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Ethnographing the norm

On struggles for rights in contexts of violence

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Field notes: Seu Antônio

[March 21, 2022, *Engenho São João*, municipality of Gameleira, state of Pernambuco's Zona da Mata Sul, 95 km from Recife] Over eight decades old, with a hunched body and wrinkles on his black skin, *Seu Antônio* got up and stood in front of a small, crowded auditorium at the residents' association. He wanted to speak. In front of him, dozens of agrarian settlers from *Engenho São João*, *São Francisco*, and *Felicidade* occupied the seats of the room or gathered by its windows, attentive. Meanwhile, next to *Seu Antônio*, also standing up, one can see the Federal Justice civil servant in charge of the proceeding, accompanied by federal agents, the National Institute for Colonization and Agrarian Reform's (Incra) technicians, *Usina Celestiana*'s attorneys, representatives from the Legislative State's Assembly's Committee on Human Rights, and ourselves, members of the Landless Workers Movement's (MST) human rights division. Throughout that morning, this group of people from outside the settlement walked for a few hours on muddy dirt roads, amongst humble dwellings and these rural workers' crops, until the Federal Justice representative requested a gathering in the auditorium. He wanted to explain why we were there, in that judicial proceeding. In the hall, the civil servant informed, emphatically, that he was

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only there to follow the court's order. He reminded everyone that the lawsuit for the expropriation of those lands for the purposes of agrarian reform had been concluded, as the ruling had become final in favor of *Usina Celestiana*. Therefore, Incra no longer had rights to keep the settlement there and, following the judge's sentence, all the families residing there for 26 years, working on the three sugar mills' lands, would be evicted. The official pointed out, however, in an effort to be didactical, that the eviction would not take place immediately. The reason for that being that Brazil's Supreme Court (STF) had suspended all evictions in housing and individual or family agricultural production areas during the covid-19 pandemic. Thus, the servant explained that the legal proceeding at hand aimed at identifying the areas that were not residential or being used for agricultural purposes, since those could be expropriated beforehand. Once again, in an attempt of being clear, the Federal Justice agent decided, by the end of his words, to give the floor to the sugar mills' inhabitants, so that they could present any questions or doubts regarding what had been explained. That is when, after a few interventions, *Seu Antônio* asked to speak. He brought an aged, yellowed piece of paper that had been folded. "My name is Antônio, I am 83 years old. Listen, I wanna say that I was already facing *struggles*, camped out, when Brazil's president, Fernando Henrique Cardoso, signed the decree that expropriated these lands. This decree right here." *Seu Antônio* then raised his hand, showing a copy of the presidential order, dated May 31, 1996. "Now, I ask myself, if Fernando Henrique Cardoso gave us these lands to live, make homes for ourselves, and work, how come a judge now says we gotta leave?" The federal official is clearly embarrassed, trying to come up with a response, but simply gives up. *Seu Antônio* goes on: "Come on. It is way too easy for these suited-up men to come here and tell us we gotta leave our lives to go God knows where, to live off God knows what. And he doesn't even come here, see? He just gives orders. I just know one thing, my comrades: it was by disobeying an order that we got here in the first place, in these lands; and it is by disobeying another one that we shall remain where we are".

The ethnographic confrontation of the norm

In this paper, I shed light on the ethnographic confrontation of the norm. To that end, my standpoint is the empirical realm of *struggles* for agrarian reform in Brazil, historically marked by profound disparities. My initial access to this world comes from my participation in MST's Human Rights division in the state of Pernambuco. In the sector, a small group of lawyers, university professors, and law students manage, mostly voluntarily without any pay, the flow of lawsuits regarding the Movement, especially the ones about evictions, criminalization, and violence against settlers.

Besides, the members of the Human Rights division act alongside different agents and entities on the Movement's agenda, its claims for rights, and complaints on Human Rights violations.

More complex agrarian conflicts – such as *Engenho São João*, *São Francisco*, and *Felicidade*, where *Seu Antônio* lives – demand various actions, from the constant follow up on judicial proceedings, in which the Human Rights lawyers from the division work directly, to meetings with public agencies, already involved in the conflicts and their repercussions, public defenders, prosecutors, and Incra's legal representatives, some of whom are requested to engage in the conflict, given its gravity, not to mention politicians or members of the state and federal governments. These conversations with State agents often take place in the presence of members of the Human Rights division, in meetings with boards and committees discussing public policies involving the representation of civil society.

What we do within the scope of MST's division is frequently understood as *community legal counsel*, or *popular legal counsel*. These terms are not synonymous and embrace multiple definitions in the scientific literature, published mostly by Law School researchers involved in these practices (Souza, 2019; Almeida, 2015; Carlet, 2010; Ribas, 2015). These definitions usually coincide, however, in their politically and ideologically linked approach to *social struggles*, *fights for justice*, organizing and fights-claiming processes triggered by certain collective subjects, social (or *popular*) movements[1]. Despite the relevant aspects of these links, responsible for justifying the adjective *popular*, and, in some cases, a closer relationship between legal counsel and popular education experiences[2], it is a fact that a significant share of our work in the Human Rights division is shaped by the State's logic and bureaucracy.

1. The valorization of the popular and, therefore, of the connection "with the people", is an extension of the phenomenon that Ana Maria Doimo (1995) called the "recovery of the active capacity of the people". Doimo was referring to the understanding of the "people as subjects", characteristic of the political and intellectual mobilizations driven by agents of social movements, left-wing sectors, academics, and religious actors, which marked the 1970s and 1980s in Brazil and provided an ethical-political foundation for the emergence of new subjects, such as the Workers' Party in 1980 and the MST itself in 1984.
2. It is common for popular community legal counsel groups, particularly university-based ones, to invoke the notion of popular education to justify the methodological choices of their activities, even when these activities are not directly aimed at developing educational actions. Understood through the work of the Brazilian educator Paulo Freire (1987), particularly his book Pedagogy of the oppressed, popular education and its principles – such as dialogicity, the autonomy of learners, engagement in a liberating pedagogy, etc. – would politically qualify these groups, distinguishing them from what would be mere legal assistance groups, distant from the political-ideological orientation I have referred to above. For an interesting example of the association between legal advisory, advocacy, and popular education, see Diehl (2022).

The main reason being that we must deal with a legal language from within, anchored in its judicial dimensions, challenging them, seeking mediation and translations that aim, at the very least, at the recognition and comprehension of subjects and their rights. If social movements tend to formulate their agenda and constitute themselves as claiming subjects – asking for their rights to lands, housing, work, food, etc. – within the legal language and closely alongside State processes[3], at the Human Rights division, we are even more densely tied to "the law". It is our responsibility to present specialized legal assistance, to know how to navigate and move around the norm, accessing its peculiar codes, proceedings, apparatus, and institutions.

That is what the movement and its members expect from us. Based on the long ethnographical research conducted in the state of Pernambuco's sugar-cane plantation in Zona da Mata, the anthropologist Lygia Sigaud (2005) coined the term "encampment form" to designate the experience of occupying lands, setting up black tarpaulin tents and barracks, aiming to reclaim a given rural property deemed unproductive to the National policies on agrarian reform. According to Sigaud (2005, p. 257. My own translation), the encampment form allows the "institutionalization of land occupations" in a way that even government officials at Incra recognize the occupants as legitimate beneficiaries of the aforementioned policies[4].

