

RACE-BASED AFFIRMATIVE ACTIONS IN BRAZILIAN PUBLIC HIGHER EDUCATION: AN ANALYTICAL OVERVIEW

VERÔNICA TOSTE DAFLON

JOÃO FERES JÚNIOR

LUIZ AUGUSTO CAMPOS

TRANSLATED BY Maya Bellomo Johnson

ABSTRACT

The article analyzes current (up to 2012) race-based affirmative actions of various kinds in effect in Brazilian public universities. By drawing on laws and resolutions that regulate such actions, we resort to micro-data from the National Institute for Educational Research to present an overview of affirmative action in the country's public higher education. We aim to detail the diagnoses made by universities regarding education inequality, on which they rely to define student selection policies. We also aim to expose the procedures adopted to lessen inequality, procedures that face up to the challenge of transforming sociological categories such as class, race and ethnicity into public policy criteria, while dealing with demands from both government and social movements.

**AFFIRMATIVE ACTION • RACIAL INEQUALITY • HIGHER EDUCATION •
PUBLIC POLICY**

ALTHOUGH AFFIRMATIVE ACTION POLICIES have been adopted by Brazilian universities for nearly ten years now, there is no systematic assessment of their profile and results. In August 2012, Bill no. 12711 was approved in Congress, which established a national reservation program for students coming from public schools and with quotas for black, brown, and indigenous (native Brazilian) students in the whole federal higher education system – a measure that will certainly boost affirmative action policies. This reinforces the need for a solid assessment of what has been done so far. The studies currently available have for the most part focused on particular cases and have explored their mid-term results (MATTOS, 2006; BRANDÃO, 2007). With the exception of one descriptive report on *negro** university students (HERINGER, 2009), data analyses on a national scale are scarce.

In the absence of comprehensive scholarly portrayals of affirmative action in the country, the task of informing the public of these policies has been left to the news media, which, in turn, has produced biased representations of facts and opinions. To make things worse, several academics without any background of research on the topic have actively participated in the debate on affirmative action staged by the media, helping to fuel misconceptions and stereotypes about the policies (FERES JÚNIOR; DAFLON, 2009; FERES JÚNIOR; CAMPOS; DAFLON, 2011). As a result, most of the current debate on the issue in Brazil deals with misleading, and even false, issues.

*
Negro will be used hereafter to refer to blacks and other people of colour, standing for the national census' category "*pretos e pardos*" (black and brown).

Another reason behind the lack of comprehensive assessments is the fact that affirmative action programs were, for the most part, autonomously created by each university, which produced a great variety of policy designs regarding beneficiaries, quota sizes, admissions procedures, etc. In order to contribute to bridging this gap, the present study is based on a collection of statutes, bylaws and resolutions that regulate affirmative action programs in over 70 out of the 96 public (federal and state) universities in the country. Our goal is to draw the landscape of affirmative action in Brazil's public higher education system taking into consideration variables such as targeted beneficiary groups, admissions criteria, quota sizes, potential of inclusiveness, university location, overall university quality, etc.

Several approaches can be used to assess a public policy. Schematically, a preliminary procedure is diagnostic, that is, it consists of examining the issue that justifies enacting a given policy. The so-called *ex-ante* analysis focuses on policy design and procedure, underlining its feasibility, consistency, and diagnostic coherence. Another approach consists of monitoring policy execution. Finally, *ex-post* analyses work by collecting and analyzing data on the effects of policy application (CALISING, 1993).

By aggregating micro-data from affirmative action programs in every public university in the country, we arrive at a general picture of how the system has negotiated and designed procedures to mitigate current inequality in its admission processes, dealing with the challenge of transforming sociological categories such as class, race and ethnicity into public policy criteria. Ours is thus an *ex-ante* analysis. The total set of 88 documents is comprised of 11 State laws and 77 university council resolutions that regulate affirmative action policies in federal and state universities. These documents are more precise than other material produced by the universities, in as much as they expose goals, reasons, and procedures, reflecting the conceptions beneath these measures. We also used data from the National Household Survey (PNAD) and from the National Institute for Educational Research (INEP, Ministry of Education) to estimate the inclusiveness of affirmative action policies according to the overall quality of universities, and their regional location.

By performing this type of analysis we intend to check the coherence between policy goals and procedures, so as to offer contributions for improving the efficiency of such programs. Since the analysis of public policies involves technical, instrumental as well as a moral issues (FIGUEIREDO, 1997), the following effort will occasionally articulate current affirmative action designs with the moral arguments that support them.

We begin here by discussing conceptual aspects of affirmative action, as well as some context data that promoted the dissemination of this policy worldwide. Next, we present the profile of affirmative action in Brazil's public higher education system, and finally, based on the analysis of our dataset, we conclude with some critical considerations about the way affirmative action has been perceived in public debate.

AFFIRMATIVE ACTION: CONCEPT AND CONTEXT

In broad terms, affirmative action policies can be defined as redistributive programs aimed at providing goods to specific groups who are discriminated against: victims of past and/or present socio-economic and/or cultural exclusion (FERES JÚNIOR; ZONINSEIN, 2006). This general definition comprises diverse measures aimed at mitigating inequality, often in response to collective demands such as land or housing allocation, protective measures for threatened lifestyles and cultural identities.

Affirmative action is distinct from mere punitive anti-discrimination measures in the sense that it favors discriminated collectivities and individuals, thus both preventing discrimination and remedying its effects. Purely punitive anti-discrimination policies only restrain behavior and practices that foster discrimination, without promoting groups and individuals targeted by discriminatory practices.

Broadly speaking, the adoption of such policies in Brazil should be understood as a consequence of the country's return to a democratic political regime, a process that started in the 1970s and 1980s. Under the military dictatorship, social movements and organizations were silenced and could not openly express their demands. Another important development was the "discovery" of racial inequality by the pioneering works of Carlos Hasenbalg (1979) and Nelson do Valle Silva (1978) on social mobility. These contributions, and the stream of statistical and sociological analyses that they triggered, received increasing public visibility starting in the late 1990s, particularly after this topic was taken on by the Institute of Research on Applied Economics – IPEA (PAIVA; ALMEIDA, 2010). In a nationwide context of political activation that included ethnic and identity agendas, the *Negro* Movement enlarged its agenda and started to advocate reparatory and affirmative action measures, demands to which both presidents Fernando Henrique Cardoso (1995-2002) and Luís Inácio Lula da Silva (2003-2010) tried to respond.

The first universities to draw attention of the greater media and public opinion with their affirmative action experience were

Rio de Janeiro State University – UERJ – and Darcy Ribeiro North Fluminense State University – UENF. At first, these two universities set aside 40% of its places for “negro and brown students”, in accordance with the terms of State Law n. 3.708 of November 2001. This measure, however, was not the first to change the admissions process at these two universities. In December 2000, State Law n. 3.524 had already determined that 50% of all places in State universities should be reserved for students coming from the public school system. Therefore, the first *vestibular*** held under this system in 2003 should have had 90% of its places destined to the quota system. However, the universities decided to include racial quotas as part of the quotas destined for public school students.

