

Turning to the past to see the future: The interpretations of archaic guarani law through the episode of death of fathers Roque Gonzáles, João de Castilhos and Afonso Rodrigues (1628) and their contemporary implications



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ABSTRACT

In the seventeenth century, the Society of Jesus was already a significant acculturating force in the American colonial process, putting in direct contact, on the one hand, with the Iberian and native universe and, on the other, creating new forms of relationship between natives and Iberians, sometimes conflicting. In this process, the work of the Jesuit priests gave shape to episodes of great impact on the American imaginary, both colonial and contemporary, from which emerge the Amerindians and priests, with different features arising from the different interpretations that are made about these historical subjects. Among the

conflicts that marked the American continent throughout the Iberian colonialist project due to its military, religious, cultural, historical, and jurisprudential developments, the one that occurred in 1628, when the priests Roque Gonzáles, João de Castilhos, and Afonso Rodrigues were killed in the region of Caaró/Pirapó, in the northwest of the current State of Rio Grande do Sul. The Indians of that territory, led by the cacique-pajé Ñezú, according to the investigations of investigation and the processes of canonization, offered fierce resistance to the Jesuit action in the defense, according to the same processes, of their social organization, called by the natives the "ancient way of being," which, to the Eurocentric gaze, was nothing more than the expression of barbarism and native paganism.

Keywords: Natives and Iberians, Legal system, American Colonial Process.

1 INTRODUCTION

Janus, the Roman god, has two faces: one facing the Past, the other toward the future. It is thus situated in the *present*. This idea of "present time" linked to Law reinforces the importance of understanding historical processes through legal science because it is not only about the present that we must think about. After all, a fact has its origin and its destiny, and both must be considered, surveyed, researched, and reflected.

It is with this intention that the Archaic Guarani Law, expressed in the reports that ascertained the death of the priests Roque Gonzales, João de Castilhos, and Afonso Rodrigues in 1628 by the cacique-pajé Ñezú, in the current State of Rio Grande do Sul, is questioned. It is a search for the process of construction of how non-indigenous society commonly relates to and institutionalizes itself concerning the natives and remnants within a broader process, which encompasses other vulnerable communities that occupy a lower position in the scale of values inaugurated by the Iberian colonization



and the colonial Eurocentrism with which the current Latin American nations have not yet broken today.

2 THE INTERFACE BETWEEN LAW AND HISTORY

Law and History maintain a relationship of "[...] mutual influence" (PALMA, 2010, ear of the book). This is because both have, in human society and in time, their foundations. A similar relationship is established between society and Law: both have in History the references of their constitution, justification, and explanation.

The relations established between society, History, and Law, in this sense, are not restricted to historical societies. Agrarian societies also have legal systems in which "the law expresses the presence of a right ordered in tradition and customary practices [...]" (WOLKMER, 2006, p. 1).

Therefore, the organization of a legal system does not depend either on the domain of writing or on state organizations. In this context, the link between society and Law becomes diaphanous. This connection is such that, only in the hypothesis of absolute loneliness, there are no "[...] rights or duties" (NADER, 2020, p. 19) since there are no relationships between individuals/subjects.

3 HISTORY, LAW AND THE INTERPRETER

The human being and society have a historicity, the foundation of the construction of identities and of the present time. With such an influence on being and on its *creations*, could History be set aside in the process of constructing the meaning of legal norms and society?

Law, such as History, must understand the processes that give shape to what has been consecrated as Justice to that and Past to this. And, just as the historian's view of the past gains justification for the problems of the present, the interpretative gaze of the Law operator gains meaning when it opens itself to the afflictions of the present and proposes to "[...] dealing with social reality" (STRECK, 2014, p. 18).

The interpreter of Law, whether a jurist or not, is immersed in a cultural and historical environment. Streck warns: "The interpreter of Law is a subject inserted/played, inexorably, in a cultural-historical (environment) environment, that is, in a tradition" (STRECK, 2014, p. 364). The interpreter is immersed in a chain of values and preconceptions that change according to the social place occupied by the subject/interpreter. Such a position influences the way the Past is perceived, giving rise to the circulation of interpretations and versions of what *was* and what should *become* a reality. It is worth remembering that "[...] ' no interpreter can claim to be in front of the normative text free of pre-understandings, for this would be tantamount to being outside of History and to muting *the norm*' [...]" (FERNANDES-LARGO, apud STRECK, 2014, p. 338, emphasis added).



