

Quilombolismo: Fighting and Dying for Rights

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The formal abolition of slavery took place in 1888. The enslaved African became “citizen” as stated under the law, but he also became a nigger: cornered from all sides. If slavery had been a crime, even more monstrous and cruel a crime was the manner in which Africans were “liberated” (Do Nascimento, *Brazil Mixture* 42).

In 1974 Abdias do Nascimento, civil rights activist, artist, and the first Afro-Brazilian congressman, spoke to the Sixth Pan African Congress in Tanzania about the meaning of abolition. In his speech, Do Nascimento demanded that his contemporaries stop and think about the black identities that emerged from abolition. “Citizen” under the law and “nigger” “cornered” by all sides of society was how Do Nascimento characterized the role of blacks in post abolition Brazil. I chose the above quote because it projects us directly into the concern of this article, the present problem of, what Do Nascimento called, “*quilombolismo*” (“Quilombismo” 141).

One hundred years after the Golden Law ended slavery in 1888, the quilombola went from enemy of the colonial state to official symbol of black resistance to oppression and discrimination. With extensive lobbying from the Unified Black Movement in the late twentieth century (Hanchard), the 1988 Brazilian constitution granted land rights for the descendants of *quilombos* declaring:

Aos remanescentes das comunidades dos quilombos que estejam ocupando suas terras é reconhecida a propriedade definitiva, devendo o Estado emitir-lhes os títulos.

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To protect their confidentiality, and in line with Institutional Review Board (IRB) stipulations, all names given for interviewees are pseudonyms.

[The definitive property rights are here recognized for the descendants of quilombo communities who are still occupying their lands, and the state will grant them land titles.]

Article 68 was included as a form of reparations for the violent exclusion of blacks in Brazilian society during and after slavery. Presently, hundreds of rural, black communities find themselves in the middle of a long and entangled political process. In order to obtain land rights and social services, such as education and healthcare, some black communities are re-learning their identity and becoming *quilombos*. With the help of Non-Governmental Organizations (NGOs) and government organizations, communities are becoming conscious of their right to identify and learning how to use the constitution in their favor. While the quilombo article was meant to be an important historical change in the ability of black Brazilians to use land laws to their advantage (Holston), instead it has led to the rise of new forms of discrimination and violence toward black communities.

Do Nascimento stood before his colleagues and called Brazilian abolition as “cruel a crime” as slavery; in doing so, he challenged a room of activists, community leaders, and intellectuals to focus on action over theory, social practice over political rhetoric. In this article, I illustrate how the Brazilian government is *tribalizing* its black communities by recycling an outdated story of what it meant to be black in colonial Brazil as a means for distributing rights. Supported by the right to self-identify, black Brazilians have been given the opportunity to identify as the descendants of fugitive slaves. While this right comes with several social benefits, it also comes at a social cost. The transformation of the once historical “quilombo” into a new political category has led to new stereotypes, misunderstandings, and violent land conflicts in Brazil.

Political Quilombolismo

In 2009, I spent the year investigating the social and cultural effects of the quilombo law in Bahia. My primary field site was São Francisco do Paraguaçu, a quilombo in the Bahian recôncavo, a region known for its sugar cane plantations, and recently as the area with the largest number of quilombos (*Fundação Cultural Palmares*). Before moving into São Francisco, I spent several months interviewing government organizations and NGOs involved in the quilombo recognition process. While working with these organizations, I learned that there is no single definition of quilombo, but rather several extending from the historical to the anthropological and political. I will call *political quilombolismo* the production of a modern

quilombola identity within a bureaucratic system created to distribute rights and services for black communities. I use this term to differentiate and compare my analysis to the “quilombolismo” as social movement described by Abdias do Nascimento (“Quilombismo”). The legal recognition of the modern descendants of quilombos today presents two important issues in Brazilian race politics that I will unravel and hopefully re-assemble in this short paper:

1. Regardless of “self-identification,” culture and ethnicity are used to create a bounded identity of the quilombola as an “authentic” descendant and inheritor of “African” culture, similar to the quilombola of Palmares.
2. The government has made the quilombola identity the basis for land and social rights for rural, black communities while simultaneously constraining those rights within a complicated bureaucratic system charged with proving the authenticity of quilombos.

At issue in the quilombo process is the political *tribalization* of rural black communities, as well as their differentiated access to land and basic social services as the citizens of a democratic nation-state.

Defining the Modern Quilombo

In the 1988 constitution, similar provisions for land rights were also made for indigenous groups with important distinctions. Already identified as distinct ethnic groups with separate cultural practices and historical ties to their lands (*Fundação Nacional do Índio*), indigenous land rights were included as part of the permanent body of the constitution and developed in detail throughout several articles. Land rights for quilombos, on the other hand, were included in a transitory article. The authors of the constitution believed that, unlike indigenous peoples, there would be few if any existing descendants of quilombos still inhabiting their ancestor’s lands; Article 68 was meant to be transitory because granting land titles to quilombos was expected to be finite.

