

## Affirmative Action in Brazil

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The sudden announcement in 2001 of affirmative action programs in Brazil would have been surprising to just about anyone at that time. The very idea of affirmative action, which largely sought to increase the number of nonwhite students at Brazilian universities, was widely considered as anathema to Brazilians' long-established idea of their country as a racial democracy. Although significant race-based policy initiatives had been taken in a few municipalities, these were the first implemented on a large scale and at the federal level. Implementation of affirmative action was seen as a top-down policy, although it was brought on by pressure from the black movement and Brazil's international commitments, particularly at the U.N. Conference Against Racism in 2001 (Telles 2004). Since then, affirmative action has progressively expanded to many public universities, and federal law now requires it at all federal universities. Moreover, affirmative action has engendered much discussion about race and racism, including lively debate about affirmative action, whereas public discussion of race and racism was rare prior to 2001 (Telles 2004).

The progressive nature of university councils has made universities especially fertile grounds for affirmative action, and Brazil's most competitive universities tend to be public. As a result, the vast majority of affirmative action programs are located in public universities. Moreover, the general expansion of university slots in Brazilian universities has prevented affirmative action from being a zero-sum policy, further increasing its popularity.

Paradoxically, public universities, which are completely free of charge, tend to be superior to private universities, so that the students who are enrolled in public universities disproportionately come from

the private secondary schools that Brazil's privileged classes attend. On the other hand, most Brazilians attend the poorly resourced public schools, and those who graduate and go on to college predominately go to private universities, which account for 70 percent of higher education students in Brazil (Paixão and Carvano 2008). Thus, attendance at public secondary schools is an indicator of low socioeconomic status in Brazil and has become an important class-based criterion in Brazil's new affirmative action policies in public universities.

Quota systems have become the default affirmative action program, especially because they fit well with the Brazilian system of university admissions, which tend to be based entirely on an entrance exam. Quota-based programs guarantee a certain percentage of university admission slots to students on the basis of race and/or class. A few universities like the State University of Campinas and Federal University of Minas Gerais have begun to use point systems instead, which give additional "points" to the applications of those from disadvantaged class, schooling, or race backgrounds. Unlike the quota system, the point system does not guarantee a number of beneficiaries.

Affirmative action grew from its implementation at the State University of Rio de Janeiro in 2002 and spread to a large number of higher education institutions. Today, a majority of Brazil's federal and state universities, which are attended by about 80 percent of Brazilian students in public higher education, have some kind of quota system, while less than one-third of the remaining institutions (municipal universities, isolated public college-level courses, and technical schools) do. According to data compiled in 2010 by the Instituto de Estudos e Pesquisas

Educacionais Anísio Teixeira (INEP), 49 of 95 federal and state universities had quota systems (unfortunately such information is not collected for universities that use the point system). In terms of the number of students affected, 45 thousand students were beneficiaries of affirmative action in 2010, comprising 11 percent of all students in public higher education (LAESER 2012). However, a 2012 law approved by the National Congress (Quota Law) requires that by 2016 all federal higher education institutions implement quotas on the basis of attendance at public high school; family income; or being indigenous, black, or brown. We project that after four years of implementation the number of quota students in Brazilian higher education will increase by roughly three times its current amount (calculation by Marcelo Paixão using data from LAESER 2012 and the 2010 Census of Higher Education).

### Class- versus Race-Based Policies

Although there is some opposition to quotas or affirmative action of any kind, class criteria have become more acceptable than race for redressing Brazil's enormous social and racial inequalities. Data from the 2010 INEP show that class quotas have become more common than race quotas, even though the debate has been almost entirely about race quotas. The most common class criterion is attendance in public secondary schools, which accounts for fully 74 percent of all quota students. A few universities use a combination of class and race quotas, and as of 2012, when the University of Brasília began to also use class-based criteria, none exclusively use race quotas.

Until recently, opposition to affirmative action was especially strong because of the use of race/ethnic criteria. This largely

reflects the resistance of Brazilian society to recognizing racism's role in creating educational disadvantages and thus adopting race-based policies to redress them.

### Public and Legal Support

Although the issue of racial quotas continues to be very polemical in Brazil, most Brazilians actually support them. The most recent poll in 2008 produced by Instituto Datafolha showed that 44 percent of the population strongly agreed and another 18 percent agreed in part that quotas for blacks and browns (*negros*) are fundamental to improve the access of all persons to education. However, most opposition is from the middle class and sectors like the media, especially the principal newspapers and news magazines.

At the beginning of affirmative action, many persons alleged that affirmative action and quotas were unconstitutional. However, in 2012, the 11-member Brazilian Supreme Court unanimously upheld the constitutionality of both class- and race-based quotas. Article 3 states that the Federal Republic of Brazil “fundamentally” seeks to create a free, just, and undivided society; eradicate poverty and marginalization; reduce social and regional inequalities; and provide special incentives to protect women in the labor market. The article goes as far as suggesting the use of affirmative action for women and the physically disabled.

### Racial Classification and Quotas

Brazil is known to have much more racial ambiguity than the United States, where there were clear rules about who was black and intermarriage was forbidden. The

issue of racial ambiguity, which was originally seen as an impediment to affirmative action policies in Brazil, comes up occasionally, as might be expected (Francis and Tannari-Pianto 2012), but not as often as many opponents would have expected. At the extreme, a handful of universities have created commissions to decide if candidates could use racial quotas.