In another research (Efrem Filho, 2023), I have pointed out that such institutionalization has gained even more substance with the establishment of new legislation and precedent law cases regarding the way evictions and agrarian conflicts should be handled[5]. Besides, state entities have been structured specifically to deal

3. A significant body of Brazilian ethnographic research has been highlighting the co-production between subjects – including social movements – and state processes. From this perspective, the production of the subject is not prior to the state but occurs through the experience of their relationship, whereby the subject is produced as it claims, disputes, and navigates state languages and logics. In turn, what we call the state happens "in act", also through the experience of this relationship. Constituted in assemblages, practices, languages, and logics, the state is a process of state production. For further discussion on this topic, see: Souza Lima, 2012; Vianna, 2014; and Aguião, 2018.
4. However, the aforementioned process of institutionalizing land occupations has proven to be precarious and insufficient. This is not only because the occupations have become the target of various criminalization strategies – for example, in May 2024, Congress' lower house passed a bill, authored by Congressmen Marcos Pollon (PL-MS), that prohibits access to various government rights and benefits for anyone who participates in occupations of public or private properties (León, 2024) – but mainly because, over the last two decades, a series of legal and administrative measures have emerged that do not prioritize the expropriation of unproductive lands; instead, they focus on land titling in rural settlements and the regularization of previously illegally appropriated lands; and they remove social movements from their role as mediators in recognizing the beneficiaries of agrarian reform policy (Medeiros, 2021; Dickel, 2020; Zeneratti, 2021).
5. As an example, I recall that Article 554 of the Civil Code, Law n. 13,105 of 2015, now provides specific procedures to be adopted in possessory actions – such as repossession cases – involving a "large number of people" as "squatters". Among these procedures is the requirement to notify a representative of the

with these conflicts, such as public defense divisions, mediation committees and even governmental committees to fight violence in rural areas[6]. Even the idea of a *popular advocacy* or *community legal counsel* as we know it today was stimulated by the encampment form. Created in 1995, in the same year *Seu Antônio* and the other landless rural workers occupied *engenhos São João*, *São Francisco*, and *Felicidade*, the Brazilian National Network of Popular Lawyers (Renap) is a result from efforts by movements in struggles for lands, especially MST and the Pastoral Land Commission (CPT), so that there would be qualified legal representation for the landless workers, and that there would be mechanisms to fight against the growing cases of violence and criminalization of workers involved in agrarian conflicts (Carlet, 2010).

This role of *Community legal counsel* has provided me, since the first years of Law school and the establishment of Federal University of Pernambuco's (UFPE) Center for Popular Community Legal Counsel, in 2003, with direct contact with various social conflicts and their agents involved in *struggles for rights*. Between 2012 and 2017, already working as a PhD candidate at the Social Sciences program at the State University of Campinas (Unicamp), I engaged with ethnographical research and it was my previous experience with community legal counsel that facilitated my initiation on the field, contacts, relationships of trust, and access to daily lives, disputes, narratives, and emotions. Throughout that process I continued to seek, with the necessary estrangement, to analyze them "from close up and from within" (Magnani, 2002).

I have been a member of MST's *community legal counsel* in Pernambuco since 2009. Only recently, however, in the last two to three years, have the activities of the Human Rights division become part of my ethnographical research (Efrem Filho, 2023). Therefore, being a part of MST's Human Rights division represents both a condition that enables the ethnographical work, allowing me to have access to social conflicts that become a part of my analytical concerns, and object of my ethnographic analysis, since the division's practices and actions are themselves subject to critical examination, estrangement, and further investigation.

That is the context in which this text was developed. This scenario has imposed on me, with considerable depth, the methodological challenges of facing the inher-

Public Prosecutor's Office to monitor the case and, "if it involves people in a situation of economic vulnerability", also the Public Defender's Office.

6. The State of Pernambuco's Public Defender's Office has a Land, Housing, and Habitat Unit, and its defenders commonly litigate in repossession actions, representing the interests of homeless and landless people. Furthermore, the Government of Pernambuco has had, since 2022, a State Commission for Monitoring Agrarian Conflicts (Ceaca), linked to the Secretariat of Justice and Human Rights, and which includes members of the MST's Human Rights division.

ent normativity of our own practices ethnographically – the language of rights, the legal and judicial orders we claim, or against which we will oppose based on other norms –, as part of the object of analysis. Such challenge is in tune with Gabriel Feltran's (2010) ethnographic proposition of distancing normativity from the formulation of categories of analysis so that it can be read as another discourse or representation to be investigated. Alternatively, going back to Lygia Sigaud (1996), to remove the veil of the law, to expose its norms and institutions as principles to explain the experience.

Thus, the norms with which we, at MST's Human Rights division, engage deserve ethnographic attention. That demands facing the norm beyond the perspective usually seen in Law Schools, or as synonyms of what "must be". Especially because it is imperative to face the norm ethnographically as a social practice linked to many other practices and power relations: a norm that is judicial, but which might not be, which converges or creates friction with moral or other norms; a norm that is materialized and performed, an active part in the production of subjects; a norm that is mobilized, reclaimed, disputed or denounced by subjects who, in their *struggles for rights*, may remind themselves of their opportunities to defy it.

The following pages are dedicated to this endeavor. I begin by tracing the judicial trajectory of the conflicts surrounding the *engenhos São João*, *São Francisco*, and *Felicidade*, from its origins all the way through the Covid-19 pandemic and the subsequent rulings by the Brazilian Supreme Court (STF) in the Allegation of Breach of a Fundamental Precept (ADPF) n. 828, the so-called "Zero Eviction" case. Subsequently, I examine the intense disputes over the implementation of these rulings – and the norms they engendered – in the context of the aforementioned sugar mills. By demonstrating these disputes, I then aim to:

- Analytically discern the instabilities, malleability, and transformations of the norms, operating within the field of research, which are managed and prompted by social actors amidst their lived conflicts. This analysis will circle back to the significance of *Seu Antônio*'s presence at the judicial proceeding in March 2022; and
- analyze the limitations and temporal constraints of the norm, considering the conditions of possibility created by its disobedience within an environment of pervasive violence.

The conflict's judicial trajectory

MST activists occupied the lands of *Engenho São João*, *São Francisco*, e *Felicidade* in July 1995. This occupation of a portion of *Usina Celestiana*'s lands was part of a

broader wave of occupations and settlements that spread across the sugarcane region of Pernambuco's Zona da Mata in the mid-1990s (Andrade, 2001). While telling the history of these occupations, landless activists commonly situate them within the contemporary crisis of the sugar-alcohol sector, which led to the abandonment of Pernambuco's sugarcane regions and the subsequent mass displacement of rural workers from sugarcane labor. The fact is that the land occupations and the broader mobilization by landless activists and rural unionists in Pernambuco ultimately pressured Incra and its technical team, which conducted a series of inspections of large estates and even concluded that the lands of *Engenho São João*, *São Francisco*, and *Felicidade* were, in fact, unproductive.

