CHAPTER FOUR

THE MULTICULTURAL ALIGNMENT

An element of mystique often crept into my conversations with key actors about the constitutional recognition of black communities in both Colombia and Brazil. When I interviewed activists, academics, and state officials who were directly involved, they typically described the recognition as a "huge, unexpected goal," a fluke, and they used terms like "undercover," "low-key," and "unperceived." They even suggested that Transitory Article 55 in Colombia's 1991 constitution—which mandated the 1993 Law of Black Communities—had somehow "passed under the radar." In Brazil, the first Afro-Brazilian Senator and long-time advocate for racial equality within congress, Benedita da Silva, used similar language:

> The chapter [on *quilombos*] that was most discussed was land reform. That was the big chapter, and within that land reform they discussed the issue of indigenous lands. *Quilombos*, well, they didn't give them much attention. And that's how we were able to put it in there, and it is in the constitution: land for the descendants of *quilombos*. That is black lands. But I believe that it passed because they didn't have. . . . Well, at that moment they were so eager [to deal with] the indigenous issue that they didn't even feel it happen (interview, Benedita da Silva, February 2014).

Black Brazilian activist Flavio Jorge echoed this sentiment by suggesting that nobody, not even those in the black movement, had a real sense of the "dimension" of the *quilombo* issue at the time of constitutional reform. He explained that "the very ignorance of congress members, of the legislators at that time, made it so that [the *quilombo* land titling] law was approved" (interview, Flavio Jorge, May 2010). Other activists explained how the provision must have been included when the constituents were dead tired.

Implicit, and sometimes explicit, in this recounting was the sense that in neither case did political elites fully grasp what was at stake in recognizing such rights. The archival record substantiates this perspective. Nowhere in the constituent assembly transcripts does the relatively short debate around

quilombo territorial rights reflect a deep understanding of their magnitude or geographic reach.[1] When considering Transitory Article 68, which recognized *quilombo* rights, it seemed that state officials thought they were dealing with an insignificant number of *quilombos*, no more than twenty throughout Brazil (Arruti 1998, 29). The fact that both the Brazilian and Colombian states have since either slowed down or scaled back titling also suggests that political elites did not quite know what exactly they were getting into. Yet, as Benedita da Silva also highlighted, the state had to confront the reality of these reforms once they were written into the constitutions. "It was only after the fact that they saw what was in the constitution. At the time of implementation, we would go to battle it out with them and say, 'No, no, no, we have to implement this chapter because, look, here it says. . . . It's right there.' They didn't even realize it!" (interview, Benedita da Silva, February 2014).

How could legislators not pay attention to something as important as rights to land and natural resources? In Colombia, the magnitude of these reforms is particularly clear. The recognition of collective territory for indigenous peoples and black communities meant the biggest agrarian reform in that country's history.[2] Were the political elites involved in the constitutional reform process simply ignorant about what was at stake in granting territory to these communities, as some have suggested? If not, how else do we explain such monumental reforms?

I argue this *golazo*[3] depended in part on the global field in which these ethno-racial reforms emerged. These transformations in how Latin American states approached ethno-racial questions happened amid the emergence of a global ethno-racial field made up of institutions, discourses, norms, and transnational strategies, all oriented around multiculturalism with a specific interest in the plight of indigenous peoples around the world. In table 4.1, I map out in some detail the key elements of the ethno-racial political field and particularly those elements that became increasingly salient in discussions around multiculturalism and racial equality in Colombia and Brazil. I do not intend the table to provide a comprehensive genealogy of the global ethno-racial field, nor do I mean it to be an exhaustive list of the actors that constitute that field. Instead, I aim to make the concept of global fields somewhat less abstract by introducing some of the key actors and elements that will emerge more prominently in the rest of this chapter and book.

POLITICAL FIELD ALIGNMENT AROUND MULTICULTURALISM

The political field in which Brazil and Colombia's black movements were embedded in the 1980s–1990s was dominated not only by each country's white/*mestizo* political elites but also by emergent norms around multicul-

TABLE 4.1. GLOBAL ETHNO-RACIAL POLITICAL FIELD

	SUPRA-NATIONAL	CIVIL SOCIETY
Institutional Aspects of the Field	International Institutions ECLAC	Transnational Networks Alianza Estratégica
	Gender, Ethnicity & Health Unit of PAHO	The Amazon Basin Dwellers' Federation (COICA)
	Inter-Agency Consultation on Race in Latin America and the Caribbean (IAC)	Cultural Survival
		Fondo Indígena
	Office of the High Commissioner for Human Rights	Ford Foundation
	UN Committee on the Elimination of All Forms of Racial Discrimination	Inter-American Institute of Human Rights
		International Human Rights Law Group (Global Rights)
	UNDP	International Work Group on Indigenous Affairs (IWGIA)
	UNESCO	
	United Nations Permanent Forum on Indigenous Issues (UNPFII)	Mexican Solidarity Network (Zapatista)
		Pastoral Indígena/Afro
	World Bank Social Development Unit	Southern Education Foundation
		Transafrica Forum
		Washington Office on Latin America (WOLA)
Cultural Aspects of the Political Field	Global Discourses/Norms	Transnational Repertoires of Action
	Convention on the Elimination of All Forms of Racism (CERD) (1963)	Accountability politics
		Informational politics
	Durban Plan of Action (2001)	Leverage politics
	ILO Convention 169 (1989)	Symbolic politics (Pan-Indigeneity, Pan-Africanism)
	UN Declaration on the Rights of Indigenous Peoples (2007)	

turalism, international law, and questions of democratization. While domestic politics opened the possibilities for making new kinds of claims on the Colombian and Brazilian states, such demands were legible for several reasons that speak to the power of international influence. First, there was a global trend toward recognizing "collective rights" in ways that did not contradict the framework of liberal constitutions (Van Cott 2002). This allowed black populations to claim collective rights within the legal framework of the new constitutions being consolidated. Second, international actors and institutions began to think very differently about democracy and social inclusion. Perhaps most importantly, international conventions were influential in Latin America (Van Cott 2002). In fact, they often acted as blueprints for including provisions for indigenous peoples in new constitutions throughout the region.[4]

Latin America's increasing adoption of multicultural policies in the last few decades links directly to the human rights revolution and the development of global policy norms around racial equality in the post–World War II period. While this process took full shape in the 1980s, it really began as early as the 1960s with a number of specific international initiatives (Kymlicka 2007). These included the creation of the Working Group on Indigenous Populations (1982) and the Program on Indigenous Peoples within the UN High Commissioner's Office for Human Rights.[5] In 1993, the UN General Assembly declared 1995–2005 the "First International Decade on the World's Indigenous Peoples." All these efforts aimed to create mechanisms within international institutions to guarantee the rights of indigenous peoples, especially where their respective states were unwilling to recognize such rights (Williams 1990; Van Cott 2000). This emergent global ethnoracial field was made up not only of agencies, such as the UN, which shifted their focus to indigenous rights, but also of new international institutions like the Fondo Indígena (1992), created with the explicit goal of addressing these issues. These institutions and others, like Survival International, which had existed for decades, joined to constitute a web of transnational advocacy around indigenous rights.

The World Bank also began incorporating indigenous-specific programming through its Latin America and Caribbean Region's Environment Division in the late 1980s; later, it made such programming a key component of its Social Development Unit. In order to do this, rather than hire only economists, the World Bank also began to contract with anthropologists who specialized in indigenous culture. The World Bank intended its new focus on indigenous communities to be a departure from its previous policies aimed at universal "poverty reduction," which, somewhat ironically, had worsened the lives of indigenous peoples around the globe (Dwyer 1990; Brysk 2000). Structural adjustment and other austerity policies as

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well as large-scale development projects had displaced and dispossessed indigenous communities throughout Latin America. In part because of this pressure, these institutions began to change their policies. Among other things, the World Bank—alongside other international institutions—began to give Latin American governments throughout the 1990s to demarcate and title collective ethnic territories.[6] The motives of such programs were likely multiple. By investing in social inclusion, these programs sought to show a softer side of these institutions.

This was possible, in part, because of the work and negotiations within the World Bank of people like anthropologist Shelton "Sandy" Davis. Sandy was one of the first anthropologists to join the bank and quickly became known within the bank and the DC policy community as the "staunchest advocate" for indigenous peoples.[7] Before joining the bank, Sandy became known in academia for his commitment to "public-interest anthropology" for his work with indigenous communities in Brazil's lowlands.[8] As one of his colleagues explained:

> I was thrilled in 1987 when Sandy agreed to join the very first Social and Environmental Division of LAC [the Latin American and Caribbean Region]. We fielded the Bank's strongest social science team at the time, namely Sandy and Maritta Koch-Weser. Between them they forcefully implemented the Bank's Indigenous Peoples Policy, such that a year or so later the Brazilian Government told us that LAC had financed more than half of all Brazil's Indigenous Reserves![9]

Such policies, though, were not without their ambiguities. The World Bank's new focus on indigenous and black rural communities also often existed alongside other policies that continued to be devastating for these groups.

Beyond the World Bank, nearly every major development institution and foundation in the Western Hemisphere also turned their attention to ethnic rights. In so doing, they too would focus almost exclusively on the plight of indigenous peoples. This included special units and programs within the Inter-American Development Bank, the Economic Commission for Latin America and the Caribbean (ECLAC), the Organization of American States (OAS), the Pan-American Health Organization (PAHO), and the Inter-American Foundation, all in the 1980s–1990s. With these institutions came international conventions and global policy norms that became important legal instruments for indigenous, and later black, communities in Latin America. The OAS, for example, started a working group in 1989 that was charged with drafting the American Declaration of the Indigenous Peoples. It was finally approved in September 1995.The most significant legal instrument of this kind, however, was ILO Convention 169 on Indigenous

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and Tribal Peoples. More generally, the global diffusion of policy norms from the United States and Western Europe around multiculturalism and human rights were important in the recognition of indigenous rights in Latin America (Van Cott 2007).

