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**Dancing for Land:  
Law-Making and Cultural Performance in Northeastern Brazil**

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A few days after I arrived back in the United States from a year of fieldwork in Brazil, an article entitled “Former Slave Havens in Brazil Gaining Rights” appeared on the front page of *The New York Times* (Jan. 23, 2001). The dateline read “Mangal do Barro Vermelho, Brazil”-- a tiny village in the northeastern semi-arid backlands, a poverty-stricken, bleak region of Brazil which, when it is remembered, is cited for its long drought cycles, infamous underdevelopment and poverty, messianic religious movements, political violence, and bandits (Cunha 1944; Castro 1966; Julião 1972; Page 1972; Chandler 1978). The article explained:

The nearest telephone is 19 miles away, and television arrived only in 1998. For generations, communities of poor blacks like this one, people descended from slaves who had run away from their masters during Portuguese colonial times, have existed in wary seclusion deep in Brazil’s trackless backlands. But now more than a century after slavery was abolished in Brazil, these settlements that hint of Africa, known as *quilombos*, are hesitantly emerging from their traditional isolation and poverty. With the encouragement and support of the Brazilian government, they are now pressing for legal title to ancestral lands and reaffirming their threatened culture. Long neglected by the rest of Brazil, the *quilombos* have been facing extinction as the modern world closes in on them.

A government official from the federal land reform agency was quoted as saying, “As people have overcome their shame at saying they are descendants of fugitive slaves, the numbers have grown surprisingly.” Over 700 such rural black communities are currently seeking recognition under a provision of Brazil’s first democratic constitution since the military coup in 1964. The Constitution, adopted in 1988 on the centenary of the abolition of slavery, contains a sentence-long clause granting land to the descendants of fugitive slave communities (*quilombos*).<sup>1</sup> In 2000, after twelve years of wrangling, President Fernando Henrique Cardoso issued an executive decree giving power to the Palmares Cultural Foundation, an agency of the Ministry of Culture, to grant land titles to communities that, metaphorically, have come to be called *quilombos*.<sup>2</sup>

Down the São Francisco River from the black community datelined by *The New York Times*, the smallest state of Brazil, Sergipe, also lays claim to a *quilombo*. The village of Mocambo was thus recognized in May 1997 and three years later the association of community residents, who for generations had been identified as mixed-race, backlands rural laborers or sharecroppers, was given title to a large swath of land by the Palmares Cultural Foundation in a ceremony in Brasília on the same day as the community covered in *The New York Times*. Leading up to, and since, the land grant, members of the Mocambo association have publicly asserted their recently-discovered identity as descendants of fugitive slaves through cultural performances (Guss 2000) such as processions, plays, and, most often, through a dance called the *samba de coco*.

In writing *The New York Times* article, the reporter assumed a primordial connection between rural black communities and African cultural roots. However, does this constitutional provision require proof of such a connection or does it call it into being? And through what legal and extra-legal processes have the meanings of the *quilombo* clause been negotiated? Taking these concerns as its point of departure, this essay will explore the Brazilian process of law-making, its impact on cultural practices, and its transformative effects on culture and identity (Collier, Maurer, and Suárez-Navaz 1995; Darian-Smith and Fitzpatrick 1999; Merry 2000; Bower, Goldberg, and Musheno 2001). The essay begins with the push and pull over the definition and redefinition of the *quilombo* clause as it was applied and used by rural black communities with the assistance of anthropologists, lawyers, black activists, and the Catholic Church. Drawing on law and society literature that focuses on the on-again off-again nature of the legal process (Holston 1991; Santos 1992; Coutin 2000), I propose that law in Brazil has a prismatic quality that reflects the continuing extra-legislative negotiation of how law is applied,

operates, and is experienced. Negotiations over the law in Brazil are not restricted to Congress, the courtrooms, or the presidential palace. In the second part, I show that legal processes and cultural meanings are engaged in a constant and open-ended series of negotiations. As interpretations of the *quilombo* clause have changed through its use over time, so too have the meanings of Mocambo's cultural practices and performances. In Mocambo, the performance of the *samba de coco*, reconfigured for the legal recognition process as evidence of a fugitive slave history, has become a vehicle both for expressing identity in relation to the law and for addressing deeper yearnings for recognition as a delineated community with ties to the land on which its members have lived and worked for generations.

