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Universities and Affirmative Action:

Comparing Brazil and the United States

Arabela Campos Oliven¹

Introduction

The term “affirmative action” refers to a set of policies aimed at protecting minorities that have been, and still are, discriminated against in a given society. From this perspective, the underrepresentation of social categories in institutions and positions of power is seen as an effect of discrimination. Such policies have a transitional character and aim at removing formal and informal barriers that reduce access opportunities by certain groups to the job market, universities, and positions of power.

Affirmative action policies are highly encompassing. They can be implemented in diverse spheres, such as the economic, political, educational, and healthcare. The chief goal of this paper is to analyze forms of university admission that include ethnic-racial, gender and socio-economic criteria in order to enhance the opportunity of access to higher education of underrepresented groups in elite schools in both the United States and Brazil. Emphasis will be given here to issues related to racial quotas, since the latter has been the object of great controversy.

Many countries have affirmative action policies. India, a pioneer country in the adoption of affirmative action, sets aside a percentage of places in public universities for members of castes and tribes historically considered inferior (Weisskopf 2008: 36). In Indonesia, people from islands other than Java are the target of such policies at the nation’s top universities (Goastellec 2003: 115). The debate over affirmative action has therefore a transnational character. However, such policies have national peculiarities stemming from the forms taken on by social inequality in each country, the historical reasons behind them and the corresponding, legitimating arguments, the ways such policies are implemented, the mobilization of groups benefiting from them and of those claiming to have been harmed, etc.

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Here I will compare the U.S. and Brazilian experiences. In the United States, the groups commonly benefited are “non-white” Americans. Women are also the object of affirmative action policies, since many traditional colleges were exclusively for white men.

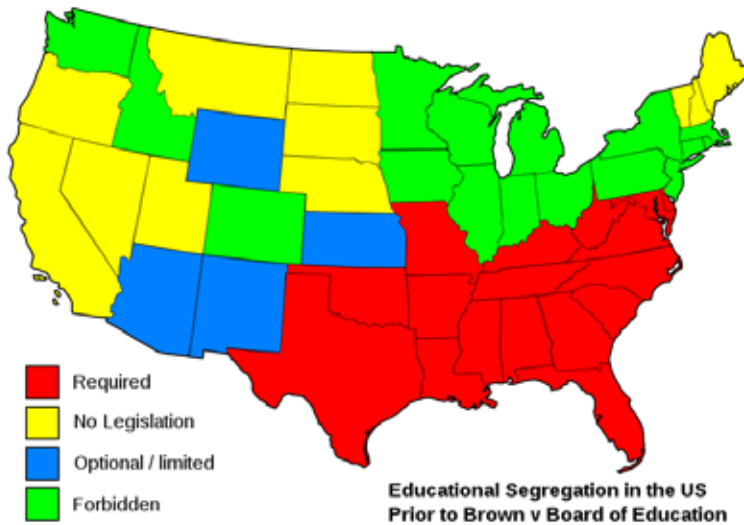
Affirmative action policies in Brazilian universities, especially those related to racial quotas, are being implemented at a moment when American universities themselves have already abolished such a system. In order to understand how affirmative action policies come about in one country or another, it is vital to consider some characteristics of these societies, and the time at which such policies began to be implemented.

Since its origin, the United States have been constitutionally defined as a democratic republic, averse to the inequalities of birth so precious to Europe’s aristocratic societies. These egalitarian republican principles notwithstanding, the American economy, especially in the South, had long relied on slave labor. Even after slavery was abolished, blacks and whites lived in separate worlds. The reality of segregation was lent a juridical foundation by a Supreme Court decision in 1896 [Plessy vs. Ferguson] which considered constitutional the existence of separate seats for blacks and whites in public transportation, provided they were comparable. This Supreme Court decision reinforced the legitimacy of segregationist actions, especially in the South. The philosophy of “separate but equal” erected a wall depriving non-whites of free access to housing and to most public services. This was also reflected in higher education with the creation of exclusive colleges for blacks and fraternities separated according to color (Parks 2008).