However, if we look more closely, this is far from a story of influence from North to South. International development and human rights institutions began to take an interest in collective ethnic rights, and particularly indigenous rights, in great part as a response to pressure by movements around the globe. Indigenous movements, in particular, had accused these institutions of marginalizing their issues for decades (Williams 1990; Hale 2002). Rather than simple diffusion, the emergence of indigenous rights in international legal discourse was a "direct response to the consciousness-raising efforts of international people in international human rights forums" (Williams 1990, 665). Beginning in the late 1980s, indigenous organizations garnered international support by making their voices heard in highly publicized domestic events—state crises in Ecuador, public inauguration of the North American Free Trade Agreement—as well as international forums like the quincentenary celebrations of the "discovery" of Latin American countries, United Nations meetings, and the Nobel Peace Prize ceremony in 1992 (Hale 2002, 485). International institutions and norms that came as a result of indigenous mobilization would have serious implications on how black populations were understood and ultimately included in the new constitutions of Colombia and Brazil.

Much like the international institutions I mentioned earlier, transnational advocacy networks dedicated to ethnic rights emerged in response to growing threats against the livelihood of indigenous communities. As early as the 1960s, a number of new transnational advocacy networks began to develop. They were followed by international institutions like Cultural Survival (1972), the International Work Group on Indigenous Affairs (IWGIA, 1968), and later the Fondo Indígena (1992) and the Mexican Solidarity Network (1998), as well as pan-indigenous networks like Pastoral Indígena (1969) and the Amazon Basin Dwellers' Federation (COICA, 1984). Furthermore, human rights organizations like the Inter-American Institute of Human Rights and the Washington Office on Latin America (WOLA) also turned their attention to indigenous rights.

The global ethno-racial field consists of these material features, including the institutions that make it up and the actors involved in contestation within it. The field is also discursively constituted. In other words, it is a terrain of ideological struggle, a space in which the very categories of representation are contested. This conceptualization of fields is akin to what David Scott (2004) calls a "problem space," "an ensemble of questions and answers around which a horizon of identifiable stakes (conceptual as well as ideological-political stakes) hangs" (4). The global ethno-racial field can be

thought of as a problem space initially oriented around questions of cultural protection and the rights of indigenous peoples and only later around the plight of Afro-descendant populations. This discursive space—concretized in international norms and conventions along with the other aspects of the political field—had serious symbolic power in domestic debates around constitutional reform in both Colombia and Brazil.[10] As Murray Li (2004) has suggested in her work on indigeneity in Indonesia, "There are moments in which global and local agendas have been conjoined in a common purpose, and presented within a common discursive frame" (326). This may be particularly true in cases like Colombia where the state is especially weak (Centeno 2002), and where symbolic power is just as likely to come from outside than from within the nation. Thus, rather than thinking of such ideas as imposition, imperialism, or contamination of an otherwise contained national field, I find it more useful to think of them as part of a widespread process of articulation.

In this chapter, I analyze archival material in order to uncover the process that led to the recognition of specific rights for black communities in Brazil and Colombia's recent constitutions.[11] More specifically, I look at the making of Provisional Article 68 in Brazil and Transitory Article 55 in Colombia, both of which grant black people ethnic and territorial rights. Given the limited ability of black movements in both countries to mobilize the masses, I examine the important interactions among black activists, political elites, and local and international "experts" on ethno-racial questions, as well as global discourses that were central to understanding this shift. While these constitutional reform processes did provide key political openings for black activists in Colombia and Brazil, constitutional reform itself was not enough to guarantee the adoption of specific rights and policies for black populations. Instead, black movements in both countries had to seize upon a multicultural alignment that involved the convergence of these constitutional reform processes and the consolidation of a global ethno-racial field.

In this multicultural alignment, only certain kinds of blackness would fit into the category of the multicultural subject, while others would remain either illegible or deemed incompatible with this push toward further democratization. Indeed, the black subject identified in multicultural constitutions throughout Latin America was not the general black population, but specific subsets like *quilombos* in Brazil and black rural communities on the Pacific Coast of Colombia. In both cases, this specific recognition happened despite the fact that black organizations pushed for policies aimed both at specific rural black communities and the black population more broadly. In this way, this first wave of institutionalizing black political subjects was about both the opening of possibilities for the adoption of unprecedented multicultural reforms in each country and the closure of other types of claims—namely, those of racial justice and equality.

THE MULTICULTURAL ALIGNMENT IN BRAZIL

Brazil's constitutional reform process came as part of a relatively slow process of democratic transition after twenty years of repressive military dictatorship. Such democratization, which has come to be known in Brazil as the *abertura*, or "opening," lasted some sixteen years. It happened as the result of both internal military and political party dynamics, as well as growing pressures of democratization from below. It culminated with the country's first free elections and the 1988 constitution (Hagopian 1990; Mainwaring 1999).

While scholars have rightfully questioned the depth of this initial phase of democratization in Brazil, it undeniably entailed a radical redefinition of the Brazilian nation and particularly of the relationship between the state and civil society.[12] The constitutional reform process began in July 1985 and took nearly three years. The first step was when President Jose Sarney named the Provisional Commission on Constitutional Studies, a body of business leaders, congress members, union leaders, and academics that became known as the Arinos Commission.[13] Among the fifty members of the commission there were only two women, and Helio Santos was the only black Brazilian. A number of newspaper articles published at the time noted this racial and gender imbalance, while others tended to downplay it with headlines like "Minorities Seek to Occupy Space," "Blacks Have a Representative," and "Feminists Will Be Heard."[14] Also on the commission was Gilberto Freyre, the nationalist thinker known as the father of racial democracy, whom I discussed in previous chapters.

However, amid a crisis of leadership, Ulysses Guimarães, president of Brazil's Chamber of Deputies and a vocal opponent of the dictatorship, named another, more representative commission to begin the process of constitutional reform. This led to the election of 594 congress members to Brazil's National Constituent Assembly (ANC) who were charged with writing Brazil's new Magna Carta beginning in 1986.[15]

The National Constituent Assembly and Ethno-Racial Rights

Among the candidates to the ANC was the long-time activist Abdias do Nascimento, who ran on an anti-racism platform. In August 1986, *Folha de São Paulo* published an article titled "Blacks and the Constitutional Reform: Hoping for Racial Democracy" highlighting Nascimento's candidacy:

The priorities of Abdias do Nascimento, also a candidate from the Democratic Labor Party, turns to blacks. He proposes an act of compensation "for blacks chained up in Africa and dumped into Brazil"

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in the constitution. He also proposes the introduction of an item condemning racism and guaranteeing blacks an equality of rights and opportunities in relation to whites. Abdias is also asking for the recognition of black religions and the introduction of the History of Africa in the educational curricula.[16]

While Abdias did not win a seat on the ANC, Afro-Brazilian constituents Carlos Alberto (CAO), Paulo Paim, and especially Benedita da Silva—Brazil's first black woman senator—became the main voices of anti-racism and black inclusion in this process.[17]

Equally as important, just as the constituents geared up for what would be a nearly two-year task, black political organizations throughout Brazil began to organize around the constitutional reform process. They focused their efforts on constructing a united platform and lobbying allies within the ANC like Benedita da Silva. The height of such mobilization happened in August 1987, when the movement held the National Convention of Blacks for the Constituent Assembly in Brasília. The Unified Black Movement (MNU) organized the meeting, though they intended to bring together the entire black movement and develop a unified, coherent platform and set of demands for the new constitution. As such, MNU leaders invited 580 black movement organizations.[18] In the end, a little over 200 people participated in the convention, including representatives from local MNU chapters, representatives of about a dozen other black organizations, labor union activists, as well as people representing political parties and neighborhood/*favela* associations. Representatives of state agencies like the Council for the Black Community of São Paulo (CCDN) and the National Council on Women also attended.

Participants representing sixty-three entities consecrated their demands by signing a final declaration that made clear on whose behalf they were advocating. It explained: "*Negros* encapsulates all of those that have phenotypic or genetic characteristics of the African People that were brought here for the purposes of slave labor."[19] These activists' conception of *negro* contrasted with Brazil's dominant discourses of race mixture and racial ambiguity, in which whites often invoked their African heritage, or *pé na cozinha*, often to subvert racial critique.[20] The declaration emphasized phenotype rather than culture and made an implicit demand for reparations for the violence committed under the slave system rather than claiming cultural protection; the language Afro-Colombian activists used in their constitutional reform process just three years later was radically different.

The August manifesto also outlined a set of critiques of the constitutional reform process itself as an inherently nondemocratic and exclusionary space:

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> We are conscious of the fact that the 1987 Constituent Assembly will not include the democratic participation of Brazil, since the "group" that is charged with creating our new Magna Carta is a product of alliances between elites that have always dominated, and consequently, have determined the economic and cultural destiny of the nation.

Nevertheless, the activists convened in Brasília that August made a strategic decision to participate in the constitutional reform process rather than boycott or otherwise delegitimize it. This was made explicit in the declaration: "As blacks, we understand that as a politically defined ethno-social group within this immense multi-ethnic country of Brazil, we need to collectively bring our needs to the debate." The way they did this, though, was not through disruptive protest as we might expect, but through lobbying. This included delivering the declaration to each of the subcommissions within the constituent assembly, pressuring individual constituents to take on the issue, and even collaborating directly with constituent Benedita da Silva's office.

The declaration read like a manifesto; it included a section on rights and guarantees as well as subsections on police violence, health and quality of life, women, youth, education, culture, work, international relations, and land rights for *quilombos*.[21] Surprisingly, the National Constituent Assembly conducted a great deal of discussion around many of these issues. Though, only two of these demands were ultimately included in Brazil's 1988 constitution: racism was criminalized, and *quilombos* were guaranteed territorial rights. Of all of the demands, why were these two ultimately included? *Quilombo* rights were a relatively new black movement demand and had been included in the August declaration only after much negotiation within the black movement (interview, Luiz Alves, June 2010). To understand the inclusion of these provisions—as well as the exclusion of others—I analyze the transcripts of the Subcommission on Blacks, Indigenous Peoples, the Disabled, and Minorities and draw on interviews with a few key people involved in the constitutional reform process.

