FROM "RACIAL DEMOCRACY" TO AFFIRMATIVE ACTION:
Changing State Policy on Race in Brazil

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Abstract: By analyzing the Brazilian government's surprise endorsement of affirmative action in 2001, this article explores how the state constructs race in society and how ideas drive policy change. After decades defending the myth of "racial democracy," the state admitted to racism and endorsed an extreme form of affirmative action—quotas—for Afro-Brazilians in government service and higher education. Based on fieldwork conducted in 2002, this article explains the recent policy turnaround as a dialectic between social mobilization and presidential initiative framed within unfolding international events. The presidency of Fernando Henrique Cardoso nurtured a transformation in political action on race at the same time that the president himself initiated major shifts in official discourse; later, preparations for the World Conference on Racism, held in Durban, South Africa, in 2001, provoked national soul-searching on racial inequalities. The conference itself provided an occasion, and a moment of reckoning, for Brazil to jettison past policies and embrace a new approach. I conclude that ideas emerging from social networks, made salient by presidential interest, and legitimized by international agreements may account for discursive policy change, but that implementation of affirmative action will require attention to material interests and electoral incentives.

States wield power in varied ways. They monopolize the means of coercion, extract resources, and redistribute wealth. They also exercise power more subtly by structuring patterns of politics, texturing social relationships, and molding social identities, not least racial identities. With instruments of legality and policy tools such as the census, the state gives meaning to race and draws the boundaries of otherness. The United States' "one-drop rule"—according to which children of marriages between whites and blacks are classified as "black" rather than as "mixed"—created a bi-polar racial system.[1] In South Africa and Brazil, by contrast,

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1. The state could classify the offspring of marriages between blacks and whites as "white." However, the one-drop or "hypo-descent" rule also implies that mixed race individuals will be affiliated with "the subordinate rather than the superordinate group" (Harris 1964, 56). It is thus designed to preserve racial hierarchy or racial purity. See also Nobles 2000.

historic recognition of intermediate racial categories upheld a multi-tiered order. As this suggests, the state is a major player in racial formation: its policies, over time, have the potential to trigger transformations in the significance and understanding of identity in society at large.

This article focuses on one case of state policy on race: Brazil. Enigmatic to students of racial politics, this country with the largest Afro-descendent[2] population in the world outside of the African continent avoided the state-sponsored segregation of South Africa and the U.S. South and has prided itself on being a multi-hued "racial democracy." The culture celebrates mixity, and racial categories are fluid and ambiguous. Yet Brazil is profoundly stratified by color, and for decades, the state did nothing to alter the situation. In fact, it suppressed efforts to challenge the racial democracy myth and sought to whiten the population by encouraging European immigration. In the early 2000s, policy changed radically. The government admitted that Brazil is racist and endorsed an extreme form of affirmative action—quotas—to address racial inequality. The president created a national affirmative action program; three ministries introduced quotas for blacks, women, and handicapped people in hiring; the National Human Rights Program endorsed racial quotas; the foreign ministry introduced a program to increase the number of black diplomats; and three states approved laws reserving 40 percent of university admission slots for Afro-Brazilians.[3]

It is difficult to overstate the significance of these particular changes in government policy at the turn of the century. For decades, talking about race in Brazil was heretical. People were hostile to challenges to the racial democracy thesis and reluctant to admit to racism. Moreover, recent policies are premised on novel understandings of identity: targeting "blacks" requires a recognition of racial distinctions among the population as well as a dichotomous definition of race (wherein "blacks" and "browns" become "blacks"). Yet Brazilians have thought of themselves not as a people composed of distinct "races" but as a multi-colored national race. This helps explain the horror felt by many people toward the idea of quotas and the emotional nature of the controversy generated by affirmative action. It is not just social policy that is at stake, but the country's understanding and portrayal of itself.

How can we explain the reasons behind the new policies? One thing is clear: many policymakers were motivated by conviction, not threats

2. Following popular usage, this paper uses the categories "Afro-descendent," "Afro-Brazilian," and "black" interchangeably. Their precise meanings, however, are different, since the first two categories refer to ancestry and the last to skin color, which in Brazil do not overlap (for example, see Parra et al. 2003).

3. These examples are changes up to the end of the Fernando Henrique Cardoso (FHC) government (31 December 2002), the time period covered by this article.

or material or electoral interests. If anything, electoral incentives discouraged politicians from dealing with racism. Few believe that championing race issues brings votes.[4] Change in policy discourse happened because greater numbers of people began to be convinced by an idea advanced for decades by Afro-Brazilian activists and social science researchers—that racism is pervasive and something needs to be done about racial inequalities. No pro-affirmative action constituency was powerful enough to mobilize a threat, rich enough to offer rewards, or connected enough to promise votes on election day. Armed only with arguments, critics of Brazil's racial order appealed to reason and a sense of justice to advance their cause. In a country struggling to prove its liberal credentials to the world, arguments about the connections between race, equality, and democracy found receptive ears.

The crucial analytical question thus becomes: why did ideas about affirmative action become salient and persuasive in the late 1990s, and not before? In this article, I argue that the presidency of Fernando Henrique Cardoso provided a context that nurtured a transformation in the nature of political action on race at the same time that the president himself initiated major shifts in official discourse; later, preparations for the World Conference on Racism provoked national soul-searching on racial inequalities. By the time the conference actually occurred (in Durban, South Africa, September 2001), the country was ready for a change in orientation. Pledges made at Durban served as the catalyst for a cascade of affirmative action policy announcements. The process can thus be modeled as a dialectic between social mobilization and presidential initiative, framed within unfolding international events. Resulting changes in policy were important in their own right but are still a long way off from resolving the profound inequities of Brazil.

RACE AND SOCIETY IN BRAZIL[5]

In Brazil, race is correlated with poverty, income distribution, education, and adequate housing. According to the 1999 national household survey:

4. Deputy Paulo Paim, for example, in an interview, Brasília, 19 June 2002 was convinced that his rejection rate in his home state of Rio Grande do Sul increased because he started to push the issue of race in the congress. It increased from 5 to 11 percent. On the other hand, there is at least one deputy who got elected by championing race. During his campaign, Deputy Gilmar Machado called himself the "candidate of the race" and "100% black" and said in an interview on 13 November 2002 in Brasília that he dedicated at least half of his budgetary amendments to the black community in his state of Minas Gerais.

