Recognition and Reparations

Francine Saillant[1]

Submetido em 2 de fevereiro e aprovado em 14 de maio de 2016.

Abstract: The recognition of minority and minoritized groups is a central issue for contemporary societies. From the moment societies think of themselves as being composed of multiple groups, and understand themselves as being heterogenous, they must also think about the relative inclusion of these groups within their whole. The issue of recognition is at the heart of rule of law-based and openly pluralistic societies. Thinking about recognition involves not just thinking about various identities within a plural whole, but also thinking about recognition of the injuries suffered by minority or minoritized groups. For some, these injuries (and suffering) can be a reality experienced and reproduced over multiple generations, and can be the result of what one might call a historical wrong. Recognizing groups such as indigenous peoples or African descendants in the Americas, for example, entails grappling with a past of colonization and slavery —two situations *par excellence* of historical wrongs and, of course, their consequences. Hence, recognition inevitably encompasses links between identity, the experience of minoritization, the historical wrong in question, and reparations for this wrong. These links are precisely the subject of this text and will be examined in three stages: a study of conceptual approaches to recognition and reparations; a look at the narrative of a particular wrong and the demands for reparations made by a specific group, namely the black movement in Brazil, which raises the issue of slavery and its consequences; and finally an examination of the responses to such demands, in the form of laws, policies, and various types of civil society actions. The conclusion will be an opportunity to revisit the conceptual links between recognition and reparations.

Key words: Recongition. Reparation. Indigenous People. Blacks. Minorities. Human Rights. Public Policy. Brazil. Canada.

Approaches to recognition and reparations

Recognition, theoretical propositions

The theory of recognition has been informed by several major contributors. Important authors such as Honneth (2000, 2006, 2015), Fraser (2005), Renaulkt (2001, 2004) and Taylor (1992) have been especially instrumental in developing the theory's foundations, at the intersection of philosophy, sociology, political science, and anthropology. Each of these authors has brought forth various concepts that have structured the theory, notably the concepts of subject, social bond, identity, rights, and social suffering. I have no pretension in this text to exhaustively review this theory. Rather, my intention is to recall a few of its most important dimensions, which will echo my contribution to this volume, with a focus on the relationship between the issue of recognition and the issue of reparations.

Honneth has set forth one of the most complete theories of recognition, and the one that leverages the broadest spectrum of disciplines. Honneth's three-part theory offers a way to connect individual and collective experience, as well as the institution of law and of the state: 1) First, there can be no recognition unless the subject has first been recognized as Other, initially by parent(s) gazing at their child but also, in adult life, by friends and lovers who gaze upon their beloved and appreciated other. Love, whether well or poorly bestowed, is the primary condition for recognition on an intersubjective level. 2) The second level is the peer community level. The peer community is the one which, at the heart of the social bond, enables recognition of a similar other, beyond the family unit. This can mean the world of work, school, or civil society organizations that enable recognition through positive ties forged within the community. It is both as "Other" and as "Similar" that recognition is confirmed beyond primary relationships. 3) The third level is the level of the law, given that it would be insufficient to address recognition solely on the individual, intra-family, and intra-community levels. Recognition of the Other, whether individual or collective, must also be established in the highest social institutions, namely the legal system, which expresses recognition through legislation and principles; and the state, which authorizes legislation and texts that in a sense "fix" recognition—this is the normative framework of recognition.

Taylor and Fraser, for their part, have debated the issue of identity that inevitably finds itself at the core of the theory of recognition. According to the principles of Honneth's theory, a positive identity is built up according to the combined possibilities of the key elements of recognition: parental love, community belonging, and existence according to the institution of law. From this perspective, mutual recognition between the subject and the Other is the cornerstone that makes positive identity possible. A lack of recognition, in which the individual or community is relegated to social inexistence and social pathology, leads to a negative and problematic identity. Taylor has emphasized this issue of negative identity, low self-esteem and suffering as a consequence of a lack of recognition. Fraser, for her part, has been very critical of Honneth, judging that this attribution of a positive identity is patently insufficient to bring about full recognition of an individual or community. Fraser has pointed out the importance of recognition from three angles,

namely positive identity, redistribution, and social participation. To be recognized, the subject must be able to enjoy goods similar to those of other members of society, while being on equal footing with them, and must be able to take part in the institutions and debates of the entire society and not only of his or her peer community; this is in addition to recognition of the subject's identity. Hence, like Honneth, Fraser lends importance to collective institutions and to mechanisms of enshrining recognition, so that it can take on its full scope and true significance. Finally, Renault echoing Taylor, develops on the problem of social suffering as a social pathology. Like Taylor, he underscores the difficulties and morbid consequences of a lack of recognition. Social suffering is not an individual matter, but it is precisely the result of typically discriminatory interactions (e.g., insults, segregation, xenophobia, racism, sexism, etc.) and policies that justify these interactions, by their absence or their inadequacy. The implicit support of the state and of its policies can be at the root of ignorance or non-recognition.

Demands for recognition are made through an individual and collective narrative. It is important, in a sense, for non-recognized subjects to make their demands and to comply with the need to "narrativize" the wrong to be recognized, by giving it a different treatment. The narrative of non-recognition is no more and no less than a meta-narrative of social suffering. Butler (2007), in particular, can be credited with raising some of the most judicious questions about the links between narrative and recognition. Butler admits the link between social suffering and non-recognition, but questions the expanded framework of recognition in its normative dimensions: for example, does recognition by the state not merely come under the framework of acceptable and standardized recognition? Is it not solely the socially acceptable, i.e. admissible part of the narrative that is recognized? Butler insists on the pre-formatted nature of recognition, which makes it problematic. For example, in the case of victims of a historical wrong, the collective narrative of the victims may not match the official and agreed history of the nation, which may even appear to be utterly contradictory. Thus, being non-receivable and considered unacceptable, the narrative becomes a curb to the recognition process. The importance Butler ascribes to the narrative and narration is highly relevant to this text, as we will see further on. What might be considered marginal in the theory of recognition, namely this

question of the standardized nature of recognition and of the problem of the narrative of a historical wrong, will be addressed further on in the example we will develop in the second part of this contribution.

Recognition and minoritization

Recognition cannot be addressed without addressing the issue of minorities. An important distinction needs to be made between minority and the experience of minoritization. A minority in the strict sense of the word, for a national minority, is a group of people defined by certain common affinities, for example instance religion, ethnicity or language. A minority is necessarily situated on a national territory and is characterized by its inferiority in numbers with respect to the majority of citizens. A minority does not necessarily share common affinities with the majority, and may indeed set itself apart from it. The rights of minorities are governed by the rights of national minorities (BENBASSA, 2010, p.475-478).