Land rights for quilombo descendants were written in one brief and abstract statement, leaving out important details that rendered them bureaucratically unfeasible. First, Article 68 did not define “quilombo” or describe how a community of descendants would be legally identified: who would be considered a quilombola and according to what criteria. Second, it did not offer any details as to how land rights would be obtained, or how the state would go about distributing them. And finally, Article 68, and the

bureaucracy built around it, did not account for the violence that would result from the act of taking land from one party to give to another. The vague words of the article were open to dispute and new interpretations by new governments and interest groups. In 2003, the Lula administration adopted the International Organization of Labor's (ILO) Convention 169 for Indigenous and Tribal Peoples as a model for quilombo policies. With the adoption of the ILO convention, quilombos were given the right to self-identify, and were essentially re-imagined by the state. In addition to "indigenous peoples," Convention 169 applies to "(T)ribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community..." (International Labor Organization Convention 169). Newly imagined through the categories of indigeneity and tribal peoples, the Lula administration made the demonstration of Africanness, and the use of land to preserve certain "African traditions," the basis for quilombo authenticity and access to rights.

São Francisco do Paraguaçu Boquierão: Ethnic Frauds?

In 2007, while researching developments in quilombo policy, I stumbled upon an online video provocatively titled, "Fraud in false quilombo of Cachoeira Bahia." The video was uploaded by an indignant young Brazilian who wanted to stimulate a discussion on a recent report aired by the *Jornal Nacional*, a primetime news program on the major Brazilian station, *Rede Globo*. The report was about the quilombo São Francisco do Paraguaçu, located just two hours outside of the capital city of Salvador within the district of Cachoeira. São Francisco became a certified quilombo in 2005, and ever since they submitted the paperwork for a land title the community has been plagued by violent conflict. The *Jornal Nacional* was called to investigate São Francisco by an unsatisfied landowner who could not accept the fact that the very people who had worked his land for decades were now challenging his authority. The title of the report clearly announced the *Jornal's* intentions to reveal to the Brazilian public the fraudulent and criminal acts of the community, and to denounce the government institutions that knowingly supported their lies.

There were two major points of contention in the *Jornal Nacional* report that developed my interest in the case. The first was the report's claims that not only were the people of São Francisco not the descendants of a quilombo, but there were never even slaves in the area. The second was the claim that São Francisco could not be a quilombo because the residents did not know the history of their community, and had never known their

descendants to be quilombolas. The strong claims of the report, and the reporter's sensationalist tone captured my attention. São Francisco do Paraguaçu is listed as a municipal district of Cachoeira. Cachoeira earned the title of *Cidade Monumento Nacional* [National Monument City] and *Cidade Heróica* [Heroic City] because it has preserved its cultural and historical identity as a place of African resistance and religion. How, then, could a major news station claim that a district of Cachoeira never had slaves? And if self-identification is the social and legal rule, how can a self-proclaimed, and legally certified, ethnic group be a fraud? These were just a few of the questions that led me to São Francisco to find out the quilombola side of the *Jornal Nacional* story.

Certificates of Visibility

The first step to becoming a quilombo is obtaining a “certificate of recognition” from the Palmares Cultural Foundation (FCP). In order to obtain a certificate, communities must submit the required documents of a written description of their historical past, a petition signed by the majority of the community agreeing to the new title, proof that they have a community association, and any letters or stories from elders that support their claims.

Once a quilombo is certified it gets grouped into the category of *Povos e Comunidades tradicionais* or Traditional Peoples and Communities (PCTs). PCTs are defined as culturally differentiated groups who possess their own forms of social organization, and who occupy and use traditional territories and natural resources in order to maintain their social, cultural, religious, ancestral, and economic way of life (Ministerio de Desenvolvimento Social e Combate a Fome). These new *quilombos*, also known as *terras de pretos* and *mocambos*, are moved to the top of lists for more immediate social services and attention, together with indigenous groups, and other PCTs. No organization whether federal, state, or public will consider a quilombo for special status in receiving aid unless it is certified first. During interviews, the Ministry of Health, the Secretariat for the Promotion of Racial Equality, and the Ministry of Education, all participants of the *Brasil Quilombola* program (Secretaria Especial de Políticas de Promoção da Igualdade Racial [SEPPPIR]), expressed that there are already so many certified communities that need help, it would be impossible to also meet the needs of the hundreds that have no formal recognition. It did not matter that many of the “non-certified” communities passed-up shared identical socio-cultural, racial, and economic situations with the certified quilombos. While I do not want to limit my analysis to a simple, utilitarian critique, in the case of quilombo recognition, it

is important to question the work of “ethnicity” and “culture,” and the ways in which ethnic groups are politically bound to specific cultural traits that necessarily separate and differentiate them from society. Despite the right to self-identify and the historical developments of black Brazilians even prior to abolition (Reis and Santos Gomes), the racial and ethnic boundaries built around the new quilombo category confine and reduce participating communities to a specific representation of blackness that is necessarily African, “tribal,” and somehow “traditional.”

