

# SAVAGES **AND** CITIZENS



How Indigeneity Shapes the State

ANDREW CANESSA **AND** MANUELA LAVINAS PICQ

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FOREWORD BY JEFF GANOHALIDOH CORNTASSEL



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*To Amaru Villanueva Rance*

*1985–2022*

*To the peoples of Kimsakocha and Copones*



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# FOREWORD

I am writing from the unceded territories of the Lekwungen and W̱SÁNEĆ nations and peoples, whose relationships with these lands, waters, and natural world shape their political thought, governance, and self-determining authority. For generations Lekwungen and W̱SÁNEĆ nations have perpetuated their distinct knowledge systems and protocols that should inform how we all relate to this place. But this is more than a land acknowledgement. It is a call to action, a compelling need to respect Indigenous lands and waters and practice reciprocity, relational responsibilities, and solidarity as (unwelcome) guests. Respecting Indigenous lands, waters, and protocols is an embodiment of Indigenous international relations and sets the tone for Canessa and Picq's timely and innovative volume.

A critical aspect of Indigenous self-determination is representing ourselves on our own terms. Community movements for the regeneration of "Indigenous laws on Indigenous lands" and Land/Water Back center on land/water-based governance and upholding relationships that have promoted the health and well-being of Indigenous nations and communities across generations. Yet harmful images of Indigenous peoples—which include the stereotypes of "savage," "noble savage," "spirit guide," as childlike, and several others—continue to inform state policies and decision-making. As the late former principal chief of the Cherokee Nation, Wilma Mankiller, once stated, "Perception is as much of a threat as anti-sovereignty legislation. We must regain control of our image."<sup>1</sup> One such example is the invocation of "merciless Indian savages" by Thomas Jefferson in the 1776 Declaration of Independence to justify seizures of Indigenous lands and waterways in an attempt to erase Indigenous nations and peoples from the landscape of the

newly formed United States. Bolstered by legal fictions such as the Doctrine of Discovery and other colonial constructions, state-building is premised on the destruction of Indigenous nations and peoples.

As Canessa and Picq aptly point out in their book, which spans the disciplines of anthropology and political science, colonial creations of “indigeneity” are in relation to the state. The invented notion of the “uncivilized savage” is one narrative that shapes contemporary statecraft and international relations. Ultimately, it is through stories that societies and community relationships are shaped. Yet who are the “savages” when we look at the vastly different creation stories of states and Indigenous nations? Creation stories of the state entail land theft, disease, genocide, and dispossession of Indigenous peoples through colonial violence. Shape-shifting colonization is ongoing in this regard and focuses on distorting (and erasing) Indigenous living histories, kinship, and knowledge systems by attempting to deprive Indigenous peoples of our experiences and relationships with the lands, waters, natural world, and each other. Sovereignty is based on a state’s claim to have exclusive authority to forcefully intervene in all activities within its borders (Corntassel 2012, 90). Whenever states deem it “necessary,” violence can be employed to quash any Indigenous challenges to the legitimacy of its territorial claims and ultimately the legal and political fictions of the state’s creation. Narratives of the “savage” and “citizen” form the foundation of state sovereignty just as the persistence of Indigenous nations calls the state’s political and legal self-determining authority into question.

In stark contrast, Indigenous creation stories tend to focus on relationships to their territories and how they emerged from the land/water. These are not stories of ownership but stories that instead focus on relational responsibilities to the places that promote their collective and individual health and well-being. The Cherokee word for nation, *ayetli*, provides some insights into how our knowledge systems as well as connections to lands/waters and communities are so intricately intertwined. While *ayetli* approximates nationhood as “center” or “middle,” it can also mean “half.” Half here means that the elected government officials (Chief and Council) are only one side of the Cherokee Nation. According to Cherokee scholar Clint Carroll (2011, 95), “Nation can mean the center of things—nation as the core of a united community—as well as one side of things—nation as only one aspect of a whole people.” Additionally, it is important to recognize the plant nations, animal nations, and other relational aspects of the natural world that con-

stitute Cherokee communities. At the center of our communities is the fire, which is nurtured and honored so that future generations will be vibrant and healthy. According to Cherokee scholar Chris Teuton by way of Cherokee Elder Hastings Shade (2023, 21), the goal for each Cherokee is to “stand in the middle”: *ayetli tsidoga*; holding this delicate balance is the key to a “good life.” *Ayetli* encompasses the struggles to maintain balance between individuals and the nation—between the middle world, skyworld, and underworld—and roles as fierce protectors of kinship and long-standing relationships with the natural world.

Amid diverse expressions of nationhood, Indigenous nations defy simple taxonomies or state-driven categories of citizenry. According to Canessa and Picq, “As we move through the various imaginings of Indigenous peoples as savages and (anti) citizens, we show that they—by their very existence (real or imagined)—not only lay the foundation for the modern state but are also the source of a powerful critique of the state” (p. 35). What would an Indigenous state even look like? This is a question that has haunted Indigenous peoples for the past five hundred years and informs pragmatic and principled approaches to Indigenous activism around the politics of recognition (Coulthard 2014), resurgence,<sup>2</sup> and refusal (Simpson 2014). There are community and individual tensions over what constitutes generative refusal toward colonial encroachment, what turning away from the state looks like, and how to promote meaningful rematriation of all our relations. Canessa and Picq take up these important questions in their examination of the regime of Aymara President Evo Morales in Bolivia (2006–19) and draw some important conclusions about contemporary expressions of indigeneity, the state, and citizenship. Their findings are nuanced by a Mapuche proverb: “Sin el estado, con el estado, contra el estado” (Without the state, with the state, against the state, p. 133).

Indigenous feminist scholars have long pointed out that what happens to the lands and waters also directly affects Indigenous women’s, two-spirit, and queer bodies.<sup>3</sup> According to Cree scholar Alex Wilson, “Indigenous sovereignty over our lands is inseparable from sovereignty over our bodies, sexuality and gender self-expression” (Wilson 2015). This recognition of inseparability from body and land sovereignty is at the core of discussions around free, prior, and informed consent; Indigenous rights to self-determination; and state extractivist practices. Canessa and Picq’s important examination of Kichwa women’s self-determination movements in Ecuador further high-

lights “how to detach sovereignty from the state, not from above but from autonomous spaces within” (p. 136).

Canessa and Picq’s work effectively examines the myriad of ways that Indigenous nations and peoples challenge the territoriality of states and other patriarchal institutions to generate new understandings of how Indigenous internationalisms emerge and persist both beyond and within state boundaries. The emerging field of Indigenous international relations demonstrates how Indigenous expressions of self-determination frequently take place in ways that often aren’t legible to the state (e.g., Picq 2018; Corntassel and Woons 2017). Indigenous peoples will continue to “flip” the state script and challenge state territorial claims and legitimacy while also selectively refusing as well as engaging with colonial entities. Even the language of savage and citizen can be rethought. According to Audrey Isaac, Listuguj Mi’gmaq First Nation Culture Coordinator,

We’re not a savage if there’s that much hate that goes with the word. We thought savage meant dirty Indian. So now though with all of my expansion of reading and healing if you want to call me savage I’m going to say thank you. Because I am of mother earth and nature and that’s what that word, if you look it up, the definition, it means being wild. . . . So why not be wild? . . . I love being out in nature and yes I’m savage. Thank you.<sup>4</sup>

When navigating volatile discourses of savages and citizenship, Indigenous peoples will represent ourselves on our own terms so that future generations will thrive. This book brings the reader into necessary conversations with Indigenous peoples so that their struggles are made visible and so that we better understand how the pursuits of Indigenous environmental justice and self-determination are intertwined with global futures.

—Jeff Ganohalidoh Corntassel

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Mátsia pidzckákataka nólhio to Denilson Baniwa for his artwork on the cover. We are grateful for the permission to reproduce his piece *Danse de Sauvages de la Mission de St. José* that captures with humor the very essence of our book. Baniwa, a visual artist from the Baniwa people of the Upper Rio Negro region where Brazil meets Colombia and Venezuela, makes art that engages Indigenous viewpoints to contest colonial fictions. This artwork is a digital collage that plays with an 1834 lithograph of the same name by Jean-Baptiste Debret, the eighteenth-century French painter who gained fame for representing the “savages” of Brazil. “Danse de sauvages,” apparently an



eighteenth-century favorite, is also the name of an excerpt of the 1735 opera *The Courtly Indies* by another famous French artist, Jean-Phillipe Rameau. Baniwa intervenes in these colonial repertoires of savage and civilized by adding two Europeans, a ballerina and a dandy, at the center of Debret's highly stereotypical and unambiguously racist depiction. What is of particular interest is how the ballerina is "performing" the Indian through her dance, dress, and bow and arrow. By superimposing two black-and-white, self-absorbed Europeans in a highly stylized dance among the colorful natives in their village, Baniwa draws attention to the incongruity of moderns amid the savages, dancing in lush lands soon to be grabbed. This image fits the themes of our book so well because it neatly encapsulates how European moderns have been dancing with the American savages for centuries even if, as this image shows and this book argues, the moderns appear unaware of the intimate choreography and are oblivious to their hosts. Where Baniwa's art superposes colonial symbols to reverse its codes, we recognize the danse of savages and citizens as a relational process in which both sides are co-constituting the forms of political modernity.

# Savages and Citizens



# Introduction

No one else could ever be admitted here, since this gate was made only for you. I am now going to shut it.

—FRANZ KAFKA ([1915] 1919), *BEFORE THE LAW* (*VOR DER GESETZ*)

In 1923, Haudenosaunee Chief Deskaheh traveled to Geneva to petition the recently founded League of Nations about the international conflict between the Six Nations of the Iroquois Confederacy and Canada.<sup>1</sup> In a letter, Chief Deskaheh warned of Canada's military intrusions, attempts to destroy Haudenosaunee self-determination by imposing foreign sovereignty, and the imminent risks of warfare. The League, a precursor to the United Nations, had just been created in the aftermath of World War I to prevent international disputes from escalating into war. Chief Deskaheh traveled to Geneva (on a Haudenosaunee passport) to pressure Great Britain into respecting the international treaty it had signed with the Haudenosaunee Confederacy, which was expecting membership in the League.

But the League refused to receive Chief Deskaheh. It denied him entry just as it barred entry a year later to a Māori delegation contesting New Zealand military invasions and breaches in the international Treaty of Waitangi. The League established that the gates of sovereignty permitting entry to the international community of states were closed to Indigenous nations. The gate was not simply shut to Indigenous, non-European peoples; it was a gate made for them, constructed not to acknowledge belonging but to never be trespassed.

Chief Deskaheh could speak, just not as a sovereign. He was blocked because European states refused to recognize the Indigenous nations that they were still colonizing as equal sovereigns in the international community of states. The League's refusal recalls a parable that Franz Kafka wrote just eight



FIGURE 1 Chief Deskaheh in Geneva, barred from entering the gate. Credit: League of Nations Archives, United Nations, Geneva.

years before. “Before the Law” is about nonrecognition and being denied access to the system: when a countryman comes to ask admittance under the Law, a gatekeeper denies him entry. The countryman asks whether he will be allowed later, to which the gatekeeper responds, “it is possible, but not at this moment.” He waits at the open gate but is denied access for days, years, then decades. As death is upon him, the countryman asks the gatekeeper why no one else ever came asking for entry, to which the gatekeeper responds, “No one else could ever be admitted here, since this gate was made only for you. I am now going to shut it.”

Like Law’s gate in Kafka’s parable, the international system of sovereign nation-states was designed to exclude Indigenous peoples. The League was but one of many tools in a broad politics of (non)recognition that determines who can claim self-determination. It is, in the words of Vine Deloria (2006), conquest masquerading as law.

This book is about the role of Indigenous peoples in shaping world politics. It shows that although they have been repeatedly excluded from international relations, Indigenous peoples have shaped modern state-making, becoming co-constitutive of the international sovereignty regime. It was not

just the League or Winston Churchill, then British undersecretary for the colonies, who refused to meet with Chief Deskaheh, returning the petition to the Canadian government; the world system at large has refused to recognize Indigenous peoples as sovereign authorities and has treated their politics as domestic affairs. Indigenous authorities were denied access to the League because they could not speak as sovereigns without undermining its foundations. They could not participate, then as now, partly, in the phrasing of Gayatri Spivak (1988), as a matter of epistemic violence designed to mute the subalterns: their silence is needed to enact European subjective sovereignty narrativized by state law and Europe's ongoing worlding of the planet.

But there was also something more to it, something co-constitutive, something relational in the process of defining the borders of sovereign belonging. Since 1493, when the Catholic Church established the Doctrine of Discovery, Europeans had been developing an international political system constituted through the exclusion of Indigenous peoples. Their exclusion from the League was not an isolated act of colonial complicity and racism or an unintended side effect; it was central to the emerging world system.

What do Indigenous peoples have to do with international relations and the foundation of the modern state? One of the key arguments of our book is that even as Indigenous peoples have *appeared* quintessentially marginal to the international system of modern states, they are in fact fundamental to how it was constituted and how it operates. The modern state was, quite literally, defined, then constructed, in relation to Indigenous peoples (as we demonstrate in chap. 2). Indigeneity was conceived as the other side of political modernity and served as Europe's looking glass even if, with the passing of centuries, the image of the savage in America became implicit rather than explicit.

This book explores Indigenous-state relations to make two main arguments. The first is that indigeneity is a political identity relational to modern nation-states. The second is that Indigenous politics, although marking the boundary of the state, are co-constitutive of colonial processes of state-making. Together, these two reasons explain why Indigenous peoples are important in the study of states in the international system.

Since it is relational, indigeneity is dynamic and defies easy definition. There are as many Indigenous political cultures as there are Indigenous peoples. What this book argues is that indigeneity is a settler invention, even though Kaqchikel, Yanomami, and Anishinaabe themselves are not and have existed as peoples in their own terms long before Europe invented the cate-

gory “Indigenous.” In the words of Onyota’a:ka scholar Martin Cannon from the Haudenosaunee Confederacy, “at the time of contact there were no ‘Indians’ living on Turtle Island—only diverse nations of peoples” (Cannon 2019, 26). All these vastly different peoples with different languages and unique cosmovisions were subsumed under the category of “Indigenous” with the emergence of the modern international system in the sixteenth century. That is, peoples we today recognize as Indigenous long predated the arrival of European colonization—and many indeed continue to exist—but the categorization of these peoples as specifically Indigenous, as well as “other,” is linked to political formations that unfolded after 1492.

This is a book about the invention of indigeneity as a political and relational concept, about the broad umbrella categorization, not any one specific Indigenous nation or Indigenous forms of relating and belonging that have existed long before and regardless of the sovereignty regime of settler states. We use various terms when referring to Indigenous peoples—Indian, Native, First Nations, Indigenous, Tribal, Aboriginal, and Originary peoples—because the many terms refer to specific experiences of groups colonized in various historical contexts of state-making. The different terms express a plurality of power relations and contested categorization, as we discuss in chapter 1, because indigeneity is a contested and heterogenous concept, and Indigenous peoples are as diverse as the processes of colonization they continue to endure.

During the first centuries of European invasion in the Americas, Native claims to territory largely shaped understandings of state sovereignty in Europe. They did so again when new Republics were forged in the nineteenth century. And today Indigenous claims to self-determination continue to shape the borders and contents of state sovereignty. The study of international relations gives selective accounts of what does (or does not) constitute world politics. It chooses what (not) to notice when accounting for the international system, and it usually chooses not to account for much of the matters lying beyond state sovereignty—even though 80 percent of the population inhabits forms of governance without a state, what some scholars refer to as *limited statehood* (Risse 2011).

This book shows that indigeneity as a concept is a construction of the modern state system, important in the way it represents a lack of sovereignty, a photographic negative of state-making. As such it is located on the frontier of the state and its political economy of extractive capitalism. Because In-

Indigenous peoples are defined as non-sovereign by the international system, they are prey to dispossession through various forms of racialized extractive appropriation of human and natural resources (Koshy et al. 2022). In other words, it is not the defense of nature in itself that characterizes peoples called Indigenous, nor are they noble per se: their common ground is that they are *formed* by the defense of life and territory against the encroachment of modern states' activities on their lands, bodies, spiritual ways, and forms of government.

This is an important distinction since it avoids essentializing Indigenous peoples as “noble savages” or “eco warriors” to recognize that those societies are collectively seen as Indigenous because of their status as non-sovereign peoples whose territories are repeatedly grabbed by sovereign states, whether it is the Siekopai in Amazonia or the Touaregs in Algeria and Morocco. What Indigenous peoples across the world have in common—whether labeled Aboriginal, Native, or Tribal—is not language or culture or a connection to nature: it is that they are denied sovereignty by the international system of states, like Chief Deskaheh, despite their ongoing claims for self-determination over ancestral territories.

## Weaving Together Anthropology and International Relations

This book weaves together the disciplines of anthropology and international relations to tackle international indigeneities in the world system of states. It is a book written “with four hands,” a collaboration between a scholar of international relations and an anthropologist in an attempt to put into conversation disciplines that don't speak enough to each other, especially when it comes to indigeneity. This is the fruit of years of discussion and debate that culminated in a project where we engaged very closely with each other's writing and where it is not always clear—even to us—who wrote what. Manuela L. Picq, a French Brazilian scholar of IR, has two decades working with Kichwa politics in Ecuador, and Andrew Canessa, a Gibraltarian social anthropologist, has worked with Aymara-speaking people in highland Bolivia since 1989. Neither of us is Indigenous: we are both scholars of European backgrounds dedicated to the study of Indigenous politics in the Andes because we believe they constitute a central piece of contemporary world politics. Both of us are citizens of a colonial state, and as such we have discussed how European political modernities were not simply built from the inside



out but shaped from the outside in too. Our goal is to disrupt conventional approaches to modern states in our disciplines to encourage serious conversations about sovereignty and self-determination in world politics.

Anthropology has long produced significant studies on Indigenous peoples but too often with an ethnographic lens that fails to see how they actively shaped world politics. International relations, in turn, is a discipline obsessed with states as the unit of analysis that easily dismiss Indigenous peoples as irrelevant to the global order. There has of course been some cross pollination among the two disciplines, such as the ontological turn inspired by Indigenous worldviews to think about different ways of being in the world, including beyond the human, now well established in anthropology (Descola 2005; Kohn 2013; Viveiros de Castro 1992). Although international relations has recently started to engage with this ontological turn, notably discussing multispecies international relations in the Review of International Studies (Burke 2022; Fishel 2022; Youatt 2022; see also Youatt 2020), the discipline has as yet much work to do to engage with colonial modernity and the capacity of Indigenous worlds to disrupt its ontological foundations (Blaney and Tickner 2017b; Trownsell et al. 2020). We weave together the two disciplines to make anthropology and international relations seriously engage with sovereignty and indigeneity in order to undo modernity's monistic universalism.

Our work inevitably draws a lot from Native and Indigenous studies, the field that has produced the most engaging scholarship and the most extensive debates on the nature of the settler colonial state and how it has defined and been defined by Indigenous dynamics. Patrick Wolfe's (1999, 2006) clear articulation of the interlocking structures of settler colonialism became deeply influential, calling for a focus on the logic of elimination and establishing that it works as an ongoing structure, not a historical event, fueling the emergence of settler colonial studies. The settler colonial framework argues that the imposition of sovereignty over another jurisdiction requires the elimination of existing forms of (Indigenous) authority through strategies of extermination, forced assimilation, and treaty-making. The logic, then, is to eliminate Indigenous peoples *as* Indigenous in order to erase their claims for territory so as to replace their authority—a process that takes place through racism, patriarchy, and heteronormativity (Kauanui 2008; Rifkin 2013). Settler states erase to replace, whether it is overtly through genocide or covertly through politics of multiculturalism that try to culturize Indige-

nous peoples, that is, to reduce their autonomous nations to a cultural minority within state borders (Kuokkanen 2022, 300).

Native perspectives have been crucial to expand discussions on sovereignty and how its logic of dispossession is connected to sex, gender, and race (Byrd 2011, 2018; Kauanui 2018). Kahnawà:ke Mohawk anthropologist Audra Simpson (2014, 2016, 2020) generated abundant research on the issue of settler states, portraying the state as a man and sovereignty as the right to kill, to show how logics of elimination operate on Indigenous women's bodies. Her research on citizenship practices among the Mohawks of Kahnawà:ke analyzes their efforts to rearticulate sovereignty through centuries of settler colonial interruptions. Chickasaw scholar Jodi Byrd (2018) explains the extractive logics of dispossession as a condition of possibility for settler colonial relations, making indigeneity a subject of dispossession in racial regimes inaugurated by settler colonialism.

These approaches are particularly relevant in Latin America, where scholars from fields as diverse as history and political science have looked at the ways Indigenous peoples influence the shaping of nation-states (O'Connor 2007; Urban and Scherzer 1991). Bianet Castellanos (2017, 2020) organized a special issue on settler colonialism in Latin America and analyzed indebtedness as an ongoing mechanism of Maya dispossession in Mexico, whereas Chickasaw scholar Shannon Speed (2017, 2019) analyzed settler colonial capitalism and how structures of dispossession disproportionately affect Indigenous women migrants. Nancy Postero (2017) focused on the government of Aymara President Evo Morales to understand how indigeneity was transformed from a site of emancipation to liberal nation-state building in Bolivia. A few scholars of political science traced the influence of Indigenous politics on Latin American democracies, with Amalia Palares (2002) examining the shift from class to racial politics in the Ecuadorian Andes and Deborah Yashar (2005) taking a comparative historical approach to analyze the uneven emergence of Indigenous movements in Latin America. Raúl Madrid (2012) analyzed how Indigenous groups have become a powerful force in electoral politics across Latin America, some more successfully than others, while José Antonio Lucero (2008a) focused on questions of representativity in Ecuador and Bolivia, the two countries where Indigenous politics achieved the most remarkable levels of visibility and impact. Donna Lee Van Cott (1994), who analyzed the shift from Indigenous movements to parties in the 1990s, contributed in-depth analysis

of Indigenous contributions to what she called “radical democracy” in the Andes (Van Cott 2012).

We build on these works to develop the thesis that Indigenous peoples contributed to state formation not only in areas of the world such as Latin America where Indigenous peoples are most visible but also in those places where their presence is not self-evident. We engage international perspectives to move beyond the focus on a state or electoral system, using indigeneity as a category of analysis for the entire structure of sovereignty from a global perspective. Anthropologists tend to explore how small-scale issues relate to bigger ones whereas political scientists are concerned with larger-scale political processes, and their assumptions about what matters have resulted in obscuring the role of Indigenous peoples in world politics. This book seeks to redress both lacunae, showing how state formation needs to be a subject for anthropology even as we demonstrate that Indigenous peoples are central to the study of world politics.

## An Anthropology of Sovereignty

The role of anthropology in exoticizing and “othering” Indigenous people has long been noted. For Franz Boas (1848–1942), widely considered to be the founder of modern U.S. cultural anthropology, anthropology was primarily concerned with Indigenous peoples of North America who had just been crushed militarily and dispossessed of their lands. His was an urgent task to collect material culture and record memory of a way of life before it was gone forever. This “salvage anthropology,” as Kahnawà:ke Mohawk anthropologist Simpson (2014) calls it, maintained a dualistic binary that kept a particular political order intact. Simpson (2018) refers to it as the grammar of Indigenous dispossession when analyzing why white people love Franz Boas. The politics of the U.S. then (as now) has little room for contemporary Indigenous peoples, and it is not without coincidence that Boasian anthropology is so much rooted in understanding an Indigenous *past*. The Indigenous of the past are no threat and are available to be romanticized.

British social anthropology as developed by Bronisław Malinowski (1884–1942) emerged in the context of a British Empire, which still sought to engage with living communities under the imperial yoke. Unsurprisingly, Malinowski functionalism looked to explain how contemporary societies continued to function explicitly *not* as vestiges of history. It is no coincidence

that British social anthropology was concerned with the continued functioning of Indigenous peoples that it sought to absorb into an imperial state. This is not to say that both anthropologists were simply products of their time, for each was also unfashionably and explicitly antiracist as they and their students insisted on Indigenous peoples being understood in their own terms. But it would be naive to ignore the state formations in which their anthropology was produced and how it served—even when unwittingly—those state formations.

The severest critique is that anthropology was colonialism's handmaiden (Asad 1973) and that anthropology itself produced an Indigenous subordinate alterity. However, this Indigenous alterity long predates even the earliest versions of Western anthropology. Michel-Rolph Trouillot (2003) sees anthropology as drawing on preexisting notions of the savage and, to be sure, developing them. For him, this "savage slot" is precisely what made the West conceivable and that, indeed, is a central thesis of this book: the existence of Indigenous peoples is precisely what makes the politically modern West *imaginable*, whether or not this is explicitly recognized by political actors. In turn, "anthropology belongs to a discursive field that is an inherent part of the West's geography of imagination" (8).

There is a long tradition of anthropologists being concerned with the ways in which the state represents itself to its subjects (Bouchard 2011), what Thomas Hansen and Finn Stepputat (2001) call the "languages of stateness." Anthropological studies analyze how the state is perceived through specific cultural lenses—how state practices are made manifest, performed, and given meaning (cf. Gupta and Sharma 2006, 277). The discipline is increasingly shifting its focus "toward state images and representations in research and theorizing" (Thelen, Vetter, and Benda-Beckmann 2017, 1). Some examples of this are Fernando Coronil's (1997), Alec Leonhardt's (2006), and Michal Taussig's (1997) work on the "magic" of the state; Clifford Geertz's (1980) state as "theatre"; Begoña Aretxaga's 2000 "ghostly" state; Akil Gupta's (1995) "imagined" state; and Bruce Kapferer's (1988) work on "myths" of state. These approaches are summarized by Aradhana Sharma and Akil Gupta (2006, 10) when they write, "the anthropological project attempts to understand the conditions in which the state successfully represents itself as coherent and singular."<sup>2</sup>

A quite different anthropological approach moves beyond how the state is represented to people in an imagined or abstract form to look at the ways in

which it is made manifest: Serena Tennekoon (1988) looks at how the state manifests through “rituals of development,” and Anya Bernstein and Elizabeth Mertz (2011) edited a special volume of *PoLAR* on bureaucracies (see also Ranta 2022). Hastings Donnan and Thomas Wilson (1999) look at the ways in which state presence is felt on borders, Townsend Middleton (2011) offers an ethnography of state surveys, and Brett Gustafson (2009a) looks at cartography.<sup>3</sup> There has, however, been insufficient theorizing of stateness from Indigenous perspectives. Some anthropologists, such as Nancy Postero (2017) and Alpah Shah (2010), have looked at the rare examples of Indigenous states in Bolivia (2005–19) and Jharkhand, India, but to date there has been little work in anthropology that considers not only what the state looks like from an Indigenous perspective but how the state creates those spaces where Indigenous cultures exist, that is, where state formation *produces* indigeneity as a meaningful political category.

Most studies of the state draw explicitly or implicitly on a Weberian idea of a state as a bounded sovereign entity encompassing a clearly defined territory with a monopoly of violence over that territory and governed by a rational bureaucracy (Hansen and Stepputat 2001). Yet few scholars have interrogated the boundary of that (idealized) state or considered, not only what formations it produces beyond the boundary but, most importantly for our considerations, how formations beyond the notional limits of the state *in themselves* produce the entity we understand as being the state. This is a very different way of approaching the study of the state and departs from much of the anthropological tradition which has largely focused on representation of the state or everyday practices relating to it.

The work of James Scott (e.g., 1998, 2009, 2017) is a notable exception here, and he has shown how cultural forms and identities of people denoted as “tribal” are themselves cultural forms of communities beyond the state, of people who explicitly reject the state and we draw heavily on his work. To express it at its simplest, our anthropological approach is not so much to see the state as a cultural form but to see how the state produces the spaces for political forms that are recognized as Indigenous. What makes them Indigenous per se is the ways in which they occupy a political space created by a particular state formation and contributed dynamically to that state formation. What we offer here is a model for understanding indigeneity not as *sui generis* but as cultural formations that occupy a specific political space. This avoids any kind of essentialization of Indigenous politics and sidesteps the

tendency to see Indigenous cultures as historical “survivals” of a contact with Western (neo)colonization—sometimes described as living in the past, even in the “stone age”—to locate them in contemporary sovereignty-making. Indigenous peoples are neither atavistic nor static, but dynamic actors in the construction of modern world politics.

## International Indigeneities

If the study of Indigenous peoples has long been a central concern for anthropologists—though insufficiently from the perspective of sovereignty-making—the subject has long been overlooked by political scientists and is rarely invoked in the field of international relations, which is particularly concerned with the study of sovereignty (see, e.g., Beier 2009; Coulthard 2014; Lightfoot 2016; Shaw 2008; Tully 1993). This may be related to their perceived marginality, since Indigenous peoples now are often minorities—and increasingly very small minorities at that—within dominant colonial societies and often embody the political, economic, and often geographical margins of modern states. Their role within theorizations of the state, from national, comparative, or international perspectives, have been at best peripheral if not ignored all together.

Yet indigeneity was an international affair from the start. It was through “the international” that Europeans developed the concept of *terra nullius*, enabling the Doctrine of Discovery that we analyze below and enacting the categorization of Indigenous peoples. Indigenous peoples used international treaties to defend their territories in the first stages of colonial invasion, and in the twentieth century they pushed for collective rights to self-determination through fora like the International Labour Organization (ILO) and the United Nations. Indigenous politics have historically been inscribed in the international, and today they still constitute one of the greatest challenges to the modern nation-state that emerged after the Peace of Westphalia (1648) established current principles of territorial sovereignty. For much of the period after the fall of the Roman Empire, most of Europe consisted of kingdoms, principalities, and duchies in a hierarchical system with the Holy Roman Emperor and the Roman Catholic Church exercising a supranational system of cascading sovereignty to the smaller polities.

The Peace of Westphalia was radical: sovereignty was to be exercised within territorial borders with the clear understanding that states did not

have the right to interfere in each other's affairs and in full autonomy from supranational entities such as the Catholic Church. It designed key principles of the modern concept of state sovereignty, such as mutual recognition, that organize world politics today. The recent recognition of autonomous Indigenous self-government suggests a further radical development. Anishinaabe scholar Sheryl Lightfoot (2016) describes global Indigenous politics as a subtle revolution in the international system because Indigenous rights to self-determination are much more than a new set of norms on the global stage: their implementation implies a reordering of the concept of sovereignty established in (and for) Europe some 350 years ago.

Part of the problem is that international relations has long been a U.S. social science more than an international discipline (Hoffman 1977; Wæver 1998), and many critics still depict it as white, racist, and colonial (Anievas, Manchanda, and Shilliam 2014; Henderson 2015; Vitalis 2015). In fact, the discipline dedicated to study world politics is rather parochial: most of the theorizing is published in U.S. journals by U.S.-based scholars who until recently accounted for 80 to 100 percent of the articles published in the field's top three journals (Tickner 2013, 635). It is therefore unsurprising that indigeneity remains an obscure topic in this field of study that reproduces largely U.S.-based and Eurocentric narratives of Westphalian sovereignty (Hobson 2012; Ling 2014; Shilliam 2010; Tickner and Blaney 2013).

A few international relations scholars have engaged with Indigenous peoples, discussing Indigenous diplomacies (Beier 2009) and the consolidation of Indigenous rights to self-determination globally (Lightfoot 2016), pointing at the moral backwardness of the international society of states when it comes to Indigenous peoples (Keal 2003) who are challenging the international foundations of sovereignty (Shaw 2008). If top international relations journals now publish occasional articles on indigeneity, whether to tackle norms diffusion (Steinhilper 2015) or Mapuche relations with the state of Chile (Schulz 2018), debates remain sporadic and anecdotal in a discipline that continuously fails to engage Indigenous peoples in meaningful, theoretical ways and remains trapped in the prison of colonial modernity (Blaney and Tickner 2017a). This is in part why we still lack non-Western international relations theory. We believe Indigenous perspectives may contribute to the emergence of what Amitav Acharya and Barry Buzan (2017) call Global IR.

Indigenous politics are most tangible in the field of Native Studies and settler colonialism, with an abundant production of theoretical knowledge



concerned with Indigenous-state relations. Native scholars combine political theory with ethnographic research to challenge politics of recognition (Coulthard 2014) and show how Indigenous sovereignty can exist within a sovereign state (Simpson 2014), pointing to the relations of domination that limit Indigenous self-determination (Kuokkanen 2019). Self-determination matters not only because it implies a sovereign political order that is in direct competition with that of the modern state but also because it challenges assumptions that the colonial state project is complete. Indigenous politics depart from Westphalian state-centrism, providing experiences beyond the confinement of monotheist notions of sovereignty by historicizing the state to offer alternative views of the political. This book shares with Native Studies a sense of urgency in rethinking the state to reconsider the international system of Westphalia.

There are many reasons why we should engage Indigenous perspectives from the standpoint of world politics. First, Indigenous peoples have long been dynamic actors shaping international legal frameworks, using legal diplomacy from the early stages of colonial expansion. In territories now part of Colombia, for instance, the Muisca Chief of the town of Turmequé, who adopted the Spanish name don Diego de Torres, fought a long legal battle against the Spanish authorities from 1574 until his death in 1590 (Rappaport and Cummins 2011). He produced innumerable legal petitions and created maps in attempts to regain sovereignty over his peoples' territory, and he formulated legal complaints addressed to King Phillip II, crossing the Atlantic Ocean repeatedly to present personally petitions to the royal court. Many centuries later, the Māori authority T. W. Ratana made similar attempts to defend sovereignty as he voyaged across the world to challenge the British Crown for breaking the 1840 Treaty of Waitangi. In North America, Native Americans actively used treaties and litigated against British occupation, leading King George III to issue the Royal Proclamation of 1763 to demarcate British colonies on the Atlantic coast from Native lands west of the Appalachian Mountains. The Eastern Pequots signed a territorial treaty with settlers, and when colonial governments violated it and tried to erase Indian presence in 1713, they defended their lands in court (Den Ouden 2012, 7).

In Mesoamerica, Tenochcan Mexica people actively litigated over property during the early colonial period, including women who made up half of the plaintiffs fighting gendered forms of dispossession in the sixteenth century (Kellogg 1995, 85). Everywhere in the world Indigenous nations en-



gaged in international relations as they signed international treaties to define territorial borders while European colonial governments systematically and unilaterally annulled treaties to expand the occupation of Indigenous lands (Schultz 2018).<sup>4</sup> These conflictive international relations never stopped. If organizations like the American Indian Movement organized the 1972 Trail of Broken Treaties, it is because the U.S. government—like all other colonial governments—continued to systematically break nation-to-nation international treaties.

Second, and more important than their role in international treaty-making, is the fact that Indigenous politics are fundamentally embedded in the emergence (and identity) of the modern sovereignty regime: the formation of modern nation-states in the so-called New World (and beyond) is entangled in the erasure of Indigenous government. Sovereignty has determined the European right to rule since the mid-seventeenth century, when the combination of territorialization and concentration of authority shaped the emergence of the modern state system. Sovereignty became a key element of legal and political discourse even if its meanings and functions change significantly over time. Classic notions of Westphalian sovereignty have rested on the association between land, people, exclusive legal authority, and external (mutual) recognition among modern states. Whereas in medieval Europe, rules had dominion over people and monarchies that were founded on a king's relationship with nobles and the people (and lands) they controlled, the Westphalian system introduced the idea of states exercising sovereignty over determined lands and people (which coincided).

Sovereignty is dynamic and always changing, constantly being renegotiated by states that put significant effort into performing their legitimacy. Yet if there is a constant, it is the conjunction of land, state, people, and sovereignty; it has become so embedded in international relations that it is sometimes difficult to imagine a state could be otherwise. Westphalian sovereignty, however, is but one model of government. Other forms of organizing self-determination are possible, from the Haudenosaunee Confederacy of Chief Deskaheh to the Inka empire, which, as John Murra (1967) pointed out, was a series of archipelagoes of centers exercising state control.

It was not until the French Revolution that people within a state could be imagined as sharing an identity as “French” and having a direct and personal relationship with the state as citizens. Colette Guillaumin (1992) reminds us that until then, Europeans used the word *race* to denote lineage, as in “the

race of Abraham,” which included people of various hues and ethnic origin. Before this period, nobles had flags bearing their coats of arms, which they displayed in battle; countries did not have flags. This nexus—of a people, a flag, a state with clear borders, a language, an ethnicity, and “citizens” with unambiguous and stable gender identities—became the fundamental form of modern sovereignty around the world and a defining feature of the international system of Westphalia.

## The Gate of Sovereignty

Our book focuses on sovereignty because it is the locus of exclusion for Indigenous peoples, the criteria used to deny entry and membership to the international community in order to perpetuate European colonial dynamics of dispossession. Sovereignty is what marks the inside and outside of the international in world politics (Walker 2010). Global dynamics are making sovereignty ever more mutable and contingent, yet it remains a defining feature of states and the *modus operandi* of the international system (Bartelson 2014). Sovereignty is, above all, a right of self-determination that adapts to the time and place in which it is invoked and with flexible constellations that respond to contextual circumstances (Grimm 2015, 5–7). Amid constant reinterpretations of sovereignty, two key ideas persist.

The first is that sovereignty is the absence of a superior authority, granting the power to make the law and the exceptions to the law, what Giorgio Agamben (2005) calls the *state of exception*. It is a supreme authority that is not subjugated to rules but makes rules binding to others; “the state is sovereign as a legal system” (Grimm 2015, 51). As early as 1576, French philosopher and jurist Jean Bodin defined legislative power as the principal mark of sovereignty (Grimm 2015: 20). In the early twentieth century, Carl Schmitt (1922) posited this juridical exception as the core sign of sovereignty. Sovereignty came to be defined in relation to law—specifically as the ability to transcend the rule of law. This basic notion remains central in contemporary debates as demonstrated by Agamben (1998) who argues that sovereign power is enacted through legal exception when the sovereign strips a human being of legal status, creating bare, vulnerable life.

The second defining feature of sovereignty is that it is indivisible: there can be only one sovereign. Sovereignty is the complete possession of governing authority, an absolute unity that is monotheistic by nature; as legal scholar

Dieter Grimm puts its “to divide it, is to destroy it” (Grimm 2015, 54). This idea of indivisibility starts early, as thinkers such as Bodin (1577) develop the idea of sovereignty—novel in the sixteenth century<sup>5</sup>—as absolute, perpetual, and indivisible: it can only reside in a single person (the monarch) or a single group of people (such as the aristocracy).<sup>6</sup> Bodin had to engage in a series of philosophical twists and turns to argue that the emperor and the Roman senate did *not* share a differentiated sovereignty even though it is hard to see how this is not the case.

Hobbes, Locke, and Rousseau followed Bodin in seeing sovereignty as essentially indivisible. The indivisibility of sovereignty became almost a religious tenet, impervious to multiple empirical examples that contradicted it. And the religious tinge here is not coincidental since they all related sovereignty to God, Bodin stating that Kings’ absolute and sovereign power ultimately comes from God: “because [power] has no other condition other than that which the law of God and nature command” (Bodin 1577, 94, our translation).<sup>7</sup> Put like that, it is not hard to see why no one was thinking of sovereignty as divisible? It would be an affront to Christian monotheism itself. If Bodin had to ignore the multiple sovereignties of antiquity, Hobbes, Locke, and Rousseau were compelled to ignore the multiple sovereignties of America, as we show in chapter 2.

The indivisibility doctrine ruled when modern states became the main model of governance in the nineteenth century, though it was questioned when globalizing dynamics shaped the second half of the twentieth century. Scholars analyzed the diminishing salience of modern states in the face of globalization and with it the fragmentation and deterritorialization of sovereignty in contexts of global reassemblage such as the European Union (Agnew 2009; Sassen 2008; Kalmo and Skinner 2011).

Indigenous peoples have long shaped how European powers claimed, configured, and distributed authority in imperial contexts (Benton 2001; Kauanui 2008). Today their struggles continue, including at the UN, where Indigenous peoples insist on rights to self-determination and on their commitment to keeping the spelling of *peoples* in the plural, with an *s*, to mark the collective, indivisible dimension of this political term (Lightfoot 2016).<sup>8</sup> Native scholars expanded conceptualizations of self-determination beyond the state, considering multiple, overlapping forms of sovereignty, and they proposed Tribal government as a “third space of sovereignty” (Bruyneel 2007; see also Barker 2021). But most debates identify pressures and threats

coming from international realms, especially global markets and international agreements, located in markets and institutions “above” the state, not subnational dynamics located “below” it.

This means that the ontological status of the state is largely unchallenged. The very existence of an Indigenous condition, however, points to the fact that the hegemony of the Westphalian state system was always partial: Maya K’iche’ scholar Gladys TzulTzul (2016) articulates it best when she says that to be Indigenous means that there is not one single sovereign. One should not overlook other dynamics taking place within the territorial boundaries of the state, particularly Indigenous self-determination. From Indigenous standpoints, the question is not whether Indigenous politics are shaping sovereignty but how. In chapter 4 we offer an example of how Indigenous women in Ecuador successfully challenged this tenet of the indivisibility of sovereignty to gain rights *as Indigenous women*. In chapter 5 in contrast, we look at Evo Morales’s administrations in Bolivia to suggest that if it failed in radically changing the state it is for refusing to let go of the indivisibility doctrine when confronted to multiple (Indigenous) sovereignties.

We suggest that Indigenous politics matter to state sovereignty in ways reminiscent of the European Union, if in reverse. Europe reconfigured sovereignty in postnational constellations (Habermas 2001), relocating legal authority from nation-states to supranational courts, legislative bodies, and administrative agencies, thereby dislocating state sovereignty from above. Similarly, the consolidation of accountability mechanisms beholden to Indigenous justice in the Andes (chap. 4) constitutes a transfer of legal authority to autonomous nations. However, legal rearrangements emerge from below and relocate authority *within* the state without creating a new nation-state. The reconfigurations of state sovereignty in Europe and in the Andes are similar in that legal reassemblages relocate sovereignty beyond the state (Sassen 2008). The main distinction is that in one case sovereignty is relocated to supranational levels *outside* the state and in the other to autonomous Indigenous nations *within* yet independent from it.

In contrast to the EU, however, the impacts of Indigenous politics on state sovereignty go largely unexamined. The lack of interest signals the coloniality of disciplines that still consider Indigenous ontologies to be “inappropriate” subjects of political analysis (Shaw 2008). Studies regarding Indigenous influence on the state are very few, rather recent, and mostly in the field of Native Studies, while in international relations even the critical

perspectives developed by feminist, postcolonial, and queer scholars largely overlook Indigenous contributions. This absence reveals the assumption that indigeneity is unrelated to the core concept of political theory: the state. Furthermore, it is not all that easy for conventional political theory to understand Indigenous approaches because those with Eurocentric world views have difficulty understanding the Indigenous other as co-constitutive of the sovereign state (Alfred 1999). Native American and Indigenous perspectives are mostly alone in considering the impact of Indigenous politics on practices and concepts of state sovereignty, in proposing new grammars to discuss *sovereignties* in the plural and the possibility of government beyond modern states.

Indigenous politics do not challenge state sovereignty with the intention of creating a new state, the model that was pursued by many ethnic minorities in the twentieth century. Indigenous politics are not about secession, and Indigenous peoples do not seek to create competing sovereign states, like Palestinian or some Kurdish peoples.<sup>9</sup> Indigenous claims, as diverse as they are, challenge modern states in different ways since they seek not to create a competing nation-state but rather to redefine self-determination beyond the sovereignty model and, in doing so, disrupt the very foundations of the Westphalian regime. In that sense Indigenous justice is a state of exception *beyond* state sovereignty. It is precisely in the juridical exception that Indigenous justice gains the most salience to conventional theories of sovereignty by highlighting that sovereignty is not necessarily singular and exclusive but potentially plural and inclusive. As we explain in chapter 4, for example, Ecuador's state has no authority over rulings of Indigenous jurisdiction except to ensure that they respect human rights principles established in the constitution and international human rights norms. Indigenous movements seek not to create a new, independent state but to argue for forms of self-determination that permit them to imagine new arrangements for consent and participation.

Alexander Wendt (1992) wrote that “anarchy is what states make of it” to explain the social construction of world politics. Sovereignty, we contend, is what states make of it. A constructivist approach may shed light on the co-constitutive role that Indigenous peoples played in making sovereignty. Grimm (2015, 8) makes sense of sovereignty as an idea that “operates in the realm of imagination” whereas Jens Bartelson (2014, 2) understands sovereignty as a *symbolic form* that the West has used—and continues to use—to

perceive and organize the political world. The task of reimagining sovereignty is thus a contentious one; it imagines what states can become—whether to reframe, dissolve, or pluralize—complicating and burying existing concepts in anticipatory representation (Cooper and Dhawan 2020). To reimagine sovereignty is to imagine new forms of authority valuing Indigenous perspectives because they engage radically different forms of authority anchored in experiences beyond the Westphalian paradigm.