Understanding how law-making, cultural practices, and identity are intertwined is on the agenda. Reviewing anthropological literature on such issues, Ana Alonso (1994:391) pointed out that "ethnicity is partly an effect of the particularizing projects of state formation, projects that produce heirarchized forms of imagining peoplehood that are assigned varying degrees of social esteem and differential privileges and prerogatives within a political community." In that vein, Alonso called for an examination of "the reciprocal relations between processes of state formation and ethnogenesis," echoing Fredrik Barth's conclusion that his earlier, influential work had underestimated the importance of the state's role in the creation and maintenance of ethnic boundaries (Barth 1994:20). I would add that cultural change is integral to the state's role in the formation and transformation of ethnic and racial identification, so long as it is "seen as something dynamic, something that people use to adapt to changing social conditions—and something that is adapted in turn...particularly in situations demanding rapid change" (Jackson 1995:18; Mendoza 2000). Culture, in such contexts, takes "different forms, intensities, salience,

and substance as individuals reinvent themselves and respond to wider politics and economics” (Clifford 1988; Warren 1992:201, 1998).

### **Law-Making and Law’s Opportunities**

That the enactment of a law does not guarantee its enforcement is a well-worn Brazilian truism. It is not, however, the only truth. When the *quilombo* clause was first promulgated as a transitory provision in the 1988 Constitution, there was little expectation that it would have much effect. As explained by the land reform official quoted in *The New York Times*, “When we started out, we thought there would just be a few isolated cases.” In fact, people in Brazil often conjecture whether a new law will or will not “take” (“*a lei vai pegar?*”), as they did with the appearance of the *quilombo* clause. Because enactment of a law in Brazil is often just a jumping off point for the negotiation of the law's meaning and practice, the definition of *quilombo* for purposes of recognition, since 1988, has been debated, narrowed, broadened, and narrowed again, while remaining permanently in flux. In practice, the *quilombo* clause, which was included in the Constitution on the assumption that descendants of actual, proven fugitive slave communities would be very few, has generated an official list of 724 communities, forty-two of which have been recognized, and twenty-nine of which have received title (eighteen of those from the federal government, including Mocambo, the rest issued by states).<sup>3</sup> The decentralized negotiations that produced these results have depended upon particular power configurations and their relationships with the subject matter of the law. Such negotiations have taken place in a processual manner over time among sectors of the population potentially affected by the *quilombo* clause, their mediators with the government, elements within the state apparatus, lawyers, judges, and the police. By viewing the process of law-making as an ongoing negotiation, conducted beyond the legislature and the courts, one can begin to see how the

meaning of the *quilombo* clause, enacted as a form of symbolic politics, can change and be shaped through and with the participation of multiple parties.

Under such circumstances, law can be said to be prismatic, with each of the prism's surfaces refracting a different interpretation for each of the communities or groups calling upon it, using it, negotiating through it, and thereby changing it, only for it to be changed again. In other words, the language of a constitutional provision like the *quilombo* clause might be analogized to a unified beam of light that passes through a prism. As it is refracted through the multiple facets, the white light is transformed into a rainbow of individual colors, just as the seemingly settled language of the law, when refracted through the negotiations of its uses, may reveal its multiple meanings. My view of the law in Brazil dovetails with Susan Coutin's (2000:174) suggestion that immigration law in the United States, as experienced by refugees, might be said to shimmer; "it is both all too real and not there." In Brazil, the prismatic refraction of multiple interpretations is also unstable and at liminal moments, when it is unclear whether a law will "take" or whether an interpretation will stick, the law might be said to shimmer from the perspective of those struggling to lay claim to a particular meaning. In reflecting on the Brazilian legal process, Boaventura de Souza Santos (1992:251) has observed that law in society is "both legality and illegality, ideology and utopia, ...order and disorder, retrospection and anticipation, nostalgia and desire, oppression and emancipation." It is not just a question of equal or unequal presence of any of these pairs of elements; it is the degree or "mode of [such] presence or absence."

This process is apparent in the debate over the legal definition of *quilombo*, which for the purpose of restitutionary land grants mirrors the debate over its historical meaning, and the multiple and varied claims to the legacy of its historical reality, since the inception of the modern

Brazilian black consciousness movement in November 1978 (Anderson 1996:546). In the immediate wake of the Constitution's promulgation, some government officials assumed that the legal meaning of *quilombo* would be determined by historical evidence. Only communities that could trace their ancestry to fugitive slaves would be identified as *quilombos*. Other officials, particularly those tied to the black consciousness movement, sought a broader notion (sometimes even including urban black communities). Problems arose almost immediately in relation to the definition because there have always been rural black communities that deny ties to slavery, with origin stories about escaping prior to enslavement, and groups of slaves who acquired possession of their land through gifts from their owners or from the Catholic Church (Baiocchi 1983; Vogt and Fry 1996; Magno da Silva 2000). Over the years since the *quilombo* clause became available, activists, scholars, and community members have finessed the strict historical definition in creative ways, leading to an acceptance of an almost metaphorical meaning that allowed legal space for long-standing rural black communities to make land claims. To a certain extent, this flexibility can be traced to the government's desire to find compromises with land reform activists who were disappointed by their defeat in the constitutional convention which rendered ambitious agrarian reform virtually impossible. Some voices have been heard to refer to the broadening of the *quilombo* clause as "land reform for blacks," in recognition that there are so few avenues available for agrarian justice.<sup>4</sup>