In *Liberdade por Um Fio*, João Reis and Flávio S. Gomes write that there is a dominant social and academic image of the “quilombo” as an isolated group of fugitive slaves that have united in a secluded forest in order to recreate an African way of life; an image that stems from the memory of Palmares. “In fact, most [quilombos] were not like this at all. The fugitives were few, and they usually settled in areas close to small towns, plantations, engenhos, and even near important urban centers” (Reis and Santos Gomes 332). But more importantly, these communities maintained social and commercial relationships with different members of society. In other words, quilombos were never “isolated” and most quilombos did not seek to recreate “African” communities. I argue that the discrimination and violence that the decedents of quilombos are facing today emerges from the very title they have chosen to adopt, and the political rhetoric that has been attached to it in the name of “reparations.” Jeane, a young leader of the quilombo movement in São Francisco explained:

“We always knew about our culture and how we maintain the traditions of our ancestors, it is just that we never connected that to the word quilombo.... For us it is a new word. [W]e learned about the “quilombos” from the Secretariat of Racial Equality who visited our town many times and explained....How the blacks fled from their captors and sought refuge in places where they created their own culture and continued to resist. He said they were people who subsisted from agriculture and fishing, and who suffered from discrimination and hardship.... So if to be a quilombo means to have that lifestyle and that culture, then we are also quilombolas. (Jeane Nascimento)

By attaching quilombo policies to an ILO convention written for “indigenous” groups and “tribal peoples,” defined and treated as culturally autonomous, self-governing and self-preserving, the state recreates the image of the quilombo as a primitive and isolated, tribe-like community. It is important to think critically about the adoption of the ILO convention, because it not only creates a supportive foundation for self-identification and the right to difference, but also determines the political definition of

“quilombo,” and the qualifications needed for a community to be granted rights as the “authentic” descendants of quilombolas.

Who Speaks for the Quilombo?

The adoption of the ILO convention was meant to “liberate” the definition of quilombo from its colonial origin as an “illegal habitation of fugitive slaves” (Reis & Santos Gomes 11); and to separate it from the government, which prior to 2003, assigned anthropologists and historians the task of officially identifying quilombos. Unfortunately, the attempt to decolonize the quilombo category subjected it to another form of colonization and power relationship—the dispute over authenticity. With the right to self-identify arose immediate disputes over who and what is a quilombo (Metz). Dozens of racially diverse communities from the urban to the rural emerged to assert their own identity as the descendants of quilombos (*Fundação Cultural Palmares*). Although quilombo policies are not surprisingly restricted to rural communities, urban communities continue to fight for their recognition; some have been certified but none have been given land titles (Instituto Nacional de Colonização e Reforma Agraria). Speaking to disputes over who gets to be a quilombo in predominantly black Bahia, a sociologist and member of the black movement explained:

History books only want to teach that blacks were slaves but ignore everything else we were and accomplished. We also resisted slavery and formed striving communities like Palmares. The term quilombo remembers Palmares and a history of resistance that is why it cannot just be replaced by another term like ‘negro.’

Pushing him to go further, I asked: “That means that theoretically anyone who identifies as black can also identify as a quilombola, right?” Annoyed, he responded: “...Yes, we can pass through a moment where everyone wants to identify as quilombola, just like we can pass through one where the term is forgotten and replaced with another. In the meantime we use it because it is already in the language of the Constitution.” (Ramiro Carneiro)

According to this response, Quilombola = Negro + a history and culture of resistance + a strategic political category. This response was common among activists and NGOs and within quilombo communities. Built on the idea of resistance, even “discrimination” and “suffering” become a part of the quilombo identity and “culture.” In fact, it seemed that the need to fight for land rights only strengthened the image of the modern quilombola as one of resistance.

While communities can “self-identify” using their own family histories and cultural practices as proof of their identity, self-identification does not guarantee them access to the land rights promised by the constitution. In addition to a certificate of recognition, stamped and approved by the Palmares Foundation, quilombos must undergo a long and intensive period of field research with the Institute of Colonization and Agrarian Reform (INCRA), whose job it is to prove that the people of the community actually have historical claims to the land. For dozens of communities, including São Francisco, the road to becoming a right-bearing quilombo often stops for several years with the INCRA investigation. It is also during this investigation that private landowners begin to retaliate against communities, intimidating them into rescinding their claims. Because this is a short article, I cannot describe the painfully detailed INCRA process for determining land rights for quilombos. I can say simply that field research, anthropological and geographical investigations of the community and their knowledge, and use of the land (the RTID), is estimated by INCRA to take at least two years, with the actual time currently being five or more due to limited funding and resources.

Now, if a community made it through the INCRA process and actually obtained a land title, the title would be communal, and would force any small, private landowners to give up their titles in return for a communal one. Disagreements over the obligation to live communally and share land have led to violent divisions among residents, and even between family members. Some communities have even desisted from the quilombo process after learning that their land would become communal.