The idea that Indigenous people do not simply lack a state but are actively constituted by their contestation to modern nation-states is not confined to the Americas. “Tribes begin where states end” writes James Scott (2017, 235). Tribalism, one of the various namings of indigeneity, is created by states to describe areas and peoples beyond their control, peoples with self-determination who define the outside of sovereignty. It is in that sense that Persian elites disdain Kurdish societies as “tribal,” because they are stateless but also beyond their control (Mohammadpour and Soleimani 2019). These ideas help explain the constant dismissive treatment, even dehumanization, of peoples framed as barbarians, Tribals, and Indians. They are not deemed to be fully people because they do not abide by the rules of the sovereign state like genuine citizens. In the face of mass Indigenous mobilizations in Ecuador, Tsalagi Cherokee scholar Jeff Corntassel argued that to be ungovernable is precisely the “Indigenous response to the illegitimate occupation and encroachment of the state on Indigenous homelands” (Corntassel 2006, 35) and that the Confederation of Indigenous Nationalities of Ecuador (Confederación de Nacionalidades Indígenas del Ecuador [CONAIE]) was substantially weakened when it entered the state political system because it became governable, and thus co-optable, a point we develop in detail in chapter 5.

## Indigenous Citizenship

A key subject of concern for us is how and when Indigenous people are considered citizens of states or not. There has been some interest in the citizenship practices of Indigenous peoples (e.g. Erazo 2013; Geschiere 2009; Tsing 1993), or the ways the state allows a certain expression of indigeneity that is useful for its continued development (Hale 2002; Povinelli 2002). In the words of Sarah Radcliffe, “Indigenous subjects are . . . perpetually ambivalent and uncertainly positioned with respect to citizenship” (Radcliffe

2015, 3). One might go further and say that Indigenous subjects are, by definition, antithetical to the citizenship practices or even the very notion of the modern nation-state. In her provocative volume *Against Citizenship*, Amy Brandzel (2016) argues that inclusionary citizenship practices are a mirage because they always construct a mode of aspirational citizenship that cannot fail to exclude. More significantly for our book, Brandzel's work shows how extending citizenship to Native Americans and Native Hawaiians is a strategy of cooptation and not of empowerment or recognition. For her, "Native citizenship, that is, citizenships within Indigenous nations and tribes . . . are assertions of sovereignty that work to reimagine belonging, empowerment, kinship, and governance. They are purposefully and provocatively anti-colonial and decolonial maneuvers" (Brandzel 2016, 9).

Kahnawà:ke Mohawk scholar Audra Simpson (2014) discusses citizenship as a problem of recognition, showing how being a reserve nation within the Iroquois confederacy under the state of Canada is an adaptation to be legible in colonial terms and how the Kahnawà:ke Mohawk nation is a sovereignty within multiple sovereignties. Indigenous politics are truly radical politics because they challenge the various mechanisms of power of the modern nation-state such as racism, heteropatriarchy, and private property regimes (Ellison 2018; Morgensen 2011). It is the state that defines indigeneity and the state, too, that not only polices sexuality, gender, and race but comes into existence through a particular understanding of gender, sexuality, race, and, of course, indigeneity (Kauanui 2018; TallBear 2018). Because an Indigenous experience locates one outside the state, it offers a privileged position for seeing the other elements of oppressive statecraft.

Citizenship is used as a marker of civilization. The Cherokee, Choctaw, Chickasaw, Muscogee, and Seminole were considered Five Civilized Tribes in early U.S. colonial times because they adopted colonial attributes such as Christianity and the English language. This point squarely reinforces our understanding of indigeneity—or tribalism—as a political identity relational to the state: a label designed by the state to delegitimize forms of existence other than itself and inclusion on the basis of sameness, one defined by and for the state and that relies on assimilation. This is why Haudenosaunee scholar Martin Cannon (2019) resists the category "Indian," and the politics surrounding it, at every turn. The amalgamation of different peoples under one classification gave a false impression of cohesive cultural identity rather than a legal and political regime.

This is a key focus of this book, as we see the concept of “Indian” as a marker of the presence of modern nation-states. There can be no Indians if there is no state: the two are relational identities than can only exist vis-à-vis each other, like the left can only exist in reference to the right, the feminine in reference to the masculine, the white in reference to the racialized. Barbarian and civilized; farmer and forager; indigeneity and stateness: these related sets of semiotic pairs are born together. As twins, one conjures up the other. Barbarian only exists as a position vis-à-vis a state or empire—one that is outside looking in (Scott 2017, 227). Mahmood Mamdani (2004b, 10) puts it succinctly: “there can be no settler without a native, and vice versa.”<sup>10</sup> Indigenous peoples do not signal the past of civilization; on the contrary, their presence is an element of state archaeology that indicates the past presence of states. Where there are Indians, there are states that were resisted, and, conversely, indigeneity indicates the presence of stateness just as corn indicates the presence of human society.

James Scott’s (2009) thesis on highland South Asian Indigenous groups, the people of Zomia, is that they are constituted precisely in terms of their history of opposition to states and kingdoms. Scott argues that hill peoples should not be understood as victims forgotten by the state that historically marginalized them but, rather, as peoples who consciously fled to the hills to escape state control. In that sense, Indigenous people are not simply beyond the gates of the state but also actively define the borders of the state. When Anna Tsing (1993) writes that the Merana of Indonesia “define the state by fleeing from it,” she is describing a situation where Indigenous people not only reject the state but also establish its very limits.

States need the idea of a pre-state barbarian as an oppositional category against which to define their civilized self, but they also need this premodern notion of sociality to fail (Scott 2009, 207). States put in a lot of effort to maintain themselves, masking their own criminality by criminalizing Indigenous peoples, who are a perpetual reminder both of their illegitimacy and of the possibilities of life with forms of self-determination existing beyond the state (Simpson 2019). It is this perceived threat of self-determination as competing with sovereignty, rather than the fear of secession, that makes states repress Indigenous mobilization. As Simpson (2014) puts it, the Kahnawà:ke Mohawk seek nationhood but not through a state model. We explore these challenges to the Westphalian system in subsequent chapters, but first things first.



## The Doctrine of Discovery: A Pillar of the Modern International System

A lot happened in 1492. The “discovery” of the New World by Christopher Columbus; the fall of the Caliphate of Granada, the last Muslim stronghold in Iberia, lending a religious fervor to the conquest of America as religious and cultural pluralism was roundly rejected; and the election of a Spaniard to the papacy, Alejandro Borja (Italianized to Borgia), who, after taking the papal name of Alexander VI, issued the 1493 papal bulls that divided the New World between the kingdom of Portugal and the newly united kingdoms of Castille and Aragón. Although these three events were not immediately connected to one another, their collision creates a historical juncture that had a huge impact on the colonization of the New World. For almost eight hundred years before 1492, the Iberian Peninsula had been an agglomeration of kingdoms, caliphates, principalities, and emirates, each with its Jewish, Christian, and Muslim subjects. The fall of the last Muslim polity in Iberia allowed for the emergence of Iberia under one sovereign God for one Christian people and the expulsion of Jews and Muslims with their differentiated sovereignties. Christianity was the ideology of what the Spanish called the Reconquest in Iberia and the conquest of America. It is in that context that Saint James, the patron saint of Spain once known as Santiago Matamoros (the slayer of Moors), was reframed as a conquistador and given his new name, Santiago Mataindios (the slayer of Indians). Maria Josefina Saldaña-Portillo (2016, 39) foregrounds this historical context to point out the “genealogical affiliation” among the “Islamic infidel, the Morisco, the Christian heretic, and the New World Barbarian.” In other words, the nature of indigeneity in the Americas overlaps with that of the Islamic infidel and Christian traitor.

From the first year of encounter, Europe established the Doctrine of Discovery, thereby defining the Americas as *terra nullius*—empty wastelands without sovereign people and outside the realm of politics (Benton and Straumann 2010; Miller 2011; Newcomb 2008). In 1493 Pope Alexander VI issued the *Inter caetera* papal bulls defining lands of the New World as occupied by “barbarians” and inviting Christian colonizers to subjugate the “infidels” by using all means necessary to bring them to faith under Christian dominion.<sup>11</sup> These 1493 bulls established a Christian “Law of Nations” that framed the European occupation of the New World in legal terms, defining land grabbing as discovery and non-European populations as incompetent (uncivilized) occupants in need of a benevolent guardian. This



FIGURE 2 Santiago, the patron saint of Spain, moves from being Slayer of Moors to Slayer of Indians. Credit: Sculptors unknown; Photos: A, Sculpture in the Cathedral of Santiago de Compostela, Spain, CC BY-SA 4.0, Wikimedia Commons (Romke Hoekstra); B, Santiago as conquistador, sculpture in parish church of Ilabaya, Larecacha province, Bolivia. Photo by Andrew Canessa.

Christian Law of Nations was inspired by prior bulls dating back to the eleventh century invasions into what Europeans called the Holy Land, the region of Palestine. The 1493 bulls should be understood in the broader context of the fall of Constantinople to the Ottoman Empire, which led to the two preceding bulls, *Dum diversas* (1452) and *Romanus pontifex* (1455). These authorized Christian nations of Europe to reduce “saracens [Muslims], pagans and any other unbelievers” to perpetual slavery (facilitating the slave trade from West Africa) and sanctified the seizure of non-Christian lands in Africa (Miller 2011). Together these various bulls served as the basis for justifying the global slave trade and the Doctrine of Discovery to take over America.

The doctrine’s framing of all Indigenous territories as *terra nullius* encouraged European monarchies to divide up the New World. In 1494 Spain, Portugal, and the Catholic Church signed the Treaty of Tordesillas without even knowing the geography of the continent they would soon name America.<sup>12</sup> The British treated Australia as *terra nullius* to assign ownership of the entire continent to themselves.<sup>13</sup> The doctrine continued to be used into the

nineteenth century, when newly formed republics in Latin America used the same tactics to negate Indigenous authority and appropriate their territories into nation-states (Castro and Picq 2017). The scramble for the Amazon at the turn of the twentieth century shows that modern Latin American states still considered Indigenous lands as *terra nullius* (Hecht 2013). To this day, the political underpinnings of the Doctrine of Discovery are everywhere. Territories defined as wastelands in the sixteenth century are now licensed by modern states for oil drilling in the name of development, the latest form of *mission civilizatrice*.<sup>14</sup> Unlike the concept of *res nullius* (things without owner not subject to any state jurisdiction) that comes from Roman law, the concept of *terra nullius* (land without owners or sovereignty) is actually a very modern creation by European monarchies, one that came to frame their imperial expansion. Standing-Rock Sioux scholar Vine Deloria defines it as “the greatest real estate transaction in history” (Deloria 2006, 96).

The shift from colonial heteronomy to republican state sovereignty was marked by widespread dispossession (Schulz 2018), a massive land grab that forcibly displaced (even erased) Indigenous peoples, dismissing their self-determination in the name of state modernity. In Chile the newly formed state started by signing the 1825 Tiahueco Treaty recognizing Mapuche sovereignty south of the Biobío River, but within a few decades the state deployed military campaigns to occupy the Araucanía farther to the south (López Vergara 2017). From Chile to Guatemala, many Indigenous communities allied with conservative royalist forces against the new liberal states in order to maintain treaties of mutual recognition signed with European crowns (Castro and Picq 2017).

The newly independent United States developed various legal and bureaucratic strategies to appropriate Native territories, such as the 1830 Indian Removal Act that forced thousands of peoples into reservations to clear land for white settlers, and the 1887 Dawes Act “allotment” policy that framed Native lands as “surplus” to be sold as private property (Brown-Pérez 2017; Ruppel 2008). Indigenous prior (and competing) political authority was erased by five decades of The Trail of Tears, forced marches and relocation that dismantled autonomous nations in the Southeast (Deloria 1974). María Josefina Saldaña-Portillo (2016) shows how modern states re-worked these colonial tropes of the *indio bárbaro* into new bureaucracies in the nineteenth century to appropriate Indigenous territories and how such representations continue to haunt the U.S.-Mexico borderlands today.

Notions of terra nullius continue to define the international order (Wolfe 2006). Lumbee political scientist David E. Wilkins and Mvskoke Creek scholar K. Tsianina Lomawaima (2002) analyze how the doctrine still permeates the U.S. legal system, and Shawnee-Lenape scholar Steven Newcomb (2008) argues that the Christian notion of the chosen people is at the core of U.S. federal Indian law. The very construction of the state depended on coding Indigenous land as empty of sovereignty, or as “quasi-sovereign” in U.S. law. The 2020 decision of the U.S. Supreme Court on the *McGirt v. Oklahoma* case recognizes that much of that state remains under the authority of the Five Civilized Tribes (Cherokee, Chickasaw, Choctaw, Muscogee, and Seminole) while at the same time upholding the principle of Christian discovery (d’Errico 2022).

Vine Deloria Jr. (1974) argues that Indians have always been treated as outsiders within the state to be repeatedly denied statehood. Many Indian tribes have territories larger than some small members of the UN, yet they are neither recognized as sovereign nations nor accorded a place within the UN’s trust territories recognition process. This is because the modern international system ensured that Indigenous peoples could never pass the gate of sovereignty. The contestation that started before Chief Deskaheh continued after him, expanding to the visual arts when Amazonian Baniwa artist Denilson Baniwa claims throughout his art that “all of Brazil is Indigenous land.”

States have historically dismissed Indigenous peoples as legal minors (some postcolonial states still do). During colonial times, Spanish jurisdiction considered Andean peoples minors in the legal sense (Mumford 2008), and subsequent republican states maintained legal tutelage over Indigenous populations, developing norms of trusteeship or guardianship. This concept permitted states to justify European legal dominance through civilizational claims to a superior and universal culture (Wallerstein 2006). A clear instance of this was the Berlin Conference in 1885, when European powers divided Africa among themselves. Signatories gave themselves the right to “watch over native tribes,” to care for “their moral and material well-being,” and to bring them “the blessings of civilization” (General Act of the Conference at Berlin, Art. 6).<sup>15</sup>

The idea of guardianship over Indigenous peoples can be traced back to the Valladolid Debate in 1550, when Spanish religious authorities met to discuss whether Natives of the New World had souls or not and therefore whether they exercised political authority over their lands. Bartolomé de

Las Casas and jurists of the Spanish school argued against the enslavement of Natives and land grabs by colonists, whereas Juan Ginés de Sepúlveda, Las Casas' opponent, equated the moral status of Indians to that of women to justify the Crown's tutelage over them. Indians were to Christians what women were to men. De las Casas's position was also a political rebuttal against the Spanish judge Francisco de Vitoria, who declared in 1532 that non-Christians were able to own property, stating that Indians had reason, law, and their own forms of government, and leaving no space for ambiguity that Indians should have titles to their land (Miller 2011). The debate never reached a conclusion, but monarchies embraced the claim that Natives' lands were empty wastelands without sovereigns or proprietors. In a sense, Sepúlveda and De Las Casas were forging a new doctrine of Catholic humanity—and property (Saldña-Portillo 2016, 40).

When international law defined Indigenous peoples as wards of the state, it automatically kept them outside the gates of international law. The colonial notion of trusteeship entailed two simultaneous legal positions: the right of the non-Indigenous state to "civilize" the savages while simultaneously ejecting Indigenous persons to a no-one's-land beyond the margins of international law. This system excluded Indigenous peoples from the positivist legal regime designed to assert European colonialism, precluding Indigenous people from participating in international politics. This exclusion was an implicit recognition that Indigenous sovereignty would challenge the very foundations of Westphalian states, a challenge that European theorists were aware of at least since the seventeenth century, as we shall see in chapter 2.

When the League of Nations established the doctrine of trusteeship in its 1919 covenant, it disregarded direct appeals by Indigenous groups in Canada and New Zealand, designing the "sacred trust of civilization" to help peoples "not yet able to stand by themselves under the strenuous conditions of the modern world" (Rodríguez-Piñero 2005, 21). Coherent with these principles, the League of Nations refused to meet with Haudenosaunee Chief Deskaheh in 1924, then a Māori delegation in 1925, which defended the right of their peoples to live under their own laws on their own land. In 1928 a territorial dispute over the Island of Palmas ended with the Permanent Court of Arbitration denying the binding authority of international treaties made between the Dutch East Indian Company and Indigenous groups.<sup>16</sup> In a similar legal case, the Permanent Court of International Justice gave Eastern Greenland to Denmark in 1933, denying the Greenlandic Inuit political authority

and framing the annexation as an exercise of sovereignty (Mazel 2009). The last five centuries of international relations have been marked by colonial governments signing treaties with Indigenous peoples only to dismiss them later with the active support, or complicity, of international courts.

Antony Anghie (2007) suggests that sovereignty was a creation improvised out of the colonial encounter, which explains why colonization was central to the formation of international law. Colonial laws characterized Indigenous peoples as minors without authority, and thus excluded from regimes of property, to create “legal” claims over their land. In this process racial differentiation was deployed as a tool of land acquisition (Koshy et al. 2022). Anghie sees this legal “dynamic of difference” as demarcating a “universal” European culture from a “particular,” uncivilized, Indigenous one.

This regime of difference has an epistemological dimension: the sovereign cannot, by definition, be Indian. It is sovereignty that fixes difference, and since citizenship is attached to sovereignty it automatically excludes Indigenous peoples as noncitizens. It means not simply an exclusion of the Indigenous but, rather, the use of the Indigenous as the image against which sovereignty is set: sovereignty (and indeed civilization) is about *not* being Indigenous, giving indigeneity a fundamental role in setting the concept of sovereignty even if this was not always explicitly recognized. If non-European peoples lack sovereignty, then the development of international law can be seen as part of European imperial expansion.

What is interesting to note here is not only that Indigenous peoples have long been present in the international system but also that their presence has shaped the emergence and consolidation of the modern international order. Western Shoshone scholar Ned Blackhawk (2023) interweaves centuries of histories to show how Native nations helped shape England’s crisis of empire and refashioned U.S. law and policy. As Pekka Hämäläinen (2022) shows, Tribal nations played a determining role in U.S. history, and that Native groups continued to control North America after 1776 despite European claims of sovereignty. His work on the Comanche reveals a fluid and versatile rule, a “kinetic empire” unrecognizable in the eyes of sedentary European empires and that often manipulated those who assumed to be in control (Hämäläinen 2008). Both Hämäläinen (2022) and Carolyn Dean (2010) explain that Europeans deeply misunderstood Indigenous political systems and structures, unable to see the breadth and sophistication of Indigenous forms of government across the New World.

This is why scholars are revising imperial history to argue that Indigenous peoples actively shaped colonial law and by extension the emerging international order of Westphalia (Benton 2001). In fact Indigenous nation-to-nation politics engaged in such sophisticated legal contestation that they pushed European colonial states to justify the land grab in increasingly institutional terms. They did this to the point that modern state sovereignty may be understood as a counterclaim in reaction to Indigenous legalities rather than an original discourse (Belmessous 2011). An instructive example of that is how the modern state of Guatemala was founded in response to and against the self-government proclaimed by the K'iche' peoples of Totonicapán in 1820 (Pollack 2008).<sup>17</sup> After a historic uprising in which Totonicapán declared its independence from Spanish rule and proclaimed Atanasio Tzul Governor of the Independent Province of Totonicapán and Lucas Aguilar King of the Indians, the scared settlers of European descent of the Audiencia de Guatemala rushed to declare independence from Spain themselves and form the Republic of Guatemala, writing in their founding charter that they had created the modern state so that the K'iche' would not do it first.

## Indigenous Self-Determination: From the ILO to the UN

Indigenous politics first entered the modern international legal system through the International Labour Organization (ILO); that is, contesting labor dispossession. The ILO, a remnant of the League of Nations, was founded with the Treaty of Versailles in 1919 with the mandate to secure fair and human working conditions for men, women, and children in the aftermath of World War I. Ironically, it is within that profoundly Eurocentric organization that Indigenous self-determination was first recognized.

The ILO began debating Indigenous (worker) politics in the 1920s and remained the *only* international organization to engage Indigenous issues for most of the twentieth century. Luis Rodríguez-Piñero (2005) analyzes the changing conceptual meanings and normative discourses that shaped the ILO's historical concern for Indigenous peoples between 1919 and 1989. Member states fiercely opposed the first call for an inquiry into the conditions of Native and colored labor in Africa and America in 1926. The Brazilian delegate plainly denied the existence of Indigenous populations, declaring "there is no such thing as Indigenous labor in all America" and arguing that workers all enjoyed the same rights and freedoms. The fact that at that



time Indigenous peoples were subject to bonded forms of labor and genocide throughout Amazonia during the rubber boom and hacienda serfdom in the Andes did not seem to generate controversy among member states.<sup>18</sup> The South African delegate, in turn, acknowledged the “Indian” problem, justifying the “exceptional” labor conditions of “savages” through “distinctions of civilization and racial instincts” (Rodríguez-Piñero 2005, 1).

It took twenty years and another world war for the ILO to pass a resolution on Indigenous peoples in 1946, creating minimal labor standards for “Indigenous populations in independent territories” (Rodríguez-Piñero 2005, 2).<sup>19</sup> The 1945 UN charter establishing fundamental rights had opened new venues to global anticolonial movements making possible terms such as *independent* territories. But if Latin American states started admitting Indigenous presence, the image of Indians as savages continued to be invoked to dismiss their political claims. The Mexican employers’ representative at the ILO declared that America’s Indigenous problem was related to social retardation, diseases, and problems of clothing and education, concluding that Indigenous populations were no subject for international conventions.

In 1957 the ILO adopted Convention 107, the first international instrument specifically addressing Indigenous rights, but Indigenous peoples rejected it for encouraging policies of tutelage and assimilation. Convention 107 and Recommendation 104 on the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries in the International Labor Code saw indigeneity as relational to the nation-state and located in the past, explicitly referring to an incomplete process of acculturation. The convention reaffirmed Indigenous peoples as a “problem” to be solved by civilizing and “successfully integrating” them, still treating them as wards unable to govern themselves. Indigenous peoples rejected it as a product of colonialism: the doctrine of trusteeship condoned the “civilizing” of non-European peoples and sanctified ongoing forms of settler dispossession. Convention 107 came as a double-edged sword: it created international Indigenous rights while promoting an integrationist legal framework.

Indigenous mobilization intensified, and concepts of assimilation were finally replaced by self-determination in 1989 with the adoption of Convention 169. Convention 169 established the rights of *peoples*, not populations, recognizing their political authority and principles of self-government such as the administration of justice and prior consultation on projects affecting them. It was the first-time international law recognized Indigenous rights



to self-government, establishing the legal concept of Indigenous *peoples* (Rodríguez-Piñero 2005). The real catalyst for ILO 169 was the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), in the works since 1985. Negotiations began with the International Decade for the World's Indigenous Peoples (1995–2005), but these were so tense that a second consecutive UN decade was needed before member states adopted a declaration in September 2007.

Tsalagi Cherokee scholar Jeff Corntassel (2007, 153) points out that, in the process, the participation of Indigenous organizations at the Working Group on Indigenous Peoples (WGIP) soared from 48 to five hundred between 1983 and 2005. The UN created important new organs such as the Permanent Forum of Indigenous Issues (UNPFII), which has gathered Indigenous representatives annually in New York since 2002 and advises the UN Economic and Social Council (ECOSOC). Its open attendance policy allowed any representative to participate in the annual conferences, considerably expanding Indigenous participation. Indigenous presence and institutions proliferated, creating expert and monitoring mechanisms (Anaya 2004; Escárcega 2010).

The Indigenous rights regime that emerged out of Convention 169 had challenged a lasting international *status quo* over sovereignty: Indigenous *peoples* had authority over their lands. United Nations negotiations reached an impasse because recognizing Indigenous prior authority over territories inhabited *before* conquest threatened the sovereignty of member states. In other words, Indigenous politics put at stake foundational tenets of the Westphalian system.

If UNDRIP sealed the universal recognition of the principle of self-determination (Art. 3) and formalized rights to lands, territories, and resources (Art. 25–30), member states fiercely defended their territorial sovereignty in a final article stating that nothing in the declaration could be interpreted as “authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States” (Art. 46). States were willing to support Indigenous self-determination as long as it remained consistent with (and subservient to) their Westphalian sovereignty. The gate of sovereignty remained closed.

The UN Declaration on the Rights of Indigenous Peoples was adopted by 144 countries, with only four countries opposing it, a group of states known

in Indigenous circles as CANZUS (Canada, Australia, New Zealand, and the United States). They specifically opposed the use of the word *peoples*, holding that the recognition of Indigenous *peoples* implied the recognition of Indigenous nations within sovereign states and sought the continuation of a non-nation status for Indigenous peoples. The UN system, intergovernmental and Westphalian par excellence, understood that acknowledging Indigenous self-determination would inevitably affect sovereignty and by extension the foundations of international law. The CANZUS group subsequently endorsed UNDRIP in 2011 as the Obama administration expressly confined the UN principles to the existing federal Indian law model of domination.

The UN Declaration on the Rights of Indigenous Peoples was the longest-debated human rights instrument in UN history (it lasted over eleven annual sessions) for a reason: it challenged everything. Victoria Tauli-Corpuz, the Indigenous Kankana-ey Igorot leader serving as chairperson of the UNPFII who was appointed UN Special Rapporteur for Indigenous Rights in 2014, described the signing as “a day that the United Nations and its member states, together with Indigenous Peoples, reconciled with past painful *histories* and decided to march into the future on the path of human rights.”<sup>20</sup> The declaration may seem to be mere words on paper since it is not legally binding under international law (unlike ILO 169), but it did create a tectonic shift in that the new Indigenous rights regime entails a complex reordering of sovereignty that challenges the international status quo by formalizing the existence of nonstate forms of self-determination in world politics.

## Architecture of the Book

To return to our opening question, What do Indigenous peoples have to do with international relations and the foundation of modern sovereignty?

Well, everything.

This introduction provides an overview of how indigeneity and sovereignty are related, the impact of European colonialism on modern international law, and the emergence of Indigenous rights to self-determination at the UN. The imperative to bring indigeneity into political theory stems from its role in so many processes of state formation. It is precisely because Indigenous politics are intrinsic to the emergence of the state and contest its authority that they may contribute critiques distinct from feminist or antiracist approaches. Indigeneity disrupts some of the core epistemological founda-

tions of international politics. Indigenous experiences complement official national histories with forgotten or repressed narratives. In the process, they bring in other epistemologies, they destabilize state-centric conceptualizations of the political, and they complement postcolonial theory with praxis.

In the following chapters we develop our thesis that indigeneity is at the very center of how the state has been imagined, how the international system of states operates, and thus how it can be redefined. As we saw above, there are numerous examples of tutelary relationships with the state, but there are many more where the state excludes Indigenous peoples altogether in more subtle but equally powerful ways. Politics of assimilation show that over the last century many states have forced formal citizenship onto Indigenous peoples in order to deprive them of any autonomy even as they continue to exclude systematically Indigenous peoples from economic and political power.<sup>21</sup>

In chapter 1, we raise the question, Who is Indigenous? How do we talk meaningfully about such a diverse group of people without homogenizing, romanticizing, and essentializing what indigeneity refers to? We argue that indigeneity is a particular kind of power relation, more specifically a relationship with the state. In so doing we simply sidestep sterile debates about authenticity and avoid any essentializing traps.

If indigeneity is defined in terms of the state, then we need to explore what this state is. Chapter 2 delves into the European philosophical origins of the modern state to show how it is a cultural and political phenomenon. We analyze how European thinkers of the Enlightenment such as Hobbes and Locke theorized the state, framing sovereignty in relation to a Christian God and Indigenous peoples as “savages beyond the civilization.” We argue that Indigenous peoples were fundamental in providing the antithesis to how European philosophers imagined the civilized state to be: the modern nature of the state could not be conceived of without Indigenous peoples’ state of nature providing a dramatic foil. We discuss the uses of the concept of barbarians and the separation of humans from nature in this Eurocentric political modernity. The important point here is not just that the savages are excluded but that they are *necessary* in order to imagine the modern state. The two categories are codeterminant, one depends on the other: there can be no citizens without savages.

In chapter 3, we move to empirical examples from Bolivia and some African countries of the way states relate to peoples they denote as Indigenous

and note that there are multiple and contrasting discourses that can appear confusing unless we look at them through the lens of state relations. This political lens allows us to make more sense of why people (self-)identified as Indigenous may be in open conflict, and the answer is at root quite simple: they have different relations with the state—some groups make claims *on* the state whereas others make claims *against* the state. Why this may be so is explored in detail in this chapter.

In chapter 4, we look at an important empirical example of how multiple sovereignties can be meaningfully created, in this case to establish Indigenous women's rights. Kichwa rural women successfully relocated sovereignty from the Ecuadorian state to their communities in creating rights to self-determination accountable to international gender norms. This is an important illustration of how those European seventeenth-century philosophers were simply wrong: you *can* have multiple sovereignties in a functioning polity. And this is an issue that escaped Evo Morales during his long regime in Bolivia, as we explore in chapter 5. Morales could not or would not slough off the ideas of a unitary sovereign state, and even though he founded a plurinational state, these nations were clearly subordinate to the national state, which was singularly sovereign. This pitted him against Indigenous groups who were arguing for retaining self-determination over their territories to resist the extractivist logic of the settler state.

As we move through the various imaginings of Indigenous peoples as savages and (anti)citizens, we show that they—by their very existence (real or imagined)—not only lay the foundation for the modern state but are also the source of a powerful critique of the state; they are the foil against which the civilized sovereign and the gendered citizen is set but also offer possibilities for imagining a world without states—or at least different forms of self-determination—and a different way of thinking about sovereign bodies not as bounded and contained subjects of the state but as fluid, flexible, and resistant to simple categorization and, as a consequence, appropriation.



# CHAPTER 1

## Who Is Indigenous?

Indio fue el nombre con el que nos sometieron, indio será el nombre con el que nos liberaremos.

(Indian is the name under which they subjugated us, Indian will be the name under which we free ourselves.)

—DOMITILA QUISPE, BOLIVIA

### Introduction

There are over five thousand peoples recognized as Indigenous by international bodies such as the UN. They speak thousands of languages in different cultural and spiritual systems—about 370 million individuals in over ninety countries. They are Aymara and Māori, Wampanoag and Mishing, Lenape and Ixil, Guaraní and Zapotec, Sápara and Gwich'in. They speak as many languages as they have ways of being in the world, and their forms of government vary enormously. They live in Amazon rainforests and Arctic tundras, the arid plains of Australia and Tanzania and—increasingly—the largest cities in the world (Brablec and Canessa 2023). There is nothing homogenous or static in their lifeways or identities, yet these immensely diverse peoples are all “Indigenous.” What do the recently ejected Bolivian president, a Sámi reindeer herder in northern Scandinavia, a San hunter-gatherer in Botswana, and a Mohawk construction worker in New York all have in common? It is clearly not a common language or culture, so what is it?

All the categories that refer to Indigenous peoples—First Nations, Indian, Indigenous, Native, Originary, and Tribal peoples—are essentially synonymous, indicating different moments in time or space. Indigeneity, in its many namings, does, however, always refer to a colonial experience in one form or another; there is a “we” and a “they” to the formulation, and one party in this tight relationship arrived uninvited. That is, a key element of the Indigenous

experience is being subject to a colonial relation, and a central element of that relation is who gets the power to define Indigenous.

The Maya Kaqchikel writer Luis de Lión (1985) said that he learned he was Indigenous when he came down from his village to the city of Antigua. Before, he says, he was just a person. Similarly, in 1491 there were no Indigenous people in what we now call the Americas. To be sure there were many millions of people with different cultures and languages, but what makes them specifically Indigenous is the arrival of Europeans. Suddenly people who had hitherto nothing in common, who lived in large polities or no polity at all, who may even have fought and dominated one another, were all united in a common status with respect to European invaders.

There is never going to be a single and simple interpretation of indigeneity, not least because the Indigenous experience is so diverse, but what really matters is understanding how it is a fluid, relational, and inevitably *political* identity. Throughout this book we see indigeneity as first and foremost a relational identity, a power dynamic that is highly contingent, informed by a certain historical consciousness and entangled—always—with gendered and racial identities brought through colonization. It is important to underline, however, that even though a key component of indigeneity is a sense of historical injustice, contemporary indigeneity cannot be reduced to a notion of cultures that have “survived” since precolonial times. To do this is to deny the very contemporary nature of the violent dispossession Indigenous people face and risks seeing “authentic” Indigenous peoples as ones who have somehow been untouched by history. To see Indigenous people in terms of historical cultures not only imposes on them an essentializing frame whose parameters are—invariably—decided by outsiders but, paradoxically, disallows them the power to develop and decide their identity for themselves: it also denies them a dynamic, contemporary existence. How, then, do we think about indigeneity?

## Definitional Violence: Law, Race, and Lands

One of the most important things to understand about indigeneity is that it is not an Indigenous concept. Peoples are Naga, Ashuar, or Tikuna, and only become Indigenous in relation to European states. “Indigenous” is a legal category inherited from colonial times that continues to be used by modern states and international bodies today. It served to homogenize a myriad

of different cultures into one single category, indicating a colonial process of homogenization that serves a double goal of subordination and cultural erasure. Each colonial process had its own forms of organizing power hierarchies, and each empire developed its own legal definitions to occupy the territories and peoples they “discovered” (Benton 2001).

Definitional violence has been a constant form of attack against Indigenous peoples. The official understandings of indigeneity vary across time and space as modern states change definitions through legislation, blood quantum, and census, depending on their interest to erase, regulate, or displace Indigenous presence (TallBear 2013).<sup>1</sup> Legal scholar Kathleen Brown-Pérez (2017), citizen of the Brothertown Indian Nation, notes that the United States government has over fifty different ways of defining Indigenous peoples. As Māori scholar Linda Tuhiwai Smith from the Ngati Awa and Ngati Porou people puts it, “they came, they saw, they named, they claimed” (Smith 1999, 80). Cook proceeded to rename the entire country as he circumnavigated New Zealand in a colonial exercise of naming the world as a way to claim the legitimate ways of seeing it (Freire 1987). The concept of Indigenous is hard to define because the various colonial empires assigned different legal meanings—and rights—to this category.

The Spanish Empire initially divided all the inhabitants of its colonies into two classifications: the Republic of Indians and the Republic of Spaniards. This legal definition, however, was a theoretical premise difficult to maintain in practice as Europeans and Americans mixed with each other as well as with Africans. By the eighteenth century, the Spanish colonies had developed the Society of Castes, a complex racialized tax and legal system that assigned people to one of up to thirty-two different categories. This was an inherently unstable system (Rout 1976) not only because there were many people phenotypically allocated to one category but legally in another but also because there many people who moved between categories within their own lifetimes (McCaa 1984). The system’s instability is illustrated by the Spanish conquistador of Guatemala Pedro de Alvarado (1485–1541) who successfully argued in court that his children with the local noblewoman Maria Luisa Xicohténcatl from the Tlaxcala people (married to Alvarado to consolidate the alliance between the Tlaxcaltecas and the Spaniards against the Mexica Empire) should be declared Spaniards. Alvarado referred to local populations as “los naturales de la tierra,” referring to Natives as “natural” to the land.<sup>2</sup> It is worth underlining that *los naturales*, one of the very first terms



Spaniards used when referring to local populations of the New World, relates them explicitly to nature, an issue we discuss in greater depth in the following chapter. This episode indicates that under Spanish rule in the Americas, being Indian was a legal category more than simply a racial or ethnic one or that, rather, legal and fiscal categories were co-constitutive of racial and ethnic designation. One of the key features of this system is that Indians paid tribute to the crown either in money or labor; non-Indians did not.

Severo Martínez Peláez analyzes the historical making of indigeneity as a racialized category in Guatemala when the colonial process of extraction formed the category of Indian to express servitude. In the eighteenth century, the Royal Trade Consulate in Guatemala used three categories for people of the Audiencia—white, *pardos* (Blacks), and *indios*—describing each category in terms of its position of ownership or servitude in the production system (Pollack 2008, 15).<sup>3</sup> The concept of Indian—and its economic uses as free labor for the crown—did not end with independence; it was maintained by criollo, European-descended settler oligarchies that thrived on the exploitation of Indian servitude and created the Vagrancy Laws to facilitate forced (Indian) labor on plantation economies. Martínez Peláez (2021, 93) argues that Indian is a colonial phenomenon that extended much beyond independence because of the continuation of the economic conditions of servitude, which lasted until 1945 in Guatemala. Any contemporary definition of indigeneity must account for the complex histories of labor and land dispossession. The various indigeneities that exist in Guatemala today are informed by racialized processes of extraction inaugurated in the colonial era and perpetuated by modern states; they have to do with class and exploitation, making people more or less Indigenous depending on how much of the “stain” of serfdom they carry.

We must be careful not to assume that the kind of “scientific” racism that was so dominant in North America and Europe in the nineteenth and twentieth centuries is somehow the canonical form of racism (Wade 2010). Racism certainly predates this period and takes multiple forms. When the Spanish arrived in the Americas, they had just completed a centuries-long struggle against Muslims. This was initially an explicitly religious struggle, and Jews, Christians, and Muslims converted back and forth. A key element of Christian baptism was understood to be that it washed away all sins, including that of ever having been a Muslim or Jew. A concern about converted Muslims and Jews led to the Sentencia Estatuto in 1449, which declared religion to be an *inheritable* characteristic barring converted Muslims and



FIGURE 3 Casta painting showing racial mixing in the Americas. The title reads “From Cambujo [3/4 Indian, 1/4 Black] and Mulata [1/2 European, 1/2 Indian] [comes the] Albarazado [literally “stained with white”].” The cooking pots in the foreground give a visual illustration of how food colors (and thus races) mix. Credit: Painting: Francisco Clapera, from set of sixteen casta paintings, ca. 1775 (public domain, within collections of the Denver Art Museum). Photo: CC BY-NC-SA 2.0 (Steven Zucker, Flickr).

Jews from holding religious and other offices. This concept of inheritability conveniently excluded nobles, who were declared, by definition, to be of pure Christian blood, a necessary move because the Spanish nobility had been marrying into Muslim circles for centuries—and from the sixteenth century onward Indigenous ones.<sup>4</sup>

This principle of inheritability is what allowed Pedro de Alvarado (above) to declare his Tlaxcala children pure blooded Spaniards and what made “race” and, as a consequence, racism, malleable from the start. The Spanish Empire never approached the rigor of the “one drop” rule prevalent in the United States for Blacks or the one-quarter rule for Indians. As a result, racializing terms such as *Indian* that appear to be synonyms across colonial contexts are most definitely not. To take an example from Andrew Canessa’s work in Bolivia, the terms *indio*, *indígena*, and *jaqi* (“person” in Aymara) may more or less consistently apply to the same people but are used and racialized in different ways; they are not simply more or less offensive words to say the same thing. *Indio* is almost always an insult and refers to a denigrated status most people want to escape from; *indígena* is today largely a political term; and *jaqi* is what people use to refer to themselves. An *indio* is someone whose social status is essentialized in terms of inheriting a (neo)colonial condition, a descendent of conquered peoples; *jaqi* is also essentialized but in terms of common rituals and a bond with the community of people and mountains that is sustained over time. Each is often associated with a bodily substance—blood for *indios* and brown body fat for *jaqi*—but with radically different meanings (Canessa 2012). A move to the city severs the bond with the mountain kin, and so someone stops being *jaqi* but may certainly be called an *indio* and mobilize politically as an *indígena*.

Maya K’iche’ anthropologist Jacinta Xón Riquiac (2022) analyzes the relation between racism and the civilizing process as a state politics toward Indigenous peoples with racializing consequences. Xón Riquiac (25) recalls that she knew she was K’iche’ at eight years old; she also knew that when people called her *india* it was with the intent of denigrating her. She had heard her grandparents identify as *naturales* when speaking Spanish, yet in K’iche they self-identified as *qawinaq k’iche’*, which translates as “we the people with history in this K’iche’ territory” (35). Xón Riquiac knew she was K’iche’ her entire life, although state institutions condescendingly referred to her as *india*.

Latin America is certainly not the only place where legal status progressively became racialized in myriad forms. In India, where the narrative of the savage still frames assimilated tribes as “backward Hindus,” the constitution defines who counts as scheduled tribes (Art. 342)—also known as Adivasis—in a tribe-caste continuum.<sup>5</sup> The United States, in contrast, follows a tribe-race narrative based on biological difference using a blood

quantum rule of 50 percent to define who is Indigenous (Kauanui 2008).<sup>6</sup> These multiple logics of racialization, which Avtar Brah (1996) calls differential racialization, are informed by various colonial formations but also by what Alyosha Goldstein (2008) calls regimes of property. Brenna Bhandar (2018) shows how colonial conceptions of use justify the valuation of lands stolen through the racialized devaluation of Indigenous people and how the colonial identity-property nexus established gendered and racialized terms of property ownership. Goldstein (2008, 2014) argues that it is precisely on these racialized regimes of property, these economies of dispossession in which whiteness is a form of property defining the capacity to possess, that the nation takes places.

The legal construction of Hawaiʻian indigeneity, for instance, was bound to race, property, and citizenship. Kanaka Maoli (native Hawaiʻian) scholar J. Kēhaulani Kauanui (2008) explains how blood quantum racialized forms of property and a form of selective assimilation to native sovereignty. Similarly, Haudenosaunee scholar Martin Cannon (2019) argues that the category Indian is a racialized construct and that Canada's Indian Act established racist patriarchy alongside property ownership. In the United States, it is because of land that Indians were the last ones to become citizens with the Indian Citizenship Act in 1924 (and that, too, was an imposition). The Fourteenth Amendment to the U.S. Constitution established in 1868 the *jus solis*<sup>7</sup> doctrine to expand citizenship to African Americans, but it did not apply to Indians whose lands continued to be stolen under the General Allotment Act (Brown-Pérez 2012). Whether caste or blood quantum, formal categorizations of who is Indigenous always relate to sovereignty over land, which is why Kauanui (2008) sees whiteness as a political genocide to appropriate Indigenous lands. In other words, kill Indian sovereignty, frame the land as *terra nullius*, then appropriate it. This is why Chickasaw scholar Jodi Byrd (2011) argues that U.S. empire expands itself through a transferable category of Indianness that facilitates acquisition of lands, territories, and resources.

Racial narratives are embedded in claims to land, starting with the Christian Doctrine of Discovery that framed Indigenous land as *terra nullius*. The construction of racial difference, and simultaneous use of whiteness as a form of property and capacity to possess (Goldstein 2014), was enforced by states who defined who was Indian in order to appropriate land. Take, for instance, the U.S. General Allotment Act of 1887, which distributed land rights differently depending on how Indian one was. "Full blood" Indians

were legally defined as incompetents and received the smallest parcels, which were to remain under government control. The “mixed blood” Indians received larger parcels with full immediate control over their property but were forced to abandon Indigenous status to adopt U.S. citizenship (Churchill and Morris 1992).

The land grab operates through different mechanisms in differently places, and the preservation of Native land is negotiated through distinct perspectives. In 1743 Maya Ch’orti’ communities had to buy their own lands to get communal land titles from the Spanish Crown—titles of *comunidades de indios* they still use today to prevent the modern republican state from turning their territories into private property (Castro and Picq 2017, 792). Some Indigenous peoples claim land demarcations, while others resist it. In southwestern Brazil, the Kaiowá-Guarani people pressure for land demarcation in Congress to stop the agribusiness encroachment on their lands that is killing their communities (Capiberibe and Bonilla 2015). In contrast, Native Hawaiians resist land demarcation, claiming that all the islands are their territory; they refuse to be granted only a fraction of what is theirs.

This reveals how indigeneity is formed through complex legal mechanisms and political histories even if genetic science perpetuates narratives of racialization. The ancestry DNA tests conflate biology and social processes, obfuscating the legal histories that constitute Native identities (TallBear 2013). For Sisseton Wahpeton Oyate scholar Kim TallBear, DNA tests that overlap indicators of race with Tribal belonging engage in “gene fetishism” (88), and are inevitably marked by European assumptions of racialized citizenship. Not only is indigeneity not a biological difference that can be measured by genetic science; it was, as Jennifer Hamilton (2008) shows, legally produced in the courtroom. Indigeneity is an even fuzzier concept in regions that did not experience large quantities of European settler immigration (Baird 2015), such as India and Indonesia. Most states in Asia, where an estimated 80 percent of Indigenous peoples live, still deny the presence of Indigenous peoples within their borders, as do most African states. China, which signed the 2007 UN Declaration for the Rights of Indigenous Peoples, supports rights to self-determination for Indigenous peoples internationally but does not recognize any Indigenous peoples within China. Similarly, India denies claims to self-determination arguing that every Indian is Indigenous.

The question of definitional violence remains central to this day: who gets to determine who is Indigenous? The power to define is a classic tool

for erasing Indigenous presence and appropriating their territories into the state. Brown-Pérez (2017) explains why definitional violence is a central concern in the United States given that the Bureau of Indian Affairs (BIA), run by the federal government, arbitrarily decides who is Indigenous or not and with the stroke of a pen which tribes get to be federally recognized and therefore have rights to territory. Brown-Pérez (2012) tells the story of her people, the Brothertown Indian Nation, who became the first American Indian tribe whose members held U.S. citizenship (in 1839) only for the tribe to be unilaterally terminated by federal Indian policies nearly a century and a half later. Similarly, Native Americans were written out of existence when the Governors of Connecticut and Massachusetts declared there were no Indians left in their state in the mid-nineteenth century, and Maya Mam peoples were declared *ladinos por decreto*, mixed race by decree, in the province of San Marco, Guatemala, around the same time (Castro and Picq 2017).

Who says erasure says genocide. Definitional violence is what created the saying that the pen kills more than the gun—the gun can kill you once, the pen can kill you twice. In 2020 the BIA federally recognized 574 American Indian and Alaska tribes; dozens more remained unacknowledged.<sup>8</sup> A complicated system of criteria and procedures allows federal officials to decide whether a community qualifies as Native in the eyes of the state. This is why Peter d’Errico (2022) sees U.S. federal anti-Indian law as a legal entrapment.

