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Race and Affirmative Action in "Post-Racial" Democratic Brazil

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Abstract

This thesis examines the ways that Brazilians are evaluated for their privileges in qualification for the affirmative action program. It critically examines the existing policies, how they function, and how they affect ideas of race in Brazil for both black and non-black Brazilians. Additionally, it proposes that the policies prioritize phenotype as a primary condition for qualifying for a quota in order to accomplish their initial objectives of fighting racial inequalities, compensating for historical injustices, contributing to the diversity of experiences and perspectives on campuses and in federal offices, and raising understanding of what it means to be black in Brazil.

Table of Contents

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Chapter I: Introduction

Often called "the third root," *Afrolatinos* are frequently left out of the history of Latin America. The well-known story paints Latin America as a biracial region, originally inhabited by Native Americans and colonized by Iberian Europeans. This version of history, which highlights *mestizaje* and undermines the significant influence of "*la tercera raiz,*" dilutes the fullness that is Latino culture, life and society. More than 150 million Afro-descendants live throughout Latin America, contributing to the political, economic and social development of almost all countries in Central and South America and the Caribbean. Additionally, and perhaps as an explanation for their invisibility, *Afrolatinos* are most often the poorest and most marginalized within their respective countries. Of the entire population of Brazil, 46 percent self-identifies as Afro-Brazilian, but they constitute over 65 percent of the lowest socioeconomic class. Additionally, only 18 percent of Afro-Brazilians have completed secondary school (Ribando Seelke 2008, 5). Other countries in Latin America are similar. In Colombia, an estimated 11 percent of the population self-identifies as Afro-Colombian, though experts suggest that the real proportion is much greater. Regardless, they agree that nearly 80 percent of Afro-Colombians live in extreme poverty, 74 percent earn less than minimum wage, and only four percent attend university (Ribando Seelke 2008, 5). Venezuela, which does not collect census data based on race, has similar proportions; the two lowest

social sectors make up ~60 percent of the total population, and 64.2 percent of Venezuelans identify as non-white (Cannon 2008, 737).

These countries are home to some of the largest communities of Afro-descendents in the Americas, and statistics show similar patterns of intersectionality[1] among lower income groups and communities of color (indigenous, mixed race and Afro-descendents). Additional problematic and highly visible characteristics include continuing poverty among the lower socioeconomic classes and communities of color, low education rates, high crime rates particularly in areas where these communities live, and growing racial polarization. Why do Latin America's communities of color experience such inequality? How have Latin American governments sought to govern multi-racial countries, create opportunities for communities of color, and mitigate the racial and ethnic tensions within them? What does this mean for the future of pluralism and racial democracies in Latin America and around the world?

Brazil, the largest country as well as the largest economy in Latin America, is often represented positively when it comes to race issues due to its famed ideology of a "racial democracy," which claims that Brazil overcame racial discrimination as a result of miscegenation. This ideology creates a racial color-continuum that neglects the distinctiveness of Afro-Brazilians in the global context. Additionally, as mentioned above, statistics show that Afro-Brazilians experience extreme disparities in income, health, and education. However, there are also negative stereotypes associated with blackness in Brazil that have shaped the way mixed-race and Afro-Brazilians self-

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[1] The interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.

identify with their African heritage, leading to their invisibility in national statistics as well (Caldwell 2007, 5).

Beginning with a number of state-supported efforts to combat these inequities in 2004, policy-makers created a federal affirmative action policy – called the Law of Social Quotas – for public universities in 2012 that requires that they reserve a significant portion of their admission slots for self-identifying Afro-Brazilians. Francis and Tannuri-Pianto reveals that self-identification as *preto* (black) increased significantly in applications across Brazil, revealing the rising incentive to self-identify as such. She also found that many Brazilians below the margin of *pardo* (brown) and *preto* began misrepresenting their identities reversely, claiming more blackness than was necessary in order to receive the benefits afforded by the affirmative action program. The increase in quota applications forced universities to begin interviewing quota applicants to determine which students were "black enough" to qualify, both on the basis of the shade of their skin and their socioeconomic background and experiences. The interviews, thus, provided the opportunity for subjective judgments by the university without a clear set of criteria for exactly which students should receive the benefits. Secondly, as has been found in many affirmative action cases in the United States, Brazilian universities have struggled to fill all of the available racial quota seats and continue supporting quota students following their acceptance and ensuring their success throughout their education. Statistics show that quota students have a difficult time keeping up with their more privileged *branco* (white) peers due to a lack of prior opportunities. Furthermore, the adoption of affirmative action policies in universities and later in federal government departments does not solely solve society-wide poverty for Afro-Brazilians as a whole.

Other countries in Latin America have implemented different policies for combating racial disparity. In Venezuela, even years after the enslavement and appropriation of black labor, society still functions under a white-Eurocentric norm that stigmatizes indigenous and black peoples and relegates them to the lower income classes of society. Afro-Venezuelans received no special health or education benefits before and throughout the *puntofijo* era (1958-1989) by virtue of their ethnicity, and they still make up the majority of the lower class (Cannon 2008, 741). Therefore it is no wonder that when a common, poor man of color campaigned for the presidency on a populist/socialist platform, Venezuela experienced a revolution. Chavez's win was a **"win for the people"**, for "*el pueblo*"[2]. Using race and class as central pieces to his political rhetoric, Chavez likened himself to the majority of Venezuelans – which validated black and indigenous identity across Venezuela – and won the vote with a promise "'to beat those ominous phenomen[a] such as racism'" (741). His policy initiatives in education, health, food salaries, employment, land, and identity sought to bring light to the "existence of class and race fractures in Venezuelan society" (743). He enacted a number of social programming and improvement *misiones*. Scholars argue, however, that while Chavez channeled government benefits to the poor communities of color, the policies were ineffective in making genuine changes in the larger structural problem. Furthermore, his policies are criticized for further deepening racial and class rifts in Venezuela, reducing overall governance and lack of a unified Venezuelan identity.

While there is a lack of educational initiatives for ethnic minorities in Colombia, the country has attempted other strategies for remedying its history. Multiple Afro-

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[2] Spanish term used colloquially in Venezuela and across Latin America to mean "the people"

Colombian social movements mobilized and gained momentum during the 1980s, particularly as a response to increased action in neighboring countries and international pressures from the human rights community. During the phase of "political opening" across Latin America, Colombia saw the emergence of multiple Afro-centric NGOs that saw to the reformation of the Constitution (which, until 1991, failed to recognize the cultural and ethnic diversity of Colombia) – a contrast to what we have seen in the Brazilian and Venezuelan cases. The official adoption of multicultural policies and amendments to Colombia's Constitution in 1991 legitimized the existence and identity of indigenous and black communities. While organizations were not formally deemed Afro-Colombian before the amendments, they were explicitly deemed so following, and organizations began to change their official names to include terms like "Afro" or "Black/*Negro*". Most significant of these policies is Law 70, which Paschel and Sawyer argue was the catalyst that brought together Afro-Colombian activists from different regions to begin "consolidat[ing] a national Black identity" (Paschel and Sawyer 2008, 209) that is present to this day. The Law "institutionalizes racial quotas … and grants Afro-Colombians collective land rights" (208). Analysts have found, however, that the final version of Law 70 looks nothing like the initial plan that Afro-Colombian activists advocated. Rather, the land grants are small and geographically specified to mostly rural areas, consequently segregating Colombian people by race and, thus, marginalizing Afro-Colombians. Furthermore, while the amendments have helped to consolidate ethnic and national group identity, they fail to keep the government accountable for retrenchment and significant human rights violations against Afro-Colombian communities.

These are three examples of Latin American countries that have implemented policies to attempt to improve conditions for their racial minorities. In the case of Venezuela, Chavez invoked ethnic differences for political prowess during his campaign, but his policies only address income distribution, leaving race out of their prescription. Colombian policies, on the other hand, have neither invoked racial difference nor established any sort of affirmative action policy for Afro-Colombians to excel academically. Brazil is the only country in Latin America that has formalized a race-based affirmative action policy. Therefore, going in-depth about Brazil, which is further along compared to other countries in formally examining its problematic history of slavery, helps to clarify the issue of race and inequality across Latin America. Brazil can serve as a cautionary tale for other Latin American countries that confront and mitigate their internal race and ethnic complications.

This thesis aims to examine the effectiveness of Brazil's affirmative action policy, weigh the merits of self-identification tied to ancestry versus strictly phenotypic characteristics as criteria for racial quota designation, as well as examine the attitudes of non-black Brazilians towards their Afro-Brazilian counterparts.

Terminology

Before the analysis, it might be helpful to discuss the terminology commonly used throughout this thesis. Latin American Studies scholars use numerous terms throughout their articles, many of which are in Spanish or Portuguese (and written in italics) or are influenced by either of the two languages. Policy sciences scholars also use a vocabulary that might require clarification. Additionally, it might be helpful to explain these terms as I understand and use them and in terms of their significance particularly to this thesis. An important term to explore first is 'governability'. According to J. Kooiman, governability can be defined as: "The overall capacity for governance of any societal entity or system" (Kooiman 2008, 173). In most contexts, governability connotes control and is interpreted negatively. The way I choose to interpret and use governability is by its rawest pedigree, defined above by Kooiman, as a way to measure the success of three variables: the governing body, the governed peoples, and the interactions between the two (Kooiman 2008, 173). In the concluding sentence of the preceding paragraph, I referred to the purpose of this thesis as assessing the governability of racially diverse countries in Latin America, and in particular, their interactions with their significant Afro-populations. Therefore, in my analysis, I hope to examine affirmative action and additional race policies as they are implemented to combat the inequities experienced by *Afrolatinos*.

Another important term to understand for the purpose of this thesis is 'intersectionality'. Dr. Kathy Davis of Utrecht University defines intersectionality as "the interaction of multiple identities and experiences of exclusion and subordination"

(Davis 2008, 67). Originally coined during the feminist movement, intersectionality is useful because it refers to the interaction of many categories, including gender, race, class, and others as they affect individuals' experiences. Though an important aspect of the issue involves the role that women of color play in shaping and holding together their communities and how they experience those same stereotypes in a very different way, in this thesis, the use of intersectionality will often reference the crossover between race and class. This is where traditional uses of the term from feminist theory will be useful. Understanding intersectionality is crucial to the argument – that *Afrolatinos* experience a distinctive and underprivileged life in Latin America due equally to both race and class.

Mestizaje/mestiçagem[3] and *mulatez* are quintessential terms used regularly by Latin American scholars in discourse regarding identity. Martinez-Echazabal defines *mestizaje* as "the process of interracial and/or intercultural mixing … particularly in those areas colonized by the Spanish and the Portuguese" (Martinez-Echazabal 1998, 21). Because of Latin America's complicated history of colonialism, indigenous and African slavery, and mass immigration, "mixing" is essentially at the core of its existence. Additionally, *mestizaje* is fundamental to Latin American (and particularly Brazilian) identity, circulating originally during the period of national consolidation across Latin America as a nationalization tactic. Modern connotations of *mestizaje* encompass any and all hybrid identities existing in Latin America, such as Mexican Jews, Japanese

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[3] *Mestizaje* (Spanish) often translates to Portuguese as *miscigenação* or *mesiçagem* and to English as miscegenation. The latter terms limit our perception of mixedness as only the sexual relationship or marriage between two people of different races. In Spanish-speaking Latin America, however, the term "*mestizaje*" is used to describe the state of mixedness, of being of two or more races, and people who identify as such call themselves *mestizo/a*. When we look at this idea of "mixing" in this thesis, we will more often than not consider mixedness as an identity for one or many people rather than a type of relationship between just two people. For this reason, I use *mestizaje* – a more diverse and comprehensive translation – throughout the thesis instead of the equivalent Portuguese and English terms.

Brazilians, and Chinese Peruvians to name a few, and are not limited to the traditional

Indigenous - European identity most commonly associated with Latin America.

This thesis will focus on *mulatez,* a specific type of *mestizaje*. *Mulatez* is a term

that represents African-European hybridization and "has been treated as a signifier of

what many consider a racial and/or ethnic ontological condition – that of being *mulatto* –

a condition often ascribed to individuals, groups, and national cultures whose 'character'

is drawn from the notion of [Sub-Saharan] African and European miscegenation"

(Martinez-Echazabal 1998, 22). This identity in particular has been crucial to the cultural

development of a number of countries in Latin America with high proportions of

Afrolatinos, particularly the Caribbean and the three countries being analyzed in this

thesis. Therefore, these two terms will show up throughout the thesis in reference to the

identities significant to this study.

