

## Biopolitics of Neglect

Ruta 5 is a 145-kilometer stretch of highway that connects the towns of Pozo Colorado and Concepción while simultaneously bisecting Yakye Axa and Sawhoyamaxa. Roughly following the early Anglican supply lines route, the highway is bordered to the north and south by ranchlands with a landscape defined by pastures and palm trees. Given the long history of ranching in this area, the only settlements along the highway aside from Yakye Axa and Sawhoyamaxa are a handful of houses populated by landless campesino families trying to make a living working as hired hands for local ranchers. Here cattle outnumber humans many times over. There is little to reveal that people also occupy the region, save for the residents of the roadside communities who display wares such as freshly skinned animals, honey in repurposed plastic soda bottles, and fans woven from palm leaves near the highway's edge. The goods serve as markers that call to the eye because they break with a settler landscape overwhelmingly populated by cattle, barbed-wire fences, and the remnants of a once-extensive palm and scrub forest. Other markers break the pattern of fencerows adorned with signs reading *propiedad privada* (private property). Makeshift memorials commemorate lives lost to the everyday violence of roadside life, whether from traffic accidents or lack of access to medical services or transportation. It seems that most traffic passes without taking notice of the homes, people, and lives on the margin of Ruta 5.

Yet from the margin it is impossible not to notice each passing car, bus, or semi speeding by. Where Ruta 5 passes through Yakye Axa and Sawhoyamaxa, the road surface turns from asphalt to a mixture of packed earth and pebbles used as fill.<sup>1</sup> When vehicles pass, they kick up clouds of orange dust that coats everything with a fine grit, from the plants whose green leaves appear yellowed to the clothes left to dry on the barbed-wire fences that mark the limits of the Loma Verde ranch, and permeates the air community members breathe every day. On one of my first visits to Yakye Axa, I awoke startled in the night by the semis lumbering over the road's many potholes. The heavy trucks make the ground tremble like a low-grade

earthquake as they pass, to say nothing of the sounds of their creaking chassis, the loud music, and the cattle mooing in protest. The traffic passes day and night, while most people in Yakye Axa and Sawhoyamaxa have little to no access to transportation other than their feet, something often referred to as “línea once.” This literally translates to “line eleven,” referring to bus route 11, yet it is also a metaphor for the two legs whose silhouettes evoke the number 11. Línea 11 means you will be walking instead of taking a bus.

Life on the side of the road in Yakye Axa is pedestrian. In contrast to the traffic, the pace of life is slow. Kids either play on the cracked, dry earth or in the mud, depending on the season. Some families go to the small Pentecostal church, while others still believe in what many community members refer to as “cultura indígena.”<sup>2</sup> Women wash clothes in a pond dug into the margin. Men often look for sparse day-labor opportunities on nearby ranches. People sit together to share *tereré*, watch the traffic pass, and talk about life on, and possibly off, the margin. In many ways, everyday life on the margin of Ruta 5 is not that different from living in other rural communities across the region that are subject to the challenges posed by Paraguay’s agro-export development model. Wage labor is often sparse, as is access to state services, and struggles for land rights abound.

The circumstances through which Yakye Axa and Sawhoyamaxa both came to inhabit the margin of Ruta 5 and remain there for over a generation are distinct. After both communities refused to give up their respective legal struggles to reclaim portions of the Loma Verde and Loma Porã ranches that had enclosed their lands, the owners of those ranches forced them from the properties by making life untenable—restricting hunting and access to water and firewood, among other acts. Given the history of land enclosure in the Bajo Chaco, two options remained: move to join another indigenous community on lands not their own or stay and demand restitution of their ancestral lands. After years of unsuccessful attempts to achieve land restitution, the Yakye Axa left the Loma Verde ranch to live with relatives in El Estribo, a community located some 200 kilometers northwest. However, life at El Estribo was difficult because the small parcel of land was already home to over one hundred Enxet families, leaving little space for people of Yakye Axa to live. After several years, community members decided to return to their lands at Loma Verde, but ranch owners prohibited entry. In protest, community members established Yakye Axa on the margin of Ruta 5 in front of the lands they claimed; the community still remains there at the time of writing. Members of Sawhoyamaxa established their roadside community after being forced from the Loma Porã ranch in an effort to force the state to adjudicate their land claim.<sup>3</sup> Neither community anticipated the state claims would go unanswered for so long.

The dialectics of disruption involve working with and against the law; here I focus on the spaces and situations between those acts. Whereas chapter 2 discusses the evolution of Paraguay’s politics of recognition by attending to emergent Enxet and Sanapaná indigeneity and the following chapters tease out extralegal

actions community members take to disrupt the patrón, this chapter centers forms of liminality through which settler governance of human and other-than-human life operates to define contemporary Indigenous-state relations. The Paraguayan state's legal abandonment of Enxet and Sanapaná people exposes the aporia of simultaneous inclusion and exclusion as full citizens, revealing how the biopolitics of other-than-human life has profound impacts on Indigenous lifeways. Scholars often describe routinized forms of violence that are so common as to appear natural as structural, silent, and slow.<sup>4</sup>

This chapter argues that such violence is the outcome of a *biopolitics of neglect* and its manifestation as environmental racism, whereby specific social groups are forced to live the unfreedoms of dispossession so that others might live.<sup>5</sup> The Paraguayan state governs Indigenous affairs through forms of neglect manifest across several registers—from failure to adjudicate land claims to the imposition of states of emergency. This how many of my interlocutors have come to know “the state” and how many settlers blame environmental harms on “Indigenous culture.”<sup>6</sup> In the broadest terms, Michel Foucault's formative notion of biopolitics posits an analytic to understand how states come to govern populations through initiatives that render them measurable and classifiable and seek to ensure particular health outcomes for the operation of a capitalist political economy.<sup>7</sup> States require legible subjects to ensure the governance of life—from human populations to land and natural resources.<sup>8</sup> Instead of focusing directly on state efforts to govern Indigenous life, I assess how neglect via legal abandonment is a *de facto* form of governance. In so doing, I point to how state actions, or the lack thereof, deny care to Indigenous peoples while simultaneously ensuring the well-being of cattle that graze on appropriated lands. Thinking with biopolitics beyond the human, I examine how the governance of cattle life, as a proxy for settler well-being, takes precedence over ensuring the basic human rights of Indigenous peoples.<sup>9</sup> Environmental justice scholarship has long viewed environmental racism along the registers of distributional, procedural, and representative processes or the lack thereof. I build from those approaches by attending to the literal and metaphoric margins that many of my interlocutors from Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek have inhabited.<sup>10</sup> There are clear problems of inadequate resource distribution, due process, and political representation that undermine Enxet and Sanapaná well-being. However, as will become clear later in the book, my interlocutors' actions move beyond these forms of (in)justice through restorative acts that drive transformative justice beyond legal remedies alone.

