

**Shifting Discourses:
Exploring the Tensions between the Myth of Racial
Democracy And the Implementation of Affirmative
Action Policies in Brazil**

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**Summer Research Report
September 2005**

Center for Latin American Social Policy – CLASPO

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1. INTRODUCTION

Are the recent debates surrounding the controversial topic of Affirmative Action in Brazil changing the racial landscape of the country? What impact will these laws have on issues of race, race relations, and racial identity? Will Brazil experience a shift in its racial paradigms and a restructuring of its socio-economic and political organizations in light of these latest developments? This paper is part of an ongoing research about the process of implementation of Affirmative Action policies in Brazil and the possible impacts that these laws may have in discourses about race and racial identity in that country. Those are guiding questions that I will be exploring throughout the text, but they could not possibly be answered fully in such early stages of my research. Therefore, I intend to use these questions to briefly discuss some of the pertinent issues, as well as some events concerning this momentous historical development. In this text, I also point out to the some of the implications of these developments in Brazilian politics, particularly as it relates to their possible impact on traditional discourses about race relations as well as the role of race in Brazilian society. Furthermore, I intend to place these debates within the context of a nation that has been perceived nationally and internationally as a raceless country, or, in other

words, a country that does not struggle with the legacy of legally sanctioned barriers that granted or denied benefits to different groups according to their racial ancestry.

Scholars such as France W. Twine, Michael Hanchard, Anthony Marx, and others have focused on the weakness of black organizations in Brazil, especially when combating the alleged overwhelming influence of the ideology of the myth of racial democracy in the country.¹ This myth is viewed by many as the overarching framework that shapes and informs the perceptions of Brazilians of all racial backgrounds. However, I argue that the polemics and the controversy generated by the ongoing implementation of affirmative action policies constitute a major force in the reshaping of discourses and perceptions about the role of race, racial identity, as well as racism and racial prejudice. I contend that the politically charged debates generated by these measures constitute a powerful transformative force in the traditional narratives about the harmonious nature of race relations in the country on several levels. In this paper, I also highlight the Key role that black organizations have had in demanding and debating the implementation of laws that aim at compensating for centuries of socio-economic and educational opportunities. Black militants have systematically struggled and challenged traditional discourses that have historically masked Brazil as a ‘racially democratic nation’. The efforts of black organizations and their struggles for the rights of people of African descent in Brazil tend to be obliterated by mainstream narratives that usually emphasize the role of ruling elite. These discourses aim at perpetuating myths about the benevolence of ruling elites and their predisposition to “granting” rights to popular classes and minorities or oppressed sectors of its population.

¹ Political Scientist Ollie Johnson explores these issues in his paper entitled *Black Politics in Brazil: New Developments and Old Challenges* – presented by the author in a lecture at Rutgers University in April, 2004.

Slavery and race relations in Brazil have generated an enormous amount of research, especially comparative research, in particular works that tried to establish comparisons between Brazil and the US. Many scholars across disciplines have looked at the various factors that may influence the way in which discourses around race, race relations and discrimination shift according to specific historical moments and settings. Therefore, it is my strong belief that the current controversial process of implementing affirmative action policies in Brazil will certainly contribute to the production of new original scholarship about that country.

SHIFTING APPROACHES: AFRO-Brazilian x Brazilian HISTORY

From the sixteenth century through the abolition of slavery, maroon communities - self-governing communities of runaway slaves - coexisted with the institution of slavery throughout the Atlantic World. The rise and fall of these communities has been the subject of research by academics across disciplines. These communities usually were located in areas that were difficult to access and were one of the main expressions of slave resistance in the Americas. In Brazil they were known as *quilombos* and Palmares, which is located in the present day state of Alagoas, was Brazil's biggest and longest lasting maroon community. Nowadays, "[Brazil] houses the largest population of African descent outside of Africa" (Skidmore: xiii, 1999). Slavery and its aftermath, as well as the role of race and related issues in that multiracial society have generated an enormous amount of scholarly and non-scholarly publications.² These works usually grapple with a wide variety of issues concerning

² See Jose João Reis article *Slaves As Agents of History: A Note on the New Historiography of Slavery in Brazil*. In this article he asserts that there has been an increase in the number of publications about slavery in Brazil inside as well as outside of the country, specifically in these last twenty years. In *Ciencia e Cultura Journal of the Brazilian Association of the Advancement of Science* (Volume 51, September/December 1999) 437

this nation that “has traditionally been viewed by its citizens and by foreign observers as a social democracy or a racial paradise (Hellwig: xi, 1992). These publications very often also try to draw comparisons between the complexities of race relations in Brazil and other multiracial countries. According to historian George Andrews, “The concept of racial democracy asserts that Brazil is a land entirely free of legal and institutional impediments to racial equality, and largely (particularly in comparison to countries like the United States) free of informal racial prejudice and discrimination as well” (Andrews, 1991:253).