Violence, Fear, and Anger in São Francisco do Paraguaçu

When I felt prepared to visit São Francisco, I picked up the phone and called Marcio, one of the head quilombola leaders in the community. I obtained Marcio’s contact from Jeane, a young quilombola who had collaborated with INCRA. I was introduced to Jeane by Carolina, the Bahian INCRA anthropologist. It was important for me to enter São Francisco as a “person of trust” recommended by someone close to the quilombolas of the community. Although I went to Brazil knowing about the outrageous *Jornal Nacional* story, in Bahia I was repeatedly reminded of the seriousness of the situation in São Francisco. In fact, it seemed as though every major NGO and even the FCP had released a statement denouncing landowner violence against the community. The Association of Lawyers for Rural Workers (AATR) even released an urgent publication naming all of the quilombolas that were being threatened by landowners, police officers, and other public

officials as a way of protecting them through the use of public announcement. São Francisco presents an interesting case because the community is divided between those who identify as quilombolas and those who refuse the title based on differences over land use and ethnic identity. When I moved into the community in 2009, I was welcomed by blaring, white signs pasted on the walls of dozens of homes that declared: “We are Not Quilombolas,” and one that responded, “I know what it is: that is why I am a quilombola.”

Marcio agreed to call a community meeting so that I could meet the quilombo leaders and explain my project. That day I met with more than thirty quilombolas, and after explaining that I first learned of them from the *Jornal Nacional* report, I was invited to spend as much time as I needed in the community. The following week I moved in with Marcio’s family and spent several months in São Francisco participating in their everyday activities, from the simplest of washing clothes to the most arduous of collecting mollusks in the mangroves.

Work as Cultural Life

São Francisco is only one of many quilombos in what is known as the Iguape region of the Bahian Recôncavo. With more than three hundred families that survive from subsistence agriculture, fishing, the collection of mollusks (called *mariscagem*), and the extraction of *piaçava*,¹ São Francisco sits between dense Atlantic rainforest and the Paraguaçu River. Work makes up ninety percent of a quilombola’s daily activities. From sunrise to sunset, men are either in the forest collecting *piaçava*, in the river fishing, or pulling manioc root from their plots. Women can be found in the mangroves, cleaning shellfish, weaving *piaçava* into brooms, making *farinha*,² collecting water, or washing clothes at one of the community water fountains. While many homes in São Francisco have running water, mainly those that belong to landowners, vacationers, and people living near the main square, many quilombolas do not have water in their homes. São Francisco obtained running water in 2007 as a result of Bahia’s *Água para Todos*, “Water for All,” initiative. The program’s goal is to ensure that every community, especially poor and low-income communities, in Bahia has access to clean water and basic sanitation. According to residents, São Francisco was promised a

¹ A palm tree fiber that is harmlessly peeled from the tree’s trunk and used to make natural brooms that are widely sold throughout Brazil.

² Manioc flour

development project to distribute water to everyone in the community, something they are still waiting on.

Because most quilombolas were employed by private landowners to tend their crops and care for their lands, most of their work in the forest and river was for self-subsistence. In fact, the need for income-producing jobs was one of the chief reasons the community sought quilombo recognition. Working for landowners assured quilombolas a place to live and some land to grow food, but it did not provide a substantial income, if any at all, for their family's future. Some quilombo families have the means to grow enough manioc roots to sell farinha in Cachoeira, and others are able to sell some fish and brooms, but the income is barely enough to buy basic staples like beans, rice, and meat for the home. Most quilombo families receive a *cesta basica*³ to fill in the rest of their dietary needs. Receiving a land title through the quilombo process would liberate residents to use their land and time for more income producing labor. For example, since São Francisco received a certificate, quilombolas have been able to expand their fields and grow more manioc root, and thus produce more farinha to sell within the community. The quilombolas have also formed an association of fishermen and women in the community, through which they recently obtained new boats in hopes of increasing their income from fishing. While these advancements have begun to improve the quality of life of some families, these changes are always subject to sabotage by landowners and hired police. Until the quilombolas have a legal title to their land, all of their means of labor and properties, including their homes, meeting house, and plots, can be taken away overnight. Becoming a quilombo in Bahia can be analyzed in many interesting ways that speak to identity formation, race making, and resistance. However, at the end of the day, the goal is the right to land and a decent livelihood.

In 2008, Seu Altino, a beloved quilombola leader, passed away, melancholically sprawled out over his crops. I was told the story of Seu Altino and his partner, Dona Maria, by the quilombo leader Sumido, a nickname meaning “one who has disappeared”:

My name is Sumido and I am not afraid to speak out! We do not want any conflict with landowners. All the violence and conflict is on their part. We have already lost three companheiros who died

³ A bag of staple foods such as rice, beans, sugar, salt, powdered milk, dried meat, oil, margarine, spaghetti, crackers, etc. that is given to poor and low-income families as part of Lula's *Fome Zero* (Zero Hunger) program initiated at the beginning of his first term in 2003.

because their hearts could not handle all the violence of those thirteen landowners. In fact, one died in my arms. He was on his way to his plot, and I was in the field, when I heard him call out: “My Jesus!” He did not look so well, his heart seemed heavy and his face was very somber. I did not think much of it but all of a sudden he put down his bucket. I asked, “friend do you need help?” He said, “I think a bit,” and then called out again: “My Jesus!” And with that he fell to the ground face first and scraped up his face and everything. I ran to him to pick him up but by the time I looked to see if he still had health, he was gone. He took his last breath in my arms. ...His body was so filled with passion about everything that had been done to him and his family. The police had been banging at his door that day, yelling out, “Where is Seu Altino?” as if the man were some kind of criminal! But he was not a criminal, no! The man was a negão [a big black man] who raised fifteen children and never even suffered from a headache. But he just could not handle the pressure, and that is what happened. And besides the fact that the man had been working in the fields for forty two years, they tried to say that he only worked for two years! And with that they worked every day to slander him until he could not take it and his heart broke. The same thing happened to his wife, Dona Maria das Dores. Even to this day this woman, who is no longer living, is being summoned to appear in court to respond for supposed illegal planting and crimes against the landowners! Now tell me, how is it that a dead person is supposed to appear in court? And what is the law going to do about our losses? What are they going to do to protect us against these landowners that are breaking the law and really messing up our lives? (Sumido)