Also extremely important in the history and literature of Afro-Latin America is

the theory of 'whitening' (*blanqueamiento* in Spanish and *embranquecimento* in

Portuguese[4]). In contrast with the United States, where racial mixing was discouraged

and even outlawed[5], throughout the Caribbean and Brazil in particular, miscegenation

was encouraged by the country's elites as a way to "civilize" the people. Brazilian

lawyer and historian F. J. Oliveira Vianna analyzed multiple years' worth of census

statistics and compared the gradual whitening of Brazil to "Aryanization," suggesting that

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[4] I will be using the Spanish and Portuguese terms wherever appropriate throughout my thesis. For example, if I am writing about the concept of whitening as it functions in Brazil, I will reference the term '*embranquecimento,*' and when talking about whitening in Colombia and Venezuela, I will use the term '*blanqueamiento*'.

[5] A number of laws across the colonies and later the United States outlawed miscegenation and interracial marriage. These laws were not officially and totally repealed until the Supreme Court Case *Loving v. Virginia* ruled unanimously in favor of the legal marriage of one interracial couple in Virginia. This set the precedent for all interracial marriages henceforth, that "the freedom of choice to marry not be restricted by invidious racial discriminations" (*Loving v. Virginia*, 1967).

Brazil was reaching "ethnic purity by miscegenation" (Skidmore 1974, 202; cited in Caldwell 2007, 30). Census statistics report the same trends in Colombia and Venezuela as well due to false self-identification. *Blanqueamiento* is especially relevant to the development of these nations whose elites used this concept as "a middle ground between European theories of racial determinism and [Latin American] social realities" (Caldwell 2007, 30) in order to build an acceptable social hierarchy with Afro-descendants at the bottom and white elites on top. *Blanqueamiento* is what sets the Latin American case apart from the North American case and a theory whose long-term social consequences will be examined extensively in this thesis.

Additional Portuguese terms useful for understanding how Brazilians identify are *branco, preto,* and *pardo. Branco* (Portuguese) translates to "white" in English, and this is a term particularly used to describe or identify a fair-skinned person or someone of European descent. *Preto* means "black" (the color), and is used to describe or identify a very dark-skinned person or someone of African descent – not to be confused with *negro*, which translates to "black" with the American connotation, and refers to a social grouping of individuals of African descent not counting typically African phenotypic features, versus *preto* which simply refers to skin tone. *Pardo* means "brown," but it is often used to mean "mixed," as it is colloquially used to identify a person who is of mixed descent (any combination of European, indigenous, and African descent). *Pardos* are typically medium-skinned, though *pardo* is incredibly common because of high miscegenation in Brazil, and thus can be any person with a skin tone between pale white and very dark. *Pardo* and *mulatto* can be used interchangeably, though it seems that

pardo is the more contemporary term, and *mulatto* was more often used throughout the

twentieth century.

Chapter II: History of Race in Brazil

Brazil has a long history of colonialism, slavery, nationalism and imperialism, all which helped to construct and maintain the racial inequalities affirmative action hopes to resolve. In discussing race and racism in national contexts, as Caldwell says, it is important to see them as "culturally and historically specific phenomena" (Caldwell 1971, 9) that manifest and construct themselves in particular ways. This chapter will explore the history of Brazil and how this history has conditioned the racial disparities witnessed today.

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Brazil is often the first country scholars look to for guidance on multi-racial issues. Entire books, theses and dissertations attempt to explain the Brazilian case, characterized by a path beginning with mass shipments of millions of Africans during the Trans-Atlantic Slave Trade to Freyre's twentieth century theories of "Luso-tropicalism" and "racial democracy" that still play significant roles in the way Brazilians view identity, nationalism and race.

According to the Trans-Atlantic Slave Trade Database, between 1501 and 1875 – the entire period of the slave trade leading up to Brazil's official abolition in 1888 – 3,189,262 slaves disembarked ships from West Africa to a future of field and urban labor

and enslavement in what would later become Brazil[6]. This was approximately 37 percent

of the total number of slaves disembarked in the New World during the slave trade[7]. This

statistic is significant because it shows the sheer demand for labor in Brazil throughout

this period as Portuguese colonizers established an export economy of the natural

resources found throughout Brazil. Slaves were used to tend expansive sugar plantations

in the Northeast, mine gold and diamonds in the West, herd cattle ranches in the South,

and run coffee plantations in the Center-South (Skidmore 1972, 6). By the nineteenth

century, slaves were used as urban servants as cities expanded and industrialization took

over Brazil, bringing millions of immigrants from all over the world. Of the many

various groups that immigrated to Brazil from the sixteenth century until today, African

slaves have always been relegated to the bottom of the Brazilian social hierarchy.

Abolition was a gradual process in Brazil. The first written law in 1871 granted

freedom to the children of slave mothers. Fourteen years later, in 1885, a new law

emancipated slaves of older than 60 years of age. It was not until 1888 that total

abolition was passed across Brazil, granting slaves freedom despite age or parentage and

without compensation for slave owners.

Throughout the latter 19th Century, the population of freed Afro-Brazilians

increased exponentially so that by 1872, free Afro-Brazilians made up 42 percent of the

total population of Brazil (Skidmore 1972, 2). Contrary to popular belief, as more black

Brazilians were given freedom from enslavement, traditional theories of Brazilian social

hierarchy did not change, and in fact, racialized behavior increased. Free Afro-Brazilians

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[6] The Trans-Atlantic Slave Trade Database: Table, Row 25 yr period, Column Regions of disembarkment,
Cells sum of disembarked slaves; http://slavevoyages.org/voyage/search
[7] The Trans-Atlantic Slave Trade Database, ibid.

found themselves entering into a social system that viewed them in the same light as when they were enslaved, only now given a different title. As a result of this, it is important to note the increasing relevance of phenotype in post-colonial Brazilian society. Physical characteristics such as skin tone, hair texture, and facial characteristics helped to distinguish white Brazilians from non-white Brazilians, and *mulattos* from *pretos*. These physical distinctions were supported by centuries of assumptions that separated the white European from the black slave, establishing societal expectations by skin color for decades to come (Skidmore 1972, 4).

Contrary to ideas of race in the United States, which can be attributed to *its* attitudes towards slaves and treatment of African-descended peoples throughout time, race in Brazil is a continuum. Where U.S. policy and law was premised on a binary race distinction and outlawed racial mixing, Brazil defaulted to the common practice of *embranquecimento* or "whitening" of the population by government-endorsed racial mixing (Skidmore 1972, 4). To help this, Freyre's "romanticized depictions" of Brazilian history "have allowed Brazilians to take pride in their national past and to valorize the country's history of racial and cultural amalgamation" (Caldwell 2007, 32). The normalization of mixing and increased global fetishization of this "exotic" mixed Brazilian identity have allowed for the erasure and continued invisibility of Afro-Brazilians in social, economic, and political spheres and pushing them to the margins of society in each of those aspects – hence the harsh statistics.

The celebration of mixedness, however, did not pacify the inevitable racist assumptions embedded in the system of social classification. Due to the social positioning of Europeans as owners and Africans as slaves in the colonial period, it

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followed that whiteness "was considered to be the natural and inevitable summit of the

social pyramid" (Skidmore 1972, 4), while blackness was relegated to its base. Skidmore

expands on how this "value system" created *embranquecimento* and how this permeated

both academic and colloquial ideologies. On individual terms, "Brazilians have

deliberately sought sexual partners who are lighter than themselves, hoping by such

sexual selection to make their children lighter" (4). On a larger scale, this whitening

ideology led to anti-black policies in the late nineteenth century such as the intentional

promotion of European immigration to Brazil's cities and the suppression of African

cultural practices in majority-black communities[8] (4).

Population statistics demonstrate the declining proportion of Afro-Brazilians. A

figure by the Brazilian Institute of Geography and Statistics shows that between 1872 and

1940, the percent of white Brazilians raised from below 40 percent to well above 60[9],

while in that same period of time the percent of black Brazilians fell below 20 percent[10].

Brazilian lawyer and historian F. J. Oliveira Vianna even called this trend the

"Aryanization" of Brazil, relating the changing demographics of Brazil in the twentieth

century to Nazi Germany, a particularly extreme case of racial cleansing and white

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[8] Additional evidence of this claim can be found in police reports from the early 1900s which report the prohibition of numerous Afro-Brazilian religious cult gatherings. No specific gatherings are referenced here.

[9] Statistics taken from a figure Skidmore uses in his article "Toward a Comparative Analysis of Race Relations Since Abolition in Brazil and the United States" from the Brazilian Institute of Geography and Statistics.

[10] It must be noted that the source is unclear about whether these statistics were based on self-identification or according to any official or national identification forms. It is very likely that these statistics could be inaccurate or falsified as more Brazilians felt the pressure to be white and therefore self-identified as lighter than they truly were. The figure shows that the number of mixed Brazilians similarly decreases from 1872-1940 to almost only 20 percent of the total population. If we knew whether this statistic was based on self-identification or official documents, we would have a better idea about the validity of the numbers and perhaps have a better idea of how these changing definitions of race and blackness and mixedness affected individual perceptions of self. Without that information, the figure is still helpful in recognizing the severity of *embranquecimento* in nineteenth and twentieth century Brazil.

idealism. While Oliveira Vianna's comparison of Brazil to Nazi Germany might seem

like an exaggeration, the magnitude of whitening was certainly noted by all, from

politicians to academics to the average Brazilian. For black Brazilians,

embranquecimento and Aryanization were not only detrimental to individual perceptions

of race and self, but they were especially damaging to the survival of the Afro-Brazilian

community.

Socio-economic statistics of Brazil today make it difficult to mask the racial

inequalities that are alive and well. In terms of racial disparities, more than seven million

black and mixed-race Brazilians are functionally illiterate.[11] Non-white Brazilians under

the age of sixteen typically receive an average of 6.7 years of education, while their white

counterparts receive 8.4. As for higher education, less than one-third of Afro-Brazilians

and *mulattos* gain admission to Brazil's colleges and universities, and only 4.7 percent

and 5.3 percent of college graduates in Brazil in 2009 are black or mixed-race,

respectively (Davis 2014, 75).

In an attempt to combat and minimize the aforementioned racial inequalities in

Brazil, policy discussions have taken place in the last twenty years (following the

democratization of the State), weighing the benefits of requiring quotas in all public

universities across the country and additional ones for federal jobs. A handful of

universities have begun to adopt affirmative action policies in hopes that the access to

education could be a tool to reduce the poverty of Afro-descendants in Brazil from the

top down. These policies have come about because having a college education is crucial

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[11] The author of the article from which I found these statistics includes a useful government definition for "functional literacy," which Brazil uses to describe individuals older than or equal to fifteen years who have received less than four years of schooling or have not completed the fourth grade).

to the ability to climb the Brazilian socio-economic ladder. Jorge Werthein, Director of

the Brazilian Center for Latin American Studies, stated: "Brazil owes a historical debt to

a huge part of its own population" and "the democratization of higher education" via the

adaptation of an appropriate affirmative action policy "is one way of paying this debt"

(Beckman 2014, 19)[12].

Unlike affirmative action in the United States, however, affirmative action in

Brazil faces a particularly important and complex set of problems due to its racial

continuum. Its racial ideology and the national *mulatto* identity mean "every Brazilian

has blackness in them." The main questions then become: should a policy like

affirmative action serve *Mulattos* and Blacks equally? What constitutes qualification for

a policy based on race when the color lines are so blurred?   The color gradation in Brazil

has proven to be problematic in cases such as these, where mixture creates breaks within

the non-white community.

Because of lost documentation in the colonial period, it is difficult to trace the

lineage of black Brazilians all the way back to slavery. However, since it was so

common for Whites and Blacks[13] to procreate in Brazil, the notion of a "true" or "full"

Afro-Brazilian is difficult to reconcile. Just as there is "blackness in all Brazilians" since

it is a "mixed" nation, then there must also be "whiteness in all Brazilians." This

explains *mulatez* and the color gradation that is seen today. If one is to recognize the

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[12] Jorge Werthein's quote is referenced in Beckman's book *Controversies in Affirmative Action* in a chapter about the philosophical perspectives on affirmative action. The author compares legislation that created the affirmative action policy in Brazil and criticisms of the policy to those that exist in the United States of affirmative action here.