## Indigeneity as Resistance to the State

All of this clarifies why one of the key features of an Indigenous consciousness is resistance to territorial, political, linguistic, and other forms of dispossession by the state<sup>9</sup> even in those very rare circumstances where Indigenous people manage to take over the state, such as in Bolivia under the regime of Evo Morales (2006–2019). Mohawk and Cherokee scholars Taiaiake Alfred and Jeff Corntassel (2005, 1) define indigeneity as “an identity constructed, shaped and lived in the politicized context of contemporary colonialism.” The communities called Indigenous are “Indigenous to the lands they inhabit, in contrast to and in contention with the colonial societies and states that have spread out from Europe and other centers of Empire.” Alfred and Corntassel approach indigeneity as “this oppositional, place-based existence along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples” (2005, 1).



To take this view of indigeneity is not to reduce it simply to a pragmatics of power, to wash out any historical continuity or cultural specificity. In a recent article Tym and Saturno (2023, 3) alert us to the dangers of reducing Indigenous culture to a “historical happenstance that adds up to a bundle of expedient political tools for a subject that stands outside it.” This is certainly not our intention. Indigenous peoples are subjects of history like everyone else. Their cultures have been formed in the context of dispossession and displacement, but Indigenous peoples are much more than *simply* political subjects. They draw on rich cultures that inform them with categories and principles both to understand power, create it, and resist it.

It is in the spirit of resisting dispossession that Maya K’iche’ scholar activist Gladys TzulTzul (2018) explains the significance of communal relations. TzulTzul (2016) shows how Maya communal governments work to argue for a place-based autonomy, which she refers to as *la trama comunitaria*. TzulTzul explains the importance of the *amaq’*, a form of communal government similar to the *ayllu* in the Andes, as the main site of deliberation to organize the reproduction of life, whether it is resisting dispossession or subverting projects of domination by military genocide or extractive industries contaminating life as seen in Yanomami territory in 2023 (Kopenawa 2023). It is in the communal that Indigenous values can thrive. Sámi scholar Rauna Kuokkanen (2019) identifies self-determination and nondominance as foundational values of indigeneity. While Indigenous self-determination tends to be discussed in a relation to the state, Kuokkanen argues that self-determination exceeds the rights discourse and encompasses resistance against domination in all relations, ranging from relations to the state to the most intimate relationships, including with the land and spiritual kins (Kuokkanen 2019, 22).

The experiences of the Lumad peoples in the Philippines illustrates how indigeneity is a dynamic identity embedded in communal resistance. *Lumad*, a Bisayan word for “native,” is a blanket term adopted in 1986 by fifteen tribes composing the newly formed Lumad Mindanao People’s Federation to distinguish themselves from other Christian and Moro Mindanaons (Parades 2013). Historically, Spanish colonizers divided society between Christians and Moros (Muslims, lit. “Moors”<sup>10</sup>), considering the peoples of the mountains “uncivilized” non-Moros because of their distinct languages and traditions (Pérez 2019, 45).<sup>11</sup> This modern, self-forged identity emerged after the martial regime of Ferdinand Marcos, when Tribal and peasant communities in the 1980s resisted land grabs and forced displacement (Alamon 2017, 205).

Lumads speak different languages and maintain different traditions, yet they share a common identity of resistance to land dispossession. Lumad identity emerged in response to state-led violence seeking to expand extractive industries such as metal mining and palm oil. This is why Lumad Kagay-anon sociologist and educator Arnold Alamon sees being Lumad as a class position and talks of Wars of Extinctions against his people on Mindanao (Alamon 2017). For José M. Pérez (2019), being Lumad is a combination of ethnic and economic grievances that cannot be reduced to cultural constructs. What is certain is that Lumad claims for self-determination are as modern as the militarized violence of the Duterte administration that criminalizes their resistance and bombs their schools. It is also clear that Lumad resistance is an international effort, one that calls on international actors as witnesses such as the Filipino government targeting of the UN Special Rapporteur on Indigenous Peoples, Lumad Kankanaey Victoria Tauli-Corpuz, accusing her of terrorism in 2019. The Lumad experience shows that indigeneity is not a static cultural identity of the past but a dynamic historical construct that is embedded in modern territorial claims of political emancipation (Baird 2011).

Broadly speaking, Indigenous politics tend to be organized around territorial claims for self-determination, but agendas also develop in local contexts in response to state policies. Indigenous identities are fueled by communal struggles and contention, energized by the struggles of each generation, and reflect the diversity of many communities with local experiences. Rudi Colloredo-Mansfeld (2009) contends that Native populations in the Andes tend to be divided along class lines and hold different values, which migrate and navigate across different cultural settings. He argues that it is precisely this internal pluralism, rather than the sharing of core values, that has driven the politics of the Pachakutik Plurinational Unity Movement in Ecuador, widely considered Latin America's most powerful and successful Indigenous political movement. Ecuador's multifaceted Indigenous movements have been leading sociopolitical change, successfully advocating for a plurinational state and the rights of nature, and presiding over congress in 2021 with nearly a quarter of congressional seats.

Indigeneities are plural, and to homogenize them perpetuates racialized settler colonial dynamics. The complex meanings of indigeneity are evident when looking at data. In the Americas there are wide disparities in accounts of Indigenous presence. In Brazil nearly three hundred Indigenous groups speak over two hundred distinct languages, while the United States counts



over eight hundred cultures and nationalities.<sup>12</sup> Some have federally recognized status, some are recognized by states but not by the federal government, and others are denied official Indigenous status altogether (Brown-Pérez 2015). If European colonization created a narrative on indigeneity in the Americas, in South Asia, in contrast, it blurred the distinction between first settlers (original settlers) and those (outsiders) who came later.

## The Impossible Count

Across the so-called New World, *Indigenous* refers to the people who have been inhabiting the continent since before the arrival of European colonizers. In the Americas this means people who inhabited the continent before 1492. Indigeneity tends to be associated with territorial belonging tied to an imagined ancestry conjoined with nature. Yet borders get blurry when Indigenous peoples move to urban areas and adopt the culture, language, and opportunities of the dominant society. Canada's 2016 census counted over 50 percent of Indigenous peoples residing in urban areas; in the United States, more than 70 percent of Indians and Alaska Natives now live in cities, compared with only 8 percent in 1940 (Williams 2013).

Nearly half of Latin American Indigenous populations are now urban (World Bank 2015). Brazil's 2010 census recorded almost half of the self-identified Indigenous population as living outside reservations with the 2000 census recording Indigenous populations in over 80 percent of Brazilian municipalities. In other countries the Indigenous population continues to be significantly more rural than urban, such as in Ecuador, where 82 percent of the Indigenous population lives in rural areas (Instituto nacional de estadísticas y censos 2010). Yet the increasing migration of this population to cities in search of education or employment opportunities undermines a sense of collective belonging and Indigenous identity in two ways. First, Indigenous culture is more susceptible to intermingling with the dominant society, thus becoming more hybrid. In that context maintaining Indigenous identities requires awareness and mobilization—in other words, a conscious political act. Second, Indigenous peoples are less visible in cities, vulnerable to the pressure to conform but also made invisible by dominant societies (Brablec and Canessa 2023).

Official estimates of the sizes of Indigenous populations vary greatly depending on who is doing the counting, when, and for what purposes (Angosto

Ferrández and Kradolfer 2016). The UN Permanent Forum on Indigenous Issues (2009) estimates around 370 million individuals represent more than five thousand distinct Indigenous peoples in more than ninety countries. About thirty-four million of them are in Latin America, with the largest Indigenous populations in Bolivia, Guatemala, Mexico, and Peru (Telles and Flores 2013). On closer examination, however, estimates diverge significantly.

Take the case of Ecuador, where the government officially recognizes eighteen Indigenous nations. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has estimated Ecuador's Indigenous population at nearly 25 percent of the total population,<sup>13</sup> while the Inter-American Development Bank raises the estimate to 43 percent (Roldán Ortega 2002). Ecuador's Confederation of Indigenous Nationalities (Confederación de Nacionalidades Indígenas del Ecuador [CONAIE]) estimates Indigenous peoples represent about 40 percent of the total population, but government censuses, in turn, provide surprisingly lower estimates with about seven percent of Ecuadorans self-identified as Indigenous (Instituto nacional de estadísticas y censos 2010). About 10 percent of the population identifies as white and over 70 percent as mestizo, or mixed, making Ecuador the country with the smallest white population in Latin America after Bolivia (Telles and Flores 2013, 433). But that same government census reports that over 13 percent of the population speaks a Native tongue other than Spanish (i.e., an Indigenous language). Ecuador's Indigenous population thus varies fourfold depending on who produces the estimates and may double within official censuses if we consider ethnolinguistic markers rather than self-identification.

In part, indigeneity is hard to pinpoint because it is a complex and dynamic political identity. The concept of essentialism is engaged and contested in various ways across Indigenous worlds. Māori scholar Linda Tuhiwai Smith (1999, 74) points out that Indigenous authenticity is claimed strategically to claim human and Indigenous rights, to recover territory, to protect a river from extractive industries. Indigenous music, too, far from being an unchanging cultural expression, can be approached as experiential authenticity (Bigenho 2012), for example, when the Kichwa hip-hop group Los Nin raps in a blend of Spanish and Kichwa, embodying an indigeneity endlessly redefined by cultural *mélange*, immigration, and protest. Similarly, the lives of Indigenous women are constantly transforming even if they bear witness to the indelible weight of the past. These women's roles as guardians of culture is

intertwined with their political participation in today's interconnected world. Their experiences should not be romanticized but recognized as the product of social, economic, and political power relations in contemporary societies.

Estimates of Indigenous populations, therefore, vary greatly depending on who generates the data. Self-identification has evolved to become the accepted international legal practice since the passage of a resolution in 1977 stating that only Indigenous peoples could define Indigenous peoples at the second general assembly of the World Council of Indigenous Peoples (WCIP) (Corntassel 2003). The UN Working Group on Indigenous Peoples (WGIP) and the ILO Convention 169 (Article 1) have advocated an unlimited right to self-identification to counter practices of definitional violence by states trying to erase Indigenous claims within their borders. Accordingly, Indigenous peoples have generally tried to keep working understandings of indigeneity flexible and dynamic, notably using a model of peoplehood to reject state strict definitional requisites (Corntassel 2003). This has not fully resolved the problem of representation, as the Indigenous peoples of Asia represent 80 percent of the world's Indigenous peoples but are represented by only one member from Japan, the Ainu. Indigenous peoples actively denounce the ongoing definitional violence of states that decide when to allow peoples to define as Indigenous and when to deny their identity, which is why the 2007 UNDRIP (Art. 33) decided not to adopt a formal definition of the term *Indigenous* but instead to stress self-identification.<sup>14</sup>

Most Latin American censuses have recently incorporated an ethnic focus into their questionnaires, improving the accuracy of demographic data (Telles and Flores 2013).<sup>15</sup> Data show that growing numbers of people self-identify as Indigenous, signaling the fluid and contextual nature of identity. In Brazil, for instance, changes in wording in the 2010 census led to the recording of an 11 percent increase in the Indigenous population. This indicates that changed questions can lead to more people willing to self-identify. One reason for the increase is that international norms such as ILO Convention 169 give legal rights and new credibility to previously dismissed peoples, thus giving additional weight to the strategic use of indigeneity in legal claims. The growing sense of Indigenous belonging is, in that sense, related to two decades of successful ethnopolitics that have stirred a sense of self-worth and restored self-esteem (Albó 2008; Almeida 1993). Powerful mobilizations in Bolivia and Ecuador strengthened this process by imbuing Indigenous belonging with a new sense of political power and authority.

This historical shift in the Andes may also have created disincentives to identify as white, as it coincides with a period of white contraction and non-white expansion in censuses throughout the region (Telles and Flores 2013). Similar to indigeneity, those who identify as white changes over time with the relative valorization of nonwhite identities and political opportunities embedded in racial categories. Evo Morales's motto, "We are all originary/ Indigenous peoples," illustrated the force of Indigenous consciousness (Cannessa 2014) and is sealed in Evo's preamble to the Bolivian Constitution.<sup>16</sup> Although he distinguishes between millenarian originary peoples and contemporary originary peoples, the thrust is clear: all Bolivians are originary. The identity acquired such legitimacy that even non-Indigenous presidents now invoke Indigenous values, sites, and imagery. In Ecuador, President Rafael Correa staged a symbolic presidential inauguration in the Indigenous village of Zumbahua, wore traditional shirts, and adopted the Indigenous concept of *sumak kawsay*—living well—into his government (Martínez Novo 2009).

The degree of visibility of Indigenous peoples in official censuses has political implications and depends on who defines who is Indigenous and for what purposes. In India, Pakistan, and Bangladesh, for instance, the state uses religion to define and describe who is Indigenous. In India, where contemporary politics of Hinduization seek to assimilate tribes into the larger Hindu fold, many Naga groups are forced to identify as Hindus even though they practice their traditional religions. For Indigenous movements, making ethnicity statistically tangible in census polls is central to their demands because (in)visibility is often used to invalidate Indigenous claims and to undermine Indigenous movements by portraying them as marginal. However, recent campaigns encouraging self-identification in censuses are insufficient to counter centuries of discrimination. Indigenous peoples are still frequently undercounted. Carmen Martínez Novo (2015) shows that it has been convenient to undercount Indigenous peoples when they oppose extractive policies while rendering Afro-descendent groups who opted for nonconfrontational corporatist politics more visible. Census statistics are strategic ideological devices.

## Erasing Native Presence

The history of measuring Indigenous populations shows the extent to which indigeneity is a political category tied to state-making. The making and un-

making of Indigenous presence is inscribed in processes of state formation and is a marker of colonial politics. Far from a casual practice of colonial observation, counting Indians is always part of a strategy of erasure.

Amy Den Ouden (2012, 7) argues that U.S. bureaucracies strategically undercounted Indians as part of a tactic to turn over “vacant” land to settlers and dismantle “empty” reservations that stood in the way of the expansion of private property on conquered land. Censuses with few Indians gave quantitative “evidence” to the colonial narrative of total conquest in popular accounts such as *The Last of the Mohicans* (Cooper 1826). This is why, Jean M. O’Brien (2010) shows, New England writers produced narratives of the “vanishing” Indian, thereby writing Indians out of existence. Brown-Pérez (2017) tells how the Department of the Interior erased the Brothertown Indian Nation (Wisconsin) from the official list of federally recognized tribes in 1980, denying it Indian status after two hundred years of treaty relations with the U.S. government, and how the nation since fights in court against what equated to congressional termination with the strike of a pen.

There are many more examples from Latin America of nation-states systematically undercounting Indigenous populations for similar reasons. In Ecuador, Indigenous censuses have long been tied to state-making. In 1770 the Real Audiencia of Quito registered about 50 percent of the population as “Indian” before a more rigorous 1785 census under Bourbon reformers estimated 65 percent of colonial Ecuador to be Indian (Larson 2004, 107). By 1840, when Ecuador had emancipated itself from the Spanish Crown to become an independent republic, estimates dropped to about 50 percent. Counting Indians was useful as long as they paid a tribute to the Spanish Crown, which was required of Indians between eighteen and fifty years old. This “Personal Contribution of Indigenous peoples,” usually in cash, further added to Indian workers’ indebtedness and forced them into a cash economy. Indian tribute was repeatedly erased and reinstated after independence because Indians made a significant financial contribution to the newly created state.

Tribute was temporarily abolished under the new republican government in 1825, when the former Audiencia was incorporated into Gran Colombia, then reestablished by Simón Bolívar to finance his military expenditure. In 1857 the new republic officially terminated the Indian tribute, ending one form of Indigenous exploitation and simultaneously abolished statistics about Indigenous populations (Becker 1997, 112). For over a century, Ecuador dropped Indians off official records. The newly established Ecuadorean

state dropped ethnic categories while still relying on coerced Indigenous labor and tribute to finance its emergence as a modern nation. By the time Ecuador conducted a post-independence national census in 1876, Indigenous peoples had officially been erased.

First Nations living in North America had always had their own ways of defining political membership. When Canada's colonial government introduced legislation that determined who was considered "Indian" in the 1850s, definitions were at first broad and based on family and Tribal affiliation. But in 1869 the government arrogated itself complete authority to define who was Indian by passing the Gradual Enfranchisement Act, then the first Indian Act, in 1876, which had an even narrower classification. These bills also introduced patriarchal structures in the definition of Indian status: rules of belonging were attached to male lines. Indian women who married non-Indian men automatically lost Indian status, becoming unable to transmit Indian status to their descendants, which prevented women from maintaining political and territorial benefits if they married outside their nation. In other words, since 1869 the definition of Indians status in Canada is not based on First Nations rules of kinships or community practice but on state-defined patriarchal lines of descent that *de facto* reduced Indian presence on the land. Later amendments to Canada's Indian Act (1876–1985) further discriminated on sex-based criteria, narrowing definitions to further limit Indian citizenship. The 1951 amendment to the Indian Act established a central bureaucracy, the Indian Register, to monitor who was and who was not legally Indian.

Another common colonial strategy consisted of statistical racialization, which effectively "othered" the non-European groups.<sup>17</sup> The first All-India Census in 1871 organized by British bureaucracies was concerned with preserving the "Aryan type" using statistical methods that racialized bodies and forged caste stratification (Seth 2010, 220). The state's contradictory practice of fixing identities on bodies, as if bodies were immutable proof of identity, while at the same time inventing and reshaping ethnic identities according to its needs can be retraced across all colonial states. And with statistical racialization came the creation of "others" who did not belong to the state and therefore constituted a menace. For example, India's colonial state wrote the 1871 Criminal Tribes Act explicitly to criminalize and control certain ethnic groups by forcing them to register with the state (Seth 2010, 223).

Colonial policies varied according to the economic interests of colonizers. Patrick Wolfe (2006) analyzes the political economy of racial difference

between Indians and Blacks and their antithetical roles in the formation of U.S. settler society. The enslavement of Black people produced an inclusive taxonomy that lingers on today in the form of the “one-drop rule” whereby *any* African ancestry meant that you were considered Black. For Indians, as we discussed above, the blood quantum applied, leading to “half-breeds” and contemporary regulations that require one-quarter Indian ancestry for official recognition. That is, blackness and indigeneity were different (if complementary) processes of exclusion: the multiplication of slaves enriched the slave-owning settler economy, whereas the disappearance of Indigenous peoples facilitated settlers’ access to land. Across the Andes, for instance, Indian populations were sold with the land as chattel into the 1960s and were deprived of civil, economic, and political rights until the 1970s—Indigenous peoples only gained the right to vote in 1977 and 1979 in Ecuador and Peru, respectively (Águila and Suito 2012). By the time states restored ethnic categories to national census statistics, Indigenous identity had long been associated with servitude, poverty, and marginality.

The negative connotations of Indigenous identity were rooted in its association with slavery. Van Deusen (2015, 28) found that by the sixteenth century, Native elites preferred not to identify as *indios* even if Spaniards identified them as such. Being an *indio* was essentially a fiscal category, and *indios* were tributary subjects. Native lords, however, did not pay tribute, even though they collected it from their people and transferred it to the Crown. At the time, the term *indio* in Castilian Spanish referred not to ethnic belonging but to slavery, reflecting the socioeconomic dimensionality of Indianness.

The separation of Indigenous peoples from the rest of society was a tactic of othering central to colonial nation-making. Vanita Seth (2010) traces the invention of the concept of indigeneity back to the European Enlightenment, which made Indians quintessential others who had no part in the republican project. This invented identity is an ambiguous, contested racial and political marker that differentiated citizens from noncitizens in the century just as it does now (O’Hara and Fisher 2009). It came to refer to peoples impoverished by dispossession, and, in many places, it still evokes a degrading set of characteristics, largely associated with extreme poverty and subordination. A history of indigeneity is crucial to understanding why Indigenous people on occasion have strong incentives to detach themselves from their own past in the pursuit of better lives.

For many, indigeneity is an identity to be ashamed of and certainly one that continues to come with injustice. Centuries of repeated narratives portraying Indigenous peoples as savages who are less intelligent, backward, and lesser human beings has seeped into the collective psyche, and if many Indigenous peoples push back against centuries of misrepresentation, many others fear the discrimination attached to Indigenous identities. The way out of poverty often translates into assimilation: moving to urban areas, putting on the clothing of the dominant population, and leaving one's "poor" identity behind.

## Indigeneity as a Relation to the State

For Maya K'iche scholar Gladys TzulTzul (2016) "to be Indigenous means that the project of the nation-state did not triumph [. . .], that there is not one single territory, not one single language, not one single citizenship." TzulTzul reminds us that there is no monolithic citizenship or single social contract. Indigenous politics transcend the nation-state, which is still widely seen as static and given, and their resistance expands the political imagination beyond the modern state. Indigenous resistance is, in the words of Mississauga Nishnaabeg scholar-artist-activist Leanne Simpson (2017, 10), "a radical and complete overturning of the nation-state's political formations." Indigeneity is therefore a category relational to the state, one that serves as mirror and expresses its other/outside.

Indigeneity refers not only to peoples whose presence *precedes* the arrival of European colonizers in the New World, as explicitly mentioned in international law, but also to peoples who stand *outside* the state. Thus, indigeneity is defined in relation to the state. Frantz Fanon (1963) made that relationality explicit when he said that the (European) colonizers created the (Indigenous) colonized, and that both settlers and colonized were mutual constructions of colonialism. Scholars have probed this relational dynamic in various colonial contexts (Hall 2002; Urban and Sherzer 1991). In contrast, there are no Indigenous peoples in Europe, with the exception of the Sámi reindeer herders of northern Scandinavia. European minorities who maintain distinct cultures (the Bretons in France) and languages (Catalan in Spain) are not identified as Indigenous; Roma and Gypsies are racialized ethnic minorities who, even though they are not recognized as belonging to the nation-state, are not considered Indigenous by themselves or by the states they inhabit.<sup>18</sup>



European Jews historically—and well into the twentieth century—also occupied a similar space in that they, too, were not considered to belong to the states in which they lived. The construction of modern nation-states in Europe repressed autonomous nations and their cultural practices in order to assert a national homogeneity, albeit invented, for the modern state. One could argue that Jews, Roma, and Sinti occupy a similar position as outside the nation-state and they, of course, had a role as constructing the “other,” but the reason why Sámi are considered Indigenous but not, say, Sinti, is surely because the Sámi are understood to have existed before the modern Nordic states they inhabit. Jews, Sinti, and Roma are believed to have wandered in from somewhere else. They lack, or perhaps more accurately, are believed to lack, the territorial “priority” of Indigenous people.<sup>19</sup> They can thus not be used to imagine a political condition before that of the modern nation-state.

In that sense, indigeneity refers fundamentally to political exclusion during processes of colonial expansion. It represents those who preceded and were not included in the construction of the modern nation-state, establishing a historical continuity with pre-invasion and precolonial societies. What makes societies Tribal in India or Indigenous in Canada is an existence that predates the state, tangible from language to territories. What they share is a history of exclusion from the modern state, not a specific cultural belonging. Indigenous belonging is impossible to define in itself because it has no internal referent. As a result, it cannot be strictly defined in international law because it refers less to a constitutive “who/what” than to an implied otherness.

Indigenous peoples are the ultimate outsiders not because they are pure or authentic (they are not, or rather, the concepts are meaningless), but because indigeneity historically identifies this imaginary other against which the modern state could invent itself. Indigeneity refers to those peoples who do not belong in European political modernity, the “local” and “cultural” others without a history, in contrast to the “modern” and “universal” state. Whether Indians were excluded from state-making in the Andes or “disappeared” in North America (O’Brien 2010), they were all cast as outsiders unworthy of political modernity. It is still difficult to identify who is Indigenous today largely because this identity is so profoundly relational. In other words, it’s not about the Indian, it’s about the state.

Chickasaw scholar Jodi Byrd (2011) suggests that the idea of Indianness is the ontological ground of U.S. settler colonialism with pioneer logics that

continuously transform the colonized into the Indian. It is precisely because indigeneity serves the ontological purpose of constituting the colonizer, not the Indian, as Maria Josefina Saldaña-Portillo (2016) points out, that there was never a singular Indianness “but multiple ones—at least as many as there were European colonial ventures” (Saldaña-Portillo 2016, 35).

Indigeneity makes no sense without the modern state. Mohawk scholar Audra Simpson (2014) says that what a Mohawk is to oneself and to others carries the gendered and racialized residue of colonial state imposition. For her it is a deeply modern identity that is interrupted by as much as it interrupts settler state narratives. Indigeneity serves as its mirror, especially female indigeneity, to perform the patriarchal state. Following Virginia Woolf (1929), who argued that women serve as men’s looking glass, Ann McGrath (1990) argues that Indigenous women have served as the white man’s looking glass. Because Indigenous women were considered freely available to colonizers, their conquest represented a central tenet of the larger conquest of the New World. Indigenous women were the crucible of sixteenth-century conquest, says Karen V. Powers (2005), a conquest that was (and continues to be) largely enacted on women’s bodies (Smith 2005). Women endured a double process of colonization, first losing their status when they were defined as Indigenous and then as women in a patriarchal society.

Andrew Canessa (2012) described how the language of conquest was gendered and racialized—that is, the conquest of America was explicitly seen in terms of the sexual and political domination of (feminized) Indians—and Manuela Picq (2019) showed that sexualized language continues to have an impact on how power is understood and articulated globally. Colonial processes not only objectified women but excluded them from the political arena. This political demoting affected Indigenous women everywhere and has become a key claim of Indigenous women today. In New Zealand, for instance, a group of prominent Māori women brought their claims to the Waitangi Tribunal, arguing with historical texts and oral testimonies that women were as much *rangatira* (chiefs) as men but that the British Crown had ignored women’s *rangatiratanga*, or chiefly and sovereign status, since in colonial views authority was a male attribute (Smith 1999, 46). Indigenous women serve as a double reflection of the European state: doubly inferior and thus twice as vulnerable to exclusions, and they are therefore “more Indian” than their male counterparts (De la Cadena 1995). That is why Cheyenne-Italian scholar Anita Hetoevehotohke’e Lucchesi and Pawnee

Abigail Echo-Hawk (2017) and Mohawk scholar Simpson (2016) argue that ongoing colonialism affects Native women most: the high rates of missing and murdered Indigenous women in North America are evidence that Indigenous dispossession and genocide are ongoing. They are indeed a structure, not an event (Wolfe 2006).

## The Spectacle of Indigeneity

Silvia Rivera Cusicanqui<sup>20</sup> (2019) analyzes the portrayal of Native peoples as savages to serve for evolutionary inventories in nineteenth-century Europe. This framing was utilized to portray Indigenous peoples as the past of Europe and illustrate civilizational narratives of evolution. This happened through photography, as Indigenous peoples from the Andes were forced to pose as lime pickers in front of European cameras, performing Europeans' image of savagery. This also happened through the macabre spectacle of human zoos. Dozens of Kawésqar people from Chile's Patagonia were abducted in Magellan and forcibly taken to Europe as animals, traveling as cargo on ships and trains, to be displayed in human zoos in Germany and France (Mulchi 2013). Stories of missing Indigenous people—the ones who were taken away—are still told, and struggles to recover ancestral remains are ongoing. The 1931 Colonial Exposition in Paris was one experience. Organizers realized that Lepone natives brought in to take care of reindeer attracted more interest than the reindeer, so entrepreneurs started kidnapping Native peoples to trade them. In the Jardin d'acclimatation of Paris, about half a million people visited "the savages," who were portrayed naked in a cage, representing eugenic views of evolution. Horror stories of the like abound, such as that of Sara Baartman, the Khoikhoi woman kidnapped from southwestern Africa then exhibited in nineteenth-century Paris and London. Then as now, Europe used Indigenous peoples (and Africans) to represent a noncivilized other in the past.

States have long tried to eradicate Indigenous peoples because they see their existence is a threat to sovereignty. In their plurality of languages, habits, and governments, Indigenous experiences represent alternative ways of organizing the world, society, and, most importantly, authority. They offer other ways of relating to nature and time; they challenge the state system as the only possible way of being in the world (Kopenawa 2023). In North America, settler colonialism stole native children from their families and

forced them into boarding schools with the slogan “Kill the Indian and save the man.”<sup>21</sup> Schools were made to acculturate Indian children and make them “loyal to the government.” Indians, Captain Pratt declared in his 1892 speech, are not inevitably born savage, but left in the surroundings of savagery adopt a savage “language, . . . superstition and life,” so the U.S. education system serves to transfer infants into civilization and fill “young Indians with the spirit of loyalty to the stars and stripes.” This narrative indicates that there are two men in one body—the individual (man) and the collective (Indian)—pointing at the political identity of the collective.

Indigenous peoples embody an “Indian” collective, a political entity outside state nationalism categorized as Indian. Despite human rights narratives, current forms of colonialism perpetuate attempts to eradicate the physical signs of Indigenous presence. In the Mesopotamia epoch, barbarian-state relations were a competition for the appropriation of resources—grain—and wealth management. In many ways, this continues to be the case. The core of the competition to control resources, for emancipation and domestication of nature and humans, is at the center of the global climate crisis. This competition between two ways of organizing the world is the essence of the difference between state and Indigenous worldviews over nature.

The problem for many anthropologists is that Indigenous people themselves often express their indigeneity in highly essentializing ways in order to engage with the state and other actors who, in very real ways, respond much more creatively to such imaginaries. Alcida Ramos gives a very good example of what she calls the “hyperreal Indian” and describes the awkwardness and even consternation when Indigenous people walk into the offices of an NGO that campaigns for Indigenous people’s rights: NGOs were much more comfortable with the Indian they imagined than the one in front of them. She also gives the example (Ramos 1994, 268) of the Portuguese-speaking Pataxó of northeastern Brazil who have been learning the language of their distant relatives, the Maxacali of Minas Gerais in central Brazil, because they decided that this would better secure their Indigenous identity vis-à-vis the Brazilian government and other agencies.

Marisol de la Cadena and Orin Starn (2007) recognize the problems of seeing indigeneity as simply an issue of identity (although this is clearly an element). Tanya Murray Li (2000) has made an important intervention in seeing indigeneity as a “positioning,” that is, essentially a political relation and one that rises out of engagement and struggle (Li 2000, 151; cf. De la

Cadena and Starn 2007, 10), and seeks to decouple indigeneity from cultural specificity. This is a necessary move because once anthropologists (and others) begin to define identity in terms of specific cultural traits, they rapidly descend into issues of authenticity and argue for cultural continuities across time. Some, of course, use ideas of authenticity to validate Indigenous discourse as a way of adding legitimacy to Indigenous claims. This is what Spivak (1988) has described as “strategic essentialism,” which some see as an important part of the advocacy role. The problem with this kind of political engagement is that it is, nevertheless, essentialist, and it pushes people to express their identities across a limited and static range of cultural possibilities. There can also be a darker side to such essentialism, not least of which is the question of who decides who belongs to the group and whether some belong more than others.<sup>22</sup>

During the 1996 Peace Accords, Guatemala formally recognized three Indigenous groups nationally—the Maya, the Garifuna, and the Xinca—as well as one non-Indigenous group, the Ladino/mestizo. This national reorganization of citizenry into various ethnicities ignited processes of resignification of what it means to be Indigenous, marking what Kaqchikel anthropologist Aura Cumes and Santiago Bastos (2007) call a Mayanization of daily life. Mayanization indicates a contemporary process of creating positive Indigenous identities in Guatemala, yet it indicates ongoing forms of state categorization of Indigenous peoples. *Maya* became a term unifying twenty-two unique linguistic groups with different realities and historical experiences into one single umbrella category, a neo-hegemonizing political identity indicating contemporary Indigenous-state relations. Jacinta Xón Riquiac (2022) analyzes the Maya political identity as an exoticization of Indigenous peoples, which only perpetuates forms of othering (Weisz 2007). It is at the same time a self-assumed political identity that leads to self-exoticization, according to Xón Riquiac, who herself uses the maya-K’iche’ political identity as a means to value the right to be in a deeply racist, sexist, and racialized society. Xón Riquiac critiques what she calls the “mayameter,” which gauges who is more or less Maya, as she questions what it means to be Indigenous in the world today—“ser y estar k’iche’, ser y estar ixil, ser y estar q’anjob’al” (Xón Riquiac 2022, 21).

Another issue worth noting here is that essentializing discourses can lead to exclusionary and even oppressive practices. Other attempts to look at indigeneity globally (e.g., Hodgson 2011) consider how Indigenous movements

articulate with international bodies and processes and demonstrate a shared experience but do not conceptualize differences between Indigenous discourses. It is nevertheless worth looking at how international bodies define indigeneity not only because Indigenous activists partaking in UN forums shaped various norms but also because there are tangible on the ground consequences. Although we find such definitions deeply problematic in many ways, they do have significant political and legal consequences. The critical analysis of these definitions we offer now illustrates some of these pitfalls and illuminates some of the critical assumptions behind them.

## The Cobo Report

In practical terms, the Cobo report has become the closest to defining who is Indigenous globally and is probably the most widely cited. José R. Martínez Cobo, an Ecuadorian specially appointed to report on discrimination against Indigenous peoples by the UN Sub-commission on Prevention of Discrimination and Protection of Minorities, submitted an extensive report in 1986. Cobo's study, which began in 1972, was based on thirty-seven monographs, making it the most voluminous study of its kind. Cobo's working definition for Indigenous peoples emphasized continuity with pre-invasion societies and non-dominant sectors of society and suggested that territories determine (and preserve) cultural identity:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural, social institutions and legal systems. (Martínez Cobo 1986)

In addition, the Cobo report associates Indigenous peoples with the historical continuity of one or more of these six factors: (a) occupation of ancestral lands; (b) common ancestry with the original occupants of those lands; (c) culture; (d) language; (e) residence in certain parts of the country or the

world; (f) other relevant factors. Most importantly, Cobo's approach establishes the two key criteria of self-identification and sovereign power:

On an individual basis, an Indigenous person is one who belongs to these Indigenous populations through *self-identification* as Indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group). This preserves for these communities the *sovereign right and power* to decide who belongs to them, without external interference. (Martínez Cobo 1986, para. 382)

The question of defining who is Indigenous has been a constant issue of contention in transnational Indigenous politics (Lightfoot 2016, 11). But the more Indigenous rights were consolidated in international norms, the more Indigenous observers resisted closed definitions. At the UN, for instance, some Indigenous groups worried that lack of a legal definition could be used by governments to deny recognition. Many other groups opposed a closed definition, warning that governments have historically used such definitional violence in discriminatory ways.

The first Article of ILO's Convention 169 posits self-identification as the fundamental criterion for determining to which groups the Convention applies. In contrast, the 2007 UN Declaration has no definition of Indigenous peoples in its preamble or articles. In 1996 delegates from the UN Working Group on Indigenous Populations unanimously rejected any governmental attempt to define Indigenous Peoples, advocating instead the notion of self-identification<sup>23</sup> and endorsing Cobo's report. It was agreed that Indigenous people have the right to define themselves and, after heated debates, that articulating a definition of *Indigenous* was not essential to elaborate a universal declaration (United Nations 2004). The Declaration on the Rights of Indigenous Peoples (UNDRIP)'s final draft went forward without a definition, with article 8 providing the only mention of Indigenous belonging:

Indigenous peoples have a collective and individual right to maintain and develop their distinct identities and characteristics, including the right to identify themselves as Indigenous and to be recognized as such.

Today, UN (2004) bodies support a politics of not imposing definitions onto Indigenous peoples, stating that “the prevailing view today is that no formal universal definition of the term is necessary.” For many practical purposes the understanding of the term commonly accepted, and most widely used by international agencies, is the one provided in the Martínez Cobo study.

## So Who Is Indigenous?

If in the Americas indigeneity is marked by the 1492 milestone, in countries such as India and Myanmar it is a new discourse that exists in relation with the political rise of other Indigenous communities around the world and that is interconnected with a growing international legal framework. The Kichwa language is spoken across borders in the Andes, but Naga Indigenous peoples in South Asia are marked by linguistic diversity, with the Konyak Naga group alone estimated to speak over thirty mutually unintelligible tongues (Konyak 2008, 148; Longkumar 2019). To focus on any one or a combination of these will inevitably apply to some groups over others and associate Indigenous peoples to specific places, times, and cultural expressions. To do this is to see some Indigenous peoples as more authentic than others and simultaneously deny them the power to change, to adopt new cultural forms, to become agents and political subjects in manners of *their* own choosing.

We see indigeneity as first and foremost a particular relationship to state-ness, and in this sense it is a form of anticitizenship: a relation with the state that is predicated on self-determination, exclusion rather than inclusion, autonomy rather than subjugation, and consent over contract. We point to a central paradox: that modern states have not only actively excluded Indigenous peoples but that that very exclusion is a foundational concept of models of governance developed in seventeenth- and eighteenth-century Europe. Indigenous peoples are supposedly antimodern but cannot be understood outside of modernity; modernity itself cannot be understood without reference to indigeneity and the colonial endeavor, as scholars Arturo Escobar (1995) and Walter D. Mignolo (2005) have argued.

In the European imagination Indigenous people have long been associated with nature and specifically a human condition that predates the state.



These ideas have historically had very little to do with what Indigenous people actually thought but, rather, what Europeans imagined them to be. These musings tell us very little about the real lives of Indigenous peoples; they do however, tell us an awful lot about how Europeans thought about *themselves* and the modern state formations they were developing as they encountered Indigenous peoples, especially in the Americas. It is to these debates we now turn.

## CHAPTER 2

# The State of Nature and the Nature of the State

In the beginning, all the world was America.

—JOHN LOCKE, *TWO TREATISES OF GOVERNMENT* (1690, 2.49)

### Introduction

In a January 2020 speech, Jeanine Áñez, president of Bolivia, called unto Bolivians to “prevent . . . the savages from returning to power.” Sworn in a few weeks earlier, Áñez had declared, bible in hand, to be “grateful to God who allows us today to return the Bible to the presidential palace.” The “savages” to whom she was referring were former president Evo Morales, the first Indigenous person to be elected president of a modern state, and his followers. The narrative to get the savages out and to bring the Bible back in are not of her making; in fact, Áñez was invoking ideas that European thinkers established as the foundations of the international system of states a few centuries before. Áñez referred to Evo as a savage who does not belong in a presidential palace in the same way that Hobbes and Locke referred to the Indigenous peoples of the Americas as savages without reason, living brutish lives in a state of nature who could not enter civilization. The idea that Indigenous peoples are savages without sovereignty is a feature of the modern world system, as this chapter explains.

It was Evo’s Indigenous identity and use of Indigenous symbols such as the *wiphala* flag that so offended people like Áñez, for they went against a long-standing view of political modernity that located Indigenous peoples as being *outside* the nation-state and most certainly not in power as a head of state (e.g. Skinner 1996; Tully 1993, 1995). When Evo was sworn in as president in 2006, he declared that the descendants of excluded Indigenous

peoples would now be the ones defining Bolivia's future (Postero 2017, 2). By 2019 deep-seated frustration erupted in racialized violence against the Indigenous president and his followers during a political crisis in which Indigenous symbols such as the *wiphala* were destroyed. The framing of Indigenous peoples as savages is not specific to Bolivia and remains more the norm than the exception. In Australia, the MP Dennis Jensen called Aboriginal peoples "noble savages" during a 2016 speech in parliament (Henderson 2016). In Canada, Newfoundland and Labrador had the word *savages* by the image of two Native Beothuk people inscribed in the provincial coat of arms until 2021.

Such perspectives are anchored in the philosophy of the English philosopher Thomas Hobbes that posits Indigenous people as *fundamentally* outside the development of the political form that arose from the double collapse of ecclesiastical and feudal authority in the early modern period in Europe. Yet almost four centuries after Hobbes's seminal writing, a self-identified Indigenous Aymara president contradicted these foundational theories and engaged in Indigenous state-making. Is indigeneity a condition necessarily located outside the state, or can a state become Indigenous? Here we consider how indigeneity has played a role in the foundations of the modern state, that is, how the idea of a "state of nature" was fundamental to imagining the newly emerging state.

A key element of our argument is that indigeneity and sovereignty are inseparable and co-constitutive, if opposite, parts of a system of thought. Indigenous people are not only constituted by their rejection by the state but the state itself is constituted by the exclusion of the Indigenous. Much has been written about the role of the Americas in the works of European philosophers such as Thomas Hobbes (1588–1679), John Locke (1632–1704), and Jean-Jacques Rousseau (1712–1778), as they posited a "State of Nature" against which modern, civilized, white society could be measured (Kurasawa 2002; Seth 2010) and the particular position of Indigenous people within these philosophies (Skinner 1996; Tully 1993). However, in elaborating their ideas of modern citizens, they are developing ideas about the nature of the state. Indigenous peoples' role in modern state formation is beyond simply functioning as a rhetorical foil but, rather, a dynamic, if usually invisible, force that molds the contours of the state over time.

We heed James Scott's (2009) caution against being blind to the complex relationship between the state and those that it hasn't quite managed to

control. In many cases and for a long time, he argues, ethnicity has been a by-product of a conscious effort by people to escape the coercive control of state-making. Egalitarian political structures that are often features of peoples considered to be Indigenous or Tribal are not simply cultural forms *sui generis* but active strategies to avoid the state. Ernest Gellner's work argues that the political autonomy and tribalism of the Berber population of Morocco "is not a tribalism 'prior to government' but a political and partial rejection of a particular government" (Gellner in Scott 2009, 29). Scott (2009, 30) expands on this idea: "ethnicity and tribe began, by definition, where sovereignty and taxes ended." One is also reminded of Fredrik Barth's (1969) seminal work on ethnicity where he notes that the substantive difference between Pathans and Baluch in Pakistan and Afghanistan is not language (since many people speak both) nor cultural traditions but essentially political self-determination: where Pathans are politically subordinate, inevitably, they change their ethnic affiliation. As we argued in chapter 1, Indigenous belonging is a political identity that is defined in relational terms.

Pierre Clastres (1977) gives us a clear example of this when he characterizes Indigenous Amazonian societies as "societies against the state." His important intervention depicts Indigenous societies not in terms of that which they lack—a state—but in terms of their political institutions that struggle *against* the creation of a Westphalian state. In his formulation the evolution of a state is neither inevitable nor desirous and, in fact, his characterizations of politics in Amazonia can apply to many Indigenous peoples—leadership is not inherited, representatives are elected *para mandar obedeciendo* (ruling by obeying), and no one ever speaks for the community on a permanent basis as monarchs do.

The work of Scott, Barth, Clastres, and others shifts attention away from Indigenous groups as "survivors" to a more dynamic model of relations with the state—relations of autonomy and nonsubordination. Following Scott (2009) we consider marginal Indigenous people as a dramatic counterpoint to legitimate state rule. Indigenous peoples were *necessary* to how Europeans imagined the sovereign state and, especially in the so-called New World, played a major role in its development right up to the present. This is why Karen Shaw (2008, 38) describes Indigenous people as Hobbes's "border guards": "savages" and the other "others" without sovereignty are produced as "different," as marking the outside, the margins, of "our" new political imaginary. It tells those of us "inside" how to think about the world (and

those “outside”) and provides the limits that enable us to evade the problem of “infinity” or “difference.” Most remarkably it does so openly, explicitly, self-consciously (Shaw 2008).

Indigeneity does more than act symbolically—even though this symbolic act is powerful—as a “border guard” facing the “other” across the parapet of the sovereign state’s boundaries. Indigenous *people* actively challenge those boundaries, occasionally breaching the wall altogether and constantly shaping its center. To continue with Shaw’s metaphor, these border guards are not always facing the way they are supposed to; that is, they may not always be guarding the border from threats without but rather guarding Indigenous peoples from the state. Savages and citizens are two sides of a coin; the barbarism of the savages speaks to the sovereignty of the citizens. And sovereignty is, by definition, unreachable to the savages, beyond the gate in Kafka’s parable “Before the Law.”

In this chapter we consider how indigeneity as a concept was instrumental in the construction of Western modernity. We discuss the idea of barbarians as the necessary looking glass of civilization and how the absence of sovereignty is a defining feature separating savages from modernity. We then engage savages and the state of nature in the writings of key thinkers of the European Enlightenment, such as Hobbes and Locke, to understand the nature of the modern state. The Enlightenment produced a particular view of civilization that was inherently opposed to “nature” in a way that had not occurred before. “Nature” was external to culture and the latter was compelled to dominate the former in a binary that would mark the formation of the modern international system. In a similar fashion, “savages” were seen as rooted in nature and as obviously opposed to civilization. The construction of a political modernity in opposition to “nature” and “indigeneity” is foundational in the establishment of the sovereign state, and it is essential to see how these concepts all relate. Such an analysis not only illustrates how rooted contemporary states are in particular ideas of indigeneity and nature but also demonstrates some of the problems that are faced today as peoples attempt to articulate different forms of sovereignty and different ways of being in the world and relating across species.

## The Barbarians as a Solution

The very existence of Indigenous peoples across the so-called New World created a set of anxieties for Europeans as well as profound ambivalences:

if on the one hand they were free of despotism, on the other they were also uncivilized, brutish, and savage. Their apparent freedom fascinated Europeans as much as it appalled them; they challenged the structuring notion of surrendering individual sovereignty to the king but at the terrible cost of living in a state of anarchy. It was imperative for this anarchy, represented through the image of the savage, to be abhorrent for, otherwise, this free existence would fundamentally challenge European notions of society, state, and sovereignty based on monarchic relations, then the perfect and only conceivable form of social organizing. As savages living in a state of anarchy, with no morals or reason, Indigenous peoples had the rather useful role of showing what life would be like without civilization. This ambivalence has a long history embedded in the state that defined its outside as “barbarian” (Scott 2017). As the following poem by Greek poet C. P. Cavafy suggests, the barbarians were rather necessary.