In the early to the mid 1980s, the transition from a military dictatorship to a democratically elected government led to a political mobilization around human rights. Even though the military influence was still strong during this transition, the new civilian politicians had to contend with intense efforts from various sectors of society to insert strong human rights provisions in the new constitution. These movements included black activists who addressed the need for policies that aimed at compensation for the historical and long lasting socio-economic exclusion of people of African descent in Brazil, and for redistribution of land³. Moreover, international developments such as the demise of the apartheid in South Africa, and new interests in Brazilian race relations allowed conversations about civil rights based on race and African descent to surface. This conjecture stimulated the revisiting and reinterpreting of traditional narratives around issues of slavery and its aftermath, as well as the relationships between race and socio-economic and political inequality in Brazil. As a result of these and other factors, in 1988, the new civilian government officially created the Palmares Foundation, named after one of the main

³ For a discussion of this process of transition and the rise and strengthening of social movements see Kathryn Hochstetler In *Democratic Brazil: Actors, Institutions and Processes*, Ed. Peter R. Kingstone and Timothy J. Power. (Pittsburg: Pittsburg Press, 2000)

symbols of black resistance in the country. This foundation was implemented as symbolic act to honor the 100th celebrations of the abolition of slavery in Brazil⁴.

Along with the creation of the Palmares foundation, in 1988 laws that guaranteed territorial protection for former *quilombos* and certain rights to the descendants of runaway slaves were implemented in the constitution. The institution of slavery has played a central role in the historical and socio-economic development of the Brazilian nation-state. However, traditionally most of the official celebrations of historical events related to slavery such as the annual festivity for the abolition of slavery “*Abolição da Escravatura*”, have focused mainly on the contributions that those of African descent brought to Brazil such as music, dance and “exotic” cuisine⁵.

LAND RIGHTS: THE DISPLACEMENT OF TRADITIONAL NARRATIVES

The recent historical and anthropological literature on *quilombos* has in some ways reshaped the material and cultural memory of slavery in Brazil⁶. The legal procedures taken by the Brazilian government in order to grant land rights to maroon descendants in Brazil have had an impact on the recent historiography of slavery in Brazil in at least three interrelated ways. First, the research carried out by historians and anthropologists have resulted in an increase in the amount of historical and anthropological literature produced about communities of slave descendants. Secondly, since these laws grant land ownership

⁴ For an analyses of the celebrations of the 100th anniversary of the abolition of slavery in Brazil see George Reid Andrews, *Blacks and Whites in São Paulo, Brazil: 1888,1988* (Madison: UP Wisconsin 1991)

⁵ Ibid 223

⁶ See Jan Hoffman French, *Dancing for Land: Law-Making and Cultural Performance in Northeastern Brazil*, In *Political and Legal Anthropology Review* (Vol. 25, 1, 2002)

and other rights to maroon descendants, they have influenced a recontextualization of the historical interpretation of slavery in Brazil. How? The increase of publication is one set of the agents that have helped shift contemporary discourses about slavery and its aftermath away from traditional official narratives. And third, the increased focus on the recuperation of this history carried out by historians, anthropologists, black activists and public intellectuals have increased the visibility and the awareness of the role that slavery and its aftermath have had in the process of the formation of the Brazilian nation-state at a national and international level. As stated by historian José João Reis: “the main change in the recent historiography, a shift that has enabled a far greater understanding of the social history of slavery, has been an awareness of slaves as active agents of their own history.”⁷

Perhaps the most important dimension to this recontextualization of the memory and the discourses surrounding slavery in Brazil, involves the displacement of traditional narratives. These collaborative works carried out by historians, anthropologists and black activists reposition conventional perspectives of the history of slavery in Brazil. It does so by giving voice to the slave descendants themselves, instead of relying solely on documents about the history of slavery produced by the usually one-sided perspective of traditional historiography. In this case, the memory of these maroon descendants is retrieved by historians, anthropologists, black activists and public intellectuals, which enables the maroon descendants to produce “their own versions of their history and identity and engaging in debates with academics, as well as government officials, about these”(Wade, 118:1997). In this process, these retrieved memories subsequently become the very evidence used to assert their entitlement to land and other rights.