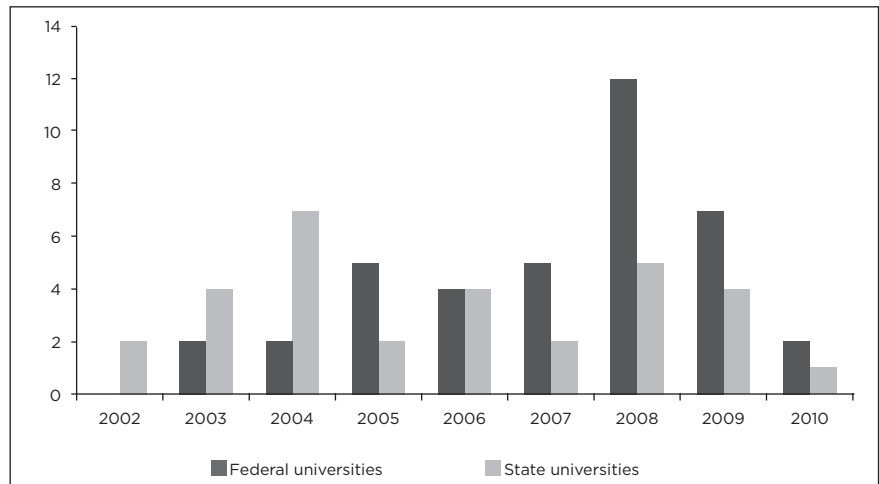
In response to the criticism following this episode, State Laws n. 4.151 of 2003 and n. 5.074 of 2007 altered the proportion and distribution of reserved quotas and instituted that 20% of them go to public school students, 20% to “negro candidates” and 5% to Native Brazilians, people with disabilities, and the children of civil and military police officers, military firefighters and prison officers who were killed or disabled in service. Candidates who choose to enter the quota admissions system must also fulfill low-income criteria. At first, UERJ and UENF did not require the candidates who were applying for the “negro” quotas to prove their low-income status and this raised much criticism about the possibility that the policy could favor a “negro middle class”.

A PORTRAIT OF AFFIRMATIVE ACTION

Although State universities were the first to implement affirmative action policies, over recent years Federal universities have sped up the process of adopting these procedures. Among the 70 public universities that currently adopt such measures (out of a total of 96), 44% are State universities and 56%, Federal. The Reuni program for restructuring and expanding universities (*Programa de Apoio ao Plano de Reestruturação e Expansão das Universidade Federais*, in Portuguese), instituted by Decree n. 6.096 on April 24, 2007, stands out as an example of this tendency. One of its main guidelines is that participating universities develop “mechanisms of social inclusion in order to guarantee equal opportunity of access to and permanence in public universities to all citizens” (BRASIL, 2007a). In 2008 alone, 42 universities joined the plan already in the first semester and eleven more in the second one. It is no coincidence that 2008 was the year in which the most universities participated in affirmative action programs: 68% of Federal universities included in the Reuni now adopt these measures.

** The *vestibular* (from Portuguese *vestíbulo*, “entrance hall”) is a competitive examination – the primary and widespread admissions system used by Brazilian universities to select their students (<http://en.wikipedia.org/wiki/Vestibular>).

GRAPH 1
NUMBER OF STATE AND FEDERAL UNIVERSITIES (N=70) THAT ADOPTED AFFIRMATIVE ACTIONS OVER THE YEARS



Source: Author's elaboration.

In addition, most of the initiatives for applying measures of affirmative action (77%) come from the university councils themselves. The remaining 23% are result of State laws that affected State universities. Paiva and Almeida's (2010) qualitative research study with ten public university directors that adopted affirmative action provides a panorama of the implementation process behind these policies based on the point of view of those who were responsible for it. The internal processes of demand for such policies varied greatly on a case-to-case basis. In some universities, local social movements organized themselves into specific claims; in others, existing centers of Afro-Brazilian studies were given more voice in matters; lastly, (at first) isolated actions of professionals who began questioning the lack of diversity in their universities were decisive for putting the program in place (PAIVA; ALMEIDA, 2010, p. 86).

Before the challenge of including quotas in the admission processes or of including them in the Statute of Racial Equality, or of approving a law to this respect (which only came about in 2012), the Federal Government seems to have chosen to avoid direct confrontation with those against affirmative action, yet without skirting away from creating strong institutional incentives for these measures to multiply, such as implementing scholarship programs, offering resources to the universities that implement such measures and supporting bills that regulate them (FERES JÚNIOR; DAFLON; CAMPOS, 2011; LIMA, 2010). To this effect, the Federal Government made it a point to advance in its goals for higher education inclusion in collaboration with federal university

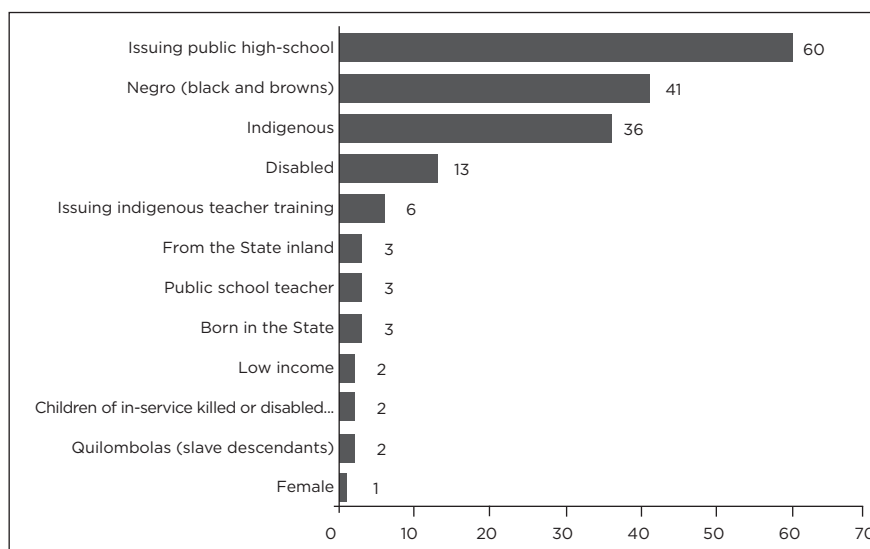
directors. At the same time, the *Negro* Movement mobilized itself and acted locally by convincing university directors and State legislative chambers to adopt inclusion policies, achieving different levels of success (GUIMARÃES, 2007; PAIVA; ALMEIDA, 2010).

Among the advantages of decentralizing public policies, we can mention the contribution of local agents with technical hands-on experience and the fact that these policies are not subject to rules that ignore local particularities. However, we can also highlight some disadvantages that arise from the lack of integration between initiatives, such as the difficulty of publicizing such measures to its potential beneficiaries, as well as the lack of clear-cut and generally known criteria for who is entitled to the benefit and even problems concerning the conception, planning and execution of these policies.

BENEFICIARIES

Another aspect of affirmative action in Brazilian universities that we must mention is the broad spectrum of groups being contemplated. Our results show that public school students stand out as the greatest targets of these policies: 60 out of the 70 universities (85%) with different affirmative action and preferred admissions programs focus on this group. In second place come *negro* students, in 40 universities – that is, 58% of affirmative action universities. In third place come indigenous students, represented by 51% of these universities. In fourth and fifth place come students with disabilities and those who participate in indigenous teacher training programs. Lastly, we found other groups comprised of students native to the state and those from rural areas within the state, persons from remaining *quilombolas* (communities of African descendants originally formed by escaped slaves), women and children of civil servants killed or disabled in service.