The presidential decree for the expropriation of the property for agrarian reform purposes – the one whose copy *Seu. Antônio* displayed to the packed meeting hall of the residents' association of *Engenho São João* – was issued in May 1996. At that time, not only was the MST powerfully occupying rural properties but also the country's media landscape, due to the Eldorado dos Carajás Massacre, which had taken place a few weeks earlier, on April 17[7]. The Movement thus consolidated its place as a remarkable and unavoidable actor on the national political stage. That same April, MST activists in Pernambuco undertook a march covering over 84 kilometers between the municipalities of Gravatá and Recife. Upon concluding the march, the landless activists began a ten-day hunger strike, thereby opening a channel of negotiations with officials of the Federal Government. Amid the public fallout from the events in Eldorado dos Carajás, these negotiations ultimately enabled the issuance of the expropriation decree by the president (Santos, 2016)[8].

The order, in turn, enabled Incra's attorneys to file the expropriation lawsuit for the sugar mills for agrarian reform purposes. Through this lawsuit, they obtained the February 1997 court order that vested Incra with possession of the lands. A few

7. The Eldorado dos Carajás Massacre, in the southeast of Pará, led to the death of 21 rural workers, who were part of a much larger group of landless people marching to Belém and demanding the expropriation of the Macaxeira Ranch, which was then occupied by several thousand people. This is an emblematic case of rural violence, heavily marked by impunity. For analyses of the massacre, its judicial management, and its place in the practices of rural employer violence, see Medeiros, 1996; Barreira, 1999; and Nepomuceno, 2019.
8. Evoking pilgrimages and sacrifices, marches like those in 1996 in Pernambuco and Pará are part of the MST's repertoire of political actions. Christine de Alencar Chaves (2000) conducted an ethnography of the National Landless Workers' March, which lasted for two months and culminated in its arrival in Brasília one year after the Eldorado dos Carajás Massacre, on April 17, 1997. According to Chaves (2000), these marches constitute a ritual, a kind of collective action that operates in the production of public visibility for the movement and, consequently, in the creation and re-creation of its legitimacy, converging with other direct actions considered transgressive.

months later, in May, the *engenhos São João*, *São Francisco*, and *Felicidade* settlement projects were established by Incra representatives, settling 106 landless rural worker families. However, the presidential decree was ruled unconstitutional by the Supreme Court in June 1998. The lawyers for *Usina Celestiana* had filed a writ of security (*mandado de segurança*) against the decree, arguing that the mill's owners had not been informed, within the legally required timeframe, about the inspection. Agreeing with the lawyers, the majority of the justices declared the decree null and void, citing a violation of the constitutional principles of the right to be heard and to have a full defense.

Despite the ruling, the federal lower-court judge then responsible for the case decided, in February 2004, to grant the expropriation of the sugar mills for agrarian reform purposes. In his ruling, the magistrate argued that, although the presidential decree was null and void, the "social consequences of a decision [whose effect would be eviction] would be devastating for the families who had been living on the land for over seven years". This sentence, however, was overturned on appeal by the Federal Regional Court of the 5th Region (TRF5), adjudicated by the federal judges of appeals hearing *Usina Celestiana*'s lawyers. In May 2006, nearly ten years after the settlement's establishment, by a vote of two to one, the judges upheld the arguments of the mill owners' lawyers and ruled that their concerns for the cited social consequences of their decision could not override the formal nullity of the presidential decree.

From then on, between 2006 and 2017, numerous appeals were filed and adjudicated in courts in Recife and Brasília, also with countless references to the gravity of the social effects of what was being decided. The final and unappealable ruling (*trânsito em julgado*) by TRF5, which had prevented the expropriation of the mills[9], and the subsequent overturning by the STF of the decision that had until then suspended the eviction, led to the judicial order for the issuance of the writ of possession (*mandado de reintegração de posse*) in February 2018. This writ, however, was soon suspended because Incra's attorneys and *Usina Celestiana*'s lawyers began negotiations regarding the possibility of Incra purchasing the property. These negotiations failed, and consequently, a new writ of possession was issued, so that on November 14, 2019, a court bailiff and that same federal court official presented themselves at *Engenho São João*, *São Francisco*, e *Felicidade* to inform their residents of the decision that would force them to vacate those lands more than 22 years after the initial settlement of the 106 families of rural workers.

9. The term "trânsito em julgado" refers to a judicial decision that is considered final, meaning that no further legal appeals can be made against it.

It did not take long. Photographed by workers, the writ of possession got to MST leaders and, shortly after, to the Human Rights division WhatsApp group. Along with the image of the writ came the assessment that this was the most difficult legal case we had ever faced, as it placed the housing, livelihoods, and life trajectories of nearly a thousand people in jeopardy, within a legal scenario with no apparent solution. According to a study conducted in 2018 by Incra technicians and included in the expropriation case files, such an eviction – affecting an area of 912.29 hectares occupied for over two decades – would lead to the obliteration of various crops, 240 houses, 3 municipal schools, 2 Catholic churches and 2 evangelical churches, a public health clinic, in addition to the 2 residents' association headquarters and structures related to their agricultural production, such as manioc flour processing houses and water collection and distribution systems. The study further showed that the investments made in the land by the settlers themselves amounted, at that time, to nearly 12 million reais. I, who until then had not personally known the communities and their residents and was just beginning to navigate the thousands of pages of the legal case concerning them, tried to imagine what these data and numbers truly meant – and I felt scared, deeply scared. A fear that certainly paled in comparison to the one permeating the daily lives of those families.

Even without believing in a possible solution within the Federal Court in Pernambuco or its court of appeals (TRF5), the members of the MST's Human Rights division decided, in December 2019, to file a new lawsuit aiming to prevent the eviction. Named third-party claims (*embargos de terceiros*), this new action argued that the possession exercised by the settlers was under threat and that, furthermore, the settlers had not participated in the judicial process whose decision would lead to their eviction. Thus, the aim was to guarantee the maintenance of the aforementioned possession of the lands by the rural workers. We hoped, then, that our future legal appeals would bring the case once again to the higher courts in Brasília, primarily to the STF, an institution theoretically more receptive to Human Rights claims. These third-party claims, as anticipated, were promptly dismissed by the lower-court judge. In his January 2020 ruling, the magistrate alleged that legal possession of the property in fact belonged to Incra; that the rural workers merely exercised "precarious possession"; and that, ultimately, it is not possible to reopen a matter with *res judicata* (a final and binding judgment). A few days later, in February 2020, the members of the division appealed this decision to TRF5. The appeal would only be reviewed and denied by the federal judges in 2023, more than three years after its filing.

Over these years, at a time when the eviction order remained in full force and we in the Human Rights division could not foresee a swift legal solution to the problem,

we invited Jaime Amorim for a meeting. Our intention was to explain to the MST leader the gravity of the situation and our difficulty in finding a legal way out of the case. We aimed to prompt Jaime to mobilize the movement due to the imminent risk of eviction. As I mentioned, it was late 2019, early 2020. The government of Jair Bolsonaro was intensifying, almost unchecked and without any shame, the dismantling of public policies – especially environmental ones, the demarcation of Indigenous and *Quilombola* lands, as well as lands for agrarian reform (Medeiros, 2021). The agency responsible for implementing agrarian reform in the country, Incra, no longer had a sufficient budget either to conduct new land inspections or to expropriate unproductive lands – an assessment we constantly heard from its civil servants[10]. Given our concerns, Jaime responded that our goal should be to "buy them more time". The solution would not come from us, or from Incra attorneys, or from representatives of the Federal Public Prosecutor's office (MPF) following the conflict. The definitive solution would not come from the Judicial branch. The solution would be tied to Luís Inácio Lula da Silva's election in 2022. We should buy more time, make more time, prolong it until Lula could take office as President of the Republic.