⁷ See José João Reis *Slaves As Agents of History*, 443

The enactment of the law in 1988 provided the possibility of land rights to those communities formed by maroon descendants. The recontextualization of traditional perspectives about Brazilian slavery, coupled with another major factor, the recent polemics regarding the implementation of affirmative action policies in Brazil configure a conjuncture that has been a major force in the reshaping of the central role of slavery in Brazilian history, as well as the memory of slavery and its aftermath. My hypothesis is that all of these factors combined may have a definite impact on official discourses from the traditional approaches to much more politically charged debates regarding access to education, political and economic power, and upward mobility for people of African descent in Brazil

AFFIRMATIVE ACTION POLICIES IN THE LAND OF RACIAL DEMOCRACY

Brazil has lately been confronting the polemics generated by attempts of implementing affirmative action policies that were proposed by the previous administration of the Federal Government. Particularly after the Durban Conference in September of 2001, some sectors of the federal, state, and municipal governments have been publically discussing and implementing quotas in universities and Civil service jobs as well as television programs, movies and commercials.⁸ These measures have ignited a national debate. One of the main issues concerns the criteria to determine who is going to benefit from these policies. Should they be based on phenotypical traits or racial ancestry? As I will further discuss later in this text, one of the customary arguments is that such measures are a foreign import (e.g. North American) that does not suit the specificities of Brazilian history and society. Moreover, opponents of the plan argue that conferring special advantages to a

⁸ See Sabrina Moehlecke, *Ação Afirmativa: História e Debates no Brasil*, Cad. Pesqui., Nov. 2002, # 117, 195

specific racial group is unconstitutional. They also contend that these policies will backfire and actually generate racial tensions in the country.

The process of implementation of quota systems at Brazilian universities have generated tremendous controversy. In my view, these debates may constitute a major force in the reshaping of mainstream discourses around race and race related issues in the country. It is my belief that the controversy generated by the execution of these laws may give more prominence to politically charged debates regarding the role of race in access to education, political and economic power, and upward mobility in Brazilian society. The heated debates generated by these policies may also bring to the forefront more overt evidence of racism and racial prejudice in Brazil.

AFFIRMATIVE ACTION: CONTEXTUALIZING THE DEBATE

In order to shed some light into the controversy generated by the implementation of affirmative action policies in Brazil, it is necessary to contextualize them. They must be located within the parameters of a country that has historically placed great importance on the miscegenation and the whitening of its population. Such contextualization will provide the background for the arguments employed to dismiss the validity and the applicability of these policies in the country. The following session provides an overview of the discourses and historical processes that have informed and shaped historically prevailing notions about the role and the relevance of race in the country. In particular, these debates must be placed within the context of prevailing traditional ideologies and narratives about what constitutes the Brazilian. In this session, I will also elaborate on the traditional views about the institution of slavery in Brazil.

Gilberto Freyre: Race, Gender, and National Identity

Sociologist Gilberto Freyre published several books and articles between the 1930s and the 1970s in which he developed the notion of a “New World” in the tropics. Brazil was constructed in his texts as a nation that should serve the rest of the world as a model of how to solve the problems of racial prejudice and racial inequality.⁹ His book, *Casa Grande e Senzala*, first published in 1933 and later translated and published in English as the *Masters and the Slaves*, looks at the history of the institution of slavery and reassesses the participation of Africans, Indians, and Portuguese in the building of the Brazilian nation. Historian George Reid Andrews, when discussing Freyre’s influence on the construction of Brazil as a racial paradise, states that:

" [...]stressing the relatively low levels of race prejudice among Brazil's Portuguese colonists, and the dearth of European women in the colony, Freyre argued that Brazil provided the setting for widespread race mixture between European masters and African slaves." (Andrews: 1991, 7).

In his work, while elaborating on the successful blending of races and cultures in the process of formation of the Brazilian nation he conferred rather different roles to the different racial groups. Freyre assigned the principal role to the white Europeans while the other groups or races played subordinate or secondary roles in their contributions in that process. In such way, he argues that the successful cultural and biological blending of the three races as responsible for their harmonious coexistence in Brazil. Discourses about the participation of Afro-Brazilians in the construction of the Brazilian nation are usually restricted to “contributions”. For example, when addressing the nature of the celebrations of the abolition of slavery in the country, historian George Andrews states that “Inspired by

⁹ See George Andrews Blacks and Whites in São Paulo, 7.

Gilberto Freyre and the works of Bahian novelist Jorge Amado, such an approach [to celebrations of 100 years of the official abolition of slavery] emphasized the special *alegria* (happiness, gaiety, mirth) which Africans brought with them to Brazil, and which is now considered so characteristic of Brazilian civilization.¹⁰

Gilberto Freyre, along with other Latin American intellectuals, stressed the benefits of racial mixing as an effort to counteract theories of Latin American degeneration that were allegedly caused by racial mixture. Racial difference would therefore be mediated by sexual union regardless of existing hierarchical and socio-economic differences.¹¹ The romanticized relationships between the white male master and female slave concubine are central in this process of cultural and sexual union as conceived by Freyre:

*“Quanto à miscibilidade, nenhum povo colonizador, dos modernos, excedeu ou sequer igualou nesse ponto aos Portugueses. Foi misturando-se gostosamente [emphasis mine] com mulheres de cor logo ao primeiro contato e multiplicando-se em filhos mestiços que uns milhares apenas de machos atrevidos conseguiram firmar-se na posse de terras vastíssimas e competir com povos grandes e numerosos na extensão de domínio colonial e na eficácia de ação colonizadora”*¹²