GRAPH 2
NUMBER OF UNIVERSITIES (N=70) ACCORDING TO GROUP TARGETED BY THEIR RESPECTIVE AFFIRMATIVE ACTIONS



Source: Author's elaboration.

In the meanwhile, we must reiterate that students from public schools are the greatest beneficiaries of the wave of affirmative action policies that has been affecting Brazilian universities since mid 2002, followed by *negro* and indigenous students. We can venture that the preference for this first group of beneficiaries is related to the structural aspects of Brazilian education: while the best basic education institutions are private, the best higher education institutions are free of charge and financed by the State. This set-up denies low-income students educational opportunities, since public basic education does not prepare them for the intense competition with middle and upper classes for a place in quality public higher education. Furthermore, a series of other factors outside the school systems produce educational disadvantages for students who come from public elementary and high schools (DAMIANI, 2006).

This notwithstanding, the preference for social affirmative action can also possibly be an expression of a certain resistance coming from some sectors of Brazilian society in allowing for racial affirmative action, for Brazil is a nation that for the longest time held the idea of “racial democracy” as core to its identity. As stated by Paiva and Almeida (2010), there seems to be a greater sensitivity among the university community to the problem of poverty than that of racial inequality. This fact frequently leads to the choice of public school students as main beneficiaries.

Contrary to what is advocated by those who defend strictly social policies, the overlap between *negro* and low-income groups does not necessarily make exclusively class-based affirmative action an

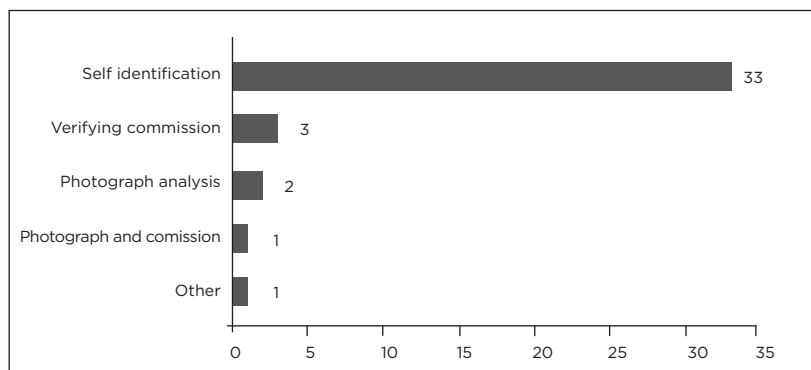
effective mechanism of including discriminated ethno-racial groups. Darity, Deshpande and Weisskopf (2011) argue that socio-economical criteria are not perform the best way of promoting racial integration, even when there is a strong convergence of race and class. Based on models applied in the United States and India, it is clear that the use of class or race/caste/ethnicity criteria lead to very different results. In the first case of affirmative action based solely on family income criteria, the number of potential beneficiaries from discriminated ethno-racial groups decreases substantially and there is an increase in the percentage of potential beneficiaries from groups who do not suffer discrimination. In the second case, the goal of desegregating the elites by admitting members of discriminated groups is attained more effectively. This study aims to demonstrate that substituting race and ethnicity based policies for those that use only income criteria can even worsen the discrimination of the targeted ethno-racial groups, for they exclude precisely those individuals who would better qualify for the places available (DARITY; DESHPANDE; WEISSKOPF, 2011).

IDENTIFYING THE CANDIDATES

One of the most investigated points in media controversy about racial affirmative action is the procedure for racially defining the candidates. Among the universities that adopt racial quota programs, some created commissions for verifying candidates' racial identity as a means of avoiding "fraud." Others adopted photograph analysis and one university combined the two procedures. In all cases, a board analyzes either the candidate or their photograph. The board may or may not confirm the student's declaration of belonging to the beneficiary group and therefore accept or reject their participation in the program.

This kind of procedure has been widely censured by some academics (MAIO; SANTOS, 2005; FRY et al., 2007). Commissions for confirming racial identity are criticized for deterring a person's right to self-identification. We must highlight, however, that few universities adopted this type of procedure. As demonstrated by the following graph, 80% of institutions employ only the self-declaration method, which means that all it takes for candidates to compete for a racially based affirmative action quota is for them to declare their wish to do so. Out of these 6 universities, the University of Brasilia – UnB –, Ponta Grossa State University – UEPG – and Paraná Federal University – UFPR – make use of race verification commissions or photography analysis; Piauí State University – UESPI – and Mato Grosso do Sul State University – UEMS – use photography analysis, and the Federal University of Maranhão – UFMA – utilizes both procedures.

GRAPH 3
NUMBER OF UNIVERSITIES (N=40) ACCORDING TO MEANS OF IDENTIFYING CANDIDATES FOR RACE-BASED AFFIRMATIVE ACTIONS



Source: Author's elaboration.

Self-identification seems to be preferable to measures of racial verification such as commissions and photography examination, for they respect individual rights and evidence shows that occurrences of fraud are insignificant. According to data from UnB, racial identification that was not ratified by third parties made up no more than 5% of cases. Furthermore, the combination of racial criteria with other criteria based on class origin (public school or income) guarantees that the grand majority of quota students belong to under-represented groups, thereby decreasing the importance of eventual fraud (GUIMARÃES, 2005, p. 217).

SELECTION CRITERIA

An interesting fact about Brazil is that, unlike the United States and India, most frequently universities tend to adopt a combination of class and race criteria within the same institution. In a great number of universities, these two modalities are combined in such a way that both low income and/or public school students as well as *negro* and indigenous students are included – even if currently the percentage of total places reserved according to income criteria surpasses those allocated according to skin color.

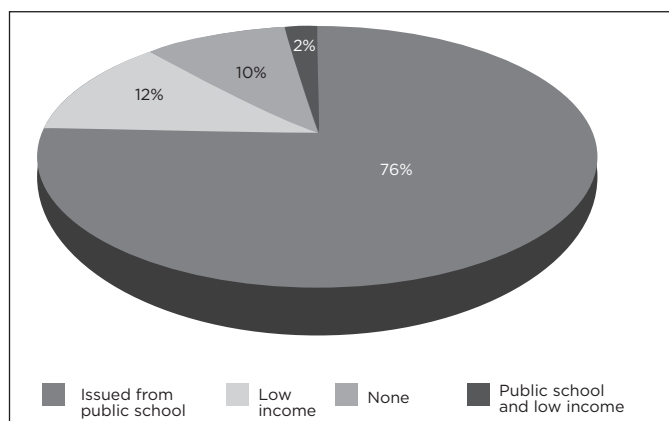
This kind of institutional engineering may contribute towards actualizing Brazilian universities' public mission, that of constituting itself as a plural space. It also contributes to increasing the public opinion's acceptance of racial affirmative action, since not only *negro* candidates are benefitted, but also the poor. It's worth pointing out that university directors described this option as a "conciliatory measure" between demands for racial inclusion in universities made by several different social actors and the academic community (PAIVA; ALMEIDA, 2010).