Legal abandonment is a facet of the biopolitics of neglect that simultaneously advances a tacit project of Indigenous erasure and distances the settler state from culpability. There is, however, an important discursive act that states employ to distance themselves from guilt. Some might call it plausible deniability. I call it the optics of care. State actors use videos, press releases, public acts, declarations, and the like to create the imaginary of a pastoral state that seeks to ensure Indigenous well-being, when in reality the optics of care normalizes everyday forms of

racialized violence because they do nothing to fundamentally change inequity. In effect, then, state officials maintain their ability to govern Indigenous affairs through discretionary acts that maintain uncertainty as the norm. Through uncertainty, the biopolitics of neglect becomes the quotidian means of eliminating Indigenous life where vital resources like emergency aid and legal protections always come without guarantees.<sup>11</sup>

#### RUMINATING ON BIOPOLITICS OF THE MORE-THAN-HUMAN

A growing body of literature critiques the political ecology of the soybean industry and its profound impact on life in Paraguay; cattle capitalism receives less attention.<sup>12</sup> Here I want to shift attention from the bean to the bovine to think about biopolitics and the governance of life. An incipient soybean economy can be traced to the influence of Japanese immigrants who arrived in Paraguay after World War II and cultivated relatively small plots of land with soy in select sites in central Paraguay. However, it was not until the late 1980s that Brazilian émigrés began to introduce soybean production in a significant manner along the Paraguay-Brazil borderlands, and later, in 1993, the first genetically modified (GM) soybeans were smuggled into the country from Argentina. The introduction of GM soybeans in Paraguay initiated a series of distinct social-ecological ruptures that ushered in new modes of governance over life and territory.<sup>13</sup> Despite the importance of soybean production and its effects on politics and life in Paraguay, cattle have long been the cornerstone of rural development across the country and drive development in the Chaco.

From the seven cows and one bull discussed in chapter 1, Paraguay's herd has grown to more than 15 million head of cattle, and the country is among the top ten global beef exporters.<sup>14</sup> In the first quarter of 2020, the National Service for Animal Quality and Health (SENACSA) reported that 137,000 people tend to 14,026,143 cattle in 103,946 "establishments" (farms, ranches, etc.) across all seventeen administrative departments in the country.<sup>15</sup> Moreover, the level of detail recorded and made publicly available about the status and composition of Paraguay's cattle herd is remarkable. At any point, producers can evaluate the total number, classified by specific age group and gender, of cattle living in any given department and/or establishment size. In early 2020, there were, for example, 299,802 cows (female) living in establishments containing 1 to 20 animals, whereas 2,838,170 cows were living in establishments with more than 1,000 animals.<sup>16</sup> SENACSA provides the same level of detail for steers, heifers, bulls, recently weaned calves, calves, and oxen because it maintains a rigorous and regular process for tracking cattle health and production across Paraguay. These processes require that all producers report any births, deaths, sales, or transfer of ownership of cattle. SENACSA uses this data to create biannual production reports and control cattle movement via checkpoints on all major roadways where trucks transporting

cattle must stop for inspections to ensure that all animals are appropriately registered with current vaccinations and documentation of ownership. The framework for cattle governance is supported by legal doctrine, economic policy, technical support for producers, biosecurity measures, and everyday inscription devices like cattle brands and ear tags that mark lives as owned, ordered, and accountable.<sup>17</sup>

State imperatives to support cattle life are in stark contrast to the state's lack of support for Indigenous well-being, something that the governance apparatus created for both populations underscores. A dedicated minister of ranching works within the Ministry of Agriculture to command an army of field technicians, veterinarians, and scientific research to advance the industry in support of cattle life and death. Meanwhile, the state agency dedicated to the governance of Indigenous affairs is only an institute with far less political clout than a ministry and an abysmal budget to adjudicate the services it is tasked with providing.<sup>18</sup> Indeed, Indigenous peoples have long been denied basic identity documents due to the lack of state funds to maintain updated census information and registries. Whereas industrial cattle production in the United States often revolves around a concentrated feedlot model that requires extensive nutritional inputs, such as the soybeans grown in southeastern Paraguay, cattle are almost exclusively pasture raised in Paraguay.<sup>19</sup> It comes as no surprise, then, that supporting a herd of 15 million cattle requires an extensive land area—all of which is unceded Indigenous territory. Herein lies a critical point. The Paraguayan state's biopolitics of caring for cattle life reveals the neglect to provide basic forms of care for the lives it considers to be in the way of cattle capitalism.

Here I want to pick up on Foucault's influential calculus of making live and letting die. For Foucault, this calculus centered on making specific human populations live and letting other human populations die. Indeed, Li elaborates on this very point when she ponders "why governing authorities would elect not to intervene when they could, or select one subset of the population for life enhancement while abandoning another."<sup>20</sup> I work with Li's analysis of "surplus populations" to show why governing authorities would select one population for life enhancement while abandoning another. Bringing this provocation into conversation with approaches to the biopolitics of the other-than-human, I ask why Paraguayan state authorities would choose to support cattle life—lives destined to be killed—over its Indigenous citizens living on the margins of the cattle economy.<sup>21</sup>

#### "WHAT A PRIVILEGE IT IS TO BE A COW!"

Agrarian politics and rural social movements continue to grapple with the legacy of corrupt and illegal land acquisitions that stem from Stroessner-era land reforms. The former promise of land reform that fueled much of Stroessner's populist agrarian message had long faded, just as the once-stable incomes provided by traditional crop production that many campesinos relied on disappeared with the collapse of the country's cotton market, mechanization of sugarcane production,

and introduction of GM soybeans.<sup>22</sup> Shifts in global and regional commodity trading driven by increasing demands for soybeans and the influence of the MERCOSUR regional trade agreement radically altered campesino livelihoods.<sup>23</sup> These macroeconomic shifts directly influenced the local political economies of agrarian life, something I witnessed during the two years (2006–8) I lived in central Paraguay working with non-Indigenous campesino families on issues of food security and soil conservation.