Freyre's interpretation of the Brazilian nation appealed - and still appeals - to both elites and ordinary Brazilians and Afro-Brazilians as well. The intellectuals and political elites during the Vargas regime embraced and promoted his conception of what constituted as

¹⁰Ibid 223

¹¹ In her book *In Defense of Honor*, Historian Sueann Caulfield discusses the role of Gilberto Freyre in the shaping of Brazilian national thought. She does that in order to contextualize her analyses and findings in her work insightful investigation of legal disputes over lost virginity in early twentieth century Brazil (Caulfield, in *Race and Nation in Modern Latin America* Eds. 2000)

¹² Interestingly enough, the word “*gostosamente*” (deliciously) has been left out from several English translations that I have encountered. The implications of this word “deliciously” are quite significant. It speaks to his romantic perception of these encounters and serve to obliterate the oppressive nature of the relationship between masters and slaves that took place not only in Brazil but throughout the Diaspora. Gilberto Freyre, *Casa Grande e Senzala: Formação da Família Brasileira Sob o Regime da Economia Patriarcal*. Recife: Global Editora, 2003 [1933] 70

well as distinguished the Brazilian nation. It served the purpose of promoting a homogeneous national identity transcending regional variation and easing existing tensions between the regions.¹³

Historian Barbara Weinstein, in her article *Racializing Racial Difference* explores the relationships between race and regionalism in the early 1930's in Brazil. She argues that Gilberto Freyre's inclusive vision of the Brazilian nation - as opposed to the openly exclusionary and racist visions of the *Paulista* elite - would certainly appeal to both elite and popular groups. Although he had also crafted his vision of a Brazilian national identity in the context of northeastern regionalism, Freyre's imagining of the Brazilian nation did not require a rejection of regional and, more importantly, racial differences.¹⁴

Miscegenation: Blending of Cultures and Embracing of Differences?

Freyre's work has miscegenation as one of its main solid pillars. The spontaneous mixing of the races has been portrayed, and perceived by many scholars and intellectuals in Brazil and abroad,¹⁵ as the undeniable proof that racism and racial prejudice are not part of

¹³ In the article *Racializing Regional Difference, São Paulo Versus Brazil, 1932*, historian Barbara Weinstein provides an insightful analyses of process that led to the consolidation of the myth of racial democracy, through a discussion of the simultaneous resurgence of regionalism and nationalism in the early 1930's in Brazil. In *Race and Nation in Latin America*, ed. Nancy P. Appelbaum, Anne S. Macpherson and Karin A. Roseblatt (Chapel Hill: the University of North Carolina Press, 2003)

¹⁴ Ibid

¹⁵ In the book *African American Reflections on Brazil's Racial Paradise*, professor David Hellwig gathered various observations made by African Americans regarding their impressions on race relations in Brazil since the early 1900s until the late 80s. The articles assembled in the book were first published in magazines and newspapers and were written by journalists, educators and scholars who expressed their views on race relations in the 'racial paradise'. The pieces collected in this book demonstrate that for several decades Brazil was perceived by African-Americans as a country in which one's racial ancestry did not have a strong influence in the upward socio-economic status of its citizens.

Brazilian culture.¹⁶ Heavily influenced by European and US doctrines of scientific racism that started to emerge in the early 1883,¹⁷ the prevailing thought among the Brazilian elites during the late nineteenth and early twentieth century was that miscegenation would lead to whitening and the consequent improvement of the country. As stated by historian Thomas Skidmore “...the white Brazilians were betting primarily on race mixture, a process that horrified white North Americans, to gradually turn themselves into the equivalent of the superior race”¹⁸. Such attitude ultimately contributed to the self-image of Brazil as a racial democracy. Class, instead has traditionally been the justification for socio-economic inequalities and discrimination in the country.

Traditionally, slavery is portrayed as an institution that was based on an almost harmonious coexistence between masters and slaves. Moreover, in traditional historical narratives, slavery is often addressed as a chapter of Brazilian history that was sealed with the benevolence usually attributed to slave holders and the ruling elites, who willingly ‘granted’ freedom to the enslaved. This distortion of historical developments is brilliantly discussed by historian Robert E. Conrad, in his book *Children of God's Fire: A Documentary History of Brazilian Slavery in Brazil*. He collected numerous sources that indisputably challenge some of the myths that permeate traditional narratives about the institution of slavery as well as race relations in Brazil.

¹⁶ As maintained by professor Abdias do Nascimento: “[perhaps the most effective element of Brazilian white supremacism is its very self denial, and the myth that race mixture led inexorably to nonracist social relations is the pillar of that strategy” Abdias do Nascimento and Elisa Larkin Nascimento. *Africans in Brazil: A Pan-African Perspective*. Trenton: Africa World Press 1992, (109).