4 A LOOK AT THE PRESENT

In Brazil, there is a structural form of police repression and violation of rights that are, of course, historical. This situation is represented by the "[...] daily violence of the penal system [that] falls on the most vulnerable sectors of the population, and in Latin America, it assumes an ethnic aspect [...]" (SILVA FILHO, 2006 p. 255).

This indicator, presented by Silva Filho in 2006, pointed to the "[...] 'contribution of the penal system to the extinction of the Indians or the clear predominance of blacks, mulattos and mestizos between prisoners and dead'" (ZAFFARONI apud SILVA FILHO, 2006, p. 255) still make themselves felt. The State still exhibits an ethnic bias in its repression action, as the 2019 Brazilian Public Security Yearbook points out, "[...] The distribution pattern of police lethality points to the significant overrepresentation of blacks among the victims. Constituents of about 55% of the Brazilian population, blacks are 75.4% of those killed by the police" (BUENO, MARQUES, PACHECO, NASCIMENTO, 2019, p. 62).

The ethnic profile present in state violence is an indication of the *way of seeing* Brazilian society, a way that is guided by economic, ethnic, and social issues: "[...] studies [...] have already shown that lethal police actions occur in low-income territories, affect young men and are not randomly distributed, victimizing more blacks" (BUENO, MARQUES, PACHECO, NASCIMENTO, 2019, p. 65).

State violence against blacks here is an example that also reaches the "[...] Native Americans [who] were the first population subjected to the 'rationalization' of their new identity and their dominated place [...]" (QUIJANO, 2014, p. 31), as well as other groups marginalized by society and public policies. What becomes evident is the difficulty of the nation to think of itself as a people, and to reconcile its different segments, breaking the colonial structures of organization and distribution of the power of capital and dignity, since the Latin American independence "[...] was resolved in a re-articulation of the coloniality of power [...] against the majority of the population, in this case, the Indians, blacks and mestizos" (QUIJANO, 2014, p. 59).

4.1 A LOOK AT THE CONSTRUCTION OF THE PRESENT

The colonial process of America generated different effects and consequences, both in the physical, human, and social dimensions, generating:

[...] Several different faces. [...] First of all, the Indians. [...] The second face [...] the blacks. [...] The third face [...] is the mestizo [...]. The fourth face, which completes the oppressed Latin American pre-independence social bloc, is that of the *criollos* or *creoles*. [...]. The fifth face, therefore, is that of the peasants. [...]. The workers [...] emerged as the sixth face. [...]. The 'reserve' workers' army, which the weak peripheral capital cannot absorb [...] makes up the seventh face: that of the 'marginal' or miserable [...]" (SILVA FILHO, 2006, p. 248-251, emphasis added).



The "seven faces" presented by Silva Filho represent different ethnic groups immersed in a social segment, roughly called "oppressed." They are oppressed because of issues of social inequalities, access to goods, and the realization of fundamental rights. This situation illustrates the difficulty of the State in dialoguing with the subjects that make up the nation and of the juridical dogmatics in dialoguing with social reality. The issues arising from the socially verticalized contacts of Colonial America were not overcome, and new ones emerged along with the classes that emerged with the advance of capitalism. Therefore, in Latin America:

[...] neither its historical/structural dependence on the global coloniality of power nor the modes of exploitation and domination inherent in this pattern of power have been eradicated or altered enough to give rise to a democratic production and management of the State [...]
(QUIJANO, 2014, p. 21).

Historically, Latin American nations follow a linear order without presenting significant ruptures with the colonial order, which, when maintained, preserved the models of production, distribution of goods and wealth, as well as made captive of certain social classes, the exercise of power, maintaining it "[...] as a standard for forms of labor exploitation, configuration of social hierarchies, administration [...]" (SEGATO, 2014, p. 46, 2014).