5. This and the following sections are intended to provide some background for non-specialists to comprehend better the article. They are far too brief to do justice to the complexities of race relations in Brazil and the role of the state. On certain points, the

- Although 45 percent of the total population, blacks[6] compose 64 percent of people living below the poverty line and 69 percent of extremely poor people;
- Blacks are concentrated in the lowest ranks of society; representing 70 percent of the poorest decile of Brazilians, they make up only 15 percent of the richest decile;
- Whereas a 25-year-old white Brazilian has an average 8.4 years of schooling, a black Brazilian of the same age has only 6.1 years;
- Education is the major predictor of income, and, though the average educational levels of both black and white Brazilians have increased significantly over the twentieth century, the gap between them has remained relatively constant;
- Illiteracy among whites over 15 years of age is 8 percent; among blacks, 20 percent;
- 52 percent of blacks live in households without adequate sanitation, versus 28 percent of whites;
- 30 percent of blacks live in households without trash collection, versus 15 percent of whites; 26 percent of blacks live in households without running water, versus 8 percent of whites.[7]

Blacks are almost never seen amidst the country's political, economic, and media elite. In the national congress, for example, only nine of 513 deputies (2 percent) actively identified themselves as black in 2003.[8] Though popular music is an exception, the dominant aesthetic in Brazil, visible in fashion, television shows, advertisements, and the like, is white and blonde.

This racial hierarchy, aided by extreme social inequalities, has been enforced more informally, though no less effectively, than the legal racial discrimination and segregation of South Africa and the U.S. South. In spite of mounting evidence of white privilege presented by social scientists beginning in the 1960s and 1970s, Brazilians of all social sectors have remained faithful to the idea of racial democracy (Twine 1998).

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discussion may give the impression of certainty where little exists; many important scholarly controversies go unmentioned.

6. There has been considerable debate about whether "black" should be used as an all-encompassing term for Afro-descendants and/or non-whites/non-Indians/non-Asians in Brazil. Nonetheless, most recent work on social inequalities has grouped together as "black" the "brown" (or, literally, "grey") and "black" (*pardo* and *preto*) official color categories on the grounds that (1) the number of people who report as "white" is relatively consistent, but there is great inconsistency in identity reporting across the "non-white" categories; and (2) data show that the greatest socioeconomic distance lies between whites and non-whites, not between "blacks" and "browns" (Henriques 2001; Lovell and Wood 1998; Telles 1999; Tiê Shicasho 2002). On the other hand, black activists have been largely unable to unite Afro-descendants in a "black" identity, and observers argue that such an identity is at odds with the complexity of color in Brazil (Fry 2000; Harris et al. 1993; for an alternative perspective, see Sheriff 2001).

7. These figures are from Henriques (2001).

8. Information provided by the office of Deputy Luis Alberto, Brasília, November 2002.

The racial democracy thesis (for its original incarnation see Freyre 1986) insists that the disproportionate impoverishment of blacks and their absence among elites is due to class discrimination and the legacy of slavery, and that the absence of state-sponsored segregation, a history of miscegenation, and social recognition of intermediate racial categories have upheld a unique racial order.

Yet these same characteristics also help explain why Brazil's racial inequalities have gone unchallenged for so long. The Brazilian state's unwillingness to define "races" helped preclude the formation of self-conscious groups that could serve as the basis for collective action. The absence of legal racial domination meant there was no obvious target against which identity formation and mobilization could be directed (Marx 1998, 252). As a result of these state and other social factors (such as low residential segregation and negative images associated with blackness), Brazilians of African ancestry have a weaker "racial consciousness," or identification of themselves as members of a distinct group, than people recognized as "blacks" in the United States.[9] Weak racial identity forms part of a "vicious cycle" linking social inequalities, demeaning and discriminatory cultural norms, and police repression with the failure of race-based militancy to provoke changes in the situation of blacks (Santos 2001). On the other hand, Brazilians are color conscious, and use hundreds of terms to classify one another according to skin tone and other phenotypical traits. Unlike in the United States, these labels are based largely on physical appearance and not descent. Their application varies according to context, social class, who is doing the labeling, whether the labels are chosen freely or determined in advance, and so on (Harris et al. 1993; Degler 1971). As Sheriff points out, "any given race or color term can, in a given conversation, be used to describe, to tease, to insult, or to flatter" (2001, 30).

Race-based collective action has been relatively rare, but not absent entirely. In the 1930s, the Frente Negra Brasileira (Brazilian Black Front, or FNB), the only black political party in the history of Brazil, spread around greater São Paulo, into Minas Gerais and Espírito Santo, and even Bahia and Rio Grande do Sul. The FNB demanded equality for Brazil's black population and helped incorporate an anti-racism clause

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9. Some evidence shows that this may be changing, and that historic claims about weak racial consciousness may be exaggerated. Sheriff's work in a Rio de Janeiro *favela* unearthed evidence of a pervasive "black" identity among dark-skinned Brazilians, though she qualifies this "bi-polar conception of racial identity" as "a universally held notion that remains largely, though not entirely, unvoiced" (2001, 46). Hanchard has also argued that many Afro-Brazilians have a "faint resemblance" type of racial consciousness. He concludes that "the absence of Afro-Brazilian racial solidarity is not total, but its presence is without focus or direction" (1994, 80).

into the 1934 Constitution.[10] Yet the FNB, like other political parties in Brazil, was closed down when Getúlio Vargas seized power in a military coup in 1937. As a result, black political mobilization was largely dormant until the late 1970s, when civil society began organizing for a return to democracy. The Movimento Negro Unificado (Unified Black Movement or MNU), the first national black political organization after the FNB, was founded in 1978. In the late 1970s and 1980s, and especially after Brazil's 1985 transition to democracy, many more Afro-Brazilian organizations were formed, some with the explicit objective of promoting racial consciousness as the basis for political mobilization (Mitchell 1985). Yet no Afro-Brazilian movement on the scale of the U.S. civil rights movement or the South African liberation organizations ever arose. Afro-Brazilian militants have been unable to rally a mass base to their cause, a failure partially attributable to weak racial consciousness, but also to religious divisions (elite activists tend to opt for African religions, while the masses of Brazilians are Christian and, increasingly, Pentecostals) and popular alienation from activist discourses about "blackness" (Burdick 1998).