¹⁷ For an extensive discussion of the scientific and social movement known as Eugenics, its influence and the political, scientific and cultural roles it played Brazil, Argentina and Mexico see Nancy Leys Stepan's book *the Hour of Eugenics: Race, Gender, and Nation in Latin America*.

¹⁸ Skidmore, Thomas E. *Black into White: Race and Nationality in Brazilian Thought*. Durham: Duke UP 1993. (64)

In his work, Conrad discusses the foundations of the myth of the benevolent Brazilian slaveholder and his content human property. Even though this argument was originated as pro-slavery propaganda, probably intended to combat foreign anti-slavery campaigns, it permeated the thinking of many Brazilians.¹⁹ In the quote below, he illustrates how these historically inaccurate narratives and myths of the benevolence of the Brazilian master have permeated the country's educational system for several decades:

“One of the most influential of these writers [intellectuals that gave credence to scientific racism] was Joao Ribeiro, author of a history of Brazil which was selected in 1900 to serve as an advanced textbook, a function it still served as late as 1996, the year it appeared in its nineteenth edition. For Ribeiro, whose work was read by generations of Brazilian students [emphasis mine], the Brazilian master was humane and philanthropic. The African (after surviving the miseries of the slave trade) found a new and happier life in Brazil.” [...] “Slavery in Brazil was rehabilitation, he claimed, a new fatherland, peace, and freedom which could have never been enjoyed in barbaric Africa.”²⁰

THE RACIAL CONUNDRUM: WHO OR WHAT IS BLACK IN BRAZIL?

Many traditional Brazilian academics and intellectuals dismiss the validity of the works produced by scholars in North America, particularly when these writers position race as an important category in Brazilian society. The criticism is often directed at what Brazilian critics consider a methodological fallacy, namely by claiming that such works are trying to apply the historical and cultural specificities of race in the US to the racial composition of Brazilian society. Comparing the binary, polarized racial system existing in the U.S. to what is considered to be fluid definitions of race as in the case of Brazil, has

¹⁹ see Robert Edgar Conrad's *Children of God's Fire* where he collects a series of documents about Brazilian slavery (xx, xxi)

²⁰ Robert E Conrad. *Children of God's Fire: A Documentary History of Black Slavery in Brazil.* (Princeton, N.J. : Princeton University Press, 1997) [1984]. xxii

resulted in an immense array of publications and at the same time continues to be a challenge for scholars who attempt to draw comparisons between these two countries.

The implementation of these laws are fundamentally opposed to traditional perspectives or approaches that present Brazil as country that does not present impediments to the socio-economic mobility of its citizens based on their racial ancestry. Usually, Euro and Afro-Brazilians tend to equate the absence of official, legalized barriers imposed against people of African descent with an alleged absence of racism and prejudice. Within this context, the implementation of affirmative action policies is perceived by many, as an “imported measure that is not applicable to the Brazilian historical settings. These following quotes extracted from a local newspaper and an on line publication, illustrate some of the arguments presented by those who question the validity, applicability, feasibility, and even the legality of the policies in Brazil:

“As for the system of racial quotas, then it becomes really clear the characterization of a case of reverse discrimination, [...a case], of great injustice, that positions itself against the motive of being a supposed “affirmative action” and, lastly, presents itself as impracticable in a society that effectively multiracial, miscigenated such as ours, serving to, one more time, camouflage in a demagogic manner, that which is the

responsibility of the State since the birth of the citizen [regardless of racial background].”²¹

“Going back to the core question, the adoption of a system of quotas, [...] is nothing more than the application in Brazil of an Idea or normative production of the US, created, obviously, for a very peculiar situation existent in the United States of North America in the 60's, as a result of profound social stratification and social divisions existing in that country. But would that be the case in Brazil of 2002 so much as to allow this ‘legislative importation?’”²²

“ Being able to tell who is black and who is not, in a city like Salvador is a lot more complicated than one would initially think. How would this classification be made? “*Olhometro?*” (Eye-meter) In the extreme cases there would not be any problems, but how about the *pardos*? (mixed) But who is *pardo*? All right, *pardo* is Afro-descendant. And aren’t there *pardos* Afro-descendants? Yes, there are. And I am one. My grandparents were grandchildren of slaves”²³

“It is a shame to know that the state of Bahia is going to be the first one to adopt the criterion of reserving seats for the entrance of people of the black race at UNEB. This ‘brilliant’ idea of the president Ivete Alves do Sacramento shows that racism also exists towards white people. The criterion to select candidates to the university must be their capacity, and not the color of a person, since the only difference between the races is the color and not the intelligence and culture. This is an injustice to the other races, since it reduces in 40% the number of seats, which makes more difficult the access of those [excluded] to the university.”²⁴

The quotes above actually lend enough information that could serve for the development of another research paper... They are loaded with arguments against the implementation of these compensatory policies that must be situated within the contextualization provided in previous session of this text. The first and the second quote