[13] Capitalization of words like white, black, and *mulatto* throughout the thesis depend on their role in the sentence. According to APA Publication Manual, 6th Edition, 3.14, p. 75, racial and ethnic groups are designated by proper nouns and are capitalized; thus, when left alone in the sentence as "Blacks" or "*Mulattos*" or "Whites," they are capitalized. Conversely, when used as adjectives of a nationality, normally specifying skin tone, they are not capitalized: "black" vs "white" Brazilians.

variety in Brazilian blackness due to miscegenation, then one must be able to distinguish

among people of African, European, or mixed descent which features are more "black" or

African-influenced and which are more "white" or European-influenced. Following this,

one must ask: to what extent do *mulattos* of lighter skin and with more "white" features

have an advantage over their darker counterparts? How does this affect access to

education, capital, income, etc.? Additionally, to what extent are they disadvantaged in

terms of government-funded opportunities and programs such as affirmative action?

According to a 1907 census in São Carlos, the west-central region of São Paulo

State, 35.6 percent of white Brazilians identified as farm property owners, 16 percent of

Mulattos, and 13.5 percent of Blacks (Monsma 2011, 12). The *Estatistica Agricola* from

that year reports only three rural properties owned by black farmers – though that statistic

might be skewed due to false reporting – and only one of the properties was of substantial

size. Alternatively, the census includes two important names of *Mulattos* who owned

land: Francisco Antonio Borges and Argeo Vinhas. The former planted 210,000 coffee

trees and hired 63 employees who tended to them. The latter had 18,000 coffee trees

tended by 24 employees. Additionally, Vinhas later became one of the incorporators of

the Magdalena textile factory and one of the investors responsible for introducing electric

streetcars in São Carlos. Both of these landowners owed their success to the upward

social mobility granted to them by marriage with white women. Vinhas married an

Italian, and Borges married a white Brazilian and had 7 children by 1907, all of which

were listed as "white" in the census (Monsma 2011, 11-12). The history and legend of

these two *Mulattos* validate the notion that greater miscegenation with white partners and

disassociating with poor black Brazilians eventually erases the blackness in *Mulattos*

altogether in just a few generations. Oracy Nogueira observed that, "...every conquest by a [B]lack or [M]ulatto who is able to prevail economically, professionally, or intellectually tends to be absorbed in one or two generations by the white group" (Nogueira 1998, 182; cited in Monsma 2011, 21). This abandonment of blackness, as a result, allows for the increased ability to acquire greater capital and positions of power.

The 1907 census also gives information on literacy levels among residents of Sao Carlos aged 15 or older. According to the data, white Brazilians exhibited the highest literacy rates among men and women, 61.7 percent and 48.4 percent respectively. Literacy rates among *Mulattos* halve for men at only a 30.5 percent literacy rate and 17.4 percent for *mulatto* women. Unsurprisingly, black Brazilians suffered from the greatest disadvantages in accessing education as shown in the statistics: 14.7 percent literacy rate among black men and 6.6 percent among black women. The data also show that black children had less access to schools than the children of *Mulattos,* as the literacy rates for sons of *Mulattos* nearly double those of black Brazilians and quadruple those for daughters of black Brazilians (Monsma 2011, 17).

Despite an obvious discrepancy in the quality of lower education for white and non-white Brazilians, the 1907 census data reveals a notable divergence in statistics for black and *mulatto* children. There are numerous reasons why non-white students fall behind white students: private schools denied non-white students from attending, public schools were of lesser quality, racialized violence or bullying or black students in school, public school teachers (generally white) believed non-white children were naturally "stupid" and did not invest in educating them properly or equally to their white peers (Monsma 2011, 18-19). Additionally, children exposed to written literature early on are

more likely to learn more easily than others (18). Therefore, the literacy of their parents is an important factor. At the time that these statistics were recorded, the parents of black school children were either freed slaves or were the children of slaves who were themselves illiterate as a consequence of slavery. Miscegenation allowed for a disturbance in that unfortunate cycle of illiteracy. With one white parent (assuming that parent was literate), the *mulatto* child was more likely to be exposed to written material at an early age, and therefore grasped the concept faster and better than their black classmates.

Studies show that setbacks so early on in a child's education process tend to keep them behind throughout, often leading to dropout rates even before reaching secondary school. While the aforementioned statistics shown are over a century old, the fact still holds that Afro-Brazilians experience greater difficulty accessing a quality education (Monsma 2011, 19). This reality not only distinguishes white from non-white performance in higher education, but also has the ability to create a distinction between black and *mulatto* success in high school and higher education. This is a crucial aspect of the debates about affirmative action in Brazil today.

Chapter III: Affirmative Action Policies in Brazil

The University of Brasilia (UnB), one of the best federal public universities in Brazil, was the first to write an affirmative action policy in Brazil in July 2004 that would designate 20 percent of its seats for the incoming class to Blacks and other underrepresented groups (Davis 2014, 77). The objectives of the policy were as follows: "to fight racial inequalities, compensate for historical injustices, contribute to the diversity of experiences and perspectives on campus, and raise understanding of what it means to be black in Brazil" (Francis and Tannuri-Pianto 2012, 9). Quota applicants must take and pass a department-specific UnB entrance exam called the vestibular, self-identify as *negro* (for whom 20 percent of the admissions slots in each department are reserved), and attend an interview at the specific department within UnB that verifies that they are "black enough" to qualify in order to prevent racial misrepresentation. Once accepted and upon matriculation, the university offers an array of programs to help black students adjust and to reinforce and foster positivity in Brazilian blackness, including peer tutoring, a space for quota students to study and socialize, and lectures and events that highlight the value of black Brazilians in society (Francis and Tannuri-Pianto 2012, 9).

Shortly after, in 2004, the Federal University of Paraná (UFPR) implemented the "Action Plan for Racial and Social Inclusion," formally titled Resolution 37/04-COUN, which created three categories of quotas to be implemented as part of the selection process. It required the prioritization of "students of African descent, candidates coming

from public high schools, and indigenous students resident in Brazil" in the admissions process, as well as set out measures "to ensure that those who entered would be able to complete their courses" (Bevilaqua 2015, 197).

Modeled after those that preceded it, the Federal University of Rio Grande de Sul also implemented a form of affirmative action prior to its official institutionalization by the state, which designated thirty percent of its seats for the incoming class to students applying from public high schools, with fifty percent of *those* seats "solely designated for self-declared afro-descendants" (Davis 2014, 78). Many universities began to follow suit.

The Supreme Court of Brazil (formerly known as the Supreme Federal Tribunal, or STF) voted unanimously in favor of the UnB's and many other universities' affirmative action policies, deeming them completely constitutional. When the Justices were interviewed, their reasons for supporting the policies varied from comparisons to the United States' model to citations of a "constitutional duty to correct the wrongs of past discrimination and a state responsibility to effectively implement the constitutional principle of equality or *isonomia*[14] by demolishing institutional barriers to education, which has caused an educational deficit among [B]lacks" (Davis 2014, 77).

President "Lula" da Silva (term 2003-10) was in office during all of these changes in universities' attitudes towards fair and equal admissions. Regarding the quotas, da Silva said, "it's important, at least for a span of time, to guarantee that the [B]lacks in Brazilian society can make up for lost time" (Romero 2012, par. 12). Brazilian government officials started to follow the shift, and on August 29, 2012, President Dilma

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[14] Ancient Greek writers used "isonomia" to refer to popular government. However, Jurlandia (www.jurlandia.org) defines "isonomia" as equal liberty, justice, and sovereignty under law.

Rousseff enacted the "Law of Social Quotas"[15], which contains a number of important

initiatives by Rousseff's cabinet, two of the articles state the following:

> Article 1: Federal institutions of higher education linked to the Ministry of
>
> Education will reserve in each selective class for undergraduate admissions at
>
> least 50% of its seats for students who have completed high school in public
>
> schools.
>
> Article 3: In each federal institution of higher education, those vacancies
>
> referenced in Article 1 of this Law shall be filled by self-declared *pretos*, *pardos*,
>
> and *indígenas*[16] and persons with disabilities, under the law, in proportion to the
>
> total vacancies at minimum equal to the respective proportion of *pretos*, *pardos*,
>
> and *indígenas* and persons with disabilities of the population of the area in which
>
> the university is located according to the most recent census by the Brazilian
>
> Institute of Geography and Statistics (IBGE).[17] (Presidência da República Casa
>
> Civil, 29 Aug 2012)

According to the law, Brazil's 59 federal universities were given just four years to ensure

that half of the incoming students per year are from public schools "with half of these

seats partly saved for low-income families (regardless of race) and for those who declare

themselves as black, mixed, or indigenous with respect to demographic data" (Davis

2014, 76). Luiza Bairros, the minister of Brazil's Secretariat for Policies to Promote

---

[15] Officially numerated as Law 12.711.

[16] I chose to keep the original *preto/pardo/indigena* phrasing instead of their English translations in order to maintain the same meaning, as "Blacks/Mixed/Indigenous" might mean different things for different readers depending on their background and ideas of race from their own home countries and ideologies.
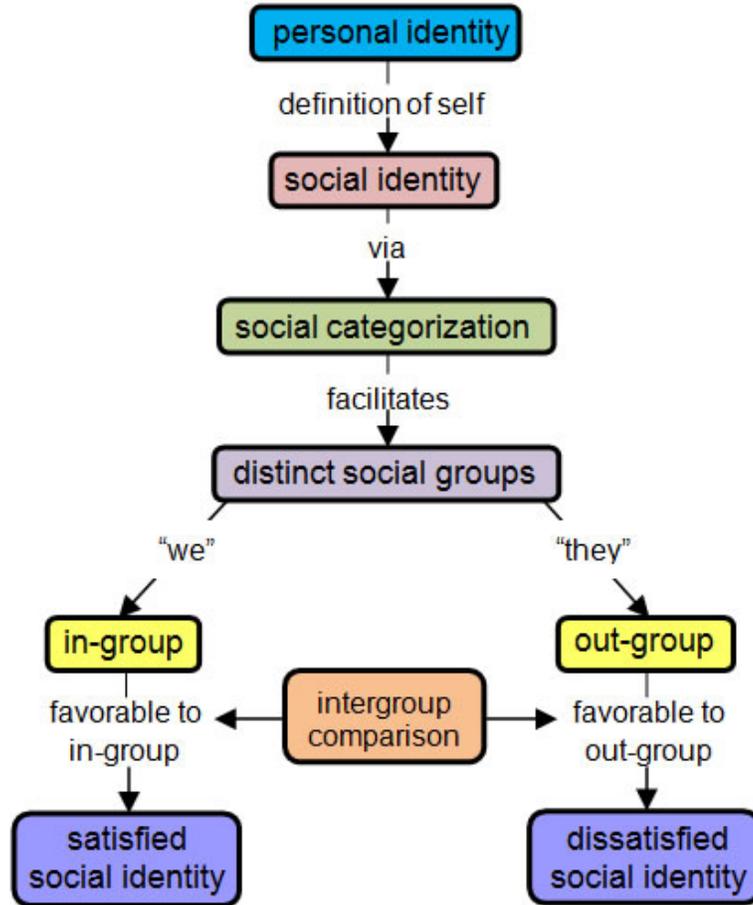
[17] Translated and paraphrased from the following website containing the original law, written in Portuguese: http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2012/lei/l12711.htm.

Racial Equality, said of the law that "officials expected the number of black students admitted to these universities to climb to 56,000 from 8,700" (Romero 2012, par. 9).

Added in 2014 under the Law of Social Quotas was the requirement that 20 percent of all government vacancies in the public sector must be reserved for self-identifying *Mulattos* or Afro-Brazilians (Telesur 2016, "Brazil Commission to Judge Darkness of State Officials' Skin"). Prior to her impeachment, Rousseff – who herself identifies as being of mixed heritage – indicated that combating racial inequalities was important to her presidential agenda, and her successor, Michel Temer, confirmed the same promise to Brazilians. Thus, Brazil's government has displayed a commitment to help black Brazilians, but how do these policies play out in reality, and how do they affect the way Afro-Brazilians see themselves and the way in which others see them?