STATE POLICY: ANTIDISCRIMINATION TO AFFIRMATIVE ACTION

The trajectory of Brazilian state policy on race in the twentieth century can be described as a transition from antidiscrimination to affirmative action. The Constitution of 1934 was the first to declare that "All are equal under the law. There shall not be any privileges, nor distinctions, for reasons of birth, sex, race, personal or family occupation, social class, wealth, religious beliefs, or political ideas." Though the subsequent two constitutions (1937 and 1946) declared only that "All are equal under the law," the military government, in the constitutions promulgated in 1967 and 1969, reintroduced the prohibition of race distinctions and added that "racial prejudice will be punished by law" (Silva 2000, 368–69).[11] These constitutional norms, combined with the 1951 Afonso Arinos Law (named after its author, this law banned racism in public services, education, and employment) were the only legislation on race until the 1988 Constitution.

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10. Though the FNB failed to present a single electoral candidate during its seven-year existence, it did realize some successes as an anti-discrimination pressure group. At the FNB's urging, the São Paulo city rescinded whites-only admissions policies at establishments like skating rinks, and President Getúlio Vargas ordered the São Paulo civil guard to enlist hundreds of black recruits who had been excluded due to informal discrimination (Andrews, 150–51).

11. Notwithstanding, the military government suppressed discussions of race, viewing critics of the racial democracy ideology as threats to national security.

The return to democracy in 1985 brought more state action. The three black deputies in the constituent congress (congress worked in 1987 and 1988 to draft a new constitution for Brazil) succeeded in defining racism as a crime for which bail may not be posted and for which there is no statute of limitations; affirming multiculturalism, including a commitment to protect Afro-Brazilian cultural practices; and granting titles to occupants of land of former *quilombos* (communities established by runaway slaves prior to emancipation in 1888). In 1989, Congress passed Law 7,716, authored by black deputy Luis Alberto Caó, to implement the constitutional clause against racism.[12] In his speech to commemorate the centennial of the abolition of slavery on 13 May 1988, then President José Sarney announced the creation of the Palmares (the longest-lasting *quilombo*) Cultural Foundation, later charged with "promoting the preservation of the cultural, social, and economic values arising from black influence in the formation of Brazilian society" (article 1 of Law 7,668 of 22 October 1988).

Meanwhile, some policy changes at the state level took place, most adopted by governors elected in 1982. The opposition political parties that emerged in the late 1970s and early 1980s—particularly Leonel Brizola's Democratic Labor Party (PDT) in Rio de Janeiro and the Party of the Brazilian Democratic Movement (PMDB) under Franco Montoro in São Paulo—assumed part of the struggle against racism in order to vie for black support. Brizola, who campaigned on a platform of *socialismo moreno* (brown socialism) sent two Afro-Brazilians to the national congress and appointed blacks to head the state secretariats of social affairs, labor, and housing, and also the military police (Andrews 1991, 196–97; 323, fn. 37). The Rio de Janeiro state assembly passed a (largely symbolic) law in 1985 banning racial discrimination in elevators, stairwells, and other common property of apartment buildings. In 1991, during his second mandate as governor, Brizola created a state secretariat for the promotion and defense of the Afro-Brazilian population. It set up a police station specializing in crimes of racism, trained police on diversity issues, and worked with teachers to help them incorporate Afro-Brazilian history and culture into their classrooms (Nascimento and Nascimento 2000, 225). In São Paulo, Governor Montoro established the

12. Like its predecessor the Arinos law, the Caó law has been deemed ineffective against the forms of racism practiced in Brazil. Brazilian judges have interpreted the law to define racism as a deliberate act of segregation or exclusion based on race or skin color, though explicitly segregationist practices are rare. Most acts of racism in Brazil occur in the form of racial epithets intended to "keep blacks in their place" (Guimarães 1999, 141). For its part, the Arinos law was rarely invoked in criminal suits. One study found only two cases of criminal charges being filed for racist acts under the law (Carneiro 2000, 312).

Council for the Participation and Development of the Black Community, a new state agency, and created advisory groups for black affairs in the secretariat of culture, education, and labor. Though these agencies were small and underfunded, their creation implied that some institutions of the Brazilian state were beginning to reject the racial democracy thesis (Andrews 1991, 205).

Fernando Henrique Cardoso's (FHC) assumption of power in January 1995 marked a turning point in the state's approach. The federal government began to take more initiative and for the first time contemplated affirmative action.[13] The president created, through decree, an "Interministerial Working Group to Valorize the Black Population" (Grupo de Trabalho Interministerial, or GTI); a similar group was created within the Ministry of Labor. Meanwhile, Brazil published its tenth report for the United Nations Human Rights commission. Written by Paulo Sérgio Pinheiro—who served as UN special rapporteur for Burundi and Burma and then secretary of state for human rights—the document proclaimed that affirmative action was compatible with Brazilian legislation and committed the state "to take positive action to promote equality" even if it implies "meting out unequal treatment to individuals" (Reichmann 1999, 22). That year marked the 300-year anniversary of the death of the black martyr Zumbi, leader of the seventeenth-century Palmares confederation of *quilombos*. In commemoration, Afro-Brazilian movements organized a march of tens of thousands of people in Brasília; the *Folha de São Paulo* also published results of a national public opinion survey on racism (Datafolha 1995).

The National Human Rights Program, launched in 1996, then proposed specific public policies addressed at black Brazilians, such as support for private businesses with affirmative action programs and measures to increase access to universities. The same document suggested that the Brazilian Institute of Geography and Statistics (IBGE) adopt a dichotomous definition of race (Fry 2000, 100). The Human Rights Plan represented the first time that racial groups were officially recognized as targets of public policies (Reichmann 1999, 21). Also in 1996, the government organized an international seminar in Brasília on affirmative action and multiculturalism in Brazil and the United States.

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13. There are some reports that state officials, prior to the mid-1990s, at least floated the idea of affirmative action for blacks. Guimarães reports that in 1968, the *Jornal do Brasil* quoted some labor ministry officials voicing support for legislation requiring businesses to hire a certain percentage of "colored employees" in light of discrimination in the labor market (Guimarães 1999, 144). During the Sarney government (1985–90), Culture Minister Celso Furtado made a speech in which he floated a proposal to guarantee blacks a minimum number of spaces in Brazilian schools and universities (Andrews 1991, 226).