By 2000, the administrative rules of the Palmares Cultural Foundation provided norms to "govern identification, recognition, delimitation and demarcation, title searches and granting of land titles occupied by communities of descendants of *quilombos* also self-denominated 'Lands of Blacks' (*Terras de Pretos*), 'Black Communities' (*Comunidades Negras*), 'Mocambos,' 'Quilombos' among other such denominations, as part of the process of titling."<sup>5</sup> In October



2000, the Palmares Cultural Foundation distributed a document to representatives of *quilombo* communities in preparation for the United Nations Conference on Racism with the following definition:

*Quilombo* is a space of freedom, of refuge. It signifies settlement, union, groups that possess ethnic identity, common ancestry. Over the course of time there has been a conceptual distortion. Currently, the historiography redefines the concept, not to cling to only the flights and escapes but the autonomous forms of living, with the pattern and model of common use. The principle historical reference has been the *quilombo* of Zumbi of Palmares [the largest *quilombo* in Brazilian history, which existed during the entire 17<sup>th</sup> century], but should not be the standard model.<sup>6</sup>

Historical occupation of rural land by black people, communal planting, and some manifestation of “black culture” as identified by anthropological studies had become the criteria for recognition as a *quilombo*.

In fact, anthropologists have been instrumental in negotiating the shifts in the legal interpretations of the *quilombo* clause. Those who had worked with rural black communities earlier were learning that the people in the communities were less concerned with their “negritude” or history of slavery than with fulfilling the requirements of the law that would give them rights to land. The category of “rural black community” had become an object of study in the early 1980s, building on peasantry scholarship of the 1960s and 1970s (Cândido 1964; Queiroz 1976; Baiocchi 1983; Almeida 1989). Monographs and anthropological studies were produced that helped form the perspective of the Brazilian Anthropological Association (*Associação Brasileira de Antropologia-ABA*) on the *quilombo* clause. In 1994, the ABA constituted a Working Group on Rural Black Communities under the presidency of João Pacheco de Oliveira who, in 1987, had engineered an exclusive contract between the ABA and the Brazilian government requiring the government to engage only ABA anthropologists as experts to produce the legal-anthropological documents (*laudos perícias* or expert reports) for

government recognition of indigenous tribes (Oliveira 1994). In the wake of the working group meeting, the ABA was contracted to do the same work for the Palmares Cultural Foundation in relation to *quilombos*. A member of the working group, Eliane Cantarino O'Dwyer, visited Mocambo in 1996 to arrange for an anthropologist to research its possible *quilombo* status. She was quoted in the *Chronicle of Higher Education* a few years later as being "worried that a narrow interpretation could defeat the spirit of the law, excluding other rural groups that need land. But at the same time, the *quilombo* clause 'has opened a space for negotiation that didn't exist for rural people before. The government is looking at other issues, such as a group's autonomy, and not just its link to slavery'" (Mooney 1998).

In the Brazilian legal system, as observed by James Holston (1991:708), there is a certain "predictable dysfunction [that] indicates a more systemic mode of irresolution." In that essay, Holston was concerned with fraud in urban land transactions and "strategic disorder." However, in the context of creating new rights and granting land to rural landless people in northeastern Brazil, the same "legal irresolution" can operate to calibrate relations with the privileged and point to fissures in the system that can give a productive dimension to that same irresolution. The notion that law, often considered a negative or repressive force, can also provide openings for rights to emerge and identities to be transformed, was noted by E. P. Thompson (1975:266-267): Although "law can be seen to mediate and to legitimize existent class relations," it may "on occasion, inhibit power and afford some protection to the powerless," and as such, "the rules and categories of law penetrate every level of society, effect vertical as well as horizontal definitions of men's rights and status, and contribute to men's self-definition or sense of identity."

