy of land tenure in the region, the Terena needed to have access to the historical chain of property titles. These titles would likely contain historical descriptions about the legal status of the land previous to titling and about how the previous occupants – the Indians - were removed. But, in addition to the ineffectiveness and reluctance of FUNAI – which only formally responded to the claims made by the Indians in 1985 – to address land issues, there was also a second problem in accessing the desired documents: the relationship between FUNAI and the broader field of administrative agencies, which was tense and contentious. At the time, the bad relationship between FUNAI and TERRASSUL, the state agency responsible for land-related issues in MS, was a severe hindrance to the development of a qualified debate about land. All the historical documents pertaining to land titles and processes of land allocation in MS lie within TERRASSUL. But the land agency refused to cooperate with FUNAI and, according to Azanha, "its doors were locked with four keys, because they knew that that was where the problems lie, in

those original land titles. Without them, there was nothing we could do" (Azanha 2014). TERRASSUL was the agency responsible for guarding and enforcing land titling in the region. I was the stronghold of regional landowners and was reluctant to engage in any act which may jeopardize their interests.

In 1985, no less than 3 years after the complaint had been filed by the Terena Indians, an anthropologist from FUNAI went to MS to investigate their claims. But in order to advance in the investigation, it was necessary to survey and analyse the precise legal situation of the territories that were being disputed. According to the field report written by the anthropologist in 1985,

> After we analysed and discussed the land claims with the group, we decided that we should first go after Agachy Bay, which lies at the north of the land.
>
> To do this, the first step would be to investigate the legal situation of the lands that surround Cachoeirinha. In the local land registry, we could not find anything. So, we appealed to the official agency of the state – TERRASSUL – by means to three official letters, the first from 27/08/1984, reiterated on 27/09/1984 and 11/01/1985 (attached), requesting the mosaic of the area we are analysing.
>
> On 09/02/1985, the 9th Regional Directorate informed us that TERRASSUL did not find the original land titles for the area, and therefore would not be able to provide the information requested by FUNAI.
>
> We were already aware of the unwillingness of that agency to collaborate with the indigenous cause, but nonetheless we hoped that with a formal request between government agencies, ideological issues would be put aside.
>
> Because of this, we suggest that the only alternative is to contact INCRA[61] in order to institute a discriminatory process regarding that area, so that we will be able to establish the legal situation of the inhabitants of Cachoeirinha. After this, it will be possible to demand the just enlargement of the lands today occupied by the Terena in Cachoeirinha (National Indian Foundation 1993, 61).

In the 1980s, therefore, all the paths that could lead to the revisions of the territorial boundaries of the reservation were closed, be it by the resistance and ineffectiveness of FUNAI in addressing the issue, the dynamics of local politics, or the reluctance of TERRASSUL in collaborating with the indigenous cause.

Parallel to the unfolding of events in Cachoeirinha, in the nearby Terena reservation of Buriti the issue of land was also becoming increasingly politicized in the 1980s. Indians from Buriti had addressed

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[61] INCRA is the National Institute for Colonization and Agrarian Reform in Brazil.

several petitions and letters to FUNAI in the beginning of the decade complaining about the progressive invasion of their territories (National Indian Foundation 1982). In the late 1980s, FUNAI announced it would revisit a few demarcation procedures in MS and, due to the insistence of the Terena Indians from Buriti, their reservation was one of the territories that would be revised. But the move backfired. Through an agreement signed in 1987, FUNAI placed TERRASSUL – as seen above, an agency with very little consideration for indigenous struggles – in charge of carrying out the revision of Buriti. TERRASSUL ignored all of the claims and grievances of the Buriti communities in carrying out the revision of their land. It demarcated exactly the territory that was under de facto domain of indigenous groups at the time, and ignored the claims that other parcels had been invaded. Despite the flaws, the report issued by TERRASSUL was approved by FUNAI and its delimitation was sanctioned by a presidential decree in 1992. The Indians had lost an opportunity to see their land claims addressed and the Buriti Reservation had been sanctioned under the Federal Constitution of 1988, a fact which could represent an obstacle to the opening of a new demarcation or revision process.

This episode illustrates well the obstacles faced by Terena Indians in having their land claims acknowledged and addressed. In the case of Buriti, not only was FUNAI slow and ineffective in responding to the decades-old complaints of its wards, but the bureaucracy had actually handed the responsibility for land demarcation over to an agency which was known for its anti-indigenous stance. This move illustrates the malice with which FUNAI treated its wards, and demonstrates its reluctance in engaging in any serious process of revising territorial boundaries that took into account the claims of the indigenous communities. The Terena from Buriti continued to channel petitions and letters to FUNAI, and refused to accept the legitimacy of the demarcation process conducted by TERRASSUL (National Indian Foundation 1982).

The developments described above reveal important characteristics of how the issue of land tenure evolved amongst the Terena Indians in the 1980s. Even if the situation of the reservation remained stable, and explicit land claims continued to be formulated within the boundaries of the Terena reservations, we can see in this decade how the first and second periods of pro-indigenous mobilization fed into the local level. Already in the 1980s, an indigenous support organization entered Terena territories, forming political alliances and working with Terena factions that were interested in unearthing the land issue of land. The entry of the CTI in Cachoeirinha constituted an important

shift in the local constellation of actors, since it represented the pluralization of interlocutors and mediators for indigenous groups. On the other hand, up until the late 1980s there is no evidence suggesting that CIMI was present and active among the Terena. According to Heck (2014), CIMI had repeatedly tried to work with the Terena in their territories at least since the early 1980, but their activity was hindered by the e guard of anti-CIMI Heads of Station and the close grip that FUNAI had over indigenous groups in the region.

Moreover, still in the late 1980s, FUNAI was slow and reluctant in addressing the land tenure demands of the Terena Indians, and, when it did act, the refusal of TERRASSUL to cooperate with the indigenist bureaucracy blocked any chance at advancing in the discrimination of indigenous areas in a way that was favourable to indigenous groups. Gilberto Azanha of the CTI perceived that, in order to advance in the revision of indigenous reservations, access to the historical chain of property titles was necessary. Without the cooperation of FUNAI and TERRASSUL, there was no moving forward with the issue, and, as can be seen from the Buriti case, any revision of territorial boundaries carried out without a proper investigation of the titles ran risked consolidating a situation of unjust territorial encroachment.

Finally, debates and mobilization over land tenure within indigenous reservations – differently from the processes which unfolded at the national and transnational levels – were deeply embedded within local indigenous politics. The factionalism among indigenous groups, as well as their relationships with FUNAI and other mediating agencies, played an important role in the development of local contention, and any mobilization around land tenure would imply the interaction and alliance of external agents – support organizations, missionaries, etc. – with local, indigenous, political dynamics.

8.3 The opening up of TERRASSUL and the constitution of Technical Working Groups within FUNAI

Terena Indians from different reservations had been pressuring FUNAI in the 1980s to revise and enforce the territorial boundaries of the reservations, which, they claimed, had been progressively encroached by surrounding farms. These claims continued into the 1990s. In 1997, four caciques from Cachoeirinha – Exidio, Sabino Albuquerque, Rufino Candelário, Adolfo Pedro and Izidoro Pinto –

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visited FUNAI in Brasilia and demanded that Cachoeirinha be duly delimited and demarcated with an area of 3.200 hectares, "reintegrating the community in the possession of the area that belongs to it" (National Indian Foundation 1982, 61). The caciques claimed that 500 ha of their territory was invaded by neighbouring farms, and requested that FUNAI investigate and address the issue, since land was an enormous problem for the community. The response came nearly a year later from FUNAI in Brasília, stating that, in order to solve the issue of the disputed territory, "it is necessary to constitute a Working Group to proceed with the identification and demarcation of the claimed territory" and that, "unfortunately, in addition to the nearly total lack of financial resources, there are very few specialists in this region that are available. We are deploying all our efforts to overcome this issue" (National Indian Foundation 1982, 73).[62]

The indigenous leaders from Buriti also continued to mobilize and address grievances to FUNAI. On the 31st of May 1998, for instance, three *caciques* from Buriti addressed a petition to Márcio Lacerda, the President of FUNAI, stating the following:

> As bringers of the agreement established in a recent meeting of Tribal Leaders and the communities of the Buriti, Córrego do Meio and Buriti Villages, all under the jurisdiction of the Buriti Indigenous Station, (…) we demand that you send to our reservation the constitution of Working Groups aimed at the analysis and study of our lands that are currently invaded by third parties. We know about the limits of our land, and of the fairness of our demands. We demand that measured be taken as quickly as possible, because we are all waiting for this decision (National Indian Foundation 1993, 62).

The issue of land was not settled in Buriti after the sanctioning of a demarcation process in which they were granted no voice. FUNAI was being constantly demanded by the assertive leaders of the different villages within Buriti to solve the land situation. But still in 1997 and 1998, the obstacles that

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[62] In 1996, Federal Decree n. 1775 regulated the derived administrative procedure through which traditionally occupied territories should be identified and demarcated. The administrative procedure included the participation of anthropologists, bureaucrats, Indians, landowners affected by demarcation and politicians, and it was the arena within which the battle over the meaning and limits of indigenous land tenure under the 1988 Federal Constitution took place. Federal Decree 1.775 made FUNAI responsible for overseeing the demarcation of traditionally occupied indigenous lands, a procedure which is carried out by a designated technical working group (TWG), in interaction with the affected indigenous communities. The conclusions of this TWG concerning the identification of traditionally occupied territories have to be approved by the Justice Ministry and the President of the Republic. The demarcation of indigenous territories is therefore a long and complex procedure, involving both technical expertise, indigenous demands and knowledge, and political sanctioning. Figure xx below presents this procedure. A flowchart of this procedure can be found in Annex 2.

prevented the reopening of indigenous demarcation procedures – the ineffectiveness of FUNAI and reluctance of TERRASSUL – were still in place.

This changed in 1999 with the election of José Orcírio Miranda dos Santos – so-called "Zeca do PT", from the Worker´s Party – to occupy the position of governor of Mato Grosso do Sul. This was a crucial event. Sabino Albuquerque was close to the Worker´s Party. Since TERRASSUL was a land agency run by the state, the presence of political allies in government meant that the doors of the agency could more easily be opened and access to the documents guarded within it could be obtained. With the election of Zeca do PT for governor, Sabino and his political group judged it was time to invest in mobilizing around the land question. They went looking for Azanha – who at the time resided in Brasília at worked at the Ministry of Environment – and demanded that he coordinate an administrative process within FUNAI to revise the limits of Cachoeirinha. Azanha agreed and went on to negotiate, alongside the Terena from Cachoeirinha, the institution of a Technical Working Group with the Department of Land Issued in FUNAI. [63]

At the time, FUNAI was also under intense pressure from the Terena of Buriti to revise and enforce the limits of their reservation. When Azanha insisted on the institution of a TWG to revise the demarcation of Cachoeirinha, he received a request from FUNAI that he also work to solve the land question in Buriti. The identification of the three reservations together could enable a systematic revision of Terena territories. The reservations made it seem as if the Terena had always lived in isolation within the state-imposed territorial boundaries, but it was possible that these three reservations were actually fragments of a larger, unified indigenous territory. Studying and demarcating them together would allow for the unearthing of linkages between the lands and the investigation of the truly traditional forms of Terena territorialization in the region (Azanha 2014). The strategic aggregation of three Terena territories into one single procedure of identification and demarcation enhanced the potential that the revision process had to impact land tenure structures in the region. The work of the TWG would impact different territories located in three different municipalities of MS, enhancing the regional character of the work and underlining the systematic

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[63] In his statement, Azanha was emphatic about the role of Sabino and his allies in sparking the demarcation process. He narrated that he had been working in Brasilia at the time, at the Ministry of Environment, and that all of a sudden he got a call from Sabino saying „Gilberto, we´re on the road, coming to Brasilia. We want to meet you to discuss land demarcation." The diagnosis that it was a good moment to place more intense pressure on FUNAI therefore emerged from Sabino and his faction.

nature of the revision process. It was not about one demarcation gone wrong, but rather about systematic vices in the way land had been allocated to indigenous groups and farmers in MS since the consolidation of the development frontier.

At the time, Azanha had ample knowledge of the social and land tenure situation concerning the Indians of Cachoeirinha, but he knew very little about the Terena communities of Buriti and Taunay-Ipegue. He asked that, before instituting the official demarcation procedure, FUNAI institute a preliminary working group with the attribution of producing a preliminary study of these reservations and proposing the strategies to be adopted in each one of them. Still according to Azanha,

> In Cachoeirinha I knew exactly what I was going to do, but these other territories, I had no idea. I had to find out and didn't want to do anything definite. Since I was a researcher of the land issue, we would always talk to the people at FUNAI, we would discuss with them the current political context, we would talk about nomenclature, strategy, about how to construct an internal culture that would give FUNAI structure, that would not make it so fragile in face of the contestations that we knew would eventually come out concerning its work. So, we discussed the terms…like 'revision'…what is it, what does it mean? When is it strategic to review a territory, when is it better to demarcate and entirely new land, this is the kind of thing we would discuss (Azanha 2014).

On July 9th 1999, FUNAI published Ordinance 553, which "constitutes a Working Groups to carry out preliminary research aimed at the revision of the limits of the indigenous lands of Cachoeirinha, Taunay/Ipegue and Buriti" (National Indian Foundation July 9th, 1999). The group was composed by Rogério Alves Resende, a historian from the CTI, Cláudio Roberto Pereira Nunes, an engineer from TERRASSUL, Ercílio Donatoni, agricultural technician from TERRASSUL, and Gilberto Azanha, anthropologist and coordinator of the TWG. The composition of the group signalled that, under the PT government, TERRASSUL would be willing to cooperate with FUNAI, and that the doors to the archives of land titles would be open. This cooperation between the CTI, FUNAI and TERRASSUL was the beginning of a process of unsettling of property rights in the three regions affected by the studies. Still in 1999, FUNAI issued Ordinance 946, which instituted a Technical Working Group to carry out research pertaining to the documents relative to land tenure in the areas surrounding Cachoeirinha, Buriti and Taunay-Ipegue.

After Ordinances 553 and 946 were published, Azanha and the rest of the team travelled to Mato Grosso do Sul in order to start working. The TWG was active on two fronts: first, it conducted

archival research in TERRASSUL and, second, it elaborated and systematized, together with the Terena Indians, the traditional forms of land occupation and the land claims of the indigenous communities. Those claims and grievances would have to be elaborated together with the different political factions within the three reservations and, if and when some convergence pertaining to the expectations was reached, the agreement had to be translated into a set of legal and administrative arguments that would stand up to the contestation of landowners and government bodies.

The work at TERRASSUL progressed smoothly and the working group was granted unrestricted access to all the archives within the agency. They found that, in the process of selling and issuing titles to public lands in the late 19th and early 20th century, the state of Mato Grosso had alienated extensive territories occupied by indigenous groups even though, in the terms of Federal Law 601 of 1950 (Federal Land Law), indigenous lands were inalienable and should be duly discriminated and set aside by state governments. By analysing the original land titles in TERRASSUL, the TWG demonstrated the countless times the state and the federal indigenist bureaucracy collaborated to take Indians off the land that had been sold by the state to private parties. The estates that surrounded the three Terena reservations and that would, therefore, be impacted by the demarcation process were all constituted by land titles which were null and void since their primary issuance. According to the report written for Buriti,

> By analysing this documentation, one can clearly see that the attempt to legalize the theft of land occupied by the Terena Indians in the Burity region – since at least 1885-1890 – began with the acquisition and demarcation of the land parcel [called] "Canastrão", which was requested from the State by the citizen Porfírio de Britto in 1912, with the provisional land title having been issued by the State of Mato Grosso in 1916. The other land parcels were purchased later: the parcel "Recurso" in 1917 (by Augostinho Rondon, annex 6); "Bority" in 1917 (by Otaviano Garcia de Souza, annex n.4); "Alegre" in 1920 (by José Diogo Garcia de Souza, annex n. 8) (…)

> All of these processes lack any proof of 'first occupation' and its basic requisites [which are] habitual residence and effective cropping. We may suppose that this *sui generis* procedure ensued from the public announcement, carried out by the State, of the interest in acquisition – because, if there was no contestation in 30 days, it was accepted that the person was the 'first tenant'. But, in the land occupied by the Indians, how could they present any contestation when 'as tutored persons, they were prohibited from acting in the judiciary', as emphasized by Justice Tourinho Neto (Azanha 2001a, 82)?

With these documents in hand, the TWG was able to rewrite the long-term history of territorial occupation in the region. Their analysis revived land tenure regulation in the 19th century and revised early processes of frontier expansion. In the report, the authors enlisted, described and analysed the implications of the different legal vices that contaminated the rights of property of the estates which could potentially be affected by the revision and demarcation of Terena territories. This work deconstructed the legal basis of those estates. But it was only half of the job. The other half required that the TWGs interact closely with indigenous communities in order to collect and systematize their land claims and determine which of those claims could be framed as "traditionally occupied territories" and recommended for demarcation. This is where significant tensions would occur.

The first issue that emerged were the attempts by Terena Indians from Buriti – those that were already most mobilized around the issue of land - to direct and control the demarcation process. On the interaction between the TWG and the caciques from Buriti, Azanha stated the following:

> I was spending six months at TERRASSUL. TERRASSUL is in Campo Grande, I got a room at a small hotel there (…) I spent six months reading through those small letters of 19th century documents. And I was at my hotel and a guy arrives saying that he was the chief of the Indigenous Station of Buriti. He arrives at my hotel and says 'we came to get you'. They put me in the truck and took me to the village. And when I got there they told me `listen, the priority here is Buriti. This is what you are going to work on now.´

> And they asked what I had found at TERRASSUL. And when I began to tell them the stories I had found in those documents, well, they already knew everything, every little story they knew, they remembered every inch of land that had been taken from them. They knew everything that was in those documents – the names of the people who had gotten the original land titles, everything. It was completely explicit. I didn't have to do anything to get those stories from them (Azanha 2014).

In the early 2000s, the situation in Buriti was growing increasingly tense. Indigenous groups within the reservation were complaining about the delay of TWG´s report, and were adopting increasingly disruptive strategies to pressure FUNAI. In March 2000, the Terena from Buriti kidnapped Rogério Alves Rezende – a historian from CTI and member of the TWG – and a journalist and declared that they had done so due to the delay in the conclusion of the report from the TWG and due to the fact that the neighbouring farmer had by now begun to legalize his land, which was claimed by the indigenous community (Coutinho 2000). The hostages were only freed two days later when the

President of FUNAI Carlos Frederico Marés visited the area and promised to speed up the process of revising Buriti. About ten days later, the Terena from Buriti occupied FUNAI´s regional office in Campo Grande and demanded that the process be accelerated (Coutinho 2000).

The Terena were eager to see the demarcation process advancing, and fearful that FUNAI would be slow and ineffective in carrying on with the process. They continued to exert pressure on the federal bureaucracy. On April 17th 2000, the Terena from Buriti occupied three farms that surrounded the reservation - Estancia Alegre Farm, Arrozal Farm and Flórida Farm (National Indian Foundation 1993, 206-211). The Indians demanded that the demarcation of the land in Buriti be sped up by FUNAI. Moreover, they were no longer demanding only the enforcement of the boundaries of the reservation. The Terena from Buriti were now demanding the demarcation of a much larger parcel of land which they claimed constituted their "traditionally occupied territory" – the land had 18,000 ha. According to a spokesperson of the indigenous communities, "the invasion, according to the Indians, results from the fact that the land belonged to their ancestors, and in the last 70 years over 20 farmers took over the land, and today more than 2,400 Terenas are confined within 2.090 hectares" (Jornal do Povo 2000).[64] Like the kidnapping, the repertoire was also meant to speed up the process of land demarcation. Moreover, the occupation of the three farms sparked a dialogue between indigenous groups and other actors affected by the situation. According to an official statement signed by a local agent of FUNAI on April 18th 2000, "the present situation [of farm occupations] has resulted in a broad dialogue between the indigenous community, the landowners, FUNAI and other agencies, which will hold their first meeting in this Regional [Office of FUNAI] tomorrow, April 19th" (National Indian Foundation 1993, 84).

The land occupation, then, in addition to exerting pressure on FUNAI to advance with the demarcation procedure, also served as leverage for the Indians and opened up a channel of communication with landowners and other state agencies. The meeting on April 19th included three representatives of regional landowners - Vanth Vani, Leonel Lemos and Ricardo Bacha -, indigenous leaders from Buriti, agents from FUNAI and a representative from the National Confederation of Agriculture (CNA). According to a news report, the Indians and the farmers had decided to form an independent commission that would try to reach an agreement concerning the land and demand

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[64] "Terenas ocupam duas propriedades em MS", *Jornal do Povo*, April 19th 2000.

more effectiveness in the demarcation of the indigenous land from the president of FUNAI, Carlos Frederico Marés (National Indian Foundation 1993, 24; Folha do Povo 2000).[65] This suggests that the Terena from Buriti were seeking out alliances outside of FUNAI in order to advance their land claims. Despite this agreement, the owner of the Estância Alegre Farm announced he would file a repossession suit.

The pressure exerted upon FUNAI worked. On April 19th, the TWG instituted by Ordinance 553/PRES/FUNAI presented their report to the presidency of FUNAI. The report identified the best strategies for land demarcation, systematized the problems and illegalities that affected land titles of estates surrounding the indigenous territories and suggested, based on the group´s interactions with the Indians, that new extensions of land be demarcated for the indigenous communities in the region through specific revision (Buriti and Taunay-Ipegue) and demarcation (Cachoeirinha) processes (Azanha 2001a). The report concluded that, even though the Indians had historically given priority to protesting for their rights to the land included within the perimeters of reservations of the early 20th century, these areas would be insufficient to address the territorial requirements of contemporary communities. It proposed, therefore, that the indigenous reservations should be expanded substantially. For instance, Buriti, which had been demarcated with 2.100 ha, should have an area of 13.000 ha.

But, despite the territorial expansion proposed by the TWG, the suggestions contained in the final report were vehemently contested by the Terena and questioned by FUNAI. This is a crucial point concerning how the TWG had institutionally framed and justified its territorial recommendations. In a report written by the chief of the Land Department of FUNAI to the president of that agency describing a visit to the village of Buriti, Walter Coutinho presents the reasons behind this disagreement:

> According to the report presented by the TWG of Ordinance 553/PRES/99, the area that is claimed by the community, which could eventually correspond to the area that was occupied by the indigenous community in the beginning of the century, can be described in the following way: `to the west, the limits of the Correntes Farm; to the south, the Maracaju Forest until the beginning of the slope called Ponteiro; to the east, from this slope until it meets the Américo Creak, following it until it meets the Buriti River, where one should follow this river until it meets the Correntes Farm, to the north (Azanha 2000, 63). It is worth noting that, despite having been informed of the

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[65] „Índios vão permanecer em fazendas", *Folha do Povo*, April 20th 2000.

claims of the Indians, the TWG deliberated that it should present a proposal for demarcation of approximately 13.000 ha and a perimeter of 62km, without encompassing the Ponteiro Hill, nor the part of the Buriti River that runs until the Correntes Farm. We emphasize that these disagreements were highly significant for the community (…).

The final proposal formulated by the TWG of Ordinance 553 is registered in the conclusions of the report, from 19.04.2000, in the following way: '*The studies point to the redefinition of certain land parcels as 'traditionally occupied territories'; nonetheless, since these parcels are insufficient for the reproduction of the indigenous groups which reside on them according to their uses, customs and traditions, we also propose the expropriation of further land parcels that are contiguous to the reservation. This measure was extensively discussed with the indigenous populations involved in the process*.' Concerning the 'expropriation, based on article 26 of Federal Law 6001, of other territories (to the east) that are necessary to comply with article 231 of the Federal Constitution', the report does not go into details about the criteria for identification and limits of the land that is to be demarcated as indigenous reservation under Federal Law 6001 of 1973. This point is especially important, given that the TWG is also responsible for the revision of the limits of Cachoeirinha and Taunay/Ipegue, also occupied by Terena Indians, where a partial territorial revision based on Article 26 of the Indigenous Statute was also proposed (Coutinho 2000, 36).

What these excerpts show is that there was disagreement not only concerning the extension and limits of the territory that was to be identified as indigenous by FUNAI. A crucial point concerned *how the demarcation of those territories would be legally framed*, i.e. with reference with what institutional framework. The TWG had recommended that only part of the land demanded by the indigenous communities of Buriti, Taunay-Ipegue and Cachoeirinha be demarcated as traditional territories, and the rest be expropriated by the government and delimited as indigenous reservations – an institution which dated back to the early 20th century and was regulated by the Indigenous Statute of 1973. The indigenous groups refused to have their land demarcated as reservations because they believed that, due to the lack of proper regulation, this process would be too long and its outcomes uncertain. But the possibility of reservations would be nonetheless kept for a later moment of struggle, if deemed necessary.

It is hard to say why the TWG had decided to summon the Indigenous Statute and resorted to the demarcation of reservations in its final report. But this was possibly based on the idea – repeated various times by Azanha – that they wanted to reduce resistance from landowners and to enable the compensation of farmers which had purchased the land in good faith, without knowing it was indigenous. As stated above, when land is demarcated under the category of traditional occupation,

the landowners cannot be compensated for the land they lose. In regions where farmland is on the market and therefore economically valuable, such a condition is likely to create unsurmountable resistance. The TWG may have calculated that, given the extension of the land demanded by the Indians, it would be safer to negotiate a compensation with the farmers and go for demarcation in reservations. This seems indeed to be the strategy adopted by the TWG, which in the late 1990s was negotiating donations from its international partners that would pay for the loss of landowners in the region. But this rationale was refused by the Indians, and, later, by FUNAI itself.

The report written by Azanha for the technical working group was, nonetheless, only a preliminary report. The TWG instituted by Ordinance 533 of 1999 was responsible only for indicating the appropriate strategies for the demarcation of the three Terena territories. Following the report of that TWG, another Ordinance should institute a second working group, now with the responsibility of conclusively identifying the extension and the nature of the Terena territories. To guarantee the continuation of the demarcation process, on April 25th, the Terena Indians in Buriti occupied another farm – this time the Estrela Farm (National Indian Foundation 1993, 465). According to a declaration given by an indigenous leader to the press, the Terena "would not leave the area until the official report which proves that the farm is located upon indigenous territory is complete."[66] On April 26th 2000, "a second meeting was to be held between FUNAI, indigenous leaders and landowners from the region Sidrolândia in order to address the land question within a general spirit of understanding, but the meeting was cancelled due to the occupation of the Estrela Farm" (National Indian Foundation 1993, 466).

8.4 The illegitimacy of property: FUNAI´s working groups and the identification of Terena territories

The pressure from the Terena of Buriti worked in speeding up the work of FUNAI. On June 13th 2000, FUNAI issued Ordinance 490/PRES/FUNAI (National Indian Foundation January 13th 2000), which instituted a Technical Working Group to "carry out the identification and delimitation of Buriti". Cachoeirinha and Taunay-Ipegue would be taken care of at a later point in time, showing the

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[66] "Terenas ocupam fazenda no MS e expulsam donos", *A Gazeta National*, April 26th 2000.

importance of mobilization in ensuring the continuation of administrative demarcation processes. The TWG was coordinated by anthropologist Edison Lasmar and composed of representatives from TERRASSUL and FUNAI. Their work was conducted under intense pressure and conflicts, which would ultimately lead to the demise of the TWG in late August 2000. The tensions that permeated their work are illustrative of the inter-sectoral conflicts that characterized the relationship between the FUNAI working groups and indigenous groups in the midst of demarcation procedures.

The TWG was instituted under pressure exerted by the Terena Indians and amplified by the judiciary. As seen above, the Terena from Buriti had occupied a series of farms surrounding their reservation seeking to pressure FUNAI into speeding up the identification of their territories. In July 2000, a legal decision signed by federal judge Paulo Alberto Jorge determined that all repossession orders issued against the Terena of Buriti should be suspended "until FUNAI concludes the reports referred to by Ordinance 490 of June 13th 2000" (A Gazeta National 2000).[67] The legal suits were therefore paralysed awaiting the conclusion of the technical report of the working group.

This decision increased the sense of urgency within FUNAI to advance with the demarcation, as can be seen from internal correspondence within the agency. In an official letter dated from July 10th 2000, the regional administrator of FUNAI in Campo Grande, Joel de Oliveira, requests to the Director of the Land Department of FUNAI that the TWG be sent as quickly as possible to Mato Grosso do Sul in order to carry out their work. This would "demonstrate to the federal magistrates that FUNAI is adopting the necessary measures to solve the issue with the urgency that is required" (National Indian Foundation 1993, 266).

The TWG arrived in Campo Grande on July 18th to begin their work, but due to operational delays, they only arrived in Buriti on July 25th. The TWG had the mission of developing a final demarcation proposal, based on the previous work of Azanha´s working group and their own data concerning the extension and delimitation of the Buriti traditional territory. To do this, it was necessary to hold meetings with and interview the indigenous groups to understand their land claims, travel to the area that was being demanded by the Indians and across the boundaries that had been recommended in the preliminary report written by Gilberto Azanha, and carry out studies concerning land tenure and

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[67] Legal suit n. 2000.60.002532-9, decision from July 6th 2000.

environmental conditions in the region. When asked how he understood the work of the TWG, Edison Lasmar, coordinator of the TWG, answered the following:

> Our work was the following: you have to try to understand the demands of the community, you have to listen and try to enable those claims, making them compatible with what is established in the law and with the options that the law offers, which in this case were basically two: the traditional land, which is in the Federal Constitution, and the reserved area [regulated in the Statute of the Indian], in which you pay for the land. And this does not depend on a choice made by the anthropologist – it depends on how the indigenous presence in the area is characterized, on what the demands are, on all those things (Lasmar 2016).

As soon as they arrived in Buriti, the members of the TWG attended meeting with the community, where the caciques from different villages presented their demands to the group (Silva and Gauna 2000). The indigenous leaders presented to the TWG the territorial demands of the community: they wished to see their land demarcated with 18,000 ha, and presented the territorial boundaries which they considered to be pertinent to the revision of their reservation. Still according to Lasmar,

> As soon as we arrived I was presented with the inquiry of the community concerning whether the extension of the land would or would not be of 18,000. And I responded that, at the time, there was no way I could say for sure what the exact measurements of the territory would be. I tried to explain what was in the law, the nature of the work, but they kept insisting that 'we want the 18.000 ha.' And I would say that it was fine that they wanted that, but I cannot anticipate anything without first doing the work that I came to do, because with the information that I had accessed so far it was still not possible to say anything for sure (…) and on that first day I received a list of all the people I should interview in the community, in each one of the four villages. Because at the time there were four villages in Buriti. They were very organized, very prepared (Lasmar 2016).

In the following two weeks, the members of the TWG carried out interviews in the villages and tried to visit and study the areas that were being demanded by the communities. They were nonetheless unable to do so given the resistance of local farmers, who refused to let the TWG enter their property (Silva and Gauna 2000). There was intense pressure over the members of the TWG, who had but one month to complete their work, and the tension between them started to mount. At the same time, the caciques became increasingly unsatisfied with the work being carried out. According to a field report written by a member of the working group from TERRASSUL,

On the 09/08/2000 there was a meeting of the TWG with the leaders of the [Buriti] villages, where the coordinator communicated to the caciques that the work was almost concluded and that the TWG would leave the area on 15/08/2000. The Indians protested and asserted that the work could not be concluded because the TWG had almost not left the indigenous station and had not visited the lands that were being demanded and the land tenure studies had not been conducted. [They protested] that the groups had only done half a dozen interviews. It was speculated by the Indians that, given the activities of the TWG, the coordinator had already brought a delimitation proposal from Brasília, and that this would not be accepted by the Indians (Silva and Gauna 2000, 3).

The Terena suspected that the TWG had received orders from FUNAI in Brasilia to identify a certain extent of land and that it was going to simply impose these limits upon the communities. This suspicion is understandable since, as studies have shown, it was normal for the territorial extension of indigenous lands to be negotiated amongst bureaucrats in Brazilian and then imposed upon local indigenous groups (Cavalcante 2013). But there was also another problem. According to Lasmar, in one of the meetings in Buriti, a group of indigenous leaders had approached him requesting that the entirety of the land be identified as a reservation, and not as traditionally occupied territory. According to Lasmar, these leaders stated that they had reached an agreement with landowners and politicians in an inter-sectoral meeting that had been held: the lands should be identified as reservations and not as traditional lands. This was a way of ensuring that the landowners would be compensated for their land, since article 231 explicitly forbade compensation for land titles held upon traditionally occupied indigenous territories. The way around this prohibition was to deny that the indigenous groups had traditionally occupied the territory in the terms of the Constitution and to determine that the area be bought from landowners to constitute a reservation. This way the two sides would be happy: the Terena would get their land and the landowners would get their money. But this was a pricy solution for the federal government, which would have to purchase vast tracts of land, especially if Buriti became a precedent for other regions, and it was, according to Lasmar, also illegal, since the agreement explicitly countered the constitution. The Indians asked that Lasmar validate this deal in his report, which he refused to do. Tensions rose among the Buriti caciques and the TWG.