In the United States, formal segregation lasted until the 1960’s in the Southern and some Western states and many of these states prohibited black and white children to attend the same school. This reality was in stark contrast with the democratic ideal based on liberal principles, whereby the individual is free to rise socially according to merit. Thus, in the debate between segregationists (supporters of the *status quo*) and integrationists (who defended legislative changes), the educational issue was one of the most fiercely disputed.

The following map shows how formal legal segregation was distributed in the United States in the 1950’s. Of 48 American states, 16 were formally segregationist. A further four allowed segregation on a county-by-county basis, 28 had no segregation laws or specifically forbid formal segregation. The

majority of blacks lived in the U.S. South up to the 1960's, where - at least in regard to black-white relations - segregation had a very determinative role.



A watershed in the struggle for de-segregation in schools was the case *Brown v. Board of Education* (Education Office of Topeka, Kansas). In 1951, Linda Brown's father sued educational authorities for having forced his 7 year-old daughter to attend a black-only school. The U.S. Supreme Court Chief Justice, in a historic verdict in American jurisprudence, concluded that "in the field of public education the doctrine of 'separate, but equal' has no place. Separate educational facilities are inherently unequal". The process of school integration was only put into effect, however, under pressure from civil rights movements and the enactment of the *Civil Rights Act*, legislation passed by the Congress in 1964 to end discrimination.

As opposed to the United States, Brazil was an Empire from its Independence in 1822 to the very late nineteenth century. We were also the last country in the Americas to abolish slavery. However, different from the U.S., Brazilian racism was characterized by a strong cordial component in which individual relations often overshadowed strong structural patterns of discrimination. The phrase that best describes Brazil might be "together, but unequal".

In the United States, race as a socio-historical category, has frequently been a disputed political question. As Omi and Winant put it, "The black/white color line has historically been rigidly defined and enforced. White is seen as a "pure" category. Any racial intermixture makes one 'non-white'."

This thinking flows from what Marvin Harris has characterized as the principle of hypo-descendency (Omi and Winant 1992: 286). To quote Harris himself, “This descendent rule requires Americans to believe that anyone who is known to have had a Negro ancestor is a Negro. We admit nothing in between. ... ‘Hypo-descent’ means affiliation with the subordinate rather than the superordinate group in order to avoid the ambiguity of intermediate identity” (Harris 1964: 56).

This engenders *racial prejudice according to origin*, whereas in Brazil, as Oracy Nogueira would have it, one finds *racial prejudice according to appearance*. The latter means that what counts is physical appearance, as modified by social class and status: the richer, the more schooled and more European looking, the whiter the individual is deemed to be (Nogueira 1985: 67).

Although black-white miscegenation has taken place in both countries, it was not socially acknowledged in the United States during the nineteenth and twentieth centuries. Blacks currently make up 13.1% of U.S. society (U.S. Census Bureau 2008). Brazil, however, imported far more slaves than the United States.

With a highly mixed population, Brazil, according to the 2000 census, has 51.6% whites, 5.0% blacks, 0.4% yellows, 42.4% *pardos*, 0.2% indigenous and 0.4% unknown (IBGE 2000). But the composition of Brazilian population by color is changing: from 1995-2006 the percentage of whites dropped from 55.4 to 49.7 while the percentage of blacks and *pardos* together increased from 45 to 49.5. (Carvano and Paixão 2008).

During the nineteenth century, under the influence of racist European theories which presumed a hierarchy of races and foresaw the impossibility of Brazil’s national development due to miscegenation, the State put in practice immigration policies aiming at the whitening of its population. Incentives were provided so that European workers would settle in the country (Seyferth 1996).

In the early twentieth century, there was an important shift in national thinking about race. Based on the works of Gilberto Freyre and by the Modernist Movement, a consensus was built around a national project rooted in a positive view of crossbreeding among Brazil’s three major races (white, indigenous, and black). The celebration of *mestiçagem* (miscegenation) allowed for an optimistic perspective for Brazilian society, seen as unique in its successful racial hybridization (Maggie 2007: 65-67).

In this new picture, the country was seen as a tropical civilization

characterized by racial miscegenation and democracy. Racial mixture was heralded as a comparative advantage vis-à-vis other nations. However, “although the reality of a mixture that was, more than exclusively biological, also cultural, cannot be denied, the asymmetry of relations [between the races in Brazil] should never be forgotten” (Schwarcz 1996: 165).