On the other hand, minoritization goes beyond the quantitative aspect of minority. It introduces the dimension of value, which in principle would be the qualitative component of the minority experience. Being minoritized (by the majority) means being lessened or diminished in the eyes of the majority. Minoritization touches upon identity as much as specific aspects of the minority's characteristics, such as, in the case of a national minority, religion, ethnicity or language. However, it can also affect other characteristics in the case of minority categories besides "national minorities," for example people suffering from intellectual or physical disability or people who define themselves by a sexual orientation other than heterosexual. Minoritization can thus be defined as a minority member's experience of having his/her qualities diminished by a majority. This definition can also be considered to apply to people or groups who, although may not represent a real minority in the quantitative sense, are viewed by the majority as a minority or equivalent. The example of male/female discrimination comes most readily to mind in this regard.

Minoritization is closely tied to a lack of recognition because it is based on an identity construct associated with a lack or deficiency. The hegemonic culture of the majority, by defining what is desirable or undesirable in the place of the other, causes

moral and psychological injuries that are specific to the repercussions of non-recognition. The results affect both the subject and the community. Most often, the condition of minoritization is associated with low socio-economic status.

Recognition and historical wrong

Belonging to a minority or minoritized group can also be associated with a historical wrong, given that a wrong can be attributed to a dominant majority group that holds power over the minoritized group. The wrong attributed in this case can appear as historical in the absence of reparations, and if this judgment of a wrong persists over several generations, in the long term. The wrong can be recognized to varying degrees, and it can even be denied, for example when it is relativized according to past standards no longer in effect today. This does not mean that all minorities and minoritized groups are victims of a historical wrong. Some cultural or national minorities are not; for example, the Romanian minority in Canada is not a victim of systematic discrimination or other reprehensible acts by the majority community or the state. This is probably the case of a very large number of cultural minorities established in Quebec. However, the judgment of a historical wrong could apply if we take the example of indigenous peoples who were victims of systematic discrimination and have been subjected to colonization, laws that enshrine a problematic and infantile status in the country, and reprehensible acts such as forcing parents to relinquish their children to boarding houses[2] .

Historical wrongs have the particularity of being perpetuated and experienced over a long period of time, lasting from several generations to several centuries, because the conflict and power relations underlying the wrong have not been resolved. It is thus possible to speak of an experience of minoritization anchored in the depths of history and haunting the memory and identity of the minoritized group. This minoritization experience, extending over several generations or centuries, takes on an even stronger significance than if the minoritization experience were only recent and involved one particular generation, and hence circumscribed to a limited group of individuals. Many minoritization experiences over the course of history can be placed in this category, which associates them with a historical wrong: the case of indigenous peoples and the case of

Afrodescendants in the Americas, related to colonization and slavery, stand out as obvious examples. This condition of being minoritized nevertheless did not prevent these peoples from developing their own culture, identity and memory. Although variations do exist from one community to another and from one era to another, as much among indigenous peoples as among Afrodescendants, this condition has prevented and continues to prevent a wide majority of these communities' members from fully enjoying their rights and being treated as equals on the same footing as the majority.

A historical wrong also implies that the historical narrative in question can be a subject of controversy. Being minoritized entails that one has no control over the narrative of the wrong. The majority culture tends to appropriate this collective narrative and control its direction, or even to avoid controversy. It may also deny the wrong, as was long the case of the slavery of Afrodescendants or the colonization of indigenous peoples. The most extreme situation of control over the narrative is historical denial: in this case, the wrong is considered never to have happened, reprehensible acts against the minority/minoritized group are seen as never having been perpetrated, or the consequences of such acts viewed as minimal and hence unworthy of attention or acts of reparation. The controversy surrounding the history of indigenous peoples and the history of Afrodescendants are thus conflicts of interpretation and memory that relate to the problem of the recognition of minority/minoritized groups. Yet recognizing the historical wrong is essential to recognizing the community affected by it, especially because the individual members of the minoritized community are affected both in their social condition (the problem of inequalities) and in their identity (the problem of being assigned negative attributes). Social condition, identity and memory are then constructed based on the existence of this wrong and the reproduction of its negative consequences. This is probably why demands for reparations by indigenous peoples and Afrodescendants are also demands for recognition, anchored both in a search for a new reading of history or a correction of historical facts, as well as in a search for greater equity between peoples, between the majority and the minority/minoritized. Hence, the very status of minority is sometimes contested. The indigenous peoples of Canada, for example, argue that they are First Nations[3] (BOUDREAULT, 2003; LADNER and ORSINI, 2004). Afrodescendants

in Brazil for their part assert that they account for 50% of the country's population (SAILLANT, 2014; D'ADESKY, 2001).

Hence, the national laws governing these groups' status can be contested, either because they themselves are part of the wrong (e.g., *The Indian Act in Canada*[4]) or because they are not applied (e.g., the *Caó law on racism in Brazil*)[5] or are too limited in scope or even nonexistent. Likewise, demands for reparations take on a legal dimension when they attempt to correct the legal framework (and beyond), even if the legal framework is usually not the sole target of demands for reparations.

The notion of reparation and its evolution with respect to a historical wrong and human rights

The notion of reparation can take on the first meaning it is given in law, namely substitution for a loss caused by a criminal act perpetrated against a victim; in this case, the idea is for the victim to recover the conditions enjoyed prior to the occurrence of the wrong. The most often chosen form of reparation in criminal law is monetary restitution. However, the meaning that is of interest to us is rather the one set out by transitional justice[6], which operates differently than criminal law. In the specific case under study, the notion of reparation, throughout the 20th century, evolved from the idea of repairing wrongs caused by wars between countries (for example, Germany was made to pay out money and transfer assets to the allied countries after World War I as compensation for destruction and loss), to the idea of repairing the wrongs associated with a violation of human rights (for instance, collective rape in situations of war are now considered a violation of human rights, and women in these cases are entitled to reparations). Hence, reparations today encompass much broader realities than those prevailing at the end of the First World War. In fact, even if war, armed conflict and genocide are still central to the idea of reparation, in the context of transitional justice, the thought on reparations has broadened with the introduction of the human rights system. The right to reparations enjoyed by the victims of a wrong deemed a result of a violation of human rights is now established by the United Nations (UN). However, the wrong must be recognized as a

violation of human rights. As long as a rape is not recognized as such, it will be difficult for women to utilize such a resource to obtain reparations [7].

