

**INDIGENOUS INFANTICIDE: CONFLICTS BETWEEN CULTURAL TRADITION
AND HUMAN RIGHTS**

***INFANTICÍDIO INDÍGENA: CONFLITOS ENTRE TRADIÇÃO CULTURAL E
DIREITOS HUMANOS***

***INFANTICIDIO INDÍGENA: CONFLICTOS ENTRE TRADICIÓN CULTURAL Y
DERECHOS HUMANOS***



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ABSTRACT: Indigenous infanticide is a practice that has sparked heated debates in Brazil and other parts of the world. Some communities consider it necessary to preserve their cultures and traditions, while others view it as a violation of children's human rights. This article presents an analysis of the arguments for and against this controversial practice, contextualizing it within the historical and cultural landscape of indigenous peoples. Furthermore, it discusses alternatives to indigenous infanticide that aim to respect both culture and human rights.

KEYWORDS: Indigenous infanticide. Culture. Human rights.

RESUMO: *O infanticídio indígena é uma prática que tem gerado debates acalorados no Brasil e em outras partes do mundo. Algumas comunidades a consideram necessária para preservar suas culturas e tradições, enquanto outros a veem como uma violação dos direitos humanos das crianças. Este artigo apresenta uma análise dos argumentos a favor e contra essa prática controversa, contextualizando-a dentro do cenário histórico e cultural dos povos indígenas. Além disso, discute alternativas ao infanticídio indígena, buscando respeitar a cultura e os direitos humanos.*

PALAVRAS-CHAVE: *Infanticídio indígena. Cultura. Direitos humanos.*

RESUMEN: *El infanticidio indígena es una práctica que ha generado un acalorado debate en Brasil y otras partes del mundo. Algunas comunidades lo consideran necesario para preservar sus culturas y tradiciones, mientras que otras lo ven como una violación de los derechos humanos de los niños. Este artículo presenta un análisis de los argumentos a favor y en contra de esta controvertida práctica, contextualizándola en el trasfondo histórico y cultural de los pueblos indígenas. También discute alternativas al infanticidio indígena, buscando respetar la cultura y los derechos humanos.*

PALABRAS CLAVE: *Infanticidio indígena. Cultura. Derechos humanos.*

Introduction

The practice of indigenous infanticide is a controversial social and cultural issue that has been historically recorded in various indigenous communities around the world. It involves the intentional killing of babies or young children within a specific indigenous village or ethnic group, based on the community's specific beliefs, rituals and needs.

This ancient topic has generated heated debate among anthropologists, human rights defenders and scholars of indigenous culture. While some argue that infanticide is an intrinsic part of the traditions and cultural universe of these communities, others condemn it as a violation of children's rights and advocate its extinction in the name of universal principles for the protection of life and human dignity.

Article 123 of the Brazilian Penal Code deals with the crime of infanticide, which occurs when a woman, in her puerperal state after childbirth, attempts to destroy the life of a child. It is worth noting that indigenous infanticide practices are complex and delicate, varying significantly between different peoples. The reasons for this practice include problems of survival in environments with scarce resources, concerns for the health and well-being of the community, as well as external pressures.

In this article, we will look at three aspects of indigenous infanticide. Firstly, we will analyze its context and social implications. Next, we will examine the arguments for and against this practice, especially the debate between indigenous peoples who defend it as part of their ancestral cultures and traditions, and critics who point to other ways of preserving culture and tradition without resorting to infanticide.

These critics claim that more humane and holistic solutions can be found to the social and cultural challenges faced. Finally, we will present alternatives to indigenous infanticide that aim to guarantee the protection of the rights of the women and children involved, providing a more comprehensive reflection on this complex issue.

Background to the practice of indigenous infanticide

The term "Indigenous Infanticide" is just a terminology to give a name to the customs of some communities. Jurisprudence and doctrine treat infanticide as a crime to be committed during or shortly after childbirth, which often does not happen in these situations, since there are records of children aged 3, 4, 11 and even 15 being killed for the most diverse causes³. It should be noted that it is difficult to carry out a specific statistical study on the number of indigenous children who fall victim to this practice each year. Many of the deaths by infanticide are masked in official data as deaths due to malnutrition or other mysterious causes, therefore, much of what is known about the subject are reports by missionaries, NGOs and anthropological studies.