The notion of racial democracy took on a relevant role as the basis for a model of Brazilianness that emerged from the 1930’s on, as the country passed through a process of economic, political, social and cultural integration. In this sense, the myth acted as cement for a Brazilian national identity. It is this model of a racially harmonic and democratic nation that has begun to be increasingly questioned by many Brazilian groups since the late 1960’s. They argue that, regardless of the difficulties of defining who is white, *pardo*, or black in our society, official statistics unequivocally show that the latter groups have, overall, worse quality of life indexes.

In a study carried out by the United Nations Development Program in 2005 comparing the Average Human Development Index (HDI) of 173 countries, Brazil ranked 73rd. However, the same average for its white population would move the country up to 44th place; the average for the Brazilian black and *pardo* population, on the other hand, would rank us 105th.

It is common to compare the United States to Brazil and the formal segregation of the southern U.S. states to the greater sociability among differently colored people in Brazil. However, the fluidity of classification into whites, *pardos* and blacks notwithstanding, when the composition of Brazilian elites is examined, it becomes clear that they are predominantly white – or at least consider themselves to be so. In Brazil, black and *pardo* members of the elite are still greatly perceived as alien bodies.

The Establishment of Affirmative Action Policies at U.S. Universities

The term “affirmative action” was originally deployed in 1961 during the Kennedy Administration, which set up a committee to study equal opportunities in the job market. In 1965, President Lyndon Johnson demanded that corporations with contracts with the federal administration provide non-discriminating treatment in the work environment and affirmative action programs that would redress the effects of past discrimination. Two years later, the category “sex” began to be used as a criterion for affirmative action and,

in 1972, the same demands came into effect in educational institutions. These federal guidelines represented a significant effort to implement policies that would go beyond a passive anti-discriminatory stance. They manifested the intention to use public power to benefit the victims of discrimination. Under these regulations, affirmative action programs needed to show clear goals and procedures that would demonstrate an effort towards equalizing job opportunities. Both private firms and educational institutions were asked to draw up affirmative action plans, and official sanctions were instituted for non-compliance (Washington & Harvey 1989, p. 9-10).

From an operational standpoint, four major groups that would become beneficiaries of affirmative action emerged:

African-Americans: blacks born in the United States;

Native-Americans: descendents of indigenous peoples belonging to various nations, most of them living in demarcated (legally staked out) territory;

Asian-Americans: descendents of Asians who make up a highly heterogeneous group in terms of nationality, ethnicity, culture and schooling and who also have roots in different migratory periods;

Hispanics: Mexicans, Puerto-Ricans, Cubans and other migrants from Central and South America as well as their descendents, who may be white, indigenous, or black.

This categorization allows for quite rigid interpretations of affirmative action programs and quota policies: each minority, or discriminated group, would have a “right” to its share of representation. This perspective made these policies very vulnerable, as the 1978 trial *Bakke v. Regents of the University of California* (Cahn 2002: 95-142) would show. This case became a turning point both in university application processes and in the discourses supporting affirmative action policies.

During the late 1970’s, the Medical School at the University of California, Davis, started an affirmative action program that earmarked 16% of its openings for minorities. Allan Bakke sued the admissions program based on his constitutional right to equal treatment, claiming that he was discriminated against for being white. Since his college entrance exams performance outscored that of the quota-benefited students, the university conceded that, on a level playing field, Bakke would have been admitted into college. The California Supreme Court demanded that the university admit him and outlawed the quota system.

The University appealed to the federal Supreme Court. Other universities submitted arguments warning the Court about the need to revert the California decision, claiming that without the freedom to use explicit racial criteria they could not achieve the goal of increasing black students' representation in their most selected courses. A highly divided Supreme Court upheld race as a valid category for selecting students, as long as it was not the only criterion. This decision spurred a *race plus policy*, that is, adding points to the minority candidates' scores in order to enhance their chances. This procedure was used by many universities. It is interesting to remark that this modality of selection was already practiced in universities, benefiting athletes, artists, and even alumni's children. The latter is called *parent's alumni status* or *legacy system* (Pincus 2003: 90), and allowed for instance President George W. Bush to be accepted at Yale, where his father had studied

Moreover, the deciding position of the Supreme Court's Chief Justice – recognized diversity as one of higher education's chief missions since it contributes to enriching students' experience. This principle became the basis for implementing affirmative action policies. The presence of minority groups at universities tends, therefore, to be seen as an expression of multiculturalism. The latter is closer to contemporary U.S. reality than the Eurocentric view that has always dictated what it is to be an American.