Lastly, we must analyze the rejection criteria applied to racial affirmative action candidates. Like in India, which establishes a maximum income limit for its national affirmative action program

for members of the Other Backward Classes, a category that gathers several discriminated against castes, 90% of Brazilian universities that practice racial affirmative action establish some kind of criteria for a socio-economical cutoff point. The goal is to exclude from the benefit candidates who belong to middle or upper classes.

As shown in Graph 4, 76% of universities require that students being considered for racial affirmative action be from public schools. In Brazil, this characteristic generally indicates socio-economical need. The remaining 12% require that candidates attest their low income and adopt a combination of both procedures.

GRAPH 4
RELATIVE DISTRIBUTION OF UNIVERSITIES (N=40) ACCORDING TO SOCIOECONOMIC SELECTION CRITERION USED FOR RACE-BASED AFFIRMATIVE ACTIONS



Source: Author's elaboration.

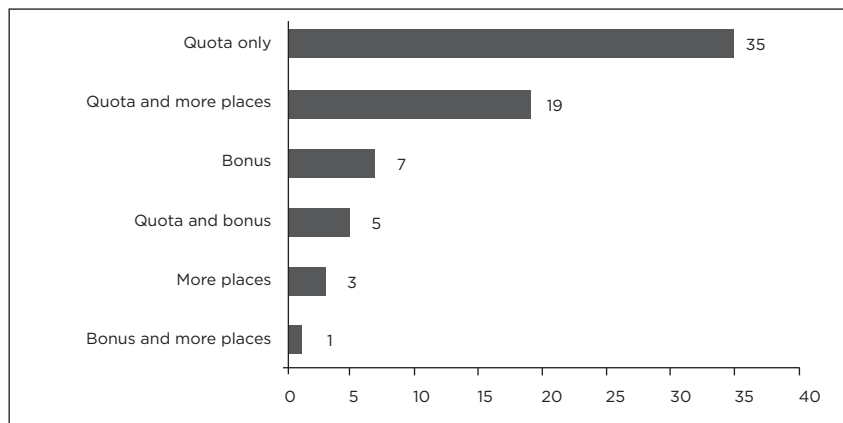
It is important to be parsimonious when using criteria such as low income, for in order to have access to higher education one must have a minimum amount of economical and cultural resources. It is not realistic to imagine that the poorest of the poor will be benefitted by affirmative action. Therefore, the indiscriminate and careless use of a cutoff point based on income may end up excluding precisely the social segments with greater chance of being successful, but who need the additional advantage provided by the measure in order to be included (DESHPANDE, 2006). Requiring a very low income may inclusively result in not enough candidates to fill the places destined to the beneficiaries of underprivileged groups, as shown by the accounts given by the directors and by empirical studies on quotas for *negro* and disabled students in UERJ and UENF (PAIVA; ALMEIDA, 2010). Some examples of income limits are: the State of Rio de Janeiro University, UERJ and UENF established R\$960.00 of family income per capita, and the State University Center of the Zona Oeste – UEZO – R\$980.00; The University of Minas Gerais – UEMG – 1.5 of a minimum monthly wage (approximately R\$820.00 in 2011) of family income per capita.

INCLUSION MECHANISMS

Another important aspect to consider is the name given to affirmative action policies that has become common in the public debate: “quotas.” Although it is the most common modality, not all programs actually follow this model. Of the 70 universities that currently adopt some kind of affirmative action program, 35 (50%) exclusively use the quota system. In other words, they stipulate a determined number of places to be reserved for the program’s beneficiaries. The other 7 universities offer bonus scores on the *vestibular* in order to provide an additional advantage to candidates who fulfill certain requirements – such as coming from public schools or being self-declared *negros*. Of these programs, 3 still exclusively include additional places to their courses and reserve them for underprivileged candidates. The remaining universities combine all three procedures: quotas, bonuses and additional places.

If we consider the data all together, we notice that the quota system is by far the most common. It is important to highlight that the characteristics taken on by affirmative action in Brazilian higher education are strongly related to the model that has consecrated itself as practically the only legitimate mode of university admission, the *vestibular*. In this sense, affirmative action has been applied with no significant change in admissions procedures, which means that, in the case of the quotas, competition takes place by means of performance in the *vestibular* examination within each beneficiary group. In the case of bonus system, the candidates benefitted by affirmative action receive extra points on their exam scores. This allows some people from underprivileged social groups to have their score increased and therefore be admitted into a course of study at a university.

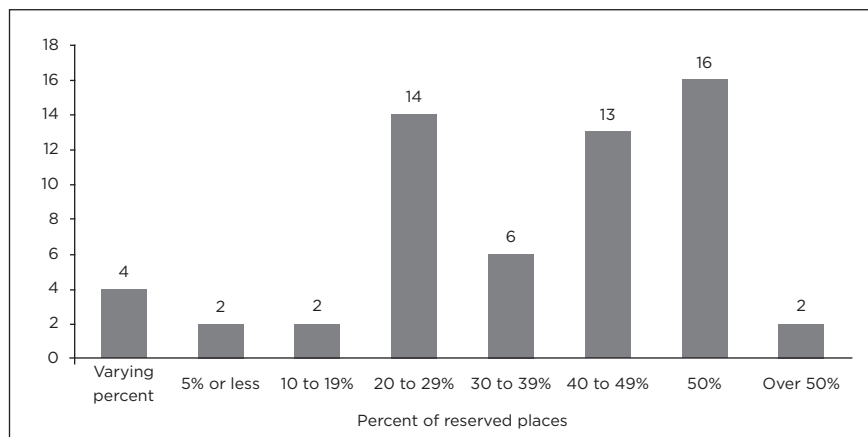
GRAPH 5
NUMBER OF UNIVERSITIES (N=70) ACCORDING TO THE AFFIRMATIVE ACTION INCLUSION MECHANISM USED



Source: Author’s elaboration.

Another interesting piece of data is the percentage of places that are redistributed among affirmative action programs at the 59 universities that adopt the quota system. Our research shows that the vast majority of programs reserve 20% to 50% of its places and only 2, out of a total of 59, surpass 50%:

GRAPH 6
NUMBER OF UNIVERSITIES THAT ADOPT QUOTAS (N=59) ACCORDING TO THE PERCENTAGE OF RESERVED PLACES



Source: Author's elaboration.

According to Weisskopf (2004), one of the defining characteristics of affirmative action policies regarding their procedures is that they take on the form of quotas or preferential boosts. In the first case, the procedure consists of setting aside a determined number or percentage of available places for the beneficiary group, while the remaining places are destined to open competition. In the second case, all candidates compete for the same positions and affirmative action beneficiaries receive special consideration. In case of competitions that are exclusively based on knowledge examinations, this special consideration can take on the form of bonus score points. In the case of selection processes that take into consideration more qualitative aspects, such as school transcripts and candidate qualification, these candidates are given extra credit. The latter case is that of the United States, whose Supreme Court ruled in 1968 in the case of *Regents of the University of California vs. Bakke* to make quotas illegal, although it maintained race as a legitimate form of criteria (among others) to be considered for university admission.