Several academics compared race politics in the two countries and the prospects for affirmative action. Though many activists were angry that almost all the experts who spoke at the conference were white, others recognized the significance of the president's acknowledgment of a "multicultural" society (ibid, 20).

The intra-governmental debate accelerated during preparations for the World Conference on Racism, held in Durban in September 2001. The official report submitted, produced by a large committee composed of state officials and representatives of various civic organizations, recommended that the government adopt quotas or other "affirmative mechanisms" to expand the access of black students to public universities. The document argued that affirmative action had a constitutional basis,[14] and cited various ordinary laws that established quotas, including the Consolidation of Labor Laws (CLT) of 1943, dating from the Vargas era, which required that two-thirds of workers in private businesses be Brazilian—deemed an effective racial quota, since many whites were recent immigrants; a 1990 law creating quotas of up to 20 percent in civil service jobs for handicapped people; and the 1997 law requiring political parties to field a minimum percentage of women candidates in legislative elections (Ministério da Justiça 2001, 18). When Brazil presented its report, the national and international press reported that the government had endorsed quotas and affirmative action for blacks (e.g., *The Economist*, 20 October 2001, 38).

In the following months, state agencies at all levels began announcing affirmative action policies. Raul Jungmann, the minister of agrarian development, launched a program establishing a 20 percent quota for blacks in jobs at his ministry and in firms seeking official contracts (the quota would increase to 30 percent in 2003). In December, the Constitutional Court and the Ministry of Justice announced quotas of 20 percent for black employees. The Justice Ministry's decree, issued on 20 December 2001 in a public ceremony presided by President Cardoso and the justice minister, created quotas for blacks (20 percent), women (20 percent), and handicapped people (5 percent) in management and senior advising positions, in firms offering services to the ministry as well as those involved in cooperative projects with international organizations.

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14. The document cited three types of constitutional norms as evidence for its claim that the 1988 Constitution introduced a principle of "positive discrimination" into Brazilian jurisprudence. The first types of norms oblige the state to combat inequality and marginalization; the second commit the state to promote the inclusion of "unfavored" sectors of the population such as the handicapped and adolescents; and the third prescribe special treatment to compensate for unequal opportunities, such as a provision for protecting the female labor market, reserving a percentage of public service jobs for handicapped people, and creating a progressive income tax system (Ministério da Justiça 2001, 17).

The decree also stated that preference would be granted to firms with affirmative action policies (Portaria 1,156 of 20 December 2001, published in the *Diário Oficial da União*, 21 December 2001). In August 2002, the Ministry of Culture established a similar policy (Portaria 484 of 22 August 2002).

Meanwhile, the Foreign Ministry (Itamaraty) announced an affirmative action program. Historically, there have been almost no blacks in Brazil's diplomatic corps: only one Afro-Brazilian has headed a diplomatic mission abroad (in Ghana), and he was a journalist, not a career officer (*Jornal do Brasil*, 7 July 2002). President Cardoso proclaimed that "We need a diplomatic corps . . . that reflects our society, which is multicolored and will not present itself to the outside world as if it were a white society, because it isn't" (Cardoso 2001). The affirmative action program, which began in early 2003, provides a scholarship of 1,000 *reais* per month to a maximum of 20 black candidates to help them study for the public service entrance exam. Intended to improve the performance of the best candidates, the program aims to enlarge the pool of potential diplomats without compromising Itamaraty's "criteria of excellence," which the ministry is unwilling to let go of under any circumstances.[15]

Finally, on the occasion of the release of the second National Human Rights Program in 2002, the president issued an executive decree creating a National Affirmative Action Program charged with studying how government agencies could adopt "percentage goals" for blacks, women, and handicapped people in their own ranks and also in firms under contract with the government (Decree no. 4,288 of 13 May 2002). The Human Rights Program, which generated a lot of press for its support of gay rights[16] (in the ceremony, President Cardoso became the first president of Brazil publicly to hold a rainbow banner, symbol of the gay movement), also endorsed "compensatory mechanisms" to expand black access to universities and public service "in proportion to their representation throughout Brazilian society" (Ministério da Justiça 2002, 39).

Affirmative action, and in particular, quotas, received support from other senior officials besides President Cardoso. The president of the

15. Interview with João Almino, Director, Rio Branco Institute, Brasília, 19 June 2002. One becomes a diplomat by taking a highly competitive entrance exam (actually a series of six exams, both written and oral) to enroll in a two-year diplomatic training course at the Rio Branco Institute of Itamaraty. In recent years, there have been, at the most, only one or two black students per class (less than 3 percent, as a class typically has twenty-five to thirty students). There are more blacks in the applicant pool: in 2002, there were 460 self-declared blacks among the 3,200 applicants (14 percent). (The first test, a multiple choice exam of 100 questions, narrows the applicant pool to some 250 candidates.)

16. Specifically, the government announced its support for a bill in Congress authored by then-deputy Marta Suplicy (mayor of São Paulo from 2000 to 2004) that would permit civil unions between people of the same sex.

supreme constitutional court (Supremo Tribunal Federal, or STF) said to the press that he supported race quotas, adding that no one in Brazil could deny racial inequalities and that he had learned as a student that "the way to address an inequality is to use the weight of the law in favor of s/he who is treated unequally" (*Correio Braziliense*, 6 September 2001). The head federal prosecutor (*Procurador Geral da República*) put his weight behind quotas (*O Globo*, 11 December 2001) and the Minister of Justice, José Gregori, did likewise, as did his successor, Aloysio Nunes. Yet not all of the Brazilian government agreed. Paulo Renato Souza, the Minister of Education, has been their most powerful opponent, declaring that "I would support quotas if the problem of access to university education were a racial problem." Rather, he believes that inadequate training at the primary and secondary levels denies blacks the ability to compete to enter universities.[17] Given the pressure emanating from the president, however, the ministry had to address the fact that blacks made up only 2 percent of university students. The result was the Diversity in Education program which financed preparatory courses for poor and black students to pass university entrance exams, made possible by a loan of $5 million from the Inter-American Development Bank and to which the Brazilian government contributed an additional $4 million.[18] The president of Brazil's supreme civil court (Supremo Tribunal de Justiça, or STJ), also opposes quotas, saying that as long as he is in charge the STJ will not adopt a quota policy (*O Globo*, 10 December 2001).