The Affirmative Action Debate in the U.S.

It was mostly through affirmative action policies that diversity was enhanced in American higher education, in terms of the presence of minorities at the most selective universities. This policy is controversial, and has spurred heated debates that go beyond the universities.

The 1964 Civil Rights Act did not distinguish between race, religion, or national origin in the right to vote and provision of public services. Glazer (1975), supporting his argument on the fact that the United States was the first country to define itself not in terms of ethnic origin but by adherence to common rules of citizenship, considers such government policies unconstitutional. They would justify what he calls “affirmative discrimination”, that is, favoring minorities to attain equality. This author was struck by how policies that reversed a two-century old consensus could be so powerfully established within a single decade.

Critics of affirmative action policies often omit the fact that throughout North-American history there has always been positive discrimination for white men, who have long benefited from the educational and professional opportunities set aside for them. They enjoyed innumerable social advantages without having to face competition from women and non-white minorities. Inasmuch as such advantages were transmitted to their white children, they became, over successive generations, cumulative (Takaki 1994: 241).

One of the ways to make affirmative action policies more palatable is to present them not as positive discrimination measures, but as a way of respecting cultural differences in a society becoming increasingly multicultural. Young urges that social differences that imply oppression be brought into the open and be politically negotiated. She maintains that difference must be contextualized; it is part of a relational process. Comparing social groups is a very complex endeavor, and involves not only the groups that are being compared but the criteria and goals the comparison entails. It is also important not to forget that the reality of differences between groups does not exclude the presence of common attributes, experiences and goals (Young 1995: 199-225).

From a perspective privileging social justice, Wilson highlights the limitations of affirmative action policies in solving the chief problems afflicting American blacks. He calls attention to the fact that political and economic changes have contributed to the individual mobility of a segment of the black population. This has triggered a process of “deracialization” of the economic sector; in other words, racial differences have lost their weight in determining social ascent in the United States. If, on one hand, economic growth has created a black middle class, on the other, the reorientation of the economy following this period of prosperity has lessened opportunities for other segments of the black population. Economic change characterized by de-industrialization of certain sectors and a greater emphasis on services has left many black industrial workers unemployed. Many firms that do not need a skilled workforce have left the large American metropolises for countries offering cheap labor. Thus, “especially black men, who were central to the workforce in the past, have greatly become, in the present, superfluous workers” (Wilson 1994: 243-250).

One could say that affirmative action policies at universities strongly reflect American values. Thus, members of the minorities, including women, are provided with an opportunity to succeed in life. From each group, the

best are co-opted to participate in the economic, academic and political elites and, when successful, become models for the others. Seen in this light, such policies are tailored for reinforcing the American ideal of “the winner”, and not for solving the problems affecting a significant share of the population, “the losers”, those who were cast off by the economic restructuring of capitalist society and who must bear the burden of responsibility for their own precarious predicament.

It is important to remark, however, that affirmative action policies did favor the social mobility of certain segments of the black population and of other discriminated groups. They opened the university doors to minorities hitherto virtually excluded. More than that, the debate on affirmative action brought to light the issue of social discrimination, the burden it places on certain groups, and possible policies to fight such an inherently unjust social outlook.

A New Scenario

Still in the 60's, the University of California was one of the first to establish programs designed to increase the presence of minorities in its academic community. In December 1994, new data came out showing a percentage increase in participation of minorities who came to account for 21% of freshmen. Dennis Galligani, associate vice-president for student academic services, declared in an interview: “it is gratifying to see our commitment to diversity achieving results” (*San Francisco Chronicle*, December 3, 1994, A-18). In July of the following year, however, the Regents reintroduced the suspension of affirmative action programs based on racial criteria.