This tension escalated and resulted in the forced detainment of Lasmar in the regional headquarters of FUNAI in Campo Grande on August 21st 2000. Lasmar had called a meeting with FUNAI agents and indigenous leaders to explain that, given the circumstances, he was going to suspend for a short

amount of time the work of the TWG. But the Terena anticipated his announcement and organized a protest in the FUNAI headquarters, where the meeting was being held. The coordinator of the TWG was forcefully held by indigenous leaders, who refused to let him leave without the intervention of higher cadres of FUNAI. On August 22nd, Walter Coutinho, from the Department of Land and Delimitation of FUNAI, arrived in Campo Grande and negotiated with the indigenous groups. The caciques demanded that a replacement for the coordination of the TWG be found. Coutinho and Lasmar were summoned to a village meeting in Buriti on August 23rd, and were once again detained by indigenous leaders until the matter was solved. In a report written by Coutinho on the events of that day, we can see that the indigenous leaders refused to liberate the bureaucrats until the constitution of a new TWG was settled. Moreover, there were discussions, once again, about the type of territory that should be identified for the Indians of Buriti:

> As we tried to explain to the indigenous community of Buriti, the difficulties and uncertainties pertaining to the demarcation of indigenous territories based on Law 6.001/73 is due especially to the lack of regulation of its articles 26 and 27. As we know, there is still no regular administrative procedure for the creation of indigenous reservations, as opposed to the procedure established in Decree 1.775 of 1996, concerning the demarcation of traditionally occupied territories. In the absence of an institutionalized public procedure, the processes of demarcation of reservations have been characterized by slow and irregular developments (…) (Coutinho 2000, 36).

Coutinho therefore presented to the Indians the problems they would face if the TWG indeed opted for the demarcation of reservations instead of traditionally occupied territories. On that same occasion in which Coutinho and Lasmar were being held in Buriti, the leaders changed their position concerning the land demarcation. Still according to the report written by Coutinho, the caciques demanded, on August 24th 2000, that

> [T]he new TWG [to be instituted for the final demarcation of Buriti] should carry out its work for the revision of the territory according to Article 231, §1 of the Federal Constitution. They also emphasized that they would 'later demand the expansion of the area based on art. 26 of *Law 6.001/73 in case the limits established based on the constitution were insufficient for the indigenous community.' Having agreed with the demands of the Terena, we were allowed to leave Buriti, and returned to Campo Grande and later to Brasilia on the morning of 25.08.00* (Coutinho 2000, 3).

The caciques and FUNAI had therefore apparently reached an agreement for the demarcation of the land as traditionally-occupied territory, countering the agreement that the caciques had reached previously with the landowners and local politicians. FUNAI was under intense pressure to advance with the demarcation procedure, and they turned to Azanha once again. As in the previous occasion, Azanha negotiated that he be assigned to coordinate the identification of three Terena lands: Buriti, Cachoeirinha and Taunay-Ipegue. In February 2001, FUNAI published Ordinance 1155/PRES/FUNAI, which constituted a new working group for the identification of the three Terena lands. Gilberto Azanha was the coordinator of these groups (National Indian Foundation February 10th 2001).

The demarcation of Buriti was carried out quickly. This was possibly due to the fact that Azanha had already conducted considerable research in the previous TWG he had coordinated. But it is also possible that the Buriti Indians had managed to pressure FUNAI into accepting their terms, and Azanha adopted a different stance from that of Lasmar concerning his role as mediator between indigenous politics and the state bureaucracy. Unlike Lasmar, who tried to uphold strict legality and the internal codes of FUNAI, Azanha was more open to negotiating and accepting the logics behind indigenous land claims. According to the anthropologist, he was not there to implement the politics or the mission of FUNAI, but rather to give voice to indigenous demands. "in these situations." he told me "you have to let yourself be at the service of the Indians. Be used by them. This is the position I was in" (Azanha 2014).

At the same time, the identification reports had to be grounded upon impeccable legal arguments. The TWG and the indigenous communities were aware that this was only one moment in a much larger battle. As stated by Azanha, this work had to be carried out neatly and systematically, because "it was certain that we were preparing reports that would ultimately be decided by the courts. We knew everything we were doing was going to be questioned in the judiciary, and the judges would be the last to decide. Therefore, everything we did had to be legally impeccable. We had to prepare for the upcoming attacks" (Azanha 2014). Actors were therefore consciously preparing the ground for further rounds of institutional framing and disputes. The firmer their arguments, the easier future rounds of contention would be.

The definitive Circumstantial Identification and Delimitation Report pertaining to Buriti was submitted by the TWG to the President of FUNAI in May 2001 (Azanha 2001a). The territory of the Terena had been identified as composed of 17,2000 hectares – almost the entire extension that had

been demanded by the Indians. Moreover, the entirety of this territory had been identified as traditionally occupied, a fact which hindered the compensation of landowners affected by the demarcation and was likely to generate considerable resistance.

Within the final report, the TWG documented the processes of eviction and dispossession suffered by the Terena of Buriti, as well as the present-day land claims of the communities. The task relied on extensive narratives from the older members of the reservation, and on the cross-checking of those narratives with historical ethnographies and the documents found in TERRASSUL. Based on this cross-checking, the WG determined the territorial extension that could, in the terms of article 231 of the Federal Constitution, be characterized as traditionally occupied. The report is divided into sections which mirror the different requirements of the Federal Constitution for the identification of traditionally occupied territories: permanent dwelling; productive activities, environment; and physical and cultural reproduction. In each one of these sections, it elaborates on *the effective meaning and content* of these requirements, and presents evidence that the land recommended for demarcation complies with those prerequisites.

For instance, in the section on permanent dwelling, the report defends the following:

> Before we close this topic, it is necessary to observe that to demonstrate and to characterize "permanent dwelling" of the indigenous group in the present case is, as we saw, to explore the process of imposition of boundaries from the <u>outside</u>, [boundaries] that do not conform to the criteria and practices of the indigenous groups; to the contrary, the indigenous criteria have had to conform to the imposed boundaries. The interpretation that we subscribe to – and in which the opinions of anthropologists and jurists converge – is based on the assumption that the "traditional occupation" enshrined in article 231 [of the Constitution] *refers at once* to the historical presence of indigenous groups within a determined area *and* to the specific form of occupation, a form that is essentially different from ours, because it is based on [their] "uses, customs and traditions". In addition to this, it is pacified today that the "permanent character" of the occupation (the first element in the constitutional definition) does not refer to a "special circle" around the villages (as another interpretation holds), but is basically <u>temporal</u>, referring to the historical continuity of the occupation, as the concept of possession itself (indigenous or civil) demands and as has been expressed in the vote of Justice Tourinho Neto (from the First Circuit Court of Appeals), which we transcribe below:
>
> > `The Indians have possession of the lands that they occupy on a permanent basis. Right. Nonetheless, if it is proven that they were evicted, by force of not, we cannot admit that they have lost their possession, since, as tutored peoples, they could not demand their rights in court; **in these cases, they had not given up on having the land**...In order to identify an indigenous possession it necessary to observe if there still is, in the area, a*

palpitating indigenous influence, demonstrating that, not many years ago, the Indians had their habitat [within the area] – which was traditionally occupied – and were expelled, forcefully or not´ (in, Duprat, Parecer MS n. 6279/DF*)*.

Therefore, the concept of "permanent dwelling" refers us to the past, in the same way that different elements in the constitutional definition refer to different temporalities: the concept of *areas used for productive activities* and *areas containing the environmental conditions required for their well-being* refer to the current moment; just like the [the concept of lands that are] *necessary for their physical and cultural reproduction*, given its <u>projective</u> tone, points to the future. Each of these clearly <u>temporal</u> concepts characterize, **readily and simultaneously**, the space that is necessary for the existence in time (that is, indefinitely), of a determined indigenous society (Azanha 2001a, 32).

This interpretation and application of article 231 of the Constitution was an innovation in the region and deeply affected the process and goals of land demarcation. Following the preliminary studies of the WG from Ordinance 553/PRES/FUNAI, these reports placed the demarcation of indigenous lands in a new temporal framework, one that extended well into the past – through the systematic analysis of historical forms of indigenous land use and meticulous investigation of historical land titles - and projected itself into the future – inquiring about the territorial conditions that would enable the indigenous community in question to *endure*.

Similar arguments were upheld in the final reports pertaining to Cachoeirinha and Taunay-Ipegue, though these reports took longer to be prepared – the report on Cachoeirinha was ready in late 2001 and the one on Taunay-Ipegue in 2004 (Azanha 2001b, 2004). More than the delineation of new territorial boundaries, these reports were pointing to a new way of thinking about the temporality of indigenous culture and identity (placed in the past *as well as* in the future) as well the terms of the relationship between Indians and surrounding society. By opening the doors to the past, they introduced new arguments and systematized large bodies of evidence concerning the legality and legitimacy of the existing land tenure structures in the region. According to Azanha (2014), they did this because they knew that, in the end, it was the judiciary that would decide about the demarcation of these lands, and that to win the battles in the legal system, both sturdy evidence and legal arguments were necessary.

The table below presents the information on the changes in land tenure proposed by the three reports written under Ordinance 1155/PRES/FUNAI of 2001:

Table 5. Revision and demarcation of Terena territories under administrative ordinance 1155/PRES/FUNAI.

Indigenous land	Population	Indigenous reservation size (ha)	Size identified in FUNAI Report (ha)
Buriti	4,500	2,100	17,2000
Cachoeirinha	5,000	3,000	30,000
Taunay-Ipegue	7,000	6,400	33,900

The strategies deployed by the TWG – composed by CTI, FUNAI and TERRASSUL – and by indigenous groups in the late 1990s and early 2000s represented important steps in the de-legitimation of the structures and practices of land tenure in the region and the proposition of a new rationale and set of rules to organize the allocation of land. The reports prepared by the TWGs in collaboration and antagonism with indigenous groups contain important elements in the construction of new institutions of land tenure. These reports present, systematize and analyse new bodies of evidence that underpin the argument of illegality of land titles in MS. The demonstration of illegality is a step in the deconstruction of the legitimacy of the existing land tenure structures –of unsettling the structure of property rights in the region. This makes existing structures vulnerable to the proposition of new forms of land tenure allocation – new rules and practices. If the existing structures are destabilized and their legitimacy questioned, they are more easily substituted by new structures. They also elaborate a new rationale for indigenous land demarcation in the region. This rationale is based on a reading of the temporal dimensions of Article 231 of the Federal Constitution

Indigenous groups began to deploy at this time new strategies and tactics to place pressure on government and advance their land claims. In 1999 and 2000, the Terena Indians from Buriti wrote petitions, occupied the headquarters of FUNAI, held hostages in their village and occupied parcels of contested land – all in order to pressure FUNAI into moving on with the identification process. This pressure worked. The report on the revision of Buriti was the first to be concluded. The proposed demarcation was framed under article 231 of the Federal Constitution (not under the Indigenous Statute) and encompassed all the lands that the Indians had been fighting for. In the upcoming years of contention, the reports of the TWG would be a crucial tool for indigenous mobilization over land

tenure. These reports provide a new layer of legitimacy to indigenous land claims, since they represent the ratification of FUNAI that the contested territories are, indeed, traditional.

Finally, unlike in previous rounds of contention, indigenous groups were no longer demanding to have the reservations and territorial boundaries of the early 20th century. They were proposing new boundaries. The proposition was negotiated between indigenous groups and the TWGs, which developed theories and interpretations of the institutional context (constitution, other available laws and regulations) and deliberated upon what extension of the Indian´s territorial demands could be demarcated under that context. It was the proposition of new boundaries through a creative engagement with institutional contexts of action.

The consolidation of this institutional project in the reports of FUNAI was only one step in a much longer process in land struggles. As noted above, the administrative demarcation process is long and cumbersome, requiring the approval of the proposed demarcation by the Ministry of Justice and, later, by the Presidency. Indigenous groups now had a government-backed document legitimizing their land claims, and had begun to deploy new forms of claim-making in the pursuit of their goals. This legitimation and these forms of action would be crucial elements in the continued struggle over land over the course of the following years.

8.5 Continued pressure for demarcation and the consolidation of the reclaiming

In the year 2000, land occupations were used by the Buriti Indians to ensure that the report in the identification of their land would be concluded by the TWG instituted by FUNAI. But as soon as the report was approved by the President of FUNAI, landowners filed a suit demanding the annulment of the demarcation procedures on procedural grounds, arguing that landowners had not been heard throughout the demarcation process.[68] The 1st instance judge quickly issued a preliminary decision suspending the administrative process. In 2003, after nearly 2 years of suspension, indigenous groups again reclaimed neighbouring estates – this time eight farms were occupied – and demanded that the judge speed up the investigation in order to allow the demarcation to be reopened. In a judicial

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[68] Declaratory Suit 2001.60.3866-3, MS.

agreement signed on the 29th of August of 2003, we find that reclaimings were used to bargain with the landowners and the federal justice system (FUNAI 1993,722):

> The federal judge began the hearing by stating that he would continue with the meeting that had begun on the previous day in the headquarters of Mr. Ricardo Bacha. After this, statements were taken from the representatives of the [indigenous] villages, *caciques* Venício Jorge, Antônio Aparecido, Jânio Reginaldo, and professor Alberto. The parties had thoroughly discussed the proposal and reached the following agreement: The Indians would, on this date, clear out the following farms: Bom Jesus Farm, Buriti, Três R, [and] Querência de São José, all situated within the municipality of Sidrolândia, MS, taking with them all their belongings. *In return, the Federal Justice System commits itself to speeding up all the processes that involve the indigenous community of Buriti. This speeding up encompasses the carrying out of an anthropological study within 90 days (…) and the judgment of the process within 30 days from the conclusion of the anthropological report (…)* (National Indian Foundation 1993, 722)

In addition to being deployed as a form of exerting pressure upon the administration, the reclaimings also became a means of bargaining with the judiciary. Moreover, this form of protest and claim-making started to diffuse to other Terena communities – namely to groups of Indians in Cachoeirinha - by means of a new organization that was entering the field: CIMI. According to Heck (2014), CIMI had been severely persecuted by FUNAI in the north of Mato Grosso do Sul, and Heads of Station and regional FUNAI coordinators had managed to hinder the entry of CIMI missionaries within Terena territories. But, as different groups started to become involved in land tenure disputes, CIMI managed to enter the field, first in Buriti and then, even if briefly in Cachoeirinha, in the mid-2000s" (Heck 2014).

The demarcation process of Cachoeirinha was paralysed in 2003. As soon as it was sent by FUNAI to the Ministry of Justice for validation, no further steps were taken in the advancement of the process, which required that the Minister of Justice issue an Ordinance declaring the land as traditionally occupied. Within the village of Cachoeirinha, a process of mobilization began to take place, pushed by local political leaders and with the support of CIMI (Ferreira 2014, 377). Already in 2003, and responding to the territorial claims that were being advanced by the residents of Cachoeirinha, CIMI began to visit different indigenous villages in Cachoeirinha and organize events to discuss how the indigenous community could pressure government into demarcating their territories. The first seminar organized by CIMI took place on April 17th 2003. Taking part in the meeting were indigenous

leaders, Jorge from CIMI, the Chief of Indigenous Station from FUNAI and indigenous leaders from Buriti – all of which had previous experiences with reclaimings. CIMI opened the meeting with a presentation of the history of indigenous struggles in the region, and after this the indigenous leaders asked questions about the demarcation process, about how the land would be divided up amongst villages when it was completed, about how farmers would be compensated. In the afternoon, the indigenous leaders from Buriti spoke about how, since the late 1990s, they had been organizing themselves for the "reclaiming of land". This was a moment in which the acquired skills of the Buriti leaders concerning land occupation were shared with the Indians in Cachoeirinha. Namely, they spoke about how the TWG of FUNAI had confirmed their territorial claims, how it had been difficult to enlist the people who would take part in the occupation, and the hardships that the community had endured in the camps (Belizário 2014, Rodrigues 2004). They talked about how to prepare to address these hardships in the struggle for land. CIMI was a mediator in this exchange.

After this, four other seminars were organized by CIMI in 2004. At the time, an alliance had developed between five political leaders of Cachoeirinha, each representing a different village. These leaders began to travel together and to hold discussions after the seminars. CIMI intervened in order to promote and sustain this alliance and to advance the struggle for land tenure. The indigenous seminars deliberated on the formulation of an indigenous policy that touched upon the issues of land demarcation, but also other issued such as health, education and participation in local politics. The seminars organized throughout 2004 were very important for local communities. One resident of the Mother Earth Reclaiming, Maria Belizário, described the importance of their work:

> It was really important for all of us to participate in those seminars…you see, we all knew that the land belong the reservation had been ours, we knew that because out parents used it, and because they told us…we also knew because we used the land to hunt, for leisure…but those seminars…there we were really able to talk about these things and to think about them. And we talked about getting that land back. People with more experience explained to us…what is a reclaiming, what we should do and what we shouldn't do…and we listened and thought about it and discussed a lot. That was really the beginning of a process. Plus, we went around every one of the villages in Cachoeirinha, we knocked on everyone´s door to tell them about the mobilization. We knew this could be risky because there were people who were against what we were doing and who thought it was best to just stay quiet. But we thought that it was important…that everyone had to know so that they could participate when the time came, so they could feel involved in some way (Belizário 2014).

The alliance between caciques fell apart in 2004, amidst power struggles involving the different political factions. Mobilization for land reclaiming was suspended until 2005, when it would be taken up again by some leaders. The emergence and consolidation of the reclaiming as a repertoire of claim-making in Cachoeirinha was the result of one a power struggle between indigenous political factions. Upon a trip to Brasilia, a few indigenous leaders found out that the declaration of Cachoeirinha by the Ministry of Justice was being negotiated only with a few of the leaderships in the village and had been excluding others. According to Cordeiro (2014: 380): "With this information, the group went back [to Cachoeirinha] and denounced the negotiations taking place without the knowledge of the leaders and the community. This precipitated the decision to reclaim the land, which was led by people from [the villages of] Argola, Babaçu and Lagoinha. Sabino [Albuquerque] positioned himself against the 'occupation', arguing that the people would run unnecessary risks." Sabino Albuquerque, who was allegedly negotiation the declaration with the Ministry of Justice and was also an ally of the CTI, had positioned himself against the reclaiming of territories. But other leaders considered that this was the only way they could carry on with and reap the benefits of territorial disputes. In the words of Lindomar Terena, one of the leaders of the reclaiming on November 28th 2005,

> We had been organizing ourselves to discuss the land issue for a long time. We held seminars, assemblies, gatherings to discuss the issue. We had some help from the people at CIMI. Ever since 2000 we had been waiting for government to do something, to advance in the demarcation of our territory, but nothing was happening. And so one day we decided that we would not wait anymore. We decided to go ahead and do the reclaiming in order to pressure government, so that the demarcation, which is our right, would be concluded. We didn't believe in meetings anymore, in talk, in conversation, we wanted to take matters into our own hands. At the time we had already been organizing things for a while…we had put together commissions that would go door to door in the different villages recruiting people for the reclaiming…so everyone knew what was happening when it happened…people understood. So in November [2005] we decided that it was time to do it, and we went into Santa Vitória (Lindomar Terena 2014).

As can be seen from this statement, the reclaiming was carried out as a strategy for pressuring government and speeding up demarcation. Given the previous conversations of indigenous leaders with FUNAI agents in Brasilia, it was also a strategy to guarantee that the leaders who had been excluded from the negotiations would have a voice and a stake in the process of land demarcation. There was intense competition about how the demarcated territories were to be divided up amongst the communities and political groups within Cachoeirinha. Being excluded from negotiations with

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FUNAI and the Ministry of Justice signalled that some leaders – and their supporters - might be excluded from the territorial gains that would ensue from demarcation. Reclaiming can therefore be interpreted, at this specific time, as a form of guaranteeing a place at the negotiations.

On November 28th 2005, one of the 53 estates affected by the land demarcation process was occupied by around 30 families. The estate was called Fazenda Vitória and was owned by João Proença de Queiroz. The landowner quickly filed a repossession suit and in December the first instance judge issued a preliminary decision mandating that the Indians leave the occupied land. A repossession order was issued and the federal police began coordinating an eviction operation against the Indians. But the latter resisted, and led one of the most memorable episodes of mobilization of the past decade. As narrated by Zacarias Rodrigues, one of the Terena leaders who participated in the reclaiming:

> They sent the police in to get us off the land. But they didn't know what they were doing, they didn't know how mobilized we were. We sent word out to all the people from Cachoeirinha, explaining our hardship, asking for their support, saying that we needed to fight together…everyone knew the importance of what we were doing because we had openly discussed it with so many people, with different leaders, in seminars and meetings, before. And the people came to support us. On the day the police came to evict us, they couldn't believe what they saw in front of them. There were more than 1000 Indians on the land. Everyone was resisting. We refused to leave, the land was ours! This was already confirmed! And so the police couldn't get us out. They left without even trying to get us out. They gave us a document, about the eviction order, and just left, saying that there was really nothing they could to. That's how this came to be as it is today. After that, we gained security that the land was ours and that we were ready to fight. (…) People started to come live with us on the camp, the whole thing grew, and now we have…we have water, we even have a school (Rodrigues 2004).

The successful resistance against eviction is remembered as a foundational moment in the struggle for land tenure amongst the Terena. When asked today about the first reclaiming in Terena territories, most people will refer not to the 2000 occupations in Buriti, but to the 2005 reclaiming in Cachoeirinha. The Santa Vitória Farm was baptized "Mother Earth Camp" and was consolidated through the joint mobilization of indigenous groups and a new actor in the local land tenure struggles: The Federal Public Prosecutor´s Office (MPF). The MPF has developed a profoundly pro-indigenous ethos since the passing of the Federal Constitution of 1988. Traditionally an organization responsible for criminal law enforcement, the Federal Constitution gave the Public Prosecutor´s Office new public

interest responsibilities. Namely, it became the guardian of a set of collective and diffuse rights, such as the right to a balanced environment, consumer protection, and cultural rights. These new attributions attracted a wave of progressives and activists into the organization as of the 1990s (Duprat 2015). One of these activists was Debora Duprat, who in the mid-1990s helped consolidate a special chamber in the Federal Prosecutors Office to account for and enforce the rights of cultural minorities – the 6th Chamber of Coordination and Revision.

The primary function of the 6th CRC is to ensure that there is a channel between traditional communities and the MPF. In practice, the interaction between the local MPF and local communities depends a lot on the engagement of the local public prosecutor. The problem is that many times public prosecutors do not care about indigenous peoples or other traditional communities. In these cases, "the 6th chamber steps in as a backup and a guarantee that there will always be someone in the MPF to channel the claims and complaints of these groups into the institution. When the local prosecutor is hostile to indigenous issues, or when they are simply indifferent, then the 6th chamber steps in and serves as the direct interface between the community and the MPF. This is why we are always traveling around, all over Brazil" (Duprat 2015).

In addition to ensuring the interface between local communities and the MPF, the chamber looks over the nomination of federal prosecutors to work in areas where the situation of indigenous peoples or other traditional communities is more demanding or sensitive. The Chamber has an influence over the nomination of prosecutors to occupy such areas, and they try to ensure that the areas where there are conflicts or rights violations involving indigenous communities will receive a prosecutor that is sensitive and engaged with these issues. In this sense, the Chamber works as an instance of control, guaranteeing the local prosecutors will contribute to and participate in institutional activism.

This partially explains the consolidation of a pro-indigenous ethos among public prosecutors throughout Brazil in general and in MS in specific. But this was not all. The Terena Indians also actively engaged with their local prosecutors to involve them in ongoing land tenure disputes. Since the day he took over as prosecutor in Campo Grande, Emerson Kalif received numerous visits from indigenous groups. He was also taken on several occasions to visit land reclaimings, to see and experience how the land was used by the Indians and to understand the needs of indigenous communities. According to Emerson Kalif, federal prosecutor in Campo Grande in 2006,

I assumed the position here in Campo Grande right after the reclaiming, so I wasn't in office at the time that the reclaiming took place. But I looked over the entire process through which the possession of the Indians was consolidated in the following years. And the consolidation of possession was actually the result of multiple and converging processes. On the one hand, there was the strong resistance and mobilization of the Terena themselves, which, in a first moment, did not allow the repossession order to be carried out. The land was not being used by the farmers, and the Terena quickly reversed this situation: the planted, planted and planted. This was important for the establishment of legitimate possession. You should see how quickly and effectively they used the land. I went to visit it right after I took office. It was impressive.

We took care of the judicial part. First, I filed a public civil suit for the installation of artesian wells in the camp in order to provide the residents permanent water provision. In addition to this, I filed an interlocutory appeal in the Court of Appeals [against the repossession order], which gave us a positive decision, allowing the Indians to stay on the land. I could then start negotiating with the local mayor and ask him to install basic services in the camp. I asked for a school, because those children needed a school, or else they would have no access to education. The mayor would refuse, circumvent my demands…so one day I showed up and told him 'ok, so either you start building that school of I will come back with a suit against you' and so that was that, and we had the school. You have to be careful with these negotiations, you can't just go and file suits against everyone…you have to try to talk, to convince the politicians first…but if that doesn't work, then we can always resort to the legal system. [The MPF was] firmly convinced that, in view of the land identification report which had already been approved by FUNAI, the Indians had the right to that territory. But they were living in absolute hardship. While possession was not fully recognized the courts, FUNAI would not do anything, make any investment, to improve their livelihoods. But without water, without health, without education, those Indians could not live with any dignity, they could not live on the land that they were entitled to.

Finally, there was the fact that one of the landowners was old, and that there were some disputes concerning who the farm belonged to…so, given that the Appeal Court allowed the Indians to stay on the land and given the consolidation of their possession, one of the farmers accepted to leave, taking the compensation for his betterments and leaving the land to the community (Kalif 2014).

In this statement, the issue of land tenure is portrayed as an issue of citizenship and dignity, and for the latter values to be realized, and the struggle for the realization of these values passes through the struggle for land. The MPF supports this struggle in different ways, as we see from the excerpt above. First, it defends the possession of indigenous groups over disputes territories in repossession suits as well as in suits that discuss the ownership (and not merely the possession) of these lands. These tasks are many times shared with FUNAI, which counts on the support of a state attorney that is responsible for defending the acts of FUNAI – in this case, the administrative demarcation process

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– when they are questioned in court.[69] Second, the MPF engages with politicians at the municipal level in order to ensure that indigenous groups situated within reclaimings will have their basic social rights – right to education, to health, to territory – enforced and implemented. Third, when activated, the public prosecutors provide indigenous groups with legal advice concerning the interpretation and implementation of their rights. It is noteworthy that the MPF has within its cadres highly well-trained and well-connected jurists, a fact which can be of high importance for indigenous groups.

The reclaimings constituted an important repertoire for the indigenous movement and had important consequences in the process of institutional unsettling and contestation. First, they were used as a tactic to pressure government into demarcating indigenous territories and to push the judiciary to speed up its process of decision-making in legal suits. It is not to say that the reclaimings always worked, but the processes described above show that these acts enabled indigenous groups to generate a level of instability that pushed the administration and the judiciary to respond – sometimes favourably, sometimes not. And even an unfavourable decision seems to have be better for the movement than no decision at all, since it keeps the debates and mobilization – here understood as a conversation – going.

Second, the reclaimings activated a new tie in the field of contention, linking together the MPF and the indigenous communities engaged in open land struggle. As indigenous groups contentiously occupied territories, landowners engaged in a process of judicialization of contention. This process had two routes. First, after a land was occupied, the landowner filed a repossession suit to regain possession over the territory. Second, as the demarcation processes advanced, landowners would get together to file suits which demanded the annulment of these processes, normally on procedural grounds. The first type of suit discussed possession, the second discussed ownership – who had the legal right to the land. But in both cases, the MPF was summoned – by order of the Federal Constitution – to intervene in all acts of the legal suits. This meant that the territorial claims of indigenous groups would be defended within an arena of institutional legitimation – the judiciary - by skilful jurists who had a highly pro-indigenous ethos and engagement. This opened the doors to a

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[69] When I was conducting my fieldwork in 2014, the state attorney working at FUNAI was Adriana Rocha. I spoke to Adriana off the record, since at the time, due to Ordinance 303 of the General Federal Attorneys (the agency that represents the issues of the government in the judiciary, state attorneys were prohibited from issuing formal statements concerning the "indigenous land question". Only the Attorney General had such prerogative. Nonetheless, my conversation with Ms. Rocha was crucial in my understanding of how the land tenure disputes I am analyzing are internalized by the judiciary, as will be analyzed in the upcoming chapter.

new arena for institutional contestation, an arena which would be occupied by both sides – indigenous groups and landowners – as they sought to legitimize their institutional interpretations and practices. The channelling of disputes into the judiciary and its outcomes will be analysed in more detail in the next chapter.

8.6 Sixth episode of mobilization: patterns and incremental outcomes

The sixth episode of mobilization described above began in the late 1990s as groups of Terena Indians made use of favourable political contexts – namely the election of the Workers' Party candidate Zeca do PT for governor and the opening up of FAMASUL archives – in order to pressure anthropologists and FUNAI to reopen and revise the demarcation of their territories. The episode was characterized by the continuous activation and framing of institutional contexts of action. Indians, anthropologists, bureaucrats, and later public lawyers sought to make sense out of the variety of institutional elements which were available to them. The meanings of "traditionally-occupied territories" and "indigenous reservations" were far from stable and clear-cut, rather they resulted from multiple instances of contention and communication. The institutional preference of different actor groups was also far from stable. Indigenous leaders oscillated between how they wanted their territories to be identified – as traditionally occupied or as reservations – as did FUNAI and its TWG. Landowners had the most stable preference, since demarcation as traditional territory would imply sever losses for them. The meaning and implications of these different institutional options ensued, on the one hand, from processes of instrumental negotiation and, on the other, from sense-making and coming to terms with the complexity and ambiguity of the institutional context.

Inter-sectoral ties were crucial for the Terena Indians – who gradually took the lead within mobilization processes - to advance their preferred interpretation of the heterogeneous and ambiguous institutional context. In developing the land identification reports, indigenous groups drew on their collective memories and narratives of land tenure in order to frame and transmit their land claims to authorities – namely to FUNAI´s technical working groups and, when possible, to higher cadres within the bureaucracy. Meanwhile, the TWGs were engaged in framing those demands in light of the existent legal context. In a word, inter-sectoral cooperation provided the necessary elements for successful institutional framing.

But such cooperation was unstable and difficult to maintain. The processes of institutional activation and framing were often contentious, with important tensions and conflicts arising between indigenous groups and FUNAI. In these situations, inter-sectoral ties were kept together by three types of engagement. First, by the skilful leadership and mediation skills of Azanha, who positioned himself between the social worlds of the bureaucracy, village life and anthropology in order to negotiate and consolidate agreements between the different parts involved in the contention. Second, the ties were forcefully activated by the highly disruptive tactics – kidnappings, occupations of public buildings, occupations of farms – in order to pressure for the continuation of the demarcation procedures. Third, indigenous groups deployed other strategies to convince inter-sectoral allies about the legitimacy of their claims and tactics. They did this, for instance, by insisting that the TWG interview the elderly members of their community, who detained memories about the times in which the territories under contention were occupied by the Terena. They also did this by bringing the public prosecutor to visit the reclaiming and showing him how they used the land to plant and to settle residents of the villages who had nowhere to live. Through these repertoires, indigenous groups struggled to take the lead over the contentious processes. Both of these engagements were crucial for inter-sectoral alignments throughout the episode, but neither of them ensued in the consolidation of sustained inter-sectoral social movement or coalitions.

As contention unfolded, the field became increasingly complex. In 2003, CIMI first made itself present in two Terena reservations, Buriti and Cachoeirinha. The CIMI missionaries were doing what they had done since the 1970s – organizing seminars and assemblies in order to bring previously separate indigenous groups together and promote communication amongst them. In the specific instance of mediating between the Terena of Buriti and Cachoeirinha, CIMI was promoting the diffusion of a claim-making repertoire – the reclaiming – and trying to promote alliances between indigenous leaders within and across reservations. Shortly after that, in 2005, the Public Prosecutor's Office (MPF) also integrated the field of contention by actively defending the rights of indigenous groups inside and outside of court. They defended and advanced indigenous rights by deploying legal instruments and legal arguments in court and by negotiating with local politicians.

The episode of mobilization contributed to three outcomes, two of which are internal to the movement and one of which is institutional. First, it ensued in the emergence of inter-sectoral ties at the local level which brought together indigenous leaders from different reservations,

anthropologists, missionaries, and public lawyers. This network is unstable and at times its ties of cooperation disintegrated into antagonism - as can be seen from the relationship between indigenous leaders, anthropologists, and FUNAI. It is a network in which actors and organizations are constantly negotiating the terms of the relationships which compose it. An important part of the challenge for those participating in the network was settling the tensions and mediating across actors, groups and sectors.

Second, mobilization ensued in the emergence of a new repertoire of contention: the reclaiming. The latter only became a viable form of claim-making because the repertoires – forms of claim-making, systems of knowledge and world views – of actors situated across different sectors were brought together in legitimizing and justifying indigenous land claims. Among the Terena, reclaimings have been carried out largely within territories that had been previously identified by anthropologists as traditionally occupied, with the repertoire drawing legitimacy from anthropological studies and truth claims. But the endurance of a reclaiming relies, on the one hand, on the support of villagers, who provide occupants with food, water, material to build tents, and the like. They depend on help and assistance from people still within the reservation to get these crucial elements, especially since it is common for FUNAI to refuse to give assistance to indigenous groups settled on disputed lands. Moreover, in the case of the Mother Earth reclaiming, the Terena came massively from other villages to support resistance to the enforcement of the repossession order. In addition to this, in the beginning of a reclaiming the indigenous groups have no access to food, water, material to build tents, and the like. In the aftermath of the reclaiming, legal support from the MPF and from the legal department of FUNAI is crucial, since public lawyers work to develop the legal arguments which justify indigenous possession within the occupied areas.

The third outcome of this episode of mobilization is institutional and consists formal reports approved by FUNAI which recognize new boundaries for the three Terena territories as traditionally occupied. These reports represent an important instance of change in the administrative procedure through which indigenous lands are demarcated. First, because they no longer deploy the notion of reservation, but rather of traditionally-occupied land. Second, because they were carried out with the active and contentious engagement of indigenous groups. The latter actively participated in land demarcation, be it by proposing the boundaries and extension of the territories to be identified or by pressuring for the continuation of demarcation processes against the ineffectiveness of FUNAI and

the obstacles posed by court procedures. It is noteworthy that activists were well aware that this was not the end of contention. As stated explicitly by Azanha (2014), they knew that the demarcation procedures and indigenous land claims would inevitably be questioned and disputed in court. Just like at the end of the fifth episode of contention, activists were preparing the field for further rounds of contention and institutional disputes. And they were right about their predictions.