#### WAITING FOR THE BARBARIANS

What are we waiting for, assembled in the forum?

The barbarians are due here today.

Why isn't anything going on in the senate?

Why are the senators sitting there without legislating?

Because the barbarians are coming today.

What's the point of senators making laws now?

Once the barbarians are here, they'll do the legislating.

Why did our emperor get up so early,

and why is he sitting enthroned at the city's main gate,

in state, wearing the crown?

Because the barbarians are coming today

and the emperor's waiting to receive their leader.

He's even got a scroll to give him,

loaded with titles, with imposing names.

Why have our two consuls and praetors come out today

wearing their embroidered, their scarlet togas?

Why have they put on bracelets with so many amethysts,

rings sparkling with magnificent emeralds?

Why are they carrying elegant canes

beautifully worked in silver and gold?

Because the barbarians are coming today

and things like that dazzle the barbarians.

Why don't our distinguished orators turn up as usual  
to make their speeches, say what they have to say?

Because the barbarians are coming today  
and they're bored by rhetoric and public speaking.

Why this sudden bewilderment, this confusion?  
(How serious people's faces have become.)

Why are the streets and squares emptying so rapidly,  
everyone going home lost in thought?

Because night has fallen and the barbarians haven't come.  
And some of our men just in from the border say  
there are no barbarians any longer.

Now what's going to happen to us without barbarians?  
Those people were a kind of solution.

*C. P. Cavafy, "Waiting for the Barbarians"*  
*Trans. Edmund Keeley and Philip Sherrard (1975)*

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Long before Columbus sighted land in the New World and Europeans began their project of colonization, Europe had its own uncivilized people. When the Greeks organized themselves into city-states with well-defined polities, they considered those beyond their cultural and political borders to be wild, uncivilized barbarians. In fact, the word *barbarian* is often traced back to the Greek *barbaroi*, an onomatopoeic word that describes the indistinguishable babble of those unfortunate enough not to speak Greek. Although the Greek etymology of the word might have been formed under earlier oriental influences, from the Babylonian-Sumerian *barbaru* (foreigner), the criterion of difference is that of language (Boletsi 2013, 74). *Barbarian* was the opposite of *Greek*. What was originally a simply linguistic distinction because, in time, a strongly value-laden one, especially as the Romans adopted this Greek word to describe the inhabitants of northern Europe they sought to conquer. "Barbarians," of course, also included the residents of Britain (Lodder 2023, 11), whose descendants would eventually use the term and its cognates, to justify their colonial endeavor. Maria Boletsi (2013) analyses the barbarian as a relational figure, "shaped in opposition to the self, the civilized, the domestic," a designation that takes place "only in relation to a subject that assumes the status of the civilized for itself" (Boletsi 2013, 63).

The most notorious barbarians from ancient Greek times are probably the Amazons, the fierce warrior women dwelling on the fringes of the known world who dueled with Achilles and battled Alexander the Great. They were also real flesh and blood women archers on horseback who gloried in fighting, hunting, and sexual freedom, women from nomadic cultures across Eurasia who followed their own rules and did not submit to the political and gender hierarchies imposed by Greek city-states (Mayor 2015). When the first Spaniards traveled from the Andean highlands down the Marañón River in 1541, Friar Carvajal, the chronicler of the expedition of Francisco de Orellana, documented women who fought like Amazons, “marching in front of their squatting squadrons” (Carvajal 1934, 26). It is in reference to the women seen as barbarians by the Greeks that Europeans started speaking of “the River of the Amazons,” later naming the region, also on the fringes of their known world, Amazonia.

Like the Amazons, the barbarians stood outside the walls of city-states and therefore outside its coercive sovereignty, free from fiscal contract and subjugation to its coercive bureaucracy. Their political ecologies thrived beyond walled states that relied on centralized grain agriculture and coercive taxation. Instead, they were foragers and hunter-gatherers who lived in small settlements or were highly mobile small-scale traders who practiced disperse subsistence strategies and followed undomesticated lifeways that were difficult to control and virtually impossible to tax (Scott 2017, 126; Brooks 2018). It should come as no surprise that many Indigenous groups have names that refer to the ecosystems they inhabit—hill people, forest people, people of the steppes, and so forth. When the Inkas repeatedly tried and consistently failed to conquer the dense Amazonian forests in the fifteenth century, they referred to the Waorani peoples as *aukas*, or savages (Carcelén-Estrada 2010). A defining characteristic of barbarians in Mesopotamian times, much like many Indigenous peoples today, is to be ungovernable (Corntassel 2006; Scott 2009). Upon arriving in the Maghreb region, Europeans referred to the local autonomous peoples as barbarians, creating the umbrella category of Berber that is still used today.<sup>1</sup>

Of course, Indigenous peoples governed, just not in the centrally hierarchized polities of European monarchies (perhaps with some exceptions, such as the Aztec and the Inka Empires). In fact, Europeans marveled at what they saw as a lack of political structure in the peoples they encountered, an absolute lack of subordination they quickly framed a “state of nature.” When the



French philosopher Michel de Montaigne (1533–92) writes *Des cannibales* ([1580] 1870) from the tower of his Dordogne castle in 1580, he describes Indians as people in a pure state that obey the laws of nature and who mostly lack that monarchic principle that assures the social order. The European logic went like this: the absence of relations of authority among Indigenous peoples was synonymous with a lack of government, which in turn resulted in a lack of humanity that made of them savages (Lestringant 1990).

This is of course largely related to the European inability to recognize other ways of formulating authority. Vanita Seth (2010) explains this European blind spot as stemming from a broader inability to translate the New World into familiar political language. So when André Thevet, the French priest and explorer, encountered the Patagonians, he wrote, “There are no men so beastly, wild and cruel as these men are, who have never savored another obedience than that which they impose one upon another, without any royalty or principality existing among them; when going to war, however, they choose one amongst themselves, to whom the others pay their respect and whom they obey” (Thevet 1575 in Lestringant 1990, 37). Such a description echoes Thomas Hobbes’s vision of peoples who live in a “state of nature,” one with no sovereign hierarchy.

Hobbes never set foot in America because he did not need to go there or learn how people lived there; he already knew. According to European thinkers, this “state of nature” in America was the “natural” state of humanity before the emergence of political modernity: no laws, no king, no sovereignty, a world where everyone was out for himself and life was “nasty, brutish, and short.” They were, however, free. The social contract that Hobbes imagines, the one Natives lacked, is the submission of one’s self-determination to a ruler’s sovereign authority to create a state of order where chaos previously existed. Women were left out of this European social contract and were widely deemed inept to govern because they shared the political immaturity of savages or Indians. They lacked reason and thus needed the benign master in the form of a European man to guide them.

Barbarism, like indigeneity, does not refer to a culture or identity, much less to a stage of evolution as portrayed in racialized narratives of civilizing progress. It refers to a political status of non-incorporation, of non-assimilation in the centralized culture, bureaucratic rule, and coercive fiscality of political modernity. Like “Indian,” “barbarian” is a position relational to state or empire. “Barbarians are a people adjacent to a state but not in it”

(Scott 2017, 227). In other words, the Barbarians, like the Indians, are “on the outside looking in,” they are the periphery that enacts the core (Bronson in Scott 2017, 227). These parallels are not coincidental. Even as European polities rose and fell, they maintained the idea of the “wild man” who lived in the forests beyond the state (Colin 1989; Mason 1990). These hairy wild men ate raw meat, were barely clothed if not utterly naked, and lived under no law, much less a sovereign polity. Although sometimes depicted as monstrous and subhuman, these wild men were, at the same time, redeemable by civilization; they were not wild by nature. As Susi Colin writes, “the Wild Man becomes wild, not because he is created that way, but rather because of his hostile environment, his being raised in the wilderness, [. . .] and his lack of reason” (Colin 1989, 7). Cannibalism was one of things Europeans expected to find, so people chomping happily at a human limb were almost *de rigueur* in early European depictions of the so-called New World.



FIGURE 4 Europeans regularly imagined Americans as cannibalistic savages entirely independent of any evidence they were. Credit: Print: Theodor de Bry, *Os filhos de Pindorama*, ca. before 1562 (public domain). Photo: Wikimedia Commons (Wilfredor).

The contrast between what Europeans could see and what they imagined Americans to be like can only be accounted for by the fact that they already “knew” what Americans were like; they were non-civilized, like the European “wild men.” Colin points out (1989, 29) that depictions of the European wild man disappear by the end of the 1500s to be replaced by the Indigenous inhabitants of the New World as the counter image of European enlightenment, civilization, and good government. At the time when Europe’s forests and wild spaces were increasingly coming under state control and nature and the commons were being enclosed by regimes of property (Federici 2004), America furnished the European imagination with a new version of its other. Indians displaced the wild man in the collective imaginary of the Renaissance (Colin 1989; Mason 1990). This “other” was philosophically necessary because it contrasted with European political philosophies and served as a looking glass to the emerging modern state. It was about the European self, not the world they had encountered.

The state of nature did not refer to actual Indigenous lifeways. In fact, Europeans were in no condition even to grasp sophisticated political systems like that of the Haudenosaunee Confederacy, to which Chief Deskaheh belonged. Europeans could not even begin to consider the ways in which many polities could function through consensus, how principles of reciprocity and self-determination organized political relations, or even that elder women might be the highest authorities appointing—and deposing—male rulers (Wagner 1996). Europeans *depended* on the existence of a state of nature to define the nature of their state: repressive *order* is, after all, what distinguishes European civilization from savages and, in the same vein, men from nature. Indigeneity, a modern political invention of Europe, is the concept that came to signify the peoples outside the merging international order of modern states.

## Modernity and Its Indians

As we noted in the introduction, Europeans were deeply affected by the “discovery” of America and not simply because of its novelty but because of what it said, or rather what they imagined it to say, about the political world in which they lived, especially how they understood their own emerging political configuration. Thomas Hobbes, who wrote *Leviathan* in 1651 and remains one of the most iconic theorists of the state, imagined sovereignty

as the basis for the modern, civilized nation, which led Karena Shaw (2008) to analyze the implications of his formulations for Indigenous peoples. For Hobbes to approach sovereignty as the condition for an enlightened and civilized existence, he had to equally imagine a condition where humans existed without civilization and king:

In such condition, there is no place for Industry; because the fruit thereof is uncertain; and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters, no Society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poore, nasty, brutish, and short. (Hobbes [1651] 1943, 100)

In this passage, Hobbes defines the boundaries of sovereignty by imagining its outside as a “State of Nature,” but he not only posits its existence in some remote European past but also locates it in America: “It may peradventure be thought, there was never such a time, nor condition of warre as this; and I believe it was never generally so, over all the world: but there are many places, where they live so now. For the savage people in many places of America . . . live at this day in that brutish manner” (Hobbes [1651] 1943, 100).

America thus moves Hobbes’s framework from one based on theoretical supposition to one located in space. America, a place of nature located in Europe’s historical past, was the proof that there was no morality, no ethics, no peace without a rational European State (Shaw 2008). A few decades later, Locke (1690) reiterates America as the locus of the prepolitical and atemporal state of nature in his *Second Treatise of Government*: “In the beginning, all was America.” As Barry Hindess (2007a) notes, America was important for Locke because it was a way to claim empirical evidence. America became the state of nature that permitted the rational production of sovereignty as an ordering of difference in time and space: the Indigenous peoples of America are behind European time and are still perceived as embodying the outside of political modernity.

The narrative of nature inhabited by savages without reason has political, and in fact territorial, implications when reason is a precondition for self-

determination. For Hobbes, Europeans are people with reason, and therefore with sovereignty, whereas Indians are people without reason, and therefore without sovereignty. One's self-determination depends on one's reason. Locke could not have said it more explicitly: "a man's freedom—his liberty of acting according to his own will—is based on his having reason" (Locke 2005, 22). The world of Hobbes and Locke is divided between humans with sovereignty and barbarians without it. This narrative was institutionalized with the Valladolid Debates in 1550, when Bartolomé de las Casas and Juan Ginés de Sepúlveda discussed whether the Indigenous peoples of America had use of reason or not, which really was a debate on whether Indians had sovereignty—and how to legally frame the stealing of their territories by the Spanish Crown. For Sepúlveda and Hobbes, to frame the peoples of the New World as having no reason was the starting point that legitimized European invasion of their lands.

The Debate of Valladolid involved a Christian reformulation of what it meant to be human. Saldaña-Portillo (2016), who analyzes the debate's arguments in depth, suggests that the central question of the Valladolid Debate was the concept of the Indian as property, since what was at stake was "the freedom of Spanish colonists to turn Indians into property as a *race*" (Saldaña-Portillo 2016, 34). Humanity was established through Christian rationality. If Indians were not infidels like the Muslims, neither were they Christians and thus not fully human. Europeans of this period justified slavery on religious grounds (Christians could not be enslaved), but Sepúlveda introduced the new presumption of the Indians' inferior *reason*, invoking Aristotle, to frame Indigenous peoples as natural slaves (43). Sepúlveda declared that rational Indians would willingly submit to Christian faith (the innocents) while irrational Indians refusing to submit (the barbarians) would face just war and plunder (45). De Las Casas too, while arguing for their humanity, framed Indians as barbarians for not having writing and law, but of the good kind, stressing their openness to assimilation under divine rationality (48). This savage-reason opposition defines who can claim sovereignty as well as property. Locke's description of the New World as primordial wastelands is targeted precisely at denying the self-determination, or sovereignty, of the peoples framed as savages without reason. Charlotte Epstein (2020, 180) offers a genealogy of the modern state through the lens of the human body that denaturalizes the structures of liberty and property that are so taken for granted, showing how territory and the law took

place on the body because it was the space where reason was recognized or denied. Racialization was key to denying reason to certain bodies and securing it to others. In that sense, slavery was central to the making of the Lockean natural right to property. Epstein shows how Locke articulated the original conjunction of “property” and “whiteness” at the heart of capitalism (see Harris 1993; Stoler 1995). Locke’s concept of wasteland categorized Indigenous landscapes as non-sovereign, nonproductive, and therefore up for grabs. The notion of waste as unowned (and unimproved) land was key to Locke’s natural law of property.<sup>2</sup> This framing of Indigenous landscapes was used to justify their appropriation and a central claim for dispossession of Indigenous territories across the New World. America served Locke both in the technical sense of unclaimed land and in the conceptual sense of a barbarian, outside-modernity space.

This is why the image of a nomadic savage was strategic to seize land. The barbarian (Indian) wandered across the land in a state of nature without owning it or claiming property (Saldaña-Portillo 2016, 55). These representations of the savage Indian roaming in a state of nature served to racialize landscapes to be turned into empty space, framing Indian lands as wastelands to justify the massive land grab. Still today, as Cheryl Harris (1993) points in her seminal piece “Whiteness as Property,” rights are for those who have the racial capacity to exercise them. The conception of rights became contingent on race and whiteness itself a form of property.

Locke’s framework complemented that of Hobbes in legitimizing dispossession. The dichotomy between waste and property simultaneously defined America as an essentially non-sovereign barren waste versus Europe as sovereign productive property land. Thinkers like Locke and Hobbes defined European political modernity by inventing America both as Indigenous and wasteland, a free-for-all up for grabs landscape that conceptually has had lasting consequences across the world.<sup>3</sup>

These ideas came to frame settler colonialism as intrinsic to political modernity. They were adopted by jurists like Emer de Vattel (1714–67), who argued in writings such as the *Law of Nations* (1758) that agriculture and a political society with laws, as practiced by European colonial powers, were a precondition for sovereignty in international law (Tully 1993). Hobbes clearly argued that Europeans had the right to colonize the world to bring people into a civilized existence without openly advocating genocide since he was a believer in the *natural* rights of man:



The multitude of poor, and yet strong people, still increasing, they are to be transplanted into Countries not sufficiently inhabited: where nevertheless, they are not to exterminate those they find there; but constrain them to inhabit closer together, and not to range a great deal of ground, to snatch what they find; but to court each little Plot with art and labor, to give them their sustenance in due season. (Hobbes [1651] 1943, 255)

Here, Hobbes presents the notion that the *only* way the inhabitants of new worlds can possibly exist is as small-scale farmers, but what, exactly, is the problem of allowing Indigenous people to inhabit the forests as free beings? Hobbes is quite clear: in such a state of nature people are in a constant war with each other. It is evident that Hobbes uses native Americans as a rhetorical tool (Seth 2010) but he also needs Native peoples of the Americas to be savages in contrast to a modern political project. Karena Shaw analyses Hobbes's misrepresentation of Native Americans as a "necessary consequence of his production of the conditions under which we can think about or imagine politics" (Shaw 2008, 34). Shaw echoes James Tully (1993), who argues that Locke *intentionally* misrepresented Indians not only because his theoretical framework required a particularly Indigenous subject but also to justify their conquest.

Such views played a pivotal role in justifying the imperial takeover of Indigenous territories as wastelands, defining who would become most vulnerable to dispossession and enclosure globally. Judy Whitehead (2012) argues that Locke's dualistic distinctions between value-producing labor in settled agriculture on enclosed land and nonvalue-producing labor in non-settled forms of livelihood framed basic differences in how the British colonial administration conceived of agricultural fields and forests in India. In fact, these differentiations were formative in the development of India's Forest Laws in the late nineteenth century, a legislation that provided the legal framework for Indigenous Adivasi peoples' dispossession over the past century and a quarter. Locke's theory of property influenced the policies governing India's landscape under the Permanent Settlement (1793), the Ryotwari Settlement of Bombay (1827–35), and the India Forest Acts (1865 and 1878), applying categorizing different landscapes of "tribes" and "castes" as waste (Whitehead 2010).

The notion of waste was used consistently and with lasting consequences throughout the nineteenth century. In Guatemala, the modern state created a National Registry of Property that framed many Indigenous territories as unproductive wastelands that were turned into private property titles given to soldiers as compensation for fighting the wars of independence (Castro and Picq 2017). Around the same time in the United States, it framed the dispossession of nearly eleven million acres from more than 250 Native tribes and communities to establish fifty-two land-grant universities in the context of the 1862 Morrill Land Grant College Act (McCoy, Risam, and Guiliano 2021).<sup>4</sup> The Land Grab Universities project now shows how coercive practices like the 1851 Dakota cession, which reassigned nearly eight hundred thousand acres to endow thirty-five different universities, connected higher education with Indigenous dispossession across the United States. Such dynamics became even more evident after the Civil War, when the 1870 Naturalization Act extended rights from white settlers to “aliens of African nativity and persons of African descent” but not to American Indians, who remained excluded from the system of rights and continued to endure massive land grabs (Saldaña-Portillo 2016, 157).

Framing lands as waste has lasting implications beyond Indigenous peoples. Max Liboiron argues that pollution is colonialism because “the structures that allow plastic’s global distribution into ecosystems and everyday human lives are based on colonial land relations” (Liboiron 2021, 5). Locke’s fantasy concept of wasteland as infinite space and infinite resource fueled frontier expansion, first through settler invasion then by extractivist destruction that cannot be restricted to Indigenous areas and has devastating global consequences. These ideas fuel the ongoing massive land grab of Indigenous lands across Amazonia for mining and soy agribusiness today (Ioris 2020; McKay and Colque 2016) and governments dumping their nuclear toxic waste on Indigenous lands in the United States and Australia (Kuletz 1998; Masco 2020; Voyles 2015). Native scholars are calling attention to the multifaceted implications of Hobbes and Locke’s frameworks in the long run. Chickasaw scholar Jodi Byrd (2018) argues that these forms of Indigenous dispossession are both generative and procedural as they produce investments in neoliberal subjectivity, property, and territoriality.

The framing of lands as waste is central to modernity’s separation of man from nature in opposition to Indigenous notions that land *is* life (Byrd 2018),



as we discuss later in this chapter. Its consequences go well beyond Indigenous dispossession because they laid the foundations of the Anthropocene, from global warming to the sixth mass extinction. To understand today's climate crisis, we must go all the way back to Locke and Hobbes to understand the monopoly of self-determination into Eurocentric institutions. It is because racialized processes of colonial dispossession for capital states are at the core of the Anthropocene that scholars propose to rename it racial capitalocene or plantationcene (Haraway 2015; Vergès 2017). The climate crisis, sovereignty, and indigeneity are interconnected fruits of European modernity. That is why Indigenous peoples safeguard nearly 80 percent of the world's remaining biodiversity on their territories even though they make up barely 5 percent of the world population (Jerez 2021).

As Carole Pateman (1988) has pointed out, these sovereign rights of man really are the rights of *men* as they are predicated on the dominance of men over women. It is equally the case that they are predicated on the rights of Europeans over racialized others (O'Connell Davidson 2001). In her essay "The State Is a Man," Audra Simpson (2016) explains that settler sovereignty is inherently contra equality because it is based on hierarchies—men-women, human-nature, settler-native, that turn the dominated into disposable resources. Indeed, Kurasawa (2002) notes that Hobbes, Locke, and Rousseau, who idealized Indigenous peoples, treated the Americas as evidence of a primitive condition against which a European developmental framework could be measured and, by extension, gave a clear justification for European conquest of America. In their perspectives, the outside of sovereignty is nothing less than the outside of humanity (Shaw 2008, 32).

There is much debate as to whether Rousseau ever actually used the expression "noble savage" (McGregor 1988; Sayer 1997). Ter Ellington's (2001) *The Myth of the Noble Savage* is meticulous in his search for the phrase in Rousseau's writing and concludes that he did not, even though he is certainly associated with the phrase.<sup>5</sup> Ellington's work is instructive in noting how for Rousseau the virtues he saw in "savages" was very much within and that the "noble savage" referred to in Maurice Cranston's second volume (1991) of his definitive biography of Rousseau, is, in fact, Rousseau himself.<sup>6</sup> Much like the other contractualists, Rousseau used Indigenous Americans as a conceptual foil to explore European political consciousness and potential. What is clear is that for Rousseau, one cannot return to a state of nature: "a return of civilized men to a preferable condition of savagery was impossible" (Combee

and Plax 1973, 180). In other words, even if his Indigenous contemporaries were useful to consider radical (and potentially revolutionary) notions of the nature of man, they did not belong to any kind of civilized human future beyond functioning as a rhetorical device.

For Rousseau, Locke, and Hobbes—and we can add Montesquieu, Montaigne, and Voltaire—savages were philosophically necessary for their imaginations of how civilized human society should be constructed. There were certainly profound disagreements between them, but they were united in seeing Indigenous peoples, more imagined than real, as an essential part of that intellectual process. And in order to build the nature of the state against a state of nature, these Europeans had to deny any kind of political reason that Indigenous peoples might possess.

European thinkers brushed into oblivion the political sophistication of complex political systems like the Haudenosaunee Confederacy or how they inspired U.S. federalism and the balance of powers (Johansen and Mann 2000). It was the beginning of a world system that systematically denied the role of non-Western political actors and societies despite the integral role they played in its emergence (Anievas, Manchanda, and Shilliam 2014; Henderson 2015; Hobson 2012). The production of sovereignty went hand in hand with the ordering of time and racial difference (Ogle 2015; Shaw 2008, 32). Two centuries after Hobbes, Alexis de Tocqueville categorized Indians of North America as wandering savages who have chosen to “reject civilization” (Tocqueville [1831] 2002, 390). Although he described the Indians he encountered as proud and beautiful, he classified them as uncivilized and as excluded from the social contract and, therefore, from sovereignty.

The European enlightenment invented itself by defining what it was not. Of course, other peoples around the world could have served as images of alterity, but the Americas were especially useful precisely because these lands were so new and unknown to Europe. It was Hobbes who first located this essential “other” in the Americas and, following him, “it was to the Indigenous Americans that future contractarians returned in their representations of pre-political society” (Seth 2010, 77).<sup>7</sup> European thinkers located Indigenous peoples of the Americas in some atemporal state of nature, inventing the idea of peoples without history (Wolf 1982).

The revision of foundational texts such as those of Hobbes and Locke permits us to understand the construction of sovereignty as a temporality of difference as well as a racist form of knowledge production. Indigenous peoples

are doomed to a subaltern political temporality outside the temporality of the (European) modern state, which has repeatedly worked on bringing them into the (European) present time (Helliwell and Hindess 2011; Ogle 2015). Indeed, semantics of temporality inundate knowledge production, with studies of “backward” nations, “emerging” economies, and “developing” societies. These expressions show that the European practice of temporalizing difference continues to structure world politics to this day. The narrative of the savage is gone, formally at least, but its implications on sovereignty remain untouched. Modern state sovereignty continues to emanate from (European) political modernity (Chakrabarty 2000; Rahman 2014).

This partly explains the difficulty in recognizing Indigenous peoples in unexpected places, as Philip Deloria (2004) puts it, because their presence in places of modernity appears incongruous, whether it be a cosmopolitan city, a Pride march, or the UN. Centuries of European political theory reiterated that Indigenous peoples are supposed to defend nature, not stand at the forefront of political modernity leading state reform. It is not surprising that a world system that for centuries relegated nature to an apolitical location outside modern sovereignty provoked the global climate crisis we are experiencing today, or that it folklorizes Bolivia’s Indigenous president as an outsider when he is in fact very much an insider.

It is far beyond the scope of this book to explore in depth the important differences between Hobbes, Locke, Rousseau, and Tocqueville in how they imagined and produced a state of nature and the role of Indigenous people in such a construction. Here we simply wish to underline that Indigenous people were not only fundamental in how Europeans imagined citizenship and the state but that their *active* presence played a constant role in the formation of modern states.<sup>8</sup> What we are concerned with in this book is to follow the historical uses of this narrative of Indians. It is, it turns out, intrinsic to modernity’s understanding of nature, to which we now turn.

## Beyond the Human-Nature Binary

It is no coincidence that the nature-culture distinction is central to both the modern state as well as the colonial enterprise: the more civilized a society, the more it controls nature. The Enlightenment elevated science and rationality above all else, and science appeared to offer the opportunity to truly dominate nature and, indeed, the world. As European philosophers framed

Indigenous peoples living in a state of nature to develop a modern, “civilized” society, they established a distinction between society and nature as they were developing ideas of the state and colonizing the world.

The seventeenth-century philosopher Francis Bacon expressed this clearly when he wrote “I am come in very truth leading to you Nature and her children to bind her to your service and make her your slave” (Bacon 1603, in Farrington 1964, 62). Bacon, who is often credited with inventing the empirical method and thus modern science, is here talking about science and progress, but he is clearly also talking about enslaving “Nature’s children” who are the peoples Europeans were “discovering,” racializing, and enslaving around the world. Science, rationality, and a particular view of “nature” undoubtedly went hand in hand. The essay from which this quotation is taken is titled *The Masculine Birth of Time* (1603) (*Temporis partus masculus*), and there can be no doubting that Bacon’s view of nature is supremely gendered. He urges the imagined pupil to whom the tract is addressed to distance himself from nature in a “chaste” relationship out of which will come “a blessed race of Heroes or Supermen who will overcome the immeasurable helplessness and poverty of the human race” (72), and this is to be achieved by binding nature to his will.

In Enlightenment thought, the individual is rational, free, and a subject of rights, whereas nature is the wild to be tamed, domesticated, and commodified as a resource. Hannah Arendt (1958) is one of many philosophers who analyzed the nature-society binary as a feature of modern life, and historian William Cronon (1995) analyzed the recent invention of the concept of wilderness as a core element to sustain the man-nature binary—a word so specific to modern civilization that it is untranslatable in many languages. This Western dualism posits man outside of nature, seeing it as its opposite: a material thing, without intelligence or relations, much less rights. Modernity, then, is embedded in a hierarchical separation between man and nature based on control and domination in which the rational man tames the wild nature. There is abundant literature about this separation as a characteristic, even pillar, of modernity and its consequences, since it is directly implicated in the colonial violence of the modern world. Marxist theorist Silvia Federici explained the transformation of the commons into private property and the exclusion of women from these regimes of property, which turned both the commons and women into (re)productive resources that could be appropriated for primitive accumulation (Federici 2004).

This binary is a root problem of the current climate crisis and is widely discussed by scholars of the Anthropocene such as Bruno Latour (2018) and Donna Haraway (2015). The notion of humans outside of nature implies not only fragmentation but also superiority, revealing separation as a tool for hierarchy. This is why Jason Moore (2015) argues that this dualism is a way of organizing nature that is a fundamental condition of capital accumulation. In other words, nature as an external conceit that can be coded, quantified, and rationalized to serve economic growth is a historical concept that creates what Jason Moore (2015) calls “cheap nature” for capitalism to function. Moore (2015) invites us to consider capitalism as a “world-ecology” that brings the accumulation of capital, the pursuit of power, and the coproduction of nature in dialectical unity. This is why Yellowknives Dene scholar Glen Coulthard proposes to shift our understanding of capitalism as a social relation to understanding it as a colonial relation.

Anthropologists have long understood that this particular idea of nature as outside of human (and other) social relations and as something to be dominated is peculiar to Western societies in the Enlightenment tradition. Outside of this intellectual and political tradition, human societies simply do not see nature and culture this way (cf. MacCormack and Strathern 1980) and Indigenous philosophies are no exception. They do not see nature as something outside of and beyond society: humans cannot be separate from nature because they are part of it—they are interconnected and interdependent with all other forms of life, animate or not, in an interspecies web of relations. This is why Indigenous peoples understand a river or a mountain as a member of their community. The European fragmentation of humans and nature that permits its commodification does not exist in Indigenous worldviews. What Europeans call nature forms part of the Indigenous community that is part of the ecosystem where various forms of life coexist in symbiosis.

Sámi scholar Rauna Kuokkanen (2017, 315) states it clearly:

Although separate and distinct in many ways, many Indigenous peoples’ epistemes share certain fundamental perceptions of the order of things, particularly with respect to the human relationship to, and position in, the world. Discussing Indigenous worldviews and philosophical traditions does not imply that they apply to every single Indigenous individual in the world. . . . Epistemes are . . . rather a way of

being in the world transmitted most often unconsciously by families and communities.

Indigenous philosophies see nature as extended family—not a commodity—as a subject of rights—not a resource—and live in a community based on the practice of reciprocity, duality, and complementarity with nature. Philippe Descola (1986, 2005), one of the first anthropologists to question whether we could really consider human society without understanding relations with nonhuman animals and plants, suggested that there is no meaningful boundary between nature and society, and that these are constructs imposed from the outside. For the Achuar of the Ecuadorian Amazon where Descola worked, the trees, animals, forest, and people are simply part of a single social world. The anthropologist Eduardo Kohn (2013) learned similar worldviews among the Sarayaku in Amazonia, writing *How Forests Think*. And so it is for many other Indigenous peoples; this is why struggles for Indigenous sovereignty from the Arctic to Amazonia are embedded in the defense of what people in the West call nature: they are defending their web of relations. The Yanomami spiritual leader Davi Kopenawa says that “in the forest, the ecology are us, the humans” as he shows the world as an alive being made of a multitude of beings, a superorganism constantly renewed by the careful actions of the *xapiri*, the invisible spirits that guard what the Yanomami call *hutukara*, or nature (Kopenawa 2023, 480). The Lakota defended their territories from oil pipelines claiming “*mni wiconi*” (water is life), like so many Indigenous communities across the hemisphere. The Andean concept of *sumak kawsay*, what the Mapuche call *kyme mogen* and that translates as “living well” in English, implies living in harmony among humans as much as with nonhuman beings and the various forms and cycles of life in nature. To understand that Indigenous peoples are in relation to nature is not to romanticize these relations but to recognize the implications of their understandings about what it means to be human.

This is not a recent Indigenous concern in response to the climate crisis; it has long been a central feature of Indigenous philosophies worldwide. Back in 1892 the Guarani leader Apiaguaiqui Tumpa, who taught his people to be *iyambae* (free and harmonious), led the Curuyuqui rebellion in Bolivia’s Chaco saying that the resistance had to be carried out in alliance with nature (Huanacuni Mamani 2010, 23). Today, Kichwa intellectuals such as Floresmilo Simbaña see *sumak kawsay* as a political project. Simbaña

(2011) argues that this idea of the nonhuman remained in the memory of Indigenous communities of the Andean region as a lifeway, was practiced in extended families—the *ayllu*—and is now claimed as an ethical-civilizatory principle. It is in this ethos that the Amazonian Krenak philosopher Ailton Krenak tells of Indigenous peoples' deeply entrenched memory of the earth, adding "I can't see anything on Earth that is Not Earth" (Krenak 2022, 15).

Our commentary should not be misread as a romanticization of Indigenous special relations to nature, for it is as much about modernity, as in any binary. Many Indigenous peoples have a different view of nature than the Western strict separation between humans and nature: what we argue is not a romantic position of being closer to nature but rather a deeper paradigm about life itself since Indigenous worldviews, despite their diversity, consider all forms of life (animal and inanimate included) as subject (not object). Indigenous peoples did not develop a special relation to nature; rather, they preserved relations that were displaced—some may say broken—under political modernity.

The question of nature is ultimately an ontological one about agency: who is recognized as a political agent, what constitutes the political, and how it is articulated. The question of nature's agency has shaped the ontological debates which are now reaching international relations. The Brazilian anthropologist Eduardo Viveiros de Castro was key in refocusing perspectives to account for Amazonian Indigenous conceptions of human and nonhuman relations, using the notion of "ontological self-determination" (Viveiros de Castro 2015). Taking ontological debates to politics, Indigenous lifeways inspired the global movement for the rights of opening legal conversations on the agency of rivers, glaciers, and forests. Similarly, Arctic-based Native movements claim interspecies justice, whereas activists increasingly refer to nonhuman species as communities in Amazonia.

In New Zealand, the Whanganui River was declared a legal subject of rights after nearly 180 years of contestation against the settler state. Anne Salmond (2017) explores the challenges of ontological translation between Māori peoples and European settlers who hold different understandings of "how the world works," whether nature is a relative or a resource. For the Māori no one, including the crown, owns water; the Whanganui River is an ancestor, it is lifeblood flowing across time and space. They say, *ko au te awa, ko te awa ko au*, which translates into English as "I am the river, and the river is me" (Salmond 2017). Generation after generation they've taught that the

earth is *taonga*, a treasure, and fought to protect it. The river was given legal personhood with a historic Deed of Settlement in 2017 that recognized not only the rights of nature but also the ancestral relation between the Whanganui River and the Whanganui iwi, the tribes that share the river's name.

Indigenous relations with nature are incommensurable with modern political frameworks. When Indigenous people say "we are water," they mean we are all intrinsically connected to all beings, made of the same water that nourishes rivers and forests, the same life that breathes through trees. Maya Chalhiteko lawyer Juan Castro explains that in virtually all the Mayan languages there is no grammatical form to express ownership over a river or mountain: one can say, "this house is mine" but not "this river is mine," which comes out in Maya sounding as "I am the water of this river."<sup>9</sup> Communities in Amazonia say they are the forest, while the Gwich'in peoples of the Arctic say they are the caribou (Banerjee 2012). In North America, eleven Tribes and First Nations across the U.S.-Canada border signed the Buffalo Treaty claiming that

for generations, the BUFFALO has been our relative. The BUFFALO is part of us and WE are part of the BUFFALO culturally, materially, and spiritually. Our on-going relationship is so close and co-embodied in us that the Buffalo is the essence of our holistic ecocultural lifeways. (Lightfoot and MacDonald 2017, 30)

Penobscot legal scholar Sherri Mitchell (2018) describes that relationality as oneness, insisting that we all come from stardust and that all matter that was once connected cannot be disconnected—what Western science recognizes as quantum entanglement. It is not surprising that one of the key contributions of Indigenous philosophies to contemporary law is the rights of nature framework (Kauffman and Martin 2021). Mississauga Nishnaabeg scholar-artist-activist Leanne Betasamosake Simpson (2017) approaches Nishnaabeg internationalism as interspecies relations. Simpson (56) always thought of the bush as a networked series of international relationships and understands the Nishnaabewin complex ways of relating to plant nations, animal nations, and the spiritual realm as international relations.

In the Aymara community of Wila Kjarka, Bolivia, people are not speaking metaphorically or poetically when they talk of a kinship relation with the mountains: people *are* the mountain (Canessa 2012). The whole circle of



human existence is how the mountain and Earth spirits support and create human life and how in death humans return below the surface of the earth and become, again, those animated beings that are the mountains and Earth (Canessa 2012, chap. 4). There is a continuous and unceasing process of becoming, as people, *jaqi*, become grandparents, *achachilas*, and a person's identity, or rather, her being, is in constant flux. These values, attitudes, and concepts embedded in beliefs about spirituality represent a clear marker of difference between Indigenous peoples and the west, says Māori Ngāti Awa scholar Linda Tuhiwai Smith, and it is difficult for Western systems of knowledge to grasp Indigenous relations to the cosmos, to mountains and insects, to rocks and energies unseen. She argues that these world views of coming to know and of being endure in Indigenous worlds and are critical sites of resistance for Indigenous communities, "one of the few parts of Indigenous being which the west cannot decipher, cannot understand, cannot control" (Smith 1999, 74).

It's all in the pronouns, says Potawatomi scientist Robin Kimmerer (2015) who learned the grammar of animacy in Potawatomi, a language closely related to Ojibwe. If English grammar refers to nature as *it*, Potawatomi doesn't separate the world into animate or inanimate (just as it doesn't separate into masculine or feminine). In Potawatomi one says to "be a bay," "to be a hill," "to be Saturday," making the bay alive in a world where everything is alive. To refer to people as *it* would rob a person of their selfhood, so why would one do it to nature? asks Kimmerer (2015).

Grammar reveals the way societies organize relations. Potawatomi and other native languages are constant reminders of human kinship with all of the animate world. Saying *it*, in turn, erases agency in order to turn a living forest into "natural resources." In English the only way to be animate, to be worthy of respect and a subject of rights, is to be human. But Indigenous languages reveal a grammar of animacy that speaks of the place of humans in the world, one in which we are at home in the world. This points to a profound difference between Enlightenment ideas of the bounded, sovereign, ontologically stable individual in contrast to Indigenous views where agency is neither stable or bounded and exists beyond the human. People may not be in-dividual at all but, as Marilyn Strathern (1988) points out, with reference to Melanesia, quite dividual indeed; that is, they may share a substantive identity with others, human and nonhuman. Such an understanding of personhood is radically opposed to what is understood as the citizen-

subject and, by extension, of how people relate to the state. It is thus not at all surprising that indigeneity is so at odds with the kind of states Europeans imagined in the seventeenth and eighteenth centuries and that structures the international system of states today.

We are not suggesting that Indigenous peoples are closer to nature or have “purer” relations with nature. We do hold, however, that indigeneity as a location outside the state’s political modernity does not uphold the modern separation of man and nature; the nature-culture distinction is a feature of Enlightenment modernity that explicitly and *necessarily* excludes other ways of thinking about the world. From the Western perspective, the multifarious ways of looking at the world seem rather similar only because the Enlightenment was unique in so radically separating nature and culture. We now move to consider the ways in which indigeneity itself was constructed as an effect of the development of the modern state.

## Conclusion

From Europeans’ first encounter with America, Natives have been imagined and configured as counterfoils and rhetorical tools with which to explore the crafting of political modernity. Hobbes was not the first major thinker to posit a primordial “state of nature” from which humans developed, but he was the first major thinker to locate this state on the bodies of fellow contemporaries: Indigenous Americans. In this, he was followed by his critics, such as Locke, Rousseau, and Tocqueville, whose vision of the original state of humanity was less bleak but nevertheless joined him in understanding nations of the New World as embodying these characteristics and in categorizing Indigenous people as irredeemably “other” to sovereignty. Shaw interrogates *why* this exclusionary model was adopted when others were available, arguing that the Hobbesian sovereign state in the context of European expansion *necessitates* the closing off of dialogue and the narrowing of the terrain of the political (Shaw 2008, 145). Even as the modern state is critiqued by scholars such as Tully, they do so without moving from the terrain of the terms of the sovereign state. Indigenous demands are distilled “to a singular relationship—the relationship between citizens and a sovereign authority, or constitutional state” (Tully 2008, 144).

It is an open question whether indigeneity can become central to the very state that has dedicated centuries to exclude it. Can sovereign settler states

created through the genocidal erasure of Indigenous peoples across the so-called New World ever respect Indigenous self-determination? This raises serious questions about the emancipatory potential of states and whether to engage in state politics or not.

In the next chapter, we delve deeper into the issue of the structure of Indigenous-state relations by considering Bolivia in comparison with states and indigeneities in Africa, a part of the world with distinct histories of state formation, to see what patterns we can draw from comparative approaches.

# CHAPTER 3

## From America to Africa

### *Toward a Comparative Analysis of Indigeneity*

#### Introduction

As we argued in chapter 1, indigeneity cannot simply be reduced to local historical and cultural identities. This is not to devalue Indigenous cultures but, rather, to insist on seeing them as historical and political processes rather than *sui generis* or as “survivals” of some precontact cultures. It is clear that not all Indigenous movements are the same; the question is *how* they are different. In this chapter we move beyond debates about authenticity and toward an analytical framework. We propose heuristic tools that offer a critical perspective on Indigenous movements and that can elucidate important differences between peoples. We identify five nested and contrasting pairs that offer differing ways of thinking about indigeneity but that share one important thing in common: they all articulate a particular relationship with the state and different ways of thinking about sovereignty, the key themes of this book. This formulation allows one to distinguish between different groups in countries such as Bolivia, where there is a myriad of Indigenous groups—each with their own struggle—who may also be in conflict with each other. It is not a matter of who is “more” Indigenous but rather of comprehending the different types of claims made on the basis of indigeneity and the power relations at their root.

The five nested pairs are

1. Majoritarian discourses and minoritarian discourses
2. Claims on the state and claims against the state
3. Hegemonic and counterhegemonic discourses

4. Deterritorialized indigeneities and territorialized indigeneities
5. Symbolic and substantive indigeneity

We can see that the first item in the nested pairs represents citizen discourses and that the second item represents discourse by those who occupy the “savage slot.” They may all be Indigenous discourses, but there are profound differences. These distinctions allow us to see better how Indigenous movements and identities express and challenge state authority. We are not arguing that a given group or person is permanently in one column or the other, as groups may simultaneously employ multiple tactics, but we think this schema is useful in better understanding what tactics are being deployed and even why they might appear contradictory. First, we need to take a broader view of indigeneity, not just focusing on one country or region but on the world as a whole.

There is no question that Indigenous groups are connected to a globalized network of activists, organizations, and institutions with deeply entangled agendas and exchanges. Academic scholarship, which is fragmented into disciplinary ways of knowing the world, sometimes has surprisingly few communication exchanges across different regions. Nonetheless, scholars note, and with some regularity, that Indigenous experiences in Africa and Asia differ from those in settler states such as Australia, and that settler colonialism in Canada follows dynamics different to those found in Guatemala (e.g., Hodgson 2011, 1037; Kenrick and Lewis 2004; Pelican 2009, 52). In settler states, who is and is not Indigenous appears to be relatively unproblematic to outside observers. In Africa, however, the history of state formation is a recent phenomenon beginning after World War II when African independence movements developed rapidly. This culminated in a wave of decolonization across the region in 1960, proclaimed the year of Africa, when seventeen nations declared independence from Belgium, France, and the United Kingdom. These newly formed postcolonial states often pronounce the entire population Indigenous, absorbing a variety of ethnic groups but also silencing the notion of internal differences.

In Africa, indigeneity emerged recently in a very different historical context from the Americas and remains controversial in that it threatens to divide the still fragile states at their core. The contrast is sharp: the issue of indigeneity in Latin America is intimately associated with European colonization in the fifteenth and sixteenth centuries, whereas in Africa fewer Euro-

peans settled (and many left). Indigenous peoples began to develop transnational political strategies only after movements of independence in Africa in the mid-twentieth century, when the UN international human rights regime emerged based on principles of self-determination achieved through these decolonial struggles.

Africanist debates about the distinction between autochthony and indigeneity, which may look arcane from the Latin American perspective, can be particularly illuminating. As Peter Geschiere notes, “One of the nodal points in the ambiguities surrounding the surge of autochthony and other forms of belonging is . . . their relation to national citizenship” (Geschiere 2009, 24). The relation between indigeneity discourses and citizenship—that is, the way people relate to the state—is profoundly important. In recent years, scholars of principally francophone sub-Saharan Africa have been engaged in a growing discussion on the question of autochthony versus indigeneity (Ceuppens and Geschiere 2005; Geschiere 2009; Geschiere and Jackson 2006; Geschiere and Nyamnjoh 2000; Jackson 2006; Leonhardt 2006; Pelican 2009). They argue that autochthony was a colonial tool for differentiating between people, whereas indigeneity, a more recent category associated with transnational politics of self-determination, is linked closely to contemporary globalized discourses of contestation.

Some African states have developed strong discourses surrounding autochthony to distinguish between various kinds of citizens. This has become a confusing term, because in many contexts it is clearly a synonym for *indigeneity*, as it indexes an originary relationship to the land. In Cameroon, however, a distinction is made between autochthonous and Indigenous people, and an exploration of discussions that relate to majoritarian and minoritarian discourses is very useful in clarifying some of the apparent contradictions in Bolivia.