The Subcommission on Blacks, Indigenous Peoples, the Disabled, and Minorities

The ANC involved months of philosophical and political debates among legislators, intellectuals, and civil society representatives about what Brazil's new version of democracy should look like. Reading the ANC transcripts, one can sense optimism bordering on romanticism about the possibilities of transcending the many entrenched social cleavages and deep political and economic problems that the country faced. The fact that these discussions about redefining the Brazilian nation took place against the backdrop of the centennial of abolition presented the black movement with both

ironies and opportunities to discuss historic injustice and ongoing racial inequality and discrimination in the country. The structure of the ANC was complex. It included a total of twenty-four subcommissions organized in eight commissions, made up of three subcommissions each. The some 600 constituents had to choose among the subcommissions, with many dedicating their time to one or two of them. Political parties, particularly those with fewer representatives, like Brazil's Workers' Party, had to be strategic about how they divided their constituents across these many areas. While ethno-racial issues were cross-sectional and arguably relevant to many of the subcommissions, such debates were largely relegated to the Subcommission on Blacks, Indigenous Peoples, the Disabled, and Minorities, which I will refer to as the subcommission. This subcommission was under the Commission on Social Order, and it held sixteen official meetings between April 7 and May 25, 1987.[22]

It was clear from the outset that the subcommission would face an uphill battle. For starters, it was a hodgepodge commission set up to deal with a plethora of issues related to all of Brazil's "others": blacks, indigenous peoples, those living with disability, and minorities. Moreover, the marginalization of these groups in society matched the marginalization of the subcommission in the constitutional reform process. So few of the ANC's constituents chose to participate in the subcommission that the first few sessions did not have enough people to hold an official meeting. Even when things moved forward, those present sensed that the subcommission was still very marginalized. As one member reflected, "We are participating in a subcommission, that based on its actual composition, based on the topic that we debate here, is relegated to being a second fiddle," adding, "part of our mission is to give this subcommission the weight that shows how important it is."[23]

This relegation to "second fiddle" was in part because, in addition to lacking the necessary number of constituents, there was little representation from the political parties with the most political weight. The most significant parties within the ANC were part of the *Centrão*—a voting bloc made up of centrist parties like the Democratic Movement Party of Brazil (PMDB), the Liberal Front Party (PFL), and the Social Democratic Party (PSD)—which was not represented in the subcommission. The frustration of those constituents present was apparent throughout their meetings. One constituent commented on what he saw as the "impotence" of the subcommission. He also expressed doubts about whether the subcommission really had the "political conditions to advance on these issues within the Constituent Assembly."[24]

These doubts were not unwarranted. To be sure, many ANC members saw issues related to minorities as peripheral to the more central constitutional debates happening in the constitutional reform process around

political rights and economic policy. As a result, the commissions on these issues had extraordinarily high levels of constituent participation. The Subcommission on Blacks, Indigenous peoples, the Disabled, and Minorities' lack of political weight led to much ambiguity about its mandate and potential impact. Would its work ensure that the constitution was not explicitly exclusionary or discriminatory, or was its purpose to include measures that sought to address inequalities? How could they fight for the inclusion of specific protections for blacks, indigenous peoples, and those living with disabilities in the context of a universal constitution? Furthermore, to what extent was the subcommission supposed to coordinate with, and even lobby, the other subcommissions around these issues? Notwithstanding these questions, subcommission members moved forward, calling on activists and academics to help inform their recommendations to the Commission on Social Order, and ultimately, their recommendations to the plenary.

Anthropological Expertise

The constituent members who made up the subcommission were self-selected among the few who cared about these issues. Yet even among those sympathetic to protecting minority groups in the constitution, there was some contention over racial issues, especially when invited speakers spoke from personal experience. The consensus seemed to be that, while activists were important to hear, the voices of academic experts would be especially important. This preference for a certain kind of objective, scientific expertise was implicit throughout the subcommission, but it was made explicit by constituent José Carlos Sabóia:

> In addition to other speakers from movement organizations and other institutions, we need to bring an anthropologist to see what he has to say about minority issues, what it means to be marked in society, what it means to be disabled and be considered a second or third class citizen, what it means to have a nationality, to have a different ethnicity from the majority of the Brazilian population, which is the case with Indians.[25]

Sabóia added that the presence of intellectuals working on these issues would give the subcommission a much-needed "philosophical, theoretical, and political foundation." He warned that without this expertise, they were doomed to create what he called a "mediocre" proposal. Another ANC member suggested a number of researchers who "understand very well the question of minorities." This included Peter Fry, an anthropologist who later became a vehement critic of affirmative action policies in Brazil, as well as future first lady and anthropologist, Ruth Cardoso, who was public

in her opposition to race-based quotas some fifteen years later. The constituent also recommended historian Decio Freitas, who had written on Brazil's maroon leader, Zumbí dos Palmares, and who he described as "having the best work on blacks in Rio Grande do Sul."[26]

In fact, constituents invoked academic expertise throughout the meetings and expressed anxieties about the subcommission's legitimacy and seriousness. Even in the final hours of the constitutional process, as constituent assembly members celebrated the work that they had done, one member brought into view the reality of a more serious battle to come:

> My worry is a little more urgent: it is about how we are going to sensitize, how we are going to challenge the white consciousness of our noble assembly members who are not all white. How are we going to make it such that the Brazilian population, this mosaic that is represented to varying degrees among the assembly members, understand this basic question? How are we going to construct democracy and democratic institutions? . . . Here I think the role of the *anthropologist* is more important than that of the *Indian* [emphasis mine].

This assessment had some foundation. Anthropological expertise would, in the end, legitimate multicultural subjects in constitutional reform processes throughout Latin America. Anthropologists played an even more critical role in implementing ethno-racial policy. After the constitutions were signed, both the Brazilian and Colombian states began to demarcate and title collective territories for black and indigenous communities, anthropologists would take on the task of certification and cultural authentication (French 2009; Farfán-Santos 2015).

Anthropologists came to occupy these powerful positions of legitimation in part because of the nature of the discipline itself. As Brysk (2000) noted, "anthropology's raison d'être was the celebration of human difference," and as such, anthropologists had symbolic power in these constitutional reform spaces.[27] Anthropologists working in and on Latin America also had developed strong ties with the pan-indigenous movement since at least the 1960s (Brysk 2000).

Given that the subcommission privileged certain kinds of knowledge, the black movement and their allies were strategic about which activists they invited to speak. Lélia Gonzales, a well-known leader of the Unified Black Movement (MNU) and an accomplished anthropologist, was the first of a number of black activists to appear. Introducing her, constituent Benedita da Silva said, "We have here one of the brightest anthropologists that blacks have had in the history of Brazilian society, Lélia Gonzales, who will give her presentation on the theme 'Blacks and their Situation.'" Lélia had cofounded the MNU and still held a leadership position within the

organization. Yet both she and da Silva emphasized her anthropological expertise in the topic. This move to depoliticize also happened with other activist-scholars whose academic credentials—rather than their years organizing within the black movement—were highlighted in order to legitimate them in this space. Ultimately, the subcommission invited about a dozen academics, including anthropologists, psychologists, historians, and sociologists, many of whom spoke on their own behalf. However, those representing the Institute for Anthropological Research of Rio de Janeiro as well as the Brazilian Association of Anthropology (ABA) took an official institutional position on indigenous rights. The president of the ABA, Manoela Carneiro da Cunha, opened her discussion by talking broadly about the concepts of "minorities" and "minority rights." However, she spent her entire time speaking about the situation facing indigenous peoples, including land struggles and invasion by domestic and foreign capital. There was no mention of any other group.

No academic institution made an official statement on black Brazilians and their inclusion in the 1988 constitution. Even so, the subcommission did invite a number of academics and activists to speak directly to the "situation" facing black Brazilians. Despite the many issues the activists raised, however, nearly all the debate revolved around two issues: the criminalization of racism and "isonomy," or equality before the law.

Criminalizing Racism, Defining Equality

There was a surprising amount of discussion among constituent members and invited speakers about the prevalence and nature of racism in Brazilian society. This discussion revealed an acute awareness that Brazil's racial issues were unlike the racism in countries like the United States and South Africa. Florestan Fernandes—a pioneer in the study of racial inequality in Brazil and an ANC member—suggested, "Our prejudice is not open and systematic, it is masked and diffuse. It is an indirect prejudice which allows blacks and whites to live together under false appearances."[28] It was precisely this mystified nature of Brazilian racism that led some black activists to advocate for constitutional provisions that went beyond formal equality. Indeed, despite the fact that the Arinas law had criminalized racism since 1951, it had not been effective either in deterring racism or in diminishing racial inequality.[29] As a result, the subcommission agreed to include a more effective provision on the criminalization of racism in Brazil's new constitution.

The subcommission members also had a much forgotten debate around affirmative action–like policies.[30] In contrast to the discussions about criminalization, those around affirmative action proved particularly contentious. On April 28, 1987, Lélia Gonzales of the MNU gave a powerful speech that set the tone of the subcommission's discussions around black rights. She of-

fered a bold indictment of historic and ongoing racism in Brazil and called for isonomy:

> In this moment where we are discussing constitutional reform, we cannot pretend to effectively construct a society where the principle of *isonomy* is concretized. We cannot create lies that hide the fact that there is a great threat to the construction of a Brazilian nation. Without the *crioléu*,[31] without blacks, there is no constructing a nation in this country!