 Meanwhile, debates heated up in Congress as the Senate considered a bill presented by former president José Sarney that would establish a 20 percent quota for blacks in the civil service and federal universities. In his justification for the bill, Sarney claimed to want to "break the current inertia, which prevents blacks from competing in equal conditions with whites in access to higher education and the labor market. . . . Without access to education, blacks are condemned to segregation" (*Jornal da Tarde*, 2 October 2001). The bill received a favorable report in the Constitutional and Justice Commission and was sent to the Chamber of Deputies for consideration in 2002.[19] Meanwhile, a special commission was created in the Chamber of Deputies to discuss Deputy Paulo Paim's

17. Remarks at the David Rockefeller Center for Latin American Studies, Harvard University, 23 October 2002.

18. Interview with Dojival Viera, coordinator of Diversidade na Universidade, Ministry of Education, Brasília, 14 November 2002.

19. According to the proposal advanced by the bill's *relator*, Senator Sebastião Rocha, university entrance exams and public service entrance exams would have to a 20 percent target or quota for black students. However, the university or state agency could set a minimum grade or performance level on the exam. If too many black candidates failed to meet this minimum, then the university/agency could fill the resulting slots with other students or candidates. (*O Globo*, 18 April 2002.)

Statute of Racial Equality. In April 2001, the Chamber's Commission on Science, Technology, and Communication had approved another Paim bill that would establish a quota of 25 percent for blacks on television programs and a 40 percent quota for television advertisements; in April 2002, the Chamber's Commission on the Defense of the Consumer, Environment, and Minorities approved the same bill. Overall, fourteen different bills in congress contemplated some form of racial quotas (*O Estado de São Paulo*, 2 December 2001).

State and municipal governments began to announce quota policies. On 9 October 2001, the Rio de Janeiro state legislature approved a bill establishing a quota of 40 percent for blacks in the two state universities. The bill followed approval of an earlier initiative introduced by governor Anthony Garotinho, which created a quota of 50 percent for students coming from public schools.[20] Considerable uncertainty surrounded how the two quotas would relate to one another, and it was left to the university to come up with a method.[21] Then, black PT leader Benedita da Silva assumed the governorship of Rio de Janeiro in April 2002 (she had been vice governor, and was promoted when Anthony Garotinho resigned to run for president of Brazil) with the objective of naming an unprecedented number of blacks to high positions in her

20. Garotinho's 50 percent quota for public school students was submitted to the legislature without prior consultation with the university. In an interview on 5 July 2002, the rector of Rio's state university (UERJ), Nilcéa Freire, recalled that in a meeting about another issue, Garotinho casually mentioned to her that he would shortly introduce a bill to the state legislature to establish a 50 percent quota at her university. For its part, the 40 percent quota bill was presented by PPB deputy José Amorim, who claimed to have been inspired by Senator Sarney's bill and a desire to combat racial inequality though he had not been previously a defender of Afro-Brazilian rights (*Folha de São Paulo*, 10 October 2001). In the case of both quotas, legislative approval was so rapid as to preclude much public debate and input. The *Folha de São Paulo* reported that interviewed black activists did not even know that the bill was being voted on by the state assembly (10 October 2001).

21. Beginning with the entrance exams held in the fall of 2002, the university would begin to apply the quota in the following way. To fulfill the 50 percent public school quota, the university would essentially construct two different entrance portals, one for public school and another for private school students. This way the two pools need not compete directly against one another, protecting the university from lawsuits claiming that private school student X with a higher test score was denied admission while public school student Y with lower scores was accepted. When the initial round of entrants had been determined based on their exam performance, the university would see what portion of the admitted students had declared themselves black. If it did not reach 40 percent, the university would reclassify the pool of entrants, removing and adding candidates, until the 40 percent quota was reached. In recent years, however, only around 20 percent of the applicant pool classified itself as black. (Interview with UERJ Rector Nilcéa Freire, Rio de Janeiro, 5 July 2002.) Notwithstanding these efforts, there were multiple lawsuits initiated in early 2003 against the quotas.

government. Though her plans clashed with the PT's tradition of allo-
cating secretariats to different tendencies within the party, she succeeded
such that 32 percent of senior decisionmaking posts were occupied by
blacks.[22] Benedita also created a subsecretariat to work on incorporating
affirmative action policies into different government programs. In July
2002, Bahia's state university announced that 40 percent of spots in un-
dergraduate and graduate programs would heretofore be reserved for
Afro-Brazilians; the state legislature in Minas Gerais approved a 20 per-
cent quota in university admissions in November 2002.

These policies provoked lively exchanges in society and in the press,
though the debate about affirmative action was reduced to a debate about
quotas. To favor affirmative action was to endorse quotas; to oppose
quotas was to condemn affirmative action in all forms. This turn of events
was regrettable, but not inevitable. It precluded serious discussion of
other policy options and silenced advocates of affirmative action who
were critical of quotas. Some Afro-Brazilian militants I interviewed
claimed that they could not raise questions about quotas without being
labeled "racist" by other activists. Nevertheless, quotas are only one
among the several affirmative action measures contemplated by official
government commissions in the mid-1990s and actually implemented
by municipal governments and non-governmental organizations (NGOs)
around Brazil. The full basket of policies includes social programs tar-
geted at black neighborhoods, job training programs, preparatory courses
for university entrance exams, and support for black-owned businesses,
among others (Heringer 2001).