This custom is not widespread in all Brazilian villages; among the ethnic groups in which infanticide has been recorded are: Uaiuai, Mehinaco, Tapirapé, Ticuna, Amondaua, Uru-eu-uau-uau, Suruwaha, Deni, Jarawara, Jaminawa, Waurá, Kuikuro, Kamayurá, Parintintin, Yanomami, Paracanã and Kajab⁴. The death of indigenous children occurs for a number of reasons, among them: the birth of twins, the children of single mothers and even in the case of children born with physical or mental disabilities. Thus, says Viana (2017, p. 135, our translation): "The practice of indigenous infanticide cannot be understood outside the cultural and historical context of each people". According to anthropologist Léa Silveira (2012, p. 109, our translation), infanticide among indigenous peoples can be linked to factors such as the survival of the group, the prevention of internal conflicts and the maintenance of ecological balance. She argues that "the death of a child can be considered a way of maintaining harmony in the group, avoiding future conflicts that may arise if that child survives and causes internal divisions".

In this way, many indigenous communities face situations of extreme poverty and lack of resources, which can lead to extreme practices such as infanticide. For example, anthropologist Darcy Ribeiro wrote about infanticide among the Caiapós, reporting that the practice was carried out to prevent the population from increasing and to guarantee the group's survival in times of scarce resources "the Caiapós (...) in times of scarcity, when they had no

³ Infanticídio nas comunidades indígenas do Brasil. Projeto Hakani. Available: http://www.hakani.org/pt/infanticidio_entrepovos.asp. Access: 10 June 2023.

⁴ Infanticídio nas comunidades indígenas do Brasil. Projeto Hakani. Available: http://www.hakani.org/pt/infanticidio_entrepovos.asp. Access: 10 June 2023.

way of feeding all the mouths, opted for infanticide to preserve the survival of the group" (RIBEIRO, 1996, p. 25).

Anthropologist Eduardo Viveiros de Castro also argues that "many indigenous communities live in extremely precarious situations, without access to basic services such as health and education, which can lead to extreme practices such as infanticide" (CASTRO, 2002, p. 20, our translation). Furthermore, anthropologist Betty Mindlin, in her research with the Guarani peoples, argues that infanticide may also be related to a system of beliefs and values that emphasizes the importance of the integrity and purity of the group.

Children who are born with physical defects or who are the fruit of forbidden relationships can bring bad luck and illness to the group, so it is necessary to sacrifice them. [...] especially when there are twins or children with physical or mental disabilities. According to tradition, these children would bring misfortune, so they are killed as soon as they are born (MINDLIN, 1999, p. 54, our translation).

The quest for ethnic purity in indigenous society produces these deaths, which are caused by the most varied practices, whether it's asphyxiation caused by burying the child, or the use of weapons. In cases where the victims are mentally ill, the children are killed after the first few years of life, when the genetic deficiency becomes noticeable. The justification is that these acts are customary and part of their culture, and these children would prevent the normal functioning of the community, as they would not be fit for everyday tasks such as hunting and fishing (SANTOS, 2011).

The best-known case of indigenous infanticide is that of Hakani, the daughter of a Suruwahá indigenous woman. Born in 1995, Hakani did not develop like the other children in her village, with motor and speech difficulties. The pressure to sacrifice the "soulless" child led her parents to take an extreme step: committing suicide, so as not to have to take their daughter's life. Her grandfather, tasked with committing the act because he was the eldest member, tried to kill her with an arrow, but as the girl survived, and overcome by guilt and remorse, he took his own life by ingesting a portion of poison. Hakani spent three years isolated from the group, living in subhuman conditions because she was seen by the community as "cursed". One of her brothers handed her over to a couple of missionaries who had been working with the Suruwahá people for over 20 years. Hakani received medical treatment and all the family support she needed, becoming a healthy child. Her life story prompted the creation of the Hakani project, which reinforces the "NGO Atini - A voice for

life" campaign, an initiative that seeks to draw society's attention to the problem of indigenous infanticide⁵.

Another child who was treated in the same way is called Iganani, born in 2005 with cerebral palsy, also among the Suruwahá. Her mother, Muwaji, a survivor of infanticide, was a widow and responsible for another child and a niece. Knowing the traditions of her community, she chose Iganani's life and, with the consent of the village, went to seek treatment for Iganani in Manaus. She sought help from the NGO Atini, had access to the necessary treatment and is now a patient at the Sarah Network in Brasília. Her family alternates periods of rehabilitation in Brasília with periods in the village, in order to preserve family and cultural ties with their people of origin. Because of her struggle to find treatment for her daughter, Bill 1057/2007, which aims to guarantee the rights of indigenous children, was named after her⁶.