The production, dispute, and denunciation of the norm

Before the 2022 presidential election, however, the world was hit by the covid-19 pandemic. In its very beginning, on March 20, 2020, the MPF representative following the case requested, in the expropriation lawsuit, the suspension of the eviction order. In the request, the Republic's attorney characterized the suspension as a "humanitarian measure" in light of the virus widespread contamination and the rise in number of casualties. The federal judge then accepted the request, suspending the reintegration of the lands to *Usina Celestiana* "until the judicial services in the country were properly restored". Both the request from MPF's representative and the magistrate's position converged, at that moment, with the national mobilization calling for the suspension of evictions during the pandemic. The "Despejo Zero" (Zero Eviction) Campaign brought together social movements, human rights organizations, and state agents, resulting in Federal Law n. 14,216 of October 7, 2021 – the so-called Zero Eviction Law – as well as the aforementioned ADPF n. 828. The "Zero Eviction" ADPF was filed with the STF by the Socialism and Liberty Party (Psol), and the case was assigned to Justice Luís Roberto Barroso as the reporting judge.

10. In 2020, the budget cuts implemented by the Bolsonaro administration for Incra and agrarian reform reduced it to almost zero (Bragon, 2022).

Justice Barroso's first ruling in the scope of ADPF n. 828 was issued on June 4, 2021. The Justice suspended for an initial period of six months all evictions, displacements, forced removals, and collective reinstatement of possession orders related to pre-pandemic occupations, "on properties that serve as housing or constitute productive areas cultivated through the individual or collective family labor of vulnerable populations". Ratified by the full bench of the STF, this decision represented an emblematic victory for Brazilian social movements. Legally, it established the understanding that, within the context of the covid-19 pandemic, guaranteeing the rights to life and health demanded protecting the right to housing – the "stay at home" principle –, meaning the right to property had to be relativized and treated as secondary (Quintans, Tavares e Vieira, 2023). Politically, in turn, the decision confronted the interests of the country's landowners, particularly the influential ruralist caucus in Congress, which had been vigorously mobilizing to prevent the Zero Eviction Law from extending to rural areas[11].

Although, as I have explained, ADPF n. 828 represented a singular victory for Brazilian social movements, it so happened that an interpretation of its text ironically ended up enabling a new eviction order for *Engenho São João*, *São Francisco*, and *Felicidade*. On September 1, 2021, the lawyers for *Usina Celestiana* filed a new petition in the records of the expropriation lawsuit. They informed the lower-court judge that a decision by Justice Luiz Fux, then president of the STF, regarding a Constitutional Complaint from the state of Mato Grosso[12], had permitted an eviction in a specific case while protecting only residential areas. According to the mill's lawyers, this decision by Fux would demonstrate that evictions would be possible as long as dwellings were preserved in compliance with ADPF n. 828. Consequently, the lawyers requested that the eviction order be reestablished, with the guarantee that the rural workers' homes would be maintained. The following day, the judge denied the request from the mill owners' lawyers. Justifying his decision by interpreting the STF justices' ruling on ADPF n. 828 himself, he stated that it would be very difficult to distinguish, at that moment, what would or would not constitute residential areas and agricultural production areas.

11. Indeed, Law 14,216 of October 7, 2021, was restricted to urban areas and, therefore, did not suspend evictions in rural ones. The ruralist lobby prevented this. However, in December 2021, in his second preliminary decision for ADPF (Allegation of Violation of a Fundamental Precept) No. 828, Justice Luís Roberto Barroso declared this legal restriction unconstitutional and, thereby, ratified the suspension of evictions in rural areas. Subsequently, the full bench of the Supreme Court also upheld this second preliminary decision.
12. This would be Constitutional Complaint No. 48,273 from the state of Mato Grosso.

The lawyers for *Usina Celestiana* appealed, bringing the dispute to the court of appeals, the TRF5 in Recife. They managed to convince the federal judge of appeals overseeing the case that, in light of Justice Luiz Fux's new decision, the eviction could proceed. On December 16, 2021, the judge's ruling was formally entered into the records of the expropriation lawsuit. Thus, just days before Christmas, a new judicial decision endangered all the agricultural and livestock production of the settler families. On our end, the fear we had lived with since receiving the image of the writ of possession on *WhatsApp* escalated into outright despair.

In response, members of the MST's Human Rights division contacted the attorneys from the Federal Public Defender's Office and the Federal Public Prosecutor's Office who were monitoring the case. From this dialogue, a strategy was coordinated to file a *Constitutional Complaint* with the STF, based on our understanding that the federal judge of appeals' decision permitting the eviction violated the ruling issued by the STF justices in the Zero Eviction ADPF. On December 22, 2021, the Constitutional Complaint pertaining to *Engenho São João*, *São Francisco*, and *Felicidade* was filed by federal public defenders. On December 23, Justice Luiz Fux himself – who at the time presided over the STF – decided that the writ of possession must "exempt areas occupied for residential purposes and for individual or family agricultural production". It was the night before Christmas Eve when we learned of Fux's decision. This time, it was happiness that escalated. It had become victory.

However, the mills owners' lawyers once again transformed our victory into their own argument. On January 7, 2022, they filed a petition in the expropriation lawsuit records to inform the case judge about Justice Luiz Fux's decision in the Constitutional Complaint. Leveraging this decision, they requested the enforcement of the writ of possession over everything that was not a residential area or an individual/family agricultural production lot. At first, we did not understand what the *Usina*'s lawyers were asking for. From our understanding of how a settlement is organized, there are only residential areas, production areas, and small communal areas – where the municipal schools, churches, and public health clinics are located, for example. Were the lawyers intending to evict people from schools? The judge granted their request this time. He ordered the execution of the writ of possession, stipulating that its enforcement had to be coordinated with public security agencies. To this end, the magistrate scheduled a meeting for February 24, 2022, which was to include representatives from the police forces, Incra, the Federal Public Defender's Office (DPU), the Federal Public Prosecutor's Office (MPF), and *Usina Celestiana*. Notwithstanding, at the meeting, the Federal Police chief attested to the technical impossibility for the police themselves to discern what constituted residential versus agricultural production areas. It was then that an agreement was reached to

conduct the judicial inspection I alluded to at the beginning of this text, to map out the different internal areas within the lands of the sugar mills.

On August 7, 2022, without Incra representatives having presented their conclusions regarding the judicial inspection and the areas of the three mills, the judge decided to restore possession of a portion of *Engenho Felicidade*. He noted that this would be a "pilot" for what would later occur in the other mills and subsequently issued an order for the voluntary vacating of the lands. The Federal Public Prosecutor's representative disagreed with the measure and filed a motion with the court of appeals, again without success. At that moment, however, the suspension of evictions due to ADPF n. 828 had been extended until October 31, 2022. The public defender working on the case reasoned that, since the STF justices' ruling remained in effect, it was appropriate to file a new petition with the Constitutional Complaint that had been initiated in December 2021 and had prevented the repossession of the agricultural production areas on that Christmas eve. And it worked. On October 7, 2022, Justice André Mendonça, the reporting judge for the Constitutional Complaint at the STF, decided to suspend any and all evictions at *Engenho São João*, *São Francisco*, and *Felicidade* until the end of the suspension period stipulated in ADPF n. 828 or until a technical expert study was presented.