Yet there is a way in which simplifying the debate served both advo-
cates and opponents. Many of the activists who formed part of the race
issue network aimed, not just to lobby for new state policies, but to ini-
tiate public discussions about race and to transform a culture that tac-
itly endorsed racial inequality. It was thus helpful to showcase an issue
so provocative that no one could hide from it. A more technical discus-
sion focused on various affirmative action options (many of which are
uncontroversial) would not compel such impassioned commitment from
supporters nor provoke virulent rebuke from opponents; a more techni-
cal discussion would not have forced a major public debate about race.
Quotas—like abortion, prayer in public schools, and the legalization of
drugs—are an "absolutist" issue on which few people lack a strong opin-
ion. As Ivair dos Santos remarked, "Talking about quotas makes people

22. Interview with Hildézia Alves de Medeiros, Subsecretary of Affirmative Action,
Rio de Janeiro, 5 July 2002. According to Hildézia, Benedita's plan to appoint blacks to
high positions clashed with the desire of the Workers' Party (PT) to allocate secretariats
to different tendencies within the party. The governor endured four rounds of negotia-
tion with other party leaders, trying to convince them to include more blacks and women
in their lists.

really angry. Quotas help you see who is who. Otherwise, people speak nonsense!"[23] At the same time, aggregating a wider range of policy options into the signature example of quotas helped the cause of opponents. By focusing public attention on a blunt and controversial policy option, opponents could magnify the resistance to *any* type of affirmative action.

These opponents charged that quotas lead to reverse discrimination, insult blacks by presuming that they cannot compete on their own merits, and fail to address the causes of black exclusion, which are social, not racial. Quotas are deemed inappropriate for Brazil's style of racism, which is subtle and shameful, not explicit or structural. Racist acts should be punished, but the problem of exclusion more generally requires social policies directed at the poor (e.g., Corrêa Coelho 2001). There are also fears that quotas are a policy based on U.S. race relations and history and will consequently introduce false racial divisions to Brazil and end up generating greater injustice (Pinto de Góes 2001).[24] Similar concerns were raised by Pierre Bourdieu and Loïc Wacquant in "The Cunning of Imperialist Reason," who claim that recent debates reflect "ethnocentric intrusion" practiced by U.S. philanthropic foundations and scholars (1999; for a lucid response see Telles, forthcoming).

Others claim that quotas will be impossible to implement because of the difficulty of identifying just who is black. Yet supporters argue that the question of "who is black" is disingenuous and avoids the real issues. Deputy Paulo Paim noted that today, people are virtually unanimous in acknowledging that discrimination exists, but

at the moment you start any movement for reparations, compensation, people start to backtrack. When you say that blacks have lower salaries than whites,

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23. Interview, Brasília, June 2002. Quotas differ from "technical" issues which are unlikely to elicit gut reactions and require expert knowledge to comprehend. For a discussion of distinctions between "absolutist" and "technical" issues, see Htun 2003; Carmines and Stimson 1980.

24. Historian José Roberto Pinto de Góes maintains that quota policies may be more appropriate for the U.S. context with its "racial hatred" and slave system than for Brazil, where he claims that slavery was not racialized (since both blacks and whites were slave owners) (2001). Indeed, some Brazilian slave owners were black, and many free "men of color" can be found during the final decades of slavery. But slavery's racial component is undeniable: other historians have found that hundreds of thousands of black Brazilians were held illegally as slaves during the nineteenth century. In fact, at least one third of de facto slaves were legally free. "At times during years when the labor shortage was most severe, to be nonwhite and without documents could be grounds for presumption of slave status" (Conrad 1974, 158). Graham reports that by 1872, free blacks and mulattos accounted for at least three-quarters of all Afro-Brazilians, but that there was "still a tendency to see free African Brazilians, especially those of darker color, as if they were slaves" (1999, 31, 39).

that black women have half the salaries of white women (who are also discrimi-nated against in relation to white men), that blacks are the majority in prisons, blacks are 2 percent of universities, that blacks live in *favelas*, when you talk about data, OK. But when you propose public policies, the response is: how do we know who is black? That is the first excuse they give. When we talk about the bad side, they identify blacks easily, but when we get to the issue of com-pensation, they don't know who blacks are![25]

For advocates, the answer to "who is black" is simple: self-declaration, used by the ministries of justice and agrarian development, as well as researchers and census enumerators at the Brazilian Institute of Geog-raphy and Statistics (IBGE).[26] Brazilian activists joke that if this does not work to identify blacks, "In the event of a doubt, call a policeman, who always knows" (Carlos Alves Moura, quoted in *O Estado de São Paulo*, 13 January 2002).

Quota supporters argue that racism in Brazilian society is pervasive and will continue unless the state intervenes. Pointing to data on the position of blacks in society, their absence among political, business, and media elites, and cultural practices known to all such as the use of terms like *boa aparência* to exclude dark-skinned people from employment, they maintain that racial stratification cannot be attributed just to the legacy of slavery or low levels of education. Though much of discrimination in Brazil is "social" or class-based, the historic association of whiteness with money and blackness with poverty has, over time, consolidated a racial aesthetic (hence the adage "money whitens"). Being black is syn-onymous with being lower-class, lacking opportunities, working as a servant, and living in bad neighborhoods. These cultural associations of blackness are clear in an expression favored by President Cardoso to joke about his own Afro-descendent origins: "I, too, have a foot in the kitchen." Even this casual choice of words reveals a lot: the kitchen, the service area, is the domain of dark-skinned people. "Having a foot in the kitchen" means being black.

At the same time that the United States seems to be moving away from its historic "one-drop" policy and toward a recognition of mixity, evinced by the ability of residents to identify with multiple racial cat-egories in the 2000 census, Brazilian quota advocates seem to be push-ing Brazil in the direction of greater fixity in identities.[27] The government's policies presume that racially defined collectivities are enough of a real-ity that they can be the objects of public policies.

25. Interview, Brasília, 19 June 2002.
26. In practice, however, some census enumerators do not ask individuals to declare their color but decide on their own how to classify respondents, particularly in situations where observance of "color etiquette" precludes an explicit inquiry (Nobles 2000, 154).
27. Thomas Skidmore has argued that the contrast between the bi-racial United States and "multi-racial" or multi-colored Brazil has been exaggerated and recent events seem to confirm his predictions (1993).

For the first time since the abolition of slavery the Brazilian government has not only recognized the existence and inequity of racism but has chosen to contemplate the passage of legislation that recognizes the existence and importance of distinct "racial communities" in Brazil. (Fry 2000, 100)

Could state policy succeed where Afro-Brazilian movements have thus far failed, namely, in cementing a widespread racial consciousness among Afro-Brazilians?