Identity Theory: Self and Group Identification

The key to these policies is self-identification. Extensive research has been done on social identity theory and inter- and outer-group behavior that is extremely relevant to race issues, including policies like affirmative action and their effects on general attitudes towards racial difference. Tajfel and Turner proposed a theory of three cognitive processes relevant to a person's identification with an in-group and attitudes toward out-groups. First, they describe the distinction between two extremes of social behavior as the "interaction between two or more individuals that is fully determined by their interpersonal relationships and individual characteristics, and not at all affected by various social groups or categories to which they respectively belong," and one that "consists of interactions between two or more individuals (or groups of individuals) that are fully determined by their respective memberships in various social groups or categories, and not at all affected by the interindividual personal relationships between the people involved" (Tajfel and Turner 1986, 8). They then provide the circumstances by which people determine their group membership in the following order:

```
                    personal identity
                           |
                    definition of self
                           ↓
                      social identity
                           |
                          via
                           ↓
                    social categorization
                           |
                       facilitates
                           ↓
                   distinct social groups
                    /                  \
                 "we"                 "they"
                   ↓                     ↓
               in-group             out-group
             favorable to   ←  intergroup  →   favorable to
              in-group          comparison       out-group
                   ↓                     ↓
              satisfied             dissatisfied
            social identity        social identity
```

Both the in-group and the out-group dynamics are relevant to the understanding of the implications of affirmative action policies because the "favorability" characteristic shown in the chart has an important effect on the individual's choice whether to identify with a group. Tajfel and Turner define the "group" as "a collection of individuals who perceive themselves to be members of the same social category, share some emotional involvement in this common definition of themselves, and achieve some degree of social consensus about the evaluation of their group and their membership in it" (Tajfel and

Turner 1986, 15). This evaluation of the favorability of the in-group with respect to the

relevant out-groups is key. According to Tajfel and Turner, group dynamics function

under the belief that competition exists, and when it does, one of the groups must be the

"winner" and another the "loser". Therefore, there exists a group that is perceived as

superior over the others by comparison. An individual's acceptance of this stratification

with either the superior or inferior groups is relative to their experiences. Some groups,

particularly those that are societally better off (economically, socially, etc.) tend to accept

the stratification on the basis of ethnocentrism[18], while individuals of inferior groups

"often seem to internalize a wider social evaluation of themselves as 'inferior' or 'second

class'" (Tajfel and Turner 1986, 11). This negative evaluation can either create a sense

of self-degradation (negative social identity) or it can intensify its antagonism toward the

high-status out-group on the basis of inequality and victimization. This is where race

comes into play.

Tajfel and Turner expand on two social and behavioral continua associated with

the interpersonal-intergroup continuum: social mobility and social change. These exist

on opposite sides of the spectrum that describes beliefs of the nature and role of the

relationships among groups in society. The first of these, social mobility, is the belief

that one's individual role in society is "flexible and permeable," so that if group members

are dissatisfied with the conditions into which they were born specifically according to

their social group or category, "it is possible for them (be it through talent, hard work,

good luck, or whatever other means) to move individually into another group that suits

them better" (Tajfel and Turner 1986, 9). Members, therefore, completely separate

---

[18] Ethnocentrism can be defined as the evaluation of another or other cultures according to preconceptions based on the standards and customs of one's own culture.

themselves from their original group, elevating into another group whose conditions are more favorable. This has been termed "evolutionary individualism," and it is the underlying belief that supports the "American Dream"[19]

On the opposite end of the spectrum, the social change theory entails the belief that groups are separated in society by a marked stratification, such that if an individual is dissatisfied with the conditions of their social category, it is very difficult if not impossible to disassociate with that unfavorable social identity.

In reality, neither end of the continuum is completely possible. There are exceptions on both sides. Climbing the social ladder is possible, but people do not necessarily have to abandon every aspect of their previous being to attain that success. In fact, certain characteristics cannot change, such as physical characteristics like skin color, height, and so on. A young Afro-Brazilian might attain an education, graduate with honors, and move on to be an executive at a large company, but the people around him might still impose certain expectations of him based solely on his skin color and how someone like him is *supposed* to function in Brazilian society. Thus, these barriers are partly traversable, disproving the complete validity of the social change theory, but they are ones that make social mobility less smooth.

Both the social mobility and the social change theories accept that a status quo exists; that between social groups, one is perceived as better than another; and that some aspects of those groups are unchangeable. These theories also require that the inferior group maintains a negative self-image so that individuals do seek to escape the conditions

---

[19] In the definition of the "American Dream" by James Truslow Adams in 1931, "life should be better and richer and fuller for everyone, with opportunity for each according to ability or achievement" regardless of social class or circumstances of birth.

that they are handed by association with the group. These theories, however, fail to account for cases when the inferior group reevaluates and changes its social identity to one that is more favorable, both in-group and externally.

As they relate to race and gender, specialist Sara Ahmed argues the difference between identity and identification:

> We no longer can assume that the subject simply 'has' an identity, in the form of a properly demarcated place of belonging. Rather, what is required is an analysis of the processes and structures of identification – both psychic and social – whereby identities *come to be seen* as such places of belonging. By shifting the analysis in this way, both race and gender can be theorized not as fixed and stable 'essences' but as construction-in-process where meanings are negotiated and re-negotiated in the form of antagonistic relations of power. (Ahmed 1997, 157, as quoted by Caldwell 2007, 128)

Ahmed makes a distinction between identity, which is prescribed, and identification that is processual and more personal as it focuses on how the subject develops an individual sense of belonging. According to Ahmed, such ideas as race and gender are thus "constructed in and through processes of identification" (128).

Higher education in Brazil is an opportunity for individual social mobility. Affirmative action policies aid in removing the sanctions to upward social mobility, but this generally happens on an individual level when one essentially dissociates oneself from his or her group for personal gain as they see fit. In line with this theory, many black Brazilians have found success by their own means, following the "American Dream" model and serving as an exception to the stereotype. In recent years, however,

there have been efforts by many organizations to improve and change social perceptions

of all black Brazilians.

Applying Identification Theory to Brazil & Movements

Caldwell uses Sara Ahmed's argument to show how the process of identity formation is crucial for black Brazilians to come to terms with their blackness. The three participants in her study reported to have benefitted from "macro-level discursive struggles over the meaning of blackness," which helped them to strengthen their own black racial identities in the Brazilian and transnational context (130).

Caldwell writes about the Brazilian notion of *tornar-se negro/a* (becoming black[20]), which "underscores the importance of a processual perspective by demonstrating that becoming black is an active process," and self-identifying as black – termed *negro/a assumido/a* – "involves a subjective process of accepting blackness, rather than fleeing from it through practices of racial dis-identification" (127).

Additionally, her results show that "the Brazilian social environment has become more amenable to the valorization of blackness in recent decades" (130). Other research suggests that younger and more-educated Afro-Brazilians are more likely to identify as black. Younger people derive a positive black identity from African-American culture and music, and more educated Afro-Brazilians are "more likely to have been exposed to black activists rhetoric that promotes a collective black identity than less-educated Afro-Brazilians" (Mitchell-Walthour and Darity 2015, 321). The rising number of Afro-Brazilian organizations and the work and rhetoric of black activists have served as

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[20] Read literally, *tornar-se* means "to turn oneself," therefore, "becoming black" is a physical action of turning oneself consciously black.

positive affirmations of Brazilian blackness and greater understandings of belonging for black Brazilians.

These organizations have a rich heritage. Black resistance in Brazil reaches far back into the country's history. One of the most significant weakening forces of the slave system in Brazil was known as *quilombagem,* a term which refers to an "emancipatory" (Bergel 2006, 3) rebel movement "organized and led by slaves all across the national territory during the enslavement period" (2). *Quilombagens* were seen as provocative social movements for the time, disrupting the structure of free labor and essentially dismantling the Brazilian colonial hierarchy. *Quilombagens* functioned in multiple ways such as protests, insurrections, and guerrilla warfare, but the most common and important of these was the creation of *quilombos*, or towns where escaped slaves took refuge. These towns served as organizational centers for slave resistance attempts in nearby areas and "were the locations where [the] socio-cultural changes took place" (3). Therefore, *quilombagem* was important because it was the first exclusively black organization in Brazil's pre-emancipation history, setting a precedent for later organizations.

Brazilian black movements started to form in the twentieth century, including the *Frente Negra Brasileira* (FNB - the Black Brazilian Front, 1931-37), *Teatro Experimental do Negro (*TEN - the Black Experimental Theater, 1944)*, Associação Cultural do Negro* (ACN - Black Cultural Association, 1954-77), and the *Instituto de Pesquisa e Cultura Negra* (IPCN - Black Culture and Research Institute, 1975-1988). Some of these lasted longer than others, but their emergence proved to be important for the strength of later organizations. The *Movimento Negro Unificado Contra a Discriminação Racial* (MNU - Black Unified Movement Against Racial Discrimination,

1978) was founded in 1978 as a part of a protest of multiple racial injustices against Afro-Brazilians across the country. The MNU is now the most notable civil rights movement in Brazil and has offices in all major cities, with departments that focus on different issues pertaining to the elimination of racial and class discrimination against black Brazilians and building a positive black identity in Brazil (Covin 2006).

Today, efforts of exclusively black organizations have taken a less political focus. Rio de Janeiro's *Grupo Cultural Afro-Reggae* (Afro-Reggae Cultural Group) emphasizes "a black identity rooted in the New World experience of cultural mixture and synthesis" (Burdick 1998, 138). Organizations such as *Centro de Articulação de Populações Marginalizadas* (Center for Marginalized Populations-CEAP), *Projeto Surfavela*, and *Agentes de Pastoral Negro* pride themselves in working exclusively with poor and marginalized communities through courses of professionalization, education, pre-university training, and "conscious-raising" (138).

Other organizations such as *Geledés: Instituto da Mulher Negra* (Black Woman's Institute) from São Paolo, *Criola* in Rio, and *Fala Preta! Organização de Mulheres Negras* (Talk Black! Organization of Black Women)[21] are more intersectional and focus on the specific concerns of black women, including such issues as reproductive health, forced sterilization, and sexual, racial, and domestic violence (Caldwell 2007, 159). Regarding the contributions of black women in the intersectional fight for equality in Brazil, Caldwell remarks the following:

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[21] Caldwell writes that the names of these organizations are intentional in an attempt to "take back" or resignify racial discourses that use *criola* (Brazilian-born slave/black woman) and *preta* in a derogative way, similar to African Americans' reclaiming of the term "nigger."

By refusing to remain in their socially ascribed place, black women activists have

contributed to defining new standards for citizenship and democracy in Brazil.

Their efforts have involved the claiming of new rights and the constitution of

black women as active citizens and social subjects. Moreover, by claiming their

rights to full citizenship, black Brazilian women have engaged in the struggle to

create 'a multiracial and multicultural society, where difference is taken and lived

as equality and not as inferiority.' (176)

Afro-Brazilian women have contributed significantly to the national conversation about

the social and political place of black Brazilians. The intersectional lens under which

these organizations operate reinforces the need for a new construction of a positive black

identity and self-representation that is inclusive to both men and women alike[22].

The complication of self-identification is that the individual must feel comfortable

associating with the group to which they belong and identify. Efforts to promote a more

positive image of blackness in Brazil have increased proud black self-declaration

twofold. Now, Afro-Brazilians seem to be rejecting negative societal expectations and

developing a more positive ethnocentric group identity – one in which members are

emotionally involved and social inequalities and the status quo, both which have

historically put them down, are questioned and challenged.

Being involved in and supporting black social, political, and cultural movements

across Brazil is considered to be one of the important aspects of identifying as Afro-

Brazilian. This is also crucial for potentially qualifying for a quota and convincing

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[22] This is the crux of Caldwell's argument. While I would like to delve deeper into the gender dynamics of Brazil's race issue and the role of gender in Brazilian affirmative action, I am limiting that to this small section. I hope to do more research on Afro-Brazilian women in another project later on.

administrators of a university or job that one is considered Afro-Brazilian by those around them. The identification theory and history of the organizations and movements dedicated to improving black Brazilian identity is important in understanding how affirmative action currently functions and to whom it is given in some universities in Brazil.