Gonzales was likely responding to Attorney General Octavio Blatter Pinho, who had introduced the term "isonomy" to the subcommission and traced the word's etymology back to ancient Greece. Gonzales highlighted the informal ways in which formal equality disguises ongoing racial injustices. Yet while the word isonomy appeared more than forty times thereafter, the concept itself took on different meanings throughout the subcommission proceedings. While some ANC members saw isonomy as a fundamental question of access and equal opportunity, others argued that the constitution needed to institutionalize proactive affirmative-action-type policies. The first concrete proposal for quotas came from ANC member José Carlos Sabóia of Maranhão, who called for them in public and private schools as well as the labor market.[32] Sabóia had also been a vocal advocate for indigenous rights within the subcommission and argued that while such policies would be a real "shock" to Brazilian society, they were an important way of addressing racism in a much more "explicit" way.[33] Other ANC members also expressed support for racial quotas. For instance, Domingos Leonelli argued that even under conditions of formal equality, "the subjective element of appearance and other markers typically disfavors blacks, and not just blacks, but people of other ethnic origins in our country."[34] Beyond expressing support, others vowed to take concrete actions. Helio Costa, for instance, stated early on that he was prepared to present a proposal that included not just affirmative measures but "quotas" more specifically.[35]

However, opposition to affirmative-type policies came from unlikely people, including some of those who recognized Brazil's deep-seated racial inequalities. Two Afro-Brazilian activists affiliated with the Council for the Black Community of São Paulo (CCDN) were particularly vocal in their disapproval of quotas. After debates heated up and newspapers had begun to cover the contentious issue, the subcommission invited Ricardo Dias of CCDN to talk. After emphasizing that he was representing Brazil's "black movement," he said the following:

> We discussed this and other questions in the Council for the Black Community of São Paulo in some heated debates. We came to the

conclusion that isonomy, my friends, is nothing more or less than equality of treatment for the black man and for the black culture that he represents, and an equality of conditions when compared to the other cultures that form the Brazilian nation. That is what isonomy is.[36]

Dias went on to argue that "isonomy in terms of labor is nothing more and nothing less than ensuring black men the right to work, to occupy the positions he's prepared to occupy." The major cause of racial inequality in the workplace, he added, was the lack of training among blacks, which is why he was worried about quotas. Blacks were simply "not prepared to fill these spaces."[37]

While Lélia Gonzales did not specify exactly what isonomy might look like in terms of policy, her address made clear that formal equality was not enough. She said "continuing forward with a paternalistic logic of telling us that everything is going to be okay, but when the time comes, you close all doors such that blacks, with all of their historic competence, won't be able to access the labor market, won't be able to organize in political parties."[38]

After the subcommission recessed to work on the draft proposal, the prospect of affirmative action quickly disappeared, in part because the members feared political and public backlash. While the press had largely ignored the subcommission's session, they did cover the quotas proposal heavily. In fact, this media coverage generated a great deal of hate mail for the subcommission. In one meeting, Benedita da Silva read one such letter addressed to the rapporteur:

> Alceni, I just read the racist, ridiculous, and inflammatory proposal of Benedita da Silva to guarantee slots in the workplace for blacks. An opening for 20 spaces where 70 whites apply and 20 blacks apply, and if we say that the average grades of whites is 7.5 and the average for blacks is 6.5, is that not racism? In this case, all of the blacks would be approved, even though they have lower scores than the whites. It is ridiculous, medieval, elitist! . . . I'm Bahian and I'm the great-grandson of a black woman. I am a white man with hair like a Brillo pad. In my case could I consider myself black to get this advantage from the project of the honorable Ms. Silva? This is not viable for Brazil because of the strong [racial] mixture.

Interestingly, Benedita had not actually been the one to introduce this idea to the subcommission.[39] In fact, perhaps strategically, she did not even hold a leadership position within the subcommission at all, nor did she talk about quotas at any point in the official meetings. However, because Benedita was black, racial quotas were ascribed to her rather than to the nonblack members who had actually introduced them into the debate a number of times.

Beyond backlash from the public, constituents also feared that other ANC members would feel strongly that racial quotas were incompatible with Brazil's future universal democracy. Subcommission members had to consider the political viability of the provisions they proposed. For instance, while Sabóia said that he supported quotas, he questioned if the subcommission had the "political force necessary to include a constitutional principle of that magnitude."[40] Some saw this lack of political leverage as a consequence of the myth of racial democracy itself, which constrained the types of proposals the commission could make. How would they sell quotas to constituents who had pride in what they saw as Brazil's racial egalitarianism?

There were also other impediments. As one commissioner suggested, the lack of a massive grassroots black movement to push from outside the ANC gave the subcommission little leverage.[41] In the end, it did not include racial quotas in its proposal to the plenary, despite lots of debate and support for them. The very opposite was true of land rights for communities made up of the descendants of escaped/freed slaves, or *quilombos*. While the guarantee of territorial rights for *quilombo* communities never came up in the official subcommission meetings, it was included in their final proposal and, more importantly, in the new constitution as Provisional Article 68. How do we explain this?

Quilombos *and Indigenous Rights*

The recognition of *quilombo* rights in Brazil's 1988 constitution presents somewhat of a puzzle. While a number of activists brought up the issue of *quilombos* early on in the subcommission, it was always in the symbolic sense. They often evoked historic forms of black resistance, particularly the example of Quilombo dos Palmares, one of the earliest and longest lasting maroon societies in the Americas.[42] Their use of the *quilombo* as a symbol of black resistance mirrored that of earlier activist-thinkers like Abdias do Nascimento, who in the 1970s developed the idea of *quilombismo* as a political ideology, not a basis of concrete claims-making on behalf of contemporary black populations. In this way, historic *quilombos* served black movements in both Colombia and Brazil as important symbols of black resistance (Arruti 2000), though the movements rarely demanded that the state address the contemporary realities of those living in *quilombos* in the present.[43] Only through Brazil's constitutional reform process did this important symbol of black resistance came into direct conversation, and even tension, with political projects centered on *quilombo* rights and the rights of black rural communities more generally.[44]

Paradoxically, the only time *quilombos* appeared in the proceedings of the subcommission as living communities with their own struggles and political claims was on the very last day, when the group read its final proposal.

In it, the subcommission proposed that the state "guarantee the titling of definitive properties of land to the descendants of *quilombo* communities." In the absence of serious discussion, how did this transpire?

We cannot understand this inclusion of *quilombo* rights without examining the rise of indigenous movements and the increasing centrality of indigenous rights to the international human rights community. The indigenous movement in Brazil had been mobilized for some time around constitutional reform. Most of this organizing happened through the Union of Indigenous Nations (UNI), a national organization founded in 1980, which also included important academic allies like the Brazilian Association of Anthropology (ABA). By the mid-1980s, the UNI had constructed a unified platform focusing on the rights to territory and self-determination, and had agreed on a very specific set of demands about the recognition of indigenous rights in the 1988 constitution (Carneiro 1985; Lacerda 2008).

Furthermore, just as political elites in Brazil began to reimagine the nation through this constitutional reform process, the growing international human rights community was consolidating norms around the question of indigenous rights. Anaya (2004) notes that the 1971 United Nations study titled the "Problem of Discrimination against Indigenous Populations" was particularly important for making indigenous rights central to the UN platform.

Much of the debate within Brazil's ANC was insular, focusing on the legacy of Brazilian law and the democratic virtues of Brazilian culture. Even so, international law also entered into these debates at critical moments. One such time was captured in an article written by the then-president of the Brazilian Association of Anthropology (ABA), Manuela Carneiro da Cunha, who also spoke before the subcommission. Published in the *Folha de São Paulo* newspaper on May 5, 1987, the op-ed was an attempt to make the legal and moral case for the recognition of indigenous rights to territory and autonomy. In addition to mentioning the guarantee of indigenous rights in all of Brazil's previous constitutions, Carneiro da Cunha also cited international norms: "We demand that the new constitution maintain the recognition of these territories, which has basis not only in the legal traditions of Brazil, but in international law. Such is the case of the International Labor Organization's Convention 107 [on Indigenous and Tribal People], to which Brazil is a signatory."[45] She went on to cite the UNESCO San José declaration to make the case for indigenous rights to autonomous development and natural resources.[46]

While Carneiro's plea—and international norms around multiculturalism more generally—made indigenous peoples the ideal subjects of these rights, the underlying imperative to protect and preserve the culture of "traditional" ethnic communities was also relevant to *quilombo* communities. In fact, some of these communities had already been organizing around precisely such claims to traditional territory (interview, Luiz Alves, June

2010). By the time the ANC deliberations began in 1985, struggles for territorial rights for *quilombos*—or what some called *terras de pretos* or black lands—were also well under way, particularly in the North and Northeast (Alberti and Pereira 2007; Bernardo Gomes 2009; Pereira 2013).

The first mention of *quilombo* territorial rights appeared in an amendment introduced by constituent Abigail Feitosa of Bahia after the subcommission had already agreed on a draft proposal. A member of the socialist party and an advocate for agrarian reform, Feitosa introduced two amendments: the first proposed to make November 20 a holiday commemorating the death of fugitive slave leader Zumbí dos Palmares, and another guaranteed land rights for *quilombo* communities. While the subcommission did not include the former in its final proposal, it did include the latter. This happened, in part, because a sector within the black movement had been lobbying constituents behind the scenes. The Center of Black Culture (CCN) of Maranhão had taken the lead in making the case for territorial rights not only to constituents but also within the black movement itself. As Luiz Alves of CCN explained to me in an interview, "We were the ones to bring up the issue of land and *quilombos*, it was us! At that time I said, 'Look, I'm from a *quilombo*, I was born in a *quilombo*, and there is a struggle for land there. Over there [on the land] we have everything.'" (interview, Luiz Alves, June 2010). CCN also made the case to MNU activists and others during the Brasília Convention in 1987. In this way, the constitutional reform process in Brazil marked a shift within the black movement from understanding *quilombos* in purely symbolic terms to conceptualizing a black political project situated in *quilombos* and a subject defined in terms of territorial rights.