Reparations are among the transitional justice measures established by states in order to remedy the consequences of serious human rights violations. From a transitional justice perspective, reparations require financial compensation via the restitution of goods, the rehabilitation of victims, a search for and reestablishment of historical truth, and a guarantee that the wrong will not be repeated. Reparations can also take on a symbolic nature in addition to their material nature. The best-known symbolic reparations are public apologies and asking for forgiveness, which indicate a formal recognition of abuse. Symbolic reparations can also involve art, spirituality or rituals.

The idea of reparation in the context of transitional justice is hence very closely bound up with the development of human rights instruments, given that it only took on its expanded significance after the Second World War and the 1948 Universal Declaration of Human Rights. It is part and parcel of the rule of law and its restoration; indeed, it is the state that is asked to deliver restorative justice, that declares or oversees measures, and that must make an apology or ask for forgiveness. Hence, it is the state, in the name of the majority, that does the "recognizing."

We have seen above that the legal meaning of the notion of reparations in the context of a historical wrong, which implies an extended timeframe, a majority community with respect to a minority or minoritized community, a totalitarian regime, domination, oppression, discrimination, and keeping a population in a status of inferiority; is enmeshed with the idea of a violation of human rights. This does, in my view, imply certain limitations. The idea of a violation of human rights, as important as it may be today, must raise questions when applied to past wrongs. Can the human rights system really apply to acts perpetrated 400 or 500 years ago? Is it possible to retrospectively apply a law or a legal system? Will the scope of the law or legal system (in this case transitional justice) not be weakened in this case? Is it really possible for us to apply transitional justice and the human rights system to the system of slavery that prevailed in Europe in the Middle Ages? It is one thing to morally judge the nature of slavery, but another to bring the current legal context to bear on an era long before our own. It is in the

face of such difficulties that the thought on reparations finds its limitations, particularly in the case of indigenous peoples and Afrodescendants.

Another important question has to do with the capacity of law and the state to appropriate all the acts that would provide reparation in the eyes of the victims. If this were the case, then society would seem to boil down to its legal and political institutions (this is probably not the intent of transitional justice). Recognition would then be impossible to enact without the intermediary of the state—one might wonder, then, to what extent the reparations stemming from transitional justice could truly bring about recognition. This question of feeling individually and collectively recognized remains a complex one, for we know [relatively] little about the actual results of reparations from the standpoint of the victims. Hence, we must more broadly examine a diversity of actions with the power to enact reparations, and whose scope encompasses recognition, but also the point of view of the victims at the heart of the reparation process. The domain of symbolic actions and of various civil society actions is of special interest to us, given that it enables a shift from very hierarchical institutions to institutions closer to everyday people. The shift in reparative actions, from the legal-political to other spheres of action than those assumed by the state, including symbolic actions, could contribute to an expanded understanding of what are or could be reparations that bring about recognition. The idea, then, becomes to find links between the legal-political dimensions and cultural dimensions of reparations.

Another question to keep in mind concerns the individualistic nature of the law. Although human rights thought can concern communities, the law, especially in cases of impunity, is much more difficult to apply. The tribulations of the International Criminal Court (ICC) in establishing recognition of war crimes in the case of Rwanda and ex-Yugoslavia are, in this regard, worth noting (LALIBERTÉ, 2012). Even though both are established cases of genocide, one of the difficulties is precisely to identify specific acts that led to the genocide and that can be attributed to a specific person, and what is more, to be able to prove it. This difficulty, as one might imagine, can be even greater when it comes to historical wrongs that reach far back in time, given that the perpetrators and victims can no longer appear in court. As a result, human rights, which are in principle collective, sometimes find themselves at odds with the individualistic nature of the law,

which tends to look for the individuals responsible for specific acts in connection with wrongs that are collective in nature, and with regimes or systems that extend far beyond the actions of a single individual. When it comes to historical wrongs related to groups such as Afrodescendants and indigenous peoples, it is indeed collective rights that are in question. Demands for reparations are not the province of individuals but rather of communities and of historical wrongs connected with regimes that would be extremely difficult to reduce to the actions of a few individuals.

Having established these limitations and arguments, I would now like to turn to a specific and tangible case, namely that of demands for reparations made by the black Brazilian movement in connection with the wrong of slavery, an example that makes it possible to examine in greater depth the links between rights and recognition, and then reparations and recognition.

The endeavour of reparations: the example of the black movement in Brazil

Narratives of slavery in Brazil: recognition of a historical wrong?

The example we will now examine has to do with slavery as a historical wrong and the place of this wrong in the demands made by a social movement, i.e., the Brazilian black movement. The first step in this examination will be to retrace the broad strokes of the existing narratives of slavery, both in Brazilian society at large as well as in the black movement more specifically. Because slavery is a broad category [8],we will focus more particularly on the Atlantic slave trade, in other words, the slave trade that took place between the countries of Europe, Africa and the Americas between the 16th and 19th centuries (THOMAS, 1997). As a result of this trade, African countries received European and American goods, the countries of the New World received slaves in order to exploit their resources, and European countries obtained American goods. In connection with the Atlantic slave trade, successive abolitions were declared throughout the 19th century, thus gradually changing the mentalities and practices of European and American countries by making slavery a reprehensible act, as well as portraying the racist ideology underlying the slave system as deleterious (PÉTRÉ-GRENOUILLEAU and VANDROY, 2004). Only gradually were laws adopted in the countries of the Atlantic slave trade in order to abolish

(in principle) both the slave trade and its resulting slavery. The abolitions, sometimes more than one in the same country, constituted a long and complex processes that revealed the ambivalence of the colonizing and colonized states that were greatly profiting from the trade in black bodies.

In Brazil, abolition took place in four steps between 1850 and 1888[9].Only in 1888 was the official abolition act proclaimed. Hence, throughout the second half of the 19th century, Brazil developed its legal system of struggles against human trafficking and then slavery. Only at the beginning of the 21st century was slavery recognized, in the final declaration of the Conference against Racism Racial Discrimination Xenophobia and Related Intolerance, as a crime against humanity. This declaration is recognized by UNESCO and the UN, but not necessarily proclaimed per se by their member states, as is the case for Brazil. Among the international community, only France has legally enshrined such recognition, in 2001[10].

Slavery truly is a historical wrong in the sense explained earlier: it was made into a system in the 16th century at the service of the Brazilian economy and lasted over several centuries, up to the 19th century. Brazil is believed to have "welcomed" between 4.5 and 5 million African slaves to its territory in order to secure labour, i.e., the largest share of African-origin blacks in all of the Americas. As a result of the living conditions on the slave ships, many never made it to Brazil. Although slavery was officially abolished in 1888, illegal slavery continued up to 1930 at least. Brazil was the last country in the Americas to proclaim its abolition (MATTOS, CASTRO, ABREU and DANTAS, 2012). Still today, even if intense debate continues over the very notion of slavery (GOMES, 2008, 2012), slave labour remains very present in the country. The conditions surrounding the post abolition have been analyzed by a number of authors as fairly negative for Afro-Brazilians (REIS and DOS SANTOS GOMES, 2005). Although "emancipated," the former Africans joined the ranks of the country's poor and had only minimal access to land, which remained in the hands of the major owners.