Here I take a pause from the Chaco to draw from my previous experiences working with campesino families in Barrero Azul because those experiences reveal insights into how the cultural politics of food and racist tropes influence popular imaginaries of Indigenous peoples that circulate in everyday conversation. The cultural politics of beef consumption that I became aware of through my work amid the global food crisis resonate with Indigenous land struggles in the Chaco. Beef has become part of Paraguayan national identity; thus challenging the status quo of the ranching industry can be read as an affront to deeply held traditions.

One of the main concerns in Barrero Azul was the fact that prices for the goods campesinos produced had fallen through the floor while prices in the local stores for staple goods like wheat or rice had simultaneously gone through the roof, squeezing campesino families at both ends. Such concerns were reflected by the growing disquiet reported on the nightly news. Sitting on the porch at my host family's house on hot, humid summer nights in early 2007, we watched news reports showing that Australia was suffering through its worst drought in centuries, a slow-moving disaster that destroyed its wheat production, causing prices to rise around the globe. By all measures, this was the start of the global food crisis of 2007–8, when prices of major staple food commodities rose around the world, intersecting with the subprime housing market financial crisis of 2008 that resulted in what many now call the Great Recession. With the subsequent collapse of global financial markets, many investors turned to more stable financial instruments and spurred the global land rush.<sup>24</sup> As a result, Paraguayan soybean production dramatically expanded to fill the increased demand for flex crops, and the price of land in southeastern Paraguay soared, displacing many large-scale cattle ranching operations to the northern Chaco, where lands were much cheaper. Indeed, young campesino men who I worked with left Barrero Azul to take temporary jobs clearing land and building fences on the new ranches. Kai Mario, my dear friend, debated going but ultimately decided to stay in Barrero Azul because of his family.

Kai Mario, his wife, Ña Barbara, and their four children lived in a 4-by-5-meter single-room house on a small plot of land hemmed in between two cattle pastures. Mario paid no rent to live on the land, though he was responsible for caring for his patrón Silvio's small herd of about thirty-five cattle. Raising four school-aged kids while making the equivalent of about US\$3 per day, in addition to whatever he could earn doing side jobs, was extremely difficult. During the two years that I lived with Mario and Barbara, I gained intimate insight into how the politics

of land inequality in Paraguay impact smallholders and their families in highly uneven ways. I also learned how important cattle, particularly the ability to eat beef, is to national imaginaries of identity. Indeed, many people I have worked with across the country do not consider something a meal unless it contains meat, preferably beef.<sup>25</sup> When we ate meals of only beans, my teenage host brothers would often choose not to eat in protest. Beans marked a culinary class politics that they would not abide. Before walking off to sulk out of sight, the eldest son would stand up from the table and declare in his crackly pubescent voice, “Nda’u mo’ái pe tembiu. Mboriahu peguarã” (I won’t eat that food. It is for the poor). In his view, a lunch without meat was a meal that only the truly destitute would eat. He preferred to go hungry rather than succumb to the embarrassment of such intimate food politics.

Beyond the question of class, food names can reveal how racialization works through everyday practices. Meat at the local butcher was expensive. The modest stipend I received for my work and funds I shared with Mario and Barbara did not cover the cost of quality meat cuts. Instead, my host family purchased “puchero avá.” *Puchero* is stew meat. *Avá* is Guaraní for “Indian.” At the local butcher, puchero avá—Indian stew meat—consisted of the leftover cuts from the butchering process: small hunks of bone with bits of meat, ligaments, and chunks of fat, or the cow’s entrails. When lunch contained these cuts, we savored a few bits of meat and then gnawed on cartilage, sucked the marrow out of bones, and chewed hunks of fat.

The everyday politics of beef consumption reveal more than mere food preference. They reveal the deeply ingrained relationship between cattle capitalism and settler colonial life, even for those dispossessed from that system and alienated by it daily. The Paraguayan anthropologist Margarita Miró Ibars traces the history of the dish puchero avá to the front lines of the Triple Alliance War, where food for soldiers was scarce and the need for protein-rich foods was great.<sup>26</sup> After butchering higher-quality cuts of meat, the leftover cuts were also necessary to maintain soldiers’ lives. Despite the lifesaving significance of the dish, the equation of these cuts of beef with the avá, the Indian man, shows how the everyday processes of racialization position Indigenous lives as necessary leftovers within settler society. Puchero avá thus stems from a racial food geography and is a quotidian reminder of the social order of Indigenous life in settler imaginaries. Yet it is also a bridge between the class politics of poor campesinos and Indigenous peoples, whose lives have limited value in cattle capitalism.

What happens to the surplus populations who now inhabit the margins of political economic, social, and ecological processes required to convert vast expanses of Paraguayan territory to soybean fields and pasturelands? The answer is not without its contradictions. Many landed elites and state officials view such populations as left over, yet acknowledge that they play an important role in feeding

national imaginaries, like *puchero avá*. Imaginaries of Indigenous heritage fuel an important source of Paraguayan identity politics. Guaraní is one of two official languages, the other being Spanish. And though Guaraní is an Indigenous language, some Indigenous peoples of the Chaco consider it equally as colonizing as the Spanish or German spoken by settlers across the country because of how it is also used in official state discourse and among non-Indigenous Paraguayans. Guaraní also marks clear class divisions, associated with rural spaces of those with lower levels of education—a legacy of Stroessner-era efforts to promote Spanish by banning Guaraní language instruction. The endurance of the Guaraní language and its recognition as one of two official languages in Paraguay is a source of national pride and identity for many. Indeed, populist leaders often use Guaraní to appeal to rural Paraguayans, as demonstrated by the former presidential candidate Lino Oveido's 2008 campaign slogan *ikatu lo mitã!* (The people can do it!). In these ways, the Guaraní language comes to shape national identity and allows many speakers to selectively articulate a connection to Indigenous heritage, the “*sangre y tierra*” (blood and land) Guaraní, when or if it is advantageous. On the other hand, state narratives created the imaginary of the *campesino* who settled the “empty lands” of southeastern Paraguay during the Stroessner-era agrarian reforms as the cornerstone of national development, hardworking agrarian people with the courage to pioneer a new life for the promise of a better future.<sup>27</sup> Yet that imaginary has tarnished with time. In the context of laser-leveled fields and precision agricultural methods to maximize yields from monocrops, the discourse about *campesinos* has changed; they are seen more like weeds and akin to Indigenous peoples, both of which are the disorderly leftovers who have become an obstacle rather than a vehicle to development.<sup>28</sup>