What is the difference between autochthony and indigeneity? Ceuppens and Geschiere (2005) emphasize that “Indigenous peoples” are usually conceived of as marginalized “others” in need of protection in “their own lands,” whereas the “autochthon” is typically conceived of as an “in-group” in need of protection from scrounging strangers who have immigrated into and are threatening to take over “one’s own homeland” (Ceuppens and Geschiere 2005, 386; see also Gausset, Kenrick, and Gibb 2011; Zenker 2011).<sup>1</sup>

For these scholars, autochthony in Cameroon and in other West African countries is linked with a populist nationalism and nativist citizenship.

Although some comparisons were made with Belgium (Ceuppens 2011), France (Jackson 2006), and the Netherlands (Geschiere 2009), to date, no attempt considers what these discussions might contribute to an understanding of indigeneity in Latin America. Given that they have much to say to each other, African and Latin American scholarships of indigeneity may shed more light on the thorny issue of conflict between Indigenous people than a simply Latin Americanist comparative framework would allow.

A notable exception to the issue of inter-Indigenous conflict is the work of Tania Murray Li (2002) in which she discusses an incident where Dayaks in Indonesia killed a number of refugees in an act of ethnic cleansing. It is not simply that such occurrences are rare, but rather, as Pelican (2009, 61) points out, that “the ideology underlying the concept of ‘Indigenous peoples’ suggests the shared colonial burden and assumes equality of Indigenous groups.” Her discussion of the experiences of the Mbororo, Kirdi, Baka, and Bagyeli in Cameroon alerts us to the dangers of such assumptions and echoes the different experiences of peoples in Latin America, where it is not a matter of being more or less Indigenous but of a differentiated access to social and political capital (see Hilgers 2011).

Indigeneity is an increasingly useful way of engaging with the world that has considerable political implications in its contestation of the state as a colonial category. The challenge is how to best develop analytical tools to distinguish between different kinds of Indigenous discourse vis-à-vis different forms of state formation. In this chapter, our starting point puts us into something of a quandary. If, as we have argued, indigeneity is a feature of a particular set of colonial relations that pits Indigenous peoples as somehow antithetical to the state and in a permanent state of latent or open conflict, then how do we account for the kind of conflict between highland Indigenous and lowland Indigenous people in Bolivia within a notionally Indigenous state that we saw in the previous chapter? This issue has implications far beyond Bolivia, for it points to two key issues: how we theorize conflict *between* Indigenous peoples, and how we distinguish between different kinds of Indigenous mobilization.

To answer these questions, we first offer a short history of indigeneity in Bolivia to demonstrate that these conflicts between Indigenous groups, and indigeneity itself, are principally contemporary phenomena even if they are often presented as having deep historical roots.<sup>2</sup> Second, we will explore ethnography and debates on indigeneity from West Africa and Cameroon in

particular for a comparative perspective and a different take on what appears to be a peculiarly Bolivian situation. We do not pretend to offer any insights into how indigeneity is perceived or practiced in Africa but rather draw on Africanist scholarship for inspiration. As a country with a majoritarian Indigenous population and discourse, as well as one that is poorer than all its neighbors, Bolivia has more in common with many African countries than with other Latin American countries. To explore this comparative analysis across continents, we present the aforementioned five nested pairs of concepts as analytical tools in order to more clearly distinguish between Indigenous discourses, especially when they come into conflict.

## Indigenous Resistance and Resurgence in Bolivia

Bolivia is widely regarded as one of two nations in the Americas (the other being Guatemala) as having an Indigenous majority,<sup>3</sup> and its Indigenous president (2005–2019) put Indigenous symbols at the very heart of national discourse. Bolivia has a very substantial number of people descended from pre-invasion populations who have been historically excluded from power and denied citizenship, even since independence from Spain (Langer 2009) and right into the twenty-first century. It is tempting to see the history of Bolivia as one where a European minority has dominated an Indigenous minority until the advent of Evo. This “two Bolivias” perspective, although useful for pithy newspaper accounts, is largely rejected by scholars (Dunkerley 2007). To imagine a straight-line narrative from the residents of what is now Bolivia when the Spanish arrived to present-day politics is to do violence to a diversity of context and experience (although see Thompson and Hylton 2007). That is, although there is a long history of identifying people as Indians or Indigenous, the people to whom these terms refer, their status with respect to the state, and the degree to which these are ethnic or racial labels changes considerably over time.

In most of the colonial period, Indians, as the very diverse groups of peoples were called by the Spanish, constituted a separate “republic” (along with the republic of Spaniards). For much of this period the term *Indian* denoted a fiscal status (Harris 1995, 354) with attendant labor obligations, such as the *corvée* in the mines and tribute obligations, much more than an ethnic one.

Independence from Spain brought formal citizenship to Indians but, in practice, Indians continued to be excluded from the right to political



participation and were still required to pay tribute. Toward the end of the nineteenth century, there were concerted efforts to dispossess the “free” Indian communities of their lands, including the fertile areas around Lake Titicaca. Indians, as had often been the case, resisted, such as in the uprising led by Zárate Wilka in 1899 (Condarco Morales 1982; Soliz 2023), but by the beginning of the twentieth century many Indians were tied to large estates as serfs, especially in the rich agricultural lands around Lake Titicaca and the Valley of Chochabamba, and attempts to introduce schooling for Indians were violently repressed. According to the decennial censuses of this period, most people recorded as being “Indian” spoke an Indigenous language and did not speak Spanish. It was in these decades that the image of the Indian became closely associated with atavism, poverty, and ignorance (Larson 2004).

The Chaco War with Paraguay (1928–35) was a watershed moment (Arze Aguirre 1987; Klein 1992), as many mestizo (mixed race) middle-ranking officers found they did not share a language<sup>4</sup> with their Indian troops (Mamani Condori 1991). This mutual incomprehension was widely credited with contributing to large-scale bloody chaos and, ultimately, defeat. This experience of the largely mestizo officer class in the Chaco War fed their sense of frustration against the small oligarchy and also sharpened their sense of a divided Bolivia. This led to a progressive military dictatorship under Germán Busch (1937–39) (succeeded by a conservative regime that reversed many of his reforms). The war and Busch’s dictatorship are widely seen as foreshadowing the 1952 Revolution, which was sparked by Indian peasant militias (who had often retained their arms from the war) taking control of the haciendas where they lived and worked. They formed an alliance with miners, leftists, urban workers, and upper-class dissidents who mobilized behind the Revolutionary Nationalist Movement (Movimiento Nacionalista Revolucionario [MNR]) led by Victor Paz Estenssoro and who ultimately formed a government. The pressure from Indigenous peasants for profound reform was intense (Gotkowitz 2008; Dunkerley 2020), and they often acted quite autonomously and even in conflict with the revolutionary government. The Revolution overthrew the mining and landowning oligarchy, and although the strength of the Indians peasants’ movement ensured a 1953 Agrarian Reform act and the abolition of serfdom (*pongueaje*), power remained in the hands of the new, mostly mestizo, elite. Indigenous peoples and women also won the right to vote.

The new government was well aware of the problem of a large uneducated Indian population and promulgated the 1953 Education Reform Act that by the end of the decade ensured there were schools in almost every village. They also saw Indians as atavistic and overnight abolished the category of "Indian," declaring a modernizing project in which all peoples would be undifferentiated citizens. Indians were henceforth described as campesinos, or peasants.<sup>5</sup> In practice, this meant representing Indian culture as national folklore (often performed by mestizos<sup>6</sup>) and turning Indians into cultural mestizos, modern and Spanish-speaking. The modern Bolivian citizen was considered to be a mestizo, and if this meant an acceptance of an Indian heritage, it was one resolutely relegated to the past.<sup>7</sup>

A small Indianist party during this period led by Fausto Reinaga expressed an almost lone voice that spurred the next generation of activists. His slogan was "As Indians they oppressed us and as Indians we will be liberated." He explicitly rejected the designation "Indigenous," regarding it as racist (Reinaga 1967, 96); his struggle was an Indian one, not an Indigenous one. Nevertheless, outside Reinaga's small circle, few people publicly identified as Indians; rather, this was a condition from which they tried to escape. Reinaga drew inspiration from the revolt of Tupak Katari in 1780 (from whom he also claimed kinship on his mother's side), yet he was also deeply influenced by anticolonial movements and writers such as Frantz Fanon (Lucero 2008a). The 1970s and 1980s saw the emergence of a small number of Indianist groups influenced by Reinaga. These emerging movements drew at least as much inspiration from Marxist class analysis, the global civil rights movements of the 1960s, and anticolonial struggles as from a sense of regional historical injustice.

Nevertheless, between the 1952 Revolution and the 1990s, the ruling-class fantasy that the Indian population was gradually but inexorably disappearing was seemingly confirmed. The small and explicitly Indian political groups seemed utterly marginal to national politics. It is important to underline that this is not to say that people who we might comfortably consider to be Indigenous were not actively mobilizing and playing major roles in, for example, the Central Obrera Boliviana (COB), the Bolivian Workers' Central. The COB included the miners' unions as its most important component as well as some peasant unions, but even though its members were largely Quechua and Aymara speakers, they did not publicly identify or mobilize as ethnic subjects, much less Indigenous ones, but rather as workers. In a

similar vein the Confederación Sindical Única de Trabajadores Campesinos de Bolivia (Unified Syndical Confederation of Rural Workers of Bolivia) was largely composed of Aymara-speaker peasants when it was founded in 1979, but they still presented themselves—and saw themselves—as rural workers, rather than Indigenous people. It was only later, when Felipe Quispe (who had been incarcerated in 1992 for armed insurrection as one of the leaders of the Tupak Katari Guerrilla Army) became general secretary, that its discourses and program became explicitly indigenist.

Successive censuses marked the decline in Indigenous languages, which was perceived as an indication of the progressive disappearance of the Indian in Bolivian life. This was also apparently confirmed by the fact that in the postrevolutionary period, and up to the 1990s, there were very few occasions when Indians mobilized across regional and ethnic lines. Predominate ideologies of justice and change were a spectrum of leftist discourses that became less influential with the resurgence of Indigenous identity across the Americas that accompanied the collapse of Soviet communism. Part of this process was a growing sense among Indigenous peoples of the pervasive racism that had long been ignored by class-based political analyses. The struggles of the late twentieth century reflected that people identified as Indians or Indigenous in radically different ways than in previous decades. In fact up to the 1990s there were very few people in Bolivia who self-identified as either.

The final decades of the century, however, saw a growing international awareness of the plight of Indigenous peoples. Both the UN and the ILO, specifically the UN Declaration on Indigenous Rights and ILO 169, opened up the possibilities for peoples in Africa and Asia, where there was no significant history of European settlement to identify as Indigenous. This was soon followed by a series of World Bank directives that recognized the particular plight of Indigenous people.<sup>8</sup> In addition, a number of European and North American NGOs began to align themselves with Indigenous people in fighting rainforest destruction, especially in the Amazon. A romanticized understanding of Indigenous people as living in more harmonious relations with the environment led many Indigenous groups to articulate their land claims in terms of environmental issues.

It is in this globalized context that scholars noted an “Indigenous awakening” or “resurgence” in Latin America (Albó 1991; Bengoa 2000; Brysk 2000; Stavenhagen 2002). It is tempting to see a direct continuity between Indianist movements of, say, the eighteenth century and those of today, but

they are profoundly different on a number of levels. For instance, historical Indianist mobilizations took the form of localized struggles, whereas since the late twentieth century such struggles have often played out on a national and global scale, drawing on international networks and alliances across ethnic groups within and beyond national boundaries. They are also characterized by the involvement of NGOs, which simultaneously reinforces these processes through seeking to develop global consciousness of Indigenous issues but also plays a significant role in how these issues are framed. It is thus no coincidence that the “Indigenous resurgence in Latin America” occurs at exactly the same time as people in Africa and Asia begin to identify themselves as Indigenous too.

The rising international profile of Indigenous people and especially the development of parallel environmental and ethical discourses contributed greatly to the two most celebrated success stories of Indigenous mobilization in Latin America: the Zapatistas, who declared war against the Mexican state in 1994, and the rise of Evo in Bolivia. These are telling examples because, as Courtney Jung (2009) has demonstrated, the Zapatistas did not start out as an Indigenous movement but as a social movement; they developed their Indigenous discourses as the movement progressed.<sup>9</sup> Similarly, Evo’s initial ascent did not revolve around his indigeneity; rather, he was known as the leader of the coca growers’ union and not an “Indigenous” leader at all. His conversion to the Indigenous cause was as rapid as it was complete. He led a coalition of coca growers, urban poor, leftists, intellectuals, landless peasants, highland peasants, and forest dwellers. Almost all of these descend from pre-Columbian populations, but to describe them all simply as “Indigenous” would be to obscure enormous differences between them.

Morales, not unlike the Zapatistas, used inclusive language and utilized indigeneity to articulate a wide range of social causes as well as the defense of local benefit from natural resources. In fact, especially in the first years of his presidency, he was rather fond of quoting Zapatista slogans (Albro 2005). Manifestly influenced by the Zapatistas, he declared Indigenous people to be the “moral reserve of humanity” (Goodman 2007). The association of Indigenous people with social ethics, morality generally, politically progressive ideologies, and environmental consciousness is very modern indeed. When Andrew discussed these issues with Aymara people in Bolivia, they were all surprised and puzzled that anyone would associate such values with people like them, including that badge of Indigenous consciousness, environmen-

tal awareness. For example, when Andrew Canessa told his friends that the leader of the Pachakuti Indigenous Party, Felipe Quispe, had told him in an interview that natural gas was an Indigenous issue because it was the Pachamama's (earth mother) fart, they were totally nonplussed, even though the Pachamama is one of their principal deities.

It is worth underscoring that the association of Indigenous people with environmental issues, which is such a powerful element in contemporary discourses, was largely if not totally absent in the rights struggles of Indigenous peoples until the end of the twentieth century.

These Mexican and Bolivian examples underline the contemporary context of Indigenous movements in Latin America; they also point to a distinction between the historical Indian subject and a modern, globalized Indigenous one. Indigeneity is no more a given for Latin Americans than for people anywhere else. More importantly, its current expressions owe much more to visions of indigeneity developed in New York and Geneva than in Indigenous peoples' cultural and political pasts.

## Contemporary Globalized Indigeneity

Although contemporary Indigenous identities usually draw on historical local struggles for justice, in practice it is very often the case that people come to identify as Indigenous through a dynamic and dialectic engagement with outside actors, reflecting their interaction with international institutions and NGOs. This is most obviously true in areas of the globe such as Africa, where Indigenous discourses appear as very recent phenomena. The San peoples in Botswana, who with the aid of international NGOs argued in court for the defense of their land rights on the basis of their indigeneity (Sapignoli 2018), are one example. Dorothy Hodgson (2011) offers another, and she has carefully documented the role of NGOs in fostering an Indigenous identity for people such as the Maasai in East Africa. It is not, however, just in places such as Africa where we find that NGOs play an important role in developing Indigenous identities; it is also very much the case in Latin America.

The Bolivian 1990 March for Territory and Dignity, which many (e.g., Albó 2007) see as an important turning point in Indigenous mobilization, actually drew enormously on NGOs not only for the march's organization but also for its very conception. It is important to recognize the role of CI-DOB (Confederación de Pueblos Indígenas del Oriente Boliviano [Confed-

eration of Indigenous Peoples of Bolivia]) that organized the March. The confederation was founded in 1982 by Guaraní leader Bonifacio Barrientos Iyambaei in collaboration with German anthropologists Jürgen Riester and Berndt Fischermann.<sup>10</sup> One of the key voices in the 1990 March was Mojeño-Trinitario Marcial Fabricano, who himself was at one time president of CI-DOB. In Bolivia, as elsewhere in Latin America (Langer and Muñoz 2003), international NGOs played a huge role in shaping the expression of local struggles as explicitly Indigenous ones. This is not to say that people such as Riester and Fischermann provided the political impulse and direction to Indigenous movements—because this, without question, was in the hands of Indigenous leaders and communities—but, rather, they provided the critical framing of concerns about dispossession and persecution in terms that made more sense to an international audience.

The 1990 march, an eight-hundred-kilometer trek from the tropical lowlands to the capital city, was a turning point for Indigenous mobilization for a number of reasons. The residents of the capital city were stunned to see thousands of lowland Indigenous people arriving, contradicting the idea that lowland Indigenous people were inexorably disappearing from history (Albó 1995). Significantly for Bolivian history, this was the first time there had ever been an alliance between highland and lowland Indigenous peoples, which in the past had on occasion been in conflict. For much of the 1990s, however, highlanders did not, by and large, see themselves as Indigenous but, rather, still held onto the 1950s euphemism for Indian, *campesino*, or peasant. Urban people also generally avoided an identity label even if they had rural Aymara and Quechua roots. When Andrew Canessa first went to Bolivia in the late 1980s, he was surprised that people who were “obviously” Indigenous in his eyes were rather taken aback at the suggestion that they would be considered as such. As he was forcefully told, “Indigenous people live in the jungle.”

Within a decade, however, this had begun to change—and not only in Bolivia—as there was a veritable explosion of groups in the world identifying as Indigenous. The 1990 march was also significant because it created huge international pressure<sup>11</sup> on the Bolivian government to recognize the Isiboro Sécore national park as the first Indigenous territory in the country.

This combination of mobilization around local issues, NGO involvement, and international media recognition proved a potent recipe for success, and it was by no means only in Bolivia that such an alliance produced results.

Aside from the Zapatista rebellion, in Brazil some Afro-Brazilian groups developed new Indigenous identities (French 2009). In Africa marginal and threatened groups such as the San in Botswana (Nyamnjoh 2007), the Maa-sai in East Africa (Hodgson 2011), and the Ogoni in Nigeria (Watts 2004) positioned themselves as Indigenous people with concomitant discourses in their struggle for land and other rights (see also Rupp 2011). In Asia a number of subaltern people successfully argued for their rights as Indigenous peoples (Karlson 2003) and in some cases even set up their own individual autonomous regions (Shah 2010).

There are numerous examples of people recognized as Indigenous in, say, Geneva or New York, but not in their home countries.<sup>12</sup> This recognition and support enabled local groups to use their international connections in similar ways to put pressure on national governments, resulting in a “boomerang effect” (see Keck and Sikkink 1998; Hodgson 2011). This process is not always smooth, however, and one of the challenges facing activists is how to translate *Indigenous* into local languages. This is as much a problem in China (Hathaway 2010), where there have been moves to revalidate terms for marginalized ethnic groups that were previously derogatory, as it is in Bolivia, where there is rarely any word that even approximates *Indigenous* in Indigenous languages.

The Aymara-speaking people Andrew Canessa works with in highland Bolivia describe themselves as *jaqi*, people, a status founded on community life and shared ritual and one that can change when, for example, moving to the city. Although there is clearly a sense of difference between them and others, and they see themselves as descendants of precolonial peoples, they do not situate themselves within the kinds of linear histories that characterize Western views. It is only in recent years and with the advent of President Morales that *any* member of this community has identified as *indígena* at all. “Indigenous” is clearly not an Indigenous concept.

The process by which Evo embraced indigeneity as a political ideology remains obscure. It may very well be that he was inspired by the 2000 “Water War” in Cochabamba, where residents mobilized against water privatization. Initially this was a group of low-income urban residents and farmers on the city outskirts, many of whom spoke Quechua. The leaders soon discovered that framing their struggle in terms of ancestral rights and invoking Andean deities gained them more traction with the international press, and the

movement began to articulate an explicitly Indigenous struggle (Laurie, Andolina, and Radcliffe 2002). It was also the case that the Aymara leader, Felipe Quispe, was successfully mobilizing in the highland area around La Paz with a very Indianist and specifically Aymara discourse. He enjoyed little national appeal, but he certainly got traction within the Aymara heartland.<sup>13</sup>

Even if he was a relative latecomer to the politics of indigeneity, Evo embraced the concept with energy and consummate skill. A broad and ecumenical concept of indigeneity worked well for Morales in providing him with the opportunity to present himself favorably on the international stage. In addition the scope of his conceptualization of indigeneity affords him the ability to articulate, with considerable success, a very wide range of discourses within Bolivia, such as the nationalization of natural gas, conflicts in the eastern lowlands dominated by a white minority, and the means to generally challenge the hegemony of the traditional white elite. Morales's ideology was self-consciously progressive: it sought to combat racism; place Indigenous women in positions of power; redistribute wealth to marginal people, especially offering provision for older people and children; and redistribute widely the benefits of extractive industries and agribusiness, thus undermining Bolivia's historical oligarchic tendencies. This is significant because the recent history of coca growing in Bolivia's Chapare region is the story of peasants and miners pushed out of the highlands as a consequence of drought, lack of investment, economic mismanagement at the hands of dictators, and neoliberal reforms in the 1980s, which hit the poorest hardest (Kohl and Farthing 2006). These displaced Quechua speakers settled in semitropical lowland areas, displacing the forest-dwelling Yuracarés and Yuquis peoples in the process.

On a national level he very quickly came up against a number of issues when his national policy of development and redistribution confronted small local groups who were able to invoke the constitution and legislation enshrining prior consent for development in Indigenous territories. A number of conflicts *between* Indigenous groups arose during Morales's time in office that appear contradictory if indigeneity is understood as a condition of shared oppression. Even more problematic is how to understand such conflict when the state presents itself as a protector of Indigenous people and even as an Indigenous state. What tools can Africanist scholarship provide to help understand this?



## Indigeneity in Comparative Perspective

Indigeneity in Africa and Asia differs from that in settler states such as Australia and Argentina. In the latter countries, who is and is not Indigenous appears to outside observers to be relatively straightforward. In Africa and Asia, indigeneity is presented as being controversial in that Indigenous identities have only been recently articulated since, among other things, resistance to power has been framed in terms of colonial relationships where *all* non-Europeans are oppressed. Introducing the concept of indigeneity is seen by many political elites as a threat to a coherent national identity, and most African and Asian countries today resist recognizing Indigenous peoples within their national borders, if they do so at all. The issue of indigeneity in Latin America, in contrast, is intimately tied to an *enduring* European colonization, while in Africa most countries have overwhelming majorities of citizens who are of non-European descent.

These differences, however, obscure some very important commonalities, and if Africanists do not draw on the experience of Latin America, the obverse is equally true. When Adam Kuper (2005) opened up a controversial set of issues in which he questioned indigeneity as an anthropological concept, it was almost entirely Africanists who contributed to the debate (but see Ramos 2003; Canessa 2018). Kuper focused on Indigenous peoples as hunter-gatherers and their immediate descendants as somehow embodying an *Urkultur* whose assumptions much of his discussion set about undermining. Although the issue of hunter-gatherers does not resonate with many Latin American Indigenous peoples who have engaged in settled agriculture for longer than some European groups, both debates point to the problems of seeing indigeneity as primarily rooted in a long history and ancient culture. These debates also demonstrate the arbitrariness of favoring one set of marginalized peasants over another.

We do not agree with Kuper that the solution is for anthropology to ditch indigeneity as a concept altogether. Indigeneity is an increasingly useful way for marginalized peoples to engage with the world, and it has considerable meaning for many people. The challenge is how best to understand it and develop analytical tools to distinguish between different kinds of Indigenous discourse.

The relative powerlessness of Indigenous people is clear in the definitions offered by the UN and ILO 169 as well as in Saugestad's (2001, 43) attempt

at synthesizing definitions. As a consequence, analytical tools have not been developed to deal with situations where Indigenous people *are* dominant either in a region or, in the case of Bolivia, nationally. If, however, we consider African examples, we can see many instances of indigeneity conceived as something shared by most nationals.

Seeing powerlessness as a characteristic of indigeneity contributes to an important sense of advocacy among many anthropologists who engage with Indigenous people—one with which we have great sympathy—but these may be put in a quandary when Indigenous people behave in ways that demonstrates a *lack* of respect for other cultures or when indigeneity is embraced by people who are not immediately recognizable as the ethnic “other” from a Western perspective.

In Bolivia, Camba elites of the eastern lowlands draw on the distinctiveness of lowland Indigenous culture to argue for autonomy from what they see as a highland Indigenous state (Fabricant 2009; Gustafson 2009b; Perreault and Green 2013). This is not unlike Afrikaner Boer attempts to seek recognition as an Indigenous people before the United Nations in 1995 in arguing that, since indigeneity is about “belonging naturally to the soil” and since Boers only exist in South Africa they, too, should be considered Indigenous. It is worth noting that Dutch speakers on the southern Cape self-identified as African to distinguish themselves from more recent European migrants. At any rate, these two illiberal examples of indigeneity clearly illustrate the ways in which Indigenous discourses do not fall neatly into the realm of the unambiguously oppressed.

Until now we have focused on Indigenous identities and discourses from the margins of state enterprises. It is also, however, the case that discourses of indigeneity are not only espoused by people on the margins but may also be articulated by majoritarian peoples at the state’s very center who may feel marginal or disenfranchised and who use indigeneity discourses to lobby for greater resources, rights, or inclusion more generally. This is a relatively new kind of indigeneity discourse in Africa and Latin America (an exclusionary sense of belonging within a nation-state has a much longer history in Europe), but it is growing rapidly as indigeneity gains global currency and may be quite at odds with the political interests of those at the margins of the state. The fundamental difference between these two discourses is profound even as the differing ethnic and political identities they produce are rarely, if ever, discussed.

## Majoritarian and Minoritarian Discourses

In many parts of Africa, some states have developed strong discourses surrounding autochthony: in Cameroon and in other West African countries the concept appears to be linked with a populist nationalism and nativist citizenship, unlike in Europe, where majoritarian peoples express anxiety about those whom they classify as various kinds of incomers, including people displaced by colonial states. These are distinguished from “Indigenous people” who are marginal and clearly different from the majority population.

An example is the Baka of Cameroon (Leonhardt 2006) who, despite having occupied their territory for at least as long as anyone else, are not considered to be citizens. As Leonhardt (78) notes, “Baka citizenship exists only on paper. It is also apparent that even where it exists on paper, it is often only in the form of an absurdity.” On the other hand, Baka’s lack of citizenship means they can escape much of state bureaucracy, including the payment of taxes, as well as the gendarmerie. Leonhardt gives examples of contemporary Baka even today abandoning their settled lives to return to the forest, perhaps to escape the demands of their bosses or the state.

Because they are not “people of the soil,” Baka hunter-gatherers are not considered full or even adequate citizens; they simply do not have the same stake in the country. As people of the forest, they are seen as Indigenous. But paradoxically they are not considered autochthonous, for the discourse about autochthony is tied to citizenship and the state from which they are excluded. This association of indigeneity with marginality and cultural distinctiveness is underlined by the case of Mbororo, who are historically Sahelian pastoralists, some of whom have settled in Cameroon and consequently cannot claim priority (i.e., they were there *before*) but are often recognized (e.g., by the United Nations) as Indigenous because of their cultural distinctiveness and different way of life, even if they are not recognized as being autochthonous in Cameroon because of their status as migrants (Pelican 2009).

Mbororo migrating pastoralists and Baka hunter-gatherers demonstrate that the key characteristic of being Indigenous (but not, in Cameroonian terms, autochthonous) is marginality from the state. It does not matter that Mbororo settled within the borders of Cameroon within living memory and that Baka occupied their lands long before their neighbors arrived; what matters is their real or perceived lack of assimilation into the state. There are similar examples of Indigenous people in Asia who are defined much

more in terms of difference from the majority population than through long residence in a particular place. The key issue here is whether indigeneity is articulated as a majoritarian discourse or one used to articulate the concerns of minority groups: indigeneity, even on the level of international discourse, is not really about originary peoples, strictly speaking, or cultural distinctiveness per se, but about the ways in which groups are incorporated into the state. It is this differing relationship with the state that produces meaningful ethnic distinctiveness.

## Claims on the State and Claims against the State

Peter Geschiere notes, “One of the nodal points in the ambiguities surrounding the surge of autochthony and other forms of belonging is . . . their relation to national citizenship” (Geschiere 2009, 24). The relation between indigeneity discourses and citizenship—that is, the way individuals relate to the state—is profoundly important. There are, of course, different ways one can relate to the state. Africanist scholarship can help us elucidate the difference between Indigenous claims *against* the state (typically by marginal peoples, *indigènes*) and Indigenous claims *on* the state (typically by majoritarian peoples, *autochtones*). Within the framework of this book, the former are “savages” and the latter are “citizens.”

In practice, however, and especially as it becomes increasingly difficult to avoid the state, Indigenous people may deploy both tactics. They may seek resources from the state even as they wish to diminish its influence. This is particularly the case when an ethnic group is in the process of becoming assimilated. Juliet Erazo (2013) gives the excellent, detailed example of the Kichwa community of Rukullakta in eastern Ecuador, where an effort to consolidate Indigenous territory involves complex (and sometimes contradictory) relations with the state as people attempt to develop new disciplines of citizenship (both within Rukullakta and within the Ecuadorian state) and disciplines of sovereignty. Many of the tensions that this work details arise from the fact that Rukullakta leaders are both making claims on the state and against it as they simultaneously seek inclusion and autonomy. In this case, seeing the tensions in terms of their different claims offers a point of illumination in a complex situation.

Ecuador offers another very good example of how Indigenous discourses can traverse ethnic identity with the case of the Shuar, some of whom actively

flee the state, while others are rapidly assimilating and still others negotiating between the two poles. Each of these groups embraces different claims against and on the state, with those rejecting the state making the clearest claims against it, those most assimilated regularly making claims on the state, and the ones with a more ambiguous position employing a mix of the two (Buitrón 2016). In Peru, Evan Killick's (2008) work among the Ashéninka offers an example of how land titling is a move toward autonomy, principally directed as a claim *against* the state, which produces tensions when the process creates situations where claims are made *on* the state.

Thinking in terms of claims on or against the state is useful in understanding different Indigenous positions vis-à-vis the state. That they may be held in tandem points to contradictions and tensions in the ways states relate to Indigenous peoples and vice versa. In Bolivia, the state has tried to offer both models, which has created conflict and confusion: its majoritarian discourse is at odds with its recognition of, for example, territorial rights of specific groups. It is thus inevitable that its positions appear contradictory. Its move from an Indigenous discourse that is insurgent and counterhegemonic and that brought the government to power is at loggerheads with its conversion to indigeneity as a hegemonic discourse—a language of governance—around which the nation can identify.

## Hegemonic and Counterhegemonic Discourses

Burman (2014) distinguishes between hegemonic and counterhegemonic discourses of indigeneity in relation to Bolivia. These hegemonic Indigenous discourses are not largely held by people rooted to historic territories within the state. Rather, they are deterritorialized in the sense of being urban, landless, or simply without a strong sense of belonging to particular ancestral lands. The cultural expressions of their indigeneity are broad symbols (such as the coca leaf) rather than daily community practices. Hegemonic Indigenous discourses may be espoused by the state itself or majoritarian people within it and can often be used to exclude outsiders such as immigrants or other Indigenous peoples who do not enjoy full citizenship.

In contrast, counterhegemonic indigeneity is a claim against the state. Indigenous people who articulate this discourse may or may not be the more original inhabitants, but they are best understood in terms of their marginality from their state. They are typically territorialized in the sense that they

have a strong attachment to ancestral territories or, alternatively, a particular way of life, for example, as pastoralists. Their salient feature is their weak citizenship and their vulnerability within the nation to land claims against them as well as dispossession, exploitation, and racism.

National hegemonic indigeneity has, by definition, a wide reach and is particularly linked to a certain kind of state formation (see Geschiere 2009, 129). In fact it shares many features with nation-building programs from nineteenth-century Europe onward that attempt to form new national identities around shared symbols. These may very well draw on local cultures but are folklorized as they make the move from being rooted in community or religious life into symbols for the nation. As with any nation-building project, there will be much, often eclectic, invention of tradition as first outlined by Hobsbawm and Ranger (1983).

Not all Indigenous groups have equal access to this nationalist hegemonic discourse. Counterhegemonic discourses of indigeneity are the kind we might associate with the Baka of Cameroon, the San of Botswana, and the Moxetenes, Tsimanes, and lowland and southern highland groups in Bolivia in struggles against the self-styled Indigenous government of Morales. The San and Bakgalagadi of the Central Kalahari Game Reserve live in a state where “everyone is Indigenous” but have recently successfully won a court case against the government where they represented themselves as Indigenous people, in effect compelling the state to recognize their (differing) Indigenous status (Sapignoli 2018). There are obvious echoes here with Bolivia, where if the state has not formally recognized everyone as Indigenous, the president declared in 2007, “We are all originary people [*originarios*]. Some of us are millenarian originary people; others are contemporary originary people who arrived more recently, but in the end are originary [too]” (Brockmann Rojas 2012). We have translated *originario*, perhaps inelegantly, as “originary,” but we might easily have chosen “Indigenous” or “autochthonous.”

Current tensions in Bolivia are often seen in simple terms between highlanders and lowlanders (Perreault and Green 2013), that is, difference rooted in history and culture. Conflict is thus seen in ethnic terms, but in fact the real tension is between those who articulate a marginal Indigenous discourse rooted in local practice and autonomy and those who articulate a national Indigenous discourse, some of whom are colonists but many others of whom live in cities. For the former, indigeneity is a discourse relating more closely to autonomy over land, whereas for the latter it is much more about a national

identity that includes them at the center and, moreover, where the nation's resources are to be exploited for their benefit in particular. Many highland groups, although once ardent supporters of the president and, like him, with roots in Aymara peasant communities, may nevertheless be alienated from the modern Indigenous statecraft that seeks to create a national indigeneity and is suspicious or even hostile to local groups seeking autonomy, even in the highlands (see Canessa 2014). The Morales government was in open conflict with CONAMAQ,<sup>14</sup> a group that represents primarily the southern highlands where many communities are still organized in *ayllus*, ancestral political units used since pre-Inkan times across the Andes (Burman 2014).

In 2011, CONAMAQ came out in support of the lowlanders' TIPNIS (Territorio Indígena Parque Nacional Isiboro Século) movement seeking the protection of their territorial rights because they share a common set of interests based on territorialized identities "in the sense that territory was at the heart of their political positions and their configuration of Indigenous identities" (Burman 2014, 263). We shall deal with the TIPNIS case in greater detail in chapter five, but here we would just like to note that, despite historical enmity between highlanders and lowlanders, Burman's research explicitly shows that CONAMAQ overcame their cultural antipathy toward lowlanders in the course of the development of an Indigenous (as opposed to Indianist) politics since the 1990s.

CONAMAQ and other lowland groups share a counterhegemonic discourse of indigeneity against the state: even though the communities CONAMAQ represents have profound historical and cultural differences with lowland Indigenous groups, they share a particular position vis-à-vis the state, and it is on this basis that the alliance was forged.

The indigeneity of CONAMAQ leaders is thus very different from that embraced by Morales even if they are from the same ethnic group. It is no coincidence that, unlike Morales's coca growing supporters, CONAMAQ represents people with clearly defined historical territories quite different from the deterritorialized people who made up the majority of the president's support.

## Territorialized and Deterritorialized Indigeneity

Of course, these "deterritorialized" groups are only such in terms of their geographic origins. Perhaps a better way of looking at the issue is in terms

of the scale of the territory that people imagine: there are those that see themselves as Indigenous because they belong to a defined territory within the state and others who see themselves as Indigenous because they have a structural and historical position within the entire territory of the state.

In Bolivia, deterritorialized coca growers are by no means the only group who access national indigenism. In her work with landless peasants (deterritorialized *par excellence*), Fabricant (2012) has shown how these groups synthesize histories of struggle from highland and lowland groups in their struggle for land. These are people who mostly do not speak an Indigenous language and are obviously *not* rooted to their land since access to land is their principal platform. They do nevertheless index indigeneity as a source of moral positioning and claim to justice on the basis of a history of struggle and past injustice. The symbols of Tupak Katari, the eighteenth-century Aymara leader, are important not simply as a source of inspiration but as an articulation of a moral position, a sense of justice. Landless peasants see themselves as the Indigenous dispossessed and direct their anger not against other Indigenous people but at large-scale landowners. They are a very clear example of people who use indigeneity to make a claim on the state that, since the election of Evo, they see in some sense theirs.

Deterritorialized people's indigeneity coalesces around key symbols, such as historical figures or the coca leaf, but is not generally rooted in daily practice. It is not simply that these symbols are easily acquired but rather that they differ from the cultural practices of people for whom "culture" is as much rooted in daily economic and social life as it is broad symbols of identity. For example, in the highland Aymara community of Wila Kjarka, people are simply unaware of many of the symbols of national indigeneity. Their indigeneity is rooted in a community life with reciprocal labor practices and a set of rituals that bind the community and ancestors together. For Wila Kjarkeños, migration to the city and a change of lifeways quite simply entails a loss of identity; one is simply no longer jaqi, that is, fully human. Their indigeneity is very different from that articulated by the president even if he, too, identifies as Aymara. Though they might belong to the same ethnic group, they are Indigenous in profoundly different ways. Although indigeneity may appear to be principally about cultural and ethnic expression, it is, more accurately, a particular rights discourse that can cut across ethnic identity.

Ironically, one of the consequences of this national indigeneity is that it threatens to exclude those marginal people who have less access to this



symbolic capital—those who in other circumstances might unambiguously be described as Indigenous, a situation strikingly similar to that of some marginal peoples in Cameroon (Pelican 2009).

## Symbolic and Substantive Indigeneity

Geschiere and Nyamnjoh (2000, 424) note that this national discourse of belonging is a new “emptier” form of ethnicity. “Emptier” in the sense that it does not need to be rooted in cultural practice but rather that it can coalesce around a broad set of shared symbols. Writing about Baka Pygmies, Leonhardt (2006) notes the difference between “symbolic” and “substantive” autochthony. Baka have the former; that is, they can index a distinct lifestyle and cultural difference but cannot translate this into substantive autochthony that relates to citizenship and relations with the state (see also Geschiere 2009, 98). Coca growers in Bolivia may have a weaker claim to an Indigenous status—that is, their symbolic indigeneity is less secure—but they are in a much better position to translate whatever symbolic indigeneity they have into substantive gains.

People such as Tsimanes and Ese Ejja in Bolivia, two of the least assimilated lowland groups, may have strong symbolic indigeneity but are too clearly aligned with the primordial (if internalized) “other”—much like Baka of Cameroon—to turn their symbolic indigeneity into something substantive. They cannot speak for the nation the way other groups can and still hold to a marginal indigeneity from which they can lobby against the state using their international networks and NGO support. This is why Morales’s (Indigenous) national government was so suspicious of international Indigenous NGOs.

## Conclusions

Indigeneity is a globalized discourse, and people’s consciousness as Indigenous peoples is formed and framed in the processes of national and international mobilization, flows of ideas, and the resources of NGOs, the UN, and others who hold seminars, courses, and internships where Indigenous leaders are formed (Escárcega 2010). As a consequence, the differences between, say, Botswana and Bolivia are much less salient than one might suppose,

and scholars of indigeneity can draw much from each other across regions of the globe.

The Africanist discussion of autochthony versus indigeneity may seem, at first glance, to be utterly obscure in terms of a Latin American experience of five centuries of Indigenous struggle, whereas in Africa, in many cases one cannot even count five decades. In this sense, Aymara-speaking people of Wila Kjarka in highland Bolivia that Andrew Canessa has visited for over three decades have as much and as recent an Indigenous consciousness as, for example, the Baka of Cameroon. These new expressions of indigeneity and the global politics they articulated were fundamentally different from what had gone before; it should not surprise us that, even if they inevitably draw on a particular history, they have much in common with coeval expressions of indigeneity across the world.

If one goes beyond the debates of indigeneity and autochthony as classificatory problems and instead traces their content in terms of rights discourses and, in particular, the specific relation to the state each seeks to articulate, then a confused landscape becomes suddenly much clearer. More importantly, the debates about autochthony and indigeneity in Africa point to different ways Indigenous discourses can be deployed. The fundamental difference is that the former is a claim on the state and imagines a belonging that covers the national territory, whereas the latter is a much more localized discourse articulated by people who are on the margins of the state.

This formulation allows one to distinguish between different groups in countries such as Bolivia, where there is a myriad of Indigenous groups—each with their struggle—who may yet be in conflict with each other. It is not a matter of who is “more” Indigenous but rather of seeing the different claims made on the basis of indigeneity.

As the globalized concept of indigeneity continues to evolve, growing numbers of people will identify and mobilize as Indigenous. This makes it increasingly important to move from seeing Indigenous people as sharing a basic position and experience to distinguishing between different kinds of Indigenous discourses. The Africanist literature has inspired us to see that there is a fundamental difference between the Indigenous discourses of majoritarian populations and those who struggle against the state. Seeing the former as illiberal and the latter as progressive is inadequate because the sense of dispossession and marginality people feel is often highly contextu-

alized and nuanced. Even within the same small group there may be, and in fact will almost certainly be, important differences. In fact, as we have illustrated above, there may be different expressions of indigeneity within the same ethnic group.

Looking at indigeneity and conflict in Bolivia and West Africa illuminates the binary nature of Indigenous discourse. In this chapter we have identified five nested pairs of concepts, each pair allowing for a differing, but intimately related, perspective on Indigenous discourses. Together they offer tools for analysis with which not only different Indigenous claims can be distinguished but also with which we can put power relations and relations with the state at the center of our analysis.

In the next chapter we look at how Indigenous women in Ecuador creatively use these differentiated power relations to effect meaningful change.

## CHAPTER 4

# Sovereignties Within

### *Kichwa Women Shaping Sovereignty in Ecuador*

#### Introduction

If Indigenous people are regularly excluded by the state, Indigenous women are omitted doubly so. They are regarded as being “more Indian” than men (de la Cadena 1995; Nelson 1999), which makes them even more marginal to world politics. Yet despite being excluded by modern states, Indigenous women have nonetheless influenced politics, contested colonial states, and taken up arms when necessary. If Amazonia was named after the fierce warrior women battling city-states in ancient Greece, it is because women regularly took up arms against Europeans—for example, in 1541, when Francisco de Orellana’s expedition first journeyed down the Marañón River. In Amazonia, as in Antiquity, women who exercised political agency with autonomy were framed as barbarians and located outside the borders of civilization. The Aymara general Bartolina Sisa terrified Spanish colonizers during the 1781 siege of La Paz, Bolivia, leading her own troops as she articulated military tactics with her partner, Tupak Katari. In Ecuador, Indigenous women led the 1803 uprising against taxes in Guamote, and it was women like Manuela León who led the armed insurgencies against forced labor in the nineteenth century. In the twentieth century, hundreds of Kichwa women, such as Dolores Cacuango, led the 1930s peasant strikes that changed the course of Ecuadorian history (Picq 2018). Women were not an exception in politics but the rule. In fact, Mama Dulu, as Cacuango was called, is remembered in

popular culture for saying *we are like the grass of the paramo, growing back when they tore us apart . . . and of paramo grass we will sow the world.*

These few historical anecdotes offer but a glimpse of how Indigenous women have been co-constitutive of modern states in Latin America, making claims on the state and shaping the contours of sovereignty. There is nothing new about Indigenous women forcing the hand of colonial states, and if they have remained invisible from historical accounts, it is because history was written by (and for) masculine states that intentionally erased them (Den Ouden 2012; O'Brian 2010). Their lasting invisibility as political actors speaks more of the eurocentrism of disciplines focused on state sovereignty that overlook racialized and gendered subalterns and of the ongoing inability of modern states to recognize Indigenous and feminine forms of political agency than of their de facto marginality. In this chapter, we look at how state sovereignty is shaped in unexpected places by unacknowledged Indigenous women (Deloria 2004) by telling the story of a small group of Kichwa women who created an international milestone when they achieved gender parity in the administration of justice during Ecuador's 2008 constitutional reform.

The Kichwa women of Chimborazo successfully advocated to add legal language to Ecuador's constitution guaranteeing women's decision-making power in the administration of Indigenous justice. They created the first constitution in Latin America to explicitly guarantee Indigenous women's rights to self-determination and the first worldwide to require the equal participation of women in the administration of Indigenous justice—or any justice for that matter. The Kichwa women set a milestone for legal sovereignty in the world, but this extraordinary achievement has been largely overlooked, discounted like the Indigenous women it represents. Being women *and* Indigenous, the Kichwa authors of this unprecedented legal achievement are deemed irrelevant in state politics and continue to be viewed as subalterns who cannot speak (Spivak 2007). The definitional violence of settler states, as we explain in chapter 1, serves not only to homogenize but to erase Indigenous agency—doubly so when the Indian is a woman. They are, as the Uruguayan writer Eduardo Galeano (1989) puts it, “nobodies . . . who are treated as no one,” “who are not, even when they are.”

Despite the recent emergence of Indigenous voices in the global fight against the climate collapse, the popular view is still by and large that Indigenous peoples are the antithesis of modern world politics and that Indigenous women are passive subjects at the margins of global politics, at best raising

their voices from places of nature to protect a state of nature. Such views not only reinforce Eurocentric approaches that assume Europe and North America are the main origins (and drivers) of international relations (Ling 2014, 4–7), they also contribute to the poverty of theoretical debates on the future of sovereignty. When we fail to recognize what Kichwa women achieved, we also ignore how they are constantly shaping rights to self-determination, and thereby sovereignty. Without Indigenous women, theoretical debates are blinded, unable to comprehend how legal reassemblages from below are disrupting state-centric understandings of legal sovereignty as state-based, singular, and homogenous.