First, though, it remains to be seen how and whether the Brazilian government will be able to apply its new policies. Preliminary results are reasonably promising. In August 2002, twenty black candidates were selected to receive Itamaraty's scholarships for preparation for the Rio Branco Institute entrance exam. Four hundred candidates applied for the program (they classified themselves using the IBGE's census characteristics—white, black, brown, yellow, or indigenous). Black functionaries have been hired by the agrarian development and justice ministries. In fact, by November 2002, 95 of the 353 functionaries hired by the Ministry of Justice were black (27 percent), though most of them held low-level positions. One of the new Ministry of Agrarian Development employees, a 26-year-old receptionist, said to the press that: "I like the quota because it gives opportunities for people of black color to enter the public service. I think that if it weren't for the quota I wouldn't be working here" (*Folha de São Paulo*, 16 December 2001).

WHY THE POLICY CHANGE?

The Brazilian state's abandonment of the thesis of racial democracy was not provoked by material incentives, threats, or vote seeking. Rather, policymakers became convinced that combating inequalities was the right thing to do. Why did this happen in a country that historically prided itself on having no race problem, and why only at the turn of the century, and not in the 1960s, when the United States introduced affirmative action, or in the mid-1980s, around the transition to democracy? Ideas about race, equality, and democracy advanced for decades by Afro-Brazilian movements and social science researchers gained wider purchase only at the end of the 1990s. To understand the reasons, we need to investigate how the nature of social action on Afro-Brazilian rights changed as a new president with a fresh attitude toward race relations assumed power; we must also explore the effects of global events—and the anticipation of these events—on domestic politics.

Political Action: From Social Movements to Issue Networks

The late 1990s marked a shift in social mobilization around race in Brazil: the emergence of a race-based "issue network." Why the concept

of "issue network"? It captures the range of engaged groups and individuals and the specificity of their objectives. Members of issue networks (a concept coined by Hugh Heclo [1978] to describe "specialized subcultures of highly knowledgeable policy watchers) are linked primarily by their shared interest in a particular policy area, not a collective identity, occupational category, place of residence, values, or ideological orientation. They circulate information, organize and participate in policy-relevant seminars, and draft legislation and policy proposals. Networks involve people at many levels, such as academics who conduct studies, publish, and offer expert advice and testimony; interest groups who lobby policymakers; professional associations; grassroots movements; members of the media; and state officials (Htun 2003, 14–15).

Race-based issue networks had roots in three decades of activism and scholarship around inequalities in Brazil. As already mentioned, black political mobilization grew in the 1970s, particularly around and after Brazil's 1985 transition to democracy. The period saw an increase in many "new social movements" organized around identities such as race, gender, and sexual orientation; Brazilian activists were also influenced by non-white Third World nationalist movements and the U.S. civil rights movement. Yet many of these movements were culturally oriented and community-based; pushing national policy was not their primary focus (Barcelos 1999; Hanchard 1994). Meanwhile, a growing body of scholarship, both within and outside of Brazil, focused on race relations. Beginning with the pioneering work of the São Paulo school of sociology in the late 1950s and 1960s (Cardoso and Ianni 1960; Fernandes 1969), these works revealed a profoundly stratified society. A new wave of thinkers analyzed national-level survey and census data sets that first became available in the late 1970s, documenting race differences in income, occupation, school enrollment, education levels, life expectancy, health, and so on (Hasenbalg 1979; Hasenbalg and Silva 1991; Silva 1985; Lovell and Wood 1998; Lovell 1994; Telles 1994).

By the mid- to late-1990s, the group of actors working on race issues had grown and diversified. Journalists, public intellectuals, state officials, economists from prestigious government research institutes, human rights NGOs, and politicians in Congress carried such action from Afro-Brazilian movements and the leftist academy into the social mainstream. One of the decisive moments in this process came when the federal government's Institute for Applied Economic Research (IPEA) entered the debate. Beginning in 2000, the IPEA released studies, widely publicized in the press, documenting the extent and stability of racial inequalities in Brazil (see especially the CD-ROM released in December 2002, *Desigualdade racial: indicadores socioeconômicos—Brasil, 1991–2001*, available at www.ipea.gov.br). The significance of these studies was not necessarily their content: as already mentioned, scholars such as Carlos

Hasenbalg and Nelson do Valle Silva had been making similar arguments about racial inequality in their published work since the late 1970s. But prestigious white economists working for the government had not previously participated in such discussions. It was "the first time that the debate left the militancy of the black movement and went to an institution with an undeniable reputation," according to Ricardo Henriques, author of one of the IPEA studies. In addition to fancy statistical methods, Henriques devoted greater efforts to presentational style, using colorful graphs, diagrams, and PowerPoint visuals in order to make his arguments more digestible by the media. "The issue had been taboo for academic economists on the one hand and the government on the other. When the IPEA published its studies, the government could no longer remain deaf to the [race] discussion."[28]

A shift in priorities at the Ford Foundation was another important factor. Ford had funded academic centers and research on race in Brazil since the late 1970s and early 1980s. Beginning in the mid-1990s, however, Ford began to focus its support on organizations dedicated to combating racism. Believing that "Brazilian democracy is hollow until it can include all of the population," Ford initiated a "period of action" in order to "help people who wanted to intervene rather than just gather information," according to Nigel Brooke, Ford Foundation representative in Brazil. Brooke recalled that the idea was that "we would come out of the closet with regard to our positive view of affirmative action, instead of just supporting research . . . we could actively support groups working to promote affirmative action."[29] Under the leadership of Edward Telles, a University of California at Los Angeles sociologist and expert on race relations who served as human rights program officer in Ford's Brazil office between 1997 and 2000, the foundation's spending on race issues more than tripled. Ford helped fund Afro-Brazilian movements endorsing public policy interventions like affirmative action, a network of black attorneys, academic research on race discrimination and policy remedies, and leadership training for black politicians; in addition, Ford helped forge linkages between Brazilian black movements and anti-racist organizations in other countries (Telles forthcoming). Ford also gave millions of dollars of support to Afro-Brazilian groups to prepare for, participate in, and follow-up on the World Conference Against Racism.