Chapter IV: The Policies in Action: Implementation and Cases

The tendency to recognize blackness as a distinct and important identity, where historically it was erased, started with the rise in a number of political, cultural, and social movements in Brazil aiming to achieve equal rights and a positive Afro-Brazilian image for and among black Brazilians. These efforts have come to fruition in the twenty-first century as a number of academic institutions and the federal government have adopted affirmative action policies designed to help Afro-Brazilian students achieve a higher education and seek better opportunities like those of non-black Brazilians. Under the Law of Social Quotas of 2012, universities and federal departments have a skeleton for how the policies should function ideally, but the implementation under the given conditioning factors varies from case to case. This chapter explores two university cases that demonstrate the complicated nuances of race relations in Brazil and how the policies have functioned in these institutional settings over time since their conception. The way the policies work in reality will inform the suggestions given in the conclusion and the future of race policies in Brazil and Latin America as a whole.

Case Study 1: University of Brasilia

As the first university in Brazil to establish a racial quota in 2004, the University of Brasilia (UnB) was the "guinea pig" of such programs. After the initial implementation, later policies were modeled and improved based on lessons from the past. That being said, the university's experiences with the policy and the effects on the students informs the larger study of race and inequality in higher education and professional institutional spaces.

Francis and Tannuri-Pianto sought to examine the academic performance of quota students and the effect of the quota on secondary school efforts and racial identity. To do this, they conducted 1,000 face-to-face interviews and 2,000 online interviews, creating "one of the largest research projects on affirmative action in higher education" (Francis and Tannuri-Pianto 2012, 3). By obtaining individual responses from nearly 3,000 participants, they aggregated a large data set that they believe aptly represents the state of UnB's quota system.

First, they examined how the quota changed UnB's racial makeup. Table 4 shows the racial profile of the university before and after the implementation of the quota by self-reported race.

Table 4
Racial Change at UnB

	Pre-quota		Post-quota		2-2003		2-2004		2-2005
Self-identified race %									
Branco	50.5	**	46.2		49.4	**	40.6	**	47.8
Pardo	40.8		42.2		41.3		43.7		41.9
Preto	5.3	**	8.3		6.0	**	11.8	**	6.7
Other	3.4		3.4		3.3		3.9		3.6

NOTE. A double asterisk indicates significant difference in proportions at the 5% level based on Fisher's Exact Test, and a single asterisk indicates significance at the 10% level. Estimates are calculated using weights to adjust for the (slight) oversampling of quota students. Data source: PSEU.

Source: Francis and Tannuri-Pianto 2012, 40

The table shows that prior to the quota, the university was composed of a student body that was 50.5 percent *branco*, 40.8 percent *pardo*, 5.3 percent *preto,* and 3.4 percent other. Following the implementation of the quota, UnB's *branco* population decreased by 4.3 percent, *pardos* increased by 1.4, and *pretos* increased by 3 percent[23]. The following table examines the racial composition of quota students.

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[23] The table gives individual data from three different years during which the quota was in place, though for the sake of this section of the thesis, I chose only to include the average change data.

Table 5
Racial Composition of Quota Students/Applicants

	Quota Students		Quota Applicants	
Semester	Pardo %	Preto %	Pardo %	Preto %
2-2004	51.0	49.0	54.5	45.5
1-2005	77.5	22.5	68.6	31.4
2-2005	70.5	29.5	62.6	37.4

NOTE. Some quota students/applicants are neither *pardos* nor *pretos*, but the number is small. Data source: QSC and PSEU.

Source: Francis and Tannuri-Pianto 2012, 41

Table 5 shows that initially, quota students were nearly 50 percent *pardo* and 50 percent *preto*, though in the following semesters, *pardo* students made up the majority of quota students and applicants at 77.5 and 68.6 percent of those groups, respectively. This significant increase in *pardo* quota students means that there was an equal decrease in *preto* students matriculating under the quota program. Francis and Tannuri-Pianto attribute this to an influx of quota applications submitted by "better-qualified *pardos*" (Francis and Tannuri-Pianto 2012, 19) who perhaps scored higher than their *preto* peers on the vestibular as a result of a more privileged education history.

This information is difficult to analyze, however, firstly because the data is self-reported, and secondly because racial identity is fluid and endogenous. In reality, race

and privilege intersect at a point called colorism[24], and skin tone is in fact an important piece of analysis that scholars consider in Brazilian affirmative action cases. Francis and Tannuri-Pianto include histograms of average standardized skin tone scores based on ratings of respondent photos[25] by a panel of Brazilian reviewers for the semester before the quota was implemented and after it was implemented. The twelve Brazilian photo reviewers were instructed to rate the skin tone of subjects in the photos on a scale from 1 (lightest) to 7 (darkest). The y-axis represents percent of the student body, and the x-axis represents skin tone, with lighter tones closer to zero and darker tones to the right.

---

[24] Colorism was a term coined in the 1980s that can be defined as discrimination or prejudice based on skin color or skin tone. Generally, in Brazil, people with lighter skin do not suffer from colorism because of the societal association of goodness with "whiteness," while darker-skinned people are assumed to be bad, poor, troubled, etc. because of their skin tone.

[25] Respondents who participated in the face-to-face interviews gave their students identification cards to the interviewer who then took a photo of the card. On each identification card there is a standard photo of the student that was taken upon matriculation to the college.
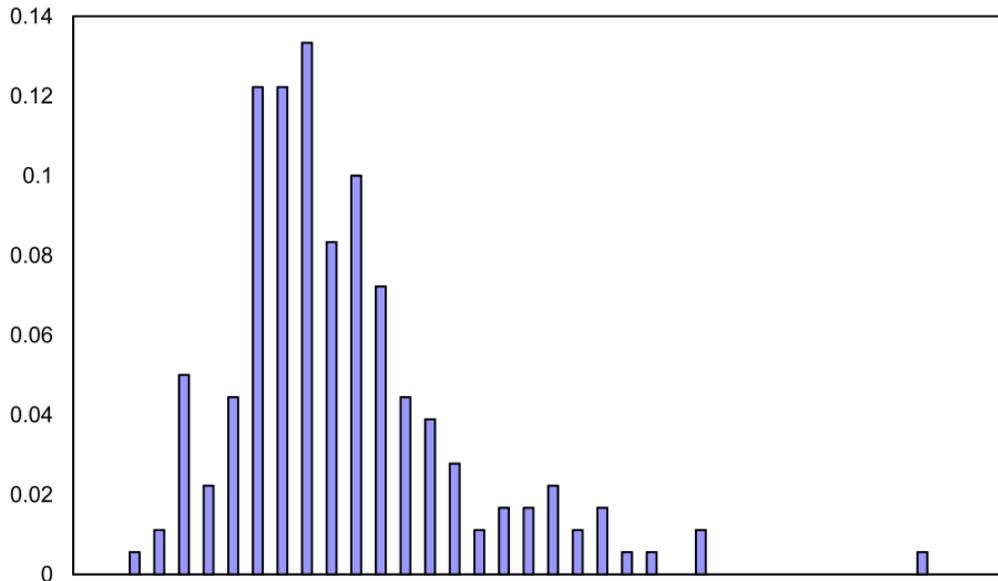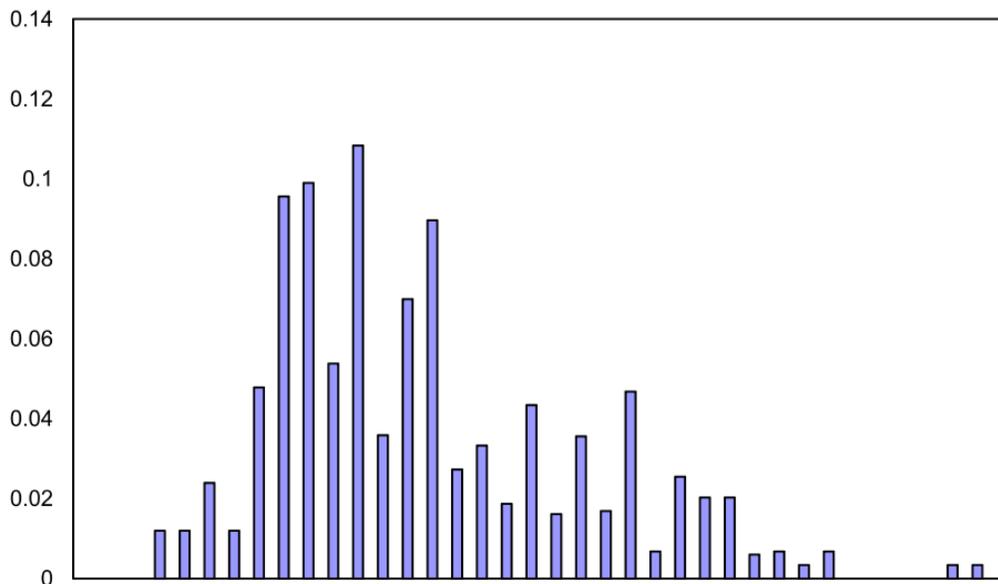
Figure 1
Distribution of Skin Tone, 2-2003

Figure 2
Distribution of Skin Tone, 2-2004

Source: Francis and Tannuri-Pianto 2012, 35[26]

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[26] In the graphs, the X-axis represents skin tone, from fairest at 0 to darker tones as it moves towards infinity to the right. Y-axis represents portion of the student body.

In Figure 1, the semester prior to the implementation of the quota system, the distribution of skin tones of students is fairly close to the left side of the graph. Conversely, the distribution of skin tones in Figure 2 suddenly shifts to the right of the graph with a longer tail to the right end of the x-axis. The data from the histograms suggests that in just one year of affirmative action at UnB, the student body is visibly more black, or generally darker-skinned than it was prior to the policy. In fact, the average skin tone increases by a large margin, showing that the policy achieved its goal of bringing more brown and black students to the university, especially in the initial semester of its implementation[27].

The data from the histograms are compelling because they challenge the self-reported race information gathered in the percentage tables. These two sources display the difference between one's outward assumed race and individual perceptions of one's own race. According to the explicit objectives of UnB's affirmative action policy, it was primarily created for *negros*[28]. Provided the difficulty of admission to public universities in Brazil, in addition to the benefits the quota program provides for black students after matriculation, there is an understandably substantial increase in incentive to apply under a quota. This is especially true for students "at the margin" (Francis and Tannuri-Pianto 2012, 26), i.e. *pardos* and others of intermediate skin tones. Therefore, quotas based on race might influence those in the middle of the racial continuum to consider themselves black when they may not have done so prior to college applications.

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[27] They share that in the data from the following couple years the right tale thins relative to the distribution of 2-2004, but the change is still significant compared to before the policy.

[28] It might be important to share here that *negro* refers to association with one's blackness. Terms such as *preto* and *pardo* refer to skin tone.

According to Francis and Tannuri-Pianto, "conditional on race/color and socioeconomic status, quota students are about 25 percentage points more likely to consider themselves *negro*. Being *pardo* in the post-quota era raises the likelihood of self-identifying as *negro* by almost 7 percentage points, an effect which is roughly 50% of the sample average for *pardos*" (Francis and Tannuri-Pianto 2012, 27). A student survey reported more students at the margin – particularly those who identify as *mulatto* or *pardo* – are claiming their blackness following the quota program (10), and being a quota scholar at UnB "raises the likelihood that a student considers him or herself black by about 20 percentage points" (29).

Francis and Tannuri-Pianto provide another measure for change in self-reported race in their second article (2013). Table 6 presents distributions of self-reported race in quintiles by skin tone (based on skin tone from matriculation pictures) for the pre- and post-quota implementation[29].

---

[29] In the table, the lightest quintile indicates the lowest 20 percent of average standardized scores by the Brazilian photo reviewers (who rated photos from one to seven indicating lightest to darkest skin tones of each participant), the next quintile is the next 20 percent, etc.