Standing and yelling into my recorder, Sumido passionately explained how Seu Altino and Dona Maria died from broken hearts after years of being intimidated by the police and courts. Although their actions would not normally be criminal, they were criminalized the day that the quilombolas united and sought land rights from the government. By questioning the landowner’s authority and right to the land, the quilombolas of São Francisco went from “*compadres*” and loyal workers to being treated as invaders and thieves. Even though INCRA is processing their request for land, and they have already been legally recognized as a quilombo by the FCP, the landowners still have the titles, and thus can decide to remove every quilombola from their land if they wish. Any resident who identified as a quilombola and participated in the movement was subject to the landowner’s retaliation. Seu Altino and Dona Maria, like several other quilombolas, had their crops destroyed and their homes vandalized over a dozen times. The quilombolas indignantly argue that Seu Altino died because his heart could

no longer handle the accusations and abuse. Having lived and worked his entire life in São Francisco, when Seu Altino was finally given the opportunity to assert his historical and legal right to the land, he was turned into a criminal and invader in his own home.

In addition to laboring in ways that they believe emulate their ancestors, quilombolas are also proud to maintain certain African-influenced customs such as *capoeira*,⁴ *candomblé*,⁵ and the production of *azeite de dendê*, or palm oil. Because Bahia has the largest Afro-Brazilian population in the nation, these customs are also a central part of the overall state. Identifying the descendants of quilombos from other Afro-Brazilians is especially complex in Bahia. Quilombolas do not look, dress, or behave differently from most rural, black communities throughout the state. In many ways it is INCRA's job to connect the rhetorical "quilombo" to the cultural practices of a given community, and to make sure that the community fully understands what that connection means. It is for this reason that it is important for INCRA and the FCP to work closely with NGOs. NGOs help inform communities about the quilombo law and what they need to do to use it to their advantage. For example, like some NGOs, the INCRA anthropologist begins her fieldwork with a series of workshops aimed at helping the community (re)member and reassemble stories about their ancestors. During some of these workshops, residents are asked to draw a map of their lands by marking significant geographical locations used for work, religious ceremonies, and cultural education, etc. It is often during these workshops that the community begins to mobilize, and learns how to disseminate the meaning of the quilombo throughout their town. INCRA takes these workshops very seriously because they form the foundation for the successful completion of the titling process. Moreover, these workshops ensure that all of the quilombolas know how to explain their identity and history to outsiders, such as researchers and journalists, who may be working to challenge and disprove the authenticity of their claims. Once INCRA begins the titling process in a community, it is their responsibility to protect them from landowner retaliation and violence. Unfortunately, the researchers of INCRA complain that they are overworked and undercompensated. While they would like to protect the communities they study, their hands are tied by the very bureaucracy that empowers them. An INCRA, told me that "everyone has rights in this process, the quilombolas, the landowners, the merchants, and

⁴ An Afro-Brazilian martial art.

⁵ An Afro-Brazilian religion that originated in Africa but was uniquely developed in Brazil as a response to the forced catechization of enslaved blacks.

the state, and all of these different entities have to be heard, respected, and compensated” (Jackyln). Quilombolas feel hope and relief when INCRA begins research in their community. They feel that because INCRA has arrived they are very close to being the legal owners of the lands they have worked for so many years. INCRA has to make it very clear that their arrival does not signify the end but rather the beginning of what will be a very long and difficult process.

“Justice of the Land”

2005 marked a new way of life and image for the people of São Francisco. The certificate of recognition from the FCP spiraled the community into internal conflict; landowners of the region against quilombolas, and “non-quilombolas” against quilombolas. While the certificate brought them the attention they needed from NGOs dedicated to social justice and state ministries of health, education, and racial equality, it also subjected them to various forms of violence. Quilombolas have had their crops destroyed and their association meetinghouse torn down. They have had their homes invaded by the police, and some have had their lives threatened at gunpoint. They accuse local landowners of retaliation and of working with public servants, such as the police, to intimidate them into dropping their claims to the land. At one point landowners went as far as fencing off the mangroves in the attempt to forbid quilombolas from collecting mollusks. Because mangroves are marine lands that belong to the government, this was an illegal act. Though the quilombolas were eventually able to remove the fence, the act not only threatened their livelihood, it made them fearful that landowners would be allowed to abuse them without impunity.