Chapter 9. Mobilization across sectors and in courts: Legal activism and institutional innovation

9.1 Introduction

Landowners did not remain passive in light of indigenous land demarcations in the state. As of the mid-2000s, they engaged in sustained processes of counter-mobilization, which sought to paralyze and invalidate the administrative procedures instituted by FUNAI and to remove the Terena Indians from reclaimed territories. They did this by challenging all the moves made by the indigenous movement in the justice system. Each and every step taken towards the administrative demarcation of indigenous territories, each and every reclaiming, was questioned in the judiciary and tentatively obstructed by legal measures. Judicialization was based on a bet that the indigenous movement would not be able to sustain their institutional projects and interpretations within the legal system. It was a bet that, in the courts, land demarcation processes could easily be annulled and landowner possession over reclaimed estates could easily be regained.

The bet was proven wrong on more than one count. Pro-indigenous activists responded to the counter-mobilization strategy by activating their ties to public lawyers and following contention into the legal sector. They activated narratives about the history of frontier consolidation in MS and developed arguments about the unlawfulness of land titles, disputed the meaning of the Federal Constitution, and coined institutional interpretations that justified why the delimitation of indigenous lands proposed by the movement was morally and legally superior to existing land tenure structures. By doing so, activists demonstrated their ability and willingness to dispute the meaning and implication of existing institutional elements and strengthen their preferred institutional logics from within the institutional system.

Even if the judiciary is taken as a privileged arena in which to analyse the forms and outcomes of the seventh episode of mobilization, it is crucial to point out that it is only one of the many sectors that

make up the complex, inter-sectoral landscape within which disputes are played out. The forms of interaction between actors situated within the judiciary, the administration, and indigenous politics are complex. These forms and relationships are at the centre of this study. The judiciary is a strategic locus of analysis to the extent that these multiple interactions can be observed and traced within its meanders. On the one hand, contention within the judiciary grows out of other forms, arenas, and modes of claim-making. Legal suits are a response to disruptive repertoires such as reclaimings and to administrative procedures of land demarcation. On the other, what happens within legal suits feeds back into and influences other modes and arenas of contention. Legal decisions can validate or reject specific demands and forms of claim-making. They can hinder, suspend or foster administrative demarcation processes as well as call for the production of further historical and anthropological evidence pertaining to ownership over the disputed territories. By declaring the legality of some claims and not others, the judiciary contributes to the complex and ongoing process through which land tenure is constructed.

This chapter analyses the seventh episode of pro-indigenous mobilization, which begins in the early 2000s with the initial judicialization of land tenure disputes and ends in 2015, with the emergence of new institutions of land tenure, coined through the framing and recombination of existing institutional elements. This episode partially overlaps with the previous one. It involved the weaving together institutional repertoires from different sectors – the legal skills of public lawyers were activated by and interacted with the reclaimings of indigenous communities and legal arguments drew on the anthropological knowledge contained in demarcation reports -, which were brought together in legal disputes concerning the legality of ownership and possession over disputed territories. Towards the end of the episode, inter-sectoral ties were strengthened through the consolidation of the Terena Assembly and a stable inter-sectoral network emerged in the struggle over Terena territories.

I begin by investigating the different paths through which land tenure disputes involving Terena territories were channelled into the judiciary, revealing not only the legal codes and instruments through which these disputes take shape in the legal sector but also the social processes which resulted in legal contention (section 9.2). I then go on to examine quantitative data on court decisions pertaining to the land disputes, and to identify different phases of decision-making within the episode (section 9.3). After this, I analyse the strategies of mobilization deployed by pro-indigenous activists

in each of these phases (section 9.4 and 9.5). The last section systematizes patterns and outcomes of mobilization during this period of contention (section 9.6).

9.2 From mobilization to judicialization: Taking land disputes to court

The first important question to be addressed in an analysis of how the judicial sector impacts and is impacted by mobilization is to understand how this sphere of decision-making is activated and brought into the dispute. Answering this question allows for the identification of which actors in the struggle have access to the judiciary and which underlying conflicts spurred the drive for judicialization. The previous episode of pro-indigenous mobilization and its outcomes – administrative identification of traditionally occupied territories and the consolidation of the reclaiming as a repertoire of claim-making – set the stage for the judicialization of land disputes. In fact, judicialization was a response to each one of these outcomes.

The first path to the judicialization of land tenure disputes begins with the counter-mobilization of landowners against administrative procedures that identify traditionally occupied territories and support the land claims of indigenous groups. The legal suits filed by landowners against such procedures discuss the problem of land *ownership*, that is, the legal right of dominium over land.[70] Already in the early 2000s, landowners became aware that administrative demarcation processes taking place within the federal administration posed serious threats to their land tenure. As seen in the previous chapter, in 1999 a Working Group was instituted by FUNAI, led by anthropologist Gilberto Azanha of the Centre for Indigenous Work (CTI), to revise the territorial boundaries of three Terena reservations: Buriti, Cachoeirinha, and Taunay-Ipegue. Throughout the 2000s, these three demarcation processes slowly advanced, and indigenous groups from other reservations, such as Pílad Rebuá, began demanding the revision of their territories in accordance with constitutional norms as well.

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[70] While they may be closely related, ownership and possession are legally two different institutions. Possession refers to the relationship between an actor and an object which involves actual, i.e., *de facto*, occupancy and custody. Ownership refers to the right of dominium over property. If the saying holds that "possession is nine-tenths of the law", that is because if somebody possesses an object, chances are they are its owner. But the two do not necessarily go hand in hand. In some cases, the owner of property is deprived from the right to use it or reap profit from it – this is called *bare ownership* – and, in others, simple possession with no legal title may become ownership through institutions such as *usucaption*.

The administrative demarcation procedures posed a fundamental threat to the territorial rights of landowners. If sanctioned, the land identification reports contained within these procedures would invalidate, *ab initio*, the rights of ownership that landowners thought they held over the disputed territories. To identify and demarcate a parcel of land as traditionally occupied by indigenous groups in the terms of Article 231 of the Federal Constitution means to declare void all legal acts - contracts, titles – which established rights over these territories. If this happened, all property titles falling within the boundaries of the traditional territory would be declared null and void and landowners – which, at this point, would no longer deserve this title – would not be entitled to any compensation.[71]

Landowners were quick to react to these processes, and part of their reaction came in the form of judicialization. According to Eduardo Riedel, former president of the Federation of Agriculture and Livestock of Mato Grosso do Sul (FAMASUL) and current secretary of government of MS,

> In the legal system, both landowners and this federation made an enormous investment in the judicialization of these processes, especially since 2006, 2007. We adopted a strategy of deepening the discussion and not allowing that ideological machine that was put to the service of government [referring to FUNAI] to simply run over our rights. Judicialization slowed down the process, that was deliberate…we said 'no, you won´t go ahead demarcating territories as you wish'. Today FAMASUL has around 84 legal suits against these demarcations. The only instrument I have to discuss is the Brazilian judiciary, the judicial sphere (Riedel 2014).

To contest the land demarcations procedures, landowners and their representatives filed a type of suit called a declaratory suit, by means of which landowners ask the judiciary to declare the lawfulness of their ownership over the land and to validate their property rights. This is always coupled with a second, complementary, request, to annul the administrative demarcation procedure. Indeed, the recognition of ownership by landowners cannot coexist with the identification of a territory as traditionally occupied, since these two types of ownership are mutually exclusive. Furthermore, these suits always request a preliminary injunction that will suspend the administrative demarcation procedure for the entire duration of the legal suit.

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[71] Note that to declare the nullity of something is very different from annulling it. To declare that a land title is null means to declare a legal fact that was already there and to simply recognize that that specific land title had never existed or generated any legal effects. To annul a land title means to take away legal existence and effectiveness from something that, before that act, was fully existent and effective within the legal system.

Since the early 2000s, landowners have filed ten declaratory suits seeking to annul the demarcation of Terena territories and obtain judicial declaration of the validity of their property. Six of these suits were filed by landowners affected by the administrative demarcation of Cachoeirinha; two of them by landowners affected by the demarcation of Taunay-Ipegue, and one by landowners affected by the demarcation of Buriti and Limão Verde.[72] The central arguments presented in these suits are that the land titles held by landowners are rightful and legitimate, and that these territories are not and have not been occupied by indigenous groups for decades. The evidence presented by landowners consists in their land titles and in the property rights chain dating back to the original land title issued by the state. These documents, argue the landowners, and the flawless chain of ownership that can be traced back through the decades, constitute proof of the legality of their ownership and of the absence of indigenous occupation over the territory.

In Declaratory Suit 2001.60.00.3866-3, pertaining to the ownership of a set of estates in the municipality of Buriti, landowners develop three arguments as to why the property rights of titleholders are valid and the administrative demarcation procedure of Buriti must be invalidated: 1) the demarcation procedure of Buriti is invalid because it did not respect the right to information of landowners; 2) the correct interpretation of article 231 of the Federal Constitution holds that indigenous groups are entitled to the land that they traditionally *occupy,* in the present tense, and not to the land that they occupied in the past; 3) the right of indigenous peoples to their land was first recognized by the Brazilian Constitution of 1934, and the land titles held by the landowners in the Buriti region were issued before this date. As can be seen from this brief excerpt, the arguments and evidence produced in declaratory suits are oriented towards the past, and towards the past-based legitimation of property rights. According to the petition,

> 37. If the Indians do not have the right to return to the land that they one day inhabited, because this is not guaranteed to them in any legal text (i), and if indigenous land rights were first recognized in the Constitution of 1934 (ii), and, finally, if the property of the authors of this suit is based on land titles issued by the state of Mato Grosso before 1934 (and, more precisely, between 1920 and 1928) (iii), **one must conclude that**, even if it is proven or demonstrated (and we don't know how this would be possible) that the Terena one day lived on these same areas – which we admit only for argument´s sake – **they can no longer return to them, because a legal situation**

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[72] A list of these suits, as well as a description of how they were systematized and analyzed, can be found in Annex 1.

that is absolutely in accordance with the law has been consolidated for a long time. It would be, as it is, completely unreasonable and disproportionate admit such a pretension. (…)

38. This is the sense in which this suit presents itself, requesting that the ownership of the authors over the disputed land be declared, as well as asking that the administrative demarcation procedure that has been instituted by FUNAI to demarcate, upon the land of the authors, new limits for indigenous territories, be declared null or invalid (emphasis in the original).[73]

The MPF, FUNAI, and the Federal Union intervene directly in these suits. Their intervention is made possible, on the one hand, by the formal rules that govern the representation of indigenous interests in legal suits and, on the other, by the pro-indigenous engagement and ethos that has become consolidated within public interest institutions such as the MPF. While the rule system opens up space for pro-indigenous mobilization within the courts, the pro-indigenous ethos ensures that such space will be used to defend the territorial claims of indigenous groups.

The formal rules that govern the participation of public lawyers representing indigenous rights in legal disputes are established within the Statute of the Indian and the Federal Constitution of 1988 – both of which, as was demonstrated in previous chapters, are outcomes of previous episodes of pro-indigenous mobilization. As presented in chapter 3, the Statute of the Indian is an ambiguous document that preserves FUNAI´s role as the legal tutor of indigenous peoples, considered to be relatively incapable of representing their own rights and interests. As the tutor and legal representative of indigenous interests, FUNAI is to participate in all legal suits that involve indigenous groups. According to Article 63 of the Statute of the Indian, "*No judicial measure will be issued on a preliminary basis in causes that involve the interests of the Indians (Silvícolas) or Indigenous Patrimony, without the previous hearing of the Federal Union and the federal indigenist bureaucracy*." Even though the institution of tutorship was abolished by the Federal Constitution of 1988, this clause, which mandates the hearing of FUNAI before any preliminary decisions can be made in legal proceedings, remains intact. What it means is that the requests for preliminary injunctions made by landowners – requests which would normally be decided through a very quick examination of the claims made in the initial petition – cannot be analysed before FUNAI is called to participate and intervenes in the suit.

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[73] Initial petition in judicial process 2001.60.00.3688-3, from July 10th 2001, pp. 30-31.

In addition to enabling the participation of FUNAI before the analysis of any legal requests, the legal system establishes that the MPF must intervene in all the procedural acts involving the rights and interests of the Indians, their communities and organizations (Federal Constitution of 1988, Article 232). The MPF must also be heard before any decision is made by the legal authority. Given the strong pro-indigenous ethos that has been developed within the MPF over the course of the past decades, the MPF has always, in all of the law suits, defended the administrative demarcation procedure and supported the characterization of disputed territories as traditionally occupied.

In addition to participating in the decision-making process in the first instance of the justice system, legal professionals defending the administrative demarcation process also intervene in legal suits through the activation of the Court of Appeals to revise the decisions issued by first instance judges. There are different ways through which such intervention is carried out. First, when a first instance judge issues an interlocutory order within the legal suit, an interlocutory appeal can be filed to question this decision. [74] For instance, if a first instance federal judge issues a decision suspending the demarcation procedure, the MPF, FUNAI, or the indigenous community can question this decision by means of an interlocutory appeal, which will be judged by the Court of Appeals of the Third Region (TRF 3), situated in São Paulo.[75] Second, when a sentence is issued by the first instance judge, i.e., when the judge has resolved the conflict put forth in the suit, the contending parts can file a civil appeal requesting that the second instance court – again, TRF 3 – analyse and revise the first instance sentence.

In the declaratory suits, access to the judiciary by pro-indigenous lawyers has occurred through interlocutory appeals, and, less commonly, through the filing of civil appeals. Tables 9.1 and 9.2 below present data on the types of legal suits that have addressed ownership over contested territories and the authors of such suits.

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[74] Interlocutory orders (*decisões interlocutórias*) are legal decisions pertaining to motions formulated by the parts within the legal suit. They do not sentence or end the process, but merely decide incidental issues (Brazilian Code of Civil Process, Article 162 §2).

[75] The Court of Appeals of the Third Region (TRF 3) is the second instance federal court which controls and revises the decisions of first instance federal judges situated in the states of São Paulo and Mato Grosso do Sul.

Table 6. Types of suits filed in disputes involving land ownership

Indigenous land	Declaratory suits 1st instance	Interlocutory appeal in declaratory suits	Civil appeal in declaratory suits	Others	Total
Buriti	1	3	1	2	7
Cachoeirinha	6	4	0	2	12
Taunay-Ipegue	2	2	0	0	4
Pílad-Rebuá	0	0	0	0	0
Limão Verde	1	6	1	1	9
Total	**10**	**15**	**2**	**5**	**32**

Table 7. Claimants in suits discussing land ownership

Type of suit/ claimant	Landowners	FUNAI and MPF
Declaratory suits	10	0
Interlocutory appeal in declaratory suits	5	10
Civil appeal in declaratory suits	1	1
Others	4	1
Total	**20**	**12**

The second way territorial disputes are channelled into the judiciary results from the interaction between indigenous groups involved in land reclaimings and landowners affected by these land occupations. In these cases, judicialization is the response of landowners to the land occupations of indigenous groups. Even though judicialization is an act undertaken by landowners, it is an indirect or mediated result of the transgressive strategies of contention – land reclaimings – undertaken by indigenous groups.

In taking their grievances against land occupations to the judiciary, landowners request that the legal system recognize that they have the best possession over the contested territory and ask that the judge issue a repossession order allowing them to regain possession of the occupied land parcel. Judicialization here takes the form of repossession suits (*ação de reintegração de posse*) filed by landowners against the indigenous community responsible for the occupation and against FUNAI. Since repossession suits may take a long time to be sentenced, they are always filed along with preliminary injunction requests (*pedido liminar*) asking the legal authority to issue an eviction order against indigenous groups occupying the disputed land parcel *in the very beginning* of the suit.[76] This means that, in the initial petition of the suit, the landowner asks for two things: that in the final sentence his or her possession be recognized by the judiciary and that, in the beginning of the suit, a preliminary injunction be issued in order to enforce his or her possession while the suit has not been sentenced. Such preliminary injunctions are of crucial importance, since they determine who will get possession of the land while the suit is being analysed.

Since these suits are designed to discuss de facto possession and not ownership proper, the authors of repossession suits generally argue that, in order to grant a repossession order, the judge must only analyse two requisites established in the Brazilian Civil Code: (i) if the claimant effectively exercised peaceful possession over the object of dispute; and (b) if this possession was disturbed by the aggrieved act. If these two requisites are in place, so argue the claimants, a repossession mandate should be issued.

Like in the case of declaratory suits filed against land demarcation procedures, the filing of a repossession suit also activates FUNAI and the MPF to engage in court. The requests made in repossession suits – including preliminary injunction requests – cannot be analysed before FUNAI and the MPF intervene in the case. And in each and every case, public lawyers from FUNAI and the MPF make use of this opening to defend that the indigenous groups should have possession over the disputed land parcel for the duration of the legal suit.

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[76] Preliminary decisions are based on a quick examination of whether two requisites – *fumus boni iurus* (smoke of a right) and *periculim in mora* (danger in delay) – are present. If there is *significant indication* that the claimant has the right of possession and if the judge is convinced that waiting until the end of the legal process to issue a decision may cause significant harm, then the request for preliminary injunction is granted. This does not mean that the judiciary has declared the legality of the claim. Rather, it has declared that there are sufficient *indications* that the claim is true. It is common for the magistrate to reverse the preliminary decision throughout the process or in the final sentence.

Even when their arguments of public lawyers are not accepted by the judge, the intervention of FUNAI and the MPF slows down the decision-making process and the eventual granting of a repossession order (*mandado de reintegração de posse*). Under normal circumstances, the evaluation of a preliminary injunction is made at the very moment the judge receives the initial petition and without hearing the defendant. With the intervention of these organizations, this decision takes longer, since some time is necessary for FUNAI and the MPF to be summoned into the process, for them to consult the injunction request and to issue a legal statement. This slowing down of the process is seized as an opportunity to involve the indigenous community in the suit. As soon as it is bought in the process, FUNAI contacts the indigenous groups in the occupied land, informs them of the suit and of the possible outcomes, and allows these groups to prepare their response to a possible eviction mandate. As one public servant of FUNAI told me in an interview,

> When there is a preliminary possession injunction to be analysed in court, we know how important that is. So, once the judge summons our statement, we send someone to the reclaimed territory, and this person will talk with the indigenous groups, analyse the situation, and write a report on the state of affairs in the reclaiming. This report will be annexed to our statement against the repossession order and sent to the judge. It is important to send the right person to do write this report, because it is an important document. We need to send someone who is interested and engaged in indigenous struggles, someone who will write a good document, who will pay attention to the claims and demands of the group. With the data we collect through these visits, we were able to convince the judges on several counts that the issuing of a preliminary repossession mandate would be a mistake and that it could have serious consequences (Peruzzo 2014).

Moreover, FUNAI and the MPF introduce early on in the legal suit at set of pro-indigenous arguments which, even of not upheld by the first instance magistrate, can be taken up by other judges later on in the process or, eventually, in the review of a repossession order issued in the first instance. For instance, in presenting the position of the MPF vis-à-vis a preliminary repossession injunction filed in 2012, Federal Prosecutor Joana Barreiro Batista develops the following arguments against the eviction of indigenous groups:

> The most important fact is that the FC/1988 [Federal Constitution of 1988] is clear in establishing that the originary rights of indigenous groups to possess their land must prevail over the eventual possession rights of other parties ensuing from land titles issued by the State. The Constitution determines that the acts which establish occupation, ownership, and possession of indigenous land are null and void, and do not produce any legal effects. (…) For the Indians, the possession

of land has a cultural significance that is much more relevant than for non-Indians, especially when their ancestors were born, grew, and died in the area. The land is the common thread that unites the indigenous society around a common end. It is, therefore, completely mistaken to impose the rules of private property or possession, mandated in the norms of private law of non-indigenous society, upon the Indians. Even more since Indigenous possession is ensured and protected by the Federal Constitution.[77]

For these and other reasons, the Federal Prosecutor positions itself for the rejection of the preliminary injunction formulated by the authors of the suit. The goal here is not to analyse the types of arguments used by the MPF in the defence of Indigenous possession, but merely to demonstrate that the agency has been active in elaborating and presenting in court arguments that sustain indigenous possession over disputed land parcels.

In addition to the intervention of FUNAI and of the MPF, the Indians, their communities and organizations also have "standing under the law to sue and to defend their rights and interests" (Federal Constitution of 1988, Article 232), meaning that they should have a voice in all the legal suits that affect their rights and interests. Like FUNAI and the MPF, indigenous communities will be summoned to integrate the suit to defend the legitimacy and legality of their possession over the contested territories. Their intervention nonetheless only became more systematic as of 2012, and will be analysed in section 9.5 below.

The intervention of FUNAI, the MPF and indigenous communities in possession suits involving lands claims means that the voice and the interest of these groups is well represented in court. In fact, landowners say that the Indians are "overrepresented" in the legal suits, and that decisions take ages to be reached because of such interventions and argue in their petitions that preliminary injunctions should be decided without the previous hearing of all these parts. In some cases, the judge agrees.[78] But these cases are more the exception than the rule, and, legal decisions that are made without the previous hearing of all parts have been annulled by the Court of Appeals. This has led first instance

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[77] Federal Public Prosecutors' Office, Manifestation about preliminary repossession injunction in Repossession Suit 00081.7061.2012.4.03.6000, March 18th 2012, pp. 12-14.

[78] In the initial petition of repossession suit 000766944.2011.4.03.6000, the claimants argue that "(…) since it has been demonstrated that the requisites for the granting of a preliminary repossession injunction are present, the claimants request that the repossession mandate be issued immediately, *inaudita altera pars* [without hearing the other part], so that is will be enforced in the next 24 hours."

judges to be more careful in respecting procedural rules and to always bring FUNAI, the MPF and indigenous communities into the legal process since its beginning.

In addition to participating in the decision-making process in the first instance of the justice system, legal professionals also intervene in legal suits through the activation of the Court of Appeals to revise legal decisions issued by first instance judges. As is the case in declaratory suits, they can impetrate interlocutory appeals against interlocutory orders. For instance, if a first instance federal judge issues a repossession order in response to a preliminary injunction request formulated by landowners, the MPF, FUNAI, or the indigenous community can question this decision by means of an interlocutory appeal, which will be judged by the Court of Appeals. Second, when a sentence is issued by the first instance judge, the contending parts can file a civil appeal requesting that the second instance court analyse and revise the sentence. And when the appeal is not received by the tribunal with a decision that suspends the enactment of the sentence issued in the first instance, other types of suits can be filed in the second instance seeking to suspend the enactment of the sentence until the final judgment of the civil appeal by the Court of Appeals.

Therefore, the legal system offers several paths for the pro-indigenous network to intervene in possession suits and, given the pro-indigenous engagement of legal professionals within FUNAI and the MPF, the spaces for intervention have been extensively used. Tables 9.3 to 9.5 below present aggregate data on the nature of the legal suits that have been filed pertaining to five territories that are disputed by Terena Indians. What these tables show is that, even if landowners have the monopoly of initial access to the justice system – all of the suits that were initially filed questioning the possession of contested territories were authored by landowners – pro-indigenous lawyers have been activating the control of first instance decisions by the Court of Appeals. Every interlocutory decision in favour of landowner possession has been questioned by an interlocutory appeal, and many times three interlocutory appeals are filed for each initial decision, one by the MPF, one by the indigenous community, and one by FUNAI.

Table 8. Types of suits discussing possession

Indigenous land/type of suit	Possession suits 1st instance	Interlocutory appeal in possession suits	Civil appeal in	Suspension of sentence suits	Others	Total possession suits

267

		possession suits				
Buriti	15	25	7	6	6	59
Cachoeirinha	4	5	1	0	1	11
Taunay-Ipegue	3	3	0	1	0	7
Pílad-Rebuá	3	4	0	0	0	7
Limão Verde	2	4	0	0	0	6
Total	27	41	8	7	7	90

Table 9. Claimants in suits discussing possession

Type of suit/claimant	Landowners	MPF	FUNAI	Federal Union	Indigenous Groups	FUNAI, Federal Union, and MPF
Possession suits	25	0	0	0	0	0
Interlocutory appeals in repossession suits	6	11	10	4	7	0
Civil appeals in repossession suits	0	0	0	0	0	8
Suspension of sentence	0	3	3	0	1	0
Others	5	2	2	0	3	0
Total	36	16	15	4	11	8

Table 10. Claimants in suits discussing possession, aggregate

Type of suit/claimant	Landowners	Pro-indigenous network

Possession suits	25	0
Interlocutory appeals in repossession suits	7	36
Civil appeals in repossession suits	0	8
Suspension of sentence	0	7
Others	4	3
Total	**36**	**54**

As the tables above demonstrate, the MPF, FUNAI and indigenous communities have been active in the judicial arena disputing possession. Even if they are not the ones to initially activate and take possession claims to the judiciary – this is done always by the landowners – these actors trigger judiciary interventions at later stages of the disputes. Not only do they defend the interests of indigenous groups when called upon to do this, but they also activate second instance revision of first instance decisions at every moment. If we look at the total number of suits filed by landowners and the total number of suits filed by pro-indigenous actors, we see that the latter have been 40% more active in initiating suits and making demands than the former.

9.3 Judicial responses to mobilization: Analysis of judicial decisions in possession and declaratory suits

The section above presented the most relevant paths through which land disputes are channelled into the judiciary and examined the different forms of participation within judicial processes. In the present section, I analyse the patterns of judicial decision-making in the possession and ownership suits. By examining these patterns, it is possible to evaluate which of the contending institutional claims and projects were validated at different times by the judiciary and to trace the paths through which institutional change was (or was not) advanced by the pro-indigenous network in the judicial arena. The analysis is divided into three parts. The first part examines patterns of decision-making in possession suits; the second examines these same patterns in declaratory suits; and the final part

elaborates on the significance and implications of these patterns and raises some questions as to their explanation. These questions will be taken up in more detail in sections 9.4 and 9.5, where I investigate how different forms of claim-making and communication deployed by pro-indigenous actors have impacted judicial decision-making.

Decisions in possession suits: Legitimating occupation

By making decisions in possession suits, legal authorities communicate to the state and to society which of the contending parties, the claimant or the defendant, has lawful custody over the disputed territory. Such declaration of legality is one of the ways that the legitimacy of possession is constructed. From 2000 until 2015, a period in which previously taken-for-granted forms of land allocation were being unsettled, landowners involved in contention looked to the courts and to the law in order to reconstruct the legitimacy that had been shaken.

As explained in the section above, more than one decision will typically be issued within one possession suit. And since possession over a single land parcel is typically disputed in multiple suits – normally within an original possession suit and several appeals -, there is a plethora of successive legal decisions concerning each disputed territory. Throughout the process and until the final sentencing takes place, the judicial declaration of legal possession shifts between competing sides – the judge is constantly deciding, and she must be continuously convinced. The goal of contending actors in the legal process is to obtain and maintain favourable decisions, not only at final sentencing of the suit, but at each and every one of its phases. Since these suits typically last for years, being able to obtain possession of the land already in the beginning of the suit is an important step.

As stated in the section above, a total of 90 suits were found in which possession over disputed territories is discussed. All of these possession suits were triggered by acts of land occupation, or by a threat of land occupation, and they are situated within different instances of the legal system. Some of these suits contained more than one decision, others – normally the most recent – contained none. In total, I analysed the content of 81 decisions concerning the claims to legitimate possession over 38 disputed land parcels. By classifying the decisions according to content, level, type and instance, I was able to examine how often the judiciary recognized the legality of indigenous claims to land possession, and how often it recognized the claims of landowners. By *content* of legal decision, I refer

to whether the judiciary recognized the legality of indigenous or non-indigenous possession. There are two possible contents: recognition of landholder possession and certification of indigenous possession (LP and IP).[79] Since these legal suits are triggered by land occupation, a legal decision declaring the right or probable right to possession of the landholder is the equivalent of a declaration stating that the Indians have to leave the land. In other words, the certification of landholder possession is concomitant with the issuing of an eviction order. By *level* of legal decision, I refer to the instance of the legal system in which the decision was made. There are three different instances: first instance, second instance and the Federal Supreme Court (1st, 2nd and STF). Finally, by *type* of decision I refer to and to the type of suit within which it is made. There are six types of suits: original repossession suits (PS), interlocutory appeals (IA), civil appeals (CA),[80] suspension of sentence suits (SS),[81] extraordinary appeals (EA), and special appeals (SA). Furthermore, I distinguished between preliminary and final decisions, given that they analyse different requisites and have different implications.

An extensive list of possible types of judicial decisions emerges through the combination of these three dimensions. Nonetheless, several types of suits did not come up in the data, reducing the universe of possible states of legal decisions. Out of all the types of decisions that were possible only the following types were present in the 80 decisions that were analysed:

- IP-1st-P: Indigenous possession in repossession suit, 1st instance decision, preliminary;
- IP-1st-F: Indigenous possession in repossession suit, 1st instance decision, final sentence;
- LP-1st-P: Landholder possession in repossession suit, 1st instance decision, preliminary;
- LP-1st-F: Landholder possession in repossession suit, 1st instance decision, final sentence;
- IP-2nd-IA: Indigenous possession in interlocutory appeal judged by the Court of Appeals;
- IP-2nd-CA: Indigenous possession in civil appeal judged by the Court of Appeals, final sentence;

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[79] I use the term „landholder" in place of "landowner" in analysing these suits because, as explained below, possession suits are not filed strictly by the owner of the property but by the actual holder of the estate. Landholder therefore refers to the person who held possession over the estate before the reclaiming.

[80] Strictly speaking, civil appeals are not independent from the original possession suit filed in the first instance. They are actually the continuation of that very suit in the second instance. Civil appeals are filed against the final first instance sentence issued within a possession suit. I have, nonetheless, classified civil appeals as an independent type of suit in order to emphasize the importance of this type of appeal in the development of possession suits involving indigenous land rights.

[81] Suspension of sentence is a type of legal instrument used to prevent the implementation of a previous court decision.

- IP-2nd-SS: Indigenous possession in suspension of sentence suit judged by the president of the Court of Appeals;
- LP-2nd-CA: Landholder possession in civil appeal judged by the TRF3, final sentence;
- LP-STF: Landholder possession in appeal to the Supreme Court of Justice (STF);

Table 7 below presents how often these types of decisions were issued by legal authorities from 2000 until 2016. Slightly more than half (55%) of the decisions issued in such suits have declared the lawfulness of indigenous possession over the disputed territory and most of these decisions were issued in second instance courts, giving them greater stability and permanence. In fact, a closer look at the table reveals that more than half of the decisions that validate landowner possession was issued in the 1st instance and within preliminary injunction requests. Preliminary decisions made by first instance judges can be overridden by appeals or even in the midst of the first instance legal suit. As their name reveals, they are preliminary and provisional, made to last until the sentencing of the suit at the latest and most often reverted before that time by a posterior decision. From this data, we can see that the judicial arena has, in most of its decisions and in its higher-level decisions, tended to validate the legality of indigenous possession over contested land. The Court of Appeals of the 3rd Region (TRF 3) has been has been most important: 34 out of the 45 decisions that validated or recognized the plausibility of indigenous possession were issued by this court.

Table 11. Judicial Decisions in Possession Suits

Level and type of decision	Decisions recognizing indigenous possession	% total decisions	Decisions certifying landholder possession	% total decisions
1st Instance, preliminary	7	8.60%	19	23%
1st instance, final	4	4.90%	8	9.80%
Court of Appeals, Interlocutory Appeal, Preliminary	11	13.60%	4	6%
Court of Appeals, Interlocutory Appeal, Final	10	12.30%	0	0

Court of Appeals, Civil Appeal, Final	6	7.00%	4	4.70%
Court of Appeals, Suspension of sentence, Preliminary	7	8.60%	0	0%
STF	0	0%	1	1.20%
Total	45	55.00%	36	45%

While constituting an important window into judicial decision making, this type of aggregate data has an important limitation: it does not reveal for how long the decisions were in force, i.e. for how long they were producing effects within the legal system. We do not know, for instance, if the first instance preliminary decisions that legitimated landholder possession and issued repossession orders were in force for a long time or whether they were reverted after one week by a subsequent decision. The duration of validity is crucial since legitimation of claims does not happen in a single instant, but it is constructed in time. It must have endurance. The longer a decision validating the legality of indigenous possession endures, the more legitimacy it confers to indigenous land claims. It is also plausible that if a legal decision has been in place for a long time, it confers a sense of entitlement to actors so that the reversal of that decision will cause significant resistance. Therefore, the analysis of judicial decision-making and its effects requires placing legal decisions within the flow of time and endowing them with attributes of temporality.

Plot 1 below does precisely this. The figure depicts 40 sequences of valid judicial decisions, each one pertaining to one disputed territory. For instance, sequence n. 39 comprises the successive states of judicial decisions pertaining to the *Flórida Farm*, which since 2000 has been occupied by indigenous groups. Following the reclaiming, a repossession suit was filed, ensuing in a preliminary decision legitimating indigenous possession, followed by a final 1st instance sentence recognizing the possession of the landholders and then by a subsequent 2nd instance decision which again recognized the legality of indigenous possession. Each of these sequences unfolds in similar ways: they begin with a reclaiming followed by a repossession suit; within that suit different decisions are subsequently made, until in some cases a final, permanent sentence is reached. Since land reclaimings are the

trigger for possession suits, I could expect to have one sequence of legal states for each reclaiming. Nonetheless, there were cases in which the land was reclaimed but no judicial suit was filed (this happened when an agreement was reached between Indians and landowners pertaining to possession or when extra-judicial evictions were undertaken by the landholders or their security guards) and there were other cases for which I was unable to find the relevant suits or to access the documents (petitions, decisions, documental evidence) which would be necessary to trace the sequence of decisions within the legal process. In total, I identified 55 land reclaimings. For eight of those reclaimings, no legal suit was filed. For another seven of them, I could not find enough information to fill out state-sequence tables. In the end, I put together a state-sequence database for 40 units of analysis, i.e., 40 disputed territories.