Whereas the Jesuit Miguel Chase-Sardi advocated for Indigenous rights that were trampled by the ranching industry in the Chaco, the Jesuit priest Pa'i Oliva defended *campesinos* whose human rights the soybean industry threatened. A Spaniard who first traveled to Paraguay in 1964 during the dictatorship, Oliva was immediately expelled from the country, only to return in 1994, gain citizenship, and draw from liberation theology to maintain ardent critiques of agro-extractivism until his death at the age of ninety-three in 2022. Throughout his life, Oliva argued that the valuation of export commodities, both soy and cattle, over those of the rural poor facilitated state violence. From 2009 to 2016 he published his thoughts in a personal blog, from which I quote his short essay, “The Privilege to Be a Cow.”

The privilege to be a cow.  
And what a privilege, my God!

For their nutrition, there exists 17 million hectares of land dedicated to cattle ranching in Paraguay. And, given that we have 11 million cows, each one has more than a hectare to eat from. All the while in Paraguay, there are more than 300,000 *campesinos* who do not have even one hectare.

In our country, there are more veterinarians for cows than doctors for humans. Worse yet, the veterinarians are not afraid to go to the countryside to care for the little cows. Meanwhile, many doctors prefer to stay in Asunción, abandoning the sick in the countryside.

What a privilege it is to be a cow!

Our campesinos, united by good faith with Paraguayans, we mobilize today to yell to everyone that we also want a solution to the ill-gotten lands. They must examine the property titles and place appropriate taxes on the lands according to their size, type of production, and the manual labor employed.

In the production of soy, only one person works for every 500 hectares planted. In one garden, a family of four works.

Between cattle with privileges and virtually untaxed lands accumulated in very few hands, we live poorly in Paraguay.<sup>29</sup>

Pa'i Oliva's words reference the reality of many rural poor who have been driven off their lands to live on the margins of the country's primary agro-extractivist industries. Whether it be the literal margin of Ruta 5 in the Chaco where Yakye Axa has been located for more than a generation or the edges of soybean fields where campesinos *sin tierra* (without land) or the Mbya Guaraní of the Yapo community in Paraguay's southeast now live, the biopolitical imperative to support cattle and soybeans for export takes precedence over the lives of leftover, "surplus" populations.<sup>30</sup>

As Pa'i Oliva wrote, the Paraguayan state invests far more to facilitate care for cattle than it does to facilitate care for "surplus" campesinos and Indigenous peoples. Veterinarians will readily travel to the *campo* (countryside) to administer vaccinations; indeed, the ARP history of Paraguayan cattle ranching boasts, "In 2011, 12,600,000 head of cattle were vaccinated two times, something incomparable nationally. This would be equivalent to vaccinating the entire population of Asunción against the flu annually for 40 years without missing one of its inhabitants."<sup>31</sup> Meanwhile, it is no exaggeration to state that Indigenous peoples and many campesinos live without any viable access to even basic health services. Several independent assessments have demonstrated this trend. The IACHR judgments that address the Yakye Axa, Sawhoyamaya, and Xákmok Kásek cases each detail the repeated failure of the state to provide health services to community members. Moreover, the 2015 report by the United Nations Special Rapporteur on the Rights of Indigenous Peoples reiterates these concerns and argues that the life conditions for Indigenous peoples across the country should be treated as an emergency.<sup>32</sup> These are the fundamental rights, the privileges of citizenship, that most rural poor who live in the spaces between the dialectics of soybean production and cattle ranching do not enjoy. The state's biopolitical priorities to ensure care for the life of soybeans and cattle at the expense of its most marginalized citizens reveal the biopolitics of neglect and how extraordinary violence becomes routine.<sup>33</sup>

## THE EMERGENCY

The sun was already low in the sky when the brand-new white Mercedes cargo truck emblazoned with bold black capital letters reading *Secretaría de Emergencia Nacional* arrived in the 16 de agosto aldea of Sawhoyamaxa. Eriberto and I, along with everyone else in the aldea, had been waiting all afternoon for the truck to arrive with the month's ration delivery. Hearing the rumble of the truck drawing near, Eriberto jogged to the side of Ruta 5 and flagged down the delivery. SEN workers steered the truck to a flat spot just off the highway, and shortly after that, two state functionaries stepped out of the cab, one with the community census and the other to supervise the food provision. The functionaries recruited a handful of Enxet men to offload the cargo. Working fast in the setting sun, the men lifted nearly 2,000 kilos of goods out of the truck bed while the functionary sat and observed. Each product, from bleached white flour to salt, was wrapped in 20- to 30-kilo bundles and had to be lifted up and over the top of the truck bed before being lowered down onto someone's waiting shoulder. From there, each person carried the load a few meters before setting it on the ground, where another group of people opened the packages and organized all the products into piles on the dirt. After community members unload the rations under the supervision of SEN functionaries, who also verify community census information to ensure that only registered families receive food, they fill one plastic bag provided by SEN with 40 kilos of products. Since rations are only delivered to one location per aldea it is each family's responsibility to carry the goods to their homes, which many have to do by walking several kilometers because few have motorcycles or working bicycles. The thick plastic bags often later serve as makeshift housing materials or to store clothing at home.

A few days before the SEN ration distribution, Gladys, a key figure in the Sawhoyamaxa land struggle who lives in a different aldea from Eriberto, had invited me to her home to talk about the implementation of the IACHR ruling in favor of the community, but she also shared her view of the SEN food deliveries.<sup>34</sup> She was tending to a recently planted bed of lettuce when I arrived, explaining that an NGO recently held a food-security workshop in the community and encouraged families to plant gardens. She set down her hoe and invited me to drink *tereré* while we talked. "We get food from *the emergency*," she said as we sat in front of her house. "They bring us food every month. Sometimes they are late. We don't know exactly when it will come"—her words hung in the air before she looked toward her neighbors' houses—"but everyone here gets food from them." Counting on her hand, she listed the inventory they usually receive. "They bring flour, yerba, sugar, rice, coquitos, oil, salt, and pasta. Five kilos each. They used to bring *vaka'i* and soap, but they don't anymore." She pulled over the bucket where she had been drawing out cups of water for the *tereré* to show me the yellow-tinted liquid gathered from a nearby pond and said, "Sometimes they used to bring water in a truck. It is supposed to be good water. But it was just pumped from a stock pond



FIGURE 8. The SEN truck and ration distribution in the 16 de agosto aldea of Sawhoyamaxa. A SEN functionary sits atop the truck watching community members hoist and unload the provisions. Photo by author, 2015.

because they didn't want to pay for the gas to carry clean water from Concepción. The trucks are heavier when full of water, so they use more gas. The drivers were sneaky. They would fill the trucks with dirty water on a ranch nearby and keep the extra money for the gas. They haven't given us water in a long time."