²¹ Augusto Moreira de Carvalho *Sistema Decotas Ou Ações Afirmativas No Brasil, Ou Poderíamos Chamar De Demagogia Política Sul Americana, Em Detrimento Dos Comandos Constitucionais Básicos Sobre Educação, Saúde, Moradia, Cidadania?* In *Direito Empresarial*, <http://www.ciglioniconsultoria.com.br/mostraartigo.asp?id=1>

²² Ibid

²³ Camila Vieira, , Letter, *A Tarde, Espaço do Leitor*, 29/07/02, 1

²⁴ Andréa Cunha de Santi, Letter, *A Tarde, Espaço do Leitor*, 30/07/02, 6

were extracted from an on line publication on Business Rights – *Direito Empresarial*. Published by a lawyer, within the text he carefully elaborates on the unconstitutionality of affirmative action laws and their non applicability to the Brazilian context. His position also illustrates one of the main arguments against these policies in Brazil: the fact that they are a foreign importation from the US that does not suit the specificities of Brazilian history, culture, and society.

The following quote was published on the “space for the reader” section of the newspaper *A Tarde*, one of the major newspapers in the state of Bahia. Entitled “About Yellows, Blacks and Whites”, the article expresses the view of a reader who identifies himself as someone who is “pejoratively called yellow” and who opposes the implementation of these policies. He argues that they may not be applied merely because it is not possible to judge or tell who is black or not black in Brazil, or in the city of Salvador to be more exact. His mocking remark about the criteria of classification being based on the “eye-meter” (measuring or judging through your eyes – meaning not very precise or inefficiently) speaks to larger issues regarding an ongoing debate regarding the criteria to determine who is going to benefit or be excluded by these policies. Unlike the US, the one-drop-of-blood rule does not regulate racial classifications in the country (even though it could be argued that it does not regulate them in the US either), due to a historical absence of segregation policies in Brazil.

In the final quote, also published in the same session of the *A Tarde*, the reader expresses her indignation with the implementation of these policies by using the competence and the reverse discrimination arguments. In her opinion, these policies should also be a source of embarrassment since they diminish the merit of those who benefit from them. More importantly, however, she argues that they will ultimately result in a decrease of the

number of seats for those who do not qualify as a member of the “black race”. These are just some examples of the many newspaper articles and opinion pieces that have been published in Brazil in which one can identify the ongoing controversy generated by the execution of these laws.

AFFIRMATIVE ACTION: COMPENSATING STATE NEGLIGENCE

In light of further deconstructing the myth of Brazil as a racial paradise and to create an environment in which racial privilege and discrimination can be recognized, acknowledged and discussed, it is more than necessary to focus on critical academic analyses of Afro-Brazilian history. This focus may be a valuable asset to combat the criticisms to the implementation of these laws by presenting well-grounded evidence that highlights the active role of the state in its attempts to “improve” its population by investing heavily in European immigration, particularly after the abolition of slavery in 1888. This research should focus especially on the phase of non-incorporation of the freed black population into the new labor system in the aftermath of slavery in Brazil, focusing on questions regarding state negligence towards Africans and their descendants in the country.

The book *Blacks and Whites in Sao Paulo, Brazil*, is an excellent example of such critical approach to the role of the state in the aftermath of the abolition of slavery in Brazil. Historian George Reid Andrews proposes to analyze 100 years of Brazilian history, from the post-abolition period to the year 1988, in which the centenary of the abolition of legal slavery was celebrated. Focusing mainly on the state of Sao Paulo, he points to the fact that after the legal abolition of slavery, racially biased policies were implemented:

Sao Paulo's labor market in the years immediately following the abolition of slavery was shaped by an unusual [...] degree of state direction and intervention. This was intervention seemingly devoid of any racial content, but in fact by choosing to invest funds in European workers, and refusing to make comparable investments in Brazilians, the province's planters, and the state apparatus which they controlled, had made their ethnic and racial preferences in workers crystal clear (59).

As stated before, these laws were based on European and US principles of scientific racism that emerged in the late 1800's. These measures clearly aimed at replacing the black labor force of freedmen and women with immigrants of European descent. Traditionally, historical accounts of the aftermath of slavery in Brazil do not emphasize that these particular actions resulted in the exclusion of a great part of formerly enslaved from the new labor system.

The measures carried out by the state in order to promote European immigration into the country and "improve" the Brazilian population through a gradual *branqueamento* are an undeniable proof that the history of Brazil has been marked by policies that assigned privilege to certain groups to the detriment of others. As previously stated in this paper, one of the arguments against affirmative action is that it is unconstitutional, since these laws are perceived as prescribing privileges to people of African descent solely because of their racial heritage. The argument is that such favoritism is a racist procedure, or an unlawful practice of reverse discrimination that does not have historical precedents in Brazilian history. George Andrew's research, however, points out to the fallacy of such argument. Also to highlight the influence of these immigration policies in combination to the ideology of the myth of racial democracy, historian Kim Butler observes:

The myth of racial democracy, an integral part of this barrier (to upward mobility), was the illusion of equality of opportunity for all Afro-Brazilians. [...] For Afro-Brazilians seeking integration via sanctioned modes of access, wealth and influential connections alone were not sufficient keys to upward mobility. Cultural and/or genetic assimilation was also necessary (Butler, [1998] 2000:214).