For those 40 units, I traced the sequencing and unfolding of legal decision-making over time, examined which actors have had their land tenure claims recognized within the legal sector and for how long and when such validation produced effects. The plot below presents these 40 sequences in a state index plot ranging from April 2000 until January 2016. In the figure, red colours represent decisions legitimating landholder possession and blue colours represent decisions certifying indigenous possession. Different tones of blue and red represent different levels and types of decision (see legend).

The plot sheds some important light on how the judiciary has deliberated about possession over the contested territories. It reveals, first, that decisions favouring landowner possession tend to be made in the beginning of the suit, and that in 83% of the cases in which eviction orders were issued against indigenous groups early on in the process, these orders were reverted by 2nd instance decisions issued by the court of appeals that allowed indigenous groups to stay in possession of the contested territories. Such reversals occurred mostly in the midst of interlocutory appeals (n=21), but, when the interlocutory appeal maintained landholder possession, a special suit called "suspension of sentence" was used. In suspension of sentence suits, unlike in other suits, the judge is not looking to examine and declare which part has lawful possession. The matter being defended in these suits is public order. If a part in the suit finds that the implementation of a sentence issued in the first instance can cause social unrest or upheaval, she can ask the president of the Court of Appeals to suspend the execution of that sentence until the sentencing of the suit.

From the plot, we can also see that judicial decisions favouring indigenous possession were on average more durable than those favouring landowner possession. Furthermore, within the set of the most recent possession suits – those that were filed after 2010, all of the all of the judicial decisions that are currently in force validate indigenous possession over the land. There is, nonetheless, a significant set of sequences (n=7) in which the courts had declared the legality of indigenous possession for a long period of time (8 years), afterwards reversing those decisions in favour of landowner possession. We can also see that there are four cases in which no further appeals are available against the decision, and in these four cases the final sentence favour indigenous possession.
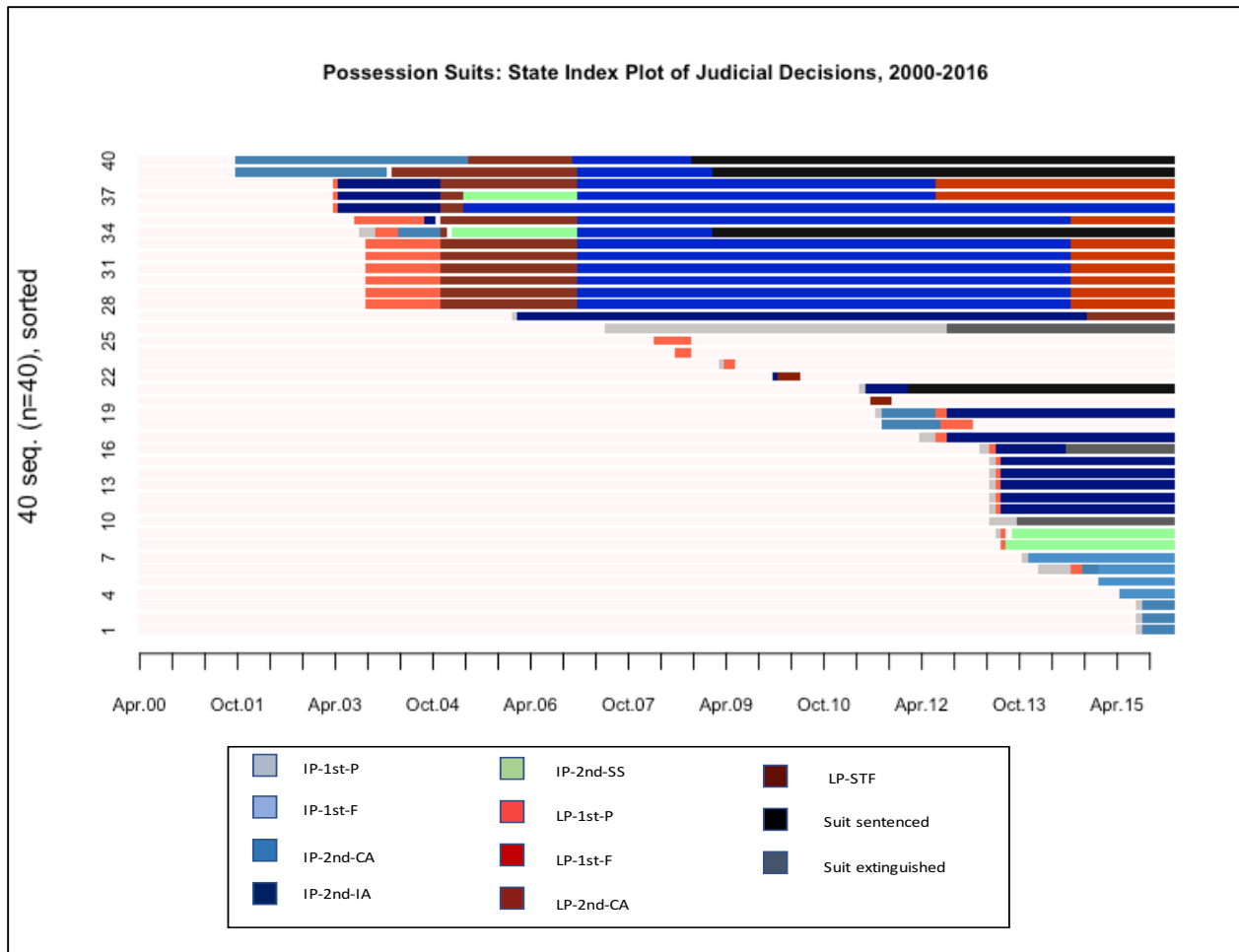
Plot 1. Possession Suits: State index plot for judicial decisions (2000-2016)

Transforming these sequences into a state distribution plot sheds light on the aggregate patterns of decision-making within possession suits. An analysis of plot 2 below reveals that judicial decision-making in possession suits between 2000 and 2016 can be divided into three broad phases. The first phase, ranging from 2000 until 2006, is characterized by the dominance of first instance decisions that declare the legality of landholder possession. During this period, several eviction orders were issued against indigenous groups and it seemed that landowners would most certainly be granted possession to all the occupied estates. But from 2006 until 2012, a significant change occurred. In this period, nearly all decisions made by the Court of Appeals in the midst of civil appeals legitimated indigenous possession over the land. In early 2012, no pro-landholder decisions were in force, and the legal context seemed to be highly favourable to indigenous groups.

But in late 2012 the situation began to change again. A few pro-landholder decisions started to be issued by first instance judges, and, in the second instance, civil appeals were sentenced against indigenous possession. From 2012 until 2016, the judiciary has become divided in a way that it had not been before. Even if we look only at one level of decision-making – the Court of Appeals – we see that there is no consensus concerning which contending actor is entitled to possession. In civil appeals, possession is granted to landholders and in interlocutory appeals, it is granted to indigenous groups. In addition to this, for the first time the first instance judges – historically prone to issuing eviction orders against indigenous groups - demonstrate a tendency to validate indigenous possession claims.
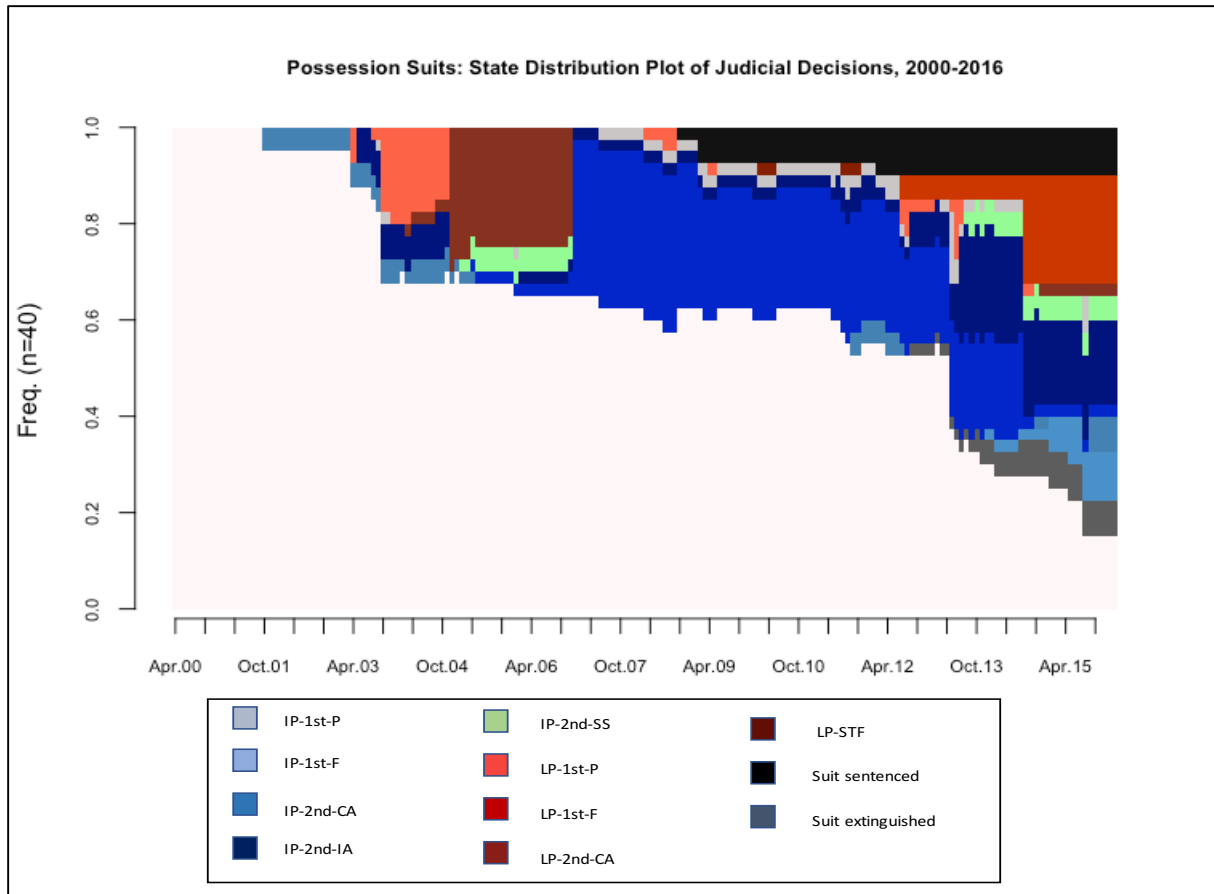
Plot 2. Possession suits: State distribution plot of judicial decisions

The table below presents the aggregate duration of all types of judicial decisions from 2000 until 2016. If we assume that the legitimacy conferred by judicial decisions to territorial claims is constructed and strengthened over time, we can conclude from this table – and from the charts presented above – that the indigenous groups have probably risen from these processes with a greater sense of legitimate custody over the land than landowners. All in all, the total duration of decisions that validate the legality of indigenous possession was three times longer than those that favoured landholder possession. If we consider that the landowners entered the 2000s with an undisputed perception of entitlement over the land, we can imagine that this was severely shaken in the 15 years that followed.

Table 12. Aggregate duration of judicial decisions in possession suits, in months

Type of decision	Aggregate duration (months)	Type of decision	Aggregate duration (months)
Indigenous possession in repossession suit, 1st instance, preliminary	122	LP-1st-P: Landowner possession in repossession suit, 1st instance decision, preliminary	143
Indigenous possession in repossession suit, 1st instance, final sentence	65	LP-1st-F: Landowner possession in repossession suit, 1st , preliminary	279
Indigenous possession in interlocutory appeal 2nd instance	439	Landowner possession in interlocutory appeal	0
Indigenous possession in civil appeal, 2nd instance	972	Landowner possession in civil appeal, 2nd instance	222
Movement possession, 2nd instance, suspension of sentence	105	Landowner possession in appeal judged by the STF	8
Total	1,703	Total	652

Decisions in declaratory suits: Who owns the land?

In all the cases analysed in this study, declaratory suits were filed by landowners against the administrative demarcation procedures carried out by FUNAI. The reason for this is simple. Under the institutional framework of the Federal Constitution of 1988 and of Federal Ordinance 1.775 of 1996, the administrative demarcation procedure aims to declare that a certain territorial extension is a *traditionally occupied indigenous territory* and, the moment this occurs, all ownership rights over that territory are declared null and void. In the legal processes that ensue, landowners defend the legality and validity of their titles, and argue why the attempt to frame the disputed land as traditionally occupied is illegal. On the other end of the struggle, legal professionals that defend such framing uphold the legality of the administrative procedure, defending the demarcation of the disputed land and the declaration of nullity of all land titles falling upon it.

In order to quantify and analyse judicial decisions issued within declaratory suits, I proceeded as I did in the case of possession suits. First, I classified the decisions according to content, level of decision-making and type of decision. Concerning content, there are four possibilities within declaratory suits. Within preliminary injunction orders, the magistrate analysed whether there is a plausible indication that the claimant has ownership of the territory or not. If the judge is convinced of this plausibility, then she will suspend the demarcation procedure (SPD); if not, she will allow that the demarcation procedure proceed (PDP). In the sentencing of the suit, the judge may annul the demarcation procedure (ADP) or validate the demarcation procedure (VDP). The latter implies the declaration of nullity of private property rights. Concerning the level of decision making, once again there are three possibilities: 1st instance, 2nd instance or Court of Appeals, and STF. Finally, concerning the type of suit within the decision is issued, there are five possibilities: original declaratory suits, interlocutory appeals in declaratory suits, civil appeals in declaratory suits, suspension of sentence suits, and originary civil suits in the STF.

An extensive list of possible types of judicial decisions emerges through the combination of these three dimensions. Nonetheless, several types of suits did not come up in the data, reducing the universe of possible states of legal decisions. Out of all the types of decisions that were possible only the following types were present in the 22 decisions that were analysed:

- PDP-1st-P: Proceed with demarcation procedure, 1st instance;
- VDP-1st-F: Validation of demarcation procedure, 1st instance;
- PDP-2nd-AIA: Proceed with demarcation procedure, Court of Appeals, interlocutory appeal;
- PDP-2nd-SS: Proceed with demarcation procedure, Court of Appeals, suspension of sentence;
- VDP-2nd-CA: Validation of demarcation procedure, Court of Appeals, civil appeal;
- SDP-1st-P: Suspension of demarcation procedure, 1st instance, preliminary
- ADP-1st-F: Annulment of demarcation procedure, 1st instance final sentence;
- SDP-2nd-AI: Suspension of demarcation procedure, Court of Appeals, interlocutory appeal;
- ADP-2nd-CA: Annulment of demarcation procedure, Court of Appeals, civil appeal;
- SDP-STF-OCS: Suspension of demarcation procedure, STF, original civil suit;
- ADP-STF-RA – Annulment of demarcation procedure, STF, regimental appeal;

Table 8 below presents how often these types of decisions were issued by legal authorities from 2000 until 2016. The table shows that, in aggregate, it has been slightly more common for landowners to see their ownership over land validated than it has been for the indigenous movement to obtain judicial certification of the administrative demarcation procedure. It also demonstrates that, like in possession suits, first instance judges were more likely to favour the land tenure claims of the pro-indigenous network, while the Court of Appeals was more likely to make decisions validating the demarcation procedure to advance. Nonetheless, there is one important difference between these decisions and the ones made within possession suits. Here, the Supreme Court has been much more active, and it has in each case issued decisions that favour landowners. The STF issued two decisions suspending demarcation procedures – both affecting Cachoeirinha Indigenous Land – and annulled another one – pertaining to Limão Verde. The fact that the STF is so reluctant to recognizing the validity or even the plausible validity of indigenous land demarcation has signalled to actors situated within the pro-indigenous network – including FUNAI, the MPF and the Federal Union – that other institutional justifications for indigenous possession must be sought after. This will be explored in section 4 below.

Table 13. Judicial Decisions in Declaratory Suits

	Validation/ Advancement of demarcation procedure	% total decisions	Annulment/ suspension of demarcation procedure	% total decisions
1st Instance, preliminary	3	13%	6	26%
1st instance, final	1	4.3%	1	4.3%
Court of Appeals, Interlocutory Appeal, Preliminary	3	13%	0	0
Court of Appeals, Interlocutory Appeal, Final	1	4.3%	1	4.3%
Court of Appeals, Civil Appeal, Final	2	8.7%	1	4.3%

Court of Appeals, Suspension of sentence, Preliminary	1	4.3%	0	0
STF, Originary Suit, preliminary	0	0	2	8.7%
STF, Appeal, Final	0	0	1	4.3%
Total	11	47,8%	12	52,1%

But again, in order to understand the implications of these decisions, it is necessary to endow them with temporal attributes and have a closer look at elements such as sequencing and duration. This is especially true since each preliminary decision issued within these suits, while valid, has the effect of suspending the administrative process, and therefore of delaying its conclusion. While the judicial suspension is in effect, the administration is not allowed to take any further steps in the identification, delimitation or demarcation of indigenous territories.

While a total of 10 declaratory suits were filed in the first instance, originating ten processes of judicial contention over land ownership, only for seven of these processes was I able to access sufficient information to trace the sequences of decision-making. Four sequences pertain to estates situated within the identified indigenous territory of Cachoeirinha; one pertains to 12 estates situated within Buriti; one to an estate situated within Taunay-Ipegue and one within Limão Verde. The cases of Buriti and Cachoeirinha illustrate two different strategies used by the landowners in questioning the validity of administrative demarcation processes. In the first case, the owners of nearly all the estates affected by the demarcation got together and filed one single suit. In the second, different landowners filed separate suits questioning the validity of the demarcation procedure within their territory.

Plot 3 below depicts the sequences of valid judicial decisions falling upon each of these territories from 2000 until 2016. None of these suits has, thus far, been sentenced in the last instance, meaning that in all these cases the current state of affairs can still be reversed. Nonetheless, it stands that the current state of affairs is rather grim for the indigenous movement and for FUNAI, which is, after all, responsible for demarcating indigenous territories. In these seven processes, high instances of the judiciary have annulled two (n. 3 and 6), and the Federal Supreme Court has suspended another one

(n. 1). And in three other cases the demarcation process was obstructed for years by preliminary decisions ordering the suspension of these processes, decisions which were later reverted. So even today when legal authorities have given the administration a green light to go on with the demarcation procedure, the latter has been severely delayed.
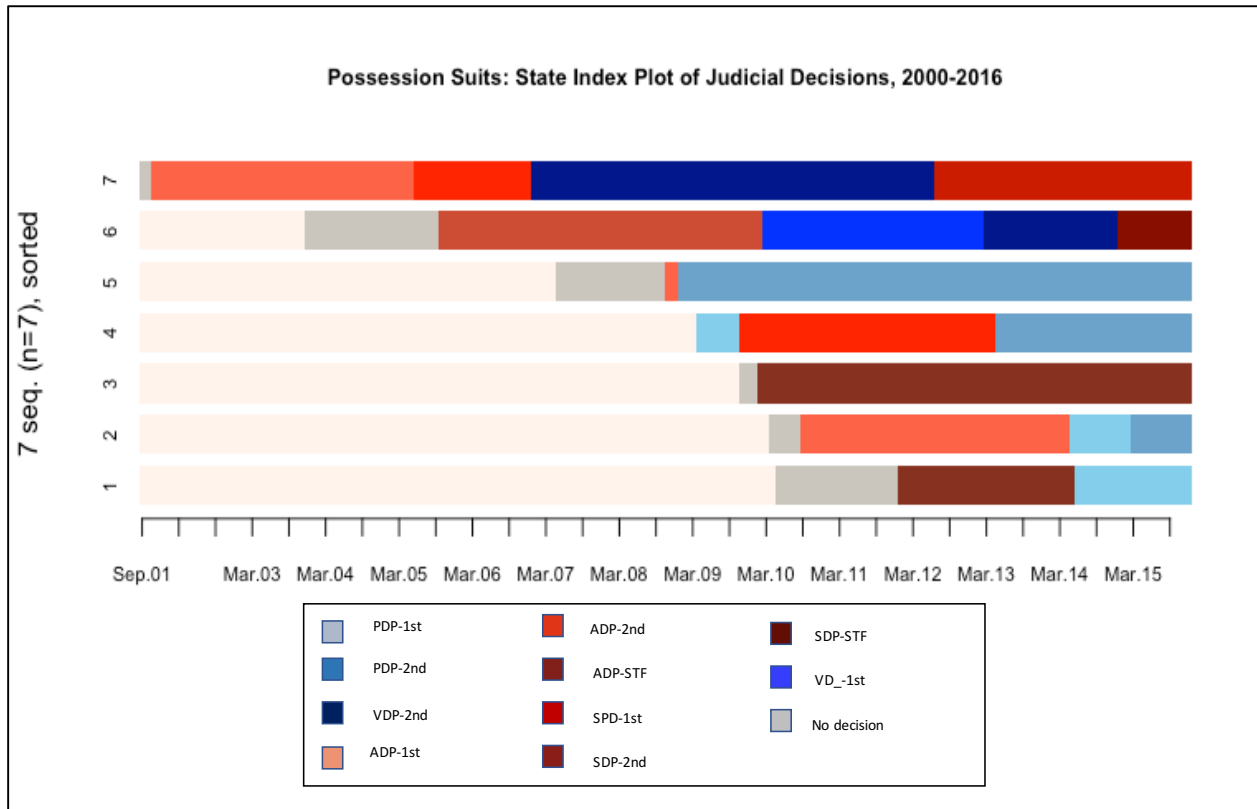
Plot 3. State Index Plot of Judicial Decisions in Declaratory Suits (2000-2016)

The exact amount of delay that has been inflicted upon indigenous land demarcations by judicial decisions can be read from the table below, which presents the duration of validity, in months, of the different types of judicial decisions issued in declaratory suits. According to the table, decisions that recognize the validity of private land titles have had much more endurance than those which have validated or enabled the administrative demarcation process to proceed. Existing demarcation procedures have been suspended for over 240 months, that is, an aggregate of 20 years by preliminary decisions which only examine the plausibility of a claim.

Table 14. Aggregate Duration of Judicial Decisions in Declaratory Suits, in Months

Type of decision	Aggregate duration (months)	Type of decision	Aggregate duration (months)
Suspension of demarcation procedure, 1st instance	89	Validation demarcation procedure, 1st instance	36
Suspension of demarcation procedure, 2nd instance	53	Validation demarcation procedure, 2nd instance	88
Suspension of demarcation procedure, STF	100	Order to proceed with demarcation, 1st instance	126
Annulment of demarcation procedure, 1st instance	61	Order to proceed with demarcation, 2nd instance	36
Annulment of demarcation procedure, 2nd instance	42	xx	xx
Annulment of demarcation procedure, STF	12	xx	xx
Total	**357**	**Total**	**286**

Open questions and patterns in need of explanation

The data analysed above points to important questions concerning the intervention of and within the judiciary in the midst of land tenure disputes. The first evident question pertains to the patterns of decision-making that can be more clearly seen in the analysis of possession suits. Why is it that the judiciary shifted positions vis-à-vis indigenous land claims in 2006 and then again in 2013? Which aspects of mobilization inside and outside of the judiciary played a role in influencing these patterns, and through which channels did such influence occur?

A second related question concerns how the institutional elements of ownership and possession were connected within and across legal disputes. From the data presented above, it seems that judges have been very reluctant to declare the nullity of land titles (i.e. to validate administrative demarcation procedures), but they have also been reluctant to deny indigenous groups possession over the contested territories. This creates a puzzling situation, since, in theory, it is precisely the demarcation process that provide the legal grounds for indigenous possession. This led to a situation

in which indigenous groups were again and again allowed by the judiciary to remain in possession of land that, at least until that point in time, was recognized as legally titled, i.e., as privately owned. How was it that such possession was constructed, justified and maintained inside and outside of the legal system?

Finally, in order to understand the implications of these decisions, it is important to see how they are perceived and grasped by actors situated in the midst of contention. As stated in the introduction, favourable judicial decisions are one building block in the construction of the legitimacy of antagonistic claims. The construction of legitimacy depends also on how these decisions are taken up and used by actors in the flow of contention. Will they be recognized or ignored and bypassed? In which situations are these engagements present? These questions will be analysed in the following section.

9.4 Legal strategies of mobilization: The incremental de-legitimation of private property (2005-2011)

In the previous sections, I analysed the existing forms of access to the judiciary and examined how legal authorities have decided within these suits. The relative success obtained by indigenous groups within litigation, and most notably within possession suits, indicates that an incremental yet significant shifts in the interpretation of the law have occurred, which I take to represent a form of institutional change. But a fuller picture of these change processes requires analysing how they emerged from the contentious interactions between the social movement, legal professionals, the state and landowners. It also requires looking more closely into the content of the judicial decisions to understand how they are being constructed and justified. In this section I analyse the forms of engagement and claim-making used by the movement within the judiciary to advance their institutional claims, and, through a qualitative analysis of judicial decisions, I examine how these strategies contributed to an incremental process of institutional innovation.

Unsettling private property rights

From 2005 until 2011, the indigenous movement reaped significant victories within the judiciary. Even without the finalization of administrative demarcation procedure – i.e. without the sanctioning of the demarcation by the President of the Republic -, several indigenous reclaimings were recognized as legitimate by judicial authorities. Such recognition of legitimate possession resulted from legal strategies and arguments deployed by legal professionals situated within the Public Prosecutors Office and FUNAI that begin by activating the "originary" character of indigenous land rights and go on to reject the application of standard civil and procedural law to litigation involving indigenous land tenure. According to a manifestation of the MPF in a possession suit that followers the reclaiming of Santa Vitória Farm in November 2005:

> [T]he Federal Constitution of 1988 inaugurated a new constitutional order, which recognized the originary rights of indigenous groups over the land that they traditionally occupy (art. 231, *caput);* these lands are inalienable and the rights over them are imprescriptible, being null and void, and not producing any legal effects, the acts that seek to obtain ownership or possession over these lands. These norms ensue from the free and conscious decision of the constitutional legislator, which sought to protect indigenous rights at the constitutional level. This is a political option that must be respected.

> In this way, we cannot impose an understanding based on infra-constitutional legislation to the detriment of the constitutional norms. In face of Article 231 of the Constitution, all civil and civil-procedural legislation must succumb, since these dispositions hinder the full application of the constitutional order.[82]

The federal prosecutor is arguing that the legality of indigenous possession should not be assessed according to the rules that are in the Civil Code and in the Code of Civil Procedure. It is not adequate to judge whether indigenous groups or landowners hold a property title to that land and whether they were peacefully occupying it before the conflict emerged, as would be done in other possession suits. Since indigenous possession is explicitly protected in the Federal Constitution, it is the Constitution that must set the terms of the possession suit. And since the Constitution clearly states that indigenous groups have the "originary right" to territories they traditionally occupy, it is the requisite of traditional occupation – and not the requisite of civil occupation or of civil property – that must be analysed. This is done through the production of anthropological, historical and

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[82] Federal Public Prosecutor's Office, Manifestation in Repossession Suit n. 2005.60.00.010230-9, p. 209-210.

archaeological evidence, and normally in the midst of administrative demarcation procedures. This is why the MPF argues that, if there is already an administrative procedure in place and in it there is a report saying that the land is traditionally occupied, then it should be concluded that the Indians have the better possession over the estate. And if the judge does not accept the use of such procedure, then proper evidence should be produced within the suit.

The MPF is here developing an interpretation of the legal system and drawing on the previous work undertaken by FUNAI and anthropologists in the administrative demarcation procedures in order to reject the plausibility of a repossession order. This type of argumentation was barely accepted by first instance judges. Normally, their reaction was to treat these disputes as normal possessory disputes and issue a repossession order against the Indians as soon as the landowner proved that she had held possession over the land before the invasion had taken place and that that possession was ballasted upon a trustworthy title such as a property title or a lease. In the decision issuing a repossession order in the case of Santa Vitória Farm, the following justifications are presented by federal judge Pedro Pereira dos Santos:

> Article 926 of the Code of Civil Procedure recognizes to the possessor the right to be reintegrated in his possession in cases of disseising, it being incumbent upon the claimant, according to article 927 of the same code, to prove the following requisites: 1) his possession; 2) the disseising practiced by the defendant; 3) the date of the disseising; and 4) the loss of possession on their part.
>
> I go on to examine these requisites in the concrete case.
>
> The claimants demonstrated that they had possession over the estate, as can be seen from the documents in pp. 28 to 30 [refer to when they were granted possession by the first section of the Federal Justice in Miranda/MS] and the documents on pp 14-26, relative to the purchase of materials for the betterment of the estate.
>
> Documents in pp. 9. 11 and 13 prove the disseising, as well as the date in which it was perpetrated. From these documents, we can see that the claimants indeed lost possession, and that significant social tension ensued from the fact.
>
> From this, I grant the preliminary injunction request and determine the repossession of the claimants, and authorize the use of police force for carrying out the eviction, if need be.[83]

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[83] Repossession Suit n. 2005.60.00.010230-9, decision issued on January 6th 2006, p. 345.

This decision and the rationale behind it was commonly repeated by first instance judges in repossession suits following indigenous reclaimings.[84] Nonetheless, once litigation reached the Court of Appeals through the interlocutory appeals filed by the MPF, FUNAI or legal representative of the indigenous communities, things were considerably different. Judges in the Court of Appeals were immediately more prone to upholding the argument of constitutional possession and the impossibility of issuing a repossession order until a final stance had been reached concerning the traditional occupation of the land. According to the decision of judge Higino Cinacchi in the interlocutory appeal filed against the decision cited above,

> [T]he existence of an administrative procedure, carried out by the competent agencies, even if it is not yet concluded, shifts the issue away from the sphere of influence of civil law and takes it into the sphere of influence of constitutional law. From this perspective, the norms which mandate the issuance of a repossession order based on the disseising of private property are inapplicable. If litigation involves the indigenous question and if there is an administrative procedure underway, as a rule no repossession orders can be issued against indigenous groups, precisely because such procedure seeks to study and define the limits of traditional indigenous occupation. This is why, as stated in the decision cited above, 'the need to assess the traditional occupation of the Indians is forceful', and this, evidently, is only possible through extensive production of evidence. Given these reasons, I suspend the repossession order.[85]

This decision contains two important reactions to the claims and arguments made by the MPF: first, the mere existence of an administrative procedure is sufficient to inhibit the eviction of indigenous groups from the occupied land, independent of any type of property or possession that has been demonstrated by the claimant in court. If until this moment possessors holding a plausible title were certain that their possession would be enforced in court, things were now considerably different. The mere existence of administrative procedure suffices to indicate that the land may be traditional, and, where such indication is present, the Indians are allowed to keep possession over the land, even when the procedure is not finished or not even well advanced (in this specific case, the demarcation had not even been declared yet by the Minister of Justice). This sends out a fundamental message to indigenous groups: where there is an administrative procedure, the second instance judge will endorse indigenous possession over reclaimed land. Nonetheless, to get there the movement would

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[84] See, for instance, Repossession Suit n. 2005.60.00.00.9841-0.
[85] Interlocutory Appeal n. 2006.03.00.003784-9, decision from January 27th 2006.

have to go through first instance judges, which were happy to quickly issue and enforce repossession orders.

Second, the decision begins to develop a precedent that will be adopted by many judges in the Court of Appeals over the next years: in repossession suits involving indigenous groups, the judiciary must produce and examine extensive evidence concerning the traditional character of indigenous occupation before any decisions can be issued. This means that possession suits will be long and cumbersome. It also implies that, if indigenous groups have gained possession through reclaiming and if they manage to avoid the issuance or enforcement of repossession orders by first instance judges, then they will hold possession over the territory for many years until evidence has been produced and analysed in court and a final sentence reached.

From the arguments and decisions that were made in this suit and repeated in many others, we can see that legal professionals working to defend indigenous land rights used the existence of an administrative demarcation procedure in order to challenge the possession of the estate and shift contention up into the constitutional level. When accepted by the judge, as it often was in the mid- to late-2000s, this argument ensured that indigenous groups would be allowed to stay in possession of the estate until it was proven that the land was not traditionally occupied. That is, in case of doubt, possession from this point on stays with the movement. After this setting was in place, the next step was to construct the arguments and evidence demonstrating the traditional occupation of indigenous groups and de-construct the legitimacy of land titles falling upon the territories.

Making history: Historical and anthropological evidence in the (de)construction of property rights

The doors had therefore been open for deep institutional contention within the judiciary. The issue being discussed was no longer civil possession, but constitutional possession and the characterization of the land as traditionally occupied. This type of occupation was attested and demonstrated through the weaving together of three bodies of knowledge and skill sets. First, the collective memories and narratives of Terena communities provided elements through which the history of land tenure in the region could be traced. Anthropological knowledge was used in the theorization about traditional occupation and about the cultural identity of indigenous groups involved in litigation. Third, legal

know-how was crucial for framing the legal significance and implications of such historical and anthropological information.

The weaving together of these bodies of knowledge and skill sets within the judiciary significantly altered the nature of possession suits. The latter are normally used to evoke and re-enact a situation that was in place in the immediate past – the custody of the possessor. But the activation of the Federal Constitution and the channelling of historical and anthropological evidence into the judiciary considerably shifted the temporal horizon of legal decision-making into the distant past, more specifically into the late 19th and early to mid 20th centuries. Because of this, each possession suit was transformed into a complex discussion about the historical patterns and institutions of land tenure in the state. Therein lies their enormous potential for the de-legitimation of existing land tenure institutions and structures.