European immigrants began to come to the country as of the 19th century under the ideology of "whitening" that gained ground after the official abolition. These immigrants came to populate the country's south, particularly the region of São Paulo, and were

given lands and other advantages by the government. In the country's major cities, former slaves and the poor were pushed to the outskirts and shantytowns under various land-use plans that favoured wealthier individuals. Emancipatory movements were undermined throughout the 20th century over the course of successive dictatorships, from 1937-1945 and from 1964-1985. Today, the country's black population, according to government statistics, stands at 51% of the country's total population[11]. This group, compared to the white population, counts significantly higher numbers of poor, illiterate, and low-earning individuals (beneath the country's minimum wage). Hence, slavery —, which includes the experience of having been treated like personal property — can be considered a historical wrong in that it constitutes both a racist ideology and a system that creates an inferior social category. The consequences of slavery are still visible today. However, for a number of Brazilian intellectuals, these consequences are believed to be more a question of class than a question of race.

Recognition of this historical wrong by the Brazilian state and by Brazilian society at large is problematic. The slavery that prevailed in Brazil was long considered a less violent and less repressive system than the one, for example, prevailing in the United States. Brazil's very identity has found itself entrenched in the ambivalent and somewhat dubious judgment of "gentle slavery" for several reasons: because slavery was a long-established reality in Portugal before the colonization of Brazil, and hence "embedded in morals"; because of the fact that racial mixing was also already a reality in the colonizing country; because of the strong codependence between colonists and Africans (and, to a lesser extent, indigenous peoples), who jointly developed a social system that would ultimately be "cooperative" as believed by Freyre ([1933]2003); but also because of the fact that Brazilian culture precisely developed against this backdrop of social relationships and relations stemming from slavery. Another suggested notion is that slaves, by their "passiveness," accepted the harsh conditions in which they were put, and, generally speaking, only mildly revolted over the course of the very long reign of the slave system. In addition, negatively judging slavery for a long time meant negatively judging the national identity and culture that were developed at the heart of the slave system. Another argument that has served this vision of slavery as being "gentler than

elsewhere" is the fact that at the time of abolition, a significant proportion of slaves already had emancipated status[12]. This meant, in the eyes of those who did not see slavery as a wrong, that Brazil had already abandoned the system at the time abolition was declared in order to progress toward a more "modern" society. Brazil had thus already begun its own self-criticism, if only through a succession of laws, and the act of the abolition merely confirmed what was already the case in society. Later on, racial mixing (referred to as miscegenation)[13], itself raised to the status of a national ideology by the myth of racial democracy that took shape in the 1930s, further bolstered the vision of a "gentle slavery". From the standpoint of the racial democracy myth, was Brazil not already the country that had best succeeded in integrating its peoples, referred to as the three "races," by integrating cultures from three continents (Euro-Portuguese, African and indigenous)? If slavery, as violent as it had been, was so harmful, would Brazil really have succeeded in achieving this integration? Lastly, a final element that has sustained the judgment of "gentle slavery" is the consideration of the heritage of slavery as being not entirely negative. Slavery could not be so negative if it produced a culture and heritage that is completely unique in the world, including music, architecture, arts and crafts, cuisine, etc. Would the current inequalities between people of colour and others not in fact be the result of a class problem and not a race problem? Indeed, according to this view, these inequalities could not be inferred to be a direct legacy of slavery. All of these arguments would be as much evidence leading to a very (overly?) nuanced judgment, either of the historical institution of slavery, or of the modern-day consequences of slavery. Of course, these arguments are in the service of a broader argument of not recognizing slavery as a historical wrong and even less considering it as a crime against humanity.

Confronted with this vision, the black movement has been active in reinterpreting such ideas. First, slavery is not seen as having been largely accepted by slaves, since, as of the start of colonization and the slave system, resistance was organized and slave revolts did take place. Slavery was not experienced in tacit agreement but rather in a spirit of resistance, either via major revolts or everyday tactics of subverting the system (MATTOS, ABREU and DANTAS, 2012). Moreover, the abolition is a result of social struggles by the abolitionists of the 19th century, a majority of whom were in fact persons

of colour. The abolition was not, as the official and agreed narrative might suggest, the sole and heroic act of Princess Isabel, who is credited with signing the 1888 abolition act, but the result of wide-scale social struggles that were also undertaken by free men and women who had joined the ranks of the abolitionists. Another argument is the criticism of racial democracy. Racial democracy is not seen as the symbol of Brazilian-style unification and integration that is usually portrayed, but rather as an ideology that conceals racial and social divisions in the country. This can be explained by the fact that racial democracy favours a fusional vision of the nation rather than the distinctiveness of its component parts. Hence, racial democracy is seen as a deceptive mask.

Two other elements, which permeate the narratives of the black movement, must be added to what I have mentioned above. The first can be summed up in a single sentence: namely, the argument that abolition never happened. In other words, slaves were basically left to their own devices, without education or land, and emerged from the Middle Ages to a modernity for which they were unprepared—without receiving any compensation—and hence were relegated to the ranks of society's poorest and quasi-citizens. The official abolition, according to this view, thus never delivered the results expected of freedom and emancipation; for this reason, slavery was never *truly* abolished. The final argument is that Afro-Brazilians are not a minority but in fact account for 50% of the country's population. It is a minoritized group whose members, even today, are among the poorest and most disadvantaged of Brazilian society. This series of arguments, taken as a whole, offers a counterpoint to the arguments of gentle slavery, and can be found in the discourse of the black movement's claims of and demands for recognition, which are in turn underpinned by a recognition of slavery as a wrong, including all of its consequences. This different way to approach the country's national narrative and slavery narrative, which are closely intertwined, is, as one might imagine, a source of debate and conflict.