Just as law in Brazil is a site of definitional negotiation, it is also a site of identity negotiation—not only on the level of authority, nationally and internationally, but more

importantly on the local level where self-realization is entangled with economic and personal power. In countries where the state is strong and law is a stable force, one may see law imposing "images of order and authority" (Ewing 2002), but where, as in Brazil, law is not a stable force, but instead has a prismatic quality, the enactment of a law is more often just the opening salvo of an ongoing multiplex negotiation. In the case of Mocambo, for example, this involves individuals, leaders of the group choosing to avail itself of a newly-recognized legal identity, representatives of three or four government agencies, landowners opposed and those in favor (for political, personal, historical, and moral reasons), non-governmental organizations, black activists, lawyers, anthropologists, and politicians. At this site of identity negotiation through the law, proof of African slave or rural black culture required for land claims is being translated by black communities into reconfigurations of local culture. These reconfigurations are being taken up in both instrumental ways and as subjective identification with a history and heritage previously unknown, undiscovered, and unspoken.

### **Dancing for Land or Just Dancing?**

The evolving negotiations over the meanings of the *quilombo* clause can be illustrated through the experience of the village of Mocambo. In 1992, a conflict between Mocambo residents and a neighboring landowner on whose property they worked attracted the attention of a local priest and a lawyer nun from the Church's Pastoral Land Commission. In an effort to resolve the problem, and having knowledge of other rural communities who were being considered for recognition, in 1993, the lawyer introduced to Mocambo the idea of petitioning the Palmares Cultural Foundation for recognition as a *quilombo*. This was the first they had heard of such a possibility. After considering the difficulties they would face by using such an untried method of receiving land, the Mocambo residents nonetheless decided to pursue

*quilombo* status. This began a campaign to prove to government visitors and eventually to the anthropologist who came to research his report, that their roots were as fugitive slaves. At first, the government expressed doubt because the people had no records and the architecture of their village did not comport with the standards of the federal patrimony commission. After a group of Mocambo families occupied the neighboring disputed land illegally and were finally expelled in 1994, the villagers and their lawyer turned their attention again to the *quilombo* possibility. By that time, the requirements associated with the *quilombo* clause were being relaxed, at least in part because government investigators and anthropologists had learned that historical evidence of the existence of fugitive slave communities was difficult and sometimes impossible to document. What was being found at many sites was evidence of communal land cultivation and certain dances, songs, and festivals. At this point, the Mocambo villagers were in a better position to prove their status and they focused on the cultural manifestations necessary to gain *quilombo* recognition.

The background of the Mocambo villagers is much the same as the majority of rural people who live in the semi-arid backlands (*sertão*) of northeastern Brazil, who have for generations survived as cowhands, sharecroppers, and day laborers, or have lived off the meager pensions of the elderly. Backlanders (*sertanejans*) live in small settlements (no more than 50 to 100 two-to-four-room houses) or in scattered outlying dwellings, sometimes miles apart. Women tend house and children, carry water in buckets on their heads from nearby rivers or streams or collect it from infrequent rains, and plant and harvest the household plot. The people in the *sertão* are overwhelmingly Catholic, with each small village or settlement having its own chapel. A local priest visits about once a month to perform baptisms, weddings, and masses celebrating the seventh day after death. Neither funerals nor weekly masses are conducted by

priests, leaving such religious ceremonies to the lay clergy. Local sertanejan culture is entwined with centuries-old rural folk Catholic practices, such as praying over people who are ill, using local herbs and plants to treat ailments, pre-dawn processions dedicated to patron saints, passion plays, festivals, and a complex system of godparentage. There are typical sertanejan houses, church designs modeled on medieval Portuguese rural churches, artisanal ceramic, rope, fishing net, and carved wood production.

Cultural practices that mark rural northeastern folk Catholicism also include a variety of dances, such as the *samba de coco*, conjectured to have African roots. The *samba de coco* is accompanied by songs, with simple clapping, foot stamping, or banging coconut shells along with the rhythm of the dance. Folklorists of the Northeast, such as Alceu Maynard Araújo (1964:239), whose research dates from the 1950s, called the *samba de coco* the “dance of the poor...of those who possess only hands to give rhythm, to overcome the lack of musical instruments.” The origin of the *samba de coco* has been traced to Alagoas, the state across the river from Mocambo, exists in all corners of the Northeast, and is considered “afro-amerindian” by Araújo. The dance can take the form of a circle with soloists taking turns dancing in the center (as it is done in Mocambo) or it may be danced in couples like a square dance (as it is done by the neighboring recently-recognized indigenous tribal village) (Melo 1982:63).<sup>7</sup> In the 1990s, sertanejan cultural manifestations, such as the *samba de coco*, were being “re-keyed” as evidence in the quest for *quilombo* recognition (Goffman 1974). By the time representatives of the Palmares Cultural Foundation and local black activists visited Mocambo for the first time in July 1994, the villagers had begun recasting the dance as proof of their fugitive slave history.