The exclusion of racial criteria in the selection process caused the percentage of black students to drop to the levels of the 1960's by the end of the 1990's. In 2001, the university began to automatically admit the best students from public schools, thus raising the number of black students. These were, however, mostly accepted at less selective *campi* and courses. The changes undergone by the University of California during this process show, even after the abandonment of racial criteria, a concern for equality and diversity on its *campi*: “In contrast to the 1960's, what is today defined as an excellent university in the United States necessarily involves values such as inclusion, equality and diversity” (Moehlecke 2004: 772).

Ibarra affirms that most people currently believe that affirmative action will disappear from higher education, or at least that it will evolve. In the late 1990's, the state administrations of George W. Bush in Texas and of his brother Jeb in Florida instituted guaranteed admission to state universities for the best high school students. This precluded the access of certain minorities to higher education. These political decisions represent a drastic change for American higher education (Ibarra 2001: 3-4).

In 2003, the U.S. Supreme Court reaffirmed the constitutionality of taking race and ethnicity into account when selecting students for universities. This decision reignited a nation-wide debate, and caused those groups opposing affirmative action to intensify non-judicial procedures and shift their political strategy to the promotion of state referenda (Moses 2005: 7).

Affirmative Action Policies in Brazilian Universities

Affirmative action policies are very recent in Brazil. In 1991, Law n. 8.213 of 1991 made mandatory the hiring of disabled people by private companies. However, debate on this kind of policy would only become more visible after the Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001. Brazil took a stance favorable to public policies that would benefit historically discriminated groups.

There is no consensus in higher education about how best to accomplish this. A bill pending (n.73/99) in the Brazilian Congress would allocated openings in public universities for students who had attended public high schools, also taking into account the percentage of blacks and indigenous peoples in each state. As for the private sector, starting in 2005, the *Programa Universidade para Todos (ProUni) (University for All Program)* has aimed at granting scholarships to low income students for financing tuition in private higher education institutions. These institutions get tax exemptions and, in retribution, should offer from 10 to 20 percent of their openings to poor public school students. Furthermore, the percentage of blacks and indigenous in the state where the institution is located is taken into account in the selection process.

A mapping of higher education affirmative action in Brazil shows that, of the 224 public institutions, 72 – almost one third – promote some kind

of affirmative action; the inclusion process itself varies among them. There is wide adoption of ethnic-racial quotas, that is, 53 universities operate this kind of policy. Of these, 34 include affirmative procedures for blacks: 31 through quotas and 3 through bonus points. One university allocates a specific number of positions for black women. Also, nine institutions were identified that have affirmative action for the disabled (www.politicasdacor.net).

Four Public Manifestos

As in the United States, the constitutionality of affirmative action is also part of the Brazilian debate. The polarization of opinions regarding university quotas can be identified in four manifestos issued by different groups.

In 2006, two manifestos were sent to the national Congress and synthesize the main arguments of the debate over affirmative action, especially concerning quotas in public universities. The first, *Todos têm Direitos Iguais na República Democrática* (2006) (*All have Equal Rights in a Democratic Republic*), takes a stance against quotas, and the second, *Manifesto a favor da Lei de Cotas e do Estatuto da Igualdade Racial* (2006) (*Manifesto for the Quotas Law and the Racial Equality Statute*), is favorable.

Those opposed to the quotas ground their claims on the principle of political and juridical equality of citizens, a pillar of the Republic enshrined in the Brazilian Constitution. The reservation of positions, besides being a threat to this principle, could even increase racism by legally acknowledging the concept of race: “They turn general statistic classifications ... into individual identities and rights, against the principle of equality before the law”. The signers of this manifesto suggest as a path towards social exclusion the providing of high-quality, universal public services in all major sectors, such as education, healthcare, etc. This goal would be sought through “the common effort of citizens of all colors against hideous privileges limiting the attainment of the republican principle of political and juridical equality”. They warn against the dangers of inventing official races in view of contemporary historical examples. The manifesto ends hoping for “a Brazil in which no one is discriminated against, be it positively or negatively, for color, gender, private life or religion; where all have access to all public services; where diversity is valued as a lively and integrative part of humanity’s path towards a future where the word

happiness is not just a dream. In sum, where all are valued for what they are and what they are able to accomplish”.