As the conversation continued, Gladys talked about being a single mother and the challenges of raising kids while doing basic domestic chores like gathering firewood or tending to the few animals she had.

There is nowhere to work. Only ranches. They won't hire me. It is really hard. Without the land, there is no food. So we need the emergency. The food they bring isn't good. Sometimes it has bugs, or the flour is old and hard. The beans are bad. The yerba tastes bad. But it is all we have. What can we do? We eat it. But it is not enough for a family. Can you feed a family of six people with five kilos of rice for a month? My neighbor's family eats all that in a week. There is never enough food.

The provision of emergency services has been a necessary, yet always inadequate, source of food for members of all three communities. Indeed, in the seventy-one household surveys I administered in Xákmok Kásek and Sawhoyamaxa, every household indicated that the food rations had provided a necessary source of nutrition in the context of the land dispossession they encountered. This near-monthly ritual of emergency deliveries repeated hundreds of times since 1999 exemplifies how the Paraguayan state does the bare minimum to demonstrate "care" while abandoning legally binding commitments to restitute land.

Over the course of my research, many people from Sawhoyamaxa, Yakye Axa, and Xákmok Kásek did not equate the food provisions with a legal state of emergency but instead referred to the service only as “the emergency,” as though emergencies are quotidian, normalized. That is because the emergency is everywhere. Every month the emergency makes its presence known when trucks loaded with sacks of food arrive to make a delivery. Emergency looks like food rations lined up in piles and draped in large, heavy-duty plastic bags emblazoned with the Paraguayan flag, the SEN logo, and then-President Horacio Cartes’s governing mantra in Guaraní, “jajapo oñondivepa tape pyahu” (together we are building a new way). Emergency literally emerges from the ground because many of the beans that arrive get poured on the ground, where they are left to sprout later. In Xákmok Kásek, several people told me they deliberately pour out the beans in protest. “Indigenous don’t want to eat beans,” one person told me, “and they won’t bring us something different to eat. They treat us like we are all the same, beggars who have to accept what they give.” Emergency smells like stinky pasta that is questionably edible, but you eat it because there is nothing else to eat. It also smells like flatulence from those who keep their beans, which don’t cook well because they are old and thus hard to digest. Emergency tastes like stale, dry crackers that are sometimes so hard they crack brittle teeth. It also tastes like bitter, dusty yerba mate of a quality not sold in stores. Often emergency doesn’t taste like anything because the rations run out shortly after being delivered. Emergency sounds like the soft murmur of conversation and the sometimes-audible rumble in hungry bellies as people stand or sit and watch the food rations organized in piles on the ground before they can take them. It sounds like male community members joking and laughing as they unload 25- to 30-kilo packets of flour, salt, or yerba mate from the back of the SEN truck onto people’s shoulders waiting below to carry the food to its designated pile. It sounds like a roll call of names as the SEN employee reads the census to call recipients forward one at a time to choose their pile of food. Emergency feels like brief relief from hunger, a welcome delivery of aid. But it also is the backbreaking strain of carrying 40 kilos from the drop-off point to your home.

Yet emergencies are not normal conditions of life. They are inherently temporal phenomena. *Merriam-Webster* defines emergency first as “an unforeseen combination of circumstances or the resulting state that calls for immediate action” and second as “an urgent need for assistance or relief.”<sup>35</sup> In this regard, an emergency must be understood as a momentary rupture when conditions radically change in ways that threaten life. Yet the protracted states of emergency Paraguayan officials have declared in response to the conditions in Yakye Axa, Sawhoyamaxa, and Xákmok Kásek run counter to the normative temporalities of emergency. Rather than the unforeseen combination of circumstances that creates an immediate need for relief, the reorganization of life to support ranching was, and still is, meticulously planned by state agencies and private interests. The spatiality of land enclosure and systems of racial capitalism that enabled extensive cattle ranching, first in the Bajo Chaco and later across the entirety of that territory, required creating spaces

for specific forms of life. Those spaces—pastures, *retiros*, enclosed Indigenous communities—ordered life in clearly biopolitical terms, “defining who matters and who does not, who is *disposable* and who is not.”<sup>36</sup>

However, it is important to note that the biopolitics of life in this space is not only about the racial geographies of *who* matters, but the other-than-human geographies of *what* matters. The prioritization of cattle life over Indigenous life renders clear a different ordering of *zoe* and *bios* from what Agamben conceived in the state of bare life.<sup>37</sup> Instead of rendering the human subject animal and thereby justifiable to kill, such as with the “*indios bárbaros*” of the US-Mexico borderlands,<sup>38</sup> the demarcation of lands to manage other-than-human lives, in this case cattle, and the demarcation of emergency to manage Indigenous life materially separates the *zoe* (animal) from the *bios* (human) while effectively rendering Indigenous life neither fully human nor animal vis-à-vis the settler state. In this context, state acts deny Enxet and Sanapaná peoples their humanity by negating their rights while also drawing them into a liminal condition between subjecthood and personhood through protracted legal processes.<sup>39</sup> Governing by emergency is not an immediate response to provide relief to an unforeseen condition. It is a form of biopower that maintains liminality and environmental racism through neglect.

#### OPTICS OF CARE

The states of emergency declared in Enxet and Sanapaná communities are, at first glance, “make live interventions.”<sup>40</sup> Yet their duration and subsequent normalization reveals the state’s intent is not to make live but to create the image that it is providing care. Paraguayan functionaries use press releases, reports, and institution websites to create an optics of care that presents state actions as munificent when in practice they are anything but. Take, for example, the text from the SEN website that discusses the agency administering food rations in systematized ways to populations in need.