While the umbrella platform of the black movement included *quilombo* rights, there was no guarantee the ANC would take them seriously. As such, during the months leading up to the constitutional reform, activists from CCN and other organizations from the North and Northeast began to lobby constituents. Ivan Costa, also of CCN, explained this strategy to Bernard Gomes (2009) in an interview:

> The national movement was already discussing and taking proposals from everywhere in Brazil to the new Constituent Assembly in 1987. It was then that the Center of Black Culture (CCN) of Maranhão together with the Center for the Defense of Blacks of Pará (CEDENPA) took proposals related to the rights of black rural communities. For that, we had to articulate with the black movement of Rio de Janeiro because the majority of federal constituent members from both Maranhão and Pará were a part of the landed elite (189).

Costa further explained that because the black movement of Maranhão and Pará knew that their regional representatives would not advocate for black

rural communities' land rights, they turned to Afro-Brazilian constituents Benedita da Silva and Carlos Alberto Caó to make the case within the assembly (Bernardo Gomes 2009).

When I asked constituent Benedita da Silva how *quilombo* rights figured into the constitutional reform process, she said:

> In reality, we had a much bigger discussion in the constituent assembly around the ethnic question. To the extent we talked about land, the debate was always about the indigenous population because of the long tradition they have, the fact that it was them that were here [first] and only after came the colonizers to occupy indigenous spaces. So the discussion came through there, not through *quilombo* lands (interview, Benedita da Silva, February 2014).

Thus, while lobbying by black political organizations did figure into the inclusion of *quilombo* rights in Brazil's 1988 constitution, these activists' efforts were also aided by changes in what McCammon et al. (2007) call the "discursive opportunity structure." Indeed, by the late 1980s, a discursive infrastructure had been built around indigenous territorial rights in Brazil, in the region, and, perhaps more importantly, at the international level. To the extent that *quilombos* were understood as having similar claims to culture, tradition, and territory, they were also recognized.

Blacks and the Final Draft of the 1988 Constitution

The subcommission's final proposal was at once bold and watered down. It included a general section called "rights and guarantees" that laid out some general principles of recognition, respect, anti-discrimination, and equality of opportunity. This was followed by specific recommendations on blacks, indigenous peoples, the disabled, and minorities. The section on blacks included six recommendations: the mandating of specific educational curricula at all levels, the criminalization of racism, the designation of holidays "of high significance to the various ethnic groups," the breaking of diplomatic relations with countries that violate human rights,[47] and finally, the guarantee of "permanent titles of the land occupied by the descendants of *quilombos*."

Proposals were further narrowed in the subsequent steps of the constitutional reform process, first in the Commission on Social Order and later through the plenary and "systematization" stages. This narrowing occurred even though constituents made additional proposals during these stages. For instance, in one plenary meeting, Senator Paulo Paim highlighted the need to make the teaching of African history mandatory. He also made a heartfelt plea to the constituents to deal with issues of racial profiling and

the criminalization of black youth. This demand—while also central to the platform of black movement organizations like the MNU—continued to be pushed aside even as the Brazilian state moved toward racial equality policies a little over a decade later (Smith 2015).

The final text of the constitution did include some of the recommendations of the Subcommission on Blacks, Indigenous Peoples, the Disabled, and Minorities, and it emphasized equality throughout the text, including in areas of education and the labor market. However, this equality was juxtaposed in Brazil's magna carta with an underlying inequality based on region and class rather than race.[48] While the 1988 constitution did criminalize racism, it did not recognize or address issues of racial inequality in any meaningful way. This absence of policies to address racial inequality was not, as some have suggested, about the constitution being an inadequate venue to address these questions.[49] In fact, if we turn to the examples of gender and disability, we see that Brazil's constitution went a step beyond formal equality. It reserved a percentage of public jobs for disabled people and guaranteed women protection in the labor market through "specific incentives."[50]

In the end, two constitutional articles were specific to black Brazilians, both related to *quilombos* and both included in the Temporary Constitutional Provisions rather than the text of the constitution itself.[51] The first article recognized *quilombo* communities and documents as sites of national heritage, and the other guaranteed collective land rights to the descendants of *quilombos*. It stated: "Final ownership shall be recognized for the remaining members of the *quilombo* communities who are occupying their lands; the state shall grant them the respective land titles."

The ultimate shape that ethno-racial rights in Brazil took in the constitution was the result of several factors, including strategic lobbying by the black movement and the building of alliances with legislators within the ANC. In addition, the imperative to protect the culture of rural *quilombo* communities also resonated with an increasingly pervasive multicultural logic within the region and around the globe. Thus, ethno-racial rights in Brazil's 1988 Constitution can be read both as a major gain and as profoundly limited. While the document did guarantee collective land rights for *quilombo* communities, it also made invisible many of the other black movement demands for effective and full citizenship.

This tension was also reflected in the subcommission's language, which often bifurcated into two separate policy discussions: indigenous rights and territory on the one hand, racism and racial inequality on the other. The latter was almost exclusively understood as a problem facing *negros*, not indigenous peoples. This may be why neither subcommission constituents nor activists mentioned indigenous people when discussing isonomy or affirmative action. In this way, *quilombos* occupied an ambiguous space.

They did not fit easily into either discourse, though they were ultimately included—with a culturalist logic—in language similar to that used in relation to indigenous people.

At the MNU convention of 1987, black Brazilian organizations called for a set of policies, including the criminalization of racism, land rights for *quilombo* communities, the rupture of diplomatic relations with apartheid regimes, and affirmative action–like policies. Ultimately, the constitution provided only for *quilombo* rights and the criminalization of racism. In so doing, it recognized only individualized, not structural, racism and established a law that would prove too harsh to be effective at prosecuting racism.[52]

A similar process unfolded in Colombia just a few years later when a wide range of black movement claims would be left out of the 1991 constitution, with the exception of territorial rights for some rural black populations. The similarities between the two cases raise many questions about whether this narrowing of black rights emerged purely from domestic processes. In what follows, I will show how the multicultural alignment in these countries, and arguably throughout Latin America, required the deracialization—or what Restrepo (2004) calls the "ethnicization"—of blackness.

THE MULTICULTURAL ALIGNMENT IN COLOMBIA

Just two years after Brazil adopted its new constitution, Colombia began its own process of further democratization through constitutional reform. The 1980s were politically unstable in Colombia. The country was still embroiled in a protracted and violent civil war between the Colombian military and armed leftist guerilla groups that had started in the 1960s. Moreover, since the central state had been historically weak, regional inequalities were large, and many areas still remained outside the state's reach. Even so, up until then Colombia's internal conflict largely took place in remote rural areas away from the country's economic and political center.

That changed with the emergence of a number of urban guerilla groups. The geographic proximity of these groups to the central state apparatus, and their use of new forms of political violence, posed new threats to the Colombian state (Dugas 1993). The M-19, or April 19 movement, perhaps the most important of these groups, emerged in response to the 1970 presidential election, which was marred with charges of fraud and effectively shut the left out of electoral politics. This movement, made up of a wide cross section of Colombian society, including many students, became most known for their unorthodox tactics, including unprecedented political violence. This culminated in 1985, when the M-19 seized the Supreme Court, leading to a standoff with the military in which twelve Supreme Court

justices were killed (Carrigan 2009).This political violence converged with the emergence of an array of class-based movements around the country as well as the rise of Colombia's notorious drug cartels. These "non-civil-society" groups, as well as a failed attempt to reform the political party system, contributed greatly to what has been called the "crisis of legitimacy" of the Colombian state in the late 1980s (Dugas 1993). In this, the state faced increasing pressure to respond and, particularly, to demobilize urban guerilla groups like the M-19. This political volatility prompted the state to launch a constitutional reform process beginning in 1990 (Dugas 1993; Van Cott 2002; Agudelo 2004; Castillo 2007). As in Brazil, constitutional reform in Colombia became a space for debate about other important concerns, among them gender equality, divorce, the plight of the disabled, and ethnic rights.

The 1991 Constitutional Reform Process

In 1990, the Colombian government began to sponsor meetings across the country to ensure a participatory constitutional reform process, to activate civil society, and to restore confidence in a government that was losing legitimacy. After 80 percent of Colombians voted for constitutional reform, the state held popular elections for representatives to the National Constitutional Court, which was charged with representing constituents in the drafting of Colombia's new constitution (Van Cott 2000). This process opened space in the political sphere for a number of voices that had not been at the forefront of pressuring for constitutional reform, among them the voices of black Colombians concerned with land dispossession and in-stitutionalized racism.

Meanwhile, another kind of political opening occurred in the global po-litical field. Norms around multiculturalism and ethnic rights were diffus-ing throughout the globe, and Colombia's neighboring countries, including Brazil, were consolidating norms around indigenous rights. Despite the fact that Colombia is one of the oldest democracies in Latin America, it has lagged behind the region in recognizing the specific rights of ethnic and indigenous groups. This fact also figured into the calculations of National Constitutional Assembly members (Sánchez 1993; Van Cott 2006), who re-ferred to international and regional norms, at least in making the case for indigenous rights. After reading the provisions on indigenous peoples in the constitutions of Nicaragua, Panama, Brazil, and Venezuela, Francisco Rojas Birry, one of the two indigenous members of the ANC, stated, "This is not something new, we aren't making things up here; to the contrary, we are elevating the level of the constitution, so that Colombia can do the same as other countries have in recognizing special titling for indigenous peoples" (ANC Minutes, June 10, 1991). The point here was that modern

democracies had modern constitutions that recognized the specific rights of indigenous peoples. It followed that if Colombia wanted to be advanced or developed, it would have to do the same.