The Kichwa women of Chimborazo prove Bodin (see chap. 2) wrong as they show that sovereignties *can* exist in the plural, overlapping and complementing one another to expand, rather than block, access to justice. Rural Kichwa women from the Ecuadorian highlands, many of them illiterate, had the pragmatism and the creativity to move beyond the unicity of sovereignty held by the state, à la Bodin, to put into practice Indigenous forms of self-determination that are interwoven in external legal systems, as in the Haudenosaunee Confederacy of Chief Deskaheh. The experience of Kichwa women in Ecuador is a key example of how territorialized practices of Indigenous self-determination may relate to the state yet remain autonomous from it, in contrast to Evo's plurinational state in Bolivia that we discuss in chapter 5. Gender is a core feature of their struggle. Since “the state is a man,” as Audra Simpson (2014) puts it, true self-determination is about restructuring relations of domination from sovereignty to patriarchy (Kuokkanen 2019).

The following pages tell the story of Kichwa women framing justice in Ecuador and what it means for sovereignty everywhere. Members from the Red Provincial de Organizaciones de Mujeres Kichwas y Rurales de Chimborazo (REDCH), the provincial network of Kichwa and rural women organizations, developed new rights to protect Indigenous women and successfully—almost single-handedly—inscribed them in the constitution. The gender clauses established for Indigenous rights set a unique legal precedent for Indigenous women across Latin America and for women's rights globally. Kichwa women strategically wove international norms and constitutional law to reinforce autonomous forms of community justice, practicing interlegality as they made various legal systems interact. *Interlegality* is often used to refer to the interpenetration of state law with Indigenous law, indicating the porosity of multiple legal orders as they become superimposed. Inter-

legality implies overlapping legal authorities and sometimes sovereignties. Theirs was an innovative practice of interlegality in which Kichwa women combined international, national, and local legal systems to relocate authority from the state to their communities, expanding vernacular forms of sovereignty within the state.

## From the Highlands to the Constituent Assembly

Indigenous women are vulnerable to imbricating forms of structural violence both from the state and in their communities. Their lives are marked by the overlap of racialized and patriarchal patterns inherited from historical colonial processes and reproduced within their own communities. Domestic and sexual violence is a daily concern as Indigenous women report extremely high levels of sexual violence, with the unparalleled numbers of missing and murdered Indigenous women in the Americas called a public epidemic and recognized as an ongoing form of genocide in Canada (Deer 2015; Özsü 2020). In Ecuador, Kichwa women report pervasive physical, verbal, and psychological violence throughout their adult lives: “they tell us we are stupid. . . . If we seek medical care after being beaten, they accuse us of wasting money; they beat us more if we threaten to tell the community” (Cucuri 2007, 40). In the Alausí parish of Chimborazo, over 60 percent of women report suffering domestic violence and only seven out of 243 organizations in the province were presided over by women.

For them, there is no good way to seek redress from violence. Although 60 percent of Indigenous women suffer violence, less than one percent of them reports asking for help.<sup>1</sup> Women trust neither state nor Indigenous justice. On the one hand, ordinary state justice offers laws based on gender equality even though in practice it is inefficient, costly, and discriminatory. Women nicknamed ordinary justice “archival justice,” referring to a system that records complaints yet rarely brings charges; they are simply filed away. On the other hand, Indigenous justice is accessible, immediate, local, in the Kichwa language, and geared toward reconciliation. However, it tends to silence cases of domestic and sexual violence against women. Many see Indigenous justice as “pernicious” for women and “benevolent” toward men, giving more attention to stolen animals than to beaten women (Cucuri 2007, 45). In practice, Kichwa women are stuck between the inefficiency and injustice of racism and sexism (Cumes 2009; Sieder and Sierra 2010).

The province-wide, grassroots organization REDCH articulated the needs and voices of about two thousand Kichwa and rural women in Chimborazo, a province in the Ecuadorian highlands marked by colonial violence and stricken by poverty. One of women's most common concerns was access to justice. Workshops run by REDCH showed concerns regarding the administration of justice with women asking to participate in ancestral councils in order to achieve forms of justice unbiased against women. "We should do justice. . . . Women groups should call out on men who rape . . . and actively participate in the application of Indigenous justice" (Cucuri 2007, 48). They were not interested in asking for rights within formal state justice, which failed to deliver the gender equality demanded by middle-class urban feminists and was even more unlikely to attend to Indigenous women's needs, so they opted to bring women as judges into Indigenous systems of justice. These systems were certainly far from perfect and also failed women, but they were at least free of charge, rooted in their lived experiences, most easily accessible, in their own language, and most prone to being influenced by Indigenous women. They felt there was greater chance of reforming decision-making power in Indigenous councils than in wielding influence in the sphere of state jurisdiction (Cucuri 2007, 46).

The opportunity came in 2007 when newly elected President Rafael Correa called for a constituent assembly that he promised would be the most inclusive constituent process in Ecuador's history. All sectors of society were invited to contribute proposals. The Constitutional Assembly president, Alberto Acosta, echoed Correa, pledging the incorporation of traditionally marginalized sectors such as Afro-Ecuadoran and Indigenous peoples. The assembly, held in the town of Montecristi, became a strategic window of opportunity to bring Kichwa women's agendas to the national stage. The Red took the challenge to push forward gender parity within Indigenous forms of justice.

The Kichwa women from Chimborazo had two goals. First, they sought to incorporate international women's rights within Indigenous forms of governance; that is, they wanted the same access to rights as non-Indigenous women. Second, they hoped to gain political relevance in their communities, asking the Indigenous movement to value women in the same way it values water and territory. It was an ambitious project, but nobody uttered the word *impossible*. Cucuri recalls the atmosphere of doubt permeating the room before the decisive vote: they were about a hundred women, and all felt it



was an almost impossible dream to change the constitution, but they still rose, voting to take the proposal to the Montecristi Constituent Assembly.

The road to shaping the constitution was paved with obstacles, and they struggled to define the legal language of their proposal. They first sought the legal advice of Ximena Endara, a prominent Quito lawyer specializing in Indigenous rights. To their surprise, the lawyer rejected their proposal as technically impossible. Endara declared that collective rights could not be subjected to external standards, especially those that included gender clauses that were alien to Indigenous values. Endara defined women's political rights as an individual human right antithetical to concepts of collective rights to culture. She determined that individual women's rights were legally irreconcilable with principles of Indigenous autonomy.

Disconcerted but undeterred, Cucuri and her *compañeras* asked why women's rights did not belong in their communities. As the lawyer explained that the gradual construction of international women's rights came mostly from a history of struggle starting from the early suffragists all the way to UN Declarations, Cucuri noticed that while this narrative historicized women's rights in the West, it also showed that global women's rights had been first imagined, then created. These were not "natural rights" but radical ideas that had been progressively accepted through decades of advocacy and eventually converted into law. Endara saw "global" women's rights as invented to change sexist legal systems in a specific time place, yet she rejected the possibility of constructing similar rights for Indigenous women in an Indigenous context. This was Cucuri's "eureka" moment, "We Indigenous women also want to invent rights to live better lives."

Kichwa women had to rely on themselves to identify the legal frame of their demands. They were partly inspired by the 1994 Women's Revolutionary Law promulgated by Zapatista women in Chiapas, Mexico. Majors Ramona and Susana had spent four months traveling across communities listening to women's concerns in order to draft the law, whose ten principles became a model for many Indigenous women. The law secures women's political rights to "participate in the revolutionary struggle" (Art. 1) and "community matters" (Art. 4), "to occupy positions of leadership" and "to hold military ranks in the revolutionary armed forces" (Art. 9). It covers socioeconomic rights "to work and receive a just salary" (Art. 2) and rights to health, nutrition, and education (Art. 5, 6). The law explicitly guarantees sexual rights (Art. 3, 7), stating that rape would be severely punished (Art. 8).

The law brought women concerns to the forefront of Zapatista resistance, proving that claims for gender equality could be combined with claims for self-determination (Speed et al. 2006).

This Women's Revolutionary Law established a political precedent, but it was a declaration of rebellion, not an official legislation adopted in the Constitution of the Mexican state. Cucuri needed to find state-recognized jurisprudence that explicitly set forth Indigenous women's rights. She turned to early drafts of Bolivia's Constitution, which epitomized the expansion of Indigenous rights under President Evo Morales. Indigenous women were central actors in Bolivia's constituent process; however, after reading the entire constitution online, Cucuri found no explicit mention of Indigenous women's rights. Neither the articles on Indigenous justice (Art. 199, 200, 201) nor on collective rights (Chap. IV) offered gender-specific language. Bolivia's constitutional process went a long way toward establishing the collective agency of women, establishing norms on gender parity, increasing women's access to land, and securing economic rights for poor women such as domestic workers and the *cocaleras* (Rousseau and Hudon 2017; Farthing and Grisaffi 2022). But it failed to create specific legislation for Indigenous women within the sphere of collective rights.

Lacking a lawyer and constitutional models, REDCH turned to international human rights norms. The strategy was to hold Indigenous governance accountable to the same international declarations already ratified by the Ecuadoran state. To do so, women combined principles of gender equality from two international treaties, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and UNDRIP. The Convention on the Elimination of All Forms of Discrimination against Women was ratified by Ecuador without reservations in 1981. Its cornerstone is the principle of equality between men and women and the prohibition of discrimination (Art. 1, 2), encouraging national laws that embody gender equality (Art. 3), calling for change in discriminatory social and cultural patterns, and establishing rural women's rights in land reform and resettlement (Art. 14). Despite its all-encompassing legislation, however, CEDAW does not single out Indigenous women. So REDCH turned to UNDRIP, passed that same year, which refers to Indigenous women on three occasions. Articles 21 and 22 encourage "special attention to the rights of women" and the adoption of measures to ensure full protection against forms of violence and discrimination.<sup>2</sup> Article 44, though extremely concise, constitutes an explicit safeguard in

international law: “All the rights and freedoms recognized herein are equally guaranteed to male and female Indigenous individuals” (UNDRIP 2007, Art. 44). This short article became the focal point of REDCH’s strategy. Kichwa women were not reinventing the wheel: they were simply asking for the local validation of basic rights recognized internationally. The final proposal demanded the incorporation of “gender parity” and the “full participation and decision-making of women” in collective rights law.

After months framing their legal proposal, REDCH members faced the most difficult challenge: advocating for Kichwa women in the Montecristi convention. They sustained months of lonely, arduous advocacy, as Ecuador’s Indigenous movements did not support women’s initiatives, which they deemed either irrelevant to self-determination or a claim that undermined political cohesion (Picq 2018). Manuela Picq’s (2018) work on the constituent assembly show that Ecuadorian women’s movements, in turn, did not pay much attention to Indigenous women claims, which they considered to be cultural concerns, dismissing them as being of lesser importance. Both the feminist women’s coalition and the Indigenous social movements were presenting broad proposals to the constituent assembly, yet neither was interested in supporting REDCH’s agenda. Kichwa women had to champion their cause alone.

It is important to note that Kichwa women in Ecuador, in contrast to Indigenous women in Bolivia, were not seeking social or economic rights within the state but rather rights to self-determination for Indigenous women. In other words, Indigenous women were using the state to inscribe their rights to self-determination into state law so that they could then generate autonomous forms of justice on their territories in their own terms. The politics of Kichwa women illustrate what we argue throughout this book, which is that indigeneity is co-constitutive and relational to the state. Kichwa women generate their own solutions but in a politics relational to the state, using the constitution, and therefore the state, as a medium if not an end. Inevitably their claims lay beyond traditional feminist claims to gender parity, as they are not seeking rights of citizenship but autonomy to restructure relations of domination in their own terms within their own territories.

Members of REDCH went to the Montecristi Constitutional Convention without any coalition partners, but drawing on existing international treaties, they sent an open letter to all participants framing the political campaign they were about to launch. Signed by 120 Kichwa women from REDCH, the letter cited Article 44 of UNDRIP to remind assembly participants that

CEDAW's principles of gender equality were valid for Indigenous women; that Ecuador had ratified both the CEDAW and the relevant UN treaties; and therefore, that the constituent assembly had the responsibility to guarantee global human rights equally to both Indigenous women and men.

There were a number of obstacles to getting REDCH's voice heard. First, organizational logistics were demanding. Montecristi was a day's journey by bus on the coast, and REDCH members were, for the most part, peasants with agricultural, household, and family care responsibilities in the highlands that they would be chastised for abandoning. Travel implied immense practical behind-the-scenes arrangements, especially in securing help to cover their chores at home and in the fields, along with care for children and animals. This required extended family support, with fathers, husbands, and children taking over women's responsibilities at home and in the fields to allow them the recurrent travels to the coast, thereby resignifying women's roles in their communities toward a public, political agency. For about a year, women participated actively in advocacy at Montecristi in person, by phone, and at times through the internet, taking turns to ensure REDCH's regular presence in the assembly. The two main coordinators, Cristina Cucuri and Sara Sayay, often spent half of the month in Montecristi.

The second obstacle was to get a chance to speak in Montecristi. Initially, Kichwa women had to sneak into the assembly buildings by hiding in the cars of supportive female legislators. Once inside, some male legislators actively resisted women's parity claims as "contrary to Indigenous philosophy."<sup>3</sup> Kichwa women received little attention from legislators, having to persevere to have their claims taken seriously by a small group of female and male allies. Eventually, REDCH members were granted the opportunity to present their agenda to the whole legislative floor. Wearing their traditional *anakos*,<sup>4</sup> women gave voice to the physical violence and threats they face; they complained about the complacency of men who controlled traditional Indigenous justice systems. Their initial letter calling upon the assembly to abide by article 44 of the UN declaration was followed up with more technical memos explaining why it was crucial to bring gender rights to Indigenous justice and the specific legal language that should be added to existing laws.

Despite these obstacles, Kichwa women successfully staged three key presentations: at Montecristi's opening, during the negotiations, and before a final vote on the new constitution. This, in turn, met with opposition. National women's movement leadership accused the Indigenous women

of fragmenting the broader feminist coalition with their separate proposal, thereby putting the national agenda at risk. Indigenous leaders resisted giving them access to a space reserved for political elites. Kichwa women focused their presentations to gain support in the justice committee, recounting their experiences informed by data on violence against women. They explained that the first sexual experience of most Indigenous girls was rape. They had few ways to express the extent of the humiliation Kichwa women experience daily but were savvy in using available data on violence. These tactics had an effect: non-Indigenous legislators were disconcerted at the scope of violence against Indigenous women, while male Indigenous representatives, in turn, were baffled that Kichwa women had been bold enough to advocate for themselves in such an elitist political venue as the constituent assembly (Picq 2018).

Mauro Andino, the sole legislator from Chimborazo on the justice committee, charged that the insistence on gender parity within collective rights was a feminist import from the West, unrepresentative of Indigenous worldviews. Andino accused REDCH members of undermining ethnic cohesion during the assembly process, and he was not alone. Men appeared as upset by REDCH's presence in the highest corridors of power as they were outraged at their proposal. Instead of engaging in debate over substance, many men drew on common tropes to undermine women, asking Kichwa women on the public floor whether they were married and had children in a crude attempt to impugn their seriousness.<sup>5</sup> Support from other Indigenous women was not forthcoming either. Margarita Morocho, a legislator on the committee dealing with citizen's participation, was the sole Indigenous woman legislator from Chimborazo, yet she refused to support REDCH's proposal, claiming she had been elected to represent all Indigenous peoples, not only women.

Nevertheless, REDCH's proposal gained a few but strong allies, such as Mónica Chuji, a Kichwa leader from the Amazon who sat on the natural resources committee, and two members of the Justice committee, feminist lawyer Gina Godoy and the president of the justice committee Fernando Vega, a former priest turned leftist politician. Godoy brought REDCH members fully onboard, informing them when the committee would discuss issues related to Indigenous justice and helping to elaborate strategies to pressure legislators into accepting the concept of gender parity. Vega rallied enough support to threaten to reject Indigenous justice altogether in the new con-

stitution if the committee did not adopt a clause guaranteeing the participation and decision-making of women. Cornered, Andino reluctantly agreed to clauses explicitly incorporating women's rights within collective rights.

When the Montecristi Assembly approved a constitution a year later, three of its 494 articles explicitly guaranteed Indigenous women's rights. The 2008 constitution adopted the phrasing "guaranteeing the participation and decision-making of women" with regard to collective rights and incorporated language on gender parity and equality in six articles dealing with collective rights (Art. 1, 9, 10, 16, 17, and 22).

## Self-Determination with Equity

Like the women who fought for the equal rights of men and women in the 1945 charter of the United Nations (Skard 2008), Kichwa women insisted that their inclusion be stated explicitly in the text of the constitution. Collective rights became enshrined in Article 57, Chapter IV, which recognizes that "Indigenous communes, communities, peoples and nations are recognized and guaranteed, in conformity with the Constitution and human rights agreements, conventions, declarations and other international instruments." Gender-specific language comes up twice in the twenty-one subarticles that detail collective rights with regard to natural resources, education and the media, and the protection of territories where people live in voluntary isolation. Subarticle 10 explicitly integrates language from CEDAW into collective rights to justice: "To create, develop, apply and practice their own legal system or common law, which cannot infringe constitutional rights, especially those of women, children and adolescents." Article 57 ends with an additional freestanding statement: "The State shall guarantee the enforcement of these collective rights without any discrimination, in conditions of *equality* and *equity* between men and women."<sup>6</sup> This statement calls for gender parity within Indigenous rights. It explicitly establishes Indigenous women's rights to self-determination in equal and equitable terms with men.

The most prized item in the new constitution was also the most fiercely debated. Article 171 determined the participation and decision-making power of women in Indigenous justice:

The authorities of the Indigenous communities, peoples, and nations shall perform jurisdictional duties, on the basis of their ancestral tra-

ditions and their own system of law, within their own territories, *with a guarantee for the participation of and decision-making by women.*<sup>7</sup> The authorities shall apply their own standards and procedures for the settlement of internal disputes, as long as they are not contrary to the Constitution and human rights enshrined in international instruments.

The State shall guarantee that the decisions of Indigenous jurisdiction are observed by public institutions and authorities. These decisions shall be subject to monitoring of their constitutionality. The law shall establish the mechanisms for coordination and cooperation between Indigenous jurisdiction and regular jurisdiction. (Constitution of Ecuador, Art. 171)

Article 171 thus reaffirmed Indigenous autonomy to administer justice as long as it does not go against international human rights and constitutional rights; indeed, the Supreme Court remains the only legal instance with higher authority to appeal cases administered by Indigenous justice. The novelty in the 2008 constitution is the new obligation to guarantee women's participation in decision-making power as a third, external limitation on the scope of Indigenous jurisdiction. If previously Indigenous justice had to respect general human rights, now it also has to guarantee women's political rights. In combination, article 57 on equality and equity for collective rights and article 171 on women's participation with decision-making power in Indigenous justice frame the equal participation of women in the administration of justice, something unparalleled in the world, for Indigenous or non-Indigenous women. This means, at least in theory, that Indigenous women could appeal to the Supreme Court if there were no Indigenous women participating as judges and that a sentence could be invalidated if it does not count with women's judicial decision-making in equitable terms. This gender clause added powerful weight and normative leverage to women in the administration of Indigenous justice across Ecuador and set a legal precedent for women's rights everywhere.

The legal battle fought by REDCH achieved much more than rights on paper. In their advocacy, Kichwa women uncovered a political agency of their own. Their efforts before and during the Montecristi Assembly crystallized a political agility they themselves did not suspect. The invisible marginalized peasants from the poor highlands had become assertive, confident

advocates of women's rights to a national audience of legislators. They had managed to leave their homes, families, and fields to engage in public policy at the highest level in distant places. The Montecristi journey transformed who they were, how they perceived themselves, and, not the least, how they were perceived by Indigenous and non-Indigenous politicians. At least half of the REDCH members entered the corridors of power in Montecristi, facing politicians with whom they never thought they could interact.<sup>8</sup> Rural, illiterate women had the courage to articulate their demands to political elites. As they participated in drafting the constitution, they became actors of state-making.

It was a transformative experience generative of agency beyond the political. Most Kichwa women had never left the cold highlands of the Andes, let alone partaken in national politics. The initiative was bold, logistically and emotionally. They traveled long days in buses to reach hot, coastal towns that served ceviche<sup>9</sup> instead of quinoa, where women wore miniskirts instead of the long woolen *anakos*. Their advocacy marked a rupture with lives organized around caring for others. It was the first time they spent days in a row without cooking or caring for husbands, children, and animals. Many of them saw the ocean for the first time, listened for the first time to the sound of waves, which Kichwa speakers can only translate as *mamakocha* (big lake). Feminist and traditional Indigenous movements were initially reticent if not dismissive of the ability of Indigenous women to participate in politics, especially to contribute important legal criteria in a constituent assembly, but they were subsequently forced to acknowledge the determination and political skills of Kichwa women. Years later, Montecristi legislators (even those who had decried parity claims) lauded the tireless advocacy of Kichwa women.

It is very telling that such a revolution went virtually unnoticed. They were overlooked like Indigenous women are overlooked, indicating that racism is not only a practice that affects human interaction but institution-building too. Like most human rights legislation, the new law has been slow to gain implementation: far from automatic, the transition of law into practice has to go through a slow process of socialization. Nevertheless, the introduction of Indigenous women's rights in constitutional law was a major legal innovation. The legal reform was not only a powerful tool for improving the lives of Kichwa women. It constituted a legal, political, and conceptual milestone for the articulating of Indigenous and women's rights. This conquest differ-



entiated the implementation of universal rights and diversified the practice of democracy.

It is important to explain why Ecuador's new legislative framework is significant well beyond Indigenous women. The formal introduction of women's participation within justice and collective rights in conditions of equality and equity was a milestone in international law that expanded conceptualizations of women's rights. Ecuador's law guaranteeing women's equitable participation in the administration of justice is unparalleled in the world. Ecuador's constitutional reform established two unprecedented clusters of fundamental rights. The first is the introduction of a gender parity clause within collective rights. Indigenous rights that had long been treated as exclusive rights impermeable to external impositions (including from the global human rights regime) were now reconfigured in a way compatible with internal human rights norms but also made supportive of the rights of women and girls. This transformation dismantled any sense of legal impermeability: collective rights became accountable to international norms on gender equality under the law. Indigenous rights were subject to international gender norms, thus acquiring greater autonomy from the state. The second cluster of rights concern women's role in the administration of justice. The clause guaranteeing women's participation and decision-making power within the conventional judicial systems means that Indigenous justice is only valid if it includes women judges with authority to adjudicate. In both cases, Kichwa women invoked the international norms included in CEDAW and UNDRIP. This was groundbreaking in the articulation of international women's rights within collective rights to self-determination and universal human rights with exceptional rights to culture.

The double significance of this expansion of rights becomes evident when put in international perspective: neither cluster of rights existed elsewhere. Ecuador's constitution was the first to explicitly posit gender parity within collective rights. Over the last decades, Indigenous rights became enshrined in national legislation worldwide, but never had gender clauses. Most Latin American constitutions now recognize some degree of Indigenous autonomy, and in the Andes at least two states are now officially plurinational. Yet no country has established explicit laws for Indigenous women's self-determination. Both Rwanda's and South Africa's progressive constitutions are internationally acclaimed for setting the highest legal standards in women's rights by prohibiting gender discrimination and ensuring that women

are granted posts in decision-making organs, yet neither mentions women in the administration of justice, much less in collective rights. Even Bolivia's constitution, which grants the same authority to ordinary and Indigenous justice (Art. 179), does not mention women. Ecuador's 2008 constitution marked the first national legislation to cite women within collective rights. The same can be said about gender quotas. Quota laws brought women to the highest executive and legislative positions, with at least four Latin American countries electing women heads of state. Yet nowhere do laws on gender quotas target the judiciary. Nowhere, that is, except for Indigenous justice in Ecuador.

A strong legal system is a legal system that is used, and the more rights women have under Indigenous jurisdiction the more likely they are to use them. Interlegality strengthens Indigenous justice by socializing it. Kichwa women's creative contestation suggests that gender equality and self-determination can feed off each other. Their advocacy echoes Greta Gaard's (2001) distinction of "ethical contexts" and "ethical contents." Indigenous women endorse the "ethical contexts" of Indigenous judicial autonomy with the "ethical contents" of international women's rights. In the process, they forced Indigenous justice to be held accountable to international women's rights, which created a unique triangulation of legal systems to reinforce self-determination. What is unique about this story is that self-determination does not come in an either-or form but as a strategic weaving of multiple, at times complementary, authorities.

## Triangulating Legal Authorities

Ecuador's gender clause had to articulate three legal realms together because no one system of justice could single-handedly address Indigenous women's needs. Both state and Indigenous systems of justice left women vulnerable to violence and failed to protect them from racism or sexism or both. International human rights frameworks guaranteed them rights but offered no enforcement mechanisms, leaving a gap of implementation. Kichwa women had inaccessible international rights: Ecuadorian state courts mostly ignored them for being *indias*, and Indigenous community councils led by men had little incentive to overturn gender inequalities from which they benefited. Only their careful interweaving of the three legal systems could balance out the strengths and deficiencies of each. Kichwa women created a triangular

system of legal accountability to force Indigenous systems of justice to abide by international women's rights, using the state of Ecuador as guarantor. They engaged the state as a third party to hold Indigenous communities accountable to international human rights.

Accountability to international norms resulted in greater legitimacy for Indigenous justice. First, Indigenous justice became more accountable to gender standards with gender clauses that ordinary state justice does not have. This means that Indigenous justice now entails more comprehensive gender standards and, at least on paper, has more sophisticated affirmative action policies than non-Indigenous legalities. Second, Indigenous justice is accountable to *international* norms regarding gender equality. Once Indigenous justice adheres to international treaties advancing women's rights, it engages with international law just as states do. In this case the watchdog is not a regional court like the Inter-American Court of Human Rights but the Ecuadorian constitution itself, which acts as a third party that monitors compliance with international norms yet has no sovereign authority to enforce it. This weaving together of interlegalities does not undermine Indigenous justice but rather reinforces its legal content and expands its responsibility to international levels—that is, its sovereignty. In other words, Indigenous communities *act* like a state in the sense that they hold themselves accountable to international norms even though they are not *recognized* as a sovereign state in the international system of Westphalia.

In this context, then, the state can be as a double-edged sword, potentially emancipatory or repressive: on one side it is a has constitutional authority to guarantee the place of women in practices of self-determination, especially the administration of justice, and on the other side it is the entity that has historically excluded and subordinated Indigenous peoples. Kichwa women engaged the state not as a site of contestation in which to frame their rights within the social contract but as an external third party that could incorporate their agendas into Indigenous justice. Kichwa women used international norms to simultaneously pressure two competing legal authorities, one to respect rights of self-determination and the other women's rights. This type of Indigenous advocacy is substantially distinct from norms of diffusion accounted for with models such as the boomerang effect, conceptualized by Margaret Keck and Kathryn Sikkink (1998) or the processes of socialization (Risse 1999), in which international pressure is unidirectional toward the state to democratize its social contract. In the Kichwa case, the state is

a strategic watchdog used to democratize Indigenous politics. The state is neither the obstacle to be pressured nor an absolute enemy; it is an external third party in a legal triangulation that functions across scales, overlapping legalities with multidirectional checks and balances.

Gender is key to this triangulation of legal accountability because it is what makes the state guarantee international norms within Indigenous justice. Gender is what distinguishes Indigenous women's politics from nongendered claims to self-determination. Scholars have discussed how Indigenous peoples use the international to advance rights of self-determination, from the ILO (Rodríguez-Piñero 2005) to the UN (Lightfoot 2016). What has been less discussed is the role of gender in the politics of self-determination. Sámi scholar Rauna Kuokkanen (2019) offers an Indigenous feminist examination of self-determination, valuing women's role in self-government arrangements and the significance of gender to restructure all relations of domination inherited from settler states. While Indigenous claims seek to expand political autonomy *from* the state, Kichwa women seek autonomy *with gender accountability*, in their case *through* the state. They articulate three legal systems because they are all too aware of the intersectional nature of the colonial, racial, and patriarchal oppression they face. This political distinction is important because Indigenous women take a specific stand vis-à-vis the role of the state: while they do not rely on the state, they use it to increase self-determination.

Can the system created through the violent erasure of Indigenous nations ever respect Indigenous self-determination? The debate on whether to pursue autonomy through the leviathan is a complex one without an optimal solution. If Indigenous lawmakers pursue claims within the state, they validate the legal structures that exclude Indigenous peoples. If they reject state institutions, they cannot reframe the very system they oppose.

The issue of recognition is central to debates on self-determination. Some theories of justice insist on the importance of the politics of recognition, which are defined as a form of justice as important as material redistribution (Fraser and Honneth 2003). Others see state recognition as a vehicle for sustaining structures of domination over Indigenous peoples. Yellowknives Dene scholar Glen Coulthard (2014) rejects the politics of recognition as a form of liberal pluralism that reproduces colonial configurations of state power that Indigenous peoples have historically resisted and tried to transcend. His examination of land claims, economic policy, and self-

government suggests it is impossible to “reconcile” Indigenous assertions of nationhood with the Canadian state.

These debates resonate with the state phobia of other postcolonial perspectives that distrust the coercive *modus operandi* of states (Puar 2007; Amar 2013). Kichwa women have a clear distrust of state institutions and would probably agree with critical perspectives that describe the state as a psychopath (Bosia 2013). But they are too aware of the pitfalls of their communities to do away with the state altogether. While the state is not to be trusted, there are at least two pragmatic reasons why Kichwa women engage with it anyway. The first is that the state can be a tool to impose international norms in local contexts. As Nikita Dhawan (2016) argues, violence is not unidimensional and does not emanate only from Western colonial states. Indigenous women around the world know all too well that gender inequality has multiple, entangled sources that cannot be monopolized by the state. Kichwa women are caught up between state racism and the sexism of their own communities, and while the two forms of violence are related, they cannot simply be conflated. To fight against racism without addressing sexism is not only problematic from a conceptual perspective, it is legally inefficient. Kichwa women’s engagement with the state can be understood as pragmatic politics that address various forms of violence that are not reducible to state colonialism and seek legal protection accordingly.

Another reason to engage with the state is that it is more easily transformed than erased. Kichwa women’s strategies resonate with Dipesh Chakrabarty’s (2000) argument that we can only provincialize Europe, not do away with it. Just as Europe is inadequate but indispensable in the sense that we have to deal with the contemporary world as it is, the state is inadequate yet indispensable because we cannot do away with it. It needs to be provincialized, but it is at the core of international politics and is inescapably part of projects that imagine alternative political geographies. It may also be undesirable to do away with the state if it can be redeployed as a referee. Gayatri Spivak (2007) discussed the postcolonial challenge of converting poison into antidote, and it is precisely where Indigenous women stand. Kichwa women invented a politics of legal triangulation to deal with the ambivalent function of the state, confirming that the state is both poison and remedy (Dhawan 2016, 66) and *de facto* turning poison into remedy. This is a key element in thinking comparatively about the experience of Bolivian president Evo Morales, who brought Indigenous peoples into the state, reverting colonial legacies of exclusion, but failed to respect self-determination as he operated from the

modern state and remained trapped in its extractive logic that monopolizes sovereignty. The complex politics of Kichwa women outside but in relation to the state, instead, resonate with the way Mapuche peoples see their complex relationship to the state: “Sin el estado, con el estado, contra el estado” (Without the state, with the state, against the state).

In efforts to improve their lives, Kichwa women reinforce Indigenous self-determination. They are no exception; other Indigenous women also fight for self-determination in efforts to live better. In the United States, Sarah Deer (2015) explains how Native women are using the federal government to expand the authority of Tribal governments when it comes to rape crimes. Native women advocate for greater Tribal sovereignty combined with inter-legality and with cooperation between Tribal and federal laws. They successfully advocated for the 2013 Violence Against Women Reauthorization Act (VAWA), which closes jurisdictional gaps in Native women’s access to justice by allowing Tribal courts to sentence aggressors up to nine years. Indigenous women in Ecuador and the United States adopt pragmatic approaches that instrumentalize the state while keeping it at a distance to enable their own forms of self-determination.

These Indigenous women politics of interlegality go largely unexamined in theories of sovereignty, yet they confirm authorities *other* than the state. They constitute practices of self-determination that disrupt the state claims of sovereignty with, as Bodin would say, unique and absolute legal authority. The exclusion from state sovereignty led them to find different solutions than Chief Deskaheh; instead of knocking at the gates of sovereignty at the League of Nations, they framed their own vernacular sovereignties by weaving together local, national, and international legalities. In the process, they generated nonexclusive sovereignties in the sense that different sovereignties overlapped, thereby breaking the Westphalian association between sovereign authority and territory. To return to Kafka’s parable: instead of waiting at the gate that they know was made for them, Indigenous women are opening cracks by removing the stones from the wall. Rather than standing at the gate of sovereignty, they are making passages of their own, pulling at the individual stones until the light shines through.

## Vernacular Sovereignties

Europeans have approached the reconfiguration of sovereignty from above, analyzing a relocation of authority from individual states to supranational

authorities such as the European Union. States are transferring some aspects of their sovereignty, especially legal authority, to institutions *outside* state sovereignty. The EU's multilevel governance with supranational forms of political regulation located *above* state sovereignty thus constitutes a distinctly "post-national constellation" (Habermas 2001, 81). Indigenous politics point to different postnational constellations developing within states *from below*. The formal recognition of Indigenous justice evokes a similar relocation of state authority not toward supranational but toward autonomous nations located deep inside state territory. Like European supranationalism, Indigenous autonomies do not seek secession from the state but to reframe the distribution of legal authority in order to secure self-determination. In Ecuador this process enables pockets of legal autonomy to materialize *within* the state, suggesting an implosion of state sovereignty from below and from within. These dynamics are overlooked in mainstream political science, especially in theoretical debates about the mutability of sovereignty in the study of international relations. Yet the recognition of Indigenous justice in Latin America unearths alternative pathways to rethinking the essence of the state and, by extension, the international system.

Following Dieter Grimm's definition of sovereignty as a state of exception, the consolidation of states of exception *within* disrupts the supposedly homogenous morphology of sovereignty. This Indigenous disruption to state sovereignty comes to resemble a Swiss cheese; these interstices, which we can call "eyes," are in turn sites for alternative sovereignties to emerge. Fragments of sovereignty migrate away from national states and toward local systems of justice. In such legal geographies, Indigenous justice becomes the legal antipode of EU supranationalism. Whereas the EU has provoked reassemblages of legal sovereignty toward supranational institutions, Indigenous justice is generating reassemblages of legal sovereignty in extranational political spheres, "eyes" of autonomy within the sovereignty of the state. Both European supranationalism and Indigenous self-determination stand beyond the sovereign state. Both constitute different forms of worlding beyond stateness.

We approach the idea of sovereign "eyes" *within* as a form of vernacular statecraft, a concept Rudi Colloredo-Mansfeld (2009) uses to analyze community politics. He examines how local communities in Ecuador adopt state methods of administration to pursue local autonomy. Translating architectural concepts into politics, Colloredo-Mansfeld conceives of vernacular

statecraft as ordinary, domestic, and pragmatic rather than monumental. In vernacular architecture, foreign elements are adapted to local conditions. Similarly, vernacular statecraft constructs itself in its relation to high politics but is focused on the local, being replicable in format and resulting from minimal state intervention. The notion of vernacular statecraft can be transposed to Indigenous women's politics of triangulation: Kichwa women appropriate international norms and adapt them to Indigenous conditions with minimal state intervention. They are not only practicing vernacular statecraft, since their politics are deeply international, but also creating what Manuela Picq (2018) calls "vernacular sovereignties." They use international norms to assert Indigenous states of exception, engaging the limited participation of the state as a third party.

The term *within* refers to the existence of other sovereignties beyond Westphalia. Native American tribes claim sovereignty over territories within areas of U.S. sovereignty (Deloria and Lytle 1984). *Nations within* indicates a plural understanding of sovereignty that breaks state hegemony while simultaneously reordering the sovereign system of hierarchy. The notion of Indigenous sovereignties has been the object of heated debate among Native scholars and activists. Some reject Westphalian sovereignty as a fundamentally Western practice amounting to a new form of Indigenous assimilation (Alfred 1999). Others advocate postsovereign citizenship to enable autonomous nations that enact multiple, concurrent, or shared forms of sovereignty within states (Murphy and Harty 2003). More than a question of semantics, these debates are concerned with teasing out new forms of authority incommensurable with the modern state.

Most Indigenous peoples refrain from using the notion of sovereignty, claiming self-determination instead. But if we were to accept the translation and the idea of Indigenous sovereignties, where would they fit in relation to state sovereignty? Inside, outside, or somewhere else in between? Kevin Bruyneel (2007) approaches Indigenous law as a third space of sovereignty, one that opens alternative political geographies against notions of sovereignty that limit our imagination of the political. This notion of a third space of sovereignty includes overlapping, nonbinary renderings of political life. The nation-state is only one political geography among several (Biolsi 2005). Such perspectives permit us to account for variations in practices of authority, notably modular or shared forms of sovereignty. We can then recognize (and imagine) political rearrangements beyond the state for a less hegemonic



distribution of legal authority. It is precisely because Indigenous forms of governance transcend state-centrism that they are able to abstract sovereignty from its Westphalian limitations. The experiences of Kichwa women in Chimborazo permit us to approach sovereignty as a social construction always in process, morphing to fit vernacular needs and serve territorialized functions.

Kichwa women are bridging Indigenous ways of knowing with political terminologies recognizable by the state. They expanded women's rights from their own communities, protecting Indigenous autonomy and showing that Indigenous politics are not fixed in the past but permanently evolving. In that sense, Kichwa women pushed the "threshold of the political order" (Agamben 1998, 12) and thus of political modernity, challenging sovereignty at its core. The experiences of Kichwa women in Ecuador illustrate how to detach sovereignty from the state, not from above but from autonomous spaces within.

## Conclusions

Kichwa women strengthened Indigenous self-determination by holding their communities accountable to international human rights norms. They articulated demands for gender parity within their own cultural systems, blending gender equality and collective rights as complementary imperatives to frame claims for differentiated rights on their territory with their rules. If sovereignty as a legal status is contingent on freedom from subjugation to other rules, then Indigenous women strengthened Indigenous sovereignty. They achieved freedom from subjugation to state rules.

Claims to gender parity in Indigenous justice were inspired by daily aspirations, not theoretical controversies. They nevertheless offer practical insights relevant to ongoing scholarly debates. Indigenous gender clauses emerged in vernacular settings, were pursued in national venues, and established powerful precedents at the global level. The politics of Kichwa women in the highlands of Chimborazo are relevant in the study of international relations because they engage international law and set precedents. More importantly, their politics used international law to strengthen Indigenous autonomy and self-determination and to reframe the legal authority of a sovereign state. Kichwa women's politics matter for (re)thinking the state because they offer insights into the mechanisms that shape denationalized or

postnational legal spaces that interrogate and sometimes defy conventional notions of sovereignty.

The politics of Kichwa women for gender justice in Ecuador show that Indigenous women are not only constitutive of the state but are able to redefine its foundations despite their positions of marginality. Indigenous politics are significant for state sovereignty along several lines. First, a triologue of legal accountability is at play across political borders and scales of governance among Indigenous law, international human rights norms, and national law. This interlegality challenges the notion of sovereignty as an indivisible and supreme legal authority. The Kichwa experience entails a relocation of legal authority, creating not supranational entities but vernacular sovereignties. Second, vernacular sovereignties within the state show ways of expanding the form and meanings of sovereignty. The existence of sovereignties within invites further research exploring concepts of sovereignties as plural and differentiated.

Kichwa women from Chimborazo are not doing Indigenous state sovereignty, like Evo Morales in Bolivia, yet they are using the state to generate authority in their own terms and territories. This shows that it can be done, that if specific projects of state indigeneity failed, as in Bolivia, it doesn't mean that every Indigenous political project of self-determination will—it means, however, that the location of self-determination matters, just like its process in autonomy from the state, as we will see in chapter 5.

The experience of Indigenous women signals the need for further research taking context into account to understand the variety of forms that can be attached to sovereignty. As Hannah Arendt (1963, 141) points out, “No revolution ever succeeded; few rebellions ever started, so long as the authority of the body politic was truly intact.” It is because law is power—*potestas legibus soluta*—that the pursuit of Indigenous self-determination proposed across the Americas seeks to uproot established Westphalian models of sovereignty inherited from European expansion.



# CHAPTER 5

## An Indigenous State

### Introduction

When Evo Morales assumed the presidency of Bolivia in 2006, his most compelling inauguration was an Indigenous ceremony in the pre-Inka archeology complex of Tiwanaku. The raising of the Andean *wiphala* alongside the national flag declared, in multiple ways, the Indigenous foundations of Bolivia as a state. The *wiphala*, made up of colorful squares encompassing millenary Indigenous philosophies and centuries of resistance, became an official state flag during Evo's government de facto representing the new Indigenous state, so much so, that when his opponents took over during the 2019 crisis, they publicly burned *wiphalas* to mark the end of it. But did Evo's government actually create an Indigenous state in Bolivia? If, as we have been arguing, indigeneity is a foil against which the modern sovereign state was established, can there ever *be* an Indigenous state?

The question of whether the state can be a site of emancipation has afflicted colonized peoples around the world and has been widely discussed across postcolonial contexts at various times. In *The Wretched of the Earth*, Frantz Fanon (1963) criticizes the new African ruling class that came to power after independence only to rule like the colonizers before them, changing flags but maintaining the structures of the colonial state intact. Before Fanon, Rabindranath Tagore and Gandhi debated over the form India should assume after independence from the British Crown: Tagore argued that to create an Indian State with a new flag maintaining the state struc-

tures would only replicate the colonial apparatus without real emancipation. Gandhi responded with a question: What do you call this new form of government that has self-determination but is not a modern state? Tagore saw the state as a colonial mechanism designed to colonize that India needed to get rid of; Gandhi's pragmatism pointed at the politics of recognition, which we discussed earlier in the book: India needed to be a political entity translatable in Westphalia terms to assert its self-determination in terms recognizable to the international system. It had to become a modern state to be treated as sovereign.

A book concerned with Indigenous state relations cannot escape asking whether Bolivia, under a self-identified Indigenous president who engaged Indigenous claims and symbols, indeed became an Indigenous State meaningfully rooted in self-determination, as discussed by Nancy Postero in her book *An Indigenous State* (2017). We approach indigeneity as a category of political analysis, seeking to understand its contours. At this point we ask, What was Indigenous about Bolivia's state under Evo? Was it Indigenous because it governed with foundational Indigenous values, such as self-determination and nondominance as suggested by Sámi scholar Rauna Kuokkanen (2019)? Was it Indigenous in the sense proposed by Mohawk and Tsalagi Cherokee scholars Taiaiake Alfred and Jeff Corntassel (2005, 1), because it was in contention with colonial societies and in struggle against the dispossession of Indigenous peoples and lifeways? Or was it Indigenous in a racialized way because a person racialized as Indigenous became president and led a government in a country that has a majority of people descended from pre-Conquest populations?

These questions are tied to the colonial nature of the state. The co-constitutive aspect of indigeneity and state sovereignty, which we analyze in this book as relational opposites, raises a question: Can state sovereignty contain its outside? Indigenous peoples debate whether they should seek autonomy through the leviathan—designed as a mechanism to deny Indigenous sovereignty from the start—or whether their autonomous forms of government could even enter the state. Alfred takes issue with Indigenous rights being always considered in terms of states and as claims against states, arguing that “the mythology of State is hegemonic, and the struggle for justice would be better served by undermining the myth of State sovereignty than by carving out a small and dependent space for Indigenous peoples within it” (Alfred 1999, 58).<sup>1</sup> To pursue claims within the state, let alone run

it, validates the legal structures that exclude Indigenous peoples. Although some see the politics of recognition as a form of material redistribution (Fraser and Honneth 2003), others perceive state recognition as a form of maintaining structures of domination, culturizing claims to self-determination while continuing territorial dispossession in contexts of resource extraction (Rivera Cusicanqui 2015).

Ontological translation is a challenge at the core of debates on political recognition, Indigenous forms of authority being incommensurable with the Westphalian system (Salmond 2017). An even greater challenge is self-determination, which is nothing else but another form of sovereignty unbounded by the Westphalian system. Corntassel (2006) points at the incompatibilities of Indigenous and settler worldviews, arguing that participation in state governmental institutions is but a form of co-optation that only offers Indigenous peoples the illusion of inclusion. For Corntassel, Indigenous peoples have persisted in being ungovernable, with nations that predate the modern state and that will outlast it. Yellowknives Dene scholar Glen Coulthard (2014) rejects politics of state recognition as a form of liberal pluralism that reproduces colonial configurations, seeing the reconciliation of Indigenous assertions of sovereignty with the settler state as an impossibility. This is why Native scholars propose generative refusal, the idea that Indigenous peoples reject the definitional impositions of the settler state to generate futures in their own terms (Simpson 2017). As Kahnawà:ke Mohawk Audra Simpson (2014) says, choices are not choices when they are not self-generated.

The Bolivian state under Evo (2006–19) tests the proposition that an Indigenous state is inconceivable. Evo emerged as the leader of the *Movimiento Al Socialismo* (MAS), a political party created in 1995<sup>2</sup> by rural organizations seeking electoral representation that was led by the *cocalero* movement of the Chapare region before morphing into an urban party after 2002 (Zuazo 2010). Evo was a product of these rural social movements, and his government was, in its beginnings, called a government of social movements in which essentialized Indigenous symbols played a key role (Zegada and Komadino 2017). Although never explicitly describing the Bolivian state as Indigenous, his vice president and chief ideologue, Álvaro García Linera (2014), however, was very clear that the state needed to be “Indianized.” More significantly, there were considerable elements in its national symbolism, public ritual, and constitution that fore fronted indigeneity to suggest

that one really could think of Bolivia as an Indigenous state. When he was elected, Evo famously said, “We have won. Aymaras, Quechuas, Chiquitanos, and Guaraníes, for the first time, we are presidents,”<sup>3</sup> declaring the Indigenous identity of the state and articulating—all so emphatically—that now, Indigenous people *are* the state (Grisaffi 2013). Evo articulated an expanded state belonging—citizenship—to a larger group of people than ever before—the “savages,” were finally to become citizens. The plurinational state of Bolivia under Evo provides a reasonable heuristic to consider what an Indigenous state might look like and what challenges it might face.