TABLE 6

SELF-REPORTED RACE AND RACIAL QUOTAS BY SKIN TONE QUINTILE (%)

Race/Skin Tone (Self-Reported)	Prequotas		Postquotas
Lightest quintile:			
Branco	78.3		86.1
Pardo	21.7	*	12.2
Preto	.0		.0
Second quintile:			
Branco	64.5		57.4
Pardo	32.4		38.9
Preto	.0		.0
Third quintile:			
Branco	34.9	*	47.9
Pardo	53.6		44.8
Preto	4.2		1.1
Fourth quintile:			
Branco	34.9		25.7
Pardo	57.8		67.3
Preto	4.1		2.2
Darkest quintile:			
Branco	13.8	**	.9
Pardo	50.1		53.3
Preto	27.0	**	44.7

Note. Source: PSEU. Asterisks indicate significant differences between prequotas and postquotas. Skin tone quintiles are based on ratings of student photos. Sample weights are used.
* Significant at 10%.
** Significant at 5%.

Source: Francis and Tannuri-Pianto 2013, 745

The table illustrates marked changes in self-reported race before and after the implementation of the quota. There is a general pattern of "whitening" in the lightest and third lightest quintiles. Particularly, in the lightest quintile, there is an increase self-identification as *branco* from 78.3 percent pre-quota to 86.1 post-quota.

Additionally, and perhaps most interesting, are the changes demonstrated in the third quintile. Self-identification of individuals in the third quintile who identify as *branco* increased from 34.9 percent pre-quota to 47.9 percent post-quota; individuals who

identify as *pardo* decreased from 53.6 percent pre-quota to 44.8 percent post-quota; and individuals who identify as *preto* decreased from 4.2 percent of third-quintile individuals pre-quota to 1.1 percent post-quota.

This whitening is paradoxical and seemingly disproves the hypothesis that students are more likely to identify with their blackness following the implementation of the quota at UnB. A later section, examines how lighter-skinned Brazilians responded to quota policies implemented in universities and federal jobs. It is likely that while students who qualify for the racial quotas sympathize more with their blackness and thus change their self-identification (*branco* to *pardo* / *pardo* to *preto*), those who are "not black enough" to qualify for the quota might feel rejected and thus start to identify as whiter than before.

The data also demonstrate a pattern of "darkening" in the final two quintiles. The number of students in the fourth quintile who identify as *branco* decreases from 34.9 to 25.7 percent post-quota implementation, while those who identify as *pardo* increases by nearly ten percentage points. In the final (darkest) quintile, those who identify as *branco* decrease from 13.9 to 0.9 percent; those who identify as *pardo* increase from 50.1 to 53.3 percent; and those who identify as *preto* increase from 27 to 44.7 percent following the implementation of the racial quota.

These results are expected, since quota students are encouraged to participate in programming designed to "foster investments in *negro* identity" (Francis and Tannuri-Pianto 2013, 745). Due to these programs, it is likely that students are more willing to come to terms with their blackness, even more so if they did before. The data prove that.

One of the major difficulties of affirmative action programs is determining to what extent this change in self-identification is accurate. The *Economist* (2013) interpreted another article by Francis and Tannuri-Pianto in which they found that "some light-skinned mixed-race applicants to UnB … thought of themselves as white but described themselves as mixed-race to increase their chances of getting in … Some later reverted to a white identity" (*Economist* 2013, par. 10).

For this reason, UnB implemented the interview process, through which a representative from the applicant's department tries to determine whether the applicant is "black enough" to qualify for the quota. Interviews consisted of a number of topics, including "family background, pre-university education, university admissions, university education, employment, expectations, self-identified race" (Francis and Tannuri-Pianto 2013, 736), as well as phenotypical features, which were determined by the photos that interviewers took of interviewee's identification cards. Combining all of this information, interviewers and admissions officers decided whom they deemed most worthy or most likely to benefit from the quota program.

This is a controversial conversation in Brazil right now. A very recent article released by *Foreign Policy* magazine quotes a few Brazilians with their opinions on the issue of racial quotas and misrepresentation. In particular, Mailson Santiago, a history major at the Federal University of Pelotas and an active member of the student activist group *Setorial Negro*, said, "These spots are for people who are phenotypically black. … It's not for people with black grandmothers" (de Oliveira 2017, par. 6). He was asserting that the quota ought to be for individuals who have a "black phenotype" and are thus marginalized for their appearance and suffer from colorism, rather than individuals who

feel that they deserve reciprocity because there are black individuals in their ancestry. This contradicts the argument activists and policy-makers were making two decades ago before there was national talk about the creation of a racial quota, which seemed to say that any *Afrodescendiente* was deserving of official recognition and assistance by the State.

This is the current dilemma of universities across Brazil: finding ways to *sincerely* remedy its historically inherent inequality. UnB, the first to implement, now has about thirteen years of experience with racial quotas. Three years ago, a seminar titled "*10 Anos de Cotas na UnB: memória e reflexão*" (10 Years of Quotas in UnB: memory and reflection) hosted a number of important figures in the community and policy-makers to reflect on the policy over the years. They determined that if not for racial quotas, UnB "would have 71.5% fewer black students in the last decade," which to those in attendance was only "proof that the policy statement of the institution worked and came to include a portion of the population that has been discriminated against and excluded from high education" (Pompeu 2014, par. 1).

They also found that quota students were performing outstandingly in the classroom. In 2009, quota students performed better than their non-quota classmates with an average *índice de rendimento acadêmico* (IRA or academic performance index) of 3.1 and 2.9 (Pompeu 2014, par. 1), respectively, and this was not an isolated incident. These statistics help to discredit myths raised by critics of the Brazilian affirmative action policy about the falling quality of universities with greater enrollment by *pardo* and *preto* students through the quotas.

In addition to improving performance of quota students, the committee reflected on out-of-the-classroom progress. Professor José Jorge de Carvalho, who proposed the first quotas plan in 2004, explained: "Inside UnB, the changing profile of students is remarkable, and racial segregation, which has always been the mark of Brazilian universities, decreased significantly with the increase in the number of black and indigenous students" (Pompeu 2014, par. 4). Ivan Camargo, the dean of UnB, celebrated the school's trajectory and its influence on institutions across Brazil, but not without an evaluation of existing issues and encouraging a continuation of detailed and comprehensive assessments on how to best serve the communities of interest for the policy.

The university unanimously voted on the advancement of the policy. To those in attendance at the seminar, the university has thus far completed its goal. Natália Machado, an anthropologist and affirmative action student at UnB, claimed: "The function of racial quotas is to cease from existing or reducing discrimination. The role of society is to work to make this happen as quickly as possible" (Pompeu 2014, par. 5). Thus, it should be of primary concern that UnB's policy fulfills this initiative.

For Brazil, UnB was the path-maker of racial quotas, and other universities quickly followed its example but with their own touches to the policy. The ambiguity of its implementation varies from case to case, such as the interviews of UnB. Other cases, such as the University of Paraná, have their own complications. The following section will explore the implementation process of racial quotas at the University of Paraná and the ways in which the university has changed as it has become more integrated.

Case Study 2: Federal University of Paraná

In its first active year, the Federal University of Paraná's (UFPR) quota policy Resolution 37/04-COUN was revised by what is known as the Public Notice 01/2004, issued by the Entrance Exams Center (*Núcleo de Concursos: NC*), that corrected a few small details that the original policy should have contained, and instituted regulations for the implementation of the quota policy and the 2005 entrance exam. One article from the Public Notice provided that in addition to the standard academic documents required for registration of the successful exam candidates, "the students selected for the places reserved for *Afrodescendientes* were required to present 'a declaration in their own writing [...] that the candidate belongs to the black [*preto*] or brown [*pardo*] group, as used in the IGBE's Official Census, and *that he or she is so recognized by society and possess phenotypical traits that identify him or her with the black type [tipo negro[30]][31]*'" (Public Notice 01/2004-NC, Article 69, quoted by Bevilaqua 2015, 202). Therefore, the Public Notice instituted a new criterion for quota selection, in addition to the prior documentation; the added criterion is a letter from each applicant to assert public perceptions of that quota applicant instead of solely depending on self-identification.

Additionally, a second new article in the Public Notice indicated the creation of a committee, appointed by a rector, that would be responsible for the analysis and selection of candidates applying for quota positions under the "racial inclusion" policy (Public

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[30] The italics are in the Bevilaqua quotation.

[31] Bevilaqua makes sure to clarify in the footnotes that "tipo negro" is not a term that is used in the census; rather, it is an identity employed in the political arena to include all those that identify themselves as either *preto* or *pardo* in the official census. According to her definition, it seems to be a more general term used colloquially to include all black and brown people in Brazil.

Notice 01/2004-NC, Article 70). Members of this committee would not only review the documentation of successful exam candidates, but they would also evaluate the letters written by applicants essentially to prove their blackness. The university received widespread criticism for the evaluation of its *afrodescendiente* applicants. The following statistics will show why the first year of this policy's application required extensive revision.

Nearly 43,900 candidates competed for 4,144 total places during the 2005 entrance exam. In order to comply with the newly allocated spots designated by the Action Plan, 20 percent of those places were reserved for *Afrodescendientes* and another 20 percent for students coming from public high schools, meaning that there were 831 spaces available for students applying under either quota program. Nearly 13,800 candidates applied for affirmative action for public school students, and 2,370 applied for affirmative action for Afro-Brazilians. Of the applicants from the public school pool, 930 candidates were approved to register: 831 of those registered under the public school quota while the remaining 99 achieved high enough scores to register "in the general competition" (Bevilaqua 2015, 203). Among those who applied for the places allocated for *Afrodescendientes,* only 573 were approved to register, leaving 258 places unfilled. Thus, fewer black Brazilian students attended UFPR in 2005 – fewer than expected, and fewer than intended with the creation of the affirmative action policy.

As one can imagine, this stirred a controversy. According to local press, information at the time reported that "the committee responsible for evaluating the 'self-declaration of racial group' rejected the academic registration of 127 of the 573 classified candidates" (Bevilaqua 2015, 204), more than 20 percent of the total. Ultimately, 33

candidates were "unable to complete their matriculation, allegedly for failing to present 'a black racial phenotype'" (204), reducing the final quota class 540 students in total[32].

Universities across Brazil, since the start of the policies' implementation, have received criticism from both the Right and the Left. The Right detests the existence of a racial quota completely, and when situations arise like the inability to fill seats at UFPR or quota students receiving low grades once matriculated, their criticisms appear to be validated. On the Left, due to the openly public release of quota student names, universities receive criticism that the programs are not reaching "the right students" – that the students are too white to qualify for the program, as Mailson Santiago from the Federal University of Pelotas said about "[this policy] is not for people with black grandmothers" (de Oliveira 2017, par. 6). Universities find themselves in a difficult place, and in order to confront these criticisms, it is important to institutionalize an objective process for selecting candidates for the quota.

In order to institutionalize the affirmative action policy at UFPR, steps were taken to clarify its implementation. However, instead of working to improve the policy itself, these steps did the exact opposite, making it even more difficult for black students to apply and gain admission under the quota policy due to its stricter conditions. As a result, the Action Plan went under numerous periods of revision.

A University Council (COUN) in April of 2007 evaluated the Action Plan as it stood thus far, reporting the following important information. First, the Standing Committee for Evaluating and Monitoring the Action Plan reported a "significant

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[32] Bevilaqua (2015, 204) reports that information about the composition of the committee for the first year, the criteria and procedures adopted are inaccessible and therefore cannot be used to draw conclusions about the resulting matriculation rates for black Brazilians that year.

increase in the racial diversity of the approved candidates" to the entrance exam with the implementation of the racial quota, though Bevilaqua (2015, 210) notes that it is still not equal to the percentage of *pardos* and *pretos* in the state of Paraná. Secondly, they pointed out how social quotas (for public school students) "does not guarantee racial diversity". Finally, the president of the committee highlighted the necessity for evaluating the selection process in order to fully achieve the policy's initial goals.

In May 2005, Resolution 27/05-CEPE sought to examine the regulations for the selection process for quota students to undergraduate courses. Its two main features were: a) "the redefinition of the beneficiaries of the racial inclusion places, switched from IBGE's[33] classificatory categories to the candidate's physical attributes;" and b) "the effective removal of the self-declaration principle by the designation of a committee with the authority to decide whether the candidate's attributes matched the requirements set by the (new) regulation[s]" (Bevilaqua 2015, 205).