This model of territorial occupation and social domination, alongside the "[...] invention of "race" are indispensable conditions to understand the modern world order" (SEGATO, 2014, p. 40). Such concepts should be reflected since there are no ruptures with the colonial organization, in which racism is a "[...] colonial invention to organize the exploitation of the modern world system" (SEGATO, 2014, p. 46, our translation), and that still resists.

The racial issue presented here points to the difficulty of *recognizing the other as a subject*, both holder and producer of rights. Regardless of their rationale, violence and rape are common and historically "[...] justified [s] by a racist anthropological discourse and whose history needs to be rescued from having a sense of the existence of another 'historical subject' other than the European one" (SILVA FILHO, 2006, p. 251) and that "[...] allowed the "whites" – later called "Europeans" – the control of labor [...] which soon begins to reproduce the system of exploitation and the criterion of distribution of value to subjects and products" (SEGATO, 2014, p. 48, our translation).

5 A LOOK AT A FACT OF COLONIAL HISTORY

November 15, 1628. Father Roque González de Santa Cruz founded the reduction of *Todos los Santos del Caaró* 15 days ago. As usual, in this symbolic taking of the territory that is the foundation of a reduction, he erected a cross and baptized three children. [...] After the celebration, a flagpole was erected on which the bell would be hung [...] [when he received] two heavy blows of *Itaiça* against the head. Roque González dropped dead. Alonso Rodriguez [...] had the same end. The bodies of the priests were stripped naked, dragged along a good stretch, thrown into the church, and burned. [...]. Behind the radical act was the cacique/pajé Ñezú, the principal of those lands. Ñezú was waiting for the outcome of the events in Pirapó.



As soon as he learned of the success of the mission [...], he went with his group to the reduction of Asunción del Ijuí, in which Father Juan del Castillo was present, to give it the same end. [...] The next day the Indians returned to see the bodies. When they piled up some sticks to burn what was left, they were surprised by the heart that spoke to them [...] The response of the *parricides* was immediate. The heart was torn from the chest, pierced by an arrow, and again burned. [...]. Rummaging through the bag where the bodies/relics were brought, Father Alfaro found the heart still whole, only singed and pierced by a bone-pointed arrow. (OLIVEIRA, 2010, p. 388, emphasis added).

The episode of 1628 and its involvement since the seventeenth century accumulated interpretations attributed according to the place of origin in time and social space of the interpreter. Among these perspectives, those that are often almost absolute present in the investigations and processes¹ Instituted is the version of the "Jesuit as savior", of the "Indian as bad savage" and the "event as martyrdom". This is one of the reasons why "Saint Roch has conquered immortality and enjoys eternal remembrance. Ñezú, the Guarani cacique/shaman who plotted the death of the priest, was cursed" (OLIVEIRA, 2010, p. 7) by literature and historiography.

It is noticeable that Christian Europe saw but did not understand the American socio-cultural reality. Not understanding it, he did not accept it. The "[...] European imaginary did not recognize this Other so different from its Old World and attributed to it meanings within its limitations of knowledge" (ALVES, 2019, p. 13, 14). Even customs similar to those of Christians were opposed, such as the cult of the bones of ancestors: "The bones of dead shamans, according to Montoya, were worshipped [...]" (OLIVEIRA, 2010, p. 324). There is also revealed the Eurocentrism present in the social and cultural relations of Colonial America.

To a certain extent, the Europeans promoted the *demoralization* of the Guarani way of being, further inflaming relations. Some customs gained centrality in the condemnation of the priests and in defense of the Indians, such as "[...] polygamy, songs, ancestor worship and a whole set of practices and values condemned by missionaries" (OLIVEIRA, 2018, p. 27).