On October 31, 2022, as the eviction suspension period was coming to an end, Justice Luís Roberto Barroso issued a new ruling in the records of the Zero Eviction ADPF. If his first decision had been emblematic, this latest one was no less significant for the social movements *struggles* for land and for adequate housing in the country. The STF justices created a "transitional regime" – as they called it – for the judicial handling of the writs of possession that had been suspended until then. This transition compelled state and federal courts to create land conflict commissions, which were to dedicate themselves even to the possibility of mediating these conflicts. According to the final ruling in the Zero Eviction ADPF, no eviction from an area occupied prior to the pandemic can occur without the case first going through the respective court's commission[13]. Furthermore, also according to the ruling, any eviction requires the relocation of displaced people to public shelters or other measures that guarantee the right to adequate housing.

The land conflict commissions of the courts were formed and began their work over the course of 2023. Yes, it is 2023 already. And a few months prior, as we know, Lula had been elected President of the Republic for the third time. Therefore, when

13. Although recent, these land conflict commissions have been the subject of interesting analyses regarding their processes and effects. It is worth consulting, for example: Vieira, Tavares e Quintas, 2023; and Gonçalves, 2025.

the land conflict commission of TRF5 placed the case of *Engenho São João*, *São Francisco*, and *Felicidade* on its agenda, Incra representatives demonstrated openness to mediate the conflict with *Usina Celestiana*: the Federal Government undertook to purchase the lands, with the price agreed at 30 million reais. As Jaime Amorim had foreseen, time had to be bought, and it was stretched to its limit. Initially, we at MST's Human Rights division assumed that, after 27 years of legal conflict and with the ruling having become final and unappealable for 8 years already, the *Usina*'s representatives would have given up the legal battle. In our minds, they had understood that reaching a settlement would be simpler and economically safer. After all, after so much time, perhaps the mill owners had comprehended that carrying out the eviction was not such a straightforward matter.

A few months later, another hypothesis was added to our speculation regarding the reasons that led *Usina Celestiana*'s representatives to accept the judicial land purchase agreement. This was because, in November 2023, Repórter Brasil published a piece stating that members of the Labor Prosecution Office, in response to a prompting from an MPF representative, had opened a civil inquiry back in 2022 to investigate potential fraud allegedly committed by agents of *Usina Celestiana* and by front companies in the acquisition of the mill's lands at a public auction. The *Usina* was under judicial recovery (*recuperação judicial*) and drowned in labor-related debts. Through the auction, the front company could acquire the lands, thereby shedding these debts. According to the labor prosecutors' suspicions, the fraud lies in the existence of ties between the owners of *Usina Celestiana* and the partners of the alleged front companies. It was a "land laundering" operation[14], a serious accusation that, awaiting trial, would significantly increase the risk for the owners and the auction purchasers.

The malleability and twisting of the norm

It was, above all, our deep involvement in rights-claiming practices that sparked my interest in examining norms through the activities of MST's Human Rights division in Pernambuco. As I highlighted in the introduction to this text, we operate within the production, denunciation, and contestation of norms. On one hand, this is an inescapable entanglement within our praxis. On the other hand, it represents a methodological challenge for understanding it. As I stated earlier in dialogue with Gabriel Feltran (2010), ethnography requires distancing norms from the formula-

14. A recent study by Nascimento and Morais (2025) analyzes the so-called "land laundering" in the Zona da Mata region of Pernambuco.

tion of analytical categories, so that they become the object of our attention – just another practice or discourse to scrutinize. Ethnography demands, again following Sigaud, "reinscribing the relevant legal facts into broader social frameworks" (2004, p. 155. My own translation). From the outset, this methodological stance aims to avoid the normative prospecting that characterizes legal documents and public denunciations of rights violations. In this type of document, the central aim is to describe how things *are* by prescribing how they *ought to be*, attempting to demonstrate the truth about a particular fact alongside the correct interpretation of a specific norm. This prescriptive ambition undermines or weakens the critical potential of ethnography. The task of ethnography, after all, is to inquire into the very conditions of possibility that allow a certain conception of truth or a specific normative interpretation to be updated and managed.

In the way I have approached it, the methodological stance of treating the norm as an object – rather than as a vector of analysis or an explanatory principle – enables an ethnographic engagement with the norm through two distinct perspectives: the perspective of processes of normalization, and the perspective of the norm as a social practice or experience. At times conflicting, these two approaches to the norm serve as keys for discerning modes of subject production and assemblages. It follows that to engage with the norm is to deal with the subjects who are constituted in its enactment or in its claim, and who are, in turn, the subjects who mobilize in its dispute, thereby setting the norm in motion.

When confronted with debates on "gay marriage", Judith Butler (2003) observed that social mobilization around demands for state recognition presupposes an acquiescence to a certain normalization. It would be a matter of the "desire for the desire of the State", the result of a political investment to become recognizable according to existing norms, thereby occupying zones of legitimacy. According to Butler (2003), this movement of seeking and the consequent validation of the claimed norm, in this case, the norm of marriage, but also heteronormativity, would have as its counterpart the reinforcement of zones of illegitimacy for subjects who cannot be adapt into said norm. To demand recognition would also be to engender exclusion, thereby preserving the norm, its relevance, and its normalizing effects. In short, the yearning for recognition would provoke a reiteration of the norm, a tacit acceptance of its ordering presuppositions or, in other words, of the rules of the normative game.

However, it happens that, no matter how great their force and the potentiality of their effects, norms are not performatively enacted or reiterated unless subjects act, conjugate verbs, and constitute themselves as subjects, even if from within the norm, and even while confronting it. This is because norms are not prior to subjects; rather,

they are incited and materialized through their actions and amidst the conflicts in which they engage or find themselves implicated. It is, ultimately, about the action and conflicts that undergird the formation of the subject – who, likewise, does not precede them. Here, accepting the rules of the normative game can mean transforming those very rules. It happens, as Thompson (1997) distinguished, that there are experiences of struggle "through the form of law", so that the norm can represent a means through which other social conflicts are waged. The existence of the norm, known or invoked by certain subjects, can undergird the opportunity and the form with which such conflicts unfold. And these conflicts may, in their own time, lead to the dispute or the change of the norm itself[15].

Moreover, as Veena Das (2020) observed, there is all that people do when they operate in the gap between the abstraction of the norm and its actualization. Although inherent to the relationship between norm and subject, the normalizing effects do not totalize experience. This is why, ethnographically, it is our job to unravel the tension produced by the efforts carried out by certain agents in disputes surrounding the claiming of rights and, thus, the updating of the norm. This tension is productive because it involves the defense of the norm, whose legitimacy must be presupposed by the agents at play. Yet, all while the norm is being twisted, managed, stretched thin, emptied out, or reinforced by those very same agents, given their positions and relations.