Families from the Xakmok Kasek [*sic*] Indigenous community will receive more than 3,400 kilograms of food staples. . . . An operational team from the Secretariat [SEN] will head to the Puerto Pinasco district this afternoon to assist the inhabitants of the Indigenous community who will receive 72 food kits, each weighing 48 kilos. These goods will be very useful for the natives [*nativos*] whose principal foods are from hunting and fishing. Each family will receive the following nonperishable foods: oil (4 liters), rice (5 kg), sugar (5 kg), flour (5 kg), pasta (5 kg), yerba (5 kg), beans (5 kg), breads (5 kg), peanuts (3 kg), conserved meat (4 packs), soap (2 units), and salt (1 kg). The National Emergency Secretariat periodically assists Indigenous communities in the Chaco territory in agreement with the Court [IACHR] rulings that oblige the Paraguayan state to process land restitution and provide diverse services from its institutions.<sup>41</sup>

A close reading of this text reveals much about the state as patrón. Claiming to deliver 3,400 kilos of rations to Xákmok Kásek provides an impressive statistic that suggests a large quantity of food. At the time of that reporting, about 250 people lived in the community. Assuming the rations are evenly distributed across the population, 3,400 kilos ensure 13.6 kilos of emergency goods per person per month, or 0.45 kilo per day. If a person eats only two meals per day, the rations equate to one-quarter kilo per meal. The total edible kilos per person is considerably less if one accounts for the fact that salt, yerba mate, cooking oil, and soap factor into the total kilos provided to each family. Furthermore, this does not account for the nutritional and caloric value of the food, which, apart from the beans, is composed of highly processed starches. An overwhelming majority of household survey respondents across the three communities agreed that the quantity and quality of rations were insufficient. This was especially true for large families, who received the same quantity of food as a family of three. Respondents commonly replied, “michi'tere'i” (very small) or “sa'i” (a little/too little), when I would ask about the quantity of rations. State officials I interviewed suggested that the food provisions are not supposed to be the sole source of food for a family for a month, hence the limited amount. Yet the state's repeated neglect in resolving the three cases, and hence the reliance on the state of emergency over the course of several decades, left the communities little option other than to rely on the rations.

The SEN text also builds on racialized discourse about Indigenous peoples in Paraguay. In Paraguay, *nativos* (natives) is often considered a pejorative term, along with *indio* (indian).<sup>42</sup> Indios are often equated with nonmodern or “backward” figures, whereas indígenas (Indigenous) are rights-bearing subjects.<sup>43</sup> The SEN text also harkens back to lasting tropes that Enxet and Sanapaná are hunter-gatherers by stating that the communities' primary food source “come[s] from hunting and fishing.” Many Enxet and Sanapaná do still hunt, fish, and gather foods from the forest, but they do so out of necessity or preference rather than strict adherence to cultural practice.<sup>44</sup> As one woman from Yakye Axa commented to me, “If we don't go fishing, we won't eat. There is no money to buy food from the *makatero!*”<sup>45</sup> Although Enxet and Sanapaná traditions of hunting and gathering played an important role in their legal efforts to reclaim land, none identified themselves as hunter-gatherers and many openly rejected the term. As we sat by a fire cooking eel after our fishing trip that day, Clemente once told me:

We are modern people. We know the law and our rights. We are professional ranchers, tractor drivers, teachers, leaders, butchers, and health workers like anyone else. We are not hunter-gatherers. I don't like it when people call us that. Enxet used to live that way, but not anymore. If I go hunt, or fish, or get food from the forest it is not because I am a hunter-gatherer. I like that food better. It is healthier. Beef is full of chemicals and medicine. Forest meat [*soò ka'aguy*] tastes better and is natural. People who call us hunter-gatherers are ignorant. They don't know Indigenous people.<sup>46</sup>

Clemente's comments illustrate the Faustian bargain of strategic essentialisms.<sup>47</sup> Evoking the image of the hunter-gatherer, indigenistas have long lobbied the Paraguayan state to restitute large expanses of land to support traditional Indigenous practices. However, the image of the hunter-gather freezes the idea of Indigenous peoples in time and practice.<sup>48</sup> For SEN to reproduce the hunter-gatherer trope on its website in the year 2017 is telling. It demonstrates a lack of care and awareness of Indigenous issues, despite purportedly intending to do the opposite. The difference is important. Providing emergency services to ensure populations live or can sustain a temporary shock is arguably a positive intervention, yet providing such services to create an image of care that does nothing to address structural issues exacerbates Indigenous dispossession.

Finally, the suggestion that SEN "periodically assists Indigenous communities in the Chaco" is vexing. If nothing else, SEN's framing of the assistance program is dehistoricized and promotes an image of problem-specific care rather than systemic neglect. SEN has been responsible for providing food aid every month since 2009 for Xákmok Kásek and since 1999 for Yakye Axa and Sawhoyamaxa. There is nothing periodic about that; it is a routine and normalized activity. The only thing periodic about the emergency is that while rations are supposed to come every month, many people report they never know when or if they will come.

#### *Periodic Assistance*

I want to pause to think through one ramification of "periodic assistance." State actors—official representatives of the state—only periodically appear or are present in any of the claimant communities. Community members often express feelings of neglect due to this absence, stating that the officials have "forgotten about the Indigenous," "only care about the rich and not poor Indigenous," or "never come to check on our case." But the "periodic" visits to Yakye Axa, Sawhoyamaxa, and Xákmok Kásek evoke the way that many patrones govern their ranches. The patrones periodically visit to distribute goods, payments, and monitor ranch conditions. Often they fly in on airplanes or arrive in new Toyota Hilux trucks. The long-term effects of "periodic"—read: irregular—assistance to Indigenous communities creates predictable unpredictability, a form of power that, in this example, skews in favor of the state-as-patrón and ensures that state actors maintain a position of authority over resource access and distribution. Periodically, people wait on a scheduled day for food rations that never arrive. Periodically, SEN does not deliver the rations one month and the next month brings double rations. Periodically, spoilage or bugs ruin the rations. Veronica, a woman from the Santa Elisa aldea of Sawhoyamaxa, described it to me in the following terms, echoing Gladys' observations:

Sometimes the drivers don't bring enough food. I think they take them [the rations] and sell them in Concepción [a town 70 km away]. If it rains or they think it will rain they don't come. We never know when the food will come. And then there are

times when it [the food] is bad. The flour is full of bugs and the pasta stinks so bad. But what can you do? We eat it. We have nothing, so we must eat it. Sometimes we complain, but then they don't bring it to us and make us wait. So we take it when they bring it, and eat it.<sup>49</sup>

Across all three communities, Enxet and Sanapaná interlocutors reported similar issues about rotten food and inconsistencies in delivery quantities and times, as well as the occasional conflict with delivery drivers. Perhaps most telling from Veronica's comments, however, is the fact that despite these issues, particularly the quality of the food rations, most people eat what they get because they have no other option. Care does not look like bread with weevils or hardened bags of flour. Photos and text on government institution websites and reports do not reveal these details. They construct an image intended to position the state as a benevolent *patrón* dutifully caring for its subjects. Yet the image of care occludes the fact that the state is reacting to conditions of its own creation.