These changes in international norms were important but not sufficient to bring about the adoption of multicultural policies in Colombia. What is more, there was no guarantee that, once translated into the Colombian context, these norms would actually include black populations. In this sense, rather than seeping into countries, these changes in political culture and norms in the global political field aided local political struggles for recognition (Van Cott 2006; Kymlicka 2007). In Colombia, indigenous leaders and their allies had begun organizing around rights to ancestral territory and political autonomy since at least the 1970s. As the constitutional reform process became more imminent, these activists began to lay the groundwork for having indigenous rights and multiculturalism recognized in the new constitution itself. Miriam Jimeno, an anthropologist, expert on indigenous movements, and one of the main advocates for multiculturalism in Colombia's constitutional reform process explained in an interview that activists and intellectuals collaborated: "The Constitutional reform process is not what initiated [indigenous] mobilization. It was the other way around. The Constitutional Reform process was the result of a process of at least two decades of previous work by indigenous communities, of some black activists, some intellectuals, some of which had worked on black communities" (interview, Miriam Jimeno, August 2006).

Thus, while indigenous peoples' claims to land, political autonomy, and collective rights were rooted in local histories and struggles, they also drew heavily on international discourses of indigeneity that were being solidified in the same period. However, whereas indigenous people were considered the ideal subject of multicultural policies, black populations were not (Hooker 2005). As such, black Colombians were not automatically included in Colombia's move toward a multicultural model of citizenship. Rather, they had to prove themselves fit for such rights through a combination of discursive and material strategies (Paschel 2010).

In addition to organizational challenges, Afro-Colombian activists faced policymakers and government officials who opposed legislation in favor of Afro-Colombian interests because they felt it would create interethnic conflict in an already war-torn country. Afro-Colombian activist Libia Grueso of the Black Communities' Movement (PCN) noted that "the left, conservatives, and liberals all thought the same" when it came to including black communities in the constitution: none offered their support (interview, Libia Grueso, July 2006). ANC member Cornelio Reyes was one of the most vocal opponents of what would become Provisional Article 55 for black communities. He argued that including Afro-Colombians in the constitution would create a system of "apartheid" in Colombia that did

not previously exist. He added that advocating for special rights for Afro-Colombians was a sure way to "divide the country more than it is already divided" (ANC minutes, May 15, 1991). Other ANC members asserted that even though the "black ghetto, poverty, and isolation" existed, the task at hand was to "promote better integration of these communities" (ANC Minutes, May 15, 1991).[53] Though members recognized that in some respects Afro-Colombians and indigenous peoples faced similar conditions, these populations were thought to inhabit a different kind of difference, resulting in policies of difference and multiculturalism for indigenous peoples and policies of racial integration for black populations. In the face of opposition from the ANC and ideological and regional differences among black movement organizations, activists achieved inclusion in the constitution by launching an effective campaign that included lobbying and forming alliances both with indigenous leaders within the ANC and with other black organizations.

Since Afro-Colombians were not successful in getting a candidate elected to the ANC, Francisco Rojas Birry—an indigenous leader from the Pacific Coast of Colombia with connections to traditional black organizations in the Chocó—became the main advocate for Afro-Colombians in the ANC.[54] Before being elected, he had pledged to run on a "multiethnic" platform and to fight for both indigenous and Afro-Colombian rights.[55] It made sense that the Chocó would be the epicenter of organizing around land rights for black communities, since many of the black peasant associations that I mentioned in the previous chapter were created there in the early and mid-1980s. Rojas Birry's representation also proved strategically important: indigenous leaders were part of a center-left bloc led by the M-19, and although M-19 did not originally support rights for Afro-Colombians, it agreed to support all the indigenous delegates' proposals in exchange for their support of the M-19 platform. This strategic bloc wielded great power, because it represented more than one-third of the ANC. All proposals had to gain a two-thirds majority vote in order to pass (Van Cott 1996; 2002).

While a strong advocate within the ANC was important, black Colombians also deployed other tactics consistent with traditional accounts of black social movements. They orchestrated sit-ins, organized marches, formed strategic alliances with other Afro-Colombian and indigenous organizations, and created the Black Telegram Campaign, which resulted in 25,000 telegrams to policymakers demanding Afro-Colombians be included in the constitution (Grueso 2000; Agudelo 2005; interviews).[56] Through these actions, a diverse group of organizations advocating for ethno-racial rights for Afro-Colombians came together to form the Organization of Black Communities (OCN), which was central to this process.

Whereas opposition to Afro-Colombian provisions had hinged on arguments that the indigenous and black populations faced separate issues, Rojas

Birry argued that these issues were linked. On April 30, 1991, he presented a proposal to the ANC titled "The Rights of Ethnic Groups," in which he outlined the need for provisions for indigenous peoples, black communities, and other ethnic groups. The fact that one of the two indigenous leaders in the ANC spearheaded this legislation added to its legitimacy. But approval of the proposal was not ensured. As one leader of the *Chocoano* organization OBAPO explained to me, "There was no response . . . so we mobilized by municipality and sent telegrams to the president so that he had no choice but to respond to us" (interview, OBAPO leaders, July 2006).[57] In its final hours of deliberation, the ANC included an article on black communities in the constitution as Transitory Article 55 (AT55). As a provisional article, it was left somewhat undefined, and it mandated further legislation to develop specific policies. Its provisional nature suggests the reluctance of ANC members to recognize indigenous and black populations in similar ways.

Despite activists' attempts to include a broader definition of black communities, the article recognizes only those communities "which have come to occupy uncultivated (empty) lands in the rural zones adjoining the rivers of the Pacific Basin, in accordance with their traditional cultivation practices and the right to collective property over the areas which the same law must also demarcate."[58]As in Brazil, the inclusion of an article for black populations should be considered the fruit of strategic action, in this case by Afro-Colombian activists and their allies. Even so, it cannot be understood without considering the unique political context in which this *golazo* was scored. First, while black activists lobbied, formed alliances, and occasionally protested, such mobilization occurred within the context of state disequilibrium in the face of serious (and even armed) pressure to quickly resolve issues of political exclusion and changes in policy norms around multiculturalism.

Second, while issues of ethnic pluralism were significant, they were far from the center of the constitutional reform process. Transitory Article 55 was discussed only briefly and approved in the final hours of the ANC. In the end, the inclusion of AT55 in the reformed constitution of Colombia was a major feat; however, it should be considered a milestone in a longer struggle for constitutional recognition. Though AT55 mandated legal change, very unfavorable circumstances surrounded its implementation. Generally speaking, there is a considerable gap between the adoption and implementation of legislation in Colombia. In addition, state officials raised questions about AT55's feasibility, heightening activists' fears that it would become *letra muerta*, or unenacted legislation.[59] Consequently, the strategic organizing that took place between the passing of the constitution and the later approval of the Law of Black Communities (Law 70) was essential. Between 1991 and 1994, the *El Tiempo* newspaper reported over thirty regional and national Afro-Colombian or "black community" conferences, as well as

some small protests. The same newspaper had not published a single article explicitly on black mobilization in 1990. Many of the black Colombian activists I interviewed said the black movement gained strength in the critical period after the 1991 constitution. During this time, the movement shifted more firmly away from making claims based on the right to equality and toward fighting for the right to difference.

The Special Commission on Black Communities

The 1991 constitution stipulated that the government create a special commission to develop a law for black communities within two years. In addition to government officials, it was to include "representatives elected by the communities involved." By May 1992, the government had chosen committee members but taken little action, fomenting activists' fears that it would exclude them from the process. Six of the Afro-Colombian representatives to the Special Commission issued a letter to various state agencies demanding the installation of the commission (letter dated May 19, 1992), and in July 1992 President Gaviria complied. Nevertheless, the commission's status was not secure. In November, the Afro-Colombian commissioners issued another letter threatening to suspend all activities and participation in the Special Commission if the state did not offer a "political or financial guarantee" for the development of Provisional Article 55.[60] The Special Commission included representatives from six government agencies as well as twelve representatives from Afro-Colombian communities, chosen from four of Colombia's thirty-two states, all on the Pacific Coast. Most of the Afro-Colombian representatives were activists from organizations that had participated in the constitutional reform process, and many of them had already begun to develop discourses of ethnic rights. Cimarrón, the urban-based movement that had emerged in the early 1980s, was virtually pushed out of the formal political process during the negotiations around Law 70 (Wade 2009). In an interview, Juan de Dios said that this process not only nearly "killed" his movement but also opened the door for the proliferation of black organizations, many of which only existed on paper (interview, Mosquera, July 2006). The marginalization of Cimarrón was also evident in a letter the organization sent to Miriam Jimeno, executive secretary of the Special Commission, demanding the names of the Afro-Colombian representatives and asking to be kept in the loop about meeting proceedings. Cimarrón's exclusion from Law 70's drafting process, while surprising, makes sense within the context of the policy norms being solidified in that period. Cimarrón's framing—racial inequality and the need for racial integration—did not fit the idea of multicultural citizenship. Indeed, the 1991 Constitution included Afro-Colombians in cultural and ethnic terms, with a specific focus on the Pacific Coast. Further, by the time the Special

Commission took shape, there was little space for movements working on racism and urban black issues in these discussions. While Cimarrón did not participate directly in the Special Commission, many people who did had gone through Cimarrón's training; some had broken off from the organization precisely around the issue of territorial rights. I have argued elsewhere that the black movement's shift away from discourses of racial justice to a more ethnic and cultural framing should be understood as both cause and consequence of the adoption of multicultural policies for Afro-Colombians (Paschel 2010).