Recognition of Afro-Brazilian culture

The theory of recognition emphasizes the importance of affective recognition, recognition by peers (families, communities, and cultures of affiliation), and state recognition through the law. Recognition cannot leave out recognition of the minoritized

group's identity, in this case the identity of the descendants of slaves, who largely contributed to populating Brazil and to giving the country its African component. This identity is no simple matter and its attribution is automatic neither in society at large nor among the specific group of Afro-Brazilians. Although the Afro-Brazilian population is certainly "a descendant of slaves," not everyone necessarily identifies with such a descent. Today, several generations have come and gone since the official abolition, and black and mixed-race families can rightly consider that their ancestors were not slaves but free, or were not African but Brazilian. However, it is not unusual to hear expressions such as, "My grandmother was the daughter of a slave" or "I have an aunt who was the daughter of a slave." In other words, speaking of Afro-Brazilianness or Afrodescendance (very recent categories in Brazil) since the experience of slavery has been unclear for those who primarily identify with categories that do not necessarily reference Africa, for example those who limit their reference to colour alone (e.g., *pretos or negros*). In this context, recognition of an identity specifically associated with being black is not obvious because of the fuzzy boundaries by which blackness has been and continues to be characterized; moreover, this phenomenon is reinforced by the myth of racial democracy. The more recent category of Afro-Brazilian has the advantage of leaving aside the problem of colour to name and hence recognize the African portion of identity, just as the category of Afrodescendant tends to do as well. But these recent categories are not the ones used most commonly in everyday life within the population. This situation poses a broader problem of identity, of "Afro-Brazilian culture" and its recognition.

For a foreigner coming to Brazil, the ubiquity of Afro-Brazilian culture in everyday life can be evident, if only because of the omnipresence of music, which can be heard everywhere in its impressive array of genres and rhythms such as samba, jazz, rap, funk, and Brazilian popular music (BPM). For Afro-Brazilians, however, this cultural presence does not seem to guarantee a sense of recognition. Among Afro-Brazilians, there in fact coexists a sense of being recognized through the importance of certain cultural manifestations, which translates into a recognition of Afro-Brazilians' contribution to the national culture, as well as a sense of being unrecognized because of the low value of

these cultural manifestations, some of which are not highly looked upon as in the case of the popular culture of the *favelas* and peripheries. Let us look into this matter further.

Examples of the recognition of Afro-Brazilian culture abound, including the best-known instances of carnaval and samba. In reality, these examples have been raised up as and quasi-merged with the key elements of the national culture. This is, undeniably, a form of recognition. Some elements of Afro -Brazilian culture directly stem from the institution of slavery, such as *capoeira, jongo, congada, and feijoada*,[14] which are all recognized at the national level and feature among the country's essential heritage. *Samba de roda* and *capoeira* are even internationally recognized by UNESCO as intangible heritage. Moreover, a number of elements of Afro-Brazilian culture are situated on the fringes of the national culture. This is the case of Afro-Brazilian religions, which were long ostracized and continue to be practiced, although by a relatively low percentage of people (under 5%). This is also the case of many elements of the culture of the periphery, such as the funk music of Rio, which is merged into youth and popular culture. Once more, as in the case of identity, it is sometimes difficult to attribute some elements to Afro-Brazilian culture per se, precisely because of the phenomenon of merging with popular culture and the fact that the element is not always so specific, or because it is relegated to marginal status. These elements may well be the source of a growing sense of non-recognition for some people, resulting in a sense of devaluation (the notion that "our culture is seen as inferior") or non-existence (the notion that "we are ignored").

This situation creates a paradoxical sense of being at once everywhere and nowhere at the same time. The popularity of Africanization strategies, especially in the religious and cultural domains, may have gained ground in recent years precisely out of a desire to transcend such dilemmas. Rather than being diminished or invisible, some choose to emphasize certain traits of their identity by accentuating the nobility and purity of their origins. In this case, Africa can be made to appear likable, showy and spectacular. The strategic essentialism of Spivak and Harasym (1990) thus takes on a form of cultural Africanization. But this is not the only avenue by which to pursue recognition, as we will now see.

Reparations and the search for recognition

Reparation laws and policies in Brazil

Reparations for the wrongs caused by slavery are not a new theme in Brazil, especially since the emergence of the black movement. Indeed, already during the post-abolition and *Frente Negra* period[15] (JONES DE OLIVEIRA, 2003; HANCHARD, 1994), i.e., the 1930s, the idea that former slaves had been left to their own devices was already present, along with the idea that perhaps, through better education and decent income, this group's situation could be improved. Throughout the 20th century, this theme permeated the movement's demands and claims, based on the standpoint that slavery had in a sense "delayed" this group's development compared to the rest of the country and had contributed to the more than precarious economic and social situation of those now called Afro-Brazilians[16]. It is interesting to note that the idea of providing compensation for the wrongs of the past was hence present within the movement well before the Conference against Racism Racial Discrimination Xenophobia and Related Intolerance, the declaration set forth on the heels of the conference, the establishment of slavery as a crime against humanity in 2001, as well as the 1948 Declaration of Human Rights. Various traces suggests that without necessarily being dominant, this idea did persist across the decades and extend to the contemporary black movement in Brazil, which started up some 20 years after the American civil rights movement of the 1960s. Whether in certain writings left behind for instance by the leader Abdias do Nascimento (1980), in images by social photographer Januario Garcia (2006) featuring the movement's protests in various brazilian cities in the 1980s to 2000s, or in visions shared by some of the movement's leaders studied by Alberti and Pereira (2008) and Contins (2005), the idea of repairing the wrongs produced by slavery has found a certain audience. It would be impossible to speak of a reparations movement; this would be a misuse of language. Only in the 2000s did a shift take place within the movement, a shift that led it to articulate its demands along the lines of affirmative action. Indeed, during the Durban conference, the Brazilian black movement was largely present as a representative of civil society, and gathered together, according to observers, between 800 and 1,000

members (SAILLANT, 2009). The movement had, it must be said, been strongly present during the meetings leading up to the UN conference in various regions of Brazil, in the country's northern and southern regions, as well as in the Latin American sphere. Hence, it was able to develop its point of view and create important alliances that led to working, if not in a spirit of perfect unity, at least in a strategic fashion. In Durban, it was necessary, indeed, to address the idea of reparations for slavery, so that the political results in Brazil would end up being perceptible in a relatively short time frame after the conference. The Brazilian black movement opted for an approach that put aside the idea of reparation as financial compensation, and instead focused on affirmative action, which was similar to what the American black movement—a highly valued model for Afro-Brazilians—had already obtained. The election of successive governments that were more favourable to Afro-Brazilians, between 1988 and the 2000s, enabled the adoption of a series of legal mechanisms that accelerated the advent of affirmative action.