Evo was a master at deploying Indigenous rhetoric on the national and global stage, but just as ethnicity can be coopted as a marketing tool (as John Comaroff and Jean Comaroff show in *Ethnicity, Inc.* [2009]), indigeneity can be deployed as a tool of statecraft. If indigeneity is indeed a co-constitutive and relational category, it changes when the state changes, which is why we look at claims made by, on, and for the state by various Indigenous actors in Bolivia. What new relations emerged after Evo declared that these various Indigenous peoples were now president? If, at the very least, the MAS statecraft included many people who had hitherto been excluded, did it produce new exclusions?

This chapter is not an evaluation of Evo’s government; rather, it analyzes changing Indigenous-state relations during his government, how they were transformed, and why. We consider whether Evo’s state dismantled the definitional violence of state norms that homogenize indigeneity, discussed in chapter 1, whether it eradicated the savage slot long occupied by the barbarians, analyzed in chapter 2, and what claims for self-determination it enabled.

This chapter looks first at the deployment of indigeneity in the new plurinational state of Bolivia. We then analyze the consolidation of a national, homogenous indigeneity as a tool of statecraft, with Andean solstice celebrations becoming a national marker of an indigenized state. We show how the state included some communities, such as the coca growers, more than others, such as lowland peoples, which generated differentiated forms of Indigenous citizenship. In doing so we point to the permanence of the savage slot, which was displaced rather than extinguished, and then analyze how the expansion of the middle classes through resource distribution relates to indigeneity. We point to conflicts between the plurinational state and Indigenous peoples defending territory, focusing on the TIPNIS, the Indigenous Territory National Park Isiboro Securé, demarcated as a protected

Indigenous and nature reserve in the 1990s. In closing, we show how the Plurinational State perpetuated settler extractive economies of dispossession on Indigenous territories, repressing claims of self-determination as it enabled the land grab.

## Indigenizing the State

Evo's 2006 symbolic inauguration among the archaeological monuments of the pre-Inkan Tiwanaku<sup>4</sup> civilization near Lake Titicaca with much more pomp and media coverage than the official one in La Paz set the tone for his three terms in office (Salman and de Munter 2009). Evo declared that his mandate stemmed not just from the electoral vote but also from receiving the symbolic staff of office from three *amautas*, Andean wise elders, and Bolivia's Indigenous population.

In his speech he condemned the "colonial State which permitted the permanent sacking of natural resources from this noble earth, a colonial disciplining State, a colonial State which has always seen us, the Indigenous people of the world, as savages, as animals." And so, one of his first moves in 2003 was to abolish the Ministry of Indigenous Affairs and Originary Peoples (Ministerio de Asuntos Indígenas y Pueblos Originarios [MAIPO]) declaring that, from then on, *all* national affairs were Indigenous. During his Tiwanaku inauguration, Evo's rhetoric also went against a world capitalist system and raised the banner of struggle in defense of the earth against capitalism. He outlined ideas of "living well" or "vivir bien" in which communitarian, Indigenous values were lauded against the capitalist imperative of extraction and growth. Upon assuming office, Evo responded to the demands of social movements for a constituent assembly to reform Bolivia's constitution—and in theory state sovereignty—to its core.

The 2009 constitution established the plurinational state, declaring Bolivia as a "unitary social state of plurinational and communitarian rights," decentralized, with autonomies, intercultural, and founded on pluralism (Art. 1). It adopted the Andean *wiphala* flag as an official "symbol of the State" (Art. 6.2) alongside the tricolor and the national anthem, and it assumed ethical principles from Aymara, Guaraní, and Quechua worldviews, such as "living well," harmonious life and "suma qamaña"<sup>5</sup> (Art. 8).<sup>6</sup> Article 2 defined Indigenous citizens as "peasant originary Indigenous peoples and nations," conflating the social and labor identity of the peasant





FIGURE 5 (top) Wednesday, January 21, 2015, file photo. Bolivia's President Evo Morales holds up sacred staffs of power in Aymara ceremonial swearing-in led by Aymara spiritual guides at the archeological site Tiwanaku, Bolivia. Morales is once again gearing up his campaign for the upcoming local regional elections on Sunday, March 29, 2015. (bottom) Indigenous leaders wave the Bolivian tricolor alongside the Indigenous *wiphala* at the ruins of Tiwanaku. Credit: Noah Friedman-Rudovsky.

with the political one of originary Indigenous nations, to guarantee their self-determination “within the unity of the State.” Yet the guarantee of self-determination is contained within the Westphalian mark of the state’s territorial and political boundaries. In other words, Bolivia’s Constitution, like UNDRIP, recognizes the plurality of Indigenous nations without dismantling the single, exclusive sovereignty of the state. This foundational definition was to set the tone of Bolivia’s plurinational state.

Evo and many of his supporters were explicitly proposing a decolonized kind of state (e.g., García Linera 2014; Postero 2017, 16), one that inspired expectations among many people—some of whom subsequently became increasingly disillusioned if not crushingly disappointed (Nuñez del Prado 2015; Rivera Cusicanqui 2015; Orduna 2015). What was initially proposed was a state explicitly based on Indigenous values and eschewing the model of the state based on a nationally undifferentiated (although, in fact, highly racialized) citizen and compensating for centuries of racism, exclusion, and oppression by forefronting—indeed celebrating—its Indigenous citizenry. For if in Bolivia the language of political indigeneity was clearly used by various groups as an explicit critique of neoliberal globalization,<sup>7</sup> it was also used to argue for a new relationship with the state; that is, a new sense of citizen entitlement.

It is for these reasons that electoral victory was not considered enough. Since the state had to decolonize from within, a vice ministry of decolonization was founded in 2009, followed by a unit of depatriarchalization in 2010. The vice minister of decolonization, Félix Cárdenas,<sup>8</sup> was quite clear that decolonization cannot be completed without depatriarchalization (Cárdenas 2016), but it is also worthy of note that he advocated for a complete restructuring since he saw the colonial state at the very root of the “Indian problem”:

Bolivia remains a colonial continuity, Bolivia is a state without a nation, and we are nations without a state. Bolivia was founded against the Indian, without the Indian. So, we call Bolivia a colonial, colonizing, colonized State. Where the fundamental problem of Bolivia is the Indian; if the problem of the Indian is not solved, the problem of Bolivia is not solved. (Cárdenas 2016, 2)

Cárdenas’s comment on the role of the Bolivian state as gatekeeper brings us back to Kafka’s parable “Before the Law.” The Indian, like Kafka’s countryman, was always denied access to the Bolivian state, which, in the words

of Cárdenas, was founded *against* and *without* the Indian. The Indian is the foil against which Bolivia's modern state unfolds; the Indian is therefore co-constitutive of and relational to this state. The Indian is precisely the countryman of Kafka's parable, and the Indian of Cárdenas's outside the gates of sovereignty that Evo represents and who enters the heart of the state as he proclaims, "now we are all presidents." The Indian and the peasant countrymen who are formally recognized in Article 2 of the constitution.

Before moving to a critical examination of this "Indigenous" state, it is worth pausing to highlight some of the indubitable successes of Evo's term in office. They are profound even if one were to accept all the accusations of corruption, malfeasance, constitutional manipulation, and electoral fraud against his administration (Farthing and Kohl 2014). There is widespread agreement that Evo's government significantly reduced poverty in South America's poorest country, benefiting a wide range of social sectors—including women, children, and elders—partly through cash transfer programs. Evo's administration raised the minimum wage dramatically, notably the wages of domestic workers to whom he granted labor rights, expanding citizenship to a highly gendered and racialized group subject to considerable labor and sexual abuse (Ballivan Medina and Limachi Loayza 2010; Carpentier Goffre 2022; Choque Canqui 1997; Gill 1994; Viviano Llave 2007).

Evo's administration is recognized for large investments in public infrastructure, including the cable car system in La Paz with Aymara station names and routes that connect the popular, Indigenous El Alto with the wealthier, whiter Zona Sur, breaking down the highly racialized segregation of the capital and facilitating the commute of workers. These also include major investments in rural infrastructure in the form of roads, schools, and electricity, all of which have a profound impact on people's ability in distant rural areas to live in more comfort and with access to the market economy.

At least as significant is the fact that Indigenous people acquired a central place in national politics, one they never had before and are unlikely ever to lose. Evo's government was characterized by the inclusion of women and rural and Indigenous sectors into legislature, ministries, and state bureaucracies (Sanchez 2016; Uriona 2010). This shifted the language of indigeneity from that of protest to that of governance, or from movements to parties as Donna Lee Van Cott (2005) would say, while establishing Indigenous peoples as *sine qua non* actors of the state. Evo's plurinational state shifted the way Indigenous people see themselves in the world and in relation to the

state. The socioeconomic policies of redistribution and the political valorization of indigeneity inaugurated a time of self-validation, a celebration of Bolivia's own worth as a majority Indigenous society that rejected colonial patterns of denigration of all things Indigenous. This eventually exposed a profound racism in Bolivia that had been hitherto below the surface, as crudely evidenced in 2019. But public racism is, in many ways, easier to contest than structural racism and the subtler kind that is so often internalized (Rivera Cusicanqui 2010).

One of the things that Andrew Canessa observed in his first decades of research around Wila Kjarka is the way his companions physically changed their posture and demeanor when entering the racialized space of the cantonal capital, Sorata. Not only would people who were proud and confident in the village accept verbal and physical humiliations by townsfolk, such as being made to sit on the floor rather than a chair or being berated for their uncouth ways, they also often changed their posture to a humbler, rounded pose as they walked through town. This is unimaginable after Evo's government. There is no word in Aymara for culture; the nearest approximation is perhaps *sarnaqawi*, which literally means "a [way of] walking" since social life is a movement through space and time. That Indigenous *sarnaqawi* so heavily constrained by the colonial structures that defined it has changed after Evo turned savages into citizens: people now walk proudly and unapologetically, revealing an irreversible shift in the habitus of racialized domination. What it means to be a citizen in Bolivia has radically changed, quite possibly forever.

Evo's "plurinational revolution" turned indigeneity into a tool to undermine the colonial legacy of elite rule. Indigenous people were reframed as guardians of Bolivia's national patrimony and state authority, thereby shifting the locus of sovereignty from a globalized colonial modernity to an Indigenous subaltern sensibility associated with emancipatory politics.

## Amautas and Solstices: Andeanizing Indigeneity

Evo returned to Tiwanaku several times to renew his mandate from the *amautas* with ceremonies underlining the Indigenous basis of his political legitimacy. As the state was indigenized, Andean rituals were normalized, thereby homogenizing Indigenous lifeways that are, as we discuss in chapter 1, intrinsically diverse.

The Indigenous president regularly performed the Indigenous state in explicit ways, for example, by celebrating the Aymara New Year on the winter solstice of June 21 (Postero 2017). This celebration, which began in the late 1980s as an attempt to create an Indigenous revival with more than a tinge of “new age” symbolism and participation, has now spread to many communities. As the work of Anne Ebert (2015) shows, Evo’s administration dispatched ministers of state to regional capitals to celebrate the solstice—the *Indigenous* New Year—nationalizing this recovered Andean tradition.

In a way, “inventing” the Aymara solstice ritual can be understood as an authentic expression of a continuity with the past when Aymara people had political and cultural autonomy. The celebration of the solstice was an Andeanization of the state that homogenized Indigenous cultures into one matrix. It was also an attempt to create a new national culture based on Indigenous principles that were specifically Andean ones. Solstice rituals turned into a tool of statecraft to make the plurinational state visible in lowland provinces, far from the highlands where it originated. It is worth noting that the Aymara New Year is not customarily recognized in many Aymara communities. In the Aymara-speaking community of Wila Kjarka, people do not and never have celebrated the winter solstice in this way, although it is celebrated in the mestizo/creole cantonal capital of Sorata. This may seem ironic, but it shouldn’t surprise us: one is most likely to see such ceremonies the closer one gets to the capital city rather than in places such as Wila Kjarka that didn’t get a road until 2011, the imagined (and in many ways real) margins of the state—even the Indigenous one.

This nationalization of one Aymara cultural feature as a marker of national identity is somewhat reminiscent of the mass production of national tradition in Europe (Hobsbawm and Ranger 1983) to forge imagined communities for the nation (Anderson 1983). It also resonates with the nation-building movement of many Latin American States, from Mexico—which attempted to create a new national culture based on mestizo people, culture, and values after the 1910s Revolution—to Brazil—where samba turned from an underground culture into a marker of national identity (Vianna 2000). As the Bolivian state was reimagined as Indigenous, the winter solstice was turned into what historian Pierre Nora (1997) calls a “lieux de memoire,” or site of memory, referring to the entities, material or intangible, that become

containers of collective memory for the nation. Just like France created the July 14, 1789, as a site of memory for the French Revolution, making Bastille Day a symbolic date to celebrate the birth of the republican nation, Bolivia has memorialized the winter solstice as a realm of collective memory marking the birth of Evo's plurinational state. Tórrez and Arce (2014) underline the importance of weaving the winter solstice of June 21 and the January 22 day of the plurinational state with more conventional civic commemorations in the national(istic) calendar to produce "historical memory through the recognition and visibility of a certain continuity between certain processes, facts and personalities over time" (Tórrez and Arce 2014, 5).

If the politics of indigeneity aim to claim diversity, Evo's plurinational state developed a clearly different project: a homogeneous "Indigenous nationalism" to represent the state (Makaran 2016, 26; Mayorga 2006), producing with it a new civic culture uniting all Bolivians (García Yapur 2014). Evo appeared to return to a much older pattern of ethnic relations in which Indigenous people are believed to occupy a structurally distinct position, be it as the defeated in conquest, a fiscal category, a racial group, or a social class, such as campesino. Seen from this historical perspective, Evo reframed a new kind of relationship between Indigenous people and the state, a state where the Indigenous is privileged rather than disadvantaged (cf. Blackburn 2009), but nevertheless a state that treats Indigenous people as an essentially homogeneous category.

One of the most striking manifestations of this new use of national indigeneity as a tool of statecraft was Evo's participation in mass marriage ceremonies.<sup>9</sup> Nancy Postero analyzed the May 2011 ceremony in which Evo married over three hundred and fifty couples in an "ancestral" and "traditional" ceremony, presenting himself as the Indigenous godfather of the Indigenous citizens and acting as the sponsor of what he intended to be "a radical process of depatriarchalization of the colonial, liberal and neoliberal family" (Postero 2017, 64). A reading of the ritual is that it was, in fact, a homogenization erasing any distinction between the eleven ethnic communities present. The ceremony was another invented tradition performed by *amautas*, although until then there was no community where *amautas* performed wedding ceremonies in Bolivia. The biggest irony of this mass wedding ceremony is that it actually represented none of the traditions of any of the couples getting married but rather constituted a paternalistic



attempt to mold a sovereign relationship between the Indigenous state and the Indigenous citizen. Moira Zuazo frames this paradox in terms of Bolivia's weak democratic institutions, arguing that MAS's electoral successes actually undermined the political pluralism, or government of social movements, that it espoused as it rose to power (Zuazo 2012, 19). That is, Evo's large electoral victories with 54 percent of the vote in 2005 and 64 percent in 2009 simply made it unnecessary for him to recognize, much less engage, with a plurality of voices and views.

Evo's vice president and MAS ideologue Álvaro García Linera (2014, 45) clearly subordinates diversity to the political hegemony of the state as he discusses the "indianización" of Bolivian identity in plurinationalism. He prioritizes the "national state identity" over the "national cultural identities," adding that "state identity is a fundamental principle of identity and life" (García Linera 2014, 47). This implies an "'indianized' nation-state, as Gaya Makaran (2016: 23) would say, although this indianization is in fact a subordinate, folklorized and, above all, symbolic or discursive incorporation of Indigenous cultural elements."

## From Savages to Citizens

Evo's most far-reaching emancipatory process was to abide to the Confederation of Indigenous Peoples of Bolivia's demand for a constituent assembly that culminated in the 2009 constitution that recognized the thirty-six Indigenous nations that now constitute the plurinational state. Radical Indigenous politicians such as the recently deceased Felipe Qhispe think that Evo's plurinationalism was in no way an Indigenous state—something only the Inka Tawantinsuyo would be—and that it stands only as a farce for a still deeply colonial state. Nevertheless, the constitution did set up a new relationship between Indigenous and non-Indigenous citizens and between Indigenous people and the now plurinational state (Gustafson 2009a, 1000–1004).<sup>10</sup>

The ways people related to the state, that is, their citizenship, underwent a series of transformations. Goodale (2006) mentions the Indigenous cosmopolitans, for example, and Salman and de Munter (2009) note that there are new ascending elites in Bolivia, the principal one being highland urban Indigenous people, who are engaged in commercial activities, transportation, and contraband, many of them bureaucrats with higher levels of formal education than their parents (Sánchez 2016). Gustafson (2009b) uses

the idea of “insurgent citizenship” from Teresa Caldeira and James Holston (1999) to describe how Guaraní challenged the relationship with the state through education.

What is clear is that insofar as there is a new conception of citizenship, it was in sharp contrast to the pre-Evo models where Indigenous people were explicitly excluded from the social contract with the state. In Andrew’s ethnographic research in Larecaja, highland Bolivia, Aymara-speaking urban merchants born and raised in rural campesino families commented, before Evo came to power, that the rural Indigenous people “do not have citizenship” and, in turn, the rural Indigenous people agreed: they felt discriminated against by police and judges for being “Indians” and did not participate in the national Independence Day celebrations. As an Aymara-speaking friend told him, “That time of the 6th of August [Independence Day] was when the whites and *mestizos* made the government of Bolivia appear.” Independence, he felt, had really nothing to do with (Indigenous) people like him.

This citizenship, however, was clearly not evenly distributed in Bolivia, given that some are able to mobilize more legitimately than others (Gustafson 2009b). Most celebrated in Evo’s government are Aymara intellectuals, who contributed to the framing of national symbols such as the winter solstice, and the Chapare coca growers (Grisaffi 2010), who were able to articulate a “lite” (Grisaffi 2010, 433) version of indigeneity that focused on relations with the state rooted in the coca leaf as a metonym for a broader set of colonial and postcolonial injustices. Nicole Fabricant’s (2012) work with landless peasants in the eastern lowlands offers a comparable analysis of mobilized groups who use land as an Indigenous trope of political engagement. In these cases, these social movements have not only forged new relationships with the plurinational state but have become its close allies.

Indigeneity operates on multiple scales, and Evo wore his multiple Indigenous hats strategically. Internationally, indigeneity was used as a language of contestation through which Evo lobbied against Western imperialism, especially from the United States, claiming the rights of Mother Nature as he built transnational alliances with Latin America’s governments on the political left in an emerging bloc (Dangl 2019; Kozloff 2009). Domestically, Evo’s indigeneity was colored by his deep relationship with Indigenous *cocalero* peasantry sectors in the Chapare.

Throughout his tenure as president, Evo simultaneously directed the National Federation of Coca Growers, personally representing the specific in-



terests of Aymara coca growers in the highest corridors of power. The 2009 constitution defines coca as a cultural heritage, a renewable resource, and a key to Bolivia's biodiversity, placing it at the very core of the plurinational state. He strategically engaged indigeneity when lobbying internationally to stop the war waged against Aymara coca producers when the U.S. army had militarized the Chapare—establishing coca as national heritage and turning it into site of memory. The Chapare region of “coca growers” has been the primary source of his political and social identity since the 1980s, and it is where he fled when deposed in 2019. In fact no records of Evo exist publicly identifying as Indigenous until two years before his election.<sup>11</sup> He was first and foremost a *cocalero*, and the *cocaleros* had a particularly powerful voice within his administration.<sup>12</sup>

Evo's plurinational state was a balancing act between empowering indigeneity and expanding extractive industries such as hydrocarbons and agribusiness to finance governmental programs. Bolivian scholar Silvia Rivera Cusicanqui (2010, 26) warned against the fiction of “citizen equality,” which can be put at the service of an aggressive process of dispossession of communal lands and an internal process of colonization to commodify nature in ancestral territories for global markets. As she exposes the contradictions of liberal citizenship, she argues that the discourse of a national Bolivian identity historically served to reproduce colonial exclusions with “half citizens” (*ciudadanos a medias*), perpetuating racist logics over territory (16). The plurinational state did not escape this trap. If Bolivia's plurinational state explicitly celebrated diversity, it also hierarchized Indigenous groups, creating differentiated forms of Indigenous citizenship.

Beneath narratives valuing indigeneity at large, the state celebrated highland over lowland Indigenous values and advanced the interests of Indigenous *cocaleros* while dismissing lowland claims for self-determination of *pueblos originarios* resisting extractive projects, particularly where natural gas was a principal source of government revenues. In fact, the state endorsed—even actively encouraged—the colonization of lowland territories by highlander Indigenous peoples, not least in the Chapare region. This has led to a considerable growth in income for *cocaleros* who, as Pellegrini (2016) shows, can earn more than a junior doctor in La Paz. In fact, it is not just coca farmers that did well out of Evo's government: his regime saw a rapid expansion of the urban middle class with a new, rather “lite,” indigeneity.

## The Cholo Power of an Expanding Middle Class

Bolivian sociologist Amaru Villanueva Rance (2022) traced the rapid growth of a Bolivian middle class during Evo's administration, when it reached 58 percent of Bolivia's population. These emerging Indigenous middle classes often distance themselves from the explicitly socialist elements of Evo's politics but still find meaning in a number of Indigenous rituals—even when neighbors complain of the fire hazards of rituals involving burning a traditional offering, a risk apparently not presented by the more middle-class and acceptable barbecues (Villanueva Rance 2022). The urban Indigenous middle-class residents of Villanueva Rance's study see indigeneity as a site of memory providing meaning and cultural pride as they eschew the racialized norms of the historically non-Indigenous urban middle classes. Yet they do not (usually) feel they belong to Indigenous communities even as they celebrate their Indigenous heritage.

In urban Bolivia, the new middle classes are unlikely to identify as *mestizo*, preferring to identify as Indigenous or *cholo*<sup>13</sup> even if their lifestyles are increasingly consonant with *mestizo* middle classes. This is tangible in the consolidation of *cholo* power in El Alto, the subaltern, largely Aymara city that borders La Paz, yet more populous than the capital and the largest Indigenous city in the world. Nouveau riche urban elites are commissioning "cholets,"<sup>14</sup> pompous and colorful urban mansions in a neo-Andean style designed by Aymara architect Freddy Mamani, in which the Andean spiritual symbols blend with European designs to show the material abundance marking the new prestige of Aymara citizens (Thorne 2019), much to the undisguised dismay of traditional elites who see these as supremely vulgar. Miriam Shakow's (2014) work shows quite clearly that people rising from the rural Indigenous peasantry into the professional middle classes are deeply ambivalent about their Indigenous identity yet do not identify with the white dominant classes. But upwardly mobile Bolivians often identify as Indigenous to legitimize their political aspirations, especially if they are involved with Morales's Movimiento Al Socialismo party.

Alessandra Pellegrini's (2016) work with coca growers states this position clearly: Aymara-speaking, coca-growing peasants see indigeneity explicitly as a MAS discourse and look down at their highland cousins who are more traditionally Indigenous in their eyes, referring to them pejoratively as *jaqi*. If

in the highlands, it is a term of self-identification referring to “whole” people rooted in Indigenous communities and lifeways. In this context *jaqi* indicates something or someone that is poor, rustic, and uncultured. Or, to put it another way, barbarous. For the *cocaleros*, indigeneity is principally about securing economic and political rights and much less a matter of cultural identity (Pellegrini 2016). In a similar way the *qamiris*,<sup>15</sup> wealthy people of Aymara background identified by Jorge Llanque (2011) in the highland city of Oruro, are ambivalent about their identities. On the one hand, it is their links with Aymara social and economic groups that they draw on to build up social and economic capital. This allows them to enter the physical and social spaces of Oruro that have been historically closed off to “Indians” even as they confront racism and subtle (and not so subtle) forms of exclusion in the process.

Urban people, coca growers, and highland *colonos* in the lowlands form the *majority* of the two thirds of Bolivian people who identified as Indigenous in the 2001 census (Instituto nacional de estadísticas de Bolivia/UMPA 2001); they constitute quite possibly an absolute majority of the entire population of Bolivia. It should not be surprising then that the dominant mode of indigeneity in Bolivia today is one that speaks to a dynamic population engaged in market activities seeking economic inclusion and prosperity, the *cholo* power, rather than one willing to sacrifice economic growth in favor of “vivir bien.” As Villanueva Rance (2022, 176) writes,

The country has changed significantly in symbolic and material terms [since 2005]. Those who have had an upward trajectory in terms of income are beginning to generate expectations that no longer have anything to do with their emancipation from the old political and economic system. Having overcome their basic needs, they are likely to seek to own a plasma TV, a car, or go to the cinema at weekends with their family, seeking a process of social equalization through consumption. If a generalized social psychology of this kind is developed, the new demands will be met in the market and in the social space rather than in the political field.

This rapid expansion of the middle classes posed an electoral challenge for Evo and the MAS party going into the 2019 elections (Centro de Investigaciones Sociales 2018). Vice President Álvaro García noted this in a March

2019 interview with Andrew Canessa, recognizing that to some extent the MAS party was a victim of its own success: in elevating people out of poverty it had weakened the attraction of poverty alleviation as a public policy goal (cf. Farthing and Grisaffi 2022, 21). It appeared that Evo's government itself recognized that it was in a bind: the politics of distribution directed at an Indigenous (loosely defined) citizenry that won in 2005 were less attractive to a population with more purchasing power who now considered itself less Indigenous than in 2001 (García Linera 2018).

This may be why the 2012 census registered a considerable drop of twenty percentage points in the number of people identifying as Indigenous. The population self-identifying as Indigenous fell from 62 percent in the 2001 Census, with the number of people speaking an Indigenous language falling below 50 percent for the first time ever, to 40.3 percent in 2012. There was certainly no decimation of the Indigenous population, so how to account for such a dramatic fall? Xavier Albó (2012) offers reasons that set these results in the context of a long history of census taking, including the exclusion of a "mestizo" category in 2012. Nevertheless, if a majority of those identifying as Indigenous in the 2001 census were urban and highland migrants to the lowlands, by 2012 these had dropped considerably, and a majority of people identifying as Indigenous now belonged to territorialized Indigenous communities (see chap. 3). It is these territorialized communities, many of which continued to have a conflictive relationship with the state, that retained their identities as Indigenous.

The conditions under which each census was taken are interesting. At the time of the 2001 census, indigeneity offered a radical critique of the (liberal) state, and many people identified as Indigenous who hadn't before and, quite likely, stopped identifying as such once indigeneity ceased to be the language of resistance to become the language of governance. In fact, there is some recognition of this within the plurinational state itself. Vice President Álvaro García Linera (2014, 59) writes, "in the case of the 2001 statistics, we are dealing with the fusion of the popular and Indigenous classes *from the perspective of civil society against the State*. The 2012 figures on the other hand, speak of the popular and Indigenous classes *within the State*" (italics in original). Not all Indigenous people, however, found themselves inside the state.

As the plurinational state redefined the social contract, it expanded citizenship, drawing in those who had occupied the "savage" slot on the margins

of the state. But even if some of the “savages” became citizens within it, many continued to be excluded by both the state-led national indigeneity and the state-led economies of extraction. It is interesting to note that in the 2012 census, the only areas that showed an increase in identification as Indigenous were those, such as TIPNIS, where there was conflict with the “Indigenous” state (Schavelzon 2014). This should not, perhaps, surprise us: if indigeneity is, essentially, an opposition to the state against territorial dispossession as Alfred and Corntassel (2005) have argued, then it is in those areas of greatest resistance against dispossession that we can expect to find the strongest Indigenous identity.

The Plurinational State strategically integrated dominant Indigenous groups and overlooked lowland Indigenous territories that continued to resist dispossession—and who continued to clearly occupy the “savage” slot. Insofar as the state is predicated on an extractivist logic over the national territory, it will continue to create relations of indigeneity with the inhabitants of territories prey to the extraction of natural resource for global markets.

## The Potosí Principle As State Logic

In Bolivia, the history of the state is the history of Potosí, and it is inevitably the history of the savages who endured a state founded on and for silver extraction. Bolivian scholar Silvia Rivera Cusicanqui (2010) sees Potosí as embodying the history of Bolivia build on a totalitarian settler logic she refers to as the Potosí principle. The mountain of Potosí rises from the highland plain in Bolivia, which at the mountain’s base is four thousand meters. When the Spanish found silver there in 1545, it soon became the largest single source of silver in the world, and by the end of the century the city of Potosí was the most populous in the world. Miners included thousands of African slaves who perished in the altitude and generations and generations of Indians who were obliged to work in the mines as part of the royal tribute. The conditions in the mine were so awful that it was widely understood that most men sent to the mines in the colonial period would never return. When the silver ran out, it was then mined for tin and, to this day, tin is mined on this mountain by hand much as it has been done for hundreds of years. The mountain and city of Potosí have given the language of Spanish the phrase “worth more than a Potosí” but, rather more significantly, a concrete image of despoilation and extreme labor exploitation and a site of extractivist state

logic par excellence. With some of the world's largest lithium deposits on that same highland plain, in Uyuni, the Potosí principle, rather than dismantled, remained the animating logic organizing Evo's state.

This points us to the fundamental contradiction toward Indigenous peoples as Evo's regime simultaneously celebrated the rights of Pachamama and expanded the extractive frontier (Calla 2011). While the UN declared Evo "World Hero of Mother Earth," Evo simultaneously pursued an aggressive policy expanding resource extraction (Bebbington and Bebbington 2011; Farthing 2009; Gudynas 2011; Ströbele-Gregor 2012) through export-oriented and monocrop agriculture such as soy and cattle ranching through Indigenous dispossession in the lowlands. With one hand, Evo's government invoked the rights of nature and Mother Earth, echoing international environmental narratives to denounce the ecological debt to lower-income countries like Bolivia, positioning itself against Western imperialism. With the other, it promoted the commodification of nature promoting extractive projects on Indigenous territories without prior consultation or consent of local communities in the name of national development (Rivera Cusicanqui 2015). Ironically, the plurinational state reinforced its centralized control over natural resources in the same constitutional article that defends "living well" with Mother Earth:

To live well means to live in harmony with everyone and everything, between humans and our Mother Earth; and it consequently implies working for the dignity of all. And nowadays it is more important than ever to know how to share, to know how to distribute wealth equitably. What belongs to the people is for the people. To democratize the economy. That is why we nationalize natural resources: in order for these resources to return to the Bolivian people. (Constitution, Art. 8)

The justification to expand extractive economies was social redistribution; nature was a pot of national wealth that needed to reach the people. One of the Morales government's key policies was conditional cash transfers, popular with left-wing governments throughout the hemisphere.<sup>16</sup> Bolivia's cash transfers included the Bono Juancito Pinto, a universal cash transfer for children; the Bono Juana Azurduy, a subsidy for pregnant and nursing mothers to attend pre- and postnatal checkups; and the Renta Dignidad, a dignity income<sup>17</sup> providing 2,400 bolivianos (\$307) to everyone over the

age of sixty.<sup>18</sup> The funding for these programs came from the larger share of royalties and taxes the government had achieved on natural gas extraction, specifically from the IDH, the Direct Hydrocarbon Tax (*Impuesto Directo a los Hidrocarburos*; Müller 2009).<sup>19</sup>

The continued extraction of natural resources in the name of social redistribution by governments on the political left is what scholars refer to as neoextractivism (Gudynas 2018). Various leftist governments from Ecuador to Uruguay expanded the extractive frontier as a tool of development. There is nothing new about the export of Latin American commodities on global markets, which has shaped center-periphery dynamics in the region in what Fernando Henrique Cardoso and Enzo Faletto (1969) coined the theory of dependency. What is new is that the left is in what Maristella Svampa (2015) refers to as a “commodities consensus” that enclosed the commons in the region. If short, the plurinational state, and allied governments on the political left, offered political emancipation from centuries of colonialism through further resource extraction. The goal then was not to grant Indigenous territories self-determination to protect their lands and waters from predatory capitalism but rather to redefine who gets to control the profits of resource extraction. Evo redirected the control over natural gas and mining from the transnational private sector to the plurinational state, arguing that it would fund programs for social redistribution. But this was at the cost of recognizing Indigenous self-determination.

Vice President Álvaro García Linera clearly articulated the position of Evo’s government:

Extractivism is not a destiny but may be the point of departure to conquer it. Certainly, it can be found condensed in all of the world’s territorial divisions—much of it colonial. And to break with this colonial subordination is not enough to fill the mouth with insults against extractivism, to stop producing and sink the population into further misery, to return to rights without modification and partial satisfaction of the basic needs of the population. This is precisely the trap of inflexible critique in favor of opposing extractivism. (García Linera in McNeish 2021, 127)

This perspective was echoed throughout the plurinational state, which had built its base on defending the oppressed against their oppressors. It

argued that the former had no alternative but to end with the latter, but by succumbing to the lure of access to Chinese, Brazilian, and to a lesser extent Indian capital to expand extractivism, ended up reproducing new imperialist dynamics of accumulation by dispossession (Harvey 2004).<sup>20</sup>

The state's extractivism was seen to benefit urban people, landless peasants, and coca growers, but it is at the cost of those defending lifeways and self-determination in their ancestral territories.

## Neoeextractive Colonization in the TIPNIS

The continued extraction of natural resources in the name of social redistribution fueled many conflicts over consultation and consent between the plurinational state and Indigenous sectors. As frictions over Indigenous autonomies increased, Evo's government used repressive strategies and passed presidential decrees changing rules of consultation and opening protected areas to hydrocarbon exploration (Svampa 2019, 63). He used co-optation to "divide and conquer" powerful Indigenous organizations who opposed his developmental plans, creating parallel Indigenous organizations to weaken the National Council of Ayllus and Markas of Qullasuyo (Consejo Nacional de Ayllus y Markas del Qullasuyu [CONAMAQ]) and taking over others such as the Indigenous Confederation of the Bolivian Orient (La Confederación de Pueblos Indígenas de Bolivia [CIDOB]) to bypass prior consultation. Both CONAMAQ and CIDOB ended up fractured between organic and pro-Evo groups.

The most visible conflict is perhaps that of the TIPNIS. The conflict exploded in 2011 over a proposed road traversing the TIPNIS Indigenous territory and nature reserve to foster agribusiness export without Indigenous consent.<sup>21</sup> The TIPNIS gained global attention in 2011, when Evo's government repressed nearly 2000 peaceful Indigenous protesters who had started a six hundred kilometer march in defense of nature from the city of Trinidad, the lowland regional capital of the department of Beni, toward La Paz (Laing 2015; Rivera Cusicanqui 2018a).

The TIPNIS is a lowland Indigenous territory and national park adjacent to the Chapare region that experienced an influx of *colonos cocalleros* since the 1980s coca boom. For five decades, local Indigenous communities originary to the TIPNIS—such as the Yuracarés, Moxeños, and T'simane—defended their territories from highlanders taking over for coca production,



cattle ranching, and logging. The history of Indigenous mobilization—and its subsequent repression by the Indigenous president—is crucial to understand the contradictions of Bolivia's plurinational state. In 1990 Indigenous communities from the TIPNIS participated in the landmark March for Territory and Dignity (Albó 2007) onto the capital to contest the continuous dispossession by Indigenous *colonos* from the highlands. Prompted by the expansion of extractive industries at the expense of Indigenous people, the 1990 march was unprecedented in part because highland Indigenous groups joined the lowland Indigenous groups, Evo and other coca growers among them. Later, Evo was part of the effort to make the TIPNIS a territory of community origin, which recognized the rights of Yuracarés, Moxeños, and T'simane Indigenous communities to prior consultation and consent.<sup>22</sup>

The 1990 march initiated the first state reform for self-determination (Makaran 2016, 11), marking a turning point in Bolivia's history as it shaped the emergence of a pan-Indigenous movement and provided the base for Evo to successfully rise to power fifteen years later. Not only did it contradict the idea of the disappearing Indian in the mestizo state but it also inspired a significant number of highlanders to start identifying as Indigenous (Burman 2014, 248) rather than as campesinos (peasants), reclaiming the term *indio*.<sup>23</sup> Yet once in power, Evo reframed his approach to the TIPNIS and other Indigenous territories that could be used to finance a government that effectively relied on settler mechanisms of resource rents.

Even after land demarcation, the TIPNIS remained vulnerable to the expanding extractive frontier, with tensions over the years over a “red line” separating Indigenous territories from zones of colonization that, in practice, often overlapped. Tensions exploded in 2011 when Evo announced the construction of a transoceanic highway through the TIPNIS in the context of the Initiative for the Integration of the Regional Infrastructure of South America (IIRSA). Financed by Brazil, the highway traversed the TIPNIS to connect Brazilian agribusiness to the Pacific for an efficient export to China. The TIPNIS then became an epicenter of conflict between three Indigenous actors: Amazonian Indigenous communities originary to the TIPNIS defending their territory from transnational development projects, Indigenous Aymara and Quechua *colonos* settling in for agribusiness geared toward global markets, and Evo's Indigenous-state boosting neoextractivism on Indigenous territories to finance national expenditure.

Evo dismissed Indigenous mobilizations in defense of the TIPNIS as international conspiracies, a “strategy of imperialism . . . to impede national integration and . . . provoke a conflict between highland and lowlands peoples.”<sup>24</sup> Then in September 2011, Evo’s government ordered police forces to repress thousands of peaceful protesters marching toward the capital. The Chaparina repression was marked by physical brutality reminiscent of colonial times and exposed how the Indigenous president was willing to use the monopoly of the use of violence to repress Indigenous claims to self-determination. Men, women, and children were beaten to the ground. Many had their mouths taped and their hands tied behind their backs. Others were carried hanging on sticks in scenes reminiscent of slavery; hundreds were hauled away into a fleet of waiting hired buses (McNeish 2013). Images of the incident shocked the nation and the world, unveiling the use of racialized violence to guarantee the ongoing dispossession of territories and stifle Indigenous claims for self-determination.

By October 2011 a legal decree temporarily halted the road construction, forcing Evo’s government to consult Indigenous communities to maintain the legitimacy of the plurinational state that was intervening to secure the desired outcome. The state orchestrated a consultation with little advance notice to local communities and with many buses of Indigenous highlanders brought in to vote on the occasion, thereby overwhelming the votes of local communities originary to the TIPNIS (Delgado 2021). What is important to note here is how, under Evo’s regime, Indigenous people from one part of the country were used to perform an Indigenous vote against other Indigenous people originary to another part. This follows the definitional violence of state logic: if a person is recognized as Indigenous (to the state) she is Indigenous anywhere and everywhere, that is whether she is on her ancestral territory or not. The key issue here is whether you see Indigenous people as being territorialized within the entire state or in areas within that state (see chap. 3).

The TIPNIS illustrates how Evo went from being a defender of Indigenous territorial rights in the 1990s to its worst repressor once in office in 2011. It also shows how the plurinational state used state indigeneity to perform a facade consultation in its push for internal colonialism, manipulating a homogenized notion of indigeneity to erase land-based claims for self-determination. The TIPNIS is by far the most visible case of the Indigenous president repressing Indigenous rights to self-determination in the name of

national development but certainly not the only one. The conflicts show the contradictions of an Indigenous state promoting neo-extractivism through Indigenous dispossession. Ana Carolina Delgado (2021), who analyzed the dispossession at play in the TIPNIS road project financed by the Brazilian Development Bank to promote Brazilian agribusiness global exports, suggests that Indigenous repression formed part of a new developmentalist agenda of the plurinational state. Building on the work of Rivera Cusicanqui (2010; 2018a), Delgado refers to this process of internal colonialism as continuity, not reform. Ramírez (2017) goes further to argue that Evo's state was, in fact, a neocolonial one, pointing out that it is not "moral to decolonize through the descendants of the colonizers themselves, i.e. through a colonial state" (163), echoing Rivera Cusicanqui's (2015) observation that Evo's government took a "colonial turn."

For Nancy Postero (2017, 135), "the TIPNIS controversy demonstrates a troubling continuity: from the colonial period to the current moment, the extractivist development model continues to be structured around exploitation of Indigenous bodies and lands," and the failure of the plurinational state was due to the fact that it could not—or would not—free itself from a liberal economic model. The government could not resolve the paradox of being "at once an Indigenous state and a liberal state" (Postero 2017, 88). Rivera Cusicanqui (2016) argues that the repression of Indigenous protests defending the TIPNIS made clear that indigeneity had become a "strategic" state project reproducing colonial bureaucracies and extractive economies through the repression of Indigenous claims to land and self-determination.

To reduce Indigenous conflict in Bolivia, therefore, to cultural and historical differences going back to the Inka period is to profoundly misunderstand that the axis of the conflict is between smaller territorialized groups that stand outside the gate of sovereignty and resist state dispossession (the savages) versus much larger deterritorialized groups (or territorialized across the entire state) who are more able to access state patronage.<sup>25</sup>

## Ongoing Dispossessions

There are a number of reasons an Indigenous state was never fully established in Bolivia or, in José Nuñez del Prado's (2015) words, why the Indigenous utopia was cut short. Among these are the complex and changing identification with indigeneity; the inherent contradictions of embracing

both an extractivist economy while espousing diametrically opposed values of self-determination; and finally, the fact that indigeneity is most powerful as an antistate discourse that founders on its own ideological contradictions once it is used for and by the state. The most immediate reason may simply be the ongoing forms of state-led dispossession, which encouraged the land grab of Indigenous territories to turn forests into agribusiness.

Gonzalo Colque and Ben McKay (2016) frame the expansion of the agricultural frontier in the Bolivian lowlands as “productive exclusion” marked by settler colonial narratives of “putting land into production” and a foreignization of land as Brazilian and Chinese agrobusiness acquired titles. McKay (2017) discusses agrarian extractivism to analyze this capitalist agriculture characterized by massive land grabbing and high levels of environmental degradation with deteriorating labor conditions. This new resource-intensive extractive agriculture accentuates capital accumulation and erodes the ability of small farmers to engage in productive activity, turning local communities into surplus populations. Far from expanding Indigenous rights in Bolivia, these policies deepened dispossession and land concentration, legalizing processes of (re)colonization and the criminalization of nature defenders. They also perpetuated global historical inequalities of natural resource extraction for economies of the Global North.

This agrarian extractivism led to one of the most emblematic fractures of Evo’s government with Indigenous territories, second only to the TIPNIS, when fires in 2019 ravaged the Bolivian lowlands. The unprecedented fires destroyed over four million hectares of biodiverse forests in less than two months, an area larger than Switzerland (Picq 2019). Nearly 75 percent of the fires affected the Chiquitanía, an endemic dry forest ecosystem between the Amazon and the Gran Chaco in the department of Santa Cruz, which is home to the Chiquitanos and Guaraníes, those Evo claimed as presidents in his inauguration speech, and to the Ayoreo people, the only known group living in voluntary isolation in the continent outside Amazonia (Bessire 2014). The fires spread mostly through protected areas and Indigenous territories such as the Ñembi Guasu Reserve, which means “large refuge,” created in 2019 by the Guaraní Indigenous Autonomy of Charagua Iyambae to safeguard 1.2 million hectares of extremely biodiverse forests that are home to the jaguar and the Ayoreo nation. The Guaraníes have led an admirable struggle for self-determination, turning 68 percent of their autonomous territories into protected areas—over five million hectares. Until it burned down.

The fires were dramatic, not just for the extent and irreversibility of the destruction but because they were the direct result of deliberate policies promoting agrarian extractivism on Indigenous territories (Picq 2019). If the fires partly related to higher atmospheric pressures and drought caused by global warming, they were also directly related to Evo's Decree 3973 designed to turn Indigenous protected areas into pastures for cattle ranching agribusiness. These fires were not related to the common Bolivian practice of burning to clear land, known as *chaqueo*; firefighters struggled to extinguish the fires only to see cattle ranchers legally start new ones to clear forests. Many denounced it as ecocide, but Evo was set on expanding beef exports to China and the European Union. The ravage blurred the lines between ecocide and genocide, forcibly displacing over one hundred thousand Indigenous peoples and destroying the home of people living in voluntary isolation. During the fires, Evo declared that there were not "enough deaths" to declare a national emergency, blocking international intervention and explicitly dismissing the value of Indigenous peoples living in the forest. Evo not only acted against the constitutional rights of Mother Nature he proclaimed in international forums, but like President Jair Bolsonaro in Brazil, he consolidated aggressive extractive policies based on Indigenous dispossession. This is why the Network of Indigenous Organizations of the Amazon Basin (Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica [COICA]) declared both Presidents Morales and Bolsonaro persona non grata in 2019, accusing them of genocide and ecocide (*Los tiempos* 2019).