Such demoralization of culture and interiorization of the native human being. It was the strategy of domination aimed at the natives, who were deprived of their humanity, or placed in a condition of inferiority to the Europeans, allowed the expression "discovery of America" to be formulated and the notion of races. Nature is an important element in this question: in the Eurocentric perspective, nature (the environment and humanity) was to be civilized. That is why "it is not at all difficult to perceive the inherent presence of the idea of 'race' as part of nature, an explanation and justification of the exploitation of the 'inferior races'" (QUIJANO, 2014, p. 27, our translation). Exploitation, in this context, is seen as a kind of self-declared right by European culture. Undoubtedly, it is a discourse

¹ "A month after the deaths, 53 Indians, among them some of Roque's killers, were interrogated by the Portuguese captain Manuel Cabral, in the presence of ten Spaniards and five priests" (OLIVEIRA, 2010, p. 317, 318). The process of beatification of Father Roque "[...] it was established in 1629 in Buenos Aires, in 1630 in Corrientes and 1631 in Candelaria del Caazapaminí. [...] [and] can be read with its original orthography thanks to the invaluable effort of Father [Jesuit José Maria] Blanco" (OLIVEIRA, 2010, p. 49).



invented to justify domination, based on the "ethnic categories [such as black, white, native, European] [...] that internally unified very diverse civilizations, with peoples who dominated high technology and science and peoples of rudimentary technology" (SEGATO, 2014, p. 45, our translation).

5.1 POLYGAMY

Polygamy shocked the conquerors, antagonistic to the morals outlined by the Catholic Church. The Europeans, religious or military, did not realize that the role of polygamy went beyond the marital function: it was an expression of the power of the chief: "[...] It was one of the distinguishing features of the chief's condition. And it seems that the greater the prestige of the boss, the greater the number of women he had" (OLIVEIRA, 2010, p. 250). Undoubtedly, the shaking of this custom would shake the social positions of individuals and the bases that legitimized power and the native way of life.

The end of polygamy for the chiefs meant profound modification since "in the power structure established among the indigenous, the size of a chief's family was proportional to its importance and also determined the power of influence it could have over other chiefs and villages" (ALVES, 2019, p. 56).

Political power went hand in hand with polygamy and "[...] would be as much greater as his number of women and sons-in-law serving him, which meant a large network of kinship and reciprocity" (ALVES, 2019, p. 56). Thus, there was the expansion of ties and contact between the chief and other chiefs or groups through his marriage, as well as through the marriages of his offspring, creating ties of kinship and constituting a system of alliances and subordination.

In addition to the alliances and the expansion of their area of influence, the chiefs had in polygamy an instrument of generation of resources used in the maintenance of their position, which was given by the "[...] provision of services, promotion of parties and distribution of goods² [...]" (COLAÇO, 2020, p. 33).

The Jesuit's view of polygamy did not go beyond a moral impression as an opposition to the sacredness of marriage. However, in the Guarani universe, the leadership stemmed from the organization of "[...] marriage strategies" (COLAÇO, 2020, p. 250). It consisted of an articulating element of a kinship network and the exercise of power inherent to that form of social organization, generating a wide network of contacts, alliances, relationships of dependence, and obedience.

5.2 THE ORATORY

Oratory was another essential aspect of the conquest and maintenance of power in native societies. Therefore, the chief held "[...] also the monopoly of the word [...]" (ALVES, 2019, p. 52). In

² "The gift policy distributed gifts among the indigenous authorities and was part of the relations of diplomacy, recognition of prestige, and establishment of the bonds of domain submission and taxation" (FONTELLA, 2017, P. 57).



this condition, the Jesuits, many of them excellent orators, needed to find ways to establish contact and, if need be, to impose a domain that would authorize them to speak.

In Guarani mythology, the word had its origin and meaning: the "[...] Beautiful Words, was delivered by the gods for the Ava, men, to communicate with them" (ALVES, 2019, p. 51) through the shaman who "[...] he was responsible for hearing them from the gods and transmitting them in all their beauty [...]" (ALVES, 2019, p. 51).

Oratory was not only a form of expression but also a form of legitimation of power, with sacred content, exemplifying that "societies require the leader to prove his mastery over words and its use is done in a ritualized way, almost always daily" (ALVES, 2019, p. 52).

5.3 THE OLD WAY OF BEING

Polygamy and oratory are expressions of a broader construction of the lands of Ñezú: the old *way of being*. This does not include only traditions and customs but rather a synthesis of a way of being in the world.