There was a second session in May 2007, two years later, to vote on the official amendments to the resolution. The resulting Action Plan, titled Resolution 17/07-COUN, features three main points:

    a) "The redefinition of the intended beneficiaries of the racial quotas as 'black [*preto*] or brown [*pardo*] candidates, who possess phenotypical traits that characterize them as belonging to the black racial group [*grupo racial negro*]'" (Article 1, Paragraph 1, as cited by Bevilaqua 2015, 210-11);

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[33] IBGE is the *Instituto Brasileiro de Geografia e Estatística,* or the Brazilian Institute of Geography and Statistics

b) "The appointment of a committee responsible for verifying that the approved candidates match this definition, called the 'Self-Declaration Validation and Orientation Committee'" (Article 1, Paragraph 3, 211); and

c) "The transfer of the places remaining from one quota category to another before its occupation by candidates from the general competition" (Article 2, Sole Paragraph, 211).

The amendments change and clarify crucial points in the Action Plan after a few years of trial and tribulation. The first of these seeks to clarify the purpose of the Action Plan, in reaction to Mailson Santiago and a number of other activists who have criticized the subjectivity of "qualifying" and to whom the quota places are given. Rather than prioritizing all students of alleged African descent, as enumerated by the original policy, the amendment requires that the process prioritize students with physical attributes that prove African descent. The second amendment calls for the creation of a committee to "legitimize the decision and the process" (Bevilaqua 2015, 210). A committee then has the authority to judge the physical attributes of the quota candidates to decide whether they qualify, based on phenotype, for the benefits awarded by the affirmative action policy. The final amendment, found in Article 2, directly attempts to remedy the undesirable results of the racial quota implementation in its first few years when too few seats were filled as a result of discrepancies in the evaluation process.

Once again, the UFPR policy underwent a wave of change with the local regulation of the Law of Social Quotas (Law 12.711) passed in the National Congress under Rousseff's tenure in 2012. In general, the federal law required that universities set aside 50 percent of places at their schools for students from public schools. Within those

places, seats are specifically allocated for 'self-declared' black, brown and indigenous

candidates in a proportion equal to their percentage of the population of the state in which

the institution is located (Bevilaqua 2015, 216). Thus, with the implementation and

merging of the Quotas Law and the Action Plan, UFPR saw no further purpose of the

'Self-Declaration Verification Committee' and issued its dissolution. Additionally,

because of UFPR's strong standing policy reserving nearly 40 percent of its places for

affirmative action policies, only a ten percent change was necessary for compliance with

the minimum required by the federal law.

The local regulation of the Quotas Law did, however, change the *quantity* of

UFPR quota seats for *pardo* and *preto* students based solely on race before and after the

federal law. The following is a statistical breakdown of how the law functions for UFPR:

The potential reduction in the number of places for ethnic-racial inclusion results

from the successive application of percentages on percentages. Considering the

places as a whole, 50% are reserved to students from public schools and 50% for

general competition. Of the reserved places, 50% (i.e. 25% of the total) are

allocated to students with an income below the limit established by the law. The

percentage calculated by the IBGE census (28.51%) is then applied to this figure,

which results in an allocation of 7.12% of the total places to black, brown and

indigenous students below the income limit set by the legislation. The other

reserved places (also 25% of the total), distributed according to the same census

criteria (i.e. 7.12% of the total), are allocated to black, brown and indigenous

students with an income above the limit set by the legislation. Combining the two

categories associated with the self-declaration of colour/ethnicity, we arrive at the

figure of 14.25% indicated above. (Bevilaqua 2015, 223)

Bevilaqua's calculation shows that following the full implementation of the federal quota

law with its minimum reservation requirements, the outcome limited black and brown

students' access to the university. According to the IGBE census, the true percentage of

preto and *pardo* students in the state of Paraná equals 28.51 percent, which is double the

number of admitted students who are permitted under the combined Action Plan and

Quota law. Thus, the full implementation created greater impediments for racial

inclusion at UFPR.

Additionally, Bevilaqua's data reveal the general trajectory and process by which

racial quotas were eventually absorbed into the quotas allocated to public school students.

Perhaps because the university was never able to fill its allocated seats specifically for

black students, and had to transfer those places to qualifying public school students

anyway (as a result of Article 2 of Resolution 17/07-COUN), the university deemed

quotas based solely on race (and no other supplementary criteria) unimportant. While

this is a result of the federal law as it is written, it is also a conscious decision by the

university not to address or amend the policy.

The University of Paraná's *Action Plan for Racial and Social Inclusion* (2004)

sought to help mitigate racial tensions by focusing a part of its affirmative action policy

on students of African descent so that through this policy, black students would be able to

access the education that would open up greater opportunities in the long run. In a

"mutually generative interplay" (Bevilaqua 2015, 193) of politics and bureaucracy and

federal and local laws, the university has actually limited black students' access to the university despite its initial and intended goals.

Thus, this is a case of failed implementation of affirmative action. Bevilaqua provides a lengthy and insightful ethnographic description of the steps by which UFPR changed the image and functionality of affirmative action over ten years. Additionally, while it was perhaps the most well studied case, the inability to fill spots is not special to UFPR, as it has proven a common problem of affirmative action attempts in other Brazilian universities. However, UFPR does provide a cautionary tale for what other universities should seek to avoid in the interplay of local and federal quota implementation.

Chapter V: Complications: "Race Fraud" in University Admissions and Federal

Jobs

Former Brazilian president Luiz Inácio da Silva said in an interview that he wholeheartedly supported the movements toward federal-level affirmative action policies: "Try finding a black doctor, a black dentist, a black bank manager, and you will encounter great difficulty. … It's important, at least for a span of time, to guarantee that the blacks in Brazilian society can make up for lost time" (Romero 2012, par. 12). Leizer Vaz, a black activist and coordinator of NGO Educafro, an organization that seeks to open access to education for *Afrobrasileiros*, said in an interview with NPR: "Only 5 percent of executives are black in Brazil, politicians, diplomats, all things, so the black people don't access the space of power in my country. This is the real issue we have" (Garcia-Navarro 2016, par. 33).

Here we see that access for black Brazilians is not only limited for higher education but additionally for positions of power. This is why the Law of Social Quotas (2014) – the federal law which indicated the prioritization of public school and black and indigenous students in university admissions – additionally included the requirement that 20 percent of all government vacancies in the public sector are reserved for self-identifying *Mulattos* or Afro-Brazilians (Telesur 2016, par. 4).

However, as previous sections have shown, quota programs come with a set of nuanced difficulties, especially in a country where miscegenation was the "norm" and a near majority of the population can claim ancestry from both Europe and Africa.

Therefore, just like with the university cases, applicants to federal positions since the implementation of the Quota Law in civil service departments have faced a similar process of "qualification" for the affirmative action benefits.

The following cases demonstrate the ways in which the implementation of the affirmative action policies have caused controversies and garnered criticism from the Brazilian public. The first case is a race fraud case in another university, and the second is a fraudulent accusation in racial quotas for a federal government job.

Case Study 3: Federal University of Pelotas

Foreign Policy magazine labeled the situation of Brazilian college campuses in 2016 a "state of racial vigilance" (de Oliveira 2017, par. 8). In February, organizations across Brazil spoke out against racial fraud within university racial quota groups. A student activist group *Coletivo Negrada* in Espiritu Santo state reported 28 fraudulent students to the Public Prosecutor's Office. Across five universities in the northeastern state of Bahia, organizations (including a black medical student association titled NegreX) called out numerous students for fraudulent identities. At the Federal University of Pelotas (UFPel) in the south, the student activist group *Setorial Negro* turned in 27 names to the University for investigation, and 24 of them were asked to leave the school (par. 8). This was activists' biggest win in such an attempt that year.

Fernando[34] was a racial quota recipient in the medical program at UFPel. He identifies as *pardo* and claims that his family has always struggled with racial discrimination: "My grandfather was accused of soiling the family blood" (de Oliveira 2017, par. 2) after he, a white man, married a black woman. This family legend defines how he sees himself and his social sphere, so when he was applying for schools, he decided to apply to the prestigious medical program at UFPel with help from recently legislated racial quotas for *pardo* and *preto* applicants – like him.

Following the ousting, a headline article in the weekly magazine *CartaCapital* read "White Students Expelled from University for Defrauding Affirmative Action

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[34] De Oliveira notes that the name "Fernando" is a pseudonym. Thus, his name will be italicized throughout the section to show it is not his real name.

System" (de Oliveira 2017, par. 1). Of the "racial vigilance" at his campus, UFPel

medical student and black quota recipient Marlon Deleon said, "it divided our program"

(par. 10), but "there were many of us who believed it was the right thing to do" (par. 11).

Deleon himself reported a classmate whom he described was "flagrantly white and

blond" (par. 10) – obviously an unintended recipient of a policy created for *black*

Brazilians.

   According to Luana Padilha, another black UFPel medical student and quota

recipient, there are more white-looking students in her courses after the implementation

of affirmative action than there were before the policy, which she attributes to the

students' "[accessing] the program through racial quotas" (de Oliveira 2017, par. 22).

Georgina Lima, a professor and head of UFPel's Center for Affirmative Action and

Diversity, said: "If you look at a photograph of the incoming medical class, only one of

the students looks black … and he's not even Brazilian. He's from Africa." (par. 23).

   Following the drama of 2016, three universities, including UFPel, installed "race

boards" to inspect future racial quota applicants and avoid racial fraud. The Ethnicity

Evaluation Committee of UFPel, comprised of eleven members, was created to address

this issue. In order to avoid ambiguity, since the original Quota Law did not provide

agencies with guidance for doing this, the Public Prosecutor's Office issued strict

guidelines for the committee: "Phenotypical characteristics are what should be taken into

account. Arguments concerning the race of one's ancestors are therefore irrelevant" (de

Oliveira 2017, par. 28).

Some labor departments and universities across Brazil took these guidelines one step further, creating a criterion for which phenotypical characteristics they were to look for in their candidates:

> The Department of Education in Para, Brazil's blackest state, attempted to fulfill the decree with a checklist, which leaked to the press. Among the criteria to be scored: Is the job candidate's nose short, wide and flat? How thick are their lips? Are their gums sufficiently purple? What about their lower jaw? Does it protrude forward? Candidates were to be awarded points per item, like "hair type" and "skull shape." (de Oliveira 2017, par. 30)

The first checklist of its kind in any Brazilian institution, the specific criteria received a wide range of responses. Some felt that these "desired" characteristics were too reminiscent of the slave trade, when potential buyers twirled slaves around to check for particular characteristics. Others felt that, unfortunately, these measures were necessary steps toward real equity in Brazil: "A person who does not look phenotypically black is not the one getting killed by police every 23 minutes. So long as this is how racism manifests itself here, we need to ensure that the people taking up admissions spots in universities are the ones with these characteristics" (par. 31). Mirtes Santos, a law student and member of *Coletivo Negrada*, asserted that individuals whose existence has always been in danger solely for the color of their skin and curl of their hair are the only ones deserving of any institutional reciprocity in the form of racial quotas to universities and federal service positions.

Knowing these criteria, people sought any way to make themselves qualified enough for the benefits afforded by the affirmative action policy. Rogerio Reis, head of

the committee at UFPel, said: "People would shave their heads, wear beanies, get a tan. Just a series of strategies to turn themselves black" (de Oliveira 2017, par. 24). He said he found himself confused in cases when women came in with darker makeup and would have to be convinced by a woman or another person well-versed in makeup abilities that the candidate was unfitting for the quota spot.

While many of these examples are obvious fraudulent attempts by these students to pass as something they are not, the committees face more legitimate criticisms. Luiz Paulo Ferreira, a second-semester medical student at UFPel said, "If the law stipulates than an applicant's race should be self-reported, then what right does anyone have to tell that person that they're lying? … How can members of the committee feel particularly qualified to make these judgment calls? And based on what criteria?" (de Oliveira 2017, par. 27-8). Ferreira and his classmate, Kelvin Rodrigues, both identify as *pardo,* to which Rodrigues clarifies, "This issue is not so clear-cut" (par. 26).

For students like Ferreira, Rodriguez, and *Fernando*, being *pardo* comes with its own discriminations that they feel requires recognition by way of the policy. Especially for people in that position, where they fit as little in one box as in another, institutional denial can be a huge hit to one's own self-confidence, especially as it relates to how one identifies or relates to others.

Following his expulsion, *Fernando* reminisced on his interview with the evaluation committee, remembering that they asked him how involved he was with any black activist movements, to which he replied: "I shouldn't have to be an activist to be considered black." He remembered that his interviewers gave him only eight minutes for

the interview, and that every interviewer was *preto*, so "there was no one there that could identify with [him]" (de Oliveira 2017, par. 24).