Both formally and in thesis, both systems could be equivalent. All it would take is for the bonus to be calculated in such a way to result in the same number of places allotted by the quotas and there would be no substantial difference. Nevertheless, when the proportion of quotas and the magnitude of the bonuses are kept over time, differences begin to emerge: the bonus system guarantees that the gap between the performance of beneficiaries and non-beneficiaries

remain constant. In other words, the beneficiaries will always hold the same degree of advantage over the non-beneficiaries. However, the proportion of those selected by affirmative action can vary according to each selection process. In the quota system, on the other hand, the proportion of benefitted students is kept constant, while the difference of performance of the quota and non-quota students varies considerably.

Another difference between the bonus system and the quota system regards how the beneficiaries are distributed among different university courses. Admission into courses that hold greater academic and market prestige tends to be more competitive and therefore excludes a greater number of socially disadvantaged candidates. When compared to less sought-after courses, undergraduate studies in Medicine, Law and Engineering present fewer number of *negro*, low-income and public school students (GRIN, 2003). If we take into consideration that the additional score points offered by the bonus system does not vary according to competitiveness of each course, this system tends to concentrate affirmative action beneficiaries in less competitive courses. Thus, it fails to include underprivileged candidates in elite courses. The system of fixed quotas for each course tends to avoid this gap.

THE PROFILE OF INSTITUTIONS THAT ADOPT AFFIRMATIVE ACTION PROGRAMS

The emphasis given to some similar cases in the public debate lends the impression that affirmative action programs in public universities make up a monolithic block (FERES JÚNIOR; CAMPOS; DAFLON, 2011). Our research outlines measures currently in force in public universities in all their plurality and regional nuances. As shown in the following table, affirmative action policies in public universities are distributed fairly homogenously over the country with the exception of the North region, which presents the lowest percentage (35.7%).

TABLE 1
PERCENTAGE OF PUBLIC UNIVERSITIES WITH AFFIRMATIVE ACTION BY REGION

REGION	UNIVERSITIES		
	Total	With affirmative action programs	
North	14	5	36%
Northeast	27	22	82%
Central-West	7	7	100%
Southeast	28	23	82%
South	20	13	65%

Source: Author's elaboration.

The presence of several types of sub-representations relates to the policies aimed at specific groups according to regional realities. For example, affirmative action for indigenous and public school students is more common in universities in the North of Brazil. This, however, does not mean that racially based policies are completely absent. Although the greater focus in the Northeast is on the public school student, we can find policies concerned with in-state students, as well as *negro*, indigenous and *quilombola* candidates. This region practices affirmative action for the most diverse repertoire of beneficiaries. In the Central-West region, the stronger focus is on indigenous and *negro* candidates, while in the Southeast, public school students are the greatest beneficiaries of affirmative action. Finally, in the South this policy is more strongly focused on including public school and indigenous students. Policies aimed towards the latter are especially present in universities closer to indigenous communities.

TABLE 2
NUMBER OF AFFIRMATIVE ACTION PROGRAMS (N=70) BY TYPE OF BENEFICIARIES AND UNIVERSITY REGION

BENEFICIARIES	UNIVERSITY REGION				
	North	Northeast	Central-West	Southeast	South
Public school	4	20	4	23	9
Negro	3	12	6	13	7
Indigenous	4	7	5	10	10
Disabled	1	3	1	5	3
Indigenous teacher training	1	1	2	1	1
State Natives	1	2	-	-	-
Public school teacher	-	1	-	2	-
Rural areas	-	3	-	-	-
Quilombola	-	2	-	-	-
Children of civil servants killed or disabled in-service	-	-	-	2	-
Low-income	-	-	-	-	2
Female	-	1	-	-	-

Source: Author's elaboration.

It is also noteworthy that the majority of Brazilian universities with affirmative action programs comprehend more than one beneficiary group. Although public debate focuses almost exclusively on programs aimed at *negro* students (FERES JÚNIOR; CAMPOS; DAFLON, 2011), the number of programs for this group is very close to that of affirmative action programs for indigenous students (41 and 36, respectively), even though the magnitude of reserved places favors *negro* inclusion. Furthermore, no Brazilian university currently adopts an affirmative action program exclusively for *negro* candidates: 37 out of 41 universities who adopt inclusion policies for this group also adopts affirmative action programs for public school students, among others (indigenous, disables, etc.) The remaining universities (UEMS, UnB and the University of Mato Grosso – UNEMAT) have programs for indigenous candidates or teacher training for indigenous communities. In sum, when applied, “racial” affirmative action is always accompanied by other inclusion policies and is almost always associated with “social” affirmative action.

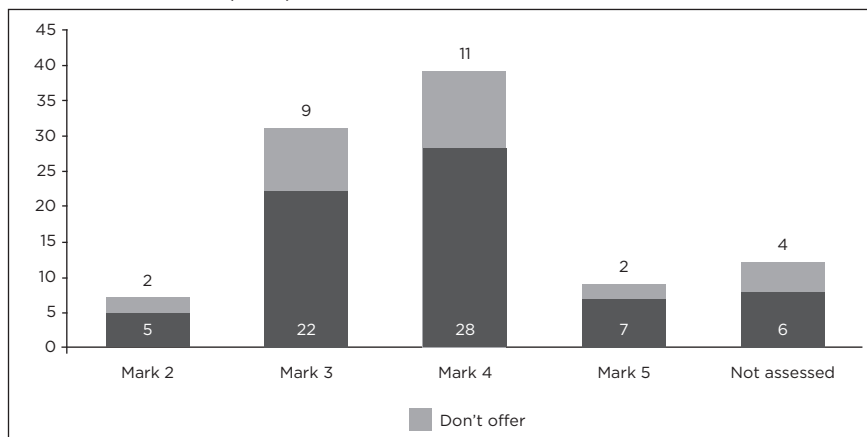
Based on this data, we can also verify a connection between the method used to evaluate these universities and the adoption of inclusion policies. We must investigate the hypothesis that the universities with the most tradition and best performance on national examinations may present more reservations regarding affirmative action programs, for in Brasil’s public debate we very frequently hear the argument that these programs decrease the quality of education (FERES JÚNIOR; CAMPOS; DAFLON, 2011). For this reason we crossed-referenced the scores obtained by these public universities on the Inep examination (an institution that assesses the quality of higher education institutions in Brazil) with data about the proportion of places reserved in the *vestibular* exam.

We used the IGC score – General Index of the Institution’s Courses – from 2008, which assessed students performance on the National Student Performance Exam – Enade – and the the faculty, infrastructure and didactic-pedagogical organization of the university during the three-year period of 2006-2007-2008. The final result was expressed in a continuum of scores from 0 to 500 and on scales with scores from 1 to 5. We must point out that two institutions (University of São Paulo – USP – and Campinas State University – UNICAMP) did not participate in the evaluation, for they disagreed with the methodology that was used. However, since both universities occupy 1st and 4th places in the Webometrics Ranking Web of World Universities regarding Latin America,¹ ranked above all the other universities (with one exception) that obtained a score of 5 on the IGC, we took the liberty of giving them the maximum score so that they could be included in the analysis.

¹ Available at: <http://www.webometrics.info/en/Americas/Latin_America>. Accessed in March 2003.