Many reasons can be raised to explain the reasons for the Caaró uprising. Such reasons usually highlight the Guarani cultural heritage, represented by the "[...] Nhanderekó, his way of being, with autonomy, valuing freedom, life in community, complete interaction and respect with nature" (ALVES, 2019, p. 24).

The old way of being was part of the discourse of justification for the death of priests. The shaman Quaraibí, Ñezú's subordinate, exhorted the natives stating: "[...] let us have only the being of our Father and our children to Ñezú: let us have the being of our grandparents: we no longer hear in our land the sound of our gourds and taquaras [...]" (OLIVEIRA, 2020, p. 318). In this perspective, the old *way of being* assumed the condition of symbol of order in the community. Therefore, breaking in this way would bring chaos and disorder.

The Portuguese Manuel Cabral, who followed the subsequent events, including the execution of the Indians of Ñezú, brought information about the Guarani way of being, recorded in the Corrientes process:

[...] An Indian sorcerer, Ñezú [...] seeing that what the Fathers preached was so contrary to his bad habits [...] to which he said he was going to kill all the Religious Fathers of the Society who were in that province because they preached things against what he taught and it was his ancient being and his ancestors [...] (BLANCO (1929, p. 384), apud OLIVEIRA, 2018, p. 31, our translation).

To the old *Guarani way of being*, the Christian advance represented the destruction of that society and its symbols, which would be replaced by dishonor, misery, and dejection, both to *the main* and to the other individuals of their land, for being contrary to the ancestral customs that founded their identity, social organization and ways of *being-in-the-world*. The discourse evokes the way of being



as "order" and the alteration as chaos. They are cultural elements placed in those discourses as an emblem and justification of struggle, which implicitly brought with them customs, traditions, religion, and politics, constituent elements of the triad *faith, Law, and king*. The ancestral religion there presents itself as a matrix that generates codes and conducts in the native society. It subsidized the Law and legitimized the command of the cacique-pajé, demonstrating that, as is typical of prehistoric societies, the Law was subordinated to ancestral beliefs, rituals, and deities. Only the recognition of this possibility allows us to understand that event within a more complete and complex interpretation, superior to the simplified conflict between *Christians and pagans*.

The way of being can also be understood as "the current social order," which made full sense to the indigenous people, through which they attributed social and political functions to practices such as polygamy, oratory, the cult of the dead, and dances, and every word spoken by their cacique-pajé. This effort of cultural self-preservation is so evident that the Guarani, even when immersed in the missionary context, did not give up some of their customs and kept them clandestinely. Therefore, the conflict was also an attempt to defend the "[...] way of being Guarani, felt, lived, which determines the actions, codes, values, customs, traditions, finally the organization that involves the symbolic universe of Guarani" (SANTOS, 2012, p. 27).

The *old way of being* present in the habits, customs, and traditions of the Guarani should be, according to the Amerindian testimonies, restored. The discourse of chiefs opposed to the priests, and the narratives of Christian Indians and colonial authorities, indicate the defense of the traditional Guarani way of being as the ultimate goal of those efforts. And this defense would be given by a form of *physical and spiritual purification*, achieved, apparently, by the death of the priests and *cleansing* of the souls of the natives.

Therefore, "the deaths of the missionaries at the hands of the Indians were all violent and ritualized" (OLIVEIRA, 2010, p. 325). This violence suggests that the death of the physical body was only a means. It was necessary to reach other dimensions representative of the power of subjectivity of that territory and society, to neutralize them. In addition to the bodies, the destructive/purifying action reached the liturgical vestments and everything that "corrupted" the order hitherto in force. Thus, "[...] breaking the crosses, tearing up the image of the Virgin and setting fire to the churches was a kind of ritual of purification of space. The marks of Christianity were erased, and the old order was restored" (OLIVEIRA, 2010, p. 107).

This process of purification acted mainly on the physical dimension (territory, bodies, clothing, vestments, etc.) to reach the non-physical dimension of religiosity and immaterial social practices. Everything that had materiality was achieved by arrows, by italyze, by stones, and by fire. But purification should also reach the spirit of the Indians.



5.4 DEBAPTISM

Baptism, as a sacrament, has deep religious meanings whenever adopted. In the territory of Ñezú, it was no different: the ritual of imposition of the name was a form of social birth, symbolizing the entry of the being into that community and its acceptance of the Law.