The Brazilian government was very conscious about the effects of increased white immigration after the legal abolition of slavery on the racial composition of the population. Brazilian officials hoped that the population would gradually ‘whiten.’ As stated before, the concept of whitening (*branqueamento*) should serve to extinguish the high numbers of blacks gradually over time. It is a concept so central to Brazilian racial ideology that it is embedded as a technical term in the language: “[*Branqueamento* is] a theory that claimed that the presence of Afro-Brazilians would gradually disappear through miscegenation, hence removing the racial barrier to modernization”²⁵ The culture of whitening represents a problem when trying to raise issues regarding racial awareness and political mobilization around questions of racial discrimination and prejudice, or even the need for implementation of affirmative action policies. It also creates problems for those who attempt to give more visibility to the central role of blacks in past and contemporary society.

IMPLEMENTING THE POLICIES: CHALLENGES AND OBSTACLES

In this session, I discuss the preliminary analyses of the data collected in Salvador, Bahia during the summer of 2003, through a travel grant provided by the Driskell Center for the Studies of the African Diaspora at the University of

²⁵ Michael Mitchell, *Miguel Reale and the Impact of Conservative Modernization on Brazilian Race Relations*, In *Racial Politics in Contemporary Brazil*, ed. Michael Hanchard (Durham: Duke UP, 1999) 123

Maryland . The main sources for my utilized for my investigation were the files of the juridical department at UNEB (State University of Bahia), the court files of the Justice Tribunal of Bahia and local newspapers – particularly media coverage of the process and opinion pieces. Some of the findings that registered opposing views to the implementation of the policies were presented in a previous session of this paper. My initial interest was to investigate the process of implementation of this policy at the State University of Bahia and in particular, the subsequent lawsuits filed against it.

The state of Bahia is located in the northeast of Brazil, one of the poorest regions of the country. According to historian Thomas E. Skidmore “ The result [of the major economic decline since the 19th century] has been the continuing poverty for the population [of the northeast], which now constitutes the largest pocket of misery in the Americas.”²⁶ of The majority of the population in that state is of African descent. The effervescence of living African-based religious and cultural traditions distinguishes this state from others in the country. In Salvador, the capital, students and members of several black organizations have been involved in efforts to implement affirmative action policies at the local universities. Many of these organizations as well as cultural and religious groups have their own publications, which are a source of information for the proposed research. Salvador da

²⁶ Thomas E. Skidmore, *Brazil: Five Centuries of Change*, New York: Oxford UP 1999

Bahia is therefore, the ideal location for field research due to its demographics, the strong presence of black organizations, and the existence of several cultural and religious groups that actively participate in struggles against racial discrimination and the rights of people of African descent in Brazil.

CRITERIA: MEDDLING WITH THE MYTH OF RACIAL DEMOCRACY

UNEB is a state university and was officially established 22 years ago. Preceded by several years debates and efforts from black organizations, in 2002 a town hall council (*vereador*) sent a petition to the state government requesting that 20% of the seats would be reserved for people of African descent in state universities in Bahia. The state juridical department sent this petition to the state secretariat of education that was then forwarded to the president of UNEB. Dr. Ivete Sacramento, the first black woman head an institution of higher learning in Brazil and a black militant immediately approved the implementation of the policy. In July of 2002, the current administration of the State University of Bahia - UNEB announced that 40% of their seats were going to be reserved for people of African descent.²⁷

The university adopted the same criteria of racial classification utilized by IBGE – Brazilian Institute of Geography and Statistics – black, white, pardo, yellow or indigenous. In the application form the candidates have a non obligatory item in which they may state their racial background – through auto classification - and they should state whether or not

²⁷ Interview with prof. Wilson Roberto de Mattos, Director of the Faculty of History of UNEB, In <http://www.ecomunidade.org.br/ecomunidade/cgi/cgilua.exe/sys/start.htm?sid=28&infoid> from Boletim PPCOR, de 17 de dezembro de 2003.

they were opting for the quota system for people of African descent. The candidates take the same exams but they are divided into two different groups – opting and non-opting (*optantes e não optantes*). 40% of the seats are reserved for afro-descendentes who have studied in local public schools for at least 3 years and 60% for the other candidates. Since the students are allotted in two different percentage groups there is a variation in the average minimum grade for approval in the exams. The average grade for the groups are calculated differently.

LAW SUITS: EXPLOITING UNPRECEDENTED POLICIES ?