When José Maurício Arruti, the anthropologist assigned by the Palmares Cultural Foundation to research possible *quilombo* status for Mocambo, first arrived in 1995, and during

his second visit in 1996, elderly women in the community and a few younger people performed the *samba de coco* for him. In his report, filed in January 1997, five months before portions were published in the Brazilian federal register to signal legal recognition of Mocambo, he noted that they had performed the dance for him three times, once during each time he visited, in connection with meetings of the *quilombo* association. The dance was accompanied by a tambourine with its beat marked by clapping hands and the noise of feet stamping on the floor of the parish house (Arruti 1997:14). The older people explained to him that the dance was traditionally done in connection with collective work in the rice lagoons along the banks of the river. In the last phase of the harvest when the lagoon was “closed” (*fechar a lagoa*), they danced the *samba de coco* to celebrate.

Often the songs accompanying *samba de coco* had bandits as their theme, since Alagoas and Sergipe were the primary haunts in the 1930s of one of Latin America’s most infamous bandits, Lampião (Chandler 1978). Other themes appearing in the songs included planting crops and love relationships. Arruti, in his report, chose to foreground the following song which accompanied the dance he witnessed: “Dance the samba, black, that white not come here; If he comes, he’ll take a beating” (*Samba negro, que branco não vem cá; Se vinhé, pau há de levá*) (Arruti 1997:15). Although the lyrics evidence hostility against whites, Arruti reported no historical proof of a fugitive slave community in this place. Since the lyrics also are documented in the folklore literature of the Northeast from the 1940s as being sung throughout the region (Ramos 1942; Melo 1982:74); therefore, it is likely that the song is part of sertanejan culture, which includes many references to indigenous and slave themes. Thus, the song, as well as the dance, is being rekeyed and reframed as evidence. To the extent that “images of the past and recollected knowledge of the past [were being] conveyed and sustained” by the “more or less

ritual performances” of the *samba de coco*, they were now configured as evidence of a historical *quilombo* imaginary (Connerton 1989:4).

When the president of the Palmares Cultural Foundation arrived in Mocambo in 1997 for the recognition ceremony, the *samba de coco* was performed in honor of the occasion. On the second anniversary of recognition, I witnessed the dance. The following anniversary, Severo D’Acelino, a black activist from the state capital involved in the original decision to pursue *quilombo* status, gave a workshop in Mocambo on black culture. It was after that event that the women who had always performed the dance dressed in their usual everyday clothing of shorts and t-shirts began for the first time to don the garb of Afro-Brazilian religious ceremonies, such as *candomblé*—skirts, blouses, and turbans, all in white. This was what I saw when the dance was performed again on Black Consciousness Day in 2000. Three years after recognition, the dance had been fully transformed into a representation of a history with African roots, being danced both to celebrate the land grant earlier that year and to convince those in the community who still opposed *quilombo* status that there was no turning back (French forthcoming). Mocambo had entered the nation’s consciousness as a *quilombo* and there it would stay, if the *quilombo* association and its supporters in the federal government and the Church had anything to say about it.<sup>8</sup>

Once the people in Mocambo had to “prove” an identity they had only begun to consider “theirs,” the salience of their dance and even the way they worked the land was foregrounded in a new way, but always within the parameters of their own lives. When the possibility arose of gaining legal possession of the land on which they had labored for so many years, coordination of cultural practices took on meanings that were incorporated into their memories of planting and dancing (Rappaport 1994). In Mocambo, the transformation of the *samba de coco* from a

private, celebratory event connected to cultivation and work into a public performance, “set apart and framed,” made it an “important dramatization” that enabled participants to understand and criticize their world (Guss 2000:9; French 2002).

Since the mid-1990s when the *samba de coco* became associated with the *quilombo* movement in Mocambo, there have been times when opposition forces and the slowness of the government in granting land title have led to a lack of interest in, or refusal to, dance. As David Guss (2000:9) has observed,

as the question of “group” becomes more problematized, so too will the problem of interpretation. Or put another way, whose reality is it that is being reflected? As such, cultural performance will remain both contentious and ambiguous, and while the basic structure of an event may be repeated, enough changes will be implemented so that its meaning is redirected.