The advent of affirmative action was preceded by the recognition of *quilombo* territories (*remancescentes dos quilombos*), i.e., lands occupied by fugitive slaves in areas equivalent to those of Maroon communities in the West Indies. Indeed, the new 1988 Constitution of Brazil in principle allowed for a correction of property ownership and was the first Brazilian legal provision that could be considered as "repairing the wrongs of the past." This was followed, after the 2000s, by the Durban conference and the election of the left-wing government of Lula (2003-2011), by another and equally important series of measures that could also be considered reparatory in nature. Following is a list of the main measures introduced:

2003. Establishment of the Secretariat for the Promotion of Racial Equality (SEPPIR), a measure long demanded by the black movement in hopes of more strongly asserting its political position within the Brazilian state. Among other things, the Secretariat focuses on the implementation of cross-cutting policies of racial equality in the country.

2003. The law for the mandatory teaching of the history of Africa and Afro-Brazilian and indigenous culture in public schools (Law 639).

2003. Decree 1847 for the recognition of *quilombos*. This decree is intended to reinforce and help operationalize the 1888 constitutional apparatus.

2012. Law 12.711 on quotas, which allows 50% of places in its nine federal universities and 38 federal institutions to be reserved for persons of colour and living in poverty. This long-requested measure has opened the world of higher education to the Afro-Brazilian population.

Each of these actions would of course merit a lengthy discussion and further elaboration. However, it seems important to underline two points about the choice of the Brazilian state and of the black movement who came to an agreement on these issues: first, the choice to focus actions on the territory of the poorest members of society, the *quilombolas* communities, which lacked recognition and ownership deeds. Of all the Afro-Brazilian groups, this group is the one most clearly associated with the legacy of slavery. Acknowledging this fact via a law that enables *quilombo* recognition is already a significant act in itself. Next, the Brazilian state concentrated on education: education for a broad public (via the Secretariat) but also education that would help influence government policies in sectors of paramount importance to Afro-Brazilians, such as health, culture, etc. Education is also at the heart of the establishment of the law for the mandatory teaching of the history of Africa and Afro-Brazilian culture. Finally, education is fully present in the (albeit highly controversial) law on quotas in universities. When it opted for these forms of reparation, the black movement had in mind the impossibility and inefficiency of reparations in the form of financial compensation, considering the paltry sums that each individual would obtain, as well as the absence of continued actions of this nature in the future. The structural actions in the domain of education (addressed to the general public, political circles, and young people) were viewed as providing the best means for young people to extract themselves from poverty and quasi-citizenship (and non-recognition). Therefore, without altogether publicly affirming the wrong of slavery, by means of this series of actions, the government finally compromised with Afro-Brazilians and with the history of all of Brazilian society.

Religion, culture and heritage

It is important not to reduce affirmative action and reparations to the above-mentioned political-legal domain only. Although fundamental as indicators of how

society has utilized politics to express recognition of the wrong at hand, they are not the only domains of reparation, and, as we have seen earlier, they may take on a broader meaning if associated with other forms actions stemming from other communities than the state. It seems likely that Afro-Brazilians have long understood this, without necessarily designating their reparatory actions as such on every occasion. The examples in this regard are so numerous that, in this article, I could not describe them in depth. I will content myself with selecting a few originating from three different domains: religion, culture, and heritage.

In the religious domain, it is primordial to recall first that Afro-Brazilian religions, and especially the oldest one, Candomblé, developed in the shadow of the institution of slavery, as spaces of memory, freedom, and cultural elaboration of Africans on their new land of Brazil. Through their worship of the Ancestors—those left behind in Africa but also those who died as slaves over the centuries—these religions made it possible to forge a symbolic link between their former and new worlds, between the different generations of victims, between the living and the dead. They also created reference points in regard to their origins and re-created (religious) nations that operated on a symbolic level. This religion was a protective space of psychological survival, as well as a place of symbolic reparations, even if not referred to as such. The Afro-Brazilian religious space is unquestionably a first act of reparation, but this act came not from the political authority but from a collective religious authority that was able to assert itself over time starting in the 19th century.

Another example comes from the cultural domain. Closer to us in time, it is important to underline the importance of image-based cultural actions. Whether through photography or video, young Afro-Brazilians more than ever invest their own images with the idea of developing a repertoire of representations deemed dignified and more respectful than those suggested by the major media, which are all too often filled with stereotypes and associate Afro-Brazilianness with crime and violence. In order to fight colour-related prejudices and, it must be said, class-related prejudices, they suggest optimistic and positive images of their living environment and themselves, and put together their own corpus of contemporary archives of Afro-Brazilianness. This type of

action also relates to what is being done by artists working with young people, namely the promotion of artistic forms anchored in the social environment of the favela or periphery, as exists for example in the areas of dance and theater. Indeed, NGOs, to name only one type of stakeholder, are involved in programs that focus on self-esteem and empowerment for poor, black and mixed-race populations. These actions are directly connected to the spirit of affirmative action, the promotion of racial equality, and the collective pursuit of dignity. They very often hinge on modest projects as part of community development actions that are largely managed and controlled by members of the poorests communities, who are used to receiving very little from the state and do not expect reparations from above but rather are working to create and re-create reparations themselves. Such actions, in my view, can be situated in the context of "bottom-up reparations," in other words, their actors are not awaiting state and legal recognition but are bringing these reparations about through collective action in local environments. These actions might be compared to other forms of cultural recognition referred to by Honneth in his tripartite model. The intent with these actions, using the vehicle of a positive individual and collective self-image, is to move from social invisibility to visibility and "visibilization" (TRUCHON, 2014), but also to transform the excess of stereotypical visibility in the media by means of a better adapted visibility that is more consistent with the image that some would like to disseminate in society at large, as a minoritized self. Moreover, these images are entirely consistent with the spirit of affirmative action that is currently animating the country.

A third example can be observed in the domain of heritage. Afro-Brazilian heritage was long neglected by the state and received little attention. The major national museums have shown few traces of the history of slavery or of Afro-Brazilian culture. Only in the 2000s have some museums been restored or built,[17] and have the major national museums given more attention to this fundamental aspect of Afro-Brazilian history. This state of affairs, which is however tending to change (Araujo), has long contributed to a sense of the low value of Afro-Brazilian culture in the eyes of the state, as well as a sense of shame about the history of slavery and of those considered its heirs. For decades, community initiatives have made it possible to preserve a portion of this heritage. Rio de Janeiro's *Museu do Negro*,[18] a museum maintained by the black Catholic brotherhood of the *Nossa Senhora do*

Rosario e *São Benedito dos Homens Pretos* church, is certainly one of the best examples in this regard. The museum, like many others, did not wait for the era of affirmative action to assemble its material memory, but instead preceded it by valuing and showcasing this memory, even if with limited means and relative visibility in public space.