The efforts of producing, disputing, and denouncing norms that we undertake from the MST's Human Rights division materialize, as I have noted, within the legal-bureaucratic order, adhering to its formal criteria of legibility and, thereby, to its normativity. It is in this way, for instance, that we in the Human Rights division must establish alliances with state agents – such as public defenders, members of the MPF, and Incra attorneys – and translate fear and indignation into a document, like a Constitutional Complaint, which was suited to temporarily prevent an eviction. In turn, agents who *a priori* position themselves in political fields opposed to ours commit, at least in theory, to the same normativity. This is how Justice André Mendonça, the justice in charge of our Complaint at the STF, maintained the suspension of the eviction order in the case of *Engenho São João*, *São Francisco*, and *Felicidade*, following the full court's decision in ADPF n. 828. Nominated to the Supreme Court by the far-right extremist leader Jair Bolsonaro and with legal positions often regarded as more conservative than those of his peers, Mendonça granted the public defender's request in our Constitutional Complaint. He did so despite having argued, in the most recent ruling on the Zero Eviction ADPF, against

15. For a more comprehensive understanding of Thompson's approach to law, see Souza (2019).

maintaining the suspension of evictions. With Mendonça's stance in the Complaint, the norm was ultimately ratified and reiterated. In its favor, a certain type of subject was also ratified – a subject molded by the norm, a "normalized" subject.

However, this ratification does not always manifest itself. In the week before Christmas 2021, when we feared the eviction of all the agricultural production of the settler families, I was appalled by the fact that that unprecedented victory provided by Justice Luís Roberto Barroso's decision in ADPF n. 828 was being interpreted by certain judicial actors as a legal justification for the eviction order of *Engenho São João*, *São Francisco*, and *Felicidade*. According to this interpretation, a rhetorical maneuver became crucial: the STF justices' decision, which suspended evictions from properties that served as housing or represented productive areas worked by individual or collective family labor, came to be read as a decision that mandates eviction, granted certain areas are preserved. It was through this twisting of the norm that the federal judge of appeals ordered the repossession of the mills, preserving only the dwellings. This was because, he argued, Justice Luiz Fux's decision in Constitutional Complaint n. 48273, from the state of Mato Grosso, would have done the same.

Later on, it was another decision by Fux – this time on the evening before Christmas Eve, 2021, in the preliminary ruling on the Constitutional Complaint filed by members of the Federal Public Defender's Office against the aforementioned federal judge of appeals' decision – that prevented the eviction from the production areas. However, it so happened that this new decision would also suffer yet another twist, as it was used as a justification to evict people from everything that was *not* a residence or agricultural production, whatever that might mean within an agrarian reform settlement project.

The twisting of a norm points to its malleability. And, in this sense, it suggests that the political act of claiming a norm does not fundamentally result in normalization, even though it must contend with its effects. This is because the relationship that social movements and even their *community legal counsel* establish with the norm is unstable, uncertain, and as malleable as the norm itself. Normalization does not always reach completion. It is not uncommon for the recognition of a claimed right to be fragile, for the dispute over the norm to be constant and urgent, or for norms to change within the interstices of conflict, depending on who invokes them or how they are invoked.

Here, the engendering of zones of legitimacy sustains itself through the reiterated struggle for legitimacy, without necessarily validating itself through the existence of zones of illegitimacy. The legitimacy invoked in the rights-claiming practices of social movements is, typically, situational. It represents a collective and contradic-

tory process of becoming legitimate. As a rule, it does not reach a conclusion; it does not stabilize. This is, primarily, because the dispute over the norm unfolds within a scenario of pronounced inequalities. *Social struggles* for agrarian reform, land, and territory take place through multiple updated practices of violence and criminalization[16], as they unfold in the convoluted pathways of state processes that maintain private property and land ownership as an essential organizing principle[17]. For example, rights related to property normally take precedence over legal notions of possession or the social function of property.

When, at the end of 2019, the lawyers from MST's Human Rights division filed the Third-Party Claim to suspend the eviction order, we started from the premise that the writ of possession would detrimentally affect the direct possession that the residents held over the lands of *Engenho São João*, *São Francisco*, and *Felicidade*. The settlement projects, after all, had existed since 1997, with the initial establishment of the 106 families of rural workers. The new claims aimed at, based on legal norms, more specifically article 674 of the Civil Code[18], blocking the seizure of the residents' assets, given that they had not participated in the judicial process that led to the eviction order, where the only parties involved were Incra and *Usina Celestiana*. As I explained earlier, the lower-court judge dismissed the Claims outright. In the justification for his denial, the judge alleged that legal possession of the mills belonged to Incra and not to the settlers[19], even though they had already lived and worked there for over twenty years. According to the magistrate, which would constitute nothing but "precarious possession". However, despite the characterization or adjectivization of the possession, it was precisely alongside the residents that, as noted by a representative of the court in the judicial process, on November 19, 2019, "the reintegration order had been effected" by the court's officer. Five days earlier,

16. There is extensive literature in the Brazilian social sciences concerning processes of violence and criminalization triggered amidst experiences of popular organizing, social mobilizations, and claims for land and territory-related rights. Among these works, see: Bruno, 2003; Ayoub, 2021; Morais, 2016; Rolemberg e Lacerda, 2022; Efrem Filho, 2024; and Boyer, 2024.
17. Especially around initiatives of popular community legal counsel, a significant body of studies has emerged, focusing on the aforementioned centrality of private property and land ownership in Brazilian law, which impacts everything from the formation of legislation and case law to the architecture of pedagogical projects in law courses – something Hugo Belarmino de Morais (2016) called the "proprietary matrix of legal education". To access some of these studies, see: Lopes e Quintans (2010); Morais e Coelho (2024); and Castro e Lima (2024).
18. According to Article 674 of the Brazilian Civil Code (CPC): "A person who, not being a party to the lawsuit, suffers seizure or threat of seizure upon assets they possess or over which they have a right incompatible with the constrictive act, may request its undoing or inhibition by means of a third-party claim".
19. Article 1196 of the Brazilian Civil Code stipulates the following: "Any person who factually exercises, fully or not, any of the powers inherent to ownership is considered a possessor".

on November 14, that member of federal justice and the aforementioned officer had visited the settlement to inform community leaders of the urgency of "voluntary vacating under penalty of police force action". Legal possession belonged to Incra, but it was against the residents that the police would have to act when enforcing the writ of possession.

By this, I mean both that the conquest of a right can be lost on the path to its realization – in the spatiotemporal distance between the Supreme Federal Court justice's ruling in ADPF n. 828 and the way a lawyer or judge mobilizes it – and that there is a centripetal force pulling the conquest or the disputed norm in a specific direction, contrary to the recognition of the rural workers' rights. The MST's Human Rights division filed the Third-Party Claims in December 2019, convinced that there was no possible solution within the Federal Court in Pernambuco or its court of appeals, TRF5. This conviction stemmed from the particularities and complexities of the case of *Engenho São João*, *São Francisco*, and *Felicidade*, which had already been adjudicated in these judicial instances, but mainly from our prior experiences with these judicial agents and apparatus. In these experiences, losing is the rule. For the landless, the judicial terrain is commonly arid and infertile, something that empirical research on court cases repeatedly highlights (Lopes e Quintans, 2010; Castro e Lima, 2024). The barrenness and infertility of this judicial terrain are relentlessly expressed in Jaime Amorim's position that the solution to the problem of the mills would not come from the Judiciary, but from Lula's election in 2022. They are also expressed in *Seu Antônio*'s view, for whom the judicial decision to evict them from those lands without providing any alternative, made by a suited-up man who "didn't even come here, see? just gives orders", is unjust and ignites the possibility of his disobedience, just as it happened facing the fences of an unjust plantation that the landless broke through in 1995, when they occupied *Engenho São João*, *São Francisco*, e *Felicidade*.