Zoila Mendoza (2000:239) has also noted that sites of cultural performance are often sites of tension, confrontation, and contestation. When I first visited Mocambo in 1998, the dance was performed for me inside a house and not out on the street in public, where I saw it performed on later occasions. When I returned in the beginning of 2000, the organizer of the dance, Dona Maria, who is also the matriarch of one of the two leading families of the *quilombo* movement, told me she would never dance the *samba de coco* again. She was feeling discouraged about problems with the opposition, whose leader was her nephew. This made the political question also a family feud, in which she had not spoken to her sister in over five years. Dona Maria and another woman leader of the movement said that their legs hurt and they were getting too old to dance—not to mention that the youngsters, they complained, were not interested in learning the dance. However, once the land title was given to them in July 2000, later that year, on Black Consciousness Day, they danced in their white clothing and turbans and had organized a group of children to perform their own version of the *samba de coco*. The ebb and flow of occasions



for performing the dance reflected and tracked local political alliances, relations with the government, and the then-current state of negotiation over the meaning of the law. This time, they danced in the *quilombo* association's community hall (the opposition's association has its own separate building)—the large public space used for parties, meetings, voting, and watching soccer on one of the two televisions in Mocambo (French forthcoming).

As reflected in the *The New York Times* article, it has become common in the United States to use “culture” as a synonym for race, understood in primordialized terms of inescapable difference, lying beneath the surface, waiting to be “found,” “rediscovered,” or “salvaged.” Adopting this perspective would lead to a consideration of the people in Mocambo, who are objects of “discovery” by outsiders, as subjects who “assume” their *quilombo* identity, buried for hundreds of years under the sertanejan category. Such a view, however, would deny the complex interaction of law, politics, professionalism, local needs, cultural practices, and economic realities, that combine to produced legally-recognized *quilombo* communities. It might, therefore, simplify matters to adopt the notion that an identity claim as descendants of fugitive slaves is an instrumental exercise of agency (Cohen 1974). Desperation for land and freedom from wage labor and from the personalistic politics of the region are part of the impetus to pursue benefits by assuming a cultural identity that would meet newly-formulated expectations created by the *quilombo* clause and its shifting interpretations. In search of a way to provide relief and rights to the rural poor in an increasingly globalized, neo-liberal economic environment, which has no interest in them as workers, particularly in areas where land is poor and water scarce, it makes sense to claim certain cultural, ethnic, or racial identities.

Taking such an instrumentalist view may seem convincing, but doing so would be a denial of the evolving meanings of being a *quilombo* for the Mocambo residents who now lay

claim to, and struggle for, identity as descendants of fugitive slaves. Instrumentalism as an explanation is also belied by the third of the Mocambo population that denies *quilombo* status and refuses to “assume” such an identity. If being a *quilombola* is so useful, why is there a substantial faction in Mocambo who, in the words of Dona Maria, “are, but do not assume?” Only an approach that takes such complications into account will have explanatory value. An instrumentalist view, moreover, would place the observer in a functionalist mindset (Sahlins 1999) that allows little space for understanding local creativity, meanings of personal and group histories, and an emotional attachment to place, all of which find expression in the process of struggling for legal recognition. Finally, such an interpretation would leave the analyst vulnerable to arguments, such as that of one rancher in northeastern Brazil, who, after being accused of blocking a bishop and 300 people from holding an outdoor mass in the black community on his property, was quoting as saying: “There is no evidence that there ever was a *quilombo* on my land. If my land was a *quilombo*, then all of Bahia (the largest state in the Northeast) is a *quilombo*, because there are blacks all over the state” (Brooke 1993).

When confronted with impoverished and reductionist analytical tools such as primordial cultural heritages or instrumentalist motivations, we are faced with the question: How to honor the needs and desires of the people in Mocambo and to acknowledge the dedication of their supporters without subscribing to reified notions of identity and culture that conflict with our understanding about the processual nature of law, culture, and history (Moore 1978; Starr and Collier 1989). I contend that it is possible to recognize the instrumental component of political action without ignoring the cultural specificities embedded in the practices that, in Mocambo, led to legal recognition. As expressed by Abner Cohen (1993:7) in his work on West Indian carnival in London, twenty years after his seminal work on political ethnicity, cultural forms “express and

consolidate the sentiments and identity of people who come together as the result of specific economic-political condition.” Cultural elements, he continued, may be “linked together in political action; but the event itself is a cultural form *sui generis* and cannot be reduced or explained away in terms of politics alone. Once developed, it becomes an intervention, not just an expression.”