Argumentos a favor e contra o infanticídio indígena

Indigenous infanticide generates controversy: "while this practice can be seen as a way of ensuring the survival of the community, it also violates children's right to life" (SILVA, 2018, p. 15, our translation). On the one hand, there are those who argue that this practice is an important cultural tradition that should be respected and maintained. On the other, there are those who believe that infanticide is a violation of human rights and should be eradicated.

However, as Lévi-Strauss writes, "Infanticide is the direct consequence of the importance that society gives to kinship ties, or rather, of the sacredness of human life that is hidden under this formula" (LÉVI-STRAUSS, 1967, p. 150, our translation). For many indigenous cultures, the preservation of community unity and cohesion is more important than the life of an individual, especially when the survival of the community is at stake. However, many people argue against indigenous infanticide, claiming that it is a violation of fundamental human rights. Human rights activist Maneka Gandhi, for example, wrote that "no cultural right can justify the killing of innocent children. Infanticide is a heinous crime that must be eradicated in all cultures" (GANDHI, 1983, p. 63, our translation).

In view of this, indigenous infanticide in Brazil is one of the cases where the confrontation between cultural relativism and the universalism of human rights can be found.

⁵ Hakani: uma menina chamada sorriso. Available: http://hakani.org/pt/historia_hakani.asp. Access: 10 June 2023.

⁶ Manifestação a favor da Lei Muwaji. Available: http://www.hakani.org/pt/noticia_manifesto.asp. Access: 10 June 2023.

The theory of cultural relativism is based on the understanding that there is a wide cultural diversity and that each culture must be respected, as each has its own internal coherence. Pinezi (2010, p. 8) points out: "this relativist current does not allow an individual to propose changes to their cultural environment, because culture is immutable. The cultural element would be relevant and absolute, custom as something natural and practice as something justifiable" (PINEZI, 2010, p. 8, our translation).

For Brumer:

Cultural relativism is not an absolute principle. Rather, it should be an instrument that makes it possible for cultures to meet in a respectable way. Difference must not contradict human rights or even justify regimes of segregation. The indigenous themselves must be given the right to change, otherwise they become hostages of their own culture and difference becomes an obligation (BRUMER, 2017, p. 5, our translation).

The reasons for this practice by some Brazilian indigenous peoples are varied, but are associated with the issue of beliefs and the power that myths exert in these villages, which have their own laws that are governed by particular concepts and which prioritize the community, not the individual. On the other hand, infanticide⁷ and homicide⁸ are crimes under the Brazilian Penal Code. At this point, the question arises: can cultural practice override criminal law? It is worth pointing out that, in the criminal sphere, the legal capacity of the indigenous person is defined by their degree of social integration and by their discernment at the time of the crime, which shows that the state does not accept conduct from society in general or from the indigenous community.

Therefore, the universalist discourse understands that cultural movements exist and shape an individual identity. The rights of self-determination and cultural preservation of different peoples are undeniable, but these rights are not above the identity that encompasses all human beings. In this way, a basic core of human rights is violated when human beings are treated as things without their own will, nullifying their choice and, consequently, human dignity. This limit, if exceeded, authorizes intervention in that culture, since whenever a cultural activity exceeds this basic dimension, it can no longer be considered just a tradition, but an undoubted violation of human rights.

⁷ Art. 123 - Killing, under the influence of the puerperal state, one's own child, during childbirth or soon after: Penalty - imprisonment, from two to six years.

⁸ Art. 121 Killing someone: Penalty - imprisonment from six to twenty years.

Alternatives to indigenous infanticide

In Brazil, there are still indigenous communities that practice infanticide, but the question remains as to how to deal with this issue with their members and how to make them aware of the importance of maintaining the life of the child. The customs and traditions of indigenous communities, which are organized according to their traditions, cannot be disregarded. In the same way, indigenous people must be protected by public bodies. However, there is no room for discussion about the fact that infanticide affronts the right to life and the dignity of the human person.