GRAPH 7

NUMBER OF PUBLIC UNIVERSITIES (N=96) THAT OFFER AFFIRMATIVE ACTION PROGRAMS DISTRIBUTED ACCORDING TO THEIR QUALITY INDEX MARKS AS ASSESSED BY INEP (2013)



Source: Brasil, 2013.

Our data seem to indicate that the highest ranked universities are not more resistant to affirmative action, for in all the score categories there are an expressive number of universities with such programs. However, in order to produce a more refined analysis, it would be relevant to include data not only on whether or not affirmative action programs are adopted but also information about their magnitude. In other words, we must investigate to what degree the highest ranked universities reserve fewer or more places to quota students. Hence, the following section will consider not only the number of universities with affirmative action policies, but also some preliminary estimates of the amount of places currently set aside for affirmative action.

INCLUSIVENESS POTENTIAL OF QUOTAS

In order to analyze the magnitude of the benefit, defined as the proportion of places set aside for beneficiaries, we cross-referenced data we have available on the percentage of places reserved in affirmative action programs with micro-data from Inep, which generated information about the number of places offered by the universities' *vestibular*.

We can assume, for example, that some universities adopt programs with low inclusive potential, as is the case of the bonus system at USP, which increased the scores of public school students by 3%. Data from the institution show that in the years of 2007 and 2008, the USP Program for Social Inclusion – Inclusp – was responsible for very low increments in the number of public school students admitted through the *vestibular*: the increase was of 3.2% and 3.6%,

respectively, in relation to the percentages achieved without the program (UNIVERSIDADE DE SÃO PAULO, 2008).

Another example is UNICAMP's Program for Affirmative Action and Social Inclusion – Paais –, which, adds on 30 points to a standardized average of 500 points to candidates coming from public schools and 10 more points if these candidates are also *negro* or indigenous. The Paais produced modest and irregular results: in 2004 it increased the number of public school students admitted from a historical maximum of 30% to 31.4%. However, this percentage decreased dramatically in following years (31.3%, 29% and 29.4% in 2006, 2007 and 2010, respectively).²

Only in 2011 did the percentage increase again up to 34.2%. UNICAMP attributes this fact to changes made to its *vestibular*, such as substituting the written exam in the first phase for a multiple choice exam and altering the format of the essay, among others, for the bonus system in force since 2004 went unchanged (TESSLER, 2006; UNICAMP, 2011). USP and UNICAMP's examples show that the performance boost system can result in failure if effective inclusion goals are not taken as basis for calculating the magnitude of the bonus.

Based on the percentage of reserved places, we were able to come up with an estimated number of places currently set aside for public school students and *negro* candidates under the quota system in place in Brazilian universities.³ The estimates indicate some interesting results. Currently 9.3% of available places in the 1st and 2nd semester *vestibular* exams in state and federal public universities all throughout Brazil are reserved for *negro* candidates under the regime of fixed quota. This percentage goes to 11.3% for low-income and public school students. Only 2% of places are reserved for other candidates (indigenous, disables, etc.), if we disregard programs that increase the numbers of available places, which are inexpressibly few.

TABLE 3
ESTIMATED NUMBER OF PLACES RESERVED FOR EVERY TYPE OF QUOTA, 2008

TYPE OF QUOTA	RESERVED PLACES	
	No.	%
Racial	22,289	9.3
Social	27,229	11.3
Other	4,516	2.0
TOTAL	54,034	22.6

Total: 55 universities.
 Source: Author's elaboration of Inep data (BRASIL, 2013).

Based on the estimated amount of reserved places in each university, we were able to test the hypothesis put forth at the end of

2

Unfortunately, we do not have access to any data about how the program did in regards to including *negro* candidates, but we can only assume that the increment was not significant.

3

These numbers are estimates and do not take into account municipal universities, colleges, institutes of higher education, university centers, etc.) We considered only vacancies for regular classroom courses; that is, other forms of admissions were not included, such as the PAS exams (Serial Assessment Program) or others selection processes. That said, the calculation was made based on the 239,943 places offered every year by state and federal universities (data from 2008). It is also important to point out that we were not able to include 3 universities that practice a flexible quota system that establishes the number of spaces according to the demand of each *vestibular* (Amapá State University – UEAP –, Amazônia Federal Rural University – UFRA – and Mato Grosso Federal University – UFMT). For obvious reasons, the calculation also excluded the *vestibular* bonus system, whose results vary according to each candidate's performance. There are 8 of these programs and only two of them benefit *negro* candidates – Minas Gerais Federal University – and UNICAMP. We also were not able to include universities created after 2008, for they were not yet included in Inep's micro-data. That said, we assessed 90 out of the 96 currently existing universities and 55 of the 70 affirmative action programs currently in force.

the previous section. As discussed, the highest-ranking universities do not seem to be especially resistant to affirmative action policies. Nevertheless, in order to finally assess to what degree they are in fact adhering to the policy, we must investigate how many places are being destined for affirmative action policies at these universities. This calculation is revealing: as shown in the table, the higher the university's ranking, the lower the percentage of places reserved for affirmative action.

TABLE 4
PLACES RESERVED FOR AFFIRMATIVE ACTION (2008) ACCORDING TO SCORES OF UNIVERSITY QUALITY AS ASSESSED BY INEP

UNIVERSITY SCORE ON INEP ASSESSMENT	TOTAL PLACES OFFERED BY THE VESTIBULAR	RESERVED PLACES	
		No.	%
Score 2	13,958	4,249	30.4%
Score 3	89,745	21,503.3	24%
Score 4	101,421	22,352.5	22%
Score 5	25,586	1,413.9	5.5%

Total: 230,710 vacancies (49,517 reserved) in 55 universities.
Source: Author's elaboration of Inep data (BRASIL, 2013).

If we consider racial quotas alone, we can verify a similar phenomenon, but with an even sharper decrease of the percentage of reserved places at the university's scored 4 and 5.

TABLE 5
RESERVED PLACES FOR RACE-BASED AFFIRMATIVE ACTION (2008) ACCORDING TO SCORES UNIVERSITY QUALITY AS ASSESSED BY INEP

UNIVERSITY SCORE ON INEP ASSESSMENT	TOTAL PLACES OFFERED BY THE VESTIBULAR	RESERVED PLACES	
		No.	%
Mark 2	13,958	1,833.6	13.1%
Mark 3	89,745	11,161.4	12.4%
Mark 4	101,421	7,966	7.9%
Mark 5	25,586	767.1	3%

Total: 230,710 vacancies (21,727 reserved) in 55 universities.
Source: Author's elaboration of Inep data (BRASIL, 2013).

In sum, although some universities of higher prestige adopt affirmative action programs, they seem to embrace inclusion goals with less enthusiasm. They establish a reduced number of quotas or choose a bonus system on the *vestibular*, which as seen above, brings about very modest results.

Regarding the regional distribution of places offered through racial and social quota, we observe in the following table that the South region offers the highest percentage of places through this

system, benefitting public school students. On the other hand, the Northeast and Central-West regions proved to be the most receptive to racial quotas, while the Southeast reserved the least amount of places in general and for *negro* candidates.