In summary, the *quilombo* association in Mocambo has taken ownership of certain aspects of sertanejan culture and has used them to meet legal requirements. As such, Mocambo shows that political movements may constitute new ways of making cultural differences organizationally relevant. Because cultural symbols carry multiple meanings, political action can influence which of such meanings obtains the highest emotional valence and, particularly in cases involving land, which meanings provoke “emotionally powerful intuitive representations” of place (LeVine 1984:85-86). After all, the invocation of “tradition” by its very nature involves a dimension of selectivity, thus leading to the almost imperceptibly emotional, yet practical, choice of a particular identity (or rejection of that identity) at a specific juncture. As with Bourdieu’s *trouvaille* (1977:79), cultural meanings invoked at particular times may appear as “the simple unearthing, at once accidental and irresistible, of a buried possibility.” That sense of an irresistible unearthing is reflected in the ways that primordialist precepts are sometimes “woven into political consciousness and practice” (Hale 1997:578). While ethnicity may be “the product of specific historical processes, it does tend to take on the ‘natural’ appearance of an autonomous force, a ‘principle’ capable of determining the course of social life” (Comaroff and Comaroff 1993:60). Therefore, a recognition that the signs and symbols of identification can operate both to invoke deep sentiment and attachment to place, as well as to serve a politically emancipatory purpose, helps bridge the divide between primordialism and instrumentalism.

## Conclusion

As of mid-2001, the shift had been made from a historical view of the *quilombo* concept to a metaphor for the modern struggle for rights. Writing in 2001, José Maurício Arruti, the anthropologist who prepared the report on Mocambo's *quilombo* status, observed that “[*q*]uilombos have stopped being only a historical fact, a date of commemoration of black resistance of the past. Today, each rural black community is seen and sees itself also as a *quilombo*, that still resists and struggles for the right to exist on its lands and to live in its own way” (Koinonia 2001b:4). *Quilombos* in mid-2001 were to be defined as “all the rural black communities mobilized for the legalization of their common use of land” (Koinonia 2001a:3). Yet precisely when the practical interpretation of the *quilombo* clause appeared to have stabilized, events took a new turn, the results of which will be played out in future negotiations. In September 2001, President Cardoso issued a decree, over the objection of *quilombo* advisors and black movement activists, that reintroduced a requirement for historical evidence that would reduce the number of recognized *quilombos*.<sup>9</sup> That decree provided that only land occupied by *quilombos* in 1888 (the year slavery was abolished) and still occupied by descendants of those *quilombos* on October 5, 1988 (the date of the Constitution) would be recognized.

This change of course by the President may, in part, be the result of problems with landowners that arose after the first titles were granted by the Palmares Cultural Foundation in July 2000, without first expropriating or compensating the existing private landowners. These land grants, including the one to Mocambo, left in their wake a series of legal questions still being sorted out by government lawyers a full two years later. Moreover, the nature of the historical evidence that will be needed to prove the existence of a *quilombo* and a century of subsequent occupation is still undecided, in rural Brazil where land records are often nonexistent or

fraudulent. The Church may be helpful in some areas with baptismal records that date back to slavery days, but the negotiation of these and other legal issues lies in the future, no doubt to be interpreted in different ways, by different actors, for different communities—once again suggesting the prismatic quality of law and law-making in Brazil.<sup>10</sup>

In Mocambo, cultural practices and performances are being reconfigured and retained in new forms and surrounded by new discourses, revealing modes of local self-fashioning and political action. However, our inquiry should not end there. Thomas Abercrombie (1991:99) argues that whatever meanings might adhere to a certain "traditional" cultural form "are today produced and interpreted, within the (semi-open) semiotic systems produced at locally or situationally specific intercultural loci..., which intersect with national and international systems as significantly as with neighboring town groups." In this essay, I suggest that the demands, interests, and desires of the larger society, as manifested in laws, discourses of lawmakers, academics, and the media, are integral to an understanding of processes of law-making and the resignification of cultural performances that are entwined with legal meanings. Thus, the reconfiguration of cultural practices in a distant, forgotten, desert-like region can lead us to inquire about, and even begin to understand, the larger societies, national and international, that find those cultural practices significant enough to report on the front page.

### Notes

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<sup>1</sup> The *quilombo* clause of the 1988 Brazilian Constitution provides (official translation): “Final ownership shall be recognized for the remaining members of the ancient [sic] runaway slave communities who are occupying their lands and the State shall grant them the respective title deeds” (Vajda, Zimbres and de Souza 1998) (*Aos remanescentes das comunidades dos quilombos que estejam ocupando suas terras é reconhecida a propriedade definitiva, devendo o Estado emitir os títulos respectivos.*)

<sup>2</sup> The Palmares Cultural Foundation is named for the largest and most famous *quilombo* in Brazilian history, termed by one historian as “an African State in Brazil” and others as a “Negro Republic” (Kent 1965), estimated at 11,000 people and lasting for almost the entire seventeenth century (Schwartz 1992:123). The Palmares *quilombo* story was celebrated by nineteenth-century writers and intellectuals, was appropriated and publicized by Brazilian black movement activists in the 1970s, and today occupies a place in the official history of Brazil, with November 20 each year celebrated as Zumbi of Palmares or Black Consciousness Day throughout the country.