The emergence of a racial awareness in Brazil, largely around the quotas debate, has also led to changes in racial identity in Brazilian society. Certainly, it could have been expected that university applicants, especially those who had previously identified as white but who have some African or indigenous ancestry, might begin to identify as nonwhite to take advantage of the racial quotas. White, just like any racial category, never required that it be ancestrally pure as in the United States. Indeed, a rigorous study of applicants at the University of Brasília revealed systematic reclassification toward nonwhite with the quota system (Francis and Tannuri-Pianto 2012). More surprising is that there has been a general tendency toward identity as nonwhite, as Guimarães (2010) has documented and as reflected in the changing racial composition of Brazil (LAESER 2012).

### Affirmative Action in the Labor Market

Though important for many symbolic and material reasons, affirmative action in the university affects a small proportion of the black population. So the issue of what to do in the general labor market is very important. Since most of the Brazilian population and the vast majority of the *negro* population are in working-class jobs, ideally Brazil should seek to expand employment in sectors where there are plentiful jobs that require the nine years of

average education of Brazilians or less, while improving access to higher-status jobs for *negros*, if the country is to experience significant reductions in racial inequality. A disproportionate number of informal-sector workers are Afro-descendants. Minimum-wage laws directly help those in the formal sector and indirectly those in the informal sector, where blacks predominate. Nevertheless, there has been very little affirmative action in the labor market. Governments have been very timid in labor market affirmative action. A few large enterprises have voluntarily adopted affirmative action, but these scattered initiatives appear to have gained little traction.

### Final Comments

The unexpected implementation of racial quotas occurred despite a near absence of discussion about them, catching policy analysts and public opinion off guard. However, without their sudden imposition, serious discussion about race in Brazilian society and policies to redress racism probably would never have occurred. Regardless of the design or potential benefits of these policies, their implementation has projected the issue of race and racism to a level never before seen in modern Brazilian history. In particular, it broke with several decades of a strongly held racial democracy ideology. Although there is much discussion about the appropriate policy solutions, Brazilians now largely agree that racism exists and that racial inequality is high, thus arguing that something must be done to alleviate these problems.

Large-scale reductions in racial inequality are possible in Brazil, but this will be a long process, and the reductions are likely to materialize only if Brazil makes serious

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policy attempts to include its large Afro-descendant population at all levels of society. This will require utilizing not only affirmative action but other policy measures, whether universal, race-based, or both, that extend beyond the university.

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La situación educativa en América Latina desde la perspectiva de la equidad de género ya no responde a la caracterización de la exclusión lisa y llana de las mujeres del acceso a la educación. Pero tampoco puede situarse en el marco de un triunfalismo bobo que desconozca la persistencia de patrones discriminatorios que afectan a veces a las mujeres y a veces a los hombres en contextos específicos determinados, entre otros, por la etnicidad, la condición rural o urbana, y la pobreza. También, deben tenerse en cuenta los efectos encadenados de estas discriminaciones en el desarrollo de los ciclos de vida, durante los cuales estas desigualdades se mantienen y, en la mayoría de los casos, se profundizan.

Los compromisos establecidos por los gobiernos alrededor de acuerdos internacionales como el programa de Educación Para Todos de UNICEF, los Objetivos de Desarrollo del Milenio de la ONU (ODMs) y las Metas 2020 de la Organización de Estados Iberoamericanos (OEI) generaron contextos adecuados para avanzar en la expansión de la educación desde una perspectiva de derechos e igualdad de género. De ellos, el compromiso más importante es el que surge de los ODMs, que en su Objetivo Tercero, "Promover la igualdad de género y el empoderamiento de la mujer" incluyen dos metas obligatorias para los Estados, la 3ª "Eliminar las desigualdades entre los géneros en la enseñanza primaria y secundaria preferiblemente para el año 2005 y en todos los niveles de la enseñanza antes de finales de 2015" y la 3.1 "Relación entre niños y niñas en la enseñanza primaria, secundaria y superior". Estos compromisos permitieron concretar políticas para satisfacer las persistentes demandas de los pueblos de la región dirigidas a la expansión de la educación, agenda que —con variaciones por países—

se extendió desde fines del siglo XIX hasta la fecha.

Existe abundante información estadística al respecto. SITEAL (2010) muestra la tasa neta de escolarización primaria para varios países en 2011 y las diferencias en la cobertura de los indicadores. Veamos algunos: para el nivel primario, por sexo, Panamá, alcanza al 97.7 para hombres y mujeres; Guatemala, el 91.9 para hombres y 91.2 para mujeres y Argentina, 95.14 para hombres y 94.8 para mujeres. Los datos regionales agregados provenientes de CEPALSTAT <[http://estadisticas.cepal.org/cepalstat/WEB\\_CEPALSTAT/Portada.asp](http://estadisticas.cepal.org/cepalstat/WEB_CEPALSTAT/Portada.asp)> muestran, para el nivel primario, una razón de 0.968 (favoreciendo a los hombres); para la secundaria, de 1.078 (favoreciendo a las mujeres) y para el nivel terciario de 1.276 favoreciendo todavía en mayor proporción a las mujeres. Estos datos pueden implicar importantes ventajas relativas de las mujeres o puntos de partida más desfavorable para los varones (menor inscripción) y las razones de estas diferencias deben ahondarse con estudios específicos caso por caso. En todo caso, el abordaje cuantitativo de la cobertura no da cuenta de las demandas crecientes que se hacen a los sistemas, que se centran en el objetivo de alcanzar cobertura junto con calidad. Deben formar parte de la cuestión de la calidad, todos los temas de la equidad, principalmente la de género. Es en esta dimensión en que hay que tener sintonía fina para explorar cómo, pese a que la información estadística a nivel agregado favorezca —en dos de los tres niveles a las mujeres— la discriminación se sostiene a nivel del *currículum*, de las prácticas escolares y, más avanzado el nivel, en las orientaciones que las chicas toman en el marco de las ofertas de especialización de los sistemas educativos. Adicionalmente, la discriminación también se reproduce en la forma en que las prácticas no visibles del