This data cannot be interpreted correctly if we do not consider the skin-color composition of the population from different regions of the country and how it correlates to the distribution of racial quotas. To this end, we calculated the proportion between the percentage of racial quotas in universities from Brazil's five regions to the proportion of *negro* individuals in each one of them, thus establishing an index of racial inclusion. The closer this index is to 1, the more the proportion of racial groups attending that university matches that of the population at large.

TABLE 6
RELATIVE DISTRIBUTION (%) OF RESERVED PLACES
BY TYPE OF QUOTA, BROKEN DOWN BY REGION

REGION	TYPE OF QUOTA (%)			
	Social	Racial	Other	Total
North	8.7%	9.3%	4.7%	22.7%
Northeast	10.3%	12.3%	0.8%	23.4%
Central-West	9.6%	13.5%	1.7%	24.9%
South	18%	7.6%	0.6%	26.2%
Southeast	10.4%	5%	2.9%	18.3%

Total: 55 universities.

Source: Author's elaboration of Inep data (BRASIL, 2013).

TABLE 7
RACE-INCLUSIVE INDEX: RATE OF PERCENTAGE OF RACIAL QUOTAS TO
PERCENTAGE OF NEGRO INDIVIDUALS IN THE POPULATION, BY REGION

REGION	%		RACE-INCLUSIVE INDEX (A/B)
	Racial quotas (a)	Negros in the population (b)	
North	9.3%	75.8%	0.12
Northeast	12.3%	70.8%	0.17
Central-West	13.5%	57.3%	0.23
South	7.6%	20.9%	0.36
Southeast	5%	42.3%	0.12

Total: 55 universities.

Source: Author's elaboration of Inep data (BRASIL, 2013).

Besides demonstrating that the index is extremely low all throughout the country, Table 7 also shows us that, once again, the South region stands out with a racial-inclusion index of 0.36, followed by the Central-West, with 0.23 and the Northeast, with 0.17. The North and Southeast regions displayed the same proportion between racial composition of the population and the percentage of reserved places: 0.12.

FINAL CONSIDERATIONS

This study aimed to present an exploratory analysis of the institutional engineering of affirmative action practiced in Brazilian public higher education up to 2012. Based on the procedures adopted by different universities, we attempted to anticipate some of their likely benefits and disadvantages without, however, denying that empirical studies on the results of these policies are irreplaceable.

In general terms, we observed that there is a lack of uniformity between policies in different Brazilian universities, not only regarding their more superficial aspects, but also their core characteristics, even though there is a future tendency towards homogeneity due to the federal quota law. Our evaluation of the procedures adopted by universities reveals a great heterogeneity of experience, which expresses the different interpretations on the nature of Brazilian social and racial inequality, the goals of affirmative action and different opinions about the best way to transform social categories into instruments of public policy. Notwithstanding, there is an undeniable general movement to make university student bodies more representative of the population's socio-demographical characteristics and to value ethnic identities, although the level of adhesion to this goal varies depending on the university and region.

The divergence of perception about Brazil's inequalities is expressed through distinct affirmative action plans. If a determined university council or legislative assembly reaches an understanding that Brazil's greatest inequalities are those of income and class, from which racial inequalities stem, this understanding is translated into a policy aimed exclusively at public school or low-income students. In other words, affirmative action takes on the role of helping solve social inequality. It is understood that by contemplating low-income students, the policy will also affect *negro* candidates, since the latter tend to be concentrated in that particular social segment.

However, when consensus dictates that Brazil's fundamental inequality can be described by the almost complete lack of non-white individuals in middle and upper classes, affirmative action is conceived as a mechanism for introducing racial diversity into these classes. When this diagnosis is fully embraced, affirmative action beneficiaries do not have to meet very strict socio-economic standards. However, when both interpretations are more strongly conjoined and racial and class inequalities in Brazil are considered equally important, these criteria become stricter and combine racial and social affirmative action.

Associated with the diagnosis of racial inequality as being the central problem, some sectors of society championed the idea that, beyond mitigating non-white underrepresentation in middle and upper classes, affirmative action must also play a symbolic role of valuing the *negro* race. In this case, affirmative action measures took on a double role as policies aimed at problems of redistribution and identity, related to issues of social recognition. This was concretized in the form of procedures such as designating beneficiaries by means of categories that evoke a semantic field related to cultural, historical and ethnic issues and/or instituting race verification committees that use identity attribution in order to stimulate candidates to declare their negritude, as is the case of UnB (GUIMARÃES, 2005).

The data presented by this study point to the predominant idea among affirmative action articulators at a local level (whether in university councils or legislative assemblies) that class inequalities are more relevant than racial ones. Even though the demand for desegregating university space has advanced, especially due to the work of the *Negro* movement, the number of programs aimed at public school and low-income students as well as the total percentage of places available to them surpassed, up to 2012, the number of programs and places destined to *negro* candidates. The somewhat confusing aspect of the criteria and procedures adopted by universities may have contributed towards this reality, and this has created a negative repercussion in the media, already against these measures, and in public opinion, divided between the "myth" or "dream" of racial democracy and the legitimate demands of fighting against racial discrimination.

This diversity tends to decrease with the implementation of recently approved Law n. 12.711, planned for four years from now. Even so, the text of the law and of its regulatory ordinance leaves much leeway for universities to adopt distinct admission procedures, which combine the *vestibular*, the National High School Exam – Enem – and minimum required scores in

different ways. In any case, in this new reality of legal stability and relative homogeneity, research interest have begun turning to the assessment criteria and the results of these policies, which of itself is a very positive development.