Many of these historical, anthropological and legal elements had already been constructed within the administrative demarcation procedures. The question was how such evidence would be processed by the judiciary and whether it would convince the magistrates. The anthropological reports written within the demarcation procedures were brought into possession suits by the MPF and by FUNAI, and legal professionals within these organizations selected and theorized in light of historical and contemporary law the main conclusions written within these reports. These reports became the heart of legal suits. The first step was to use these reports in order to reconstruct the process of frontier development and argue that the Indians had lost possession over the land due to violet and unlawful evictions, and that these processes do not disfigure the traditional character of occupation – the customary relationship – between Indians and the land:

> 21. The anthropological study produced by the Working Group was elaborated based on extensive historical documentation and ethnographic data, which demonstrate the presence of this community in the contested area since at least 1820.

> 22. According to the anthropological report, the confinement of the Indians within the reservation that was delimited in 1904/05 by Marshall Cândido Rondon and recognized by the state of Mato Grosso in 1948 was progressive, and it was only in the 1960s that the Indians from Cachoeirinha started to suffer repression against their incursions into the areas that were taken from them. And even within this situation, they never stopped fishing, hunting and gathering in the territories. The indigenous community never accepted the land demarcated by Rondon. (…)

29. The Indians were not on the more than 9.000 hectares that is not being recognized to them in 1988 only because over the 20ᵗʰ century they were, progressively, evicted, as emphasized on the anthropological report. And forced eviction foes not disfigure the traditional character of occupation, as was well stated by Justice **Tourinho Neto**, President of the [Court of Appeals of the First Region]:

> The Indians have possession over the land that they occupy on a permanent basis. Nonetheless, **if it is proven that they were evicted from that land, by used of violence or not, then we cannot admit that they have lost possession since, as tutored subjects, thy could not even activate the courts to defend themselves**, and when they had not given up on having the land as their own (…). The permanence required by the Constitutions of 1934, 1937, and 1946 refers to the past. **The one demanded by the constitutions of 1967, 1969, and 1988, to the future**. Note that the past constitutions mandated that indigenous possession over the territories they permanently occupy be respected. **In the Constitution of 1988, we read that the traditionally occupied territories are destined to the permanent possession [of the Indians].** [86]

This excerpt, presented in a petition written by a lawyer at FUNAI, is arguing that, due to the nature of the historical processes through which private estates were established in the region, it is not possible to argue that the legal possession of the Indians was ever lost. As similar argument was put forward in the same suit by the MPF, which went on to remind the judge that "indigenous possession has been guaranteed in all Brazilian constitutions since 1934". The legal conclusion to be taken from all this is that the land titles used by landowners to justify their possession are illegal, null and void under the present and previous constitutions. Still according to the petition of FUNAI:

> What about the land titles? The allegation of the farmers is unison in saying that he detains the land title which proves he is the owner and possessor of the contested area. **This is not true**. The farmer only holds a declaration from the land registry that recognizes his property. This is not a title. The registry, as we know, constitutes a simply presumption *juris tantum* of property. [87]

In 2005 and 2006, litigation concerning possession over disputed territories reached the Court of Appeals of the Third Region by means of a series of civil appeals filed by FUNAI, MPF and the Federal Union against first instance decisions that recognized the legality of landowner possession over the disputed land. In the Court of Appeals, civil appeals are always judged by three Justices, which make

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[86] National Indian Foundation, Manifestation in Repossession Suit n. 2005.60.00.010230-9, 2005, p. 60-61.
[87] National Indian Foundation, Manifestation in Repossession Suit n. 2005.60.00.010230-9, 2005, p. 62.

up a Division (*Turma*). In 2005 and 2006, all the civil appeals questioning first instance decisions concerning indigenous lands were distributed to the Fifth Division, composed of Justices André Nabarrete, Suzanna Camargo, and Ramza Tartuce. Two of these Justices – André Nabarrete and Ramza Tartuce – voted for recognition of indigenous traditional possession over the land, while one of them – Suzanna Camargo – voted to recognize the legality of land titles and of private domain over the estates. These judgments represented a series of judicial victories for the indigenous movement, since, in a set of majority decisions (2x1), the legality of their possession was recognized as lawful by second degree jurisdiction.

The votes of Nabarrete and Tartuce were crucial in the process of legitimation of indigenous land tenure. First, because they sanctioned the historical narrative, developed within anthropological reports, that depicted the process of frontier consolidation as both violent and unlawful. This unlawfulness contaminated the original land titles and original private possession of land in the region. In his vote within the judgment that ruled over possession of Nossa Senhora Aparecida Farm, disputed by the Indians of Buriti, Nabarrete cites extensively the anthropological report in which the historical processes of frontier development had been systematized:

> The more elderly Terena from Buriti reported on the expulsion of Terena families from several locations within the area. These expulsions were carried out by the first holders of land titles within the area with the intent of implementing agricultural activities upon those lands. Even though the Terena emphasize the use of police force (capture), we have not found official documents that attest to these practices. The expulsions would have taken place in practically the whole area that is the object of study, except for Barreirinho, where the eviction was carried out by the SPI [Indian Protection Service] itself. The report of the delegate of the SPI, Cornell Nicolau Bueno Horta Barbosa, dated from December 23rd 1927, with reference to the occupation of the Buriti lands, affirms that the occupation of the farms in the area were "preceded by a period in which the Indians were persecuted in their lands, in which their lives were threatened, and in which they were accused of crimes and vices they had never committed". This persecution constitutes the expulsion of the Indians by the holders of the first land titles in the area that is object of this study.[88]

In the same judgment, Justice Ramza Tartuce and Justice Nabarrete go draw on the evidence from the anthropological report and certify that the Terena Indians never lost touch and never ceased to

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[88] André Nabarrete, vote in Civil Appeal 2003.60.00.009678-7, judged on November 12th 2006, p. 59.

be attached to their land over the decades that followed their eviction, even if they did not have any formal titles and even if they had to dissimulate such attachment. Again, excerpts of the anthropological report were brought into the process and endorsed by the justices:

> The contact of the Terena with the Buriti lands, despite their expulsion and confinement, was never extinguished and is still alive today. This is what the expert tells us on p. 65 [of the anthropological report]:
>
> 'The land object of this study has been occupied by the landowners for several decades. During this time, several Terena from Buriti worked for the farmers or undertook clandestine expeditions into the territory for hunting, fishing and gathering. This enabled many Indians to, until recent years, carry on with their frequent excursions into the disputed areas. Such excursions and the narratives about the past events, transmitted through generations, maintained, with all certainty, alive the ties that connect the Terena Indians to the land in question. The conflicts generated by the attempts at reoccupation and the studies conducted alongside the population activated the memories about the old land occupations, which have been systematically transmitted to the new generations that were not born and did not grow up in these areas. As cacique Basílio Jorge stated: ´We are passing on our history to the children, because the young people have to know how our lives were in the past'.[89]

By analysing these facts – the previous land possession of the Indians, their resilient ties to the territory and the violent nature of the historical processes of frontier development – in light of historical legislation, the Justices reached the conclusion that the land titles brought forth by the landowners were worthless. To do this, the magistrates meandered into a thorny discussion about the nature and alienability of public and indigenous lands in Brazil as of the mid-19th century and declared that lands occupied by indigenous groups were not available for purchase since the passing of the legislation that was in force in the 1850s. The argument requires some background knowledge of Brazilian legal history. In 1850, Law n. 601 – the Land Law – was passed mandating that, from that point on, the main form of land acquisition in the country was purchase, and no longer occupation as it had been previously. At that moment, all the lands that were not already destined to some form of public or private use were transferred back to the government, which had acquired them through the right of conquest. The lands that were passed back to the state were called "devolved lands" and they could then be sold off by the state to buyers. The lands that were already registered or possessed

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[89] André Nabarrete, vote in Civil Appeal 2003.60.00.009678-7, sentenced on November 12th 2006, p. 61.

could be kept by their possessors, as long as the latter went through a legal process within which the possession was demonstrated, measured and registered in the newly-established land registries.

In the interpretation developed by the Justices, lands occupied by Indians were not comprised within the category of devolved lands. They were, already in the Land Law of 1850, reserved for the usage of the Indians. Indigenous possession had been recognized and legally protected since then and, therefore, possessions or purchases of those territories could never have been taken place. But eager to sell off the land to agriculturalists, the state of Mato Grosso deployed a series of illegal artifices in order to expropriate and then sell off significant proportions of these lands. In conclusion, Nabarrete states that

> The land parcels that were previously occupied by Indians and that neighbor the 'reservations' instituted by decree by the state of Mato Grosso were transferred to private owners by means of illegal procedures of registration, since they ignored indigenous possession as it was defined in the Land Law – and this can be perfectly demonstrated through the examination of the processes which legitimated those 'possessions'.
>
> The well-known Royal Ordinance of April 1st 1680, later extended, in 1758, to all of Brazil, recognized as originary the indigenous rights over their land, the congenital and primary source of possession. Later, when Law 601 of 1850 defined the so-called devolved lands, it made clear that the lands under 'government concession' were not amongst them. This way, when the Constitution of 1891 (article 64) transferred devolved lands to the states, evidently, it maintained under the domain of the Union those lands belonging to the Indians. The consequence is that, in this case, the transactions through which these lands were sold as if they were devolved have no legitimacy, and the same is true for the titles that have been attached to this suit and the derivative property rights chain, independently of the good faith of the buyers. [90]

By meandering into debates about the nature and alienation of public lands in the 19th century, the frail basis upon which the legitimacy of property rights rest became painfully exposed, and the illegality of primary land titles was recognized and declared by the Court of Appeals. This position was strengthened by the fact that, at the time, the demarcation procedure pertaining to Buriti was also being simultaneously recognized by that same Court.[91] Special and Extraordinary appeals to the Superior Court of Justice and to the Federal Supreme Court were denied, leading to a certain degree

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[90] André Nabarrete, vote in Civil Appeal 2003.60.00.009678-7, sentenced on November 12th 2006, p. 92.
[91] Cf. Civil Appeal in Declaratory Suit n. 2001.60.00.003866-3, sentenced on December 11th 2006.

of stabilization of this decision. As of 2006, indigenous groups in Mato Grosso do Sul had an increasing amount of certainty that they would be granted possession over contested territories.

The de-legitimation of private property

The rationale that underpinned the judgment cited above was not specific to one suit. Rather, it was repeated in a handful of judgments issued by the Fifth Division of the Court of Appeals throughout 2006. The same exact text was used in the judgment of five other civil appeals, which discussed possession over the following nine estates: Flórida Farm,[92] Furna da Estrela Farm,[93] São Sebastião Farm,[94] Santa Helena Farm,[95] Limoeiro Farm, Ponte Lavada Farm, Quitandinha Farm, Água Clara Farm and Cambará Farms.[96]

Previous to this, a series of interlocutory appeals had already been judged by the Fifth Division of the Court of Appeals also in 2006 using these same arguments. According to the vote of the Justices in these appeals, the evidence contained in the anthropological report was sufficient to demonstrate the traditional possession over the contested territories. Even if the land had not yet been declared by the Minister of Justice or sanctioned by the President, the Terena from Buriti and Cachoeirinha (at the time the only territories in which indigenous groups were reclaiming land) had their possessions recognized as lawful by the Court of Appeals.

These judgements were in force for a long time. From 2006 until 2012, they ensured that, even if the demarcation procedures were not concluded, the Terena Indians were allowed to stay in possession of the territories. The demarcation procedures were crucial in defining the position of the judiciary. They were crucial not because they had generated a conclusive statement from the administration, but rather because they had led to the production of extensive bodies of evidence that the judiciary could examine to reach a verdict about which of the contending parts had the best possession. With the accumulation of judgements that declared the legality of indigenous possession over contested territories and the nullity of land titles, the institutional project of the indigenous movement was

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[92] Civil Appeal in Repossession Suit n. 2000.60.00.002420-9, sentenced on December 11th 2006.
[93] Civil Appeal in Repossession Suit n. 2000.60.00.002532-9, sentenced on December 11th 2006.
[94] Civil Appeal in Repossession Suit n. 2003.60.00.005243-7, sentenced on December 11th 2006.
[95] Civil Appeal in Repossession Suit n. 2003.60.00.005222-0, sentenced on December 11th 2006.
[96] Civil Appeal in Repossession Suit n. 0001770-51.2000.4.03.6000, sentenced on December 11th 2006.

gradually consolidated within the courts. Attesting to this, the indigenous land of Buriti was declared by the Minister of Justice in 2007 and sent to the Presidency to be sanctioned; Cachoeirinha had to wait longer, but was declared in early 2010.

In sum, the mid 2000s to the early 2010s marked a time in which overlapping legal processes recognized the legality of land tenure claims made by indigenous groups. The possession suits did not only analyse civil possession, they analysed what jurists in the MPF and in FUNAI framed as the "constitutional possession" of indigenous peoples, a possession which involved addressing the thorny issue of ownership from a long-term historical perspective.

9.5 Shifting contexts, new forms of mobilization and institutional innovation

But much changed as of 2010. Change had, in fact, been in the making for years, as landowners prepared and deployed a set of strategies to hinder the demarcation of indigenous territories and prevent mobilization of the indigenous movement. Just as the latter was developing its own interpretations of the Federal Constitution and advancing them in court, so where the landowners. And the more the pro-indigenous network succeeded in having its claims recognized, first by the administration and then in court, the more landowners mobilized on the local and national levels and tried to obstruct pro-indigenous activism. Through interest representation organizations such as the National Confederation of Agriculture (CNA), the Federation of Agriculture and Livestock of Mato Grosso do Sul (FAMASUL) and the Association of producers of Soy of Mato Grosso do Sul (APROSOJA), as well as through allied members of state and national parliament, landowner interests were well represented throughout the country. As an organized political force, they constitute what has been referred to as the *ruralists*.

Shifting contexts of mobilization: The Temporal Mark Doctrine and the de-legitimation of land demarcation procedures

One of the most significant victories of the ruralists within the judiciary came in 2009, in a landmark legal suit that became known as *Raposa Serra do Sol*.[97] *Raposa Serra do Sol* is a Yanomami indigenous

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[97] Popular Suit 3.388 from April 20th 2005.

land situated in the northern state of Roraima. The suit discussed whether this indigenous territory should be demarcated as one continuous land or as many small, isolated islands. It became a paradigmatic and leading case because, after over a decade of contention, it reached the Federal Supreme Court (STF), where it was judged by the full Tribunal in 2009. The final judgment of *Raposa* was a victory for the Yanomami, since they had their 1.743.000,00 ha territory recognized by the STF in the form of one continuous land. The problem was in the justification of the judgment. It was in the judgment of this suit that STF elaborated the "Temporal Mark Doctrine" (TMD). According to this legal doctrine, which establishes a highly restrictive form of interpreting article 231 of the Federal Constitution, a given territory can only be considered "traditionally occupied" under the Federal Constitution if two conditions are present: the first is the actual occupation of the land by indigenous groups on October 5th 1988, i.e., the date of the promulgation of the Federal Constitution; the second is the traditional nature of occupation, meaning that it is not enough for indigenous groups to be in actual occupation of the land in 1988, but occupation must follow the customs and traditions of that specific indigenous culture.[98]

There was one important exception to the applicability of this rule: when the indigenous community had not remained on the land due to what the Supreme Court referred to as obdurate disseising (*esbulho renitente*), i.e. when the Indians had been violently dispossessed and prevented from reoccupying the land due to enduring threat or violence deployed by non-Indians. This was a noteworthy exception, but one that is exceptionally hard to prove. If indigenous groups did not have the right to self-representation throughout most of the 20th century, how could they demonstrate that the violence was enduring and that they had tried to resist it (Silva 2015)?

When applied to the examination of indigenous land demarcations in the years that followed the judgment of *Raposa*, the TDM had the effect of barring the use of historical arguments such as those presented in the section above. Temporality was shifted to the present and the very near past: it did not matter if indigenous groups occupied the land in the 1920s, 1950s, or 1970s – what was to be assessed was whether they had tenancy of the territory in 1988. This conservative interpretation that severely restricted indigenous land rights and ignored the fact that these rights had already been

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[98] Judgment of Popular Suit 3.388/RR, March 19th 2009.

ensured by the previous constitutions since 1934. It reified and validated the land tenure structures as they were in 1988 and disallowed the historical reconstruction and questioning of those structures.

The Supreme Court explicitly stated in the judgment of *Raposa* that it did not constitute a mandatory precedent to be followed in other suits discussing land demarcation, since the contexts in which demarcations take place are so unique and different throughout Brazil. Nevertheless, judges throughout the country gradually started to apply the TDM as a condition *sine qua non* for indigenous land demarcation, severely reducing the likelihood that demarcation processes would be recognized as lawful and that reclaimed territories would be recognized as traditionally occupied.

The TDM had hard-hitting impacts upon Terena territories. In 2010, the demarcation of Taunay-Ipegue was suspended with reference to the judgment of *Raposa*. In 2011, accepting a Motion for Reconsideration of the landowners (*embargos infringentes*) in declaratory suit 2001.00.60.003866, the Court of Appeals re-opened its examination of the demarcation of Buriti, in order to verify the applicability of the temporal mark. The demarcation of Buriti had been validated by this same Court in 2005, but things would be different seven years later. The judgment, which was concluded in October 2012, annulled the demarcation, creating a grave precedent for the Terena Indians. The anthropological report was revisited and used to show that there was no proof that the Indians were present in 1988 or that they had been kept from reoccupying the territory due to enduring violence. As stated by one of the votes in the judgment, formulated by Justice José Lunardelli,

> In light of the evidence to be found within this process, it is impossible to speak of effective disputes concerning the possession of indigenous lands at the time of the Federal Constitution of 1988. After the Indians had left the area in the 1940s, a peaceful coexistence was established between indigenous groups and landowners, reinforcing the argument that the Indians accepted the loss of the area or at least did not intend in an effective way to make themselves present constantly and persistently in the disputed area.[99]

The Terena Indians were monitoring these legal developments with the help of FUNAI and the MPF. They were communicated about each judicial decision that impacted the demarcation of their territories. And it was not only in the judiciary that the tides were turning against indigenous groups. In July 2012, the State Attorney´s Office of the Union (AGU) issued an ordinance mandating that

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[99] Lunardelli, José, vote in Motion for Reconsideration (*Embargos Infringentes*) n. 2001.60.00.003866, 2012, p. 32.

agencies of the federal government comply with the requisites for land demarcation established in the judgement of *Raposa*.[100] So if the STF had not made the judgment a mandatory precedent, the federal government would try to do so.

Furthermore, processes taking place in the Presidency and in the Ministry of Justice were creating new obstacles for the advancement of administrative procedures. Given the contentious situation involving indigenous land claims that now spread across the southern and mid-western states of Brazil, in the early 2010s ruralists convinced Chief of Staff Gleisi Hoffmann of the need to institute a new ordinance regulating the demarcation procedure, one which would make demarcation more costly and difficult. At the same time, the *ruralists* were pushing for the approval of bills in national legislature that would change the Federal Constitution in order to make National Congress – and no longer FUNAI – responsible for indigenous land demarcation.[101] So at the same time that actors mobilized in favour of landowner interests were working from within the legal system trying to push for favourable interpretations of the existing legal framework, they were also actively trying to change the rules, which, as they saw it, "contained severe gaps which were being systematically used by indigenous groups to forward their claims" (Riedel 2014).

Shifting mobilization: The Terena Assembly and new forms of claim-making

It was in reaction to these shifting contexts that a group of Terena Indians – led by Luiz Eloy and Lindomar Terena, among others – felt the need to strengthen communication and mobilization among the Terena communities. At the time, Eloy was studying law at the Dom Bosco Catholic University and was involved in a project called "Networks of Knowledge", aimed at promoting the entrance and permanence of indigenous peoples in universities. He was from the village Ipegue, in Taunay-Ipegue, and had grown up in the village before going to Campo Grande to complete his studies. Lindomar, from the village of Argola in the reservation of Cachoeirinha, was one of the leaders that had participated in the Mother Earth reclaiming in 2005. In July 2010, Networks of Knowledge organized a Meeting of Indigenous Academics of Mato Grosso do Sul, in the city of Dourados. A few weeks before this event, the community led by Lindomar had been evicted from the

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[100] Ordinance 303 from July 16th 2012 of the State Attorney's Office of the Union.
[101] Cf. Constitutional Amendment proposition 215/00 of the Chamber of Deputies.

reclaiming of Petrópolis Farm, an event which had been traumatizing for the group. Lindomar was invited by Networks of Knowledge to speak at the Meeting of Indigenous Academics, where he met Eloy (Eloy Amado 2014). At the time, Eloy was studying law at the Dom Bosco University, in Campo Grande. He began to accompany Lindomar in the village meetings and to understand "that the struggle for land was the most central struggle of the Terena people" (Eloy 2014). Eloy graduated in 2011, and soon after that he was summoned by CIMI to work in the legal department. His experience with CIMI was of crucial importance for Eloy´s trajectory. As he stated in one interview (Eloy Amado 2014),

> After I started working with CIMI, one of the things I started to do was travel around Mato Grosso do Sul and visit different indigenous communities. I was working in the legal department and had to assist indigenous groups involved in all sorts of litigation throughout the state. This was the first time, for instance, that I saw a Kaiowá camp, with the Indians living on the sides of the federal highways waiting for their traditional territories to be demarcated. I had no idea this existed, it was completely new to me. And it only made the issue of land more urgent for me.

> At the time, I was already involved with discussions about land with leaders from other Terena communities, with Lindomar and some others. And things were getting really bad, with new eviction orders, with authorities closing down the paths towards land demarcation…and we decided that it was time to make our discussions more formal, to put together a forum where the issue of land tenure, but not only land tenure, also health, education, all the issues that we though were important for our community, we felt that we needed a forum where we could discuss this, where different villages and different leaderships were present. A place that was ours and where we could mobilize.

This was the genesis of the Great Terena Assembly, which held its first meeting in 2012 and has, since then, been gathering Terena leaders, Terena communities, indigenous leaders from other ethnicities and regions, as well as allies such as the MPF, CIMI, FUNAI, state deputies, international human rights organizations and other organizations. Situated simultaneously within academia, the village, and CIMI, Luiz Eloy was crucial in stitching together the Assembly and the underlying alliances. As a lawyer, he has important skills and knowledge to bring to the land struggles. He monitors and intervenes in nearly all legal suits involving indigenous peoples in court, mobilizes the communities to participate in the legal processes and advises the latter in how to deal with the courts and the legal system in the midst of land disputes. At the same time, Eloy´s ties to CIMI, as seen above, enabled him to see beyond Terena territories, and to understand the territorial plight of indigenous groups as

a much broader issue and a basis for alliances across regions and across ethnic groups. Furthermore, his experience with the Guarani and Kaiowá Indians made the very idea of organizing and assembly available to him. Still according to Eloy,

> We got the idea to put together the Great Terena Assembly from the Guarani-Kaiowá. Before this, the Terena did not have an organization, we were scattered and unarticulated throughout the state. Of course, there were struggles, there were land occupations, but the communities were mostly isolated from each other. And it was difficult to gather the leaders from different communities…in the beginning they were suspicious about what was happening…in the first Terena Assembly [May 2012], only 18 out of 43 Terena caciques were present (…). A group of elderly Terena was invited to open the Assembly, and they told us that the Terena had not come together as a people since the Paraguay War. It was a historic event. But people started seeing and understanding what we were doing, they started to understand how important it was to discuss things together, to discuss out land, to talk about the suits and the eviction orders…so the assembly grew. By 2013 we had leaders from almost all communities with us, and also had support from our allies, in the MPF, some people in FUNAI, deputy Pedro Kemp (Eloy Amado 2014).

The Great Terena Assembly became a forum where different situations of land struggles could be jointly discussed as part of a greater issue, and where problems could be overcome through creative mobilization and institutional work. It also represented an arena for political articulation across sectors. At the Terena Assemblies, *caciques* from different indigenous villages come together with public figures, representatives of other indigenous societies and other allies in order to discuss and deliberate about the land question. The public authorities that are invited to these assemblies include Federal Public Prosecutors, representatives of FUNAI at the local and national levels, state deputies, and state attorneys. Allied academics as well as CIMI missionaries and Indians from other ethnicity and regions of Brazil are also present at these meetings, which have been held twice a year since 2012. Representatives of human rights organizations such as Global Justice are also present. The meeting generally proceeds as follows: for three days, a series of panels are held where invited speakers talk about specific issues stipulated by Terena leaders. These always include land, health and education. During the panel, the speaker will pass on to the Indians information about legal and political developments concerning these topics, and Indians have a chance to ask questions and make claims to those speakers, which are many times public authorities. After the panels are concluded, and on the last day of the meeting, the Terena Council – composed of leaders of all Terena Villages,

leaders of reclaimings, elderly Terena and Terena academics – sits together to deliberate about the information they had gathered and to decide about how to proceed with their mobilization.

Figure 8. Great Terena Assembly held in November 2014.
At the centre speaking is Emerson Kalif, Federal Public Prosecutor in MS. To his left are representatives of FUNAI followed by Luiz Eloy and other indigenous leaders. To his right is the representative of the Attorney General´s Office and other indigenous leaders.

In November 2012, the Second meeting of the Great Terena Assembly was held in Moreira Village. Caciques from 15 different Terena villages were present,[102] in addition to representatives from the following public bodies: the MPF, the Secretariat for Social Articulation of the Presidency of the Republic, the Special Secretariat for Human Rights, and FUNAI. After two days of presentations and debate concerning indigenous lands, health and education, a final document was issued in which the

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[102] The final document of the assembly was signed by caciques from the following villages: Aldeia Imbirussú, Aldeia Bananal, Aldeia Lagoinha, Aldeia Ipegue, Aldeia Água Branca, Aldeia Morrinho, Aldeia Limão Verde, Aldeia Lalima, Aldeia Passarinho, Aldeia Cachoeirinha, Aldeia Argola, Aldeia Babaçu, Aldeia Moreira, Aldeia Tereré, Aldeia Buriti, Aldeia Mãe terra.

Council of Terena Leaders positioned itself with regards to the shifts taking place in the judiciary, the administration and the legislature:

> First, we repudiate all instrumental forms that the anti-indigenous movement is deploying to encroach our historically conquered rights, such as Ordinance 2498 published by the Ministry of Justice on October 31st 2011, which determines that state governments also participate in the process of identification and delimitation of indigenous territories; the [Constitutional Amendment Bill] 38/99, which, with the report and vote of Senator Romero Jucá, seeks to change articles 5 and 231 of the Federal Constitution and determine that the demarcation of indigenous lands must be approved by the Senate; The [Constitutional Amendment Bill] 215/00, which seeks to change articles 49, 225 and 231 of the FC and determined that all demarcations be approved by National Congress (…).
>
> We demand, once more, the repeal of Ordinance 303 of AGU. The Federal Government, through the Attorney General of the Union, scandalously manipulates the decision of the Federal Supreme Court, which pertains exclusively to the case of Raposa Serra do Sol in the state of Roraima. With this ordinance, the Government distorts the decision of the Supreme Court by generalizing the applicability of the "conditions for demarcation" comprised in this judgment (…).
>
> May the judiciary finally sentence the suits that concern the demarcation of our lands. We denounce the judicialization of our lands, the judiciary with its laxness has not solved the problem of demarcation, but has rather issued systematic decisions against indigenous communities. We repudiate the preliminary orders which suspend demarcation processes, decisions which are granted in a unilateral fashion and that strike against our most important good, our land (Council of Terena Leaders 2012).

This statement demonstrates that the Terena were very aware of the recent developments in the political, judicial and institutional spheres. It was in the Third Meeting of the Great Terena Assembly, held on March 8th-11th 2013 in Buriti, that important decisions were made concerning strategies of mobilization. According to one Terena informant, the meeting in Buriti was outstanding for several reasons. First, people were revolted with the state of affairs and eager to take action against in some way to intervene in the context, perceived as being increasingly anti-indigenous; second, representatives from nearly every Terena village showed up, endowing the gathering with legitimacy and a sense of representation; third, a special guest was present: Cacique Babau, a Tupinambá Indian from the south of Bahia who had headed a series of land reclaimings in his region. Babau was an important leader in the indigenous movement and had already attained, at the time, national visibility. He was invited to the Assembly in order to speak to the Terena communities about reclaimings. As a community member who was present at the Assembly told me:

As Babau spoke about reclaimings, everyone was silent, eager...we listened very closely to his stories and his advice. Things were very tense. There had been reclaimings before in Terena territories, you know, the Mother Earth reclaiming...nut this was different. It was much bigger. Representatives from many communities were gathered together, people who had probably never really thought about participating in a reclaiming. And they were listening hard. Babau would tell them: 'If you want to reclaim, you can't depend on FUNAI anymore. You have to get on the land and start producing, you have to sustain everyone. You have to put some of the production away for hard times, you have to sell your production to have money. You can't depend on FUNAI.' He spoke and everyone listened. At that point everyone already knew, we all knew, that something was going to happen (anonymous informant, 2014).

It was in the immediate aftermath of this meeting that a new wave of land reclaimings was undertaken by the Terena of Buriti. Between May 15th and 16th, four estates – Buriti Farm, Cambará Farm, Água Clara Farm and Nossa Senhora Farm – were occupied by the Terena groups. Following each of these reclaimings, an eviction order was issued by the first instance judiciary, but they were all reverted. According to Peruzzo, an agent working for FUNAI in Campo Grande,

At that time there were many repossession orders. But we managed to revert them all. All except one, the one for Buriti Farm. This was the only repossession order that we couldn't stop, and in late May, when it was enforced...well you know what happened...it was a tragedy and a disaster (Peruzzo 2014).

Buriti Farm belongs to Ricardo Bacha, an important political figure in MS who has been twice elected deputy in the state legislature. On May 31st 2013, the repossession order issued by federal judge Odilon de Oliveira was enforced by the military police and by the National Guard. FUNAI and the MPF, which were told of the police action only hours before the event took place, arrived late on the scene. The Indians resisted the eviction, and hundreds of them went to Buriti to support the community. In the midst of the operation, live bullets were fired and one Terena Indian – Oziel Gabriel – was shot dead, with his brother being seriously injured.

The death of Oziel Gabriel and the violence with which the eviction had been carried out sparked an immediate reaction from Terena Communities. Terenas from different villages were already mobilizing together in the Assembly, networks of communication were already in place, and news travelled quickly across the region. On the very day of the eviction, Terena communities from the lands of Taunay-Ipegue and Limão Verde carried out their first reclaimings. And the Indians from

Buriti not only reoccupied Buriti Farm, but also reclaimed three other estates. The chart below presents the reclaimings carried out between 2000 and 2015 and demonstrates the peak in reclaimings that followed the events of May 2013.
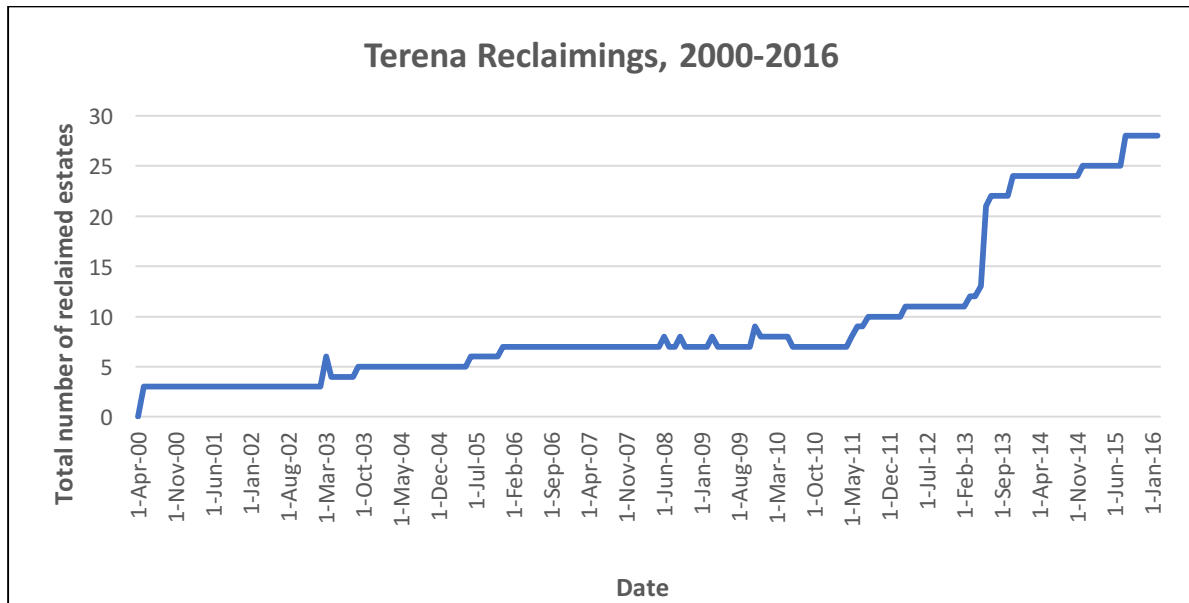
Source: Elaborated based on CPT (2000-2016) and legal suits.

Institutional innovation: New forms of possession and ownership

The events of 2013 led to an escalation of contention and to the consolidation of a new context of mobilization. Given the violent events in Buriti and the intense processes of mobilization that followed in June 2013, the resolution of the "land question" in MS became perceived as an urgent matter by public authorities. The Minister of Justice Eduardo Cardozo immediately visited the disputed territory and declared that it was a priority for government to resolve the issue (CNJ 2013); at the same time, the National Justice Council instituted the Commission for the Resolution of Land Conflicts in Mato Grosso do Sul, which worked to find consensual and institutional solutions for the crisis. [103]

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[103] Ordinances 53/2013 and 71/2013 of the National Justice Council.