Anthropological Expertise and the Special Commission

In addition to black Colombian representatives, the Special Commission also included representatives from government agencies, among them representatives of the Colombian Institute for Agrarian Reform and the Colombian Institute of Anthropology (ICAN), a semi-autonomous state institution. The role of academics in this case was most apparent in the state's decision to ask ICAN to act as the commission's technical secretariat. Though ICAN was just one of six government agencies involved, because of its symbolic power, it played a more powerful role than the other agencies in the debates around what would become the Law of Black Communities. Although policymakers and government officials were a fundamental part of the constitutional reform process and subsequent legislation, when faced with important decisions about specific provisions, they often deferred to and relied on expert knowledge from the academic sector. These academics brought with them expertise and strong perspectives on the question of rights for Afro-Colombians. Opposition to legislation for Afro-Colombians came from all directions, but academics were among the most critical opponents, acting as powerful agents in legitimizing and delegitimizing the use of particular frames. The power of anthropologists associated with ICAN and the absence of systematic research on black communities within the academy led to contentious debates that highlighted the relationship between material inequalities perpetuated by the state and symbolic marginalization reproduced by the academy. Debates within the Special Commission were often tense. Miriam Jimeno, who was at the time both executive secretary of the Special Commission and the director of ICAN, issued a two-page briefing in 1994 that said, "It took more than eight months of debate, discussion, antagonism, and accusations to reach a common ground." Similarly, in an interview, Jimeno asserted that many months were "wasted" because of the "strong reproach" of some Afro-Colombian activists, which sometimes included accusations of racism. She admitted that, at times, the line between the state and anthropologists associated with ICAN was blurred, resulting in what the latter perceived as personal attacks. Many of the black activ-

ists I interviewed argued that it was the intellectuals affiliated with ICAN who presented serious obstacles in these debates. As activist Libia Grueso contended, "The fact is that the academy and anthropologists, above all, as indigenists, they've always had the power and authority" (interview, Libia Grueso, July 2006). Similarly Rudecindo Castro explained to me that ICAN was "the institution that defines everything here in terms of the ethnic and cultural. It is the arm of the state that says if something is law or not. . . . And when ICAN says that you are not an ethnic group, nobody pays any attention to you" (interview, Rudecindo Castro, October 2008).[61]

Whereas policymakers critiqued Article 55 and subsequently Law 70 in fear that they would create a system of apartheid, anthropologists argued that black people, unlike indigenous peoples, were not a distinct ethnic group. According to some anthropologists, an ethnic group has a collective identity and culture distinct from those of the nation. Although these same anthropologists within ICAN had advocated for rights for indigenous peoples, they challenged the notion that black Colombians deserved similar recognition. Consequently, most of the debates in the Special Commission were not about specific legislative provisions but rather involved the interrogation of Afro-Colombians as an ethnic group.[62] Perhaps the single most important illustration of the role that intellectuals played in defining the terms of the Law 70 debates occurred in the Special Commission session titled "Concepts of Cultural Identity in Black Communities."

On November 20, 1992, ICAN invited leading anthropologists to a forum designed to conceptualize cultural identity in black communities in preparation for the official Special Commission meeting on the same topic. Convening over twenty prominent Colombian anthropologists, the meeting aimed to establish "the criteria and possible obstacles to black cultural identity" (Commission Meeting Notes, November 20, 1992). These "criteria" were salient in that they would later set the tone for activists' strategies within the Special Commission; these strategies centered on challenging and stretching the bounds of traditional culture and identity as the basis of collective land rights. This was not the first time that activists faced such resistance from anthropologists. In the mid-1980s, the Peasant Association of Atrato (ACIA) and other organizations in the Chocó had demanded that the state title a large area of land in the Medio Atrato region. The activists first attempted to make a squatter rights claim, demanding individual titles. In so doing, they then tried to leverage international law such as ILO Convention 107 to make the claim that they were traditional African communities (Khittel 2001). Many activists from the Chocó talked with me about this moment, including Rudecindo "Yuya" Castro, who said, "In Medio Atrato, which was about 800,000 hectares at that time, it wasn't possible because the white anthropologists said that we weren't an ethnic group and we didn't have the legitimacy to make that type of claim" (interview,

Rudecindo Castro, October 2008). Nearly a decade later, Yuya and other activists found themselves fighting the same kind of battle, to be considered an ethnic group that merited its own right to territory, among other rights.

Academics' strong reservations about conceptualizing blacks as the subjects of ethnic rights can be explained, in part, by the fact that many of them were specialists on indigenous peoples rather than black communities. Until the early 1990s, anthropology in Colombia focused almost exclusively on indigenous populations, with the exception of a handful of anthropologists who studied black Colombian communities (de Friedemann 1974; de Friedemann and Arocha 1988; Arocha 1998). Moreover, and as Wade (1997) contends, in Colombia and throughout Latin America, "the study of blacks and Indians . . . has, to a great extent, been divided into, on the one hand, studies of slavery, slavery-related issues and 'race relations' and, on the other, studies of Indians" (27). In the discussions that led to Law 70, scholars used classic frameworks still dominant in anthropology in Colombia. They defined the "other" in terms of culture and identity, and they considered these criteria to be the basis upon which multicultural rights should be recognized. Beyond this, when evaluating black communities, these same anthropologists considered indigenous peoples the prototype of a group that deserved multicultural rights. As such, they tended to see black communities' struggle as an imitation of indigenous peoples' struggle. As Jaime Arocha, one of the first anthropologists to focus on black communities in Colombia, explained, "The argument of these anthropologists was that this legislation made no sense because these people didn't have particular identities and that instead, they [black communities] opted for an opportunistic stance, cloning the indigenous model" (August 14, 2006).

Given this, the few anthropologists who had been researching black communities and working closely with activists felt that the best way to guarantee black rights was not to copy the indigenous model, as some charged they were doing, but instead to "deracialize" the communities' self-perception. In other words, in this moment, it was more important for black Colombians to emphasize their culture, traditions, and knowledge of the environment than their "groupness" based on racial discrimination or marginalization. This deracialization of Afro-Colombians was likely a necessary step toward guaranteeing that they would benefit from multicultural policies (Pedrosa 1996; Restrepo 2004; Wade 2009).

Insofar as indigenist anthropologists would concede that black Colombians were a group at all, they identified this groupness as based on racism, not on ethnicity (read as culture and identity). As a result, they conceived of Afro-Colombians' challenges as very different from indigenous struggles and as an inadequate basis for multicultural rights. In the Special Commission meetings, for instance, one intellectual argued that "the focus of attention of the black community has been the struggle against racial segre-

gation, whereas the indigenous struggle has been the recognition of collective human rights (territory, language, etc.)" (Commission Meeting Notes, November 20, 1992).

Academic production and ethnic struggles merged so thoroughly in this political field that interviewees had a hard time distinguishing the intellectual project of indigenist scholarship from the indigenous movement itself. Even anthropologist Miriam Jimeno said, "The indigenous movement started in the 50s if you start with when the anthropologists began to write and collect data and see 'the difference'" (interview, Miriam Jimeno, August 2006). She explained that the anthropologists' ideological project of "constructing difference" was an important part of, and perhaps a precondition for, the articulation of a viable indigenous movement. This was true not only in Colombia and earlier in Brazil but throughout Latin America more generally.[63] In Colombia, anthropologists' discursive and political orientation required black activists to shift their efforts and strategically appropriate strict ideas of what it meant to be an ethnic group. The activists understood that ethnic difference was the criterion that led to multicultural rights, and they challenged the dominant ideology that indigenous peoples were the only legitimate ethnic group in Colombia. For example, Commissioner Silvio Garcés argued that the most imperative task at hand was to make sure that the law gave "normative legal recognition of the black community as an ethnic group" (Commission Meeting Notes, November 20, 1992). Similarly, Grueso argued that the main purpose of the Special Commission was not to develop a law for Afro-Colombians but rather to determine whether they "were an ethnic group or not" (interview, Grueso, July 2006).

In this period, black leaders' main strategy was not necessarily to organize mass protests but rather to intervene in centralized political processes, which included convincing indigenist anthropologists to endorse the idea that Afro-Colombians were an ethnic group deserving collective rights.[64] Indeed, while some black organizations from the Pacific Coast had already begun to articulate their claims in the language of ethnicity before the 1991 constitutional reform, some of their explicit discursive distancing from Cimarrón—which persists today—may have stemmed from the lack of legitimacy of ideas of anti-racism and racial equality in debates about multicultural policies. As a result, activists appropriated anthropologists' criteria and at the same time maintained that it was important to discuss identity and culture on black communities' own terms. In so doing, they highlighted the particular and dynamic nature of black identity and culture, and they linked the problems in identifying this culture to the lack of research on these communities.

In both meetings and impromptu mobilizations, Afro-Colombian activists also filled in the gaps by bringing maps, marimbas, drums, songs, and knowledge of the biodiversity of the Pacific Coast in order to prove

their ethnic distinction. As Afro-Colombian activist Zulia Mena asserted, bringing the cultural traditions of the Pacific Coast and performing serenades in Bogotá was extremely important in proving that Afro-Colombians could exercise a "right to difference" (interview, Zulia Mena, August 2006). Such manifestations served the dual role of constructing a particular type of Afro-Colombian culture while also demarcating an ethnic boundary by distinguishing these traditions from mainstream Colombian culture. Moreover, in order to bolster claims of cultural difference, activists asked policymakers and intellectuals if they were familiar with the rivers and animals in their communities. They would ask: "Do you know how to play this instrument?" "Do you know this song?" "Can you identify this river on the map?" (interview, Zulia Mena, August 2006).

In the end, their efforts proved successful when the Law of Black Communities was decreed on August 27, 1993. Since Afro-Colombians, particularly those on the Pacific Coast, were already included in the constitution in cultural and ethnic terms, between 1991 and 1993 Afro-Colombian representatives worked mainly within the framework of global multiculturalism, even if they stretched the boundaries of that concept.[65] In doing so, they may have unwittingly undermined their attempts to expand the legal concept of black communities beyond the rural zones of the Pacific Coast during that period and for decades to come. Activists made many attempts during Special Commission meetings to expand the idea of black communities. For example, one of the black activists on the commission, Silvio Garcés, argued that "the reach of this article must not be limited to the riverine communities of the Pacific Coast. . . . You can't deny the territorial rights of our black community in this country" (Special Commission Minutes, October 2, 1992).[66] Despite these efforts, the process of constructing the Law of Black Communities led to the reproduction of a limited and geographically specific notion of blacks as rural and as from the Pacific coast that persists within state institutions today.