As noted by Schiller (2016, p. 24, our translation), "adoption is an alternative that should be considered in cases of infanticide. There are many families who wish to adopt and who can take care of these children". Thus, an alternative to indigenous infanticide is adoption. Through adoption, a child can be cared for by a family that is willing and able to provide the necessary care, regardless of their ethnic origin. In addition, some organizations have worked with communities to provide assistance with child rearing, such as the provision of food, clothing and medicine. As André Villas (2000, p. 12, our translation) said, "it is important for organizations to help mothers take care of their children, so that they do not feel helpless or without resources". By providing practical and emotional support to mothers, it is possible to prevent children from being killed for economic or health reasons.

In the light of the above, the confrontation between cultural relativism, which emphasizes the particularity of cultures and their values, and human rights, which universalizes values considered beyond these particularities, has led to a dialogical relationship between different cultures, which can make it possible to overcome conflicts and establish an agreement between them.

As an example, it is worth mentioning the case of 1957, reported by anthropologist Roberto Cardoso de Oliveira, about the practice of infanticide among the Tapirapé and the reaction to this practice by Catholic missionaries who lived in the village. The anthropologist reports: "I was then able to observe a situation of complete clash between Western (or Christian) values and tribal values, particularly with regard to the meaning of life" (OLIVEIRA, 1993, p. 21, our translation).

For reasons of survival, the Tapirapé used to eliminate the fourth child. This way, according to them, the population would remain small and could guarantee the survival of the group. This practice had been with the Tapirapé for a long time, so it was ingrained among

them, without them questioning its real necessity after so long. However, at the time of Cardoso de Oliveira's research, the number of inhabitants in the village had been reduced to just 54 indigenous people, but they continued to practice infanticide.

The missionaries, faced with the infanticide of the fourth child, argued against this practice by evoking religious principles about life as a divine gift and therefore needing to be preserved. With this argument, what the nuns were saying made no sense to the Tapirapé, who prioritized the life of the community and not that of the individual. However, by changing their argument and focusing on the issue of the great reduction of individuals in the village, threatened even more by the infanticide of the fourth child, the nuns received a positive response from the indigenous people, who reviewed this traditional practice and seem to have abandoned it. Roberto Cardoso de Oliveira (1993) talks about this:

Considering this fact at this conference offers the opportunity to examine not only a clash of moral values (the relative weight of individual life for the Tapirapé and its absolute weight for the missionaries), but a creative way of seeking a "negotiated" solution between communities oriented by different points of view. They are, therefore, two horizons that end up merging in the exercise of interethnic dialog, forming a single community of communication, capable, in turn, and at least on some occasions, of acting as a community of argumentation (OLIVEIRA, 1993 p. 22, our translation).

Attempting to convince communities of the need to respect human rights is no easy task. We know that the legal system prohibits infanticide, but it's no use abruptly going to the indigenous community and faithfully applying the law. The dialogical relationship between different cultures can make it possible to overcome conflicts and establish an agreement.

In short, changes in attitude and thinking can certainly occur, but not overnight, especially in the case of an ancient culture with deep-rooted customs. What needs to be promoted in relation to indigenous peoples is the implementation of structural measures to guarantee their access to health and education. In addition, through dialog, the vision that infanticide is no longer a necessary and essential practice for the continuity of their culture must be introduced. Finally, in the last resort, after the failure of the parents' attempts to accept them, the despised children should be rescued by the state and placed under the care of surrogate families.

Final considerations

Indigenous infanticide is a complex practice, rooted in cultural traditions and ancestral beliefs. The survival and cohesion of indigenous communities is often linked to this practice, but at the same time, infanticide violates children's fundamental right to life and dignity.

It is important to emphasize that, despite respecting the cultural particularities of indigenous peoples, practices that violate basic human rights cannot be tolerated. Dialogue between different cultures is essential to seek negotiated solutions and promote changes in attitudes and thinking. Interventions must be made with cultural sensitivity, working together with indigenous communities to provide practical and emotional support.

The implementation of structural measures is crucial to ensure that indigenous peoples have access to human and economic development opportunities, reducing the vulnerability that can lead to extreme practices such as infanticide. Public policies must be oriented towards the protection of human rights, without losing sight of the importance of cultural preservation. Ultimately, if attempts to raise awareness and change practices are not effective, the state must act responsibly, rescuing and protecting indigenous children at risk.

Therefore, in order to achieve a balanced and respectful solution, mutual understanding and respect for human rights must continue to be sought, while at the same time valuing and protecting the rich cultural diversity of Brazil's indigenous peoples. The fight for the dignity and fundamental rights of all children is a commitment that must unite all sectors of society, in search of a fairer and more inclusive future for all.

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