The Commission on Land Disputes organized an emergency trip to Mato Grosso do Sul, where it held extraordinary meetings at the Court of Justice (TJ-MS) and at the headquarters of the CNJ (CNJ 2013, 4-5). On June 1st 2013, the Land Commission established its agenda and determined the main goals of its work, which were to: (i) systematically map the land tenure disputes which exist in MS, including the way these disputes have been channelled into the legal system; (ii) facilitate and promote a dialogue between the parts involved in contention; (iii) develop and investigate legal arguments that could contribute to the solution of the impasse (CNJ 2013, 6). In the first meetings of the commission, it was decided that a process of negotiation and dialogue – the "Dialogue Roundtable" – would be instituted in order to provide a forum for discussing alternative solutions to the disputes. While this roundtable remained in place, there was an informal agreement between indigenous communities and landowners that the former would not occupy any further estates and the latter would suspend all repossession suits. A time of relative peace was installed.

In a second round of meetings in late June, the commission proposed that the following institutional strategies be deployed in order to solve the dispute:

(i)   The compensation of farmers and the accountability of the Union in cases where the latter incentivized the occupation of indigenous groups by third parties;

(ii)   Compensation of the Union by the state of MS for its losses in cases where the latter had made indigenous lands available to their parties;

(iii) Public interest land expropriation, with payment in cash in emergency situations where the land is not recognized as indigenous but indigenous groups insist in having possession;

(iv)   The direct acquisition of non-traditional areas for the formation of ecological corridors in also non-traditional areas with the financial support of international organizations, or the acquisition of land in judicial agreements;

(v)   The resettlement of small rural landowners affected by indigenous land demarcation, in the terms of article 4th of Federal Decree 1.775 of 1998;

(vi)   The donation of territories by the Union with or to the state, which will be obliged to pass the land on to rural producers affected by demarcation;

(vii) The financial compensation of indigenous groups by the union due to the violation of their human rights, allowing for the acquisition of their territories for themselves.

These proposals were submitted to the Dialogue Roundtable coordinated by the Ministry of Justice and composed by members of the judiciary, the MPF, FUNAI, federal, state and municipal governments, as well as three representatives of landowners and three representatives of indigenous groups – so that they could deliberate about the implementation of one or another strategy. The work of the Commission and of the Roundtable that followed represented an inter-sectoral effort led by federal government to solve the land tenure disputes in MS in a way that recognized the territorial claims of indigenous groups. The goal of the proposals formulated and discussed within these forums was to overcome or circumvent what they saw as the biggest issue hindering the solution of land tenure disputes: the constitutional norm that declared all land titles issued upon indigenous lands null and void and prohibited the compensation of landowners affected by demarcation. The institutional solutions debated in these forums proposed different ways of handing over possession to indigenous groups while allowing landowners to be compensated for their loss.

Due to the events from May 2013, Buriti was selected as the "pilot", the land upon which the solutions proposed by the CNJ Commission would be tested and sanctioned; it was then to serve as a model for the resolution of other territorial disputes (Veiga 2014). But the Roundtable soon fell apart and did not reach an agreement for Buriti. Once all parties had agreed that public interest expropriation was the best solution for Buriti, they had to agree upon the value that was going to be payed to affected landowners. This was where negotiation fell apart. Expropriation had been settled as the ideal strategy for Buriti because, by 2013, Court of Appeals of the Third Region had declared that the administrative demarcation process was null and that the land could not be decided as traditionally occupied under the Federal Constitution of 1988. The solution was to treat the issue as a problem of social justice and expropriate the land as if government were organizing a settlement. But the price the government offered – 80 million Brazilian reais for the entire area affected by demarcation (30 million USD) - was too low for the landowners, who demanded at least 120 million reais (45 million USD). The table disintegrated in late 2014. At that time, the concern of indigenous communities and leaders was briefly put by Lindomar, who stated that "The problem is that, now, without the Roundtable, there is no agreement. Indians will begin reclaiming again and, on the other side, the landowners and judges will start issuing repossession orders. How are we going to stand another eviction like the ones we suffered before? We can´t stand it" (Lindomar Terena 2014).

Figure 9. Image from meeting of the Dialogue Roundtable held in June 2013.
Source: FUNAI

But even if the roundtable fell apart and failed to accomplish its stated objectives, it generated a set of new institutional possibilities that had been sanctioned by all the parties involved and affected by the demarcation process. After the Roundtable process, members of the MPF, the AGU, state and federal governments as well as indigenous communities all agreed that the expropriation of land and the compensation of landowners for their losses were legally viable strategies to advance demarcation in places where resistance was intense. Having attained significant legitimacy, these alternatives could be used by different actor groups in other arenas of institutional struggle and legitimation. We see this in the final document issued by the Council of Terena Leaders at the Great Terena Assembly in November 2014. In this document, the Indians refuse to engage in a new roundtable, and demand that different legal strategies – demarcation and expropriation – be used to advance the consolidation of indigenous possession over territories in different legal situations. According to the document (Council of Terena Leaders, 2014):

> Given the current attacks against the rights of indigenous groups, such as the PEC [Constitutional Amendment Bill] 215, and the constant violations of the human and fundamental rights of

indigenous groups in MS, be it by the ruralists, who kill our leaders, of by the executive branch, which does not abide by the Constitution and does not demarcate our territories, we leaders do not see any possibility of constituting a negotiation roundtable while there are no concrete actions by the federal government demonstrating its will to solve the situation. These concrete actions are the following:

a) Immediately issue the declaratory ordinance of the Indigenous Land of Taunay-Ipegue, seen that there is no legal obstacle to doing so;

b) Constitute a Working Group to begin the process of identification and delimitation of the Nioaque Indigenous Territory;

c) The immediate conclusion of the anthropological reports for the Indigenous Lands of Pílad Rebuá and Lalima;

d) The immediate physical demarcation and sanctioning of Cachoeirinha;

e) The support of the General Attorney's Office (AGU) in the process concerning the Indigenous Land of Limão Verde within the Federal Supreme Court (STF), with the aim of deconstructing the decision of the Second Circuit of that court that applied the unconstitutional thesis of the temporal mark;

f) Finally, concerning the Buriti indigenous territory, given that the landowners have not agreed to the terms stipulated by the Ministry of justice, we demand the immediate expropriation of the area under dispute (Council of Terena Leaders 2014).

After the events of 2013, significant changes took place in the judiciary. Judges became more hesitant in issuing repossession orders, and members of the Terena Assembly began deploying new forms of legal activism. First, when conciliatory hearings were held within repossession suits, representatives of the affected community attended the meeting together. Community members paint and dress themselves with traditional indigenous garments and headwear. During the hearings, representatives of the contending sides were called upon to express their grievances and claims. After this, the floor was opened for other community members to express their perceptions about the dispute.

In a conciliation hearing I attended on July 31st 2014, an elderly woman from the village of Moreira, in Pilad Rebuá, who was living in a reclaimed farm was able to speak directly to the judge about why it they needed the reclaiming to live:

We can't stay in Moreira [village] anymore. It´s too small for us. Also the water is bad. There are no water springs in the village, we have to travel, to go far away to get water, the water is bad. One time a scientist from a university came to visit us, he did some experiments and told us that our water was bad for us, that we should not drink it. But we don't have a choice really. But in the reclaiming, we have a water spring, we have good water, we can drink without getting sick. We need that, we need the land (Anonymous community member, 2014).

Figure 10. Conciliatory hearing in a repossession suit, held on July 31st 2014.
To the left are Luiz Eloy and representatives of the Federal Union and FUNAI; to the right are the landowners and their lawyers.
In the far back are Judge Pedro Pereira and, to his right, Federal Public Prosecutor Emerson Kalif.

Figure 11. Conciliatory hearing held on July 31st 2014.

In addition to this, the Terena and the MPF started requesting that federal judges conduct field visits to the reclaimings, in order to better understand the ongoing land tenure conflicts. In the years of 2014 and 2015, judge Pedro Pereira, responsible for judging the majority of land tenure suits involving indigenous groups in Mato Grosso do Sul, went on several site visits in order to better understand the claims and grievances of contending parts. He has conducted the following site visits:

8 **January 15th 2014**: Visit to Cachoeirinha in declaratory suit n. 0013347-45.2008.403.6000;
9 **July 22nd, 2014**: Visit to Taunay-Ipegue, declaratory suit n. 0003009-41.2010.4.03.6000;
10 **October 7th 2014:** Visit to Pilad Rebuá, repossession suit 0000760-78.2014.4.03.6000;
11 **July 30th 2015**: Visit to reclaimed farms Ipanema, Cristalina and Persistência, Indigenous Land Taunay-Ipegue, in repossession suit n.

In each of these site visits, the magistrate, which is today responsible for sentencing a large number of possession and declaratory suits in the region, was able to speak and interact with the indigenous community. According to the site visit reports, he was shown around the villages as well as the reclaimings, saw the crops being planted by indigenous groups, and became aware of how much these communities needed the land they were claiming.

Figure 12. Judge Pereira enters a reclaiming adjacent to Taunay-Ipegue on July 30th 2015.
To his right is Luiz Eloy.

Figure 13. An elderly Terena woman speaks to judge Pereira during a site visit on July 30th 2015.

Figure 14 Judge Pereira in the field: asking questions and taking notes.

Institutional innovation: New forms of possession and ownership

After each site visit, Pereira issued decisions that were favourable to indigenous groups. After visiting Cachoeirinha in January 2014, the judge issued a decision determining the advancement of the administrative demarcation procedure, which had been suspended since 2009 due to a decision from the Supreme Court of Justice. After visiting Taunay-Ipegue in mid-2014, he also determined that the demarcation procedure concerning this land should advance. It had been suspended since 2010 due to a preliminary injunction issued by a first instance federal judge. Furthermore, after visiting the reclaimings in July 2015, Judge Pereira determined that indigenous groups should be kept in possession of the land. More than this, he decided that the repossession suit should be transformed into an indirect expropriation suit that would oblige the Federal Union to compensate the landowners for their loss.

In each decision that followed the site visits, judge Pereira expressed his recently acquired perceptions about the ongoing land disputes:

> I make this digression in order to observe that the present decision is based upon new information about the land claims of indigenous communities and – above all – upon the new way of understanding the land conflicts that has been espoused by the executive and judiciary branches, including the CNJ, especially after the incident at Buriti.

> After having visited the small parcel of disputed land and the village; after having heard in loco the demands and grievances of members of the community; after having verified with my own eyes the exiguity of demarcated land in comparison to the needs of the indigenous population; after having pondered about the arguments presented by FUNAI and by the Indigenous Community in the interlocutory appeals they presented; after having evaluated the precedents of the Federal Regional Tribunal of the 3rd Region on the issues concerning indigenous lands and reflected about the alternatives that were proposed in the conciliation hearing, I decided that the preliminary [repossession] injunction should be revised.[104]

In a long and detailed decision, the magistrate goes on to describe how the demarcated lands are insufficient for the indigenous community, how the Terena Indians had been historically expropriated from their land and how, under the new constitutional order, a sense of entitlement and justice had

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[104] Repossession suit n. 0000760-78.2014.4.03.6000, decision from October 6th 2014, p. 5.

emerged within these communities, which had begun to fight for their land. In this decision, as well as in those decisions issued in the suits pertaining to Taunay-Ipegue and Cachoeirinha, the judge assumes the point of view and perspective of the indigenous community, a fact which until this point was not at all common in legal decisions, and proposes new solutions for the land conflict.

These solutions draw on the different institutional elements available in the legal system, as well as on the institutional innovations validated in the Dialogue Roundtable instituted by the CNJ in 2013. In a set of repossession suits filed against reclaimings in Taunay-Ipegue, Pilad-Rebuá and Cachoeirinha, judge Pedro Pereira dos Santos issued innovative decisions which stipulated new justifications for the rightful possession of Terena Indians upon the territory. In each of these suits, and after having visited the reclaimed territories and indigenous villages, the judge reasons that the community urgently needs more land to plant and to survive and that, even if it is plausible that the land demanded by the Indians will not be defined as "traditionally occupied", the right to cultural and material survival should not be relegated by the justice system.

He goes on to coin a novel institutional solution for the dispute. The judge argues that the Indigenous community has already consolidated its possession over the disputed territory, and that this possession would very likely not be reverted, since the Indians clearly felt they were entitled to the territory and were already using it in productive and traditional ways. Since indigenous lands are under the domain of federal government, what this situation meant from a legal point of view what the Union had carried out an indirect expropriation of the landowners, and that these should be compensated for their loss. So, in each one of these cases Pereira goes on to convert the repossession suits into indirect expropriation suits and to declare the duty of the Union to compensate the landowners for their loss:

> If today compulsory eviction orders offer serious risks, how can we give back hope to the non-Indians that such a thing will occur in the next 10 years (yes, that is how long suits such as these generally last), when the indigenous communities will already have established their roots in the land? The legal remedy for cases in which private property has been taken over by the state without the due process, has a name and a last name: indirect expropriation. Note that in the present case and following the understanding of the Court of Appeals and the president of the STF, the judiciary is responding to the claims of FUNAI and the MPF and, in the name of social peace and order, is deciding for the permanence of indigenous groups upon the area. [105]

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[105] Repossession suit n. 0000760-78.2014.4.03.6000, decision from October 6th 2014, p. 13.

Pereira goes on to state that

> Now it is left for the executive branch to proceed with the expropriation and with the deposit of the due compensation to the landowners (…). The destiny of these lands is already perfectly settled. Moreover, the eviction of the indigenous communities could bring about grave consequences. It is important to remember that the present case is much like the case of the Buriti village, where, on the 30th of May, Oziel Gabriel died in a confrontation with the security forces that were carrying out the repossession order. [106]

In these decisions, Pereira is explicitly saying that he accepts the arguments formulated by the community, FUNAI and the MPF – that the Indians should stay on the land – but gives them a new legal framing, transforming repossession suits into indirect expropriation suits. He also explicitly mentions that his solution has been legitimated by the CNJ and has been applied by the federal government in a preceding case, making it plausible and acceptable. In addition to this, Pereira refers to the impacts that the violent eviction and resistance in Buriti have had on the context of action, and validates indigenous claims to the land.

This decision was important because it was issued in a set of repossession suits between 2014 and 2015, and it opened a new precedent for the justification of indigenous land occupation in the aftermath of *Raposa*. It was by means of this decision that the Indians managed to remain in possession of the reclaimings that occurred after 2013. Furthermore, in 2016, nine landowners from Buriti decided to give up on getting their land back and filed indirect expropriation suits. All the suits were distributed to judge Pereira, which means that they will very likely be upheld, at least in the first instance.

Second instance judges also chose to allow indigenous groups to remain on the reclaimings despite the non-traditional character of the disputed lands. The excerpts below, taken from Interlocutory Appeals filed against decisions from the first instance to issue repossession orders against indigenous groups, illustrate the proliferation of new justifications under the new context. The first excerpt is taken from the unanimous judgment of an interlocutory appeal by the Fifth Chamber of the Court of Appeals in 2014:

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[106] Repossession suit n. 0000760-78.2014.4.03.6000, decision from October 6th 2014, p. 13.

It is true that the First Section of this Court, in the Motion for Reconsideration n. 2001.00.60.38660 understood that the area discussed in the present suit [Buriti] cannot be considered traditionally occupied by indigenous groups, and recognized that the landowners have lawful domain over the estate.

However, if we do not receive and uphold the present appeal [which seeks to prevent the enactment of the repossession order], there is a risk that a greater evil will be brought upon the social order and the physical integrity of the parts, and, given the conflict that is currently underway, if we do not uphold this appeal we are giving priority to private property rights to the detriment of other, more important rights, such as the protection of life, of health and of security. We would also be choosing a conflict-laden solution over a solution that promotes peace and understanding, one that will certainly bring greater social benefits.

Given these reasons (…), I conclude that the request should be upheld, and the suspension of the repossession order shall be granted.[107]

The next excerpt was taken from a monocratic decision formulated by Justice Paulo Fontes in yet another interlocutory appeal. In the decision, the Justice extensively cites the reports written by Funai after site visits to the contested territories:

I understand that, in the case brought to me in this process, and despite the judgment of legal suit n. 2001.60.00.003866, which recognized that the area under dispute is not traditional, the effects of the decision which determined the eviction of indigenous groups should be suspended. This is because the occupation was carried out without the use of physical violence, so much so that the betterments in the occupied area were in no way affected, as can be seen from the report submitted by Funai. In addition to this, the removal of indigenous families, at this point in time, would generate social conflict with unpredictable consequences, given that there are around 90 families in the area including children, women, and elderly, and there are crops with beans and corn, planted in accordance with the Terena traditional customs.[108]

These decisions do not mention ownership as a justification for possession. The latter is justified by making reference to social order, to the non-violent nature of the occupation, and by the general weighing of different rights against each other. Furthermore, Justice Fontes speaks about how the Terena have been, since the reoccupation, using the land in a traditional way, i.e. in a way that is in

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[107] Court of Appeals of the 3rd Region, Interlocutory Appeal n. 0012067-21.2013.4.03.0000/MS, judgment published on September 14th 2014.
[108] Fontes, Paulo, interlocutory appeal n. 2003.03.00.009924-0, preliminary decision from May 16th, 2013.

accordance with their customs and practices. The notion of "traditional" here does not stem from the past but is rather constructed in the present, through the possibility of land use and the very existence of the reclaiming.

This emerging body of legal decisions points to the consolidation of new institutional forms in the governance of indigenous land tenure. These novel forms emerge from the creative recombination of institutional elements that were available within the institutional contexts, many of which had ensued from previous episodes of pro-indigenous mobilization. They combine elements validated by the CNJ with the notion of indigenous reservation and with traditional forms of land use – here brought up as a form of legitimating possession and not as the legal category contained in the Federal Constitution of 1988. Many pro-indigenous activists are against the institutional solution of indirect expropriation and compensation of landowners. They say this takes indigenist policy back to the days of the reservation. According to anthropologist Fabio Mura,

> [T]he ideal of the Federal Constitution was one of recognizing differences, of having many forms of territorialization and social order within one nation. But now we are just going to buy the land from the farmers and give it to the Indians? This is not new; this is exactly what things were like in the times of the reservation. There is no respect for traditional forms of land use, no recognition of difference in this solution. It takes us back to the days of tutorship and reservation (Mura 2016).

Edson Lasmar, the anthropologist who coordinated the first Technical Working Group to identify Buriti, agrees with this. He adds that indirect expropriation and the purchase of territories stands for the legitimation of the violent dispossession suffered by indigenous groups and for the formal recognition of illegal land titles. He also notes that this type of compensation was, from day one, the project of landowners, who wished to bypass the Federal Constitution at any expense to avoid economic losses (Lasmar 2016).

But many indigenous leaders disagree with these interpretations. Eloy, for instance, stated in an interview "of course it's not the optimal solution. These lands are traditional; we have documents and reports proving this. And we will continue to struggle for the recognition of this. But we are open to alternative solutions, especially in such hard times" (Eloy Amado 2014).

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9.6 Third period of pro-indigenous mobilization: patterns and incremental outcomes

The third period of pro-indigenous mobilization in Brazil was constituted by two partially overlapping and locally rooted episodes of contention. In the sixth episode, indigenous leaders struggled to activate and maintain inter-sectoral networks of mobilization that would advance the administrative demarcation of indigenous territories. The episode was marked by continuous processes of institutional sense-making and framing. It contributed to three incremental outcomes: the emergence of inter-sectoral networks of mobilization at the local level, which, despite their importance, were highly unstable and tense, the consolidation of a new repertoire of claim-making – the reclaiming – and the conclusion of three demarcation reports attesting to the traditional character of three Terena territories and establishing new extensions for these territories.

The seventh and final episode of pro-indigenous mobilization began as landowners channelled contention into the legal sector by filing repossession and declaratory suits against indigenous reclaimings. The pro-indigenous movement was able to respond to such processes of counter-mobilization in the judiciary by activating ties to legal professionals within FUNAI and the MPF.

Given the pro-indigenous ethos which had been growing in the MPF and in sectors of FUNAI after the passing of the Federal Constitution of 1988 and the linkages that were developing between legal professionals within these agencies and the pro-indigenous movement, the latter was able to make its grievances, claims and projects heard in the judiciary. Throughout over a decade of intensified contention, public lawyers worked hard in courts to defend the land claims of Terena communities, any many times reaped significant success. But when opportunity structures shifted in the early 2010s with the *Raposa Serra do Sol* judgment and the diffusion of the Temporal Mark Doctrine, indigenous groups organized to respond. Led by a group of Terena Indians from different villages, they formed the Terena Assembly, which brought together and institutionalized alliances between indigenous communities, public lawyers, students, politicians and human rights activists. This underlying organizational structure allowed the Terena to respond to shifting contexts by adopting increasingly disruptive reclaiming strategies. The escalation of mobilization as of 2013 pushed authorities to coin new institutional solutions for the disputes, and the active resistance of the Terena against eviction orders made it extremely costly for judges to issue and enforce repossession orders. In light of this situation, the first and second instance judges drew creatively on existing institutional elements in order to devise new institutional solution which allow indigenous groups to remain on reclaimed

lands while enabling the compensation of affected landowners. The concatenation of these mechanisms of disruption and institutional theorization throughout the decade led to the development and validation of alternative institutional justifications for indigenous possession throughout the 2000s and 2010s. The overlapping processes of institutional innovations added up to incremental – and still ongoing – processes of institutional change.

The figure below presents the incremental outcomes which ensued from the third period of pro-indigenous mobilization in Brazil. The sixth episode ensued in two outcomes which are internal to the movement – the activation of inter-sectoral networks and the emergence of a new repertoire of claim-making – and one institutional outcome, namely the approval of administrative demarcation reports identifying three traditional Terena territories. The seventh episode ensued in the consolidation of the Great Terena Assembly, the straightening of ties between indigenous groups inter-sectoral allies and the emergence of new organizational forms governing indigenous land tenure in the region.

Timeline 3: Episodes and incremental outcomes in third period of pro-indigenous mobilization (1998-2015)
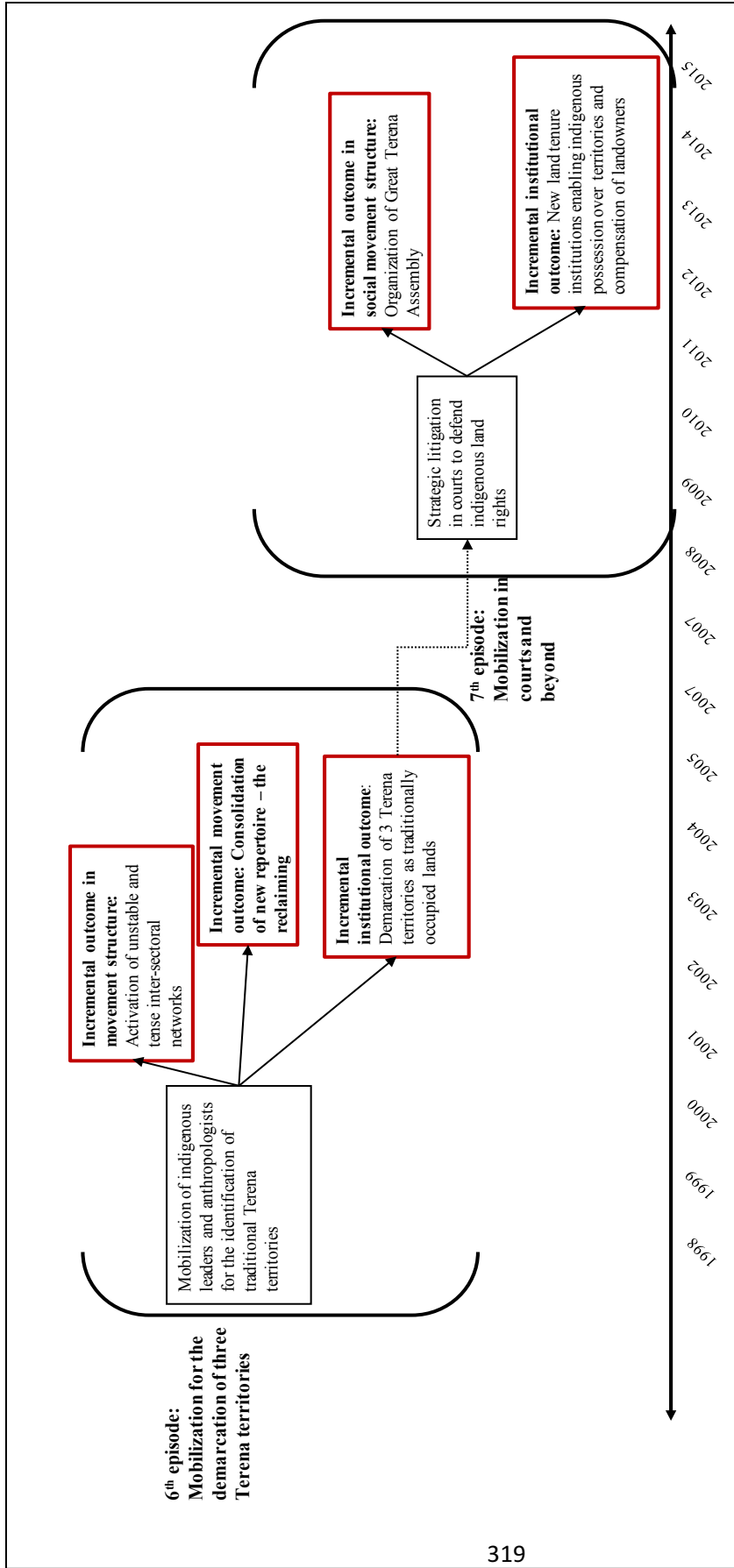
Chapter 10. Conclusion

The present dissertation has analysed a multi-level and inter-sectoral trajectory of pro-indigenous mobilization in Brazil in order to investigate how social movements contribute to processes of long-term and gradual institutional transformation. Empirically, I sought to explain how the mobilization of pro-indigenous activists and organizations contributed to the shift from the socio-territorial situation of the reservation to the socio-territorial situation of the reclaiming. Theoretically, I sought to identify how social movements contribute to institutional change processes that ensue from the dynamic interplay and sequential encounters between movements and contexts of action.

To address this question, I have deployed a longitudinal framework of analysis that allowed me to trace sequential and interlinked episodes of mobilization and to investigate how their outcomes were woven together into a boarder trajectory of institutional change. This approach diverges from most existing studies of social movement outcomes, which focus predominantly on short-term impacts of movements or single episodes of mobilization. Moreover, while many scholars assume that movements tend to target and produce change in the state, and, more, specifically, at the national executive level, I have cast a much wider net for analysing social movement outcomes, investigating how mobilization also impacts non-state institutional sectors as well as institutionally-differentiated sectors within the state (such as the judiciary, the executive and the legislature). In addition to this, I have emphasized the need to analyse different dimensions of outcomes – namely institutional outcomes and outcomes that are internal to the social movement – together if we are to understand and explain the long-term and relational engagements of movements with their shifting contexts of action.

This chapter presents the main conclusion of the study. It begins by reviewing the types and instances of institutional change to which the pro-indigenous movement contributed over the course of nearly five decades and by assessing the different forms of movement engagement that affected those

changes (section 10.2). After this, and based on a comparative analysis of different periods, episodes and sectors of mobilization, I go on to present two recurrent social processes that were central for the movement's ability to influence incremental and cumulative processes of institutional change: (a) the formation of inter-sectoral networks of contention and (b) institutional framing. I use the term inter-sectoral network formation to refer to processes through which ties of cooperation and mobilization are constructed and activated by actors situated across institutional sectors in the midst of contention. By institutional framing, I refer to the collective and public processes through which activists and supporters attribute meaning to existing institutional elements while disputing their implications within the movement and with contending parties. In sections 10.3 and 10.4, I describe the empirical manifestations as well as the theoretical significance of these recurrent social mechanisms. After this, I present the theoretical contributions (section 10.4) as well as the open questions and avenues for future research that emerge from the present study (section 10.5).

10.1 Shifting institutional engagements: The contentious path from the reservation to the reclaiming

The analysis of pro-indigenous mobilization in Brazil suggests that, rather than producing single instances of transformation in institutionalized norms and procedures, mobilization can contribute, over the long run, to multiple instances of change that add up to trajectories of institutional transformation. In doing so, they transit between different types of institutional engagements, operating both from within and from outside of existing institutional structures (McAdam and Scott 2005, Van Dyke, Soule, and Taylor 2004, Schneiberg and Lounsbury 2007), and deploy multiple repertoires and tactics. In order to trace these processes, it is necessary to adopt a long-term and dynamic framework in the analysis of social movement outcomes (Bülow 2014, Zajak 2014).

In this dissertation, I have focused on investigating two types of movement outcomes: outcomes which are internal to social movements and institutional outcomes. By internal outcomes, I refer to instances of change in the infrastructure and cultural dynamics of the social movement. I deploy the term movement infrastructure to refer to the social movement organizations, their situation within and across sectoral domains and the ties linking them together. By cultural dynamics, I refer to the identities, institutional repertoires, practices, projects and categories that are present within the

social movement network. By institutional outcomes, I refer to instances in which mobilization has contributed to shifts in the formal and informal rules and procedures which structure and govern the inter-sectoral field of indigenism. These include laws, regulations, administrative processes and legal decisions, as well as norms established within non-state institutional sectors, such as the codes governing life in religious organizations and scientific practice. In analysing these types of outcomes together, I have shown how they interact and influence each other.

The evidence on mobilization and institutional change analysed in the previous chapters suggests that the engagement of pro-indigenous activists and organizations contributed to a gradual process of institutional change throughout the decades. During this time, the institutional sectors and levels in which mobilization took place have shifted significantly. In the first period of mobilization, ranging from 1970 until 1977, pro-indigenous activism was mostly situated within and impacted non-state sectors such as science, religion and, less significantly, the media. In these episodes, activists mobilized within their primary sectors of affiliation and drew on transnational resources, norms and networks in order to question the pillars of Brazilian indigenism. Their efforts resulted in the first instance of formal institutional change – the passing of the Statute of the Indian – and the emergence of new pro-indigenous organizations, practices and beliefs within the Catholic Church and anthropology. Institutionalized within the religious and scientific sectors in the mid-1970s, these elements became the seeds of counter-institutions that challenged the norms, categories and practices of tutorship and corresponding form of indigenous disenfranchisement and territorialization. By the end of the first period of pro-indigenous mobilization in the mid-1970s, the field of indigenism was characterized by a significant level of inter-sectoral dissonance. Both within and across institutional sectors, there were increasing contradictions and conflicts between the forms of organization and the norms which governed interethnic engagements, a fact which represented a landmark transformation in the field.

In the second period of pro-indigenous mobilization, activists drew from this context of dissonance and built on it in order to challenge federal policy-making and engage in sustained processes of institutional innovation. During the democratic transition, activists mobilized on the national scale as they made claims targeting agencies and bodies of the state. In responding to government attempts to "emancipate" indigenous peoples – a policy which, if implemented, would terminate the legal status of indigenous groups as well as their identity-based rights – actors situated across institutional

sectors, including episcopates, missionaries, anthologists, lawyers, and indigenous chiefs, came together to form an inter-sectoral social movement network and to develop a rights-based campaign demanding respect for indigenous cultures and the demarcation of indigenous territories. They drew on the Statute of the Indian to demand that indigenous land right be enforced.

This inter-sectoral movement network was crucial for pro-indigenous engagement in the National Constitutional Assembly (NCA) of 1987-88. During this episode, activist converted their broad goals of social transformation into concrete institutional projects which were discussed, defended and negotiated with congressmen, allies and antagonists during the NCA. Given the different projects and repertoires that were dominant within the institutional sectors involved in the mobilization process, maintaining inter-sectoral alignment was a challenge. But despite the difficulties, activists managed to keep inter-sectoral ties intact. Many elements of the institutional projects of the movement made it into the Federal Constitution of 1988. The latter recognized the full citizenship rights of indigenous groups; instituted new land rights for these minorities and put a formal end to the tutorship regime. The counter-institutions which had been developed within the movement – first as cultural elements, then as intra-sectoral institutions, the as inter-sectoral institutional projects – were, in 1988, incorporated into the legal system. They became part of a new institutional framework in which the transformative projects of pro-indigenous activists became state-backed formal institutions.

But this was not the end of pro-indigenous mobilization. Rather, it was after the passing of the Federal Constitution that organized and sustained Terena mobilization for territories took off. In the third period of pro-indigenous mobilization, mobilization shifted to the local level, and the instances of organizational, cultural and institutional change which ensued from the national mobilization described above were appropriated by Terena leaders, communities and their allies as they leveraged strength and engaged in sustained territorial claim-making. These incremental outcomes provided the resources which were deployed in territorial contention to affect deep shifts in the dominant socio-territorial situation. The activation of elements ensuing from previous rounds of mobilization was crucial for the development of novel and expansive land claims by indigenous groups. These land claims no longer followed the transitional logics of the reservation. They demanded the implementation of novel forms of territorialization that ensured the social and cultural development of indigenous groups, and not their assimilation.

As seen in chapter 3, up until the 1980s most rural Terena lived under the socio-territorial situation of the reservation. Under the indigenous tutorship regime, indigenous groups were not allowed to self-organize, and the pervasive mediation of the federal indigenist bureaucracy prevented them from developing enduring alliances with actors and organizations which could support their resistance against territorial dispossession. This socio-territorial arrangement began to change in the 1980s, when an indigenist support organization, the Centre for Indigenist Work (CTI), entered the scene and started organizing and providing resources for Terena Indians in the Cachoeirinha Reservation. The presence of this new actor challenged the monopolistic mediation of FUNAI over indigenous groups. But given the obstacles to mobilization under the tutorship regime, further change took years to develop. Over a decade passed when, in the late 1990s, the CTI worked closely with Terena groups from Cachoeirinha, Buriti and Taunay-Ipegue in order to advance the demarcation of Terena territories under the new institutional context of the Federal Constitution of 1988. By combining anthropological and legal skills with the collective narratives and memories of land dispossession and land use of Terena groups, activists were able to frame new extensions of land under the concept of "traditionally occupied territories" enshrined in the Federal Constitution of 1988. It was in this context of land demarcation and expansive indigenous territorialization that the reclaiming emerged as a repertoire of claim-making, first used to pressure government into land demarcation and then to effectively and permanently occupy contested territories. The socio-territorial situation of the reclaiming emerged from the active and interpretation and deployment of outcomes of previous rounds of mobilization – including organizations, skill-sets and institutions.