If the era of affirmative action has flourished with political-legal and cultural actions aimed at recognizing Afro-Brazilians, it does not seem that this era has yet come to a close. The Brazilian society is continuing to develop certain recognition-oriented actions which, for their part, are situated in cultural policies. Indeed, many demands have been addressed to UNESCO to recognize a number of aspects of the intangible heritage associated with popular culture and Afro-Brazilianness. More recently, and still in direct connection with UNESCO, the project "The Slave Route,"[19] which initially garnered little enthusiasm in Brazil, has ended up striking a chord. Indeed, the Valongo neighborhood, which is connected with one of the main wharfs for the arrival of slaves in Brazil, was recognized as a Rio de Janeiro Heritage City in 2013 and will soon also be considered a World Heritage site by UNESCO[20]. This initiative entails recognition of slavery as a wrong, and recognition of an Afro-Brazilian culture that became established on the fringes of (and beyond) the institution of slavery. Insofar as this "heritagization" is a form of recognition of the culture and history of a community by the state (and by the international community in this case), connecting together restoration, preservation and valorization will probably allow this future action to be considered an instance of symbolic and political reparations. Such restoration, preservation and valorization are a result of the dynamics that link together the state, civil society, certain institutions, and the communities directly concerned by heritage. They illustrate the dynamic nature of reparations, whose actors do not always wait for laws in order to take action.

Conclusion

The example we have examined in this article sheds interesting light on the issues of reparations and recognition. Studies on reparations have rarely put into perspective the question of reparations and theories of recognition, especially as regards the reparation of

historical wrongs. This was the standpoint adopted here, by looking more closely at this relationship through a case in particular, namely slavery in Brazil.

As we have seen, recognition cannot take place without a narrative of a wrong and without this wrong being put into perspective. The very distinct narratives of slavery as usually accepted in Brazil and as brought forth in return by the black movement distinguish themselves in several respects: examining them makes it possible to clarify the source of a lack of understanding. Indeed, how is it possible to recognize a minoritized group such as Afro-Brazilians if the very reasons for their presence in Brazilian territory are clouded by the national narrative, especially when slavery was long considered to be gentler than elsewhere and its consequences were not thought to be as wide-ranging and long-lasting as believed?

Moreover, the abolition of slavery does not seem to have borne all its fruits. Closely examining the narrative of the wrong and its consequences, which are difficult to "hear" and to accept, suggests the crucial importance of this aspect in recognition processes. As long as the state remains silent on the wrong and its consequences, the recognition process seems difficult to undertake. When the social movement and state representatives were able to find points of anchoring and convergence in the narrative, a process could be begun. As a result, recognition-related actions were set in motion, on cultural as well as political levels. These actions were built up in the sphere of law, through legislation, decrees and policies, and in the sphere of culture, primarily through local community actions. It is also possible to see in this particular example that among Afro-Brazilians, reparations have taken on expanded meanings, especially from a religious standpoint, and that the advent of transitional justice was not awaited in order to establish these reparations, just as in the case of affirmative action. The cultural actions developed in the living environments of Afro-Brazilians are countless, and here again, actors have not waited for the law in order to implement them. It is likely the synergy of all of these political, cultural and religious processes that makes the reparation process now under way in Brazil a unique phenomenon with a certain effectiveness. Based on the standpoint of Axel Honneth, what we have here are reparations processes that explicitly and collectively articulate legal-political recognition and cultural recognition.

Current changes being made in the area of heritage are reinforcing this synergy in public space. Reparations are in themselves actions of recognition, recognition of a historical wrong and then of Afro-Brazilians themselves. Recognizing Afro-Brazilian identity in an isolated fashion would be meaningless. Similarly, choosing only one domain of action for reparations would also be meaningless.

One can also see that that the notion of reparation established in Brazil has gone beyond the mere level of compensation, which has been largely rejected. The choice to focus on affirmative action has made it possible to connect the future and the past, to find an answer to the abuses of the past in sustainable, collective actions that extend beyond the current generation to encompass coming generations. Here we find a way to address the issue of applying collective rights. The reparations of the state, in response to situations of historical wrongs, are often limited to symbolic forms that are limited in scope, as in the case of public apologies. In the Brazilian case, we see no pardons or public apologies but rather the establishment of sustainable actions for communities. Perhaps the case we have examined offers a promising avenue for other cases of historical wrongs; this remains to be seen.

Finally, the recognition enabled by reparative actions is tending to transform Afro-Brazilian communities and subjects, who are more than ever thinking in positive terms. It is possible to believe that, although all these actions are naturally limited, the suffering that results from non-recognition is finding some relief.

References

Mouvements, 2008, Special issue, Vérité, Justice et Réconciliations.

Cahiers d'études africaines, 2005/3-4, n. 179-180, Special issue, Esclavage moderne ou modernité de l'esclavage?

ALBERTI Verena and Almicar Araujo PEREIRA. *Histórias do movimento negro no Brasil : depoimentos* ao CPDOC. Rio de Janeiro: Pallas, 2007.

BENBASSA, Esther. *Dictionnaire des racismes, de l'exclusion et des discriminations.* Paris : Larousse, 2010.

BOUDREAULT, René. 2003, *Du mépris au respect mutuel: clefs d'interprétation des enjeux autochtones au Québec et au Canada*. Montréal : Éditions Écosociété, 2003.

BUTLER Judith. *Le Récit de soi*. Paris : Puf, 2007.

CONTIS Marcia. *Lideranças negras.* Rio de Janeiro : Aeroplano, 2005.

D'ADESKY Jacques. *Racismes et antiracismes au Brésil.* Paris : L'Harmattan, 2001.

DO NASCIMENTO Abdias. *O quilombismo*. Rio de Janeiro : Vozes. 1980.

FRASER Nancy. *Qu'est-ce que la justice sociale ? Reconnaissance et redistribution.* Paris : La Découverte. 2005.

FREYRE Gilberto. *Casa grande e senzala.* São Paulo, Global, 2003 [1933].

GARCIA Januario. *25 anos movimento negro no Brasil*. Brasília : Fundação cultural Palmares, 2006.

GOMES Angela de Castro. « Trabalho análogo a de escravo : construindo um problema ». *Historia Oral*, Vol. 11, 1-2, pp. 11-41, 2008.

GOMES Angela de Castro. « Repressão e mudanças no trabalho análogo a de escravo : tempo presente e usos do passado ». *Revista Brasileira de História,* Vol. 32, 64, pp. 167-184, 2012.

HANCHARD Michael. *Orpheus and power: the Movimento negro of Rio de Janeiro and São Paulo.* Brazil, 1945-1988. Princeton : N.J. Princeton University Press, 1994.