The destruction in the TIPNIS and the Chiquitanía are intrinsic to the neoextractivism of the plurinational state. A state that promotes development based on Indigenous dispossession is anything but Indigenous; it reproduces the racialized economies of dispossession of settler states. Although Evo played green for a long time, performing a Declaration of Mother Earth (2010), the map of extractive projects across Indigenous territories reveals the extractive matrix of the plurinational state.

The neoextractivism of the plurinational state was so profound that it absorbed much of public spending. Bolivian scholar Marco Antonio Gandarillas González (2016a) sees Evo's years as the golden age of extractivism since it exacerbated the export of natural resources and broke records in natural gas drilling.<sup>26</sup> Gandarillas González (2016b, 3) estimates that 80 percent of Bolivia's public spending from 2005 to 2016 was destined, directly

and indirectly, for extractive industries, notably on public infrastructure, facilitating the transport of mining and agribusiness commodities to global markets, whereas social spending in areas such as education, health, and basic sanitation only represented 17 percent of public spending. It was in the state logic to gear government expenditure toward extractive industries, perpetuating the Potosí principle at the detriment of self-determination. Yet the expansion of neoextractivism without Indigenous consent did not get redistributed to the Bolivian peoples, as promised, benefiting mostly private and transnational interests. Evo may have been an Indigenous person acting as president, but his government deeply expanded the extractive politics of dispossession across Indigenous territories.

Evo's redistributive policies required an expanding economy, and this could only realistically be based on the extraction of raw minerals such as zinc, gold, and lithium (McNeish 2021, 2023; Ströbele-Gregor 2012); the continued expansion of monoculture agribusiness such as soya; and, above all, natural gas. In the words of Farthing and Becker (2021, 107) "Ultimately, many elements of decolonization and *Vivir Bien* ran up against Bolivia's enduring role as a site of resource extraction in the global economy." It is not simply that Evo found himself dependent on extractivist industries but that, driven by easily available Chinese capital, the redistributive goals of his government and a desire to curry favor with voters in order to stay in power, actually deepened that dependency. Despite campaigning—and winning—in 2005 on an antiglobalization platform and, in particular, a focus on natural gas as national asset, Evo's government became more and more beholden to foreign capital. In the words of Fabricant and Gustafson (2022, 114):

Morales' deepening reliance on multinational capital constrained the government's willingness to make more radical changes—particularly when it came to the environment and Indigenous rights, and with respect to investing in sustainable agriculture among small-scale producers. Despite its rhetoric of resistance to neoliberalism, the economic model was embedded in transnational and national webs of extractive capital, not just in gas, but also in mining and agro-industry.

Cases like that of the TIPNIS and Chiquitanía show the extent to which Evo embraced the commodities consensus, contesting not the dispossession of Indigenous territories for extractive industries but rather redefining the

role of the state on how to grant Indigenous territories into concession for the benefit of “the nation.” Evo’s plurinational state not only failed to disrupt economies of dispossession; it consolidated them by further expanding the extractive frontier into Indigenous territories. In fact, as the Aymara intellectual Teófilo Mamani Choque (2014) has argued, there never really *was* a plurinational state but rather a rhetorical device to obscure deepening colonial relations and structures. Our analysis unfolds from the lenses of neoextractivism, a form of capitalism specific to the Bolivian state, but other forms of capitalism shaping other states would be equally problematic. The point is not one form of capitalism or another, or one state or another; the point is that capitalism as a system is based on primitive accumulation that implies regimes of dispossession—territorial, human, and beyond as we discuss in chapter 2.

## Conclusions

Conflicts around extractive projects show that Evo’s government perpetuated the land grab of Indigenous territories in the name of development. It contested capital relations, focused on economic redistribution, and promoted a decolonial narrative, most notably creating the Ministry of Decolonization and Depatriarchalization. Yet authentic decolonization must do more than repair economic inequalities; it must also, as Coulthard (2014) and Simpson (2017) suggest, account for the overlap of territorial power relations structured along racialized forms of domination. To discuss an Indigenous state, we must engage with a radical intersectional analysis that includes territorial self-determination. As Patrick Wolfe (2006) argues, the primary motive of settler colonialism is access to territory, not race. Territory is the primary, irreducible ingredient of colonialism because it is what provides sustenance to colonial state formation. Without Indigenous territory, the modern state has no land to claim authority over and no resources to commodify for profit on global markets. It is the sovereign power over territory that permits extractivism for capital accumulation. Evo contested inequality in a traditionally sociodemocratic way, promising a socioeconomic redistribution while reifying structured forms of dispossession through neoextractivism, a foundational essence of Westphalian colonialism.

Evo failed to continue in power after the 2019 electoral process, which ended in a major political crisis followed by the political takeover of Jeanine

Áñez, a non-Indigenous, evangelical politician who, as described by Farthing and Becker (2021, 142) “had branded Indigenous religious rites ‘satanic,’ referred to Evo as a ‘savage,’ and suggested that genuine Indigenous people would not wear jeans or tennis shoes.” The end of Evo’s administration was marked by a violently anti-Indigenous backlash that ripped through the country, resulting in numerous deaths, including a notorious “All Saints’ Day”<sup>27</sup> massacre of Indigenous people; imprisonment and persecution of Indigenous activists; and serious harassment of anyone who looked Indigenous. Áñez initially did not appoint a single Indigenous person to her government (Farthing and Becker 2021, 142). This was quite clearly the end of the Indigenous state in whichever form it may have taken. Evo’s MAS political party returned to power in 2020 with the election of Luis Arce who, like Evo, traveled to Tiwanaku for an Indigenous inaugural ceremony. There is no question, however, that Arce’s administration was much less Indigenous in its symbolism as well as its rhetoric. Today, there is no way anyone could reasonably speak of Bolivia as an Indigenous state again, even after the MAS returned to power.

Perhaps the premise of an Indigenous state is not to put in office an Indigenous president such as Evo or nationalizing Indigenous rituals like the solstice but rather to reframe what the political is about, restoring the broken relations of humans with nature, and taking nondomination seriously as the key ingredient for real emancipation. The Amazonian Krenaki philosopher Ailton Krenak (2022) is onto something when he says the future is ancestral and proposes to move away from concepts of citizenship (*ciudadanía*) to notions of forestship (*florestanía*): new models of citizenship, at any rate, for a new model of the state.





# Conclusions

This is not a book about Indigenous peoples but about the states who invented them. It was not written for Indigenous people; they do not need to read it nor to be told what they already know from experience. This book is for the citizens of sovereign states to understand the political form they inhabit—and its limits. It is for them to understand how they came to be who they are—not from within but through relations of power and dominance—and the ongoing implications of these ongoing relations. This book approaches indigeneity as a political identity that is relational and co-constitutive, and it exposes the uncomfortable embrace between savages and citizens. This book seeks to make visible the extent to which the denial of sovereignty to Indigenous peoples structures the international system of states and the collective responsibility to restructure these relations of domination. We wrote this book to make clear that the “Indigenous problem” is a problem of the modern state, one that needs to be resolved from within, by the citizens of the modern state. We write this book now as time runs out, because this modern state that operates through dispossession is destroying not only Indigenous life but all forms of life.

We have argued and demonstrated that indigeneity and the modern state are co-constitutive and relational: the one implies the other. There were no Indigenous people before Europeans encountered them in the Americas. There was no modern state until political philosophers imagined Indigenous peoples. In exploring the foundations of the modern state through the lens of indigeneity we are, in fact, performing an archaeology of the state.

In seeing indigeneity as a category of political analysis, we can show that Indigenous peoples are not atavistic remnants of a romanticized past but very modern peoples resisting dispossession as they fight for basic rights of self-determination. That is what counts, not how “authentically” Indigenous they are perceived to be. Our discussion in chapter 1, we hope, shows that arguments around authenticity are just other ways to dispossess. How many Europeans, after all, still wear the attire worn by their ancestors in the sixteenth century, and yet no one doubts *their* authenticity even if they are not sporting a doublet and hose. It was always a specious argument, superficially plausible but actually wrong.

The sixteenth-century philosophers we explored in chapter 2 inhabited an Enlightenment Europe where Europeans were beginning to explore and conquer the world as never before. Their philosophies put the Natives in their place, that is, as savages beyond the civilization of the state, shaping a nature-culture dualism that claimed political modernity in opposition to an imagined state of nature outside of it. The “savages” who inhabited nature were not seen to have rights over their territories because they were unwilling or unable to be civilized and belong to modern nations, a philosophy that fueled economies of dispossession and the logic of extractivism that continues to turn all forms of life into commodities for capital markets. The basic idea of Indigenous peoples as part of nature continues to structure the international system with no shortage of association between Indigenous peoples and Amazonia despite their repeated claims for territory and their self-determination. This conceptualization of modern state with places—and peoples—of nature outside of it matters today in many forms, not least because it is the foundation for the systems of extraction that have led to the Anthropocene and the ongoing climate collapse.

In seeing indigeneity as essentially a power relation over sovereignty, we are better able to understand the different ways indigeneity is understood and deployed. There is a fundamental difference, as we showed in chapter 3, between majoritarian discourses of people who see themselves as the “true” inhabitants of the nation-state and minoritarian discourses of people who are minorities in the national space and struggle to maintain autonomy over their territories and their ways of life. It should not surprise us that these two groups may come into conflict since they are fundamentally opposed even if they both use the language of indigeneity.

Understanding Indigenous sovereignties, their forms of self-determination, is necessary for non-Indigenous peoples because it shows how sovereignty has consequences for all of us. We have demonstrated in chapter 4 how Indigenous women in Ecuador fought for and won the rights of Indigenous women *as* Indigenous women to participate equitably in the administration of justice in their communities. It is more than possible to have overlapping sovereignties in a modern state, and to do so allows new spaces for all kinds of people to enjoy their self-determination, inventing alternative practices of sovereignty. Indigenous people were imagined as outside the state when the modern state was being formed. As the state as a form of governance shows more and more its strains and fissures, Indigenous people can show that there are different ways of being. Indigenous people can show different ways of being in, and beyond, a state.

We close the book by returning to the understanding of indigeneity of Alfred and Corntassel's that we presented in the first chapter to make more sense of Evo's "Indigenous State" and that we explored in detail in chapter 5: "this oppositional, place-based existence along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples" (Alfred and Corntassel 2005, 1). Evo did not show any political consciousness of being in struggle against Indigenous dispossession; instead, he expanded extractive industries, frequently without consent, on Indigenous lands. Building a road through Indigenous territories in the TIPNIS and the subsequent repression of Indigenous claims for self-determination are but one example among many more of Evo's policies of continuing extractive dispossession.

One way of thinking through these paradoxes and contradictions is to remind ourselves of Rosanna Barragán's (2009) point that Bolivia has always had more territory than state. That is, the state's reach was always only partial, though Evo extended it. This is true of any and every settler colonial project. In other words, the modern state was only ever an archipelago of fractured sovereignties, but all emanated from the state, not from practices generated through Indigenous self-determination, which were repeatedly repressed unless they unfolded within the boundaries and the authorization of the plurinational state. It is on those spaces where the state's arm does not reach that Indigenous self-determination thrives such that the state's recognition of Indigenous justice can be read as simply recognizing what was

always there, operating beyond and often despite the state, those sovereign “eyes” we mentioned in chapter 4. Farthing and Becker (2021, 100) follow Quiles (2019) in thinking of Bolivia as a “state with holes,” and it is in these holes that much Indigenous life is to be found. Similarly, Manuela Picq (2018) sees territorialized Indigenous politics as a vernacularization of sovereignty, one that creates holes in the fabric of the state much like the holes in a swiss cheese. As Dan Goldstein (2004) shows, it is in urban areas as well as rural that the state’s writ fails to run.

Evo’s plurinational state had to face the fact that the bureaucracy was largely still in the hands of the old elite (Farthing and Becker 2021, 98), and for that matter one whose wealth was based on extractive settler dispossession. Evo, like the African elites that Frantz Fanon criticized, came to power to replace the colonizers before him and did little to dismantle the foundation of the colonial system that financed his tool of governance: the sovereign state.

Even if the state was full of “holes,” we are still talking about a state with international boundaries. Indigenous peoples aren’t always found neatly settled within state boundaries, and many international boundaries run through Indigenous territories. Daniela Peluso (2023) gives the example of the Tsimane in Peru/Bolivia where a river and an international border run through their territory. The river, which has historically been the principle means of communication for Tsimane society, in the twentieth century became a source of separation and division as “Peruvian” Tsimane and “Bolivian” Tsimane faced different citizenship statuses and bureaucratic requirements. González Miranda, Rouviere, and Ovando (2008) elaborate on a different example where the Peruvian-Chilean-Bolivian border cuts through Aymara groups with a history going back at least a thousand years. Audra Simpson’s (2014) book *Mohawk Interruptus: Political Life Across the Borders of Settler States*, is a very good example of this in North America, where Mohawk communities straddle the U.S.-Canadian border and always have done, that is, ever since Europeans and their descendants created that border through Mohawk territory. This is a key problem facing Indigenous peoples across the globe. The Mohawk have their own documentation (other than passports and drivers’ licenses) to cross that international border, and this exception to the “normal” exercise of state power give a clue to how Indigenous sovereignty, even one as muted and attenuated as that left to the Mohawk, is at variance to the Westphalian model of states.

One *could* imagine an Indigenous state as a series of overlapping non-continuous archipelagos that traverse multiple boundaries. This may sound like an absurdly radical suggestion, but the Westphalian system is only three hundred fifty years old and is historically not the normal, much less the canonical, way governments related to each other and to their members for millennia across the world. Perhaps it is time. We would, however, need new maps and new coloring schemes to represent a mottled and variegated self-determination.

The vision of state and sovereignty imagined in the Westphalian system always kept the Indigenous at the definitional boundary. The persistence of Indigenous people, however, lends a lie to the completeness of the Westphalian nation-state. Where Indigenous people exist, there will be holes, ripples, and fuzzy borders in the fabric of the state sovereignty, or seeing it the other way around, indigeneity emerges from these holes, ripples, and fuzzy borders. As we have argued from the very beginning, indigeneity and the Westphalian state are mutually defining. This is why it is impossible to think adequately through the politics of Abya Yala without indigeneity, or to consider world politics over the last five centuries without seriously engaging Indigenous peoples. What are savages if not those barbarians shaping the very borders of the state? What are citizens if not those removed from savagery by the civilizing nation-state?

The politics of indigeneity are about people in their struggles for territory, autonomy, and justice. But they are also about reimagining our states and governments, of imagining a more variegated and mottled sovereignty, one that entails self-determination of bodies and territories rather than Agamben's *nula vida*, one that encompasses a plurality of not just identities but relations in a world unshackled from the systems of domination of that great colonial project of the last five centuries that enveloped the world and collapsed all forms of life in it. Indigenous struggles may appear to be about people far away from "us"—citizens—but they are, as indeed they always have been, about how we all think about all of our relations—at all human and beyond human scales.

We hope this book illuminates how indigeneity functions first and foremost as a power relation with regard to sovereignty in the international system. Our wish is that this conceptualization provides tools to understand Indigenous struggles of resistance without resorting to claims of authenticity and essentialization. We believe our insights illuminate Indigenous politics

without falling into essentialist traps, providing conceptual tools to make sense of the various ways of being Indigenous in the world and how to understand Indigenous struggles with states and among themselves.

Indigenous politics may appear to be the proper realm of anthropology and of little concern to the lives of the rest of the world, but there is much that the “rest of the world” could positively engage with and learn. Indigenous politics are, in fact, at least as much within the realm of political science and international relations. Their struggles are undoubtedly diverse, but in their struggle for territory there is a clear and common thread that runs through all Indigenous movements: a rejection of the commodification of life in all its forms with the racial and gendered mechanisms of extractivism and dispossession. The issues of extractivism, sovereignty, and citizenship are not, however, simply of concern to small groups of marginalized Indigenous people: there could hardly be an issue that is more global or one that is more urgent.

In this, we hope this book reframes assumptions as much as it inspires reaction. Decolonization is a process that takes many forms, from dismantling racist structures to epistemological decolonization of the mind. It is not just about becoming aware of colonial relations or of dispossession but to actively undo the systems that maintain them, starting with the logic of extraction. Such decolonization is not a job that belongs only to colonized peoples and cannot be placed solely on the shoulders of Indigenous peoples: it is everyone’s responsibility.

Indigenous struggles are at the very forefront of global struggles addressing environmental destruction and climate change. Indigenous people are literally and figuratively on the front line of this struggle. The politics of indigeneity, we have argued, played a foundational role in the creation of the modern nation-state. Today the politics of indigeneity are pushing for new ways of caring for the common we all depend on to survive as a species. Indigenous politics are, whether we choose to see it or not, about all of us.

# NOTES

## Foreword

1. “Mankiller Says Perception a Threat to Sovereignty,” Indianz.com, June 16, 2005, <http://indianz.com/News/2005/008785.asp>.
2. See, e.g., Corntassel (2018); Corntassel (2021)
3. See, e.g., Altamirano-Jiménez (2021); Simpson (2016, 2017); Cabnal 2010.
4. Kaniehti:io Horn (host), “Episode 6: Savage,” *Telling Our Twisted Histories*, CBC Listen, June 28, 2021, <https://www.cbc.ca/radio/podcastnews/telling-our-twisted-histories-transcripts-listen-1.6868648>.

## Introduction

1. The Haudenosaunee Confederacy, also known as the Six Nations by the British and the Iroquois by the French, comprises the Seneca, Cayuga, Onondaga, Oneida, Mohawk, and Tuscarora Nations in what is currently the northeastern United States and eastern Canada. A matrilineal society in which women held determinant power, it is estimated to emerge in the eleventh century or earlier and is often described as the oldest continuing participatory democracy in the world. Its government strongly influenced the constitution of the United States in the eighteenth century, with the Great Law of Peace contributing fundamental democratic principles such as the right to representation in government. In 1988, the U.S. Senate passed Resolution 331 acknowledging the contributions of the Iroquois Confederacy to the U.S. constitution. See Bruce Johansen (1982) for the influence of Haudenosaunee leaders on the thirteen colonies, and Carol Bagley and Jo Ann Ruckman (1983) for the Haudenosaunee influence on feminism and communism.
2. This is by no means an exhaustive account of this kind of anthropological approach, which is beyond the scope of this work, but see Anagnost (1995), Bayart (1993), Bourdieu (1999), Das and Poole (2004), Ferguson (1994), Hertzfeld (1992), Jones (2012), Lutz (2002), Nelson (1999), Nugent (1997), Scott (1998), Spencer (2007), Stoler (2004), and Verdery (1996).



3. See also Bernstein and Mertz (2011), Gupta (1995), Li (2002), Lyon-Callo and Hyatt (2003), and Mukerji (1997).

4. In 1972 the American Indian Movement staged the Trail of Broken Treaties, a cross-country protest that occupied the Bureau of Indian Affairs in Washington, D.C., to bring attention to the violation of treaty agreements and its lasting consequences on Native peoples. The caravan echoed the Trail of Tears, when almost all the members of the Cherokee nation were forcibly displaced from their homelands, and many killed were (1830–58) even though the U.S. Supreme Court had upheld Cherokee rights over their land twice.

5. Bodin is at pains to point out that it had not hitherto been defined: “Il est icy besoin de former la definition de souueraineté, par ce qu’il n’y a ny Iurisconsulte, ny philosophe politique, qui l’ai definie” (Bodin 1577, 89).

6. Bodin recognized only three forms of government, defined by whether sovereignty lay in a single person (monarchy), a small number of people (aristocracy), or a majority of people (democracy), a rather limited vision of how people organized themselves, even in his own historical period.

7. “Car [la puissance] n’a autre cõdition que la loy de Dieu, & de nature ne cõmande” See also Bodin (1577, 97).

8. Claims of self-determination play out on a diversity of issues ranging from land to marriage. Some claims to self-determination seek to demarcate Indigenous lands to defend territory from extractive industries such as in the case of the Kaiowá-Guaraní. Other claims assert self-determination by exercising Indigenous institutions such as ancestral Indigenous marriage, recognized by the United Nations Committee on the Elimination of Racial Discrimination (CERD) in 2022 as a form of self-determination (CERD C/106/D/61/2017).

9. Whereas the quest for a Kurdish state remains central in most of Kurdish political claims, the Kurdish propose a confederate model of self-government in the Syrian region of Rojava, much like Indigenous forms of self-determination that are not separatist movements. See Anahita Hosseini (2016).

10. Mamdani distinguishes between settlers and immigrants in South Africa from the perspective of those struggling against apartheid: “The settler was a person whose privilege was inscribed in law; alternately, immigrants were of different types, whites with privilege, non-whites without” (Mamdani 2004a:6). This is an important distinction to make. Indigeneity is not formed by any influx of people but by those who arrive with a particularly privileged position underwritten by the state.

11. Standing Rock Sioux scholar Vine Deloria Jr. tackled the language used by Pope Alexander VI in the 1493 bull in his seminal book *God Is Red* (1972).

12. Cartography was central to this project of conquest, a form of territorial appropriation, first cognitively, then politically (Branch 2014; Del Castillo 2018). Bryan and Wood (2015) argue that maps play an indispensable role in contemporary Indigenous efforts to secure land rights.

13. Terra nullius was generated by the history of European expansion and, specifically, by the natural law tradition that since the sixteenth century was employed

to debate the justice of colonization. This doctrine remained in Australian law from the colonial period right up to 1992, leaving Aboriginal Australians in a state in exception. See the work of Warrimay scholar Victoria Grieves (2018) and of Stuart Banner (2005).

14. Although Pope Francis symbolically, and somewhat belatedly, abolished the Doctrine of Discovery in 2014, this doctrine is central to the international system, and it continues to organize international law.

15. General Act of the Conference at Berlin, February 28, 1885, <https://worldjpn.net/documents/texts/pw/18850226.T1E.html#:~:text=Article%206%20All%20the%20Powers,and%20especially%20the%20Slave%20Trade>.

16. The island is now part of Indonesia.

17. The 1820 uprising in Totonicapán, the most powerful of the colonial region now called Guatemala, unfolded in a context of social, economic, and political unrest as the Spanish empire dismantled in an archipelago of autonomous nations. What started as protest against colonial tribute in 1816 turned into a declaration of independence by the K'iche' government of San Miguel Totonicapán in 1819, with the crowning of Atanasio Tzul as governor and Lucas Aguilar as king governing with hundreds of K'iche' leaders, delivering justice and collecting taxes (Pollack 2008; Grandin 2000).

18. *Huasipungo*, *ponqueaje*, *concertaje*, and *encomienda* are different words referring to the same form of bonded labor across Andean countries. Until the agrarian reforms of the 1950s and 1960s, Indigenous peoples in the region were subjected to regular physical abuse and were unable to leave their communities without the consent of the *hacendado*, the hacienda owner. Until the 1950s, deeds of sale for haciendas included the *indios* living on the property along with chattel. In Amazonia, the rubber boom's thirst for labor meant Indigenous people were rounded up and subjected to the most appalling violence (Taussig 1987).

19. Emphasis by the author.

20. Press release, September 13, 2007, New York, Message of Victoria Tauli-Corpuz, Chairperson of the UN Permanent Forum on Indigenous Issues, on the occasion of the Adoption by the General Assembly of the UNDRIP.

21. One of the clearest examples is the U.S. Citizenship Act of 1924, which conferred U.S. citizenship on all Native Americans born in the United States, whether they wanted it or not, in order to deprive them of a national status not directly dependent on the United States. Federal citizenship did not entail the right to vote, which was determined by state laws and was not granted until the 1960s in some states. The Citizenship Act, therefore, was not about extending citizenship to Native Americans. The theme of formal, theoretical, inclusion into state citizenship that in fact forges a structural exclusion from sovereignty runs through many of these pages.

## Chapter 1

1. Blood quantum, a system initially developed by the U.S. federal government to limit Indigenous enrollment, determines a minimum of 25 percent Indian blood to

legally recognize someone as Indigenous. Some Indian nations started using the blood quantum standards as citizenship requirement, such as the Diné (Navajo) Nation, which requires 15 percent of Diné blood, and the Turtle Mountain Nation, which requires 25 percent of any Indian blood in combination with Turtle Mountain. See Sisseton Wahpeton Oyate Scholar Kim TallBear (2013) on the politics of Native American DNA.

2. Although *los naturales* was progressively replaced by *indio*, it continued to be used in various contexts until the twentieth century.

3. There were enormous variations within this “Indigenous” category created by the Spanish colonial government. Although most Indigenous people cultivated small parcels of land and survived poverty, some had political and economic power, such as Juan Santos Sanchez, governor of Colotenango, and Pablo de Paz, an Indigenous Quiché merchant who was the single largest donor to the crown in the entire province of Totonicapán (Pollack 2008, 31).

4. In other words, in the fifteenth century property and status “cleansed” the blood—just as it “whitened” the blood in later centuries. This is why Inka princesses married to Spanish conquistadors were able to settle in their castles in Spain without being considered “Indian.”

5. *Adivasis*, a term that means “first settlers” in Sanskrit, coined by activists in the 1930s to give “Tribals” a common Indigenous identity, are categorized along religious lines, such as Hindu or Buddhist. The connotation of Tribals as savages in India is evident in the way people in Delhi and Mumbai often refer to Tribals as “jungle” people.

6. Even though native peoples usually identify belonging along lines of kinship, responsibility, and genealogy, many Native American Tribes have now adopted the U.S. government definitions of Tribal belonging along the blood quantum.

7. *Jus solis* is a term used to describe citizenship by virtue of birth in the national territory; *jus sanguinis*, in contrast, is citizenship by “blood” or by virtue of descent.

8. See Kathleen Brown-Pérez (2017) and Mark Miller (2014).

9. For some important exceptions to this, see chapter 4.

10. *Moro* is a broad term to describe the various Muslim peoples who settled or were converted in the Iberian peninsula from the arrival of Tarik ibn Zeyyad in 711 to the fall of the last Caliph of Granada, Abu Abdallah Muhammed XII (“Boabdil” in Spanish) in 1492. For Christian Spaniards these were the canonical “other,” and the term *moro* is still used pejoratively in Spain today. *Moros* are also depicted today in popular festivals enacting conflicts between *cristianos* and *moros*.

11. Tensions between Lumad peoples and the Spanish forces were documented in the Kagayanon invasion of Lumad lands turned into Christian settlements in the 1620s and the 1631 Caraga revolts that sought to protect Lumad ancestral domains from outsiders (Paredes 2013).

12. In 2017 the U.S. Bureau of Indian Affairs officially listed 567 recognized tribes (variously called tribes, nations, bands, pueblos, communities, and native villages). According to the National Congress of American Indians, about 230 of these are in Alaska; the other federally recognized tribes are in thirty-three other states. In addition, there are state-recognized tribes throughout the country.

13. “Indigenous Peoples, Democracy and Political Participation,” Political Database of the Americas, 2006, <http://pdba.georgetown.edu/IndigenousPeoples/demo-graphics.html>.

14. In some cases, self-identification can put the Indigenous communities/minorities at a disadvantage, since dominant groups can appropriate Indigenous narratives, myths, and legends to contest claims of prior belonging. For instance, in northern India, a dominant Brahmin caste group claims ancestry from the Hanuman (the Indian monkey god), thereby identifying themselves as Indigenous people.

15. In 2008 CEPAL organized an international workshop called “2010 Censuses and the Inclusion of an Ethnic Focus: Towards a Participative Construction with Indigenous and Afro-descendent peoples of Latin America.” It gathered government actors to discuss methodologies to elaborate ethnic indicators, stirring collective momentum with the support of UNICEF, UNIFEM, the UN Population Fund, the World Health Organization, the Spanish Agency for International Development Cooperation, and the Fondo Indígena.

16. The text reads: “Todos quienes nacimos en Bolivia somos originarios de esta tierra; algunos somos originarios milenarios y otros son originarios contemporáneos.” It sits, in fact, on the first text page (p. 3) of the constitution.

17. Latin America has had forty-five racial censuses from 1850 to 1950. Only since the 1950s do national censuses rely on self-identification for racial classification (Loveman 2009).

18. According to the International Work Group of Indigenous Affairs (IWGIA), Russia has over 160 Indigenous peoples. Forty of them are officially recognized by the state as “Indigenous Minority peoples” of the “North, Siberia, and the Far East.” None of them, however, apart from Sámi, are in European Russia.

19. There is, for example, considerable evidence that Jews were already living in those parts of eastern Europe that the Teutonic knights conquered and claimed, territories that later became Prussia and Germany. Jews were central in the invention of race during the Middle Ages in Europe; see Geraldine Heng (2018).

20. Lecture, “The Gaze: Visual Regimes and Colonialism Representations of the Other,” September 19, 2019, Five Colleges Women Studies Research Center.

21. Capt. Richard H. Pratt’s “Kill the Indian and Save the Man” speech, delivered in 1892 from History Matters at George Mason University.

22. One aspect of this, observed across many Indigenous movements, is the focus on control over women’s bodies as the reproducers of the ethnic group, whereas men are freer to pursue liaisons outside the group.

23. 1996 report of the Working Group (UN Doc. E/CN.4/Sub.2/1996/21).

## Chapter 2

Portions of this chapter were previously published in “Hobbes’ Border Guards or Evo’s Originary Citizens: Indigenous People and the Sovereign State in Bolivia,” *New Diversities* 19, no. 2 (2017): 69–84.

1. Many activists across Morocco and Algeria increasingly reject Berber as a colonial categorization, preferring the denomination of Amazigh. See Maddy-Weitzman (2011).

2. Locke's theory of property excluded people on the basis of indigeneity, race, and gender. See Carole Pateman (1988) on the sexist oppression in contractual submission and Silvia Federicci (2004) on the witch hunt and enclosure of the commons in seventeenth-century England as a gendered process that framed women as witches to exclude them from owning property.

3. Vittoria di Palma (2014) explores the history of the concept of wasteland, noting that it refers at once to a space outside civilization and a space damaged by civilization. A wasteland is both the antithesis of culture and its by-product—just like indigeneity, we argue.

4. The Morrill Act encompassed fraudulent and coercive land-seizure practices in the mid- to late 1800s United States; the existence of current land-grant universities depends on extractive legal practices backed by threats of state violence. See the interactive map in Robert Lee, Tristan Ahtone, Margaret Pearce, Kalen Goodluck, Geoff McGhee, Cody Leff, Katherine Lanpher, and Taryn Salinas, *Land-Grab Universities*, High Country News, <https://www.landgrabu.org/>.

5. Ellington (2001, 81–82) writes, “Rousseau did not promote the idea of the Noble Savage nor did he ever mention it. The idea he did is one of the most widespread misbeliefs of all time.”

6. Ellington's work shows how the “noble savage” myth gained currency within ethnological circles in the second half of the nineteenth century, in particular, John Crawford of the British Ethnological Society (Ellington 2001, 281, 291–97), precisely to be then debunked in favor of less positive views of “savages.” According to Ellington (2001), the “noble savage” had been used occasionally in the seventeenth century but not again until 1859, when John Crawford used it in series of lectures to the British Ethnological Society (where he was elected president in 1861). Crawford had a long career in the East Indian Company before turning his hand to ethnological writings. His purpose in these lectures was not to show how savages were noble but to hold it up as a romantic fiction that needed debunking. His political project was to orient ethnology away from studying cultural difference to demonstrating racial inferiority.

7. For philosophers such as James Tully (1995, 116) concerned with developing a political philosophy that can accommodate the diversity of contemporary nations, this was particularly tragic because Hobbes's philosophy resolutely shuts down any possibility of dialogue with Indigenous others: there is nothing we can learn from them, and to some extent he lays at Hobbes's feet no small part of the responsibility for the cultural misunderstandings that accompanied the conquest of peoples outside the modern sovereign state.

8. Precisely because they have this role, they are in a privileged position to challenge the sovereign state (Shaw 2008).

9. Interview with Manuela Picq, October 17, 2023.

## Chapter 3

A previous version of this chapter was published as “Indigenous Conflict in Bolivia Explored Through an African Lens: Towards a Comparative Analysis of Indigeneity,” *Comparative Studies in Society and History* 60, no. 2 (2018): 308–37. The article won the Jack Goody prize in 2019.

1. Peter Geschiere (2009) outlines the very specific and ultimately arbitrary reasons Dutch speakers settled on the Greek word *autochtonie* to articulate a set of nationalist concerns; in francophone West Africa, *autochtonie* is inherited from the French colonial apparatus. As Geschiere notes, in francophone North America, *autochtonie* has a very different meaning, and we would add that it is very rarely used elsewhere in the hemisphere and when it is, it is used synonymously with Indigenous (e.g., Orobítz 2012). At most, in Spanish, *autoctonía* is preferred over *indigeneidad* because the latter is a rather inelegant neologism borrowed from English, but even so, it is very rarely used. It is quite clear that in many contexts *autochthony* and *indigeneity* are interchangeable, even within Africa, the only real difference being that *indigeneity* has much more of a global currency. But it is worth pointing out that the UN treats *autochtonie* simply as a translation of *indigeneity*, and so in French the Declaration on the Rights of Indigenous People is the *Déclaration sur les droits des peuples autochtones*. The UN’s insistence on translating *indigeneity* as “autochtonie” has caused some confusion in countries such as Cameroon, where the term has a very different history and *indigènes* who are on its margins, such as forest dwellers, are now sometimes described as *autochtones vulnérables*.

2. Greene (2009) offerings a compelling critique of the ways in which people often relate historical struggles between the Inkas and lowlanders in the fifteenth century to twenty-first-century frictions that are profoundly different in origin and scope.

3. This is, however, not a simple issue. The 2001 census declared 66 percent of the population (including those under fifteen years of age) to be Indigenous. In 2012 only 43 percent of the population self-identified as Indigenous. There is no question that this is due to the phrasing of the question and the political and social contexts in which each of those censuses occurred. This does illustrate that deciding who is and is not Indigenous is by no means straightforward even in the case of two censuses that allowed people to self-identify. It also points to the enduring if shifting advantage over time of identifying as mestizo.

4. Although many mestizos of this period would have been bilingual—indeed being bilingual was one of the key features of being a mestizo—they would not have been fluent in all the Indigenous languages of their troops.

5. This, however, was widely used as a euphemism. Mestizo peasants then and now do not refer to themselves as campesinos, but rather *agricultores*—small-scale farmers.

6. See, for example, Bigenho (2005).

7. In this it was similar to *indigenismo* movements across Latin America, beginning with Mexico after the Revolution. *Indigenismo* was concerned much less with

contemporary Indigenous peoples who were encouraged to assimilate but to absolve emerging middle classes of the “problem” of racial impurity and Indigenous descent.

8. Today the World Bank recognizes that the majority of the world’s Indigenous people live in Asia.

9. Their leader, the balaclava-clad subcomandante Marcos, is not Indigenous, but his regular internet communications placed indigeneity as a discourse for articulating a wide range of progressive causes such as, for example, gay rights, which had not hitherto been associated with Indigenous people’s rights.

10. Riester went on to found an NGO, APCOB (Apoyo para el Campesino Indígena del Oriente Boliviano; Support for Peasant-Indigenous Peoples of Eastern Bolivia), to provide CIDOB with NGO funding and technical and research support.

11. The march gained rapid international attention and was even reported in German regional newspapers.

12. There are also many cases where leaders articulate a strong Indigenous identity, but the people they represent are uncomfortable with the label. Boullosa (2017) offers an Argentinean example.

13. Quispe’s ideology would shift, partly in response to Morales, but not in time to prevent his being totally eclipsed by the leader of the coca growers’ leader. Quispe never really had much appeal beyond his Aymara base.

14. Confederación Nacional de Ayllus y Markas del Qullasuyu (National Confederation of Ayllus and Markas of Qullasuyu). *Qullasuyu* is the Inka term for that quarter of the empire that now makes up much of Andean Bolivia. *Ayllus* and *Markas* are Aymara and Quechua words, respectively, for territorialized Indigenous communities.

## Chapter 4

This chapter is based on Manuela Picq’s book *Vernacular Sovereignities: Indigenous Women Challenging World Politics* (Tucson: University of Arizona Press 2018).

1. There is very little data on the violence against Indigenous women and their access to justice. In 2017, Daniel Cunjama López, professor at Mexico’s National Institute of Penal Sciences (Instituto Nacional de Ciencias Penales [INACIPE]), organized focal groups and individual interviews to assess women’s perception on violence in Pátzcuaro, Michoacán. For his findings, see Lorena Cortés, “Mujeres Indígenas: Las más violentadas entre las violentadas,” *Nexos*, January 13, 2020, <https://seguridad.nexos.com.mx/?p=1860>.

2. The UN Declaration on the Rights of Indigenous Peoples treats gender as a vulnerability stating that “particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities” (Art. 21.2).

3. Declaration by legislator Mauro Andino.

4. *Anako* is a long wool skirt Indigenous women traditionally wear in Ecuador’s central and northern highlands.



5. It was legislator Mauro Andino's assistant, speaking on his behalf, who questioned the civil status of Kichwa women, implying that to have credibility women must be "decent"—that is, married and mothers.

6. Emphasis added.

7. Emphasis added.

8. Cristina Cucuri, interview with Manuela Picq, 2008.

9. Ceviche is a dish of raw seafood cooked in citrus juice that is popular in coastal regions. This dish served in fishing villages contrasts with the quinoa grains traditionally served in the highlands.

## Chapter 5

1. Quoted in Shrinkal (2021).

2. This was, in fact a refounding of the MAS party that originated with activists David Añez Pedraza and Filemón Escóbar in 1987 and came out of the Bolivian Falangist movement. With elections looming, the MAS was the only element of the coca growers' movement that had a legally registered party, a requirement to stand for election and without which Evo would have been barred. On July 23, the MAS was refounded again under the leadership of Juan Evo Morales Ayma, who was then able to campaign as a leader of a legally registered political party.

3. "Ya hemos ganado: Aymaras, quechuas, chiquitanos y guaraníes por primera vez somos presidentes," *El Mundo*, December 18, 2005, <https://www.elmundo.es/elmundo/2005/12/18/internacional/1134943671.html>.

4. Tiwanaku, situated between Lake Titicaca and La Paz on the Bolivian Altiplano, was once one of the most influential centers of the Americas and has been the object of much cultural appropriation, from the Inkas who considered it their place of cosmic genesis to Evo who symbolically inaugurated the Indigenous state there. See John Janusek (2008).

5. *Suma qamaña* can be understood as a strategic appropriation of Indigenous worldviews across state bureaucracies to express opposition to recent decades of neoliberal reforms (Rivera Cusicanqui 2018a). The term *suma qamaña* was coined in the twenty-first century by Aymara intellectuals in La Paz, as Finnish anthropologist Eija Ranta (2018) has carefully documented, but this is not to say it should simply be discounted as "inauthentic." Anders Burman (2017, 168) argues that activists reinvest *suma qamaña* with new meaning, "re-signifying the concepts, filling them again with an insurgent quality and seeing them as horizons of struggle in a world where people and communities that have been censored as serious actors of both intellectual production and national politics, emerge again." See also Spedding (2010).

6. The full text reads, "The State assumes and promotes the following ethical-moral principles from our pluralist society: ama qhilla, ama llulla, ama suwa [Quechua] (don't be lazy, don't lie; don't steal), suma qamaña [Aymara] (to live well), ñan-dereko [Guaraní] (live harmoniously), teko kavi [Guaraní] (the good life), ivi maraei [Tupi-guaraní] (land without ill) y qhapaj ñan [Quechua] (the noble life or road)."



7. Sieder 2002; Van Cott 2005; Postero and Zamosc 2004; Yashar 2005.

8. Félix Cárdenas, himself a candidate for the presidency in 1993 as leader of the indigenist party, Eje Pachakuti, was an important voice within the MAS government for a radical approach to state reform. He, like many, with a long history of indigenist mobilization—such as Minister of Education Félix Patzi (2005–6)—eventually became disillusioned with Evo and the MAS government.

9. “Evo Morales organiza boda de 350 parejas indígenas,” *Prenda Libre*, May 6, 2011, [http://www.prensalibre.com/internacional/Evo-Morales-organiza-parejas-indigenas\\_0\\_475752608.html](http://www.prensalibre.com/internacional/Evo-Morales-organiza-parejas-indigenas_0_475752608.html).

10. The idea of Indigenous citizenship, just like the Indigenous state, is a concept fraught with ambiguity. The term *Indigenous citizenship* has not been used in a consistent way even within Anglophone settler colonial contexts, denominating claims for equal rights in Australia (e.g., Povinelli 1998) and for special rights in Canada (Blackburn 2009). These societies pose different challenges from Bolivia, being much more segregated and relying heavily on political notions of multiculturalism. Indigenous rights are articulated in a homogenizing language as the multicultural state expands citizenship rights to Indigenous people (Povinelli 1998, 580) fomenting integration rather than self-determination.

11. Anders Burman (2016, 95) notes, citing an Aymara ritual specialist who has known Evo since the 1990s, that it was not until the 2005 electoral campaign that Evo “first used ‘Andean spirituality and culture’ in an official and a more coherent manner in his rhetoric and political discourse and activism.” Burman’s ritual specialist friends suggest that Evo himself was not quite complete in his personal decolonization, and this may account for his ambivalence about certain Indigenous issues.

12. It is worth giving historical context to the political power of the *cocaleros* in the Chapare, where Evo has his political base. The collapse of the international price for tin in the 1980s generated a massive migration from mining towns in the highlands to the urban areas and the lowlands. A few ex-miners moved to the traditional coca growing areas of the *yungas*, while a larger number settled in the Chapare, where a boom in U.S. demand for cocaine was driving the expansion of coca leaf production. The other principal group of Chapare migrants were impoverished highland peasants driven off their lands by a severe drought and liberalized agricultural policies that led to a plunge in prices. This is the group Evo comes from.

13. The term *cholo* refers historically to urbanized Indians. In contemporary Bolivia its masculine form is almost always used pejoratively to indicate low class, but in its feminine form it often refers to a woman wearing traditional attire and often a very wealthy merchant in her own right.

14. *Cholet* is a portmanteau word combining *cholo* and *chalet*.

15. *Qamiri*, in Aymara, simply means a rich person, but here Llanque is using the term to describe wealthy people who have come up from the Aymara-speaking rural or urban milieu.

16. Although conditional cash transfers are now widely accepted across the political spectrum.

17. On May 6, 2017, Evo Morales tweeted, “Thanks to the nationalisation of hydrocarbons and the recovery of public companies, today we have a dignified and sovereign Renta Dignidad,” <https://twitter.com/evoespueblo/status/868117132382547968>. We are grateful to one of the anonymous reviewers for pointing out that strictly speaking this is not a *conditional* cash transfer, as recipients need not perform any activities to receive them. It is a noncontributory (means tested) elderly pension.

18. The programs kept more children in school longer, although they did little to prevent children from working, especially teenagers; they reduced maternal mortality by almost 40 percent between 2005 and 2017 and improved the living conditions of many elders, especially Indigenous rural people (Canelas and Nino-Zarazua 2018; Celhay et al. 2017).

19. “Evo Morales llama a la movilización en favor del bono para ancianos en Bolivia,” *La Jornada*, October 16, 2007, <https://www.jornada.com.mx/2007/10/16/index.php?section=mundo&article=031n3mun>.

20. Following McNeish (2023), we distinguish between extraction (a practice) and extractivism (an operative logic), as Indigenous communities may be engaged in resource extraction but without the capital accumulation and dispossession characteristic of extractivism. One of the key features of extractivism is its unsustainability: “Rejecting the logic of extractivism, Indigenous communities have advocated practices that integrate the sustainable use of the local environment, respect for the agency of nature, and respect for custom and tradition and self-determination” (237).

21. See Fabricant and Postero (2015), Laing (2015), McNeish (2013), and Sánchez López (2015).

22. Evo personally participated in registering the TIPNIS as a Tierra Comunitaria de Origen (TCO) at the National Institute of Agrarian Reform under resolution N.00000214.

23. Fausto Reinaga, the primary and sometimes solitary torchbearer for Indigenous rights in the highlands during the 1950s and 1960s, himself rejected the term *Indigenous* in favor of a (reclaimed) status of *indio*: “As *indios* they oppressed us; as *indios* we will be liberated” was one of his favorite sayings. See Reinaga (1970) and Cárdenas Aguilar (2010).

24. “Los indígenas del TIPNIS conspiran con EE.UU. y defienden al capitalismo, denuncia Evo Morales,” *Rebelión*, August 8, 2011, <https://rebelion.org/los-indigenas-del-tipnis-conspiran-con-ee-uu-y-defienden-al-capitalismo-denuncia-evo-morales/>.

25. John-Andrew McNeish (2021) points to another fissure exposed by the TIPNIS conflict, and that is a highly differentiated view on sovereignty since, “given the fragmentation that occurred both within the Indigenous movements and within national politics, it is clear that multiple notions of sovereignty were being expressed at the same time. These expressions picked up on contrasting interpretations of the value of the state as well as differing interpretations of much longer histories of social and cultural relations, settlement, and colonization, and of territory, resources and territorialization” (138). Another way of looking at this is that it was not only a

differentiated view of sovereignty that was exposed but, on the other side of the coin, a differentiated view of citizenship (Sánchez López 2015).

26. Evo's government drilled for a record amount of natural gas, increasing its revenues from US\$815 million in 2004 to over US\$4 billion in 2012. This surpassed the volumes extracted by neoliberal governments; hydrocarbon and minerals came to be 83 percent of exports in 2013 (Gandarillas González 2016a, 238–46). In mining, for instance, the quinquennial average went from 176 to 450 thousand fine metric tons from 1999–2005 to 2006–2013 (255).

27. So called, even if they were on November 15 and 19.

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