In 2006, the worst-case scenario happened. One of the landowner families disputing land rights with the quilombolas submitted a petition for the “reintegration of possession,” supported by a property title from 1904, to the court of Cachoeira. Any landowner who has his or her rights to a piece of land disputed has the right to a reintegration of possession or *re-integração de posse*. If ratified by the court, this petition forces the disputing party, in this case the quilombolas, to stop their investigation and leave the property. The court of Cachoeira approved the landowner’s petition and sent the military police to remove the quilombolas from their lands. These were some of the police harassments described by Sumido that took a toll on the hearts and nerves of Seu Altino and Dona Maria. Before the police were able to remove every quilombo family, the Palmares Foundation and the Federal Public Ministry spoke out in defense of the quilombolas. They argued that because quilombo rights were written in federal law and were not part of state law or

the state constitution, state courts would not be competent in judging such rights, and thus the case should be sent to a federal court. With a change in judge, the quilombolas and their supporters believed that the court would reverse the state's decision and respect the quilombo rights outlined in the federal constitution. Unfortunately, the federal court maintained the state's decision without a proper investigation or a hearing from the quilombola defense. The decision was a major blow to the community, and only affirmed their belief that the justice system does not include them; that justice is only for the wealthy. During our second community meeting, and brought to tears by Sumido's story, Nildo asked for the floor.

Is it that the justice system will never hear our side? Will we always be the ones justificados [judged]? We do not want conflict; we do not! But it is just so much injustice that sometimes we feel the urge to do something stupid because the justice system never considers our side! We are indignant with this! There are never summons for [the landowners]! Why is it that there are never any complaints on them? We are the only ones who get summoned all the time! What kind of justice is this? If the law is for one, it is for all! We want equality for everyone! So if you have money and make a complaint on us then we get our summons right away! But since we are poor, we are just honest workers, when we go to make a complaint we just get ignored! What kind of country is this? Lula says that this is a country of equality for all. I do not think that is right because justice still does not pay attention to the side of the less wealthy worker. I personally do not believe in the justice of the land. I only believe in God's justice, because man's justice cannot be trusted. I do not believe in it (Nildo da Matta).

Since the court's decision, the quilombolas have been fighting and protesting to stay on their lands. Joined by the AATR and the Pastoral Commission of Fishermen in Bahia (CPP) the quilombolas have protested in Brasília and at the local INCRA office. The community is currently waiting for their Technical Report of Identification and Delimitation (RTID) to be re-written and re-processed.⁶ When I left Brazil in December 2009, the

⁶ The RTID identifies in careful details the limits of quilombo lands as have been claimed by members of the community. The Regional Superintendence of INCRA creates an Interdisciplinary Technical Group – which includes an anthropologist, agronomist, analyst, and land surveyor – that is responsible for completing the research for the report. In addition to measuring and drawing out the limits of quilombo lands, the RTID is primarily a report on the demographics, history, work, economy, environment, and socio-cultural life of the quilombo. Because of the amount of work involved and the lack of appropriate funding for the research, the RTID can take several years to complete.

INCRA anthropologist that wrote the first RTID, and with whom I worked closely, was not going to continue working on the São Francisco case because she too was being sued and threatened by landowners. Publishing the stories of quilombolas word-for-word, her report accused landowners of violent acts against the community and deforestation; comments that landowners denounced as libel seeking the full force of the law.

Race and Nation: The *Quilombola* in a Racial Democracy

While there are several definitions of “quilombo,” my favorite was written by Abdias do Nascimento. Do Nascimento wrote that quilombos were the “vital exigency for enslaved Africans to recover their liberty and human dignity through escape from captivity, organizing viable free societies in Brazilian territory” (“Quilombismo” 182). Thus a quilombola was more than just a fugitive slave, but rather a being who felt a profound need for “liberty and human dignity.” In fact, Do Nascimento coined the term “quilombolismo” in order to focus on the quilombo in a socio-political frame of thinking; a concept that could vividly illustrate the Black Movement’s fight for equality by invoking the memory of Zumbi,⁷ the one African who was able to successfully undermine a slave society for many years. For Do Nascimento, quilombolismo was meant to challenge the then dominant ideology of racial democracy perpetuated by Gilberto Freyre. “Racial democracy” is the concept used to describe Freyre’s idea that Brazil was unique because it was a place where the three cultures of the Portuguese, African, and Indian were peacefully fused together to form a more perfect *mestiço*, or mixed, Brazilian identity. In his famous *Casa Grande e Senzala*, Freyre argued, along with others (Tannenbaum), that Brazil had a more benign system of slavery, and as a result was “free of the racism that affected the rest of the world” (Telles 33; also see Freyre xiii-xv): “We Brazilians... do not possess that cult of uniformity and horror of individual, family, and regional differences which are the accompaniments of the equalitarian spirit throughout so large a part of English-speaking America” (Freyre xv).