If, as I have argued in the preceding pages, the biopolitics of cattle ranching intends to make cattle live (until they are chosen to die), then the corollary is to let the people on the margins of that system die. Both Povinelli and Melamed have argued that liberal democracies that ostensibly uphold the sanctity of human rights cannot openly allow the death and suffering of Indigenous peoples.<sup>50</sup> The death that results from a biopolitics of neglect thus occurs under the guise of an optics of care. By creating an image of comporting with human rights, Paraguayan state officials make calculated care acts directed not at the named recipients of such care but at other actors with which states interact, such as international human rights institutions and civil society monitors. Settler states strategically use statistics, imagery, and infrastructure to build a fetish of care that masks broader structural factors that ensure recurrent neglect of Indigenous rights.

### *Ordinary Emergencies*

In my time working with and in the Yakye Axa, Sawhoyamaxa, and Xákmok Kásek communities I have witnessed several health emergencies and heard numerous testimonies that attest to the neglect. I want to highlight one stark but commonplace example. Tierraviva lawyers were making a trip to visit Yakye Axa and Sawhoyamaxa as part of their regular on-site monitoring of human rights conditions, and I was invited to join them. Upon arriving in Yakye Axa that afternoon in March 2015, we sat with Anivel and Anibal in front of the community's small Pentecostal church to drink *tereré* and catch up. Maybe thirty minutes after we arrived, a man with a concerned look walked quietly up to Anibal and whispered in his ear before stepping aside. We continued to talk for another few minutes, before Anibal mentioned, "There is a woman who is in labor over there, in the school. She is having problems. We called the hospital in Concepción four or five hours ago, but no ambulance has come." With that we all walked to the school,

while José, one of the Tierraviva lawyers, drove their pickup to the site. As we approached, a woman moaned in agony from inside the small schoolhouse. She lay on a thin foam mattress on the dirt floor, surrounded by women from the community who were helping with the labor but unable to do any more because the baby was breeched, a life-threatening situation. As José backed down the embankment of Ruta 5 toward the school, six of us grabbed the mattress, each taking a corner and side to hold the mother as stable as possible while we lifted and moved her from the school through the door and into the bed of the truck. The baby's father climbed into the truck bed with two midwives to care for mother and child during the 90-kilometer trip down Ruta 5 to the hospital. The Tierraviva lawyers then drove off while I stayed behind.

Back in our seats near Anivel's house, we waited for news. "We have an agreement with the Ministry of Health," he said. "The [IACHR] judgment says that the state has to provide medical services. The ministry made an agreement to provide ambulances from the hospital in Concepción for the community." At that time, no one in Yakye Axa owned a vehicle, except for a few people who owned motorcycles. The only other option is to call the ambulance and hope that it actually arrives. "But most of the time they don't come," I was told. "They say that there is no gas or no money for gas to come all the way here. We often call them and they don't come so we do what we can." Only by a stroke of luck, José and Óscar happened to have arrived in Yakye Axa in time to shuttle the woman to the hospital in the Tierraviva truck. When José and Óscar returned late that evening, they reported that mother and child survived after an emergency cesarean section, though not without first being scolded by the medical staff for having waited so long to come to the hospital.

This birth is an example of the ordinary emergencies that regularly threaten Enxet and Sanapaná well-being. Indeed, on a trip to Yakye Axa in July 2016, I had to drive a man whose arm had been crushed during a logging accident to the same hospital in Concepción. The ambulance the community requested to take him to the hospital never arrived. All households I surveyed in Sawhoyamaxa and Xákmok Kásek reported having limited access to medical attention, medicine, and/or emergency services in the communities despite state agreements to provide such services in accordance with the respective IACHR judgments on each community.

#### *A Senseless Building*

Here I dwell on the Inter-American System attempts to improve health care access for Enxet and Sanapaná by mandating that the state provide reliable access to medical services and construct health posts in Xákmok Kásek and Kelyenmagat-egma. To Paraguay's credit, state officials complied with the mandates and constructed two, nearly identical, large health posts, one in each community. Each building is outfitted with six rooms—a reception area, two general checkup suites, a childbirth suite, a room for minor surgery, and a place for overnight

stays—as well as the necessary medical instruments for such procedures. The buildings have large rainwater catchment systems and two-way radios to communicate with regional hospitals, and the one in Kelyenmagategma is outfitted with a state-of-the-art solar array to generate power. Construction and outfitting of each building cost approximately US\$100,000, a significant sum given that very few equivalent quality health posts exist in the whole of the Chaco. On paper and in the concrete foundations of each building, the state complied with the Inter-American System to ensure the fundamental human rights of Enxet and Sana-paná. Yet the buildings are little more than a facade of care that masks a pernicious truth behind their walls.

Doctors and trained medical practitioners do not regularly receive and treat patients at the health posts, nor are they regularly supplied with medicine. On visits to Kelyenmagategma,<sup>51</sup> there was never any medicine save for two vials of antivenin, kept in a full-size refrigerator, but no syringes to administer the potentially lifesaving serum. The Xákmok Kásek health post built not on the community's land but in 25 de febrero, on the other hand, was full of medicine, but most of it had expired. Community members in Xákmok Kásek and Kelyenmagategma unanimously reported to me that they never know when doctors will be present in the facilities, if one is coming, and how long they will stay to treat patients. Despite having health posts in both sites, more often than not, community members must either find a boat to travel 70 kilometers downriver from Kelyenmagategma to Concepción or a truck to travel from Xákmok Kásek to Rio Verde or beyond. An Enxet first responder trained in basic community health told me, “There is no reason that this [the health post] is here. It looks nice. It has solar panels. We use the tanks [rainwater collection system] for drinking water. But the building is basically empty. No doctors are ever here to treat the sick. It is just a senseless building [*ha'ete edificio rei*].”<sup>52</sup> A Ministry of Health informant who spoke with me on condition of anonymity due to fear of reprisals, explained Indigenous health provision to me in different terms.