Rather than evidence of a lack of concern about urban issues among black activists involved in this process, this can be read as a result of two important factors. First, these activists struggled to make sure that Law 70 actually came to fruition. In the end, they made tacit agreements with the state rather than insist on their true aspirations around black rights. Second, and more importantly, concern for the plight of indigenous people put discursive constraints on ideas of multiculturalism and consequently on discussions of black rights; the black political subjectivity that Law 70 institutionalized reflects those constraints.

The black Colombian movement of the early 1990s juggled two largely incongruent notions of black communities: the ethno-territorial approach was rooted in ideas of distinct ethnic identity, history, and geography; the other approach was much broader and included the urban Pacific Coast and rural,

predominately black areas beyond the Pacific Coast. Despite this incongruence, the discourse of ethnic difference became the only legitimate way of talking about black rights in Colombia. I will show later how black communities that sought to access Law 70 could do so only inasmuch as they could convincingly show that they were traditional black communities with a distinct culture, history, and identity. The very discussion of a more expansive notion of blackness—one that might include Colombia's urban black population, estimated to be more than two-thirds of the total black population—risked delegitimizing altogether the concept of black communities as ethnic others.[67]

CONCLUSION

In the years leading up to both countries' constitutional reform processes, black movements in Colombia and Brazil were still relatively small and under-resourced. They also continued to face tremendous ideological barriers that made it difficult to mobilize the masses *as* blacks. In neither case did activists overcome these hurdles entirely. Instead, they were successful because they took strategic advantage of the multicultural alignment. More specifically, they made claims on the state amid dramatic changes in their domestic political fields—including a crisis of state legitimacy and constitutional reform processes—as well as the emergence and consolidation of an influential global field that linked development and democracy with multicultural protections. In the end, the black movements in both countries achieved considerable gains, among them collective land rights for black rural communities in their countries' new constitutions. As we will see later, however, such recognition was no guarantee that these states would actually make good on their promises.

Further, constitutional recognition of black communities in Colombia and Brazil only partially addressed a more foundational issue, the systemic marginalization of blacks and their uneven inclusion into the political, social, and economic life of each country (Barbary and Urrea 2004; Hooker 2005; Ng'weno 2007b). Indigeneity, defined almost exclusively in terms of land and culture, became the prism through which both indigenous people and black communities were granted rights in Colombia, and in Latin America more generally. Rather than a full frontal attack on anti-indigenous or anti-black racism in Colombia and Brazil, multiculturalism was—as Van Cott (2000) aptly put it—a "friendly liquidation of the past." For this very reason, some have even characterized this shift from *mestizaje* to multiculturalism as a slight of hand that kept *mestizaje*'s very premise—that cultural diversity had produced an egalitarian and harmonious society—intact.

This narrowing of black rights into the logic of multiculturalism happened amid tense and extremely uneven negotiations between activists,

constituent assembly members, intellectuals, and globally circulating discourses of democracy and multicultural citizenship. In Colombia, the making of a black political subject defined strictly in cultural terms also reflected black organizations' strategic decision to "ethnicize" the black struggle (Pedrosa 1996; Restrepo 2004; Paschel 2010). Indeed, emergent Afro-Colombian organizations integral to the passing of the Law of Black Communities did not explicitly formulate their struggles in terms of race or racial discrimination. Carlos Rosero of the Black Communities' Movement articulated it best in the following statement: "Racism and racial discrimination are all a part of the assertion of the right to equality. . . . We fight for the right to difference" (interview, Carlos Rosero, June, 2006). Similarly, Libia Grueso of PCN argued that activists demanded not "programs to not be excluded" but the "right to territory" (interview, Libia Grueso, July 2006).

This distinction—between equality and difference—was often overly politicized within Colombia's black movement and a perpetual source of conflict between urban and rural movements that may otherwise have formed necessary and long-lasting political alliances. Yet while the dichotomy between equality and difference may be overdrawn (Scott 1988), Libia Grueso may have been onto something when she said that the two ideas represent fundamentally "distinct ways of thinking." In the debates around equality and difference in Colombia, what was at stake was not only what kind of political subject black Colombians would be but also where they fit in the country's plans for economic development. Whereas those fighting for equality demanded symbolic inclusion in nationalist narratives and their piece of the country's economic and political power, those fighting for the right to difference seemed to question the very premise of such a project. Rather than demand jobs and social mobility, they defended their right to traditional economic practices, among them sustenance farming and mining.[68]

Ultimately, these black rural folk and their advocates inside and outside Colombia's black movement succeeded in defending their rural way of life and in claiming territoriality, autonomy, and difference-based inclusion. Their counterparts in other parts of the region, such as Nicaragua, Honduras, and Brazil, did the same and were also included in new constitutions as the subjects of multicultural rights (Hooker 2005). In this sense, the first round of ethno-racial policies adopted in the 1980s and 1990s throughout Latin America can be understood as a series of alignments and misalignments. More specifically, the success of black rural and geographically specific communities, and the corresponding policies aimed at protecting their culture, have to be understood alongside the misalignment of policies aimed at a less geographically specific black population. Organizations like Cimarrón in Colombia and the MNU in Brazil that had since the 1970s mobilized discourses that emphasized racial discrimination, racial inequality, and the need for integration did indeed mobilize around the constitutional reform process.

However, the multicultural alignment is ultimately a story of their defeat and of the triumph of a culturally and territorially defined black political subject.

This misalignment of claims to racial equality highlights the strength of the analytic approach I have developed here. Even after these constitutional reforms happened, some scholars argued that when black movements made demands on their states, they did so in a language very different from that of indigenous peoples (Yashar 1999; Van Cott 2000). Van Cott (2000), for instance, held that "despite their legal equality, blacks endured social discrimination, were under-represented in political office, and were trapped in rural or urban poverty. For the most part, where they have mobilized politically qua blacks it has been to demand equality, rather than recognition as a distinct group" (49). Similarly, Yashar (1999) argued that the politicization of black identities "has been largely limited to urban movements and has resulted in types of political demands that are different from those voiced by indigenous movements in Latin America" (78). While such accounts tend to minimize the presence of black rural organizations, these scholars are right in highlighting that the dominant narratives of black organizations in the decades leading up to constitutional reform had emphasized equality rather than difference. Black urban activists had been the first to organize *as blacks*, beginning in the 1970s in Colombia and as early as the 1910s in Brazil. Yet these actors were not ultimately the protagonists who achieved black rights. This was in part because they made claims to integration and equality rather than the claims to ethnic difference and autonomy that eventually became consecrated in constitutions throughout Latin America.

In this chapter, I have shown how black activists in both Colombia and Brazil actually lodged a robust set of demands with their respective states during this period of political instability and reform.[69] On the one hand, urban-based movements in both countries made claims to inclusion and equality and fought for inclusionary affirmative action-type policies. On the other, rural black movements came to articulate their demands in the discourse of difference and autonomy in ways that mirrored the emergent requirements of global multicultural citizenship; at the same time, their discourse reflected the similarities between their material realities and those of indigenous communities. Indeed, both groups were concerned with territory and the imminent threat of dispossession posed by a number of actors, including domestic and foreign capital. Yet in both countries, the process of constitutional reform systematically narrowed these demands such that black rights took on a much more specific character of cultural protection and geographic concentration. In this way, the inclusion of cultural rights for black rural populations in the reformed constitutions of Colombia and Brazil did not reflect the diverse set of demands the black movement made on these states in this period.

This disciplining of black rights resulted from the nature of a multi-cultural alignment, in which indigenous people were the quintessential subject of such rights. The adoption of multicultural reforms throughout Latin America, and certainly in these two cases, would not have been likely without the solidification of a global ethno-racial field in the 1980s. The institutions, legal norms, and logics that made up this field made it easier for both indigenous peoples and black populations to make certain kinds of ethno-racial claims on their respective states. Also, the alignment of this field with drastic changes in domestic politics gave anthropologists a great deal of symbolic power, influence that would first impede black rights and later help black activists couch their claims more squarely in the language of difference.

Conceiving of the black political subject exclusively as "black communities" on Colombia's Pacific Coast and as *quilombos* in Brazil had its limitations (Barbary and Urrea 2004; Hooker 2005; Ng'weno 2007a). This conception presumed the urban black masses were culturally assimilated and as a result largely disqualified from multicultural citizenship. According to the new multicultural logic, it's not historic injustice or ongoing ethno-racial oppression but rather the need to protect the nation's cultural diversity that justifies recognition of rights. This is why, in addition to recognizing the land rights of *quilombo* communities, the Brazilian constitution vowed to "protect the expressions of popular, Indian, and Afro-Brazilian cultures." Similarly, the Colombian constitution guarantees the protection of the "ethnic and cultural diversity of the Colombian nation." While all liberal constitutions promise to protect the life and liberty of all citizens, this is a very specific kind of cultural protection. In both cases, too, academic knowledge, and anthropological expertise in particular, was central to the construction of this multicultural subject.

It would be another decade before the Colombian and Brazilian states revisited the question of ethno-racial legislation that specifically addressed black populations. In the 2000s, the Brazilian state, and the Colombian state to a lesser degree, began to adopt a set of policies, including affirmative action, predicated on the idea that there was racism, or at the very least racial inequality, in society. I see these not as a simple extension of previous ethno-racial policy but rather as constituting a different state approach; they also occurred at a distinct historical moment that I call the racial equality alignment. This new racial equality approach did not displace entirely the multicultural logic. Instead, Colombia and Brazil institutionalized overlapping, and sometimes competing, logics of black rights. Though, as we will see in the following chapter, despite the passing of similar legislation for *quilombo* communities in Brazil, the logic of cultural difference never quite permeated the Brazilian political field in the same way, neither among activists nor state actors.