Freyre dedicated his work to showing that Brazilians did not racially separate and segregate people but rather embraced racial and ethnic mixture. Thus he is credited with leading Brazil away from the characterizations of racial inferiority ascribed to blacks and indigenous peoples by European scientific racism (Wade). Still, it would be wrong to make Freyre out to be a champion of racial equality. The *mestiço* that Freyre upheld was a whiter and

⁷ Zumbi was the leader of Palmares, the largest and most successful quilombo in Brazilian history.

racially diluted identity that he believed would become less and less racially and ethnically differentiated with time (Telles 34). The combination of miscegenation, racial democracy, and an essentially “race-less” Brazilian national identity was later described as a “massacre,” and led to forced “elimination” of blacks by Do Nascimento (“Quilombismo” 7). In fact, since the end of the twentieth century the concept of racial democracy has been deconstructed and criticized through diverse theoretical camps, calling it a myth, false consciousness (Marx), internalized racism (Twine), and racial hegemony (Hanchard). All of these critiques share similar arguments that build on Marxist, Gramscian, and Foucauldian ideas that tie the construction of race to the nation, and the governing of peoples to hegemonic systems that function through the division and conflict of different social groups, as well as through people’s own re-productions of dominant ideologies and self-governing (Foucault).

Anthony Marx argues that in Brazil “racial domination was constructed selectively and strategically as a tool for pursuing the goal of the nation-state, a twentieth-century preoccupation” (4). He explains that the white ruling class in Brazil, as opposed to that of the United States and South Africa, was more fearful of blacks because of larger and more numerous slave revolts, and therefore worked to avoid potential racial conflict through theories and policies of miscegenation, and unification, rather than segregation and division. Brazilian historian, João Reis, has also argued that much of the severity of rule in slavery was due to the enormous fear that the Portuguese had of rebellious slaves, especially in their relationship with libertos (free blacks), Indigenous peoples, and black Muslims who joined together to form quilombos in Bahia (*Escravidão e Invenção da Liberdade*). Even during the dictatorship (1964-1985), racial democracy served as the central ideology for national unification and modernization; an ideology that became Brazil’s national identity, exemplified by the flag’s expression: “*Ordem e Progresso*” [Order and Progress]. By appropriating the symbolism and language of miscegenation and racial harmony described by Freyre, the dictatorship integrated blacks and mulattos into national culture. And it diffused black protest by shutting down black organizations, and criminalizing the practices of *candomblé* and *capoeira*, believing them to be socially divisive and dangerous (Schwartz; Skidmore; Stephan). As Brazil transformed into a democracy it also shifted from a hegemonic defense of racial democracy to recognition of discrimination and inequality within a multiculturalist framework; the quilombo article was written during this transition.

Although post-abolition Brazil was characterized by social hierarchy and racial prejudice, Brazilian governments enforced cultural inclusion rather

than segregation as a way of gradually refining the image of a racial democracy and thus avoiding social conflict (Marx 158). The creation of government agencies like the Palmares Foundation illustrates Brazil's use of multiculturalist policies that tout cultural inclusion without any real political or economic rights attached. While I agree with Marx's assessment of the particular type of racism in Brazil, and the more ideological and institutional role of the nation-state in racial domination, I also believe that his argument is overly structural and grants excessive power to the state in determining social and individual behavior.

I was able to witness some of the political contradictions extant in quilombo policies when I was invited to the II State Conference on Politics for the Promotion of Racial Justice (CONEPIR) that was held in Salvador in 2009. Quilombolas from all over Brazil were invited to a session led by the Pastoral Commission for Fisherman and Women (CPP). The director of the INCRA office in Bahia, Luiz Eduardo Barreto, was also invited to answer questions and hear complaints from the quilombolas. When the director was finished speaking about the many bureaucratic challenges, such as the lack of federal funding and employees, that inhibit INCRA's work, he bravely asked the room of quilombo leaders to "keep fighting." In a tone that called on the spirit of quilombolismo and the black Civil Rights movement all in one, the director told quilombolas to march, organize sit-ins, and "give [their] lives to the movement" (Barreto). Astonished by his call to action, I was unsure if anyone else in the room felt the irony of the INCRA director's words. One female quilombola from the Island of Maré, the first quilombo I researched in 2004, stood up and angrily asked for the microphone. "Why should we have to give our lives, and why do we have to fight?!" She asked, frustrated by the suggestion.

The reason we have all come here is because we are trying to go through the system to obtain what is rightfully ours. Your job is to fight for us; to get us what the constitution says belongs to us. We come here to hear solutions from you, to get answers about our RTIDs, and you tell us that you have no money! You tell us to fight because the system is broken! (Graciella Lopes Nêga)

Graciella went on for several minutes as the others in the room nodded in agreement. I was so relieved that she had challenged the INCRA director. Having spent months in São Francisco, I knew how significant it was that there were so many quilombolas present that day in Salvador. Some people in the room had traveled for over five hours by bus and boat to be there. They were all there to get answers and wanted to hear that there were legal

solutions to the conflicts taking place in their communities. Several communities were facing landowner violence. The Island of Maré was in desperate need of a title so they could improve living conditions on parts of the island. Quilombolas from the mining region of Seabra were fighting with landowners who refused to follow the law and keep their cattle corralled, the cattle in turn were destroying their crops. Graciella's comments spotlighted the problem of quilombolismo in Brazil. On the one hand, the "quilombola" is a new category of black identity that was resuscitated by Black Movement activists, and that is attempting to mobilize marginalized, black communities around their racial history and their right to land. On the other hand, it is a political process fragmented by a weak and unsupported bureaucracy.