Therefore, the act of *undoing Christian baptism* was an action with symbolic depth and complexity. It was through debaptism that "the Indian was returned to his old being, which reintegrated him into the religious traditions of the group" (OLIVEIRA, 2010, p. 125); Social roles and places of power were restored. For the cacique-pajé, Christian apostasy was not enough for the restoration of the old way of being. Apostasy reached the religious question, but it did not reach the depth of the other symbolic dimensions of society. Debaptism was largely ritualized: "Dressed in the liturgical clothes of the priest Ñezú, he proclaimed a return to the old way of life and rebaptized the children by eliminating from their bodies the residues of the *false baptism*" (OLIVEIRA, 2010, p. 328, emphasis added).

The "*social birth*," that is, the act of baptism, can be considered the moment in which the cultural patrimony falls on the child, including the legal heritage of the group in archaic societies, because "[...] primitive rights are 'rights at birth' [...]" (WOLKMER, 2006, p. 5). Thus, birth and baptism (symbolic birth) as key points in the Guaraní social structure allow us to consider that "debaptism, followed by the renaming of the being, would be the re-establishment of the identity of the individual" (OLIVEIRA, 2010, p. 125).

Debaptism restored the identity and reintegrated the subject into the group so that "the Indian was returned to his old being, which reintegrated him into the religious traditions of the group" (OLIVEIRA, 2010, p. 329). This would be the final step in the process of restoring the old way of being: a new liquid was poured over the individual, the tongue was shaved, and the speech had the weight of a sentence, demonstrating that the archaic right manifested itself "[...] by the repetitions of formulas, through symbolic acts, sacred words, solemn gestures and the strength of the desired rituals" (WOLKMER, 2006, p. 3).

In the case of the debaptism promoted by Ñezú on children, this "[...] put indigenous names, saying: this is our perfect law, and not the one that these priests teach [...]" (OLIVEIRA, 2018, p. 43). Thus, the authority of the cacique-pajé over the body and spirit was restored. The old morals and the old customs were put back in their places in the lives of individuals. To rebaptize is to make a new birth or to validate the first (of the native), now under the sign of the shaman, no longer of the cross. It meant the restoration of the conditions before Christian baptism, including the condition of submission to the cacique-pajé.



6 FINAL CONSIDERATIONS

The Guarani Law, so close to us in time and space, tells the story of societies whose renascent populations still live in the territory, sometimes swept away by a current they cannot resist, called by the self-declared civilized and non-indigenous society progress.

Guarani Law does not have a profusion of sources. But it can be accessed by historical and ethnographic records produced in the colonial period itself, despite the strong ethnocentrist content existing not only in these primary records but also in the extensive historiographic, sociological, and anthropological production that relies on these documents. When the anthropocentric perspective is overcome, other dimensions of that culture are revealed, as is the case of the Guarani right recorded in the documents referring to the episode of the death of the Jesuit priests in 1628 in the current territory of Rio Grande do Sul. Commonly taken as a religious conflict, this conflict also shows signs of being a political and diplomatic conflict, where polygamy, oratory, and the *ancestral way of being* were judged by Europeans within their close understanding, while in Guarani society, they concerned the very organization of that society.



REFERENCES

ALVES, Rosângela Corrêa. *Embate entre os hechiceros indígenas e os hechiceros de burla na Ñeçu retangue, 1626-1631*. TCC (Graduação em História). Universidade Federal do Rio Grande do Sul, Porto Alegre, 2019. Disponível em: <https://lume.ufrgs.br/bitstream/handle/10183/205246/001111078.pdf?sequence=1&isAllowed=y>. Acesso em 02 abr. 2020.

BUENO, Samira; MARQUES, David; PACHECO, Dennis; NASCIMENTO, Talita. Análise da letalidade policial no Brasil. In. *Anuário Brasileiro de Segurança Pública 2019*. p. 58-71, 2019. Disponível em: https://forumseguranca.org.br/wp-content/uploads/2019/10/Anuario-2019-FINAL_21.10.19.pdf. Acesso em 03 de out. de 2020.