Times and limits of the norm

The statements made by Jaime and *Seu Antônio* are pedagogical. They teach lessons both to social mobilization and ethnography. Drawing on the theoretical contribution of Marilyn Strathern (2014), I would underscore that observing them in the field engendered "ethnographic moments" that I began to reconstruct during the immersive exercise of writing this essay. In the meeting we held, fraught with concern over the lack of perspective, or in the meeting hall of the residents' association of *Engenho São João* during the judicial inspection, what Jaime and *Seu Antônio* were telling us was already stimulating this text and enabled me, in hindsight, to

constitute a field of research from practices that initially seemed to me to be merely about *community legal counsel*. In Strathern's (2014) words, Jaime's and *Seu Antônio*'s words exert "traction" on the energies I mobilize to write what I now write. Part of the effectiveness of this traction, I believe, lies in its capacity to point out, within ethnography, the times and limits of the norm.

Jaime Amorim's position – that the task of the MST's Human Rights division in the case of *Engenho São João*, *São Francisco*, and *Felicidade* was to "buy time" – presupposed the distrust in the agents of the Judiciary that I referred to above, and the conviction that Lula's election would substantially change the players and the pieces on the board, even if the rules of the game had remained the same. In what matters most, this is exactly what happened. With the inauguration of Luiz Inácio Lula da Silva in January 2023, there were significant changes in the composition of Incra's leadership, in addition to some increase in its budget, which enabled the judicial negotiation and purchase of the lands. Buying time, making time, stretching time implied operating within the judicial bureaucracy, but with an eye on the broader time of politics – a time that, as Moacir Palmeira (2001) states, can radiate and "contaminate" the social fabric, making politics the defining activity of time itself. Thus, the limits of the judicial management of the norm are exposed, which nevertheless remains protected and contested in the language of rights. The time of politics does not exempt itself from this language, though it imparts to it a different rhythm, a different aesthetic, with its own idiosyncrasies, distinct from the logic of a judicial process. When, in 2023, during the meetings of the TRF5's land conflict commission, Incra's attorneys began working on negotiating the purchase of the lands, it was implicitly understood that this new possibility for resolving the conflict stemmed from the new Federal Government taking office. The administrative and judicial justifications for the purchase, however, revolved around the facts and norms previously described and prescribed for the issue – the same ones listed in 2018, during the first, fruitless attempt at a purchase negotiation that Incra's attorneys had promoted with *Usina Celestiana*'s lawyers.

The time of politics even permeates the Judiciary. Although Jaime's position – that the solution to the eviction would come from Lula's election and not from the courts – might give the impression of a hierarchy where politics supersedes the law, the fact is that during this period, human rights organizations and social movements *fighting* for land, territory, and housing did not relinquish the dispute and production of norms within the judicial arena. The Zero Eviction Campaign gave rise to specific legislation, Law 14,216 of October 7, 2021, and to ADPF n. 828, a legal action whose rulings in the Supreme Federal Court ended up modifying even the rules of the game by creating exceptional norms regarding the essential nature of

the right to housing during the covid-19 pandemic, for instance. The rulings in the Zero Eviction ADPF enabled the suspensions of the writ of possession for *Engenho São João*, *São Francisco*, and *Felicidade* and opened a path of disputes and denunciations that allowed us in the Human Rights division to follow Jaime's advice – in other words, to "buy time".

Between 2019 and 2023, during the nearly four years that members of MST's Human Rights division monitored the case of *Engenho São João*, *São Francisco*, and *Felicidade*, I saw time unfold in different ways, operating within the disputes surrounding the norm and revealing its limits. In the pages of legal petitions and public denunciations we wrote, time undergirded our claim for the rural workers' permanence on those lands. We repeatedly noted that the more than two decades of the settlement's existence had materialized in hundreds of inhabited houses, constructions, churches, schools, public health clinics, crops, and livestock. We emphasized that this time was expressed above all in a growing population, which, beginning in 1997 with 106 settled families, now reached nearly a thousand people. Time thus served as our argument for explicating and denouncing the violence inherent in an eviction of such proportions. In the narratives we mobilized, the materialization of time embodied the very notion of violence.

But time also underpinned fear. Difficult for the residents and even for the MST activists closest to the case to comprehend, the judicial process' sluggishness and uncertainties, combined with the repeated eviction orders, fueled fears and doubts about the future that permeated the daily lives of the people in *Engenho São João*, *São Francisco*, and *Felicidade*. They lived, in short, under the shadow of eviction, on the brink of the worst, managing, in the present, the future possibility of violence[20]. In October 2021, during one of the rural workers' meetings or assemblies we from the Human Rights division attended at the headquarters of the *Engenho São João* residents' association, a young woman asked us if she could invest in building a manioc flour processing house. She mentioned she had even been gathering resources for it, but now no longer knew if she should even plant the cassava. "Because of this court case, we are afraid of losing the little we have." At that meeting, it fell to the legal counsel team to explain that, according to the STF justices' ruling in ADPF n. 828, residential areas and agricultural production plots were temporarily protected from eviction. Therefore, our initial guidance was that, yes, production should continue. However, upon learning that the young woman intended to invest money in

20. The tense temporal relationship with the fear that permeates people's daily lives – filled with uncertainties and an anguished anticipation of violence – can be understood through the concept of "terror" (Efrem Filho, 2017; 2024). For a deeper exploration of this discussion and the potential conceptual distinctions between terror and violence, see Vianna, 2024.

building a processing house, I hesitated in my response to her question. I felt uneasy about the risk of the enterprise, concerned by the uncertainties and ambiguities of the judicial process. It was then that Carlos Eduardo Madeira, a student at the Recife Law School and a member of the MST's Human Rights division, took the lead in the discussion and explained to the group that, yes, production was essential to demonstrate the settlers' connection to the land, their labor, and their subsistence. The fear of eviction also permeated our daily lives in the division. We felt it. Part of this fear was related to the fact that, since it fell to us to navigate and manage the norms and the pages of the case files, the responsibility to prevent today the violence that could happen tomorrow was held primarily by us.

In the end, time filled, contradictorily, with meanings of injustice and *struggles*: something that the presence of *Seu Antônio* on the morning of March 21, 2022, materialized. In that packed meeting hall, *Seu Antônio*'s body and words moved time with a particular historical force. Or rather, recalling Veena Das (2020), it might be more accurate to say that his body and words allowed time to do its work – the work of time. Standing in the hall, *Seu Antônio* is an elderly Black man, already somewhat stooped, with very dark, wrinkled skin and a few white hairs beneath a soiled cap. He wears a short-sleeved button-up shirt, full-length trousers with rolled-up cuffs, and flip-flops – all of it well-worn and frayed, larger than his thin frame would require. *Seu Antônio*'s voice is hoarse and aged. The men who, also standing, face the chairs in the hall are, like me, predominantly white. They consist of lawyers, federal police officers, and other civil servants. Some are as suited-up as the judge who had issued the eviction order. All of them are distinct, in their social class and racial identity, from the women and men occupying the dozens of chairs in the hall. The latter are a minority white, a majority mixed-race or Black, and their bodies bear the marks of sun, heat, and backbreaking labor. Their skin is, without exception, darker than my skin and the skin of the mill owners' lawyers.