The influence of the student movements at universities across Brazil in 2016 demonstrate the need for affirmative action policy reform. Numerous passionate students at UFPel exposed themselves to influence policymakers to recognize the importance of this issue to black students at universities across Brazil. The next case will show how similar changes are being demanded of the quota policy for federal government positions, once again isolating *pardo* students to benefit phenotypically black applicants.

Case Study 4: Federal Government Positions

In September 2016, National Public Radio did a report on Lucas Siqueira, a Brazilian man who applied to one of the 30 open positions in the Ministry of Foreign Affairs after receiving an impressive score on his foreign service exam. In his application, as job applications in Brazil always ask, he indicated that he identifies as *pardo*[35], which automatically qualified him for federal affirmative action benefits in the application process. He received an offer from the Ministry, and shortly after filling all thirty positions, the Ministry released its list of new hires to the public (Garcia-Navarro 2016).

Soon, the Ministry began to receive complaints from people claiming that a number of the hires – Siqueira in particular – were too "white" and should not have qualified for the benefit. Critics went into Siqueira's Instagram and Facebook, and "they sent his personal photos to the government," labeling him a "fraud" who was only "gaming the system" (Garcia-Navarro 2016, par. 8-10). Receiving enough pressure from the public on the issue, the government put Siqueira's offer on hold and launched an investigation by organizing a race committee that was to determine Siqueira's "eligibility" according to the following criteria of parentage, self-identification, and phenotypic characteristics.

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[35] It might be important to note that in his interview with NPR, Siqueira said that when he indicated his race as *pardo*, he did not consider the quota system. "He just put down what he considered himself to be" (Garcia-Navarro 2016, par. 10), or how he identified himself to others. NPR writes from this perspective: that Siqueira did not have ill intention but rather just reported his race exactly as he saw himself.

In response to questions on his racial lineage and how he identifies racially,

Siqueira said the following: "I consider myself to be a very typical Brazilian and I've

always been very proud of it. In my dad's family, my grandfather is black, my

grandmother has Indian and white roots. And on my mother's side they are mostly white,

mostly Portuguese" (Garcia-Navarro 2016, par. 5). Technically, by normal Brazilian

standards, Siqueira qualified as being *pardo* for his mixed heritage.

Conversely, Siqueira had more trouble proving to the panel his authenticity when

it came to his phenotypic characteristics. In fact, race tribunals were made mandatory for

all government jobs following the scandal, such that one state went so far as to "[issue]

guidelines about how to measure lip size, hair texture and nose width" (Garcia-Navarro

2016, par. 23). Based on these criteria, the public[36] pointed to the content and photos on

Siqueira's social media profiles and deemed him "too white." His lawyers encouraged

him to see seven dermatologists to classify his skin color on the Fitzpatrick scale[37], which

grades skin tone from one to seven (lightest to darkest, respectively). His results:

"Apparently on my face I'm a Type 4. Which would be like Jennifer Lopez or Dev Patel,

Frida Pinto or John Stamos. On my limbs I would be Type 5, which is Halle Berry, Will

Smith, Beyoncé and Tiger Woods[38]" (par. 19). Siqueira, like many other people, has

different skin tones on different parts of his body because of exposure to the sun. With

these reports, Siqueira attempts to show that his medium-dark skin tone likens him to

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[36] Individual Brazilians (in large numbers) who had spent the time to scour Siqueira's public media profiles, such as Instagram and Facebook.

[37] The Fitzpatrick scale, adapted in the late twentieth century for the use of skin cancer research, …...

[38] Siqueira uses well-known actors and public figures to give readers reference. For those who do not know, Jennifer Lopez, John Stamos, and Dev Patel are all what society would consider "medium-toned," or dark olive/golden brown tones. Additionally, it's important to note that Lopez identifies as Latina/Hispanic, Patel and Pinto are Indian, and Stamos is white-Anglo. Halle Berry, Will Smith, Beyoncé and Tiger Woods are all what society would consider light-skinned African-Americans and also identify themselves as black.

other individuals who self-identify as black, asserting that he should also be able to call himself *pardo*[39].

Regarding the controversy, Leizer Vaz said that in Brazil, "skin tone matters more than race, because so much of the population is mixed. … Who is more affected by racism? Who has the chance to be more affected by (discrimination)[40] in this country?" (Garcia-Navarro 2016, par. 35-6). In Leizer Vaz's opinion, the in-depth analysis of a race committee is good because it "[keeps out] white people who intend to make a fraud," and "acts as a deterrent for those who want to take precious government jobs away from marginalized groups" (par. 36-7). He says: "It's controversial, but the general result is good. Because we are giving a chance for poor black people to access the space of power that we never had this in Brazil" (par. 41).

Because it is an objective fact that people in Brazil (and around the world) experience a certain kind of cruel discrimination solely for the color of their skin, activists in Brazil are fighting for the colorism argument when it comes to affirmative action. Critics of the current standing policies say that the policies should only be used for individuals who *look* black. Siqueira does not look particularly black. He certainly has features that prove he is of mixed descent, but that makes him more like the majority than the minority. In order to break up this majority of Brazilians that can claim African ancestry in Brazil, policy makers can look to individuals that embody the characteristics

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[39] Also important to remember with this argument that those people to whom he likened himself, who identify as black, are able to identify as black in the United States because of the "one drop rule," which makes any person with African ancestry, no matter their racial percentage, a black or African American person. Alternatively, in Brazil the color continuum makes this argument more complicated, and thus Siqueira's argument is flawed in the Brazilian context.

[40] Parenthesis were added by the author of the NPR article, Garcia-Navarro.

of their African ancestors and who suffer the daily remnants of the same racist Brazil that their ancestors knew.

Lucas Siqueira says that he understands these racial dynamics in Brazil. His argument lies in the government's ability to tell a person that he or she is or is not what they think they are. He claims: "I think we are going down a very dangerous path if we want to institutionalize these kinds of racial tribunals" (Garcia-Navarro 2016, par. 43). The identity theory section of this thesis presents the Tajfel and Turner description of the process by which individuals identify themselves: first, people undertake a social evaluation of themselves in relation to those around them. That social identity then informs their individual identity, and this personal identity feeds back into the social identity.

Siqueira always identifies himself as *pardo* because he sees himself like all other "typical Brazilians" (par. 5). Now, as he waits for his case to be resolved, Siqueira questions his sense of self. He is not "black enough" for the benefits newly afforded to black and brown Brazilians, but he has never been "white" before. So Siqueira, like many others in his situation, finds himself at a racial crossroads: "not white, not black, and now, not embraced by either side" (par. 44).

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Fernando's case with UFPel and Siqueira's case with the Brazilian federal government both provide compelling perspectives on the affirmative action process for individuals who exist in the margins, who are neither *branco* nor *preto*. Their cases prove that the policy as it currently stands is especially ambiguous and rather subjective for *pardos*. Perhaps this complication stems from the public's broad definition of *pardo*. While *branco* and *preto* are fairly easy to determine by phenotype, anyone who does not quite fit exactly those expectations is given the label *pardo*.

In reality, as the UnB case demonstrates through easy shifts in identity for *pardos* before and after the policy implementation, there are individuals in that middle category that can easily claim whiteness or blackness. But is this fair? How about the *preta* student who is denied a job because she is "not what [the company is] looking for?" What about the young *preto* adolescent who is shot down for picking something out of his pocket on the street? While a *pardo* will face more trials than a *branco*, he will get away with much more than a *preto*. Especially in Brazil, colorism is the measure by which people are defined, and unfortunately, stereotypes are attached to each shade on the continuum.

Chapter VI: Conclusions & Policy Suggestions

Race has long been used to identify and ultimately separate people by social and cultural differences. Contexts such as education, gender, appearance, and locale also play a formative role in shaping racial identity. This social construct is ultimately strengthened by its function within government and non-government institutions. Brazil's history does little to hide its dark path of institutional racial discrimination, from nearly 300 years of slavery to modern-day mass genocide of Afro-Brazilians on the streets and in the *favelas* of Rio de Janeiro and São Paulo.

Following the abolition of slavery, miscegenation became a "national duty" (de Oliveira 2017, par. 15) to erase *da cor do pecado* ("the color of sin") from its national identity. Against the expressed wishes of Brazil's famed "racial democracy" philosophers of the early twentieth century, black Brazilians still exist and make up a large portion of the Brazilian population. In modern-day Brazil, if you are black and do not have college degree or a decent job, you are likely to face serious institutional discrimination, barring you from a number of opportunities for improving one's social and economic life.

The supreme court decided that affirmative action was an appropriate "weapon" (*Economist* 2013, par. 8) to fight the legacy of Brazil's slavery, but after more than ten years of racial quotas in universities and federal departments, many Brazilians fear that the policy "[collides] head-on with a defining feature of Brazilian identity" (de Oliveira

2017, par. 3) – that which celebrates *mestiçagem*, or "mixedness." Others worry that the policy is attempting to copy what has been done in the United States. As a result of the nature of the policy, modeled after US incentives, Brazilians are being forced to "choose sharp-edged racial identities" in a blurred racial environment, creating tensions "where none existed before" (*Economist* 2013, par. 8). Today, questions are circulating regarding where the lines between races should be drawn, who should draw them, what criteria should be used, and exactly whom the policy should serve. These conversations are now engulfing college campuses, the public sector, and Brazilian courts.

Policymakers disagree on the purpose of affirmative action, which makes it difficult to clarify decision criteria that fit every case and please everyone. The weighting of these decisions hinges on the diverging priorities of the policymakers. The majority of Brazilians claim to have *o pé na cozinha* (a foot in the kitchen)[41], even if some of those individuals do not look black. To many, that is what makes Brazilians Brazilian. While it remains important to provide dignity for black identity and Afro-Brazilians, if this goal is pursued through the qualification process of affirmative action, it undermines the effort to reduce discrimination against darker Brazilians.

The Law of Social Quotas was created to correct the wrongs of past discrimination of Afro-Brazilians. As it stands today, it favors racial self-declaration in its prescription. Whereas Tajfel and Turner's self-identification theory and the application of racial identity expression are important in Brazilian society, self-identification dependent on ancestry should not be the primary criteria for admission to

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[41] *O pé na cozinha* (a foot in the kitchen) refers to the inseparability of blackness, whiteness, and racial miscegenation in Brazil. The phrase is used colloquially to refer to the widespread ancestral connection of many Brazilians to the "kitchen" through slavery and domestic service.

universities and government employment. It is certainly possible to identify with one's blackness without benefitting from affirmative action. It is the duty of the State to clarify that in its prescription of the policy. However, given the explicit purpose of the policy and the problems of extreme marginalization facing phenotypically black Brazilians, prioritization of those members of society should be the main criterion for selecting recipients of these racial quotas, despite what seem to be ludacris sets of criteria to determine guidelines for "appropriate" phenotype. Other motivations dilute the policy's imperative of expunging racial discrimination.

The issue of race is complex in Brazil. The Brazilian government has had a difficult time defining what is "Brazilian blackness." For this reason, a decade of affirmative action trial and tribulation is reasonable. However, the process of the policy has affected its outcomes in undesirable ways, such that this has caught the attention of politicians, sociologists, anthropologists, and philosophers across the world. It should be the priority of Brazilian policy-makers to clarify the process of implementation for affirmative action. Additionally, it should be made known for *whom* the policy is intended. Then, the policy can be tilted accordingly in favor of phenotype so that it can achieve its intended purpose.

Furthermore, affirmative action should not be the stopping point for the Brazilian government in combating racial inequality. Programs financing primary and secondary education and expanding social welfare should be reprioritized. Additional social programs educating all Brazilians about its history of slavery and racism should be created, and platforms for increasing and highlighting black positive identity should manifest social platforms accessible to *all* Brazilians – *branco*, *pardo* and *preto*, alike.

72

Only a comprehensive approach to eliminating racial discrimination will actually make a difference.

Mahatma Gandhi proclaimed that a nation's greatness is measured by how it treats its most marginalized citizens. In order for Brazil to continue to compete in this increasingly globalized and developed world, it must first contest its ever present inequalities and work to ensure happiness and the protection of human dignity for all Brazilians.

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