It is shameful how the state treats the Indigenous. We join this line of work excited to try to make a difference. But it is really hard. They barely give us any money for gas. The people who are dedicated do their rounds on their own motorcycles and pay for their own gas. But most people can't do that. They don't have the money. Who pays when the motorcycle breaks? The roads are dirt and really tough. So even though we want to help we often stay in the health posts in town. That means we can't provide the care we should. But what can you do? The ministry does not give us the support we need to do our jobs. That means the Indigenous don't have the access they deserve. . . . I know the Xákmok Kásek health post. It is really far out there. You have to go far down the dirt road. If it rains you might be stuck for a week or two. There are lots of mosquitos and nothing to do. It is really hard to get people to agree to go work out there. Kelyenmagategma is even worse because the only way to get there is by boat.<sup>53</sup>

Over the course of our two-hour conversation, this Ministry of Health functionary indexed the frustrations of some state employees due to structural limitations and how those limits intersect with the provision of health services.<sup>54</sup> Instead of providing care, the health posts create an optics of care that suggests rights are being guaranteed. Behind each building's facade lies a "senseless" health post because state authorities fail to provide the resources needed to ensure they can provide the care they promise. Everyday forms of unpredictability exact a violent toll on the physical and psychological well-being of people who need medical services but only find antivenin with no way to administer it, expired medicine, or an ambulance that never arrives.

### NEGLECTING CARE

Neglect serves as a form of biopolitics because the provision of "care" obscures the de facto denial of due process and other rights instead of addressing the root causes of Indigenous dispossession. Morgensen's analysis of settler colonialism as a globalized form of biopower vis-à-vis the fundamental logics of elimination manifested in and through "Western law" provides a helpful framing of how states of exception simultaneously include and excise Indigenous peoples from settler society.<sup>55</sup> And while the forms of biopower inherent in settler colonial processes of Indigenous erasure are fundamentally necropolitical in their intent to eliminate via direct violence or assimilation, I suggest that attention to the biopolitics of neglect adds another fold to studies of settler colonial practice. For Membe, "the subjugation of life to the power of death" is the essence of necropolitics.<sup>56</sup> In his theorization of necropower, Membe frames the subjection of life to the power of death through intentional actions—the Israeli occupation of Palestinian territories, chattel slavery on the plantations of the Americas, and Nazi concentration camps.<sup>57</sup> There is a clear self/other binary in each formulation that legitimizes the state of exception and its conjoined forms of violence. In the context of multicultural politics of recognition, the intentional strategy is not one of bulldozing houses to make way for new settlements per se. It is often a subtler form of legal abandonment that opens spaces and situations for neglect to act as a form of biopower that limits life choices.

The concepts of slow violence and structural violence have helped describe the temporalities of harm that do not have a precise locus or specific responsible actor.<sup>58</sup> While both forms of violence shape living conditions for Indigenous peoples across the Chaco, I suggest that settler colonialism and the forms of resource extraction that drive it must be understood not only as forms of environmental injustice, but as fundamentally authoritarian in the ways they condition life—defining what lives have value and what lives do not. The state of emergency is thus a project less concerned with controlling life than creating an image of caring for Enxet and Sanapaná life. In that way, it is a perverse spectacle, a fetish intended to

shift attention from the structural causes of violence against Indigenous life to the actions of a state responding decisively to human suffering. The state of emergency also maintains the liminal legal status of communities that seek to take back their lands in acts that slowly chisel away at the vast territories now occupied by cattle ranches. Maintaining Enxet, Sanapaná, other Indigenous peoples, and campesinos on the margins of highways in front of the ranches or at the edges of soybean fields thus ensures a surplus labor population for landholding patrones should they want to hire while also supporting a broader narrative of agrarian politics that values “production” over noncapitalist social organization.

The geographies that Yakye Axa and Sawhoyamaxa have inhabited over the decades of their struggles show that community members are rights-bearing subjects who are subject to the abandonment of their rights. Moreover, the life conditions that many of my interlocutors grapple with give credence to the popular saying, “Cows live better than the Indigenous in the Chaco.” Though destined for slaughter, cows have access to top-quality medical care, have a functioning governing apparatus that ensures their well-being during life, and are seen as vital to national identity—both as a form of sustenance and as the foundation of the political economy. On the other hand, the legislative measures taken to purportedly support Indigenous self-determination and well-being are plagued by chronic underfunding, to say nothing of popular tropes about “lazy Indigenous who don’t want to work.” I suggest that the topological dissonance between the prioritization of cattle life and the neglect of Indigenous well-being indexes the condition of legal abandonment—of simultaneously having and not having rights, which is the condition of never being banned or entirely included. Pratt’s analysis is illuminating: she argues that legal abandonment is akin to “being neither inside nor outside the juridical order. The difference between exclusion and abandonment turns on the fact that abandonment is an active, relational process.”<sup>59</sup> The states of emergency and the facade of care are active acts that maintain a specific social and spatial order. Rather than alleviate suffering, the states of emergency have created dependence on the state to provide food rations—a power relation whereby state actors provide, or do not, necessary life-supporting services that are always inadequate. They are now a regular feature of life that many young people in each community have always known.

The regularity of emergency feels like the normal rhythm of life, a delivery that marks the passage of time. But emergency also feels like a reminder of what could be but is not. Emergency is now mandated, not by the president of the republic, but by the IACHR, which maintains that Paraguay must continue to provide such services to Yakye Axa, Sawhoyamaxa, and Xákmok Kásek until each land claim is satisfied. Instead of dealing with structural issues that have created the need for emergency care, the Paraguayan state neglects to act because doing so could enable Enxet and Sanapaná to marginally challenge the structure of agro-export capitalism by taking “productive” lands back. Biopolitical programs such as these

illustrate a pernicious valence of multicultural politics that leverage an optics of care to mask structural conditions that limit Indigenous land access, ultimately recentering the state not only as the arbiter of rights but also as the arbiter of who gets to live and how. Making live in the current conjuncture is thus not merely a question of which human population should thrive while others are left to perish, but which life-forms should exist and how.