In the seventh and final episode of pro-indigenous mobilization, the movement once again drew on existing institutional elements and brought together inter-sectoral skill-sets in order to respond to the judicialization of land claims by landowners. Inter-sectoral ties were strengthened and stabilized through the foundation of the Great Terena Assembly. The ties of cooperation and mobilization between Terena Indians, public lawyers, researchers and anthropologists has been crucial for the movement's ability to respond to highly unfavourable shifts contexts of mobilization. By defending their institutional projects in the legal sector and engaging in collective and public processes of institutional meaning-attribution – which I refer to as institutional framing - the pro-indigenous network was able to avoid grave setbacks and participate in another instance of institutional innovation.

This evidence reveals a long-term trajectory of mobilization, composed of episodes which are interlinked through the reflexive engagement of activists, which has become increasingly local and increasingly engaged with the formal institutional system. In the first period of mobilization, pro-indigenous activists drew on transnational ties and resources in order to coin new practices, categories and institutional projects which challenged the existing institutional regime. In the second period, they mobilized predominantly on the national level and targeted state sectors. Activists disputed the meaning of existing institutional elements and channelled parts of their counter-institutional projects into the legal system, contributing to the consolidation of a novel institutional framework which encompassed, albeit in an ambiguous manner, the projects and goals which pro-indigenous activists had developed in the previous decade. In the third period, the institutional engagement of pro-indigenous activists shifted. They now worked from predominantly within the existing institutional system – which they had themselves contributed to developing – in order to dispute its interpretation and signification. This was done within administrative procedures, legal suits as well as reclaimings, which after all sought to activate, give meaning to and enact existing land tenure institutions. As institutional elements proposed by the movement were incorporated into the institutional framework, the movement began to internalize its engagements, working to advance preferred interpretations of an increasingly complex institutional field.

10.2 Inter-sectoral contentious network formation

The seven sequential episodes and three consecutive periods of pro-indigenous mobilization analysed in this study reveal two processes that were present at different times and in different settings and which underpinned the movement's capacity to contribute to gradual institutional change. Following Maynz (2014), I refer to these processes as social mechanisms, understood as recurrent social processes linking a set of initial conditions to specified outcomes. I call the first of these social mechanisms **inter-sectoral network formation**, which refers to the process through which **ties of alignment and mobilization are constructed and activated by actors situated across institutional sectors in the midst of contention.** Such ties can be formed, sustained and activated in a variety of ways that result in more or less stable and cooperative networks of contention. By shedding light on how movements develop and sustain relationships of cooperation and alignment

across institutional sectors and how these linkages affect the movement's capacity to contribute to institutional change, the examination of this mechanism draws on and contributes to the scholarship that bridges across social movement and social network analysis (Diani 2016, Della Porta and Mosca 2005, Diani and McAdam 2003, Gould 2003).

The formation of inter-sectoral contentions networks – composed of actors whose engagements and goals become aligned in the contentious process - occurred in the episodes that constitute the second and third periods of pro-indigenous mobilization. The catalysis for such inter-sectoral alignment was the perception of shifting contexts of action and of the emergence of what was identified by actors as problem situations – namely situations of perceived opportunity or threat (Gross 2009, Mische 2015). In the fourth, fifth and seventh episodes of mobilization, activists across sectors perceived contextual threats that potentially affected them – the passing of the emancipation decree, the institution of the National Constitutional Assembly, and the judicialization of land tenure disputes. In the sixth, the catalysing event was a favourable political shift - the election of Zeca to PT for governor of MS. In each of these cases, activists responded to such shifts, to which they attributed potentially inter-sectoral consequences, by activating and strengthening inter-sectoral ties. It is important to note that some of these shifts – like the judicialization of land tenure disputes – was itself a consequence of previous rounds of mobilization.

In all of these episodes, the formation of inter-sectoral ties was important for the movement's capacity to contribute to institutional change and for its capacity to respond to and withstand shifts in contexts of action. First, such ties allowed activists to bring together and concatenate multiple institutional repertoires as they engaged in contention. They provided the movement with multiple skill sets that enabled it to more effectively advance their institutional projects in various sectors. In many of the episodes analysed in this study, the movement contributed to institutional change by aggregating multiple institutional repertoires and jointly deploying them in the name of a common goal. This was the case with the approval of the administrative demarcation reports, for instance, which ensued from the bringing together of the anthropologist's scientific skills and disruptive claim-making and narratives of indigenous groups. It was also the case with the emergence of new land tenure institutions in episode seven, which resulted from the concatenation of strategic litigation, anthropological investigations and indigenous mobilization.

Second, the aggregation of inter-sectoral repertoires enabled the emergence of new forms of claim-making. This was the case with the reclaiming, which spread across Terena villages and became a sustainable strategy for of claim-making due to inter-sectoral support from anthropologists and legal professionals. While indigenous leaders and communities strategized, carried out and supported life in the reclaimings, anthropologists coined studies and reports which were used by indigenous communities to legitimate their territorial claims and public lawyers developed legal arguments and deployed legal instruments in order to guarantee the continued possession of indigenous groups over the reclaimed lands.

In addition to this, the construction and activation of inter-sectoral networks enabled activists to take advantage of or open up channels contention that would not have been available if actors from only one sector had been involved in the dispute. This increased the capacity that activists had to respond to shifts in institutional and political contexts of action. By increasing the responsive capacity of the movement, inter-sectoral networks of mobilization also contributed to its resilience. For instance, when the administrative demarcation procedures were being questioned in the legal sector by landowners, the activation of inter-sectoral alliances between indigenous leaders, anthropologists, and lawyers allowed the legal skills of the latter to be used in courts to defend indigenous land demarcation. When strategic litigation was hindered by means of the Temporal Mark Doctrine, contention was partially displaced to direct action and land reclaimings were carried out by the Indians. Both of these processes of displacement were carried out through the activation of inter-sectoral ties.

Similarly, when mobilization at the NCA nearly fell apart near the end of the constitutional process, ties of cooperation between the religious sector - namely bishops – and political strategists were crucial for opening up new forms of channelling the movement´s institutional project into the constitution. Or take the Terena leaders in episode six, who, given the perceived opportunity for mobilization that the election of the governor from the Worker's Party represented, immediately activated their ties to Azanha so that he would pressure FUNAI to open up the demarcation procedure and assume the role of coordinator of the TWG. In each of these episodes, the construction and activation of inter-sectoral network ties enabled the movement to effectively respond to shifts in contexts, be they opportunities or threats. Moreover, in moments like the judicialization of land demarcations, it also enabled the movement to continue to mobilize and advance its claims in a new

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arena. Therefore, the construction of inter-sectoral ties increases both the responsive capacity and the resilience of movements vis-à-vis shifting contexts of action. It allowed them to keep mobilization going and engage in more long-term trajectories of contention.

These elements demonstrate that there are important similarities between the formation and consequences of inter-sectoral network construction in the different moments and social sites analysed in this study. This allows us to speak of a recurrent social process. But there is also variation in the way inter-sectoral networks were developed and maintained, and such variation accounts for the different characteristics and qualities of the networks which emerged at different times. In the second period of pro-indigenous mobilization, for instance, inter-sectoral linkages were constructed as actors from different sectors came to perceive themselves as being negatively affected by the emancipation policy. In response, they organized, with increasing intensity, variety of events – such as press conferences, assemblies, and seminars – in which they came together to exchange ideas and mobilize jointly. Their collaboration was institutionalized through the formation of an assembly of indigenist support organizations and the formation of the coalition for indigenous rights at the National Constitutional Assembly of 1998. This intense social networking ensued in the development of shared institutional projects and an inter-sectoral political identity, which gave the network stability and endurance and ensued in the formation of what can be called an inter-sectoral social movement network (Diani 2016, Diani and Bison 2004)

The ties between Terena communities, bureaucrats in FUNAI and the Technical Working Groups consolidated in the sixth episode of mobilization are quite different from this. Here, inter-sectoral cooperation involved significant levels of tension, suspicion and antagonism. The Terena Indians had to fight to keep anthropologists and bureaucrats on their side of the conflict and to make their point of view be heard and taken into account. In the absence of sustained spaces and arenas for communication and recognition, the ensuing social network was much more unstable than the one that emerged in the previous period. Alignment was achieved through the insistent engagement of indigenous groups, which was at times cooperative and at times disruptive. Disruptive forms of network activation and inter-sectoral alignment included the kidnapping of anthropologists, land occupations and occupations of public buildings. While these forms of inter-sectoral alignment did the job – that is, they activated inter-sectoral ties and consolidated inter-sectoral alignments at crucial points in time – they did not ensue in the stabilization of a social movement proper. Rather,

the network of contention was unstable and tense, with no consistent underlying political identity or project keeping it together.

In the seventh episode, we see again the continued activation of inter-sectoral networks. Throughout the episode, indigenous groups interacted loosely with public lawyers in order to advance the recognition of their institutional projects in the legal sector. But as institutional contexts became more threating with the diffusion of the Temporal Mark Doctrine, a group of Terena Indians decided it was time to strengthen the inter-sectoral alliances that support their claims. This is when the Great Terena Assembly was founded, an institutionalized arena that brings together activists from different institutional sectors who converge around the project of consolidating the right of Terena Indians to the land they traditionally occupy. This assembly has allowed for the emergence of a social movement network at the local level, in which actors share a political identity and mobilize sustainably in the name of a common project.

Moreover, in the instances in which the stronger variation of inter-sectoral contentious networks emerged, we also see, in addition to the institutionalization of arenas in which routine social networking can occur, a second form of stabilizing and reinforcing inter-sectoral ties: the active construction of inter-sectoral recognition. I use this term to refer to the cultural processes by means of which perception and acknowledgement of diverse forms of claim-making, skills and knowledge systems situated within the boundaries of the movement network are actively constructed by activists. Keeping together a complex and inter-sectoral social movement network is no easy task. Actors situated within different sectors often carry different world views and nuanced versions of overarching goals of mobilization. Given their experiences within sectors, they carry diverse skill sets and enact different modes of engagement and forms of claim-making. It is plausible this variety of knowledge systems, skill-sets and forms of claim-making can result in conflict, misrecognition and disaggregation of the social movement. Therefore, stabilizing inter-sectoral relationships implies successfully constructing channels of communication and ties of recognition across very different social worlds. These processes build on and contribute to the growing literature which focuses on the cultural rather than the structural aspects of social movement network dynamics (Mische and Pattison 2000).

In the seventh episode, indigenous activists engaged in several practices aimed at constructing the recognition and acknowledgment of their forms of claim-making among inter-sectoral allies. Take, for instance, how public lawyers and judges have recognized the reclaiming as a legitimate form of claim-making. Such recognition has been promoted by indigenous leaders and communities who invite their inter-sectoral allies into arenas of mobilization and life situations in which the value and significance of the reclaiming are jointly constructed and experienced. One example of this is the event with which I opened this dissertation – the master thesis defence organized and enacted by Luiz Eloy and his supervisors upon a reclaimed land parcel. This event brought together indigenous leaders, bureaucrats, public lawyers, and students into a situation in which they could see and feel what a reclaiming was like and what its importance was for the indigenous communities involved. Community members spoke about and demonstrated their hardships and justified their forms of action. They asked for help and support from those allies that were present. Similar performances take place within the Terena Assemblies, where activists from different sectors are brought together to speak about and acknowledge what the others are doing.

Another instance of recognition-building can be identified in the engagement of indigenous communities with federal judges in the midst of the repossession and declaratory suits that were analysed in chapter 10. The Terena communities were not content in attending in large numbers the hearings of these suits. They also requested that the federal judge carry out visits and inspections to the occupied territories. During these visits, the judge was shown that the Indians used the reclaimed land parcels to plant badly-needed staple foods and to maintain their livelihoods. The federal magistrate saw and experienced life on the reclaiming, the social dynamics that sustained that territory and its significance. After these visits, the issuing of eviction orders against the Terena decreased significantly. Such processes help explain the partial victories of Terena mobilization over land tenure during a time in which contexts have become extremely unfavourable to their claims.

This analysis shows us that there are important commonalities and also variation between the processes of inter-sectoral network construction in the different periods and episodes analysed in this study. Inter-sectoral ties played a crucial role in the capacity of the movement to influence change in institutional contexts and to respond to contextual shifts. But inter-sectoral networks constructed through routine interaction and inter-sectoral recognition building are more stable and resilient than structures which lack these underlying processes.

10.3 Institutional framing

The second social mechanism which can be identified through the study of pro-indigenous mobilization in Brazil pertains not to internal movement dynamics, but to how social movements interact and engage with institutional contexts throughout long-term trajectories of mobilization. Throughout the episodes and periods of contention, the pro-indigenous movement engaged in multiple and sequential processes of institutional interpretation and meaning-attribution. I call these processes institutional framing. Processes of meaning attribution have been well explored in the social movement literature, especially in the scholarship that examined collective action framing and its role in mobilization (Benford and Snow 2000). This literature defines framing as the "signifying work or meaning construction engaged in by movement adherents and other actors relevant to the interests of movements and the challenges they mount in pursuit of those interests" (Diani 2013, 1356). Frames focus attention, serve as articulation mechanisms and perform transformative functions. A large part of the literature in social movements and framing has focused on the analysis of collective action frames, which are relatively coherent sets of action-oriented beliefs and meanings that legitimate and inspire social movement campaigns and activities (Benford and Snow 2000).

While I draw on this body of literature, the recurrent dynamics I identify differ from the notion of collective action frames because they do not refer to situations in which events were interpreted in order to mobilize constituencies or take people "from the balconies to the barricades"; rather, the framing carried out by the pro-indigenous movement disputed the meaning of society-wide formal and informal norms such as the constitution, laws, regulations, administrative processes and court decisions. Moreover, institutional framing is not a peaceful or merely symbolic process; rather, it implies intense disputes about the implications of society-wide norms. Institutional framing is a contentious process. By engaging in the public and collective framing of these institutions, the movement contributed to several instances of institutional innovation and linked across different episodes and periods of mobilization.

In nearly all episodes of contention, institutional elements were used as building blocks by activists as these sought to transform existing rule systems. Take, for instance, the social movement´s engagement with the Statute of the Indian during the debates about indigenous emancipation. The

Statute contained elements which were highly unfavourable to the goals and projects of the pro-indigenous movement. Nonetheless, in mobilizing against indigenous emancipation, the latter carefully selected and interpreted the clauses within the statute that guaranteed the cultural recognition and land rights of indigenous groups. This is an engagement akin to the focusing function of frames. Clauses which reinforced the assimilationist logic of tutorship were downplayed or set aside. The coining of institutional interpretations was carried out by bringing together indigenous leaders, who provided first-hand testimony about the need for territorial demarcation, anthropologists and lawyers, who developed legal and policy interpretations of the institutional framework that were supportive of indigenous demands. The result of this framing activity was the piecemeal transformation in the implementation of tutorship.

In the third period of pro-indigenous mobilization, activists continuously engaged with, sought to make sense of and disputed the meaning of the increasingly complex institutional contexts. In the late 1990s, the interpretation of elements contained in the Federal Constitution of 1988, and the 1996 regulations of these institutions was carried out through the joint engagement of indigenous leaders and anthropologists. Each of these carried sector-specific repertoires which were crucial for their ability to construct interpretations and dispute the meaning of that complex institutional framework. The result of their joint mobilization was the issuing of official land identification reports which significantly expanded the extension of three Terena territories in the region: Buriti, Cachoeirinha and Taunay-Ipegue. If the inter-sectoral structure of the movement enabled it to open new arenas and channels of claim-making in the midst of contention, such structure was also crucial in the continuous attribution of meaning to shifting institutional contexts. The aggregation of actors carrying different skill sets and knowledge provided the movement network with a wide array of repertoires by means of which they could activate and give meaning to available norms. Such interpretative work was a recurrent facet of mobilization and it took place even in situations where shifts in institutional contexts seemed to be highly unfavourable to the movement.

For instance, as the tides turned in the early 2010s with the increasing consolidation of the temporal mark and the suspension and annulment of demarcated Terena territories in court, activists did not passively observe and fall victim to these shifts. They responded by engaging in a further round of institutional framing. If the status of traditional occupation was being challenged by landowners and precluded by courts, activists and legal professionals turned to institutional elements which had been

cast aside in preceding mobilization, namely to the Statute of the Indian, to the reservation and the institution of indirect expropriation. These elements were brought together with recent recommendations of the National Justice Council (CNJ) in order to develop a new institutional form that would guarantee indigenous possession over territories whilst ensuring the compensation of landowners for their loss.

By engaging in this type of meaning attribution, movements not only contributed to institutional innovation – because they selected and interpreted institutions in ways that strengthened their projects – but they also produced a sense of continuity between different episodes, periods and sectors of mobilization. By activating and interpreting the federal constitution of 1988, which had ensued from previous episodes of pro-indigenous mobilization, and the Statute of the Indian, Terena Indians and public lawyers generated a link between their struggles and those undertaken in the 1970s and 1980s. In defending the implementation of the Federal Constitution and engaging with that legal document as "their" tool and instrument, activists explicitly declared themselves to continuing the struggle of other before them.

In more than one episode, activists strategically prepared themselves and their institutional contexts for future rounds of institutional framing. In the NCA, for instance, the movement was happy to settle for the highly ambivalent institution of "traditional territories" because they assessed that such a concept could easily be activated and interpreted by pro-indigenous anthropologists in future rounds of contention. The term "traditional" was part of the anthropologist's vocabulary, but, given its semantic openness, it also pleased, for completely different reasons, the conservatives at the constitutional assembly. By supporting the use of this concept in the land tenure institutions of the Federal Constitution, the movement strategically contributed to the construction of institutional ambiguity which would later be used to its advantage. Moreover, in the sixth episode of pro-indigenous mobilization, Azanha sought to develop identification reports which were impeccable from the legal point of view, because he knew that those reports would be questioned in the legal system and ultimately interpreted by the courts. These instances demonstrate that activists in different periods and sectors were aware of the durability of the pro-indigenous struggle, and new that this struggle would not end anytime soon. Rather, they prepared the field in different ways for future rounds of institutional framing by coining institutions which would place them in a privileged position in further rounds of contention.

Recurrent institutional framing constituted an important social mechanism through which the pro-indigenous movement has affected institutional change. In addition to this, the capacity to draw on institutional elements situated in different sectors and consolidated at different times gives activists in the movement a sense of long-term continuity and endurance. Terena Indians, public lawyers and anthropologists who use the Federal Constitution in order to demand land tenure rights today see themselves as continuing the struggle that emerged in the 1970s. Moreover, the more the movement contributes to incremental instances of institutional change, the more elements it has potentially at its disposal to activate and frame. This increasing complexity enhances the creative capacity of the movement.

10.4 Theoretical contributions of study

The present study contributes to the literature on social movements and institutional change by systematically investigating the dynamic interactions between movements and institutional contexts of action and specifying two mechanisms through which mobilization contributes to gradual processes of institutional transformation. First, this research contributes to the body of literature which has addressed, criticized and sought to overcome the structuralist biases in political process approaches to social movement theory (Goodwin and Jasper 1999). The latter have tended to conceptualize and analyse the contexts of mobilization as overly structural, unmalleable and independent of movement activity. While the more recent contentious politics approach has argued for the need to analytically capture the interactions between movements and their contexts of action, given that the latter must be perceived, signified and taken advantage of by activists in the midst of contention (McAdam, Tarrow, and Tilly 2001), not enough empirical work has been done to study how activists influence those very contexts in which they mobilize and are, in turn, affected by such shifts. Rather than seeing opportunities and threats as emerging solely from the political or economic systems (Emirbayer and Sheller 1999), the dynamic approach that I have developed to analyse mobilization and its outcomes demonstrates that movements are capable of contributing to important shifts in their contexts of action and, at times, of generating the opportunities and contextual elements that are activated in subsequent processes of contention. Moreover, the dynamic framework also reveals how these shifts are in turn channelled back into and affect the

forms and patterns of further mobilization. This approach provides analytical tools to recast in a dynamic and interactive vein the relationships between movements and context of action.

The present study also contributes to the growing research that has been carried out on social movements and networks. While the most prominent approaches in this field have treated networks as important facilitators of individuals' decisions to become involved in collective action (McAdam 1988; Kitts 2000) or as consequence of collective action that generates broad and complex organizational fields (Diani 1995), I have investigated how inter-sectoral network ties affect the movement's capacity to contribute to institutional change. The development of an inter-sectoral framework for the study of mobilization has allowed for the investigation of how contentious networks form across institutionalized social boundaries and come to encompass actors situated in institutional sectors. From a social structure perspective, I have shown that inter-sectoral network construction affects the movement's capacity to contribute to institutional change by aggregating within the contentious network several institutional repertoire and forms of engagement with institutional contexts and enhancing the movement's capacity to respond to and withstand shifts in contexts of action. In addition to this, and engaging with cultural approaches to social movements and networks (Mische and Pattison 2000, Mische 2003), I have identified different ways in which inter-sectoral networks can be reinforced and stabilized through the communicative engagements of activists. These include the institutionalization of inter-sectoral arenas of communication and collaboration and the active construction of recognition and acknowledgment of inter-sectoral skill sets and forms of claim-making.

The underlying approach to institutions and institutional change adopted in this study has drawn predominantly on branches of institutional theory inspired by insights from American pragmatist philosophy. This has allowed me to focus on studying how actors use, make sense out of, interact with and thereby contribute to changes in the institutionalized elements of society (Schneiberg 2007, Schneiberg and Clemens 2006, Berk and Galvan 2009, Berk, Galvan, and Hattam 2014). In the present research, I have shown that the systematic analysis of the skill-sets, dispositions and forms of claim-making – in a word, the institutional repertoires – that are available within contentious networks is central to a better understanding of the ways thought which activists engage with, shape and transform their institutional contexts of action. Moreover, while pragmatist institutionalists and historical institutionalists have increasingly theorized the openness or ambiguity of institutional

elements, there is still much work to be done on the processes through which such ambiguity is generated and how it is deployed. The evidence analysed in this study suggests that the generation of ambiguity elements is a strategy deployed by movement activists seeking to prepare the field for further rounds of institutional disputes. Movements are therefore important causes of institutional openness as well as agents which explore such openness in order to contribute to institutional change.

Finally, by tracing and describing how activist engage in attributing and disputing the meaning of society-wide institutionalized norms, and elements, I have contributed to the framing literature in cultural sociology and social movement analysis. While this literature has been predominantly focused in studying aspects of framing – including collective action frames, frame alignment, discursive frames and master frames – which are relevant for the movement and its processes of mobilization, I have explored the many times contentious framing of society-wide institutions as a mechanism through which movements contribute to instances of institutional change. These instances affect society as a whole and not only the social movement. In this sense, framing is a potent tool through which movements contribute to social change.

10.5 Avenues for future research

Thanks to important development in social movement theory, we know a lot about why movement disintegrate in the aftermath of specific campaigns or cycles of contention. In this sense, the analysis of inter-sectoral network formation can be used to set long-term movements apart from more short-term episodes or cycles. Many of these have occurred in Brazil's recent history. Two important examples are the *Diretas Já* campaign for direct presidential elections in the mid-1980s or the 1992 campaign for the impeachment of president Fernando Collor in the early 1990s. Following the predictions of political process theory, these movements died off after their primary demands were addressed (or not) by public authorities. Possibly, the lack of robust inter-sectoral ties and the resilience that comes along with them contributed to these short-term patterns of mobilization. Cross-case comparisons are necessary in order to further test the mechanisms and hypotheses developed in this study.

Moreover, in this study, I have been looking predominantly at inter-sectoral ties and framing as enabling mechanisms, which enhance the movement's capacity to contribute to institutional change and increase their responsiveness to shifting contexts of action. Nevertheless, the evidence that has been presented suggests that inter-sectoral ties may also represent constraints and generate a series of hardships and setbacks for activists. These hardships include possibilities of miscommunication and misrecognition within the movement network and the energy required to maintain alignment and cooperation amongst actors mobilizing within very different social sites. The analysis of the constraints that emerge from inter-sectoral mobilization is a promising topic for future research.

In a similar vein, I have focused largely on looking at the positive cases in which institutional elements were activated and interpreted by activists. Nevertheless, the materials analysed in this study suggest that many times institutional elements and other outcomes of mobilization can be forgotten, strategically set aside or made unavailable or inaccessible to movements. In other words, outcomes are not always picked up on. This raises the question, also to be analysed in further research, of why and under which circumstances some elements are picked up on while others are left out of continued processes of mobilization, and how this affects broader trajectories of mobilization.

Annex I: Research Methods

Process-tracing methods

Process-tracing in the social sciences is a research method deployed by scholars who wish to go beyond correlational analyses in order to trace causal processes that link together specified initial conditions to outcomes (Bennett 2008, George and Bennett 2005, Gross 2009, Beach and Pedersen 2011, 2013). According to Gerring (2007, 45), process-tracing allows researchers to "peer into the black box of causality to locate the intermediate factors lying between some structural cause and its purported effect". Such intermediate factors or processes are the mechanisms that process-tracing methods enable analysist to theorize, identify and study. Such mechanisms have been defined in a variety of ways. In a review of the relevant literature, Mahoney (2001, 578) points out that "a causal mechanism is often understood as an intervening variable or a set of intervening variables that explain why a correlation exists between an independent and a dependent variable." Explicitly positioning themselves against the "mechanism as intervening variable" approach, Beach and Pedersen (2013) define a causal mechanism as a "theorized system that produces outcomes through the interaction of a series of parts that transmits causal forces from X to Y. Each part of the mechanism is an individually insufficient but necessary factor in a whole mechanism, which together produces Y. The parts of a mechanism are entities engaging in activities". In the present study, I follow the definition of Mayntz (2004, 241), in which social mechanisms "refer to recurrent processes linking specified initial conditions and a specific outcome. This holds for mechanisms in general; in the case of social mechanisms, social phenomena are to be explained (…). Substantively speaking, mechanisms state how, by what intermediate steps, a certain outcome follows from a set of initial conditions". I follow this understanding because it emphasizes the recurrent character of social mechanisms, and emphasizes their processual and dynamic - rather than static and variable-focused- character.

Recently, scholars have argued that, whereas the state of the art treats process-tracing as a singular method, there are actually three different research situations in which process-tracing can be used, resulting in three distinct variants of the method (Beach and Pedersen 2013). The first is explaining

outcome process-tracing, the second is theory-testing process-tracing, and the third is theory-building process-tracing.

Outcome-explaining process-tracing is a case-centric research strategy that is used to explain a particular interesting and puzzling outcome. It is referred to as case-centric because, in the instances where it is used, there is no ambition to trace, test or craft a generalizable causal mechanism. Rather, this variant is deployed by researchers seeking to devise a "minimally sufficient explanation of a particular outcome, with sufficiency defined as an explanation that accounts for all of the important aspects of an outcome with no redundant parts being present" (Beach and Pedersen 2013, 18). Here, mechanisms are complex and eclectic conglomerates that include both systematic and non-systematic parts. All the parts that are necessary to explain the outcome in question must be present in the social mechanism.

Unlike explaining-outcome process-tracing, the other two variants are used to trace parsimonious mechanisms that are systematic and generalizable across cases and within given contexts. In theory-testing process-tracing, the researcher starts from theory in order to deduce and conceptualize the different parts of a hypothesized causal mechanism linking initial conditions (X) to outcomes (Y). In a second moment, the analyst gathers empirical observations and treats them as evidence in order to test whether that mechanism was present in the case, enabling within-case inferences about whether the mechanism functioned as expected. Theory-testing process-tracing is used when both the initial conditions and outcomes are known, and when the scholar either has existing conjunctures about a plausible mechanism or is able to use logical reasoning to formulate a causal mechanism from existing theorization (Beach and Pedersen 2013, 14).

While also theory-centric, theory-building process-tracing does not seek to test the presence and functioning of a hypothesized causal mechanism, but rather to detect and develop theoretical mechanisms whereby X is linked to Y. It therefore starts off with empirical material and uses structured analysis of this material to detect a plausible hypothetical causal mechanism. Theory-building process-tracing is used in two different research situations: when the researcher knows that a correlation exists between X and Y but is in the dark regarding the mechanism linking the two or when the researcher knows an outcome, but is uncertain about its causes. According to Beach and Pedersen, "in theory-building process-tracing, empirical material is used to build a hypothesized theory, inferring first that what it found reflects the observable implications of an underlying

mechanism. A second leap is then made from these observable implications that they reflect an underlying causal mechanism" (Beach and Pedersen 2013, 16).

While the present research begins by developing a case-centric inquiry – what accounts for the transition between the situation of the reservation to that of the reclaiming – it is predominantly concerned with developing informed hypotheses about the social mechanisms which link social mobilization to long-term and incremental institutional change. Following the premises of Beach and Pedersen' theory-building process-tracing, my goal was not to devise a sufficient explanation as to why an outcome occurred, but to trace the mechanism that link by specified initial condition to the outcome. I have traced is the presence of theoretical mechanisms, and not their sufficiency.

Even though I draw from Beach and Pedersen's theorization of process-tracing, and especially from their distinction between different variations of the method, my use of process tracing differed somewhat from their technique. The approach espoused by the scholars, as the one espoused by other important researchers such as George and Bennett (2005), remains overly structured and positivistic to account for the way in which I deployed the method. As stated by Venyesson (2008, 233), in positivist perspective, the main goal of process tracing is to establish and evaluate the link between different factors. Empirical materials are examined in order to verify if a given causal mechanism is *present* and operating in the case, and often the mechanism is split up into components as if it were a machine that can be taken apart and then put back together.

My approach differed from this in that I was interested in measuring not only whether objective processes and events were taking place, but also in reconstructing *how* those processes occurred and the ways in which actors *perceived* and *characterized* different situations, how they *related* to and *interacted* with contexts of action. To coin thick descriptions of complex processes and of actor's perceptions, I relied on extensive research materials, meticulously collected across research sites and through different methods of data gathering, including open-ended, in-depth interviews and participant observation (see below). Given that I was working with a topic that involves a significant level of camouflage and secrecy, the diversity of data sources was even more important than usual, since it allowed me to cross-check the significance and limits of specific data sources in the research process. Overall, in addition to systematic observation and systematization, the type of thick and interpretivist process-tracing I deployed required high levels of ingenuity, creativity and flexibility throughout the research process.

The tracing of relevant processes was accompanied by a continuous effort at the triangulation of data sources and evidence. A broad body of interviews enabled me, for instance, to triangulate across perspective and views of different actors and actor groups vis-à-vis the social processes I was investigating. Moreover, the information obtained in interviews were cross-checked with other sources such as archival materials and new articles. Systematic triangulation was not only important for the confirmation of previously collected data and hypothesis, but, just as importantly, it often allowed me to spot contradictions, discrepancies or gaps in the research materials and thereby improve the depth and accuracy of my account.

Within-case comparisons constituted an especially important instrument in my use process tracing. Since the research covered a broad timespan and included the analysis of mobilization processes undertaken by very different actor groups at very different social sites, it was possible for me to compare across space and time in order to look for, identify and examine the recurrent social processes that enabled the social movement to contribute to gradual institutional change. In order to provide my longitudinal, multi-level and multi-sited observations with some structure and carry our within-case comparisons, it was important to break the case study down into smaller periods which could then be analysed and contrasted. The periodization I developed was analytic and theory-driven, determined by my research question and interest in examining how social movements impact institutional change. Because of this, the landmark moments in my study are constituted primarily by highly relevant and transformative instances of institutional transformation which ensued, at least partially, from movement activity. Since these landmark moments themselves ensued from the build-up and weaving together of briefer instances of movement activity, I conceptualized the latter as episodes, and investigated how they were linked together throughout the dynamic flow on contention.

As stated above, I relied on a variety of primary and secondary sources to trace the social mechanisms at work in my case study. Primary sources included open-ended and semi-structured interviews with key players in the field and participant observation of political events. Secondary sources included official state documents such as administrative procedures, legal suits and official reports as well as news articles and reports issued by social movement activists and organizations. In the following sections, I describe the methods used for collecting and analysing the primary and secondary data used in this study.

Collection and analysis of primary data

Primary sources are here understood as first-hand accounts of events or processes. In the present research, I gathered primary data in two ways: qualitative, in-depth interviewing and participant observation. In the following paragraphs, I describe how I used they data gathering techniques and how I treated the observations collected through each of them.

Qualitative interviews

In-depth interviews are here understood as a qualitative data-gathering technique which relies on semi-structured and open interviews that are tailored to each respondent, who provide in-depth and dense, subjective accounts of social phenomena. Interviews are a particular type of conversation, structured and guided by the researcher with a view to stimulating the provision of certain information (Della Porta 2014, 228, Weiss 1995). In-depth interweaving has been increasingly used in social movement analysis. According to Della Porta Della Porta (2014, 229), "not only do in-depth interviews provide information about (and from) rank-and-file activists, on which few other sources are available, but they are of fundamental importance for the study of motives, beliefs, attitudes, as well as identities and emotions of movement activists." Such a data gathering technique brings agency to the centre of movement analysis, and is especially important in the study of processes and situations in which other sources of information are scarce and biased (Blee and Taylor 2002).

In the present study, I carried out in-depth interviews with a series of objectives. First, qualitative interviewing was deployed in order to map out the ever-shifting field of activism and the relations that connected across social movement activists, organizations, authorities and antagonists. Second, in-depth interviews were carried out in order to understand how the different actors in the field perceived the dynamics and outcomes of pro-indigenous mobilization. Given the relational approach I adopt towards social movement processes and their impacts upon social change, this dimension was especially important. It enabled me to understand how activists perceived, interpreted and activated the incremental outcomes of previous rounds of mobilization and how these outcomes were relationally woven together into broader movement trajectories. Third, qualitative interviews

were used to cross-check observations from secondary sources and to gather further data on issues on which other sources provided incomplete or discrepant information.