I want to make it very clear that I am not making an argument about false consciousness, nor am I saying that communities are being coerced into accepting a new identity in the name of liberal ideology or blind resistance. While there are many ideological, political, and scholarly revisions, arguments, and misunderstandings surrounding quilombo status, the fact is that there are real people wrapped up in the process. The opportunity to demand rights using an identity that may have long been tucked away in the memories of community elders, and their prized boxes of old letters and photographs, is one that many black communities have grasped with hope and conviction. However, "[p]olicies based on false analysis distract attention from real local issues, [and] ... create new problems" (Kuper 395). Where special land and social rights have been granted for the descendants of quilombos, local land and ethnic conflicts have been exacerbated.

Legally the "quilombola" went from being classified as a fugitive and criminal of the nation-state, to being a category of self-identification and reparation. Thus, it is important to question the impact of this transformation on the overall Brazilian society and specifically black communities. Although far from resembling the treacherous conditions of their enslaved ancestors, quilombolas of São Francisco frequently describe their social conditions as similar to those of slavery. I will never forget Seu Felipe, a seventy-five year old quilombola, who memorized a very detailed version of the history of Brazil; a story that he recited to anyone who was willing to listen. Seu Felipe hoped one day to write all of his stories down so that they could be preserved as documents of the community's history. Standing in the middle of the Atlantic rainforest, Seu Felipe pointed to the land surrounding us and lamented:

The color of our skin is sorrow. The black person has suffered a lot. Over a hundred years have passed since the Lei Aurea freed

slaves but there is still slavery in this country. I am here to say to anyone who wants to ask, slavery still exists and it is here in São Francisco. (Seu Felipe)

Like the hope that rose out of abolition, poor, black communities are looking to the quilombo law as an opportunity to claim rights that they have long been denied. Like Graciella, they want to work through the system because they believe that the system has finally recognized their plight and included their needs. The quilombo law may be filled with contradictions and weakly supported by the very government that created it. However, rural black communities seem to want it and need it. Using the story of São Francisco, I have worked to create the important connection between the political process of quilombo recognition and the perception of rural, black communities as “ethnic frauds” and “land thieves” by landowners and public officials; a perception that leads to discrimination and violence. Although researchers tend to focus on the cultural traditions of quilombos, and the ways in which they resemble those of their African ancestors (French), I have attempted to argue that we should not ignore the role of the nation-state in actively fusing together racial identity and access to civil rights; thus, creating a situation in which communities are guaranteed certain rights by the constitution, but must still fight and risk their lives in the process of obtaining them. It is important to show the ways in which quilombos are symbols of resistance (O’ Dwyer, Oliveira), and to highlight the process of empowerment that occurs as communities redefine and reimagine the impacts of slavery in the present (Cunha and Gomes). However, it would be irresponsible to ignore the social consequences of a quilombo process that falls short of protecting the very group of people it claims to empower.

Conclusion

It is a necessary legislation but up until now it is not just or fair. The way things are at this moment, they are actually doing a disservice to society. The current process creates more problems, and when it covers one it uncovers another... (Jacklyn Meira Silva [INCRA analyst]).

The *Jornal Nacional* report was successful in creating a negative image of the quilombolas of São Francisco throughout Bahian society. Even residents of Cachoeira condemn and fear the quilombolas for their “violent behavior,” as one person put it, and for betraying a landowner that always “took care of them.” Because Brazil, like the United States, has anti-defamation laws, the leaders of the quilombo movement have since filed charges against the *Jornal*

Nacional for slandering their community. The reporter created a story that turned one of the most important quilombos of Bahia into a fraud, and he was able to do so thanks to the fragile bureaucracy that makes up the quilombo process. I began this article with a quote from Abdias do Nascimento comparing abolition to slavery because of the way it was executed. While Do Nascimento asked that we think about practice over ideology when understanding the social impacts of abolition, his characterization of quilombolismo did not follow the same logic. NGOs, the Palmares Foundation, and INCRA espouse the romantic image of quilombolismo painted by Do Nascimento as they work to teach communities the quilombo law. But how does a community use a law that seems to be written to fail? How do they defend themselves against well-connected landowners, hired police, and malicious reporters if INCRA does not have the resources to secure their rights? The quilombo law fits within the framework of the liberal, multiculturalist state; it essentializes blackness by reducing it to a romantic image of African tradition and slave revolt (Reis, *Escravidão e Invenção da Liberdade*), and in doing so rallies black communities to civic action. Using the case of São Francisco, I have illustrated the ways in which the life of an entire community is shaken by the quilombo process; the pain and frustration that inevitably emerge when the benefits of becoming a quilombo never materialize, and the hope that drives quilombolas to “give their lives” to the movement. But why should these communities fight for a political recognition that only guarantees them rights on paper, and why do they have to work so hard to prove their authenticity when they have the legal right to self-identify? The quilombo recognition process in Brazil illustrates the contradictions and conflicts that arise when ethnic identity and historical memory become the criteria for differentiated rights in a multicultural and racially diverse nation. The fact of blackness in Brazil is that it is socially fluid and rooted in both African and Brazilian histories: in slavery, in resistance, and in political discrimination. The problem of where the new quilombo category belongs along the identity politics continuum will depend on whether or not communities come to obtain real and lasting rights based on their recognition as the descendants of quilombos.

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