FERNANDES Florestan. *The Negro in Brazilian society*. New York: Columbia University Press, 1969.

HONNETH Axel. *La Lutte pour la reconnaissance*. Paris : Cerf, 2003.

HONNETH Axel. *La Société du mépris*. Paris : La Découverte, 2006.

HONNETH Axel. *Le Droit de la liberté, Esquisse d'une éthicité démocratique.* Paris, Gallimard, 2015.

JONES-DE-OLIVEIRA Kimberley. «The Politics of Culture or the Culture of Politics: Afro-Brazilian Mobilization, 1920-1968 ». *Journal of Third World Studie*s, v. 20, n. I, p. 123, 2003.

KIPLING Gregory and Madeleine DION STOUT. *Peuples autochtones, résilience et séquelles du régime des pensionnats.* Ottawa : Fondation autochtone de guérison, 2003.

LADNER Kiera and Michael ORSINI, « De « l'infériorité négociée» à l'«inutilité de négocier»: la Loi sur la gouvernance des Premières Nations et le maintien de la politique coloniale ». *Politique et société*s, v. 23, n. 1, p. 59-87, 2004.

LALIBERTÉ Annie. *Le journalisme entre guerre et paix au Rwanda.* Québec : PUL, 2012.

LAPLANTINE François and Alexis NOUSS. *Métissages: de Arcimboldo à Zombi*. Paris : Pauvert, 2001

MAISON Rafaëlle.« Le crime de génocide dans les premiers jugements du Tribunal pénal international pour le Rwanda ». *Revue générale de droit international public,* V. 103, n. 1, p. 129-145, 1999.

MAIO Marcos Chor. « O Projeto Unesco e a agenda das ciências sociais no Brasil dos anos 40 e 50 ». *Rev. bras. Ci. Soc*., vol.14, n.41, pp. 141-158, 1999.

MATTOS Hebe, ABREU Marta and Carolina Vianna DANTAS. O *Negro no Brasil. Trajetórias e lutas em dez aulas de história*. Rio de Janeiro : Objetiva, 2012.

PÉTRÉ-GRENOUILLEAU Olivier and Marie-Anne VANDROY. *Les traites négrières*. Paris : La Documentation française, 2003.

RENAULT Emmanuel. *Mépris social.* Paris : Le Passant, 2001.

RENAULT Emmanuel. *L'Expérience de l'injustice. Reconnaissance et clinique de l'injustice.* Paris : La Découverte, Collection « Armillaire », 2004.

SAILLANT Francine. *Le mouvement noir au Brésil (2000-2010).* Réparations, droits et citoyenneté. Louvain La Neuve : Académia. 2014.

SAILLANT Francine. « Droits, citoyenneté et réparations des torts du passé de l'esclavage. Perspectives du Mouvement noir au Brésil ». *Anthropologie et Sociétés*, V. 33 :2, p. 141-165, 2009.

SPIVAK Gayatri and Sarah HARASYM. *The Post-Colonial Critic: Interviews, Strategies, Dialogue*s. London : Routledge, 1990.

REIS Jao José and Flavio DOS SANTOS GOMES. *Libertade por um fio. História dos quilombos no Brasil*. São Paulo: Companhia das letras, 2005.

TAYLOR Charles. *Multiculturalism: Examining the Politics of Recognition.* Princeton: University Press, 1990.

THOMAS Hugh. *La Traite des Noirs, 1440-1870*. 2006.

TRUCHON Karoline. *L'exigence de visibilité par l'image dans les sociétés contemporaines. Le cas d'un complexe d'habitations sociales à Montréal.* Québec : Université Laval, Thèse de doctorat, 2014.

Notes

[1] Professor at the Department of Anthropology, CÉLAT, Laval University, Quebéc, Canadá. Francine.Saillant@ant.ulaval.ca.

[2] On this point see KIPLING AND DION, 2003.

[3] The indigenous peoples of Canada emphasize their historical precedence and their "majority" status.

[4] This Canadian law dating to 1876 can be consulted at http://lois-laws.justice.gc.ca/fra/lois/I-5/.

[5] A law promulgated in Brazil in 1989 and condemning racism, http://www.planalto.gov.br/ccivil_03/leis/l7716.htm.

[6] Transitional justice encompasses the processes and mechanisms adopted by a society in order to address problems such as massive abuses. Transitional justice must seek out those responsible, administer the rule of law, and promote reconciliation. Its intent is to restore the rule of law. Truth and Reconciliation Commissions, as in the case of post-apartheid South Africa, are a type of action that comes under transitional justice. See the special journal issue of *Mouvements* published in 2008.

[7] It should be noted that some women victims of sexual violence in countries such as Bosnia are still waiting for reparations…

[8] For a discussion of this question see the special journal issue of *Cahiers d'études africaines* (2005) on

slavery and its modern forms.

[9] The Eusebio de Queirós (1850) and Nabuco de Araujo (1854) laws combat human trafficking but not slavery itself. The Law of Free Birth (1871), followed by the Sexagenarian Law (1885), is the first condemnation of slavery, while the 188 Lei Áurea is the one that officially abolished slavery in Brazil.

[10] I am referring to the Taubira Law of 2001.

[11] The total black population in Brazil can be estimated by adding together *Pretos, Pardos and Negros*. Debates over designations of people of colour make these estimates difficult, especially since self-designation is now the primary criterion used by surveys to determine respective categories of black designation.

[12] Between 1872 and 1997, the number of the country's registered slaves had dropped 50%.

[13] Here it is necessary to distinguish the theory of racial mixing as developed by Alexis NOUSS and François LAPLANTINE (2001), a theory of cultural formation, from miscegenation, which is a biosomatic theory of the population of Brazil since the experience of slavery, as conceived by Gilberto Freyre.

[14] Respectively martial arts, dance, procession and national dish.

[15] First black political party in Brazil.

[16] A now-famous UNESCO study had in fact confirmed this state of affairs (see the analysis of MAIO, 1999).

[17] A perfect example is the *Afro-Brasil* museum in São Paulo, cf. http://www.museuafrobrasil.org.br/.

[18] See the website: http://www.irmandadedoshomenspretos.org.br/museu_do_negro.htm.

[19] See the following article for more details: http://www.unesco.org/new/pt/brasilia/about-this-office/single-view/news/valongo_pier_rio_de_janeiro_may_become_another_world_heritage_site_in_brazil/.

[20] See the following article for further details: http://noticias.terra.com.br/brasil/porto-que-recebeu-1-milhao-de-escravos-e-declarado-patrimonio-pela-unesco,339c9f8413572410VgnCLD2000000ec6eb0aRCRD.html.