The second document sent to the National Congress is longer and more detailed than the former, and opposes it. It makes reference to studies carried out by state-run agencies pointing to the fact that, for four consecutive generations, blacks and *pardos* have showed lower schooling, worse living conditions, and higher unemployment rates when compared to whites and Asians. It argues, moreover, that social and economic ascent in Brazil requires access to higher education. However, it shows that the Brazilian academic system has one of the world’s most extreme rates of racial exclusion. It mentions universities and higher education institutions in the country that have already adopted quotas for minorities without intensifying racial conflict. It argues that “universal equality in the Republic is not an empty principle, but a goal to be attained. Affirmative action based in positive discrimination of those disenfranchised by historical processes is the juridical figure created by the United Nations in order to achieve this goal”.

Comparing both documents, one finds that they do converge in their rejection of social inequalities. The first refers to hideous privileges limiting the fulfillment of the republican principle of equality of opportunity that should be fought against by all. It acknowledges the existence of privileges in Brazilian society, and proposes that inequality be reduced through universalistic policies aimed at enhancing public services available to all. The second document, on the other hand, focuses on the scope of racial inequality in Brazil. It challenges the viability of young black high school graduates to enter public universities without the aid of an access-insuring state policy. Most of these young students are, according to the second manifesto, victims of racism and do not generally enjoy the same income level and opportunity as their white, middle-class counterparts. As a result, the latter are the ones being admitted to the more selective university courses.

It is hard to imagine public schools being able to offer poor, black students a level of education that would empower them to face entrance exams to the most selective courses in public universities in conditions equivalent to those enjoyed by members of economically privileged classes. The latter can pay for private high schools and entrance exam preparatory courses, which can be multiplied in view of the intensification of competition for certain courses that forces many candidates to attempt admission several years in a row.

In 2008, two new manifestos were sent to the federal Supreme Court in response to suits filed by the National Confederation of Teaching Establishments (Confenem) claiming that the the ProUni (Program University for All) and the law establishing entrance exams quotas at Rio de Janeiro state universities are unconstitutional.

The first of these, *Cento e Treze Cidadãos Anti-racistas contra as Leis Raciais* (2008) (*A Hundred Thirteen Anti-racist Citizens against Racial Laws*), opposes the racial quotas: “What mobilizes us is not a struggle against affirmative action, when these are understood as an effort to enforce the Constitution’s Preliminary Declarations and to reduce social inequality, but against the manipulation of this doctrine in order to racialize the country’s social life.” The signatories point to the limitations and dangers of implementing differential policies based on racial criteria, since these would “grant privileges to a tiny minority of middle class students and conserve intact, under its falsely inclusive guise, a ruined public education”. They also argue that “the fabrication of ‘official races’ and the selective distribution of privileges according to racial labels inoculate into society’s bloodstream the poison of racism, with its sequitur of rancor and hatred”.

The second document, *120 Anos da Luta pela Igualdade Racial no Brasil: Manifesto em Defesa da Justiça e Constitucionalidade das Cotas* (2008) (*120 Years of Struggle for Racial Equality in Brazil: a Manifesto for the Justice and Constitutionality of Quotas*), argues that “the quotas and ProUni signify change and an ethical commitment by the Brazilian State to redress a history of exclusion that falls heavily upon the black and poor”. It underscores that this is “a stance taken by the Brazilian State in accord with international agreements against racism and for human rights of which the country is signatory”. It highlights that 20,000 black quota holders are today being trained in undergraduate courses at public universities. ProUni had already allocated 39,128 scholarships for black, poor students.

The two manifestos against the quotas take a universalistic stance, emphasizing the enhancement of public services writ large. The two manifestos in support of quotas emphasized the racial inequality in Brazil, seeing the enactment of differentialist public policies as an important tool for fighting it.

The Debate on Affirmative Action Policies in Brazil

In Brazil, the beneficiaries of university affirmative action policies have been mostly students of public schools, the poor, black and indigenous, who have been favored by quotas and the allocation of openings. To discuss these policies is to touch upon numerous sensitive issues in Brazilian society.

One of the most striking criticisms of affirmative action in the form of quotas refers to the use of the category *color* as an integral part of the admission process in universities. This manifests a fear of “changing the direction of the non-racism and anti-racism politics and the celebration of hybridism to the acknowledgement of only two “races” to be officially deployed for the distribution of public goods and services”. Such a policy would have the effect of racializing society, therefore increasing discrimination and prejudice (Fry & Maggie 2004: 76).