<sup>3</sup> For a full list and maps see the website of the Palmares Cultural Foundation at [www.palmares.gov.br](http://www.palmares.gov.br). Challenging this number as too low is, among others, the *Articulação Nacional Provisória das Comunidades Remanescentes de Quilombos* (National Provisional Commission of the Network of Quilombo Communities) headquartered in Maranhão, the state with the largest number of *quilombos*. As a reflection of the overwhelming support provided by anthropologists and government lawyers for a greater rather than fewer number of recognitions, the federal attorney general's office (*ministério público federal*) was restructured in 1989 to include a department (*sexta câmara*) to “protect and defend the rights and interests of indigenous people, *quilombos*, gypsies, riverine communities riverine populations, and other ethnic minorities” ([www2.prf.mpf.gov.br/sextacamara/apresentacao](http://www2.prf.mpf.gov.br/sextacamara/apresentacao) 2002).

<sup>4</sup> As a result of this strategic loss by advocates of workers and the poor, it became harder for poor rural people to obtain access to small plots of land for family farms. This led to the currently strong and internationally-supported Landless Workers Movement (*Movimento dos Trabalhadores Sem Terra* or MST) which has sponsored about 230,000 encampments and claims over two million members around Brazil. The MST organizes squatting settlements on public and private land and then negotiates with the government to obtain title and rural credits for the relocated squatters, thereby creating new permanent settlements--a form of forced land reform that avoids the letter of the law (Wright 2001).

<sup>5</sup> Historically, the term for a fugitive slave community was *quilombo* or *mocambo*, words with African linguistic roots (Schwartz 1992:122-128). Because there are other meanings of the word *mocambo*, the anthropologist who wrote the report on *quilombo* status for Mocambo did not accord the name of the village a large role in justifying his support. He pointed out that the name of the village came from the ranch on which it had been located in the nineteenth century which in turn took its name from a local creek (Arruti 1997).

<sup>6</sup> In general, in Brazil there is a preference for “ethnic” over “race” as a defining term of difference that in the U.S. would be considered racial. Even the Palmares Foundation and the

black consciousness movement avoid the term “race” and when referring to *quilombos*, preferring the concept of “ethnicity.” The historical explanations for this preference may be traced to the “myth of racial democracy” about which there is much written and over which debate has raged since the early twentieth century (Sheriff 2001; Guimarães and Huntley 2000; Twine 1998). The decision to define *quilombo* in ethnic rather than racial terms dates to 1994, with the shift away from a requirement of strictly historical evidence.

<sup>7</sup> In 1979, a group of families with kinship relations with Mocambo residents had been recognized as an indigenous tribe—the Xocó. One of over thirty tribes recognized in the Northeast since the mid-1970s, the people who were recognized as the Xocó, had danced the *samba de coco* until a tribe across the river in Alagoas taught them the *toré*, another *sertanejan* dance that is associated with indigenous ancestry. Performing *toré*, early on in the period of accelerated tribal recognitions, became the basic criterion for recognition of indigenous descent. Dancing *toré* has become “the obligatory expression of Indianness” in the Northeast (Arruti 1999:255). Members of newly-recognized tribes, a phenomenon not confined to the Northeast, have been termed by Jonathan Warren as “post-traditional Indians” in an effort to signal their lack of indigenous cultural practices (Warren 2001). My dissertation addresses the genesis of both the Xocó tribal recognition and Mocambo’s struggle to be recognized as a *quilombo*, their relations with each other and how that dynamic has contributed to their transformed identities in connection with a new law in each case (French forthcoming).

<sup>8</sup> In the election earlier that year, the *prefeito* (prefect) of the *município* (county), who had opposed *quilombo* status from the beginning, had changed his mind and was re-elected, in part because *quilombo* supporters had changed their votes. This was a reversal for the group opposed to *quilombo* status for Mocambo, who represent about a third of the village population.

<sup>9</sup> The legal status of executive orders used in place of congressional legislation is a matter of debate in the Brazilian legal community. Complaints abound about the misuse by President Cardoso of his emergency powers to extend decrees for years past their intended expiration.

<sup>10</sup> In an interview with President of the Palmares Foundation, Carlos Moura, in April 2002, I was told that he has no intention of enforcing that portion of the decree and was drafting a request to President Fernando Enrique Cardoso to revise the decree to remove that clause. Moura’s explanation for the inclusion of the clause was that Cardoso intended to avoid having to compensate landowners, but Moura indicated that this was an unrealistic goal.

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