Because of these objectives, I interviewed not only movement leaders and activists but also members of indigenous communities affected by or directly involved in contention, government authorities which occupied key positions in public bureaucracies within the field of indigenism, rural landowners and their representative organizations that were positioned against the pro-indigenous movement and academics that research the field.

In total, between 2014 and 2016 I carried out nearly 50 semi-structured interviews with movement leaders, human rights activists, community members, government authorities from the National Indian Foundation (FUNAI), public lawyers from the Federal State Attorney´s Office and the Public Prosecutor´s Office (MPF). The table below lists the people who were interviews, as well as their organizational affiliations and the city in which they are situated. In some cases, the name of the interviewee is marked with an "x" because the person requested anonymity.

Table 15. List of interviews

Name of interviewee	Organization	City and state
Adriana Rocha	Federal State Attorney´s Office	Campo Grande, MS
Ailton Marques Rosa	Landowner	Buriti, MS
Ana Beatriz	National Indian Foundation (FUNAI)	Campo Grande, MS
Carlo	Federation of Agriculture and Livestock of Mato Grosso do Sul	Campo Grande, MS
Déborah Duprat	Public Prosecutor´s Office (MPF)	Brasília
Edno Terena	Indigenous movement (Esperança Reclaiming)	Miranda, MS

Eduardo Backer	Global Justice	Rio de Janeiro, RJ
Eduardo Riedel	Federation of Agriculture and Livestock of Mato Grosso do Sul	Campo Grande, MS
Egon Heck	Indigenous Missionary Council (CIMI)	Luziânia
Elvis Terena	Indigenous movement	Miranda, MS
Emerson Kalif	Public Prosecutor´s Office (MPF)	Campo Grande, MS
Fábio Mura	Federal University of Paraíba	Jõao Pessoa, PB
Georg Grünberg	University of Vienna	Vienna
Gilberto Azanha	Centre for Indigenous Work (CTI)	São Paulo, SP
Josiel Quintino dos Santos	Federation of Agriculture and Livestock of Mato Grosso do Sul	Campo Grande, MS
Leosmar Terena	Community member (Cachoeirinha Reservation)	Miranda, MS
Lindomar Ferreira	Indigenous Movement	Miranda, MS
Luciana Peruzzo	National Indian Foundation (FUNAI)	Campo Grande, MS
Luiz Eloy Amado	Indigenous Movement	Campo Grande, MS
Manoel Prado Jr.	National Indian Foundation (FUNAI)	Brasília
Marcelo Cristóvão	Public Prosecutor´s Office (MPF)	Campo Grande, MS

Marcelo Veiga	Ministry of Justice (MJ)	Brasília
Márcio Santilli	Socio-Environmental Institute (ISA)	Brasília
Marco Aurélio	Public Prosecutor´s Office (MPF)	Dourados, MS
Marco Aurélio Milken	National Indian Foundation (FUNAI)	Brasília
Marcos Homero	Public Prosecutor´s Office (MPF)	Dourados, MS
Maria Belizário	Community Member (Mother Earth Camp)	Miranda, MS
Maria de Souza	Community Member (Paratudal Reclaiming)	Miranda, MS
Mauro Paes	Indigenous Movement	Sidrolândia, MS
Nailton Pataxó	Indigenous movement, Bahia	Pau Brasil, Bahia
Natália Dino	Ministry of Justice (MJ)	Brasília
Nathalie Untershell	Ministry of Environment (MMA)	Brasília
Pedro Kemp	Worker´s Party (PT)	Campo Grande, MS
Prof. Alberto	Indigenous movement (Buriti)	Buriti, MS
Salma Salomão Saigali	Landowner	Sidrolândia, MS
Salú	Indigenous leader (Nova Esperança Reclaiming)	Sidrolândia, MS

Sônia Guajajara	National Articulation of Indigenous Peoples (APIB)	Brasília
Vander Aparecido Nishijima	National Indian Foundation (FUNAI)	Dourados, MS
Walter Coutinho Jr.	National Indian Foundation (FUNAI)	Brasília
x	Landowner	Buriti, MS
x	Community member (Nova Esperança Reclaiming)	Sidrolândia, MS
x	Community member (Mother Earth Camp)	Miranda, MS
x	Community member (Mother Earth Camp)	Miranda, MS
Zacharias Rodrigues	Indigenous Movement (Mother Earth Camp)	Miranda, MS
Zanone Cristovão Rodrigues	Community member (Mother Earth Camp)	Miranda, MS
Zeli Paes	Indigenous Movement	Sidrolândia, MS
Zenir Eloy	Community member (Nova Esperança Reclaiming)	Sidrolândia, MS

The interviews were conducted in different settings. In interviews with public authorities, the conversation was typically held in their office. In the case of indigenous leaders and community members, interviews were held in their houses, community centres or in political events such as Terena Assemblies or public hearings of legal suits. The Terena Assemblies were especially important given that they aggregated indigenous leaders and community members from different Terena reservations and therefore allowed me to carry out interviews with many key actors involved in contention.

Nearly all of these interviews were recorded. On average, each interview is 114 minutes long and, in total, I have approximately 90 hours of recordings. About a third of these interviews was fully transcribed and the remainder was selectively transcribed. The selective transcription was carried out based on the following dimensions of the interviews: a) perception claim-making strategies being deployed by the movement and of shifts in these strategies; b) perception of historical development of relationships between the social movement and other organization; c) perception of the role played by different institutions within contentious processes; d) perception of impacts of social mobilization upon contexts of action.

Participant observation

The second primary data gathering technique I deployed in my research is participant observation, here understand as a technique of data gathering which relies on the methodologically controlled participation and observation of the social processes being studied by the researcher. At the core of participant observation is the notion that researchers will come to better understand the phenomena of their interest by directly positioning themselves within and experiencing those phenomena. From the traditional ethnographical methods deployed by anthropologists (Malinowski) to the more recent development in political and policy ethnography (source) and ethnographies of social movements (Auyero 2004, 2001), the purpose of such controlled experiences is to view and understand events through the perspective of the actors being studied. Researchers take part in the situation in order to understand what people do, mean think, and believe as best they can. According to Balsiger and Lambelet (2014, 114), participation and observation conducted with reflexivity, combined with other methods for triangulation, produce data that are confident enough for extrapolation."

In my research, participant observation was used in the early stages of data gathering as a way of situating myself in what was a largely unknown field. From March until October 2014, I spent around three months in Mato Grosso do Sul, traveling around and participating in political events with Terena Indians. During that time, I participated in two Terena Assemblies, one road blocking, indigenous rallies in Brasília, and two conciliatory hearings in land tenure suits. All these events were directly related to land conflicts. Moreover, I was also present in the National Meeting of Indigenous Academics and participated in a series of meetings promoted by the National Truth Commission, which was investigating the human rights abuses that had affected indigenous peoples in Brazil from

1946 until 1988. The table below presents the events I participated in. In addition to this, I spent weeks living with indigenous leaders – namely with the family of Luiz Henrique Eloy in the Taunay-Ipegue Reservation and Campo Grande and with the family of Zacarias in the Mother Earth Camp – in the city, in reservation and in reclaimings.

Table 16. List of events attended during field research

Event	Place	Date
Eloy´s dissertation defence at the reclaiming – Sidrolândia, MS	Nova Esperança Reclaiming, Sidrolândia, MS	March 13th 2014
National Indian Day Celebrations, Taunay-Ipegue	Taunay-Ipegue Reservation, Sidrolândia, MS	April 19th 2014
Public Hearings of the National Truth Commission	Dourados, MS	April 24-25 2014
Great Terena Assembly	Cachoeirinha Indigenous Reservation, Miranda, MS	May 7-10 2014
Road Blockage	Miranda, MS	May 8th 2014
Indigenous Rally - Brasília	Brasília	May 21st 2014
Indigenous Rally - Brasília	Brasília	May 22nd 2014
Public hearing with municipal government of Miranda	Miranda, MS	June 26th 2014
Conciliatory meeting at federal court	Campo Grande, MS	July 29th 2014
Conciliatory meeting at federal court	Campo Grande, MS	August 1st 2014
National Meeting of Indigenous Academics	Campo Grande, MS	August 4-7 2014

In addition to providing me with badly-needed acquaintance with the field, the observations that I registered in these experiences were organized in two ways. First, I used by field noted to coin thick descriptions of the forms of claim-making deployed by the indigenous movement in different situations and vis-à-vis different authorities (the executive, the judiciary, the legislative). These thick descriptions were especially useful in chapters eight and nine of the thesis, which investigate the interactions and forms of claim-making deployed in contemporary land tenure disputes. Second, I used the notes on these instances of participant observation to develop maps of relationships and interactions between actors in the field. Based on these maps, I could trace the central alliances that constituted the pro-indigenous movement, as well as the processes through which such ties were kept alive.

Collection and analysis of secondary data

In addition to gathering and analysing primary data, the process-tracing carried out in this study also relied on a set of secondary materials, such as official government documents, documents extracted from administrative procedures, documents produced by social movement organizations and activists and newspaper articles and documents extracted from legal suits. These documents were typically used in the following way: they were studied and their content and position within the broader field evaluated. After this, the evidence extracted from a source was typically triangulated with evidence extracted from a different source in order to identify convergences and discrepancies.

Administrative demarcation procedures

Administrative demarcation procedures, compiled by the National Indian Foundation (FUNAI) were especially important sources of information concerning the historical relationship between indigenous groups and the federal indigenist bureaucracy and, more specifically, their interaction concerning land tenure disputes. Though these administrative procedures were typically compiled only in the 1980s, they contain documents dating back to the 1930 or to the middle of the decade.

Such documents include official reports written by agents of the SPI or of FUNAI concerning their travels to the regional branches of the federal indigenist bureaucracy, petitions and letters signed by indigenous leaders and communities demanding the demarcation of land or the enforcement of the boundaries of the reservation, legal norms, judicial decisions, newspaper clippings, administrative ordinances, and anthropological reports on the identification and demarcation of indigenous lands.

I had access to eight of these administrative demarcation procedures, four of which concerned the land tenure of Terena territories and four of which concerned Guarani-Kaiowá and Guarani-Ñandeva territories in the southern cone of Mato Grosso do Sul. The documents contained within the administrative procedures were of crucial importance for the gathering of observations concerning the formal positioning and intervention of the federal indigenist bureaucracy vis-à-vis Terena Indians historical forms of interaction between these two parts. Moreover, it was crucial for identifying how indigenous leaders and communities were channelling grievances and demands concerning land tenure into the indigenist bureaucracy already in the early to mid-20th century and to trace how these forms of claim-making changed over the years.

To be sure, the data contained in the administrative demarcation procedures have important limitations which must be taken into account and well managed. First, the all of the documents which have been compiled within these procedures were at some point selected and included by agents at the federal indigenist bureaucracy. This means that these procedures tell a story that government élites want to have told, and that many thigs are probably absent from the compilation. One especially interesting case of such absence was the preliminary land identification report written by Gilberto Azanha in 1999, which sparked significant protest from the Indian in Buriti. This report had been removed from the demarcation procedures of Buriti, Cachoeirinha and Taunay-Ipegue, and I only had access to a part of it which was handed over to me by representatives of the Federation of Agriculture and Livestock of Mato Grosso do Sul (FAMASUL)! To offset the fact that the administrative procedures ultimately tell a version of events favoured by élites, I sought to triangulate the information collected from these documents with other sources of evidence.

Second, the administrative procedures portray the intervention of the federal administration in the lives of indigenous communities but fail to systematically account for the intervention of other actors and organizations, such as missionary organizations and NGOs. Therefore, these documents tend to downplay or sidestep the role of other actors in the field. Finally, important aspects of indigenous

claim-making and of informal forms of land tenure and land use are evidently not contained in the official documents which make up these reports. Such observations can only be found in "hidden transcripts" which are many times purposefully concealed from government agents – such as the continuous and informal use of farmland for hunting and gathering by reserved Terena Indians. To access this evidence, I deployed other research methods, such as qualitative interviewing and participant observation, described in the section above.

Social movement documents

Since the mid-1970s, the pro-indigenous movement dedicated a significant amount of energy and resources to publishing newsletters, magazines and yearbooks about the state of indigenist policy and pro-indigenous mobilization in the country. This material was also an important secondary data source for the process-tracing conducted in this research. The Indigenous Missionary Council (CIMI) was pioneer in developing autonomous movement publications, having launched the first edition of the triannual *Porantim* newsletter in 1976. This newsletter contained information on missionary practice and indigenous livelihood throughout the country. In it, progressive members of the Church formulated their critiques of ongoing indigenist policy and shared information about their intervention and mobilization within indigenous peoples. Carlos Alberto Ricardo, and anthropologist working at the Ecumenical Centre for Documentation and Information (CEDI), many times wrote in the comments section of *Porantim*, stating how important and valuable the publication was for the advancement of the field of indigenism in Brazil. It was not long before Ricardo began organizing within CEDI a similar, but much more complex publication, a yearbook containing authored texts, systematic reviews of newspaper clippings and analysis of policies that impacted indigenous peoples in the country. This yearbook was based on smaller newsletters published by CEDI as of 1978. Both of these publications are published until this day. In addition to this, a series of more punctual or short-lived newsletters and magazines were published by otheir pro-indigenous organizations throughout the years. The Pro-Indigenous Commission published its *cadernos* series for nearly a decade as of 1978, and, from 1985 until 1988, CIMI published the so-called *Informes Constituintes* – newsletters that circulated across pro-indigenous organizations disseminating information about the latest happenings at the National Constitutional Assembly (NCA).

These materials were used in two ways in my analysis. First, the appearance and circulation of such publications among inter-sectoral pro-indigenous activists was interpreted as an indication that mutual awareness and coordination were beginning to be consolidated across institutional sectors. In other words, an inter-sectoral social movement was beginning to emerge. Second, within these documents I found evidence concerning how activists were interpreting and engaging with institutional and political contexts of action and how they understood and justified their own interventions.

Again, this material has important limitations which must be taken into account and managed. First, just like the administrative procedures may tell a version of the story that is favoured by elites, social movement publications likely tell a version of the story that if favoured by activists. The information contained in these documents was therefore not taken at face value, but interpreted as part of the strategy and self-image of activists and social movement organizations. Second, it is again likely that these documents will be silent on many things, including parts of movement strategies or interventions which are considered confidential or strategically sensitive. This is especially true since the movement was active during a military dictatorship. Offsetting these limitations requires the triangulation of different data sources.

Newspaper articles

Newspaper articles played a secondary role in my analysis. I made no effort in my research to systematically gather and treat such data. Rather, I relied on compilations of news articles that had already been carried out by other scholars and selectively used such compilations to cross-check and verify information which had been collected in other ways.[109] Most of the time, news articles played the role of a shadow source in my research. I was constantly accompanying the developments of the evidence I gathered elsewhere in the newspapers, but the latter were never a crucial or primary source for my evidence or inferences.

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[109] The most important compilation of historical new sarticles pertaining to indigenous peoples can be found at http://armazemmemoria.com.br. The compilation contains articles on indigenist policies and pro-indigenous mobilization from large media outlets in Brazil since 1974.

Legal suits

A central source of information used in the present study was the full set of legal suits pertaining to possession and ownership claims over territories disputes by indigenous groups in the north of MS. Such suits were used in order to trace the impacts that pro-indigenous mobilization – and more specifically legal activism – had on legal decision-making. Legal suits were used to generate pattern data on the filing of suits and on decision-making patterns within the federal justice system.

A series of steps were taken in order to access and trace the winding paths of decision-making within the legal system. The first was to put together a database composed of all territories disputed by indigenous groups and landowners and of the corresponding legal suits (Table 1). To gather this data, I initially requested that legal professionals involved in land tenure litigation provide me with exhaustive lists of legal suits discussing possession and ownership over disputes territories, as well as related documents such as petitions, evidence produced within the legal process, and others. In response, the Federal State Attorney in Campo Grande provided me with a list of all legal suits pertaining to the Terena territories, and the Federal Public Prosecutor´s Office provided me with over fifty petitions that the agency had filed in the midst of land tenure disputes. I took this information on existing suits and crossed it with data on litigation concerning indigenous land possession published by the National Justice Council (CNJ 2013) and with information contained in monographs that investigated the topic (Eloy 2014). Another list of relevant legal suits was also obtained with the Federation of Agriculturalists of Mato Grosso do Sul (FAMASUL). Once I had a preliminary list of suits, went back to my list of reclaimings and contested territories in order to see if there were any contested estates to which no suit had been assigned – a fact which would indicate a gap in my data. When this occurred, I used the names of the parts involved in contention – for instance, the name of the landowner – in order to check on the search engine of the federal justice system in MS whether there were any suits registered under the name of those actors.[110] I then looked through the suits that showed up on the search engine to see if any of them were related to the contentious processes I was studying.

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[110] Search engine available at http://www.jfsp.jus.br/foruns-federais/

Table 17. Disputed territories and corresponding legal suits

Type of suit	Indigenous land	Disputed territory / land parcel[111]	I.D. possession suit 1st instance[112]
Possession	Buriti	Estancia Alegre Farm (Arrozal)	2000.60.00.2890-2
Possession	Buriti	Florida Farm	2000.60.00.2420-9
Possession	Buriti	Furna da Estrela	2000.60.2532-9
Possession	Buriti	Buriti Farm	2003.60.00.00.5222-0
Possession	Buriti	São Sebastião Farm	2003.60.00.005243-7
Possession	Buriti	Recanto do Sabia Farm	2003.60.00.009956-9
Possession	Buriti	Furna da Estrela	2003.60.00.008361-6 / 0008669-60.2003.403.6000
Possession	Buriti	Nossa Senhora Aparecida Farm	2003.60.00.009678-7
Possession	Buriti	Bom Jesus Farm	n.a.
Possession	Buriti	Santa Clara Farm	n.a.
Possession	Buriti	Querência Farm	n.a.
Possession	Buriti	Buriti Farm	n.a.
Possession	Buriti	3R Farm	n.a.
Possession	Buriti	Lindóia Farm	0001770-51.2000.4.03.6000
Possession	Buriti	Limoeiro Farm	0001770-51.2000.4.03.6000
Possession	Buriti	Ponte Lavada Farm	0001770-51.2000.4.03.6000
Possession	Buriti	Quitandinha Farm	0001770-51.2000.4.03.6000
Possession	Buriti	Água Clara Farm	0001770-51.2000.4.03.6000
Possession	Buriti	Cambará Farm	0001770-51.2000.4.03.6000
Possession	Buriti	Santo Antonio Farm	2005.60.00.003505-9

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[111] I use the name of the farm situated upon the contested territory to identify the disputed land parcel because this information is readily available in the legal suits. Nonetheless, it is worth noting that as soon as indigenous groups reclaim the land, they re-baptize it.

[112] Rows marked with n.a. stand for cases in which no possession suit was filed. This is normally because the indigenous groups and landowners reached some sort of extra-judicial agreement. Rows marked with an n.i. stand for cases in which I could not find information on the existence of legal suits.

Possession	Cachoeirinha	Santa Vitória Farm	2005.60.00.010230-9
Possession	Buriti	Nossa Senhora Aparecida Farm	0003446-87.2007.403.6000
Possession	Pílad Rebuá	Boa Sorte Farm	0012008-51.2008.4.03.6000
Possession	Cachoeirinha	Petrópolis Farm	0008732-12.2008.4.03.6000
Possession	Cachoeirinha	Charqueado do Agachy Farm	2009.60.00.002147-9
Possession	Buriti	3R Farm	n.a.
Possession	Buriti	Querência Farm	n.a.
Possession	Buriti	Cambará Farm (ex água clara)	n.a.
Possession	Cachoeirinha	Petrópolis Farm	0008732-12.2008.4.03.6000
Possession	Cachoeirinha	Charqueado do Agachy Farm	2009.60.00.002147-9
Possession	Cachoeirinha	Petrópolis Farm	0008732-12.2008.4.03.6000
Possession	BURITI	Fazenda Bom Jesus	0007441-69.2011.4.03.6000
Possession	Buriti	3R Farm	0004818-32.2011.4.03.6000
Possession	Buriti	Fazenda Água Doce	0007669-44.2011.4.03.6000
Possession	Pílad Rebuá	Chácara Santa Laura	0002600-94.2012.4.03.6000
Possession	Buriti	Querência de São José Farm	0001574-27.2013.4.03.6000
Possession	Buriti	Santa Clara Farm	00336968.2013.4.03.600
Possession	Buriti	Buriti Farm	0003407-80.2013.4.03.6000
Possession	Buriti	Santa Helena Farm	2003.60.00.005222-0
Possession	Buriti	Cambará Farm	0003407-80.2013.4.03.6000
Possession	Buriti	Nossa Senhora Aparecida Farm	0005011-76.2013.4.03.6000
Possession	Buriti	Buriti Farm	0003407-80.2013.4.03.6000
Possession	Buriti	Água Clara Farm	0003407-80.2013.4.03.6000
Possession	Buriti	Lindóia Farm	n.i.
Possession	Taunay-Ipegue	Esperança Farm	0005471-63.2013.03.6000

Possession	Limão Verde	Mocinha Farm	n.i.
Possession	Limão Verde	Bonanza Farm	n.i.
Possession	Buriti	São Sebastião Farm	0003407-80.2013.4.03.6000
Possession	Cachoeirinha	São Pedro do Paratudal Farm	0011070-80.2013.4.03.6000
Possession	Pílad Rebuá	Chácara Boa Esperança	000076-78.2014.4.03.6000
Possession	Taunay-Ipegue	Maria do Carmo Farm	0013627-06.2014.4.03.6000
Possession	Taunay-Ipegue	Ouro Preto Farm	0008447-72.2015.4.03.6000
Possession	Taunay-Ipegue	Cristalina Farm	0008447-72.2015.4.03.6000
Possession	Taunay-Ipegue	Ipanema Farm	0008447-72.2015.4.03.6000
Declaratory	Buriti	Several	2001.60.00.003866-3
Declaratory	Cachoeirinha	Petropolis, São Pedro do Paratudal	0009406-87.2008.4.03.6000
Declaratory	Cachoeirinha	Santa Cruz Farm and 23 de Maio Farm	2003.60.00.005422-1
Declaratory	Cachoeirinha	Caiman Agropecuária	0006083-11.2007.4.03.6000
Declaratory	Cachoeirinha	Petropolis, São Pedro do Paratudal	2010.03.00.008025-4
Declaratory	Cachoeirinha	Sangue Suga Farm	2008.60.00.012204-8
Declaratory	Cachoeirinha	Caiman Agropecuária	2007.60.00.006083-0
Declaratory	Limão Verde	Several	2003.60.00.011984-2
Declaratory	Taunay-Ipegue	Several	0003009-41.2010.4.03.6000

The measures described above provided me with lists and information about the legal suits that were being processed in the first instance of the justice system in MS and allowed me to link these suits with specific disputed territories. But as it unfolds, the legal process shifts back and forth between different levels of judicial decision-making – the first instance, comprised by the federal magistrates in MS; the second instance, comprised by the Court of Appeals of the Third Region (TRF 3); and the

third instance or superior courts, comprised by the Superior Court of Justice (STJ) and the Federal Supreme Court (STF). To get the full picture of how legitimation of claims unfolded within legal suits, I would have to follow litigation as it shifted into different levels of decision-making. To do this, I again used the features available in the search engine of the federal justice system. When a legal suit is consulted in the first instance website, a link allows you to check all the ongoing suits in the second instance that are linked to it (such as interlocutory appeals and civil appeals), and to examine the relevant features of those processes on the webpage of the TRF 3.[113] These features include date of filing, claimants, defendants, decisions, and others. And from the analysis of second instance suits, it was possible to trace when and how the claim was channelled into the superior courts for examination and sentencing. In the end, for each original first instance suit I had looked at, I found a path that looks something like the example presented in figure 1 below.
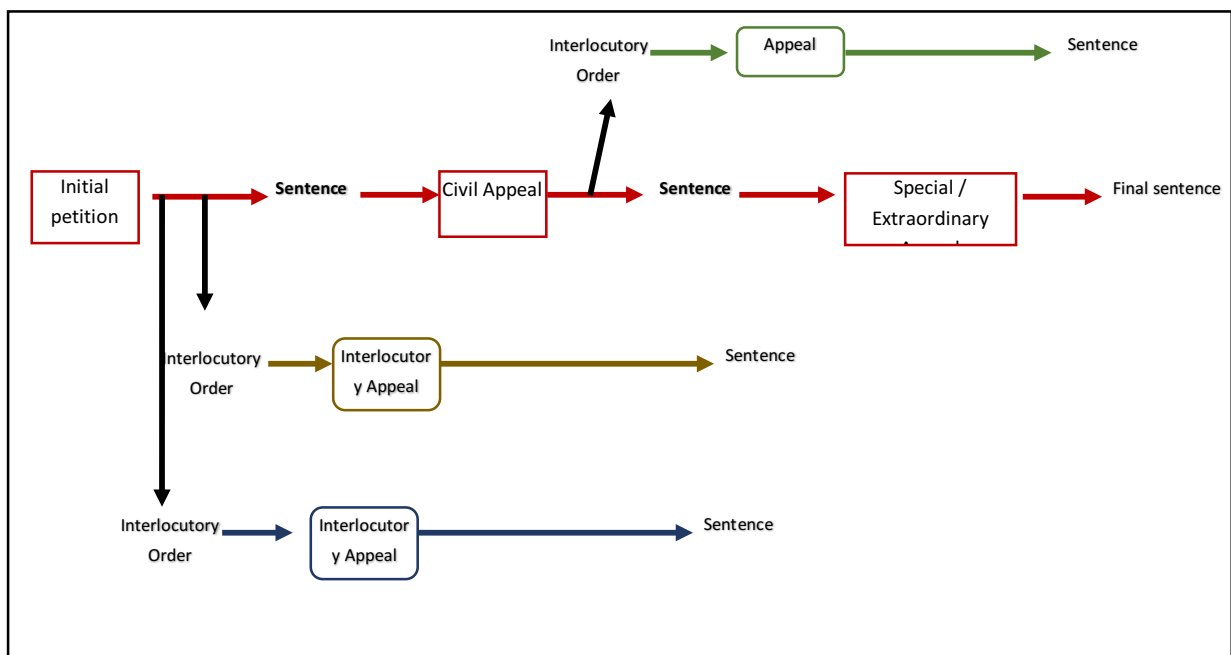
Figure 15. Typical flow of contention over one disputed land parcel within the judiciary

At this point, I had a map of all the suits at each level of decision-making for each disputed land parcel. In total, there were 132 suits stemming from 37 "original", i.e. first instance, suits. Once I had the

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[113] When an interlocutory appeal is filed against a decision of a first instance judge, this appeal is registered as a separate suit within the Court of Appeals, which will examine the claim and send the appeal back tot he first instance. Since many appeals are generally filed within one original suits, there is a many-to-one situation in which single suits produce multiple and overlapping decision-making processes within the legal system.

reference of these suits and had downloaded all available documents and information about their unfolding on the federal justice website[114], I prepared three databases. The first contained the following information about each legal suit, each stored within a separate column of the dataset: a) date of suit; b) type of suit; c) claimant; d) defendant; e) claim made in suit; f) date of judicial decisions made in the suit; g) content of judicial decisions made in the suit; h) summary of relevant decisions. This database provided me with quantitative information about the activity of contending actors within the legal system as well as to how often judges were deciding in favour and against indigenous land tenure claims.
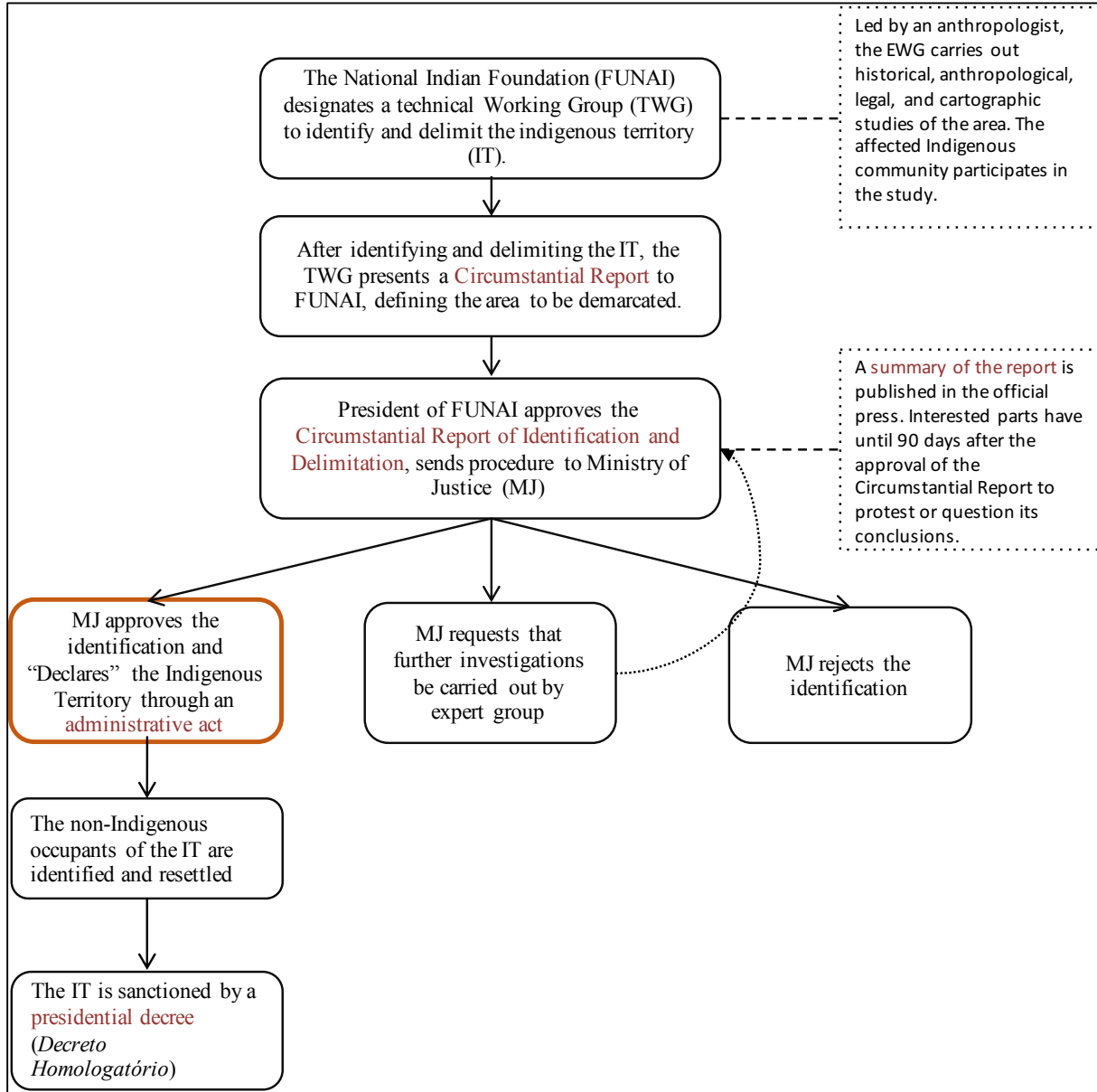
But a legal suit, like other social processes, unfolds in time, and therefore to understand the significance of these suits and of the decisions made within them, it is necessary to add a temporal dimension to their portrayal and analysis. It is one thing to quantify, for instance, that x% of legal decisions favoured the land claims of the social movement. It is another to see the sequencing and implications of these decisions in time, i.e., to investigate which decisions are most likely to lead to one another or for how long a specific decision was valid before being reversed by a later decision in the legal process. In order to answer such questions, I developed a state-sequence database containing the successive legal decisions valid at each point in time for the different disputed territories. Here, the disputed territories (and not the legal suits) are the unit of analysis. For each disputed territory, I used the data on the types and dates of decisions within the different legal suits pertaining to that territory in order to compose a dataset in which successive legal states of a disputed land parcel are given in consecutive columns, each of which correspond to the period of one month. This way, I could move beyond a quantitative analysis of aggregate decisions in order to examine the duration of states within the suit and see how legitimation of institutional claims made my contenting parts had unfolded in time.

Finally, the material I gathered on legal suits was used to put together a qualitative database, in which I analysed how magistrates construct and justify their decisions. The material used to put together the database are the texts of judicial decisions. I looked for two things in these texts: first, how the allocation of ownership and possession are justified and, second, how mobilization strategies and their outcomes were brought into, referenced, and evaluated in the judicial decisions. How do judges

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[114] http://www.jfsp.jus.br/foruns-federais/.

interpret and perceive reclaimings and indigenous resistance to eviction? How do they interpret the studies produced within the demarcation procedures of Funai? And how are such elements woven into judicial decision-making? By teasing such information out of judicial decisions and by situating the latter within the broader web of contention described above, I could better understand the interaction between contending actors and forms of claim-making and the judicial arena.

Annex II: Administrative demarcation procedure flowchart

The National Indian Foundation (FUNAI) designates a technical Working Group (TWG) to identify and delimit the indigenous territory (IT).

Led by an anthropologist, the EWG carries out historical, anthropological, legal, and cartographic studies of the area. The affected Indigenous community participates in the study.

After identifying and delimiting the IT, the TWG presents a Circumstantial Report to FUNAI, defining the area to be demarcated.

President of FUNAI approves the Circumstantial Report of Identification and Delimitation, sends procedure to Ministry of Justice (MJ)

A summary of the report is published in the official press. Interested parts have until 90 days after the approval of the Circumstantial Report to protest or question its conclusions.

MJ approves the identification and "Declares" the Indigenous Territory through an administrative act

MJ requests that further investigations be carried out by expert group

MJ rejects the identification

The non-Indigenous occupants of the IT are identified and resettled

The IT is sanctioned by a presidential decree (*Decreto Homologatório*)

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