Guimarães on the other hand, argues that race in Brazil is a concept that in fact operates in day to day life: “What continues to be at stake is the distance between discourses and practices of race relations in Brazil. (...) The fact of inequality between blacks and whites in Brazil remains, in spite of the way people are classified. Indeed, racial differences are imposed on individual and social awareness, against the scientific knowledge that denies race” (Guimarães 2003: 132).

Social scientists opposing racial quotas underscore the difficulty of classifying the color of individuals in Brazil, since we are a society with an enormous mixed population of all possible hues. If self-classification were put into effect in order to enhance opportunity for blacks and *pardos*, many could take improper advantage of such an opening. If committees were created to classify people according to color, bureaucracy would be given a dangerous power which could be used to alternative ends (Maio & Santos 2005: 181-214).

Another criticism of the policy of racial quotas in universities is that they leave aside most blacks and *pardos* that are precariously placed in the job market. Such a policy would thus overshadow deeper problems afflicting most blacks in Brazil. For Ianni, “instead of facing the problem at its roots – by enhancing social conditions of blacks and whites of different social levels – one establishes quotas. The social order, which is the source of prejudice...is left untouched” (Ianni 2004: 17). In part, this view tends to subsume the question of racial discrimination to class relations. Studies have shown, however, that blacks and *pardos* suffer both social and racial discrimination in Brazil (Hasenbalg 2005).

In a society known for having one of the highest levels of income concentration in the world, and where educational inequalities are even greater than those of income (Góis 2007), blacks and poor are indeed rare participants in the academic community. Universities are important spaces of sociability and learning. Low income and black university students are usually the first generation in the family to have access to higher education, and considerably contribute to upgrading the knowledge and educational expectations of their relatives.

In this sense, Guimarães raises ethical issues to be discussed not only within the university but by society as a whole regarding the purpose of public university. In his words, “What is the desirable profile of these students? How is it possible to avoid a perverse association between competitiveness and income level? Between competitiveness and racial identity?” (Guimarães 2003:212).

Criticism of affirmative action programs commonly emphasize the difficulties they impose on public universities, which carry out most of the country’s research, and must now take responsibility for another task, that of providing special treatment to a group of students unprepared for catching up with the demands of selective higher education. These students generally lack material resources. They would have to work, and would end up increasing an already high drop-out rate. It would be necessary to first increase the quality of public high school education, according to these arguments.

Although the experience with allocating positions in Brazilian universities is still incipient and each university has different rules for enacting its quota policy, studies comparing the performance of those with and without quotas have shown that the academic level of both groups is equivalent, even in the first semesters of most courses (Marques 2008).

As far as public opinion is concerned, there seems to be a general acceptance of quota policies by the Brazilian population. A *DataFolha* survey (*Folha de São Paulo*, 07/23/06) of 6,264 people over the age of 16 found that 65% of those interviewed support allocating 20% of positions in public and private university for blacks, and 87% agree that low income students should also be benefited. The declared color of the interviewee did not have an influence on his or her position. What differentiated the answers was the level of schooling and family income: the higher the levels, the lower the acceptance of such policies.

Affirmative action through racial criteria tends to be seen as a way of redressing damage caused to several generations of blacks who were enslaved and then abandoned by the Brazilian State after abolition in 1888. It was this same State that favored European immigrants by granting them land to the detriment of the Afro-Brazilian population. These policies are also often presented as part of a policy of recognition. All identity, whether individual or collective, is the product of negotiation through dialogue. Thus the importance of recognition: “The projection of an inferior or demeaning image on another can actually distort and oppress, to the extent that the image is internalized” (Taylor 1992: 35-36).

In this sense, Neves proposes a political strategy uniting redistribution and recognition; this would widen the alliances of blacks with other social forces. He raises an important question concerning affirmative action programs: “Are they capable of altering social inequalities, or just involve the rotation of individuals around prestigious social positions?” He warns, therefore, of the risk of “watching the State enact more “differentialist” than distributive policies; “differentialist” in that they foster claims for difference, but with little effectiveness in fighting social inequality” (Neves 2005: 90).