COLAÇO, Thais Luzia. *O Direito guarani pré-colonial e as Missões Jesuíticas: a questão da incapacidade indígena e da tutela religiosa*. Tese (Doutorado em Direito) Curso de Pós-graduação em Direito. Universidade Federal de Santa Catarina. Florianópolis, 1998. Disponível em: <http://repositorio.ufsc.br/xmlui/handle/123456789/77774>. Acesso em 12 jun. 2020.

FONTELLA, Leandro Goya. *As Missões Guaraníticas num contexto de Cultura de Contato: uma interpretação sobre as interações entre sociedades indígenas e euro-americanas (c.1730 – c.1830)*. 2017. Tese (Doutorado em História Social). Programa de Pós-graduação em História Social da Universidade federal do Rio de Janeiro, Rio de Janeiro, 2017. Disponível em: https://www.academia.edu/38185371/As_Miss%C3%B5es_Guaran%C3%ADticas_num_contexto_de_Cultura_de_Contato_Tese_-_Leandro_Goya_Fontella_.pdf?auto=download. Acesso em 17 de jun. 2020.

NADER, Paulo. *Introdução ao estudo do direito*. 42 ed. Rio de Janeiro: Forense, 2020.

OLIVEIRA, Paulo Rogério Melo de. *O encontro entre os guarani e jesuítas na Província do Paraguai e o glorioso martírio do venerável padre Roque Gonzáles nas terras de Ñezú*. 2010. Tese (Doutorado em História). Universidade Federal do Rio Grande do Sul, Porto Alegre, 2010. Disponível em: <https://www.lume.ufrgs.br/bitstream/handle/10183/21462/000736302.pdf?sequence=1&isAllowed=y> >. Acesso em 19 mar. 2020.

OLIVEIRA, Paulo Rogério Melo de. A rebelião de Ñezú contra os hechiceros de burla (Pirapó, Província Jesuítica do Uruguai, 1628). In: SANTOS, Júlio Ricardo Quevedo dos; VENTURINI, Sérgio (org.). *Missões Jesuítico-indígenas: antigos atores sociais, novas interpretações*. Santa Maria: Editora e Gráfica Curso Caxias, 2018. p. 21-55.

PALMA, Rodrigo Freitas. *História do Direito*. São Paulo: Saraiva Educação, 2010.

QUIJANO, Aníbal. “Bien vivir”: entre el “desarrollo y la des/colonialidad del poder. In QUIJANO, Aníbal (Ed.). *Des/colonialidad y Bien Vivir: um nuevo debate em América Latina*. Lima, Peru: Editora Universitaria, 2014. p. 19-33.

SANTOS, Ricardo Quevedo dos. A regulamentação do trabalho indígena nas Missões Jesuíticas. In: *Revista Latino-Americana de História*, vol. 1, n. 3, p. 24-44, 2012. Disponível em: <http://projeto.unisinos.br/rla/index.php/rla/article/view/66/44>. Acesso em 18 abr. 2012.

SEGATO, Rita Laura. Aníbal Quijano y la perspectiva de la colonialidade del poder. In: QUIJANO, Aníbal (Ed.). *Des/colonialidad y Bien Vivir: um nuevo debate em América Latina*. Lima, Peru: Editora Universitaria, 2014. p. 34-71.



SILVA FILHO, José Carlos Moreira da. Da “Invasão” da América aos sistemas penais de hoje: o discurso da “inferioridade latino-americana”. In: WOLKMER, Antonio Carlos (Org.). *Fundamentos de História do Direito*. Belo Horizonte: Del Rey, 2006. p. 221-264.

STRECK, Lenio Luiz. *Hermenêutica jurídica e(m) crise: uma exploração hermenêutica da construção do Direito*. 11 ed. Porto Alegre: Livraria do Advogado Editora, 2014.

WOLKMER, Antonio Carlos. O Direito nas sociedades primitivas. In: WOLKMER, Antonio Carlos (Org.). *Fundamentos de História do Direito*. – 3ª ed. 2 tir. Belo Horizonte: Del Rey, 2006. p. 1-10.