REFERENCES

- BRANDÃO, A. A. (Ed.). *Cotas raciais no Brasil: a primeira avaliação*. Rio de Janeiro: DP&A, 2007.
- BRASIL. Ministério da Educação. *REUNI: reestruturação e expansão das universidades federais – diretrizes gerais*. Documento elaborado pelo grupo assessor nomeado pela Portaria n. 552 SESu/MEC, de 25 de junho de 2007, em complemento ao art. 1º, § 2º, do Decreto Presidencial n. 6.096, de 24 de abril de 2007. Brasília, 2007a.
- BRASIL. Ministério da Educação. Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira – INEP. *Indicador de qualidade das instituições de ensino superior*. Brasília, 2013. Available from: <<http://portal.inep.gov.br/indice-geral-de-cursos>>. Access: Mar. 2013.
- BRASIL. Presidência da República. *Decreto n. 6.096, de 24 de abril de 2007*. Brasília, 2007b.
- _____. *Lei n. 12.711, em 29 de agosto de 2012*. Dispõe sobre o ingresso nas universidades federais e nas instituições federais de ensino técnico de nível médio e dá outras providências. Brasília, 2012.
- CALSING, E. F. Situação da avaliação de programas sociais. *Ensaio: Avaliação e Políticas Públicas em Educação*, Rio de Janeiro, n. 1, p. 55-66, 1993.
- DAMIANI, M. Discurso pedagógico e fracasso escolar. *Ensaio: Avaliação e Políticas Públicas em Educação*, Rio de Janeiro, v. 14, n. 53, p. 457-478, 2006.
- DARITY, W.; DESHPANDE, A.; WEISSKOPF, T. Who is eligible? Should affirmative action be group- or class-based? *American Journal of Economics and Sociology*, v. 70, n. 1, p. 238-268, 2011.
- DESHPANDE, J. V. Towards a knowledge-based society. *Economic and Political Weekly*, v. 41, n. 37, p. 3933-3936, 2006.
- FERES JÚNIOR, J.; DAFLON, V. T. Ação afirmativa na revista *Veja*: informação ou militância? In: ENCONTRO ANUAL ANPOCS, 33., 26-30 out. 2009, Caxambu.
- FERES JÚNIOR, J.; ZONINSEIN, J. Introdução: ação afirmativa e desenvolvimento. In: FERES JÚNIOR, J.; ZONINSEIN, J. (Org.). *Ação afirmativa e universidade: experiências nacionais comparadas*. Brasília: UnB, 2006. p. 9-45.
- FERES JÚNIOR, J.; CAMPOS, L. A.; DAFLON, V. T. Fora de quadro: a ação afirmativa nas páginas d'O Globo. *Contemporânea: Revista de Sociologia da UFSCar*, São Carlos, v. 2, p. 61-83, 2011.
- FERES JÚNIOR, J.; DAFLON, V. T.; CAMPOS, L. A. Lula's approach to affirmative action and race. *NACLA Report on the Americas*, v. 44, p. 34-37, 2011.
- FIGUEIREDO, A. Princípios de justiça e avaliação de políticas. *Lua Nova*, São Paulo, n. 39, p. 73-103, 1997.
- FRY, P. et al. (Org.). *Divisões perigosas: políticas raciais no Brasil contemporâneo*. Rio de Janeiro: Civilização Brasileira, 2007.
- GRIN, M. Retrato do branco quando negro. *Insight/Inteligência*, Rio de Janeiro, v. 5, n. 21, p. 44-47, 2003.

GUIMARÃES, A. S. A. Entre o medo de fraudes e o fantasma das raças. *Horizontes Antropológicos*, Porto Alegre, v. 11, n. 23, p. 215-217, 2005.

_____. Desigualdades raciais em novo regime de estado: as ações afirmativas no governo Lula. In: CONGRESSO INTERNACIONAL DA LASA, 27., 6 set. 2007, Montréal. *Artigo apresentado...* Montreal: Lasa, 2007.

HASENBALG, C. *Discriminação e desigualdades raciais no Brasil*. Rio de Janeiro: Graal, 1979.

HERINGER, R.; FERREIRA, R. Análise das principais políticas de inclusão de estudantes negros no ensino superior no Brasil no período 2001-2008. In: PAULA, M.; HERINGER, R. (Org.). *Caminhos convergentes: estado e sociedade na superação das desigualdades raciais no Brasil*. Rio de Janeiro: Heinrich Böll Stiftung, 2009. p. 137-196.

LIMA, M. Ações afirmativas no governo Lula. *Novos Estudos CEBRAP*, São Paulo, n. 87, p. 77-95, 2010.

MAIO, M. C.; SANTOS, R. V. As Cotas raciais nos horizontes da antropologia: tréplica a dezoito comentaristas. *Horizontes Antropológicos*, Porto Alegre, v. 11, n. 23, p. 292-308, 2005.

MATTOS, W. R. Cotas para afro-descendentes na Universidade do Estado da Bahia: uma breve exposição comentada. In: FERES JÚNIOR, J., ZONINSEIN, J. (Ed.). *Ação afirmativa e universidade: experiências nacionais comparadas*, Brasília: UnB. p. 167-182, 2006.

PAIVA, A. R.; ALMEIDA, L. C. Mudança no campus: falam os gestores das universidades com ação afirmativa. In: PAIVA, A. R. (Org.). *Entre dados e fatos: ação afirmativa nas universidades públicas brasileiras*. Rio de Janeiro: PUC-Rio, Pallas, 2010. p. 75-115.

RIO DE JANEIRO (Estado). Assembleia Legislativa. *Lei n. 3.524, de 28 de dezembro de 2000*. Dispõe sobre os critérios de seleção e admissão de estudantes da rede pública estadual de ensino em universidades públicas estaduais e dá outras providências. Rio de Janeiro, 2000.

_____. *Lei n. 3.708, de 9 de novembro de 2001*. Institui cota de até 40% para as populações negra e parda no acesso à Universidade do Estado do Rio de Janeiro e à Universidade Estadual do Norte Fluminense, e dá outras providências. Rio de Janeiro, 2001.

_____. *Lei n. 4.151, de 4 de setembro de 2003*. Institui nova disciplina sobre o sistema de cotas para ingresso nas universidades públicas estaduais e dá outras providências. Rio de Janeiro, 2003.

_____. *Lei n. 5.074, de 17 de julho de 2007*. Altera a lei n. 4151, de 4 de setembro de 2003. Rio de Janeiro, 2007.

SILVA, N. V. *Black-white income differentials in Brazil, 1960*. Thesis (Doctorate in Sociology) – University of Michigan, Michigan, 1978.

TESSLER, L. Ação afirmativa sem cotas: o programa de ação afirmativa e inclusão social da UNICAMP. In: SIMPÓSIO UNIVERSIDADE E INCLUSÃO SOCIAL: EXPERIÊNCIA E IMAGINAÇÃO, 22-24 nov. 2006, Universidade Federal de Minas Gerais, Belo Horizonte. *Texto apresentado...* Disponível em: <<http://www.comvest.unicamp.br/paais/artigo1.pdf>>. Acesso em: abr. 2012.

UNITED STATES. Supreme Court. Regents of the University of California v. Bakke, 1978. *The Columbia Electronic Encyclopedia*. Available from: <<http://www.infoplease.com/encyclopedia/history/regents-university-california-v-bakke.htm>>. Access: Apr. 2012.

UNIVERSIDADE DE SÃO PAULO. Programa de Inclusão Social. *O impacto do Inclusão no ingresso de estudantes de escola pública na USP: período 2007-2008*. São Paulo, 2008. Disponível em: <http://saeg.prg.usp.br/graduacao/images/stories/inclusp_impacto_2007_2008.pdf>. Acesso em: abr. 2012.

UNIVERSIDADE ESTADUAL DE CAMPINAS – UNICAMP. Comissão Permanente para os Vestibulares – Comvest. *Cresce a participação de estudantes da rede pública na*

Unicamp. Campinas, 2011. Disponível em: <http://www.comvest.unicamp.br/vest2011/cresce_rede_publica.html>. Acesso em: abr. 2012.

WEISSKOPF, T. E. *Affirmative action in the United States and India*. London: Routledge, 2004.

VERÔNICA TOSTE DAFLON

Sociology Doctoral Student at the Instituto de Estudos Sociais e Políticos da Universidade do Estado do Rio de Janeiro – IESP/UERJ
veronicatoste@gmail.com

JOÃO FERES JÚNIOR

Adjunct Professor at the Instituto de Estudos Sociais e Políticos da Universidade do Estado do Rio de Janeiro – IESP/UERJ
jferes@iesp.uerj.br

LUIZ AUGUSTO CAMPOS

Sociology doctoral student at the Instituto de Estudos Sociais e Políticos da Universidade do Estado do Rio de Janeiro – IESP/UERJ
lascampos@gmail.com