The juridical contestations – the Justice Tribunal of Bahia sanctioned around 30 law suits filed against UNEB. Overall, candidates from both groups – opting and non opting who scored below the established average for acceptance into their chosen disciplines sued UNEB demanding to have scores reviewed. Non opting students claimed that the quota system had hindered their chances of being accepted at the university. The were gradually overturned as a request of UNEB's legal jurisdiction. The counter-argument employed by UNEB's legal team was centered on 3 main points:

- ◆ the law suits were illegitimate since all the candidates were aware of the quota system at the time of their application
- ◆ the article 271 of the Federal Constitution that gives didactic, administrative and patrimonial autonomy to Universities in Brazil.
- ◆ the federal mandate of December 19th of 2002 that established a quota system for the hiring of *negros* , women in federal institutions and several other policies proposed by the federal government.

In the face of these counter-arguments, the Superior Tribunal of Justice decided that the candidates' claims of the illegality of the selection process therefore could not be justified. The motivations, reasons and arguments presented by the opting students who filed the law suits against UNEB was mainly based on the fact that these students did not understand exactly how the process would work. These students involved in the litigious process sued the university in order to have their scores reviewed. They requested clarifications in the percentage or the minimum grades required for acceptance into their chosen majors. Finally, some opting students were not accepted in the quota system because they could not present documentation confirming that they had studied in public schools. The documentation confirming that at least 3 years of public school education was required only at the time of enrollment. They filed law suits against UNEB as well, but since one of the criteria established by UNEB is that the student not only had state whether or not they want to opt for the quota system but also they should have proof that they had studied in local public schools for at least three years.

Not surprisingly, however, following a tradition of mainstream Brazilian media – especially in newspapers and magazines of national circulation - the active participation and decisive role of black organizations in this process was absolutely neglected. In my view, this omission serves to obliterate the role of black organizations in the process of demanding policies that compensate for the historical exclusion of blacks. It also renders these organizations invisible to many, maintaining them in a marginal position within the fabric of Brazilian politics. Above all, it serves to perpetuate the myth of the generosity and the benevolence of Brazilian elites, much as it was the case of the process of abolishing slavery in the country.

IMPORTANCE OF RESEARCH FOR DISCIPLINARY CONCERNS

Slavery and race relations in Brazil have generated an enormous amount of research, especially comparative research, in particular works that tried to establish comparisons between Brazil and the US. Many scholars across disciplines have looked at the various factors that may influence the way in which discourses around race, race relations and discrimination shift according to specific historical moments and settings. Therefore, it is my strong belief that further investigation of this historical process will contribute to the production of new original scholarship about Brazil. It may also greatly contribute to the production of new original scholarship and provide the forefront for innovative comparative work focusing on the processes that are taking place within the different regions of Brazil. Comparing these processes with similar developments in other countries in the African Diaspora may also present new possibilities of looking at processes of racial identity formation.

It has proven to be difficult to discard prevailing notions of Brazilian racial democracy. Investigating the contentious process of implementation may provide valuable insights to the contradictory nature of the Brazilian racial democracy and possibly contribute to the production of scholarship that provides a more nuanced picture of the complexity of race relations in Brazil. Moreover, along with the very important fact that maroon descendants have conquered another venue to tell their own history, this official acknowledgement of entitlement to land may represent a step towards the inclusion of marginal populations in the Brazilian nation-state. The long-term implications and consequences of all of these important historical processes remain to be

seen and will most certainly raise important issues regarding the role of race in socio-economic and educational opportunities throughout the African Diaspora.

CONCLUSION

The myth that Brazil is a country that provides equal opportunities for socio-mobility for people of different racial backgrounds remain alive in the minds of many of Brazil's citizens. Even though there has been a substantial number of publications on the dynamics of the unequal nature of race relations in Brazil, such topics do not have the necessary visibility in Brazilian society as a whole. The enduring existence of these erroneous and unrealistic visions perpetuates the vicious cycle of the conditions responsible for poverty, inequality, and socioeconomic disadvantages that have been hindering the advancement of Afro-Brazilians, more than a century after the abolition of legal slavery in the country.

In this paper, I have explored the impact that the implementation of affirmative action policies and laws may have in Brazil. My goal was to discuss the possible ways in which these fierce debates may influence a shift in the discourses regarding race relations as well as the role of race in access to education, political and economic power, and upward mobility in Brazilian society. The implementation of these policies have stirred debates and caused controversy that represent a major challenge to traditional narratives about the Brazilian nation. The fact the these laws are currently being discussed and implemented in various sectors of the public and private institutions and organizations **in itself** contradicts the main arguments that have permeated these narratives. In my view, the execution of these laws are the undeniable proof that the myth of racial democracy

has indeed been clouding the realities of the socio-economic and educational exclusion of people of Afro-Brazilians for many centuries.

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