A Parallel Between the United States and Brazil

Comparing the period when affirmative action policies were implemented at U.S. universities during the 1960's with the current Brazilian context, in which the first experiences are being carried out in the beginning of the twenty-first century, there are differences worth highlighting.

Affirmative action policies in the United States were strongly influenced by the mobilization of black organizations in a segregated society within a world historical context impregnated with the emancipation struggles of European colonies in Asia and Africa. The discourse was one of citizenship. In the United States civil rights movement, the main political actors were integrationist groups whose aim was to change the legislation that allowed for segregation, and the segregationists who sought maintenance of the *status quo*.

The participation of African-Americans in World War II as part of the allied forces fighting the Nazi regime made virtually unsustainable, after the victory abroad, the conservation of internal segregation based on white supremacy still in place in many Southern states. Martin Luther King Junior, in

his historic “I have a dream” speech, expressed the hopes of a great share of the U.S. black population. The purpose was to attain full citizenship. In this sense, affirmative action policies, especially in the job market and universities, aimed at redressing the effect of an existing discrimination.

Compared to such a segregated society as the United States, especially the Southern states, racial relations in Brazil would appear more harmonious indeed. In the same period, the idea of racial democracy had barely been questioned in our country. However, in the 1970’s, research data began to systematically show the inequality of *pardos* and blacks, and racial prejudice in Brazilian society (Halsenbalg 2005).

The *Movimento Negro Unificado* (Unified Black Movement), created in Brazil in the 1970’s, has put pressure on the State to take a stance beyond the fight against racial discrimination to include policies that recognize the contribution of black culture to the nation and that enhance opportunities for the social ascent of young Afro-descendants.

The affirmative action debate in Brazil, especially regarding university quotas, bears a strong national stamp, and is taking place in a different world context than that in the United States. It also reflects the mobilization of black leaders, but is based on a wider discourse of inclusion of discriminated groups expressed in international protocols signed by most world countries, Brazil included. It is supported by a perspective of human rights, the right of each culture to recognition and a respect for diversity.

Brazil was one of the 167 countries to ratify the Convention for the Elimination of All Forms of Racial Discrimination. In doing so, the country has committed itself not only to fighting discrimination through punitive measures, but also to actively promoting equality through various affirmative policies aimed at redressing racial inequality (Piovesan 2005).

The implementation of measures specifically favoring the *pardo* and black populations, however, has been met with resistance in Brazilian society. I recognize that whites, yellows, *pardos*, blacks and indigenous are all Brazilian. However, if it is true that we are all Brazilians, we have different colors and these have been used as social criteria for inclusion and exclusion in such a way that deep social inequalities are structurally sustained and continuously reproduced in Brazilian daily life.

Article translated from Portuguese by Leticia Cesarino

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Brazil shares with the United States a population built from European immigrants, their African slaves and the remnants of the Amerindian population they displaced. But with many more free blacks during the era of slavery, no "Jim Crow" laws or segregation after it ended in 1888 and no taboo on interracial romance, colour in Brazil became not a binary variable but a spectrum. Even so, it still codes for health, wealth and status. Such fears make sense: any sort of affirmative action will bring more publicly educated youngsters into university—and in Brazil, the difference between what they and their privately educated counterparts have learnt is vast. In global education studies, 15-year-olds in Brazil's private schools come slightly above the rich-world average for all pupils. Affirmative action in the United States is a set of laws, policies, guidelines, and administrative practices "intended to end and correct the effects of a specific form of discrimination" that include government-mandated, government-approved, and voluntary private programs. The programs tend to focus on access to education and employment, granting special consideration to historically excluded groups, specifically racial minorities or women. The impetus toward affirmative action is redressing the countries, with affirmative action in the United States increasingly challenged, while in Brazil, the federal government has succeeded in implementing the most expansive affirmative action and other higher education laws in Brazil, and these authors prioritize the historical role of grassroots movements fighting for these institutional changes. Several state universities in 2003, the creation of the federal program PROUNI, which offers fellowships for K-12 public school graduates to attend university, the constitutional upholding of affirmative action in 2012, and the mandate in 2012 for all federal universities to include quotas in their admissions process.

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