When *Seu Antônio*, after asking to speak, presents himself to that audience, time imposes itself through what his body performs. In our eyes, he "evokes slavery", as María Elvira Díaz-Benitez and Everton Rangel (2022) termed the experiences of Black women, their research interlocutors. We found ourselves there on the sugarcane lands that sustained this country's colonization for centuries. On these large estates, men very much like *Seu Antônio* performed the enslaved labor that served as the foundation for colonial exploitation and, later, for the building of the nation.

Seu Antônio is, therefore, antecedent to himself. Immediately, within him lies the weight of the reminiscences of enslavement, which contributes to the attribution of a sense of injustice to the eviction order. It is people like *Seu Antônio* who will be evicted. People whose history of suffering is indelible and have never been sufficiently

redressed in our country. Against *Seu Antônio* is *Usina Celestiana*, or the company that acquired the properties without having to pay labor debts. Placed in contrast, the mill, founded at the end of the 19th century, is itself a historical injustice, just as the fences that once surrounded its vast, endless sugarcane fields were unjust.

However, by evoking slavery, *Seu Antônio* also evokes freedom – or, as Díaz-Benitez and Rangel (2022) prefer, "flight". This is what happens when, after introducing himself to the audience of rural workers, time is remade through his soft, measured speech, which all of us in the hall are compelled to heed. In response to the federal court official who, aiming to be didactic, claims he is merely there to carry out a judicial order, *Seu Antônio* teaches us that disobeying orders remains a possibility for *struggles*. If, in the dispute over the norm, there is a ratification of its relevance and a presupposed defense – as I have already noted – the relationship between the norm and the subjects who dispute it is so provisional and malleable, its limits so uncertain and porous, that an expansion, a straining, or a disruption of these limits is also possible. But it is possible to such an extent that *Seu Antônio*, with a copy of a presidential decree in hand, activates the norm to announce the memory – or the threat – of its violation, declaring: "it is by disobeying orders that we shall remain here".

The hypothesis of disobedience is founded, first and foremost, on a critique of the illegitimacy of the authority that issues the norm. After all, "it's too easy for a man like that, all suited-up, to say that we should leave our lives behind to go God knows where, to live God knows how. And he doesn't even come here, see? He just gives orders". *Seu Antônio* accuses the magistrate of ignorance and irresponsibility. The judge decides upon the lives of the people in those lands without knowing them firsthand and without any interest in their destinies. *Seu Antônio*'s accusation is also, however, an exposition of the class position that enables an "easy", comfortable decision from a "suited-up man" who – due to laziness, unwillingness, or prejudice –does not even care to know the life the rural workers lead. This critique of the authority's illegitimacy anticipates a broader critique of the legitimacy of the norm the magistrate wields, as well as of the norm that grants the magistrate the capacity to decide about that which he knows or does not know.

To contest the legitimacy of the norm is to point out its limits, which allows *Seu Antônio* to recall disobedience through *struggle*. In his now-classic study on the associative practices of peasants, John Comerford (1999) highlighted the plurality of the emic expression *struggle*. Among the rural workers of Western Bahia with whom he conducted his research, *struggles* alluded to different experiences: from the daily suffering one must endure to ensure that life can be lived, as an affirmation of the dignity of those who struggle despite so many hardships, to the religious convictions

and political projects that give meaning to a certain community. It is likely that elements of this plurality are present in the statement by *Seu Antônio* that I recounted at the beginning of this essay. *Struggle* is, ultimately, the path one walks, as in: "I mean that I was already walking in the *struggles*, living in an encampment, when the president of Brazil, Fernando Henrique Cardoso...". Thus, the encampment is the journey of the *struggle*. Or, according to Sigaud (2005), the *struggle for rights* unfolds in the "encampment form". For the encampment to be possible, however, it was necessary to disobey, since "it was by disobeying an order that we entered these lands". This means that, according to the intellectual framework employed by *Seu Antônio*, disobedience constitutes an act that is relational to the *struggles for rights*.

This way of facing the *struggles* is widely shared by MST activists. It is a social movement that, since its inception in 1984, has invested efforts in *direct action*, of which land occupations are its greatest symbol. This *modus operandi* immediately ratifies the contestation of the norm's legitimacy, even as it is reciprocal to the invocation of the language of rights – as with holding a presidential decree during a judicial inspection. Landless workers organize and mobilize themselves as their right is named, the fence is broken, the black tarp is raised, and their right is claimed. Amid the claim, just as *Seu Antônio* didactically explained, disobeying the order is part of the *struggles for rights*. Here, there is disobedience to the fundamental order that the fence performatively enacts – namely, the presupposed duty to respect the right to property. Violated by landless workers, this duty will be invoked in the lawsuits for repossession and criminalization that we in the MST's Human Rights division often face. The landless are aware of this, and yet they break down fences by the hundreds, by the thousands. And, at times, they achieve the right to the land.

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Abstract

Ethnographing the norm: on struggles for rights in contexts of violence

This essay seeks to shed light on the ethnographic confrontation of the norm. To this end, it begins with the empirical universe of the struggle for agrarian reform in Brazil. I first describe the trajectory of the legal conflict surrounding the *mills São João*, *São Francisco*, *and Felicidade*, located in the Pernambuco's Zona da Mata region. Then, I outline the intense disputes over the application of judicial decisions (and therefore of the norms engendered therein) in the case of the sugar mills. The explication of these disputes then allows me to: a) analytically divide the instabilities, malleability, and transformations of the norms that operate in our research fields and are differently handled and incited by the agents amid the conflicts we experience; and b) scrutinize the limits and times of the norm, considering the threat of disobedience in an atmosphere of violence.

Keywords: Ethnography; Norm; Landless; Rights.

Resumo

Etnografando a norma: sobre lutas por direitos em contextos de violência

Com este ensaio, procuro jogar luz sobre o enfrentamento etnográfico da norma. Para tanto, parto do universo empírico da *luta* por reforma agrária no Brasil. Descrevo, de início, a trajetória do conflito judicial em torno dos *engenhos São João*, *São Francisco* and *Felicidade*, localizados na Zona da Mata pernambucana. Em seguida, delineio as intensas disputas sobre a aplicação das decisões judiciais (e das normas ali engendradas, portanto) no caso dos engenhos. A explicitação dessas disputas me permite então: a) divisar analiticamente as instabilidades, maleabilidades e transformações das normas que operam em nossos campos de pesquisa e são diversamente manejadas e incitadas pelos agentes em meio aos conflitos que experienciam; e b) perscrutar os limites e tempos da norma, tendo em vista a ameaça de sua desobediência em meio a uma atmosfera de violência.

Palavras-chave: Etnografia; Norma; Sem-terra; Direitos.

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Research data is available in the body of the document.