Meanwhile, black PT legislators grew more successful in organizing a black caucus in Congress.[30] The number of blacks in the Brazilian

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28. Interview with Ricardo Henriques, Rio de Janeiro, 4 July 2002.
29. Interview, Rio de Janeiro, 3 July 2002.
30. The PT has historically been committed to fighting racial inequality and the party has a secretariat devoted to combating racism. Yet many in the party see race as subordi-

congress has historically been very low, never exceeding 3 percent of the total number of federal deputies and senators (Johnson 1998, 103–5). More are from the PT than any other party: between 1983 and 1999, it elected twelve of the twenty-nine black congressional members (ibid, 107). Benedita da Silva had tried, and failed, to organize a black caucus in the early 1990s. Not only did the deputies vary in their views, but some rejected race as a basis for political organization and as an important determinant of Brazilian social structure (ibid, 110–11). Yet by the early 2000s a caucus (*bancada negra*) of black deputies from the PT and a couple of other parties (in 2003, they amounted to nine deputies) met on a regular basis to ensure that race and affirmative action were discussed in the congress and within political parties. More "blacks" are in congress than those nine, but many dark-skinned legislators choose not to identify with the caucus.[31] In July 2001 the first ever national meeting of black legislators was held in Salvador. More than fifty state and federal legislators debated for three days and released a document, "Declaration from Salvador," which cited the IPEA studies as evidence of racial inequality and demanded reparations from the state (*Jornal do MNU*, August 2001).

Black feminists who cut their teeth on global gender politics played key roles in the network. Due to their double militancy in the feminist and the Afro-Brazilian movements, black feminists could transfer skills and lessons from one struggle to the other. Beginning in the late 1980s and early 1990s, these women began to create autonomous spaces within the feminist movement, organizing national conferences, seminars, and formulating their own demands (Roland 2000). Black women's lobbies were active participants in Brazil's preparation for the United Nations Conference on Population and Development, held in Cairo in 1994, and the Fourth World Conference on Women, held in Beijing in 1995, and succeeded in influencing the reports presented by Brazil at both conferences. In Beijing, for example, the government recognized racial discrimination as a grave problem affecting women around the world (ibid, 249). Through these experiences, black feminists learned how to articulate the local and the global, to speak policy language, and to negotiate consensus positions among people of diverse backgrounds. These skills

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nate to class and maintain that universal social policies will take care of the race problem. In an interview, in Brasília, 18 June 2002, Senator Eduardo Suplicy, for example, believed that it should be a priority to universalize social rights through programs like his proposed minimum income, not adopt group-specific affirmative action measures (though he supports them anyway). Thus, though party leaders lend support to anti-racist struggles, black activists see this as "support" (in rhetoric only). (Interview with Deputy Paulo Paim, Brasília, 19 June 2002.)

31. Interview with Deputy Luis Alberto Caó, 12 November 2002.

helped the Durban process and the affirmative action movement. As Ivair dos Santos recalled, "we men had barely traveled abroad. But the women had already been to several United Nations' conferences and told us exactly what to do!"[32]

Presidential Initiative: FHC

In 1995 a new government sympathetic to the anti-racist agenda assumed power. Fernando Henrique Cardoso (FHC) embodied cosmopolitan intellectual currents and their penetration into the state. By appointing individuals who wanted to take action to positions of power and lending political support to their alliances for change, FHC began to modify the state's approach to race. This political opening created opportunities and incentives for greater civic mobilization; empowered, social actors then pushed for greater changes later in the presidency.

FHC's interest in race can be traced back to the early days of his career as a sociologist (it did not derive just from political pressure or international influences; in other words, the president's attitude is not purely endogenous to the process described in this article).[33] His doctoral dissertation explored race relations, as did his first published book and several of his scholarly articles in the late 1950s and early 1960s.[34] As the president himself noted in a December 2001 speech when he declared his support for affirmative action:

everyone knows—and if they don't, they know now—that this is an issue I'm very involved in, because I spent several years of my life at the beginning of my career as a sociologist studying blacks and racial discrimination among the poorest sectors of the country. . . . From São Paulo to Rio Grande do Sul, at that time, the 1950s, I don't think there was a *favela* that I didn't visit, not just to study,

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32. Personal interview, Brasília, 18 June 2002. Black women formed the bulk of Brazil's delegation to the regional preparatory meeting for Durban, held in Santiago, Chile. The delegation had prepared for six months, held two national meetings, and developed their own communication and political strategy with negotiating points (Carneiro, n.d., 11–12).

33. Nonetheless, FHC's decision to champion affirmative action, though consistent with his long-standing views, may also have stemmed from a desire to compensate for his inability to further a progressive social legacy in other areas. Unlike other social policies, affirmative action is relatively inexpensive and can be engineered by the executive branch without the need to broker deals with congressional members.

34. Co-authored with Octavio Ianni, the book is called "Color and Social Mobility in Florianópolis: Aspects of Relations between Blacks and Whites in a Southern Brazilian Community" (São Paulo, Companhia Editora Nacional, 1960), and the dissertation, "Capitalism and Slavery in Southern Brazil: Blacks in the Slave Society of Rio Grande do Sul" (published in 1962 by DIFEL in São Paulo, with a second edition released in 1977 by Paz e Terra in Rio de Janeiro).

but—with Florestan Fernandes, Octavio Ianni, with Renato Jardim, and many others—also to portray a Brazilian reality that elites ignored in those days . . . [Brazilians] lived wrapped in the illusion that this was a perfect racial democracy when it wasn't, when even today it isn't. (Cardoso 2001)

In 1998 FHC talked extensively about race in a series of interviews with columnist Roberto Pompeu de Toledo (*Veja*, 6 May 1998). The interviews were published in a book, *The President According to the Sociologist* (São Paulo: Companhia das Letras, 1998). FHC recognized the country's racial hypocrisy, and spoke of promoting Afro-Brazilians in the 1980s; as president of the PMDB, he attempted to launch a black candidate for municipal council in every city. At the time of the interview, the president recognized the controversy that a discussion of quotas would generate. But he said that he was not against them, and that "if there were two people with equal qualifications to name to a post, one being black, I would name the black person" (*Veja*, 6 May 1998).

Senior Brazilian officials I interviewed affirmed the president's role in orchestrating an opening for new policies. Paulo Sérgio Pinheiro, secretary of state for human rights, said that "in the struggle against racism, most of the advances are due to presidential decision . . . affirmative action, the defense of quotas, it's the president of the republic!" Looking back on the various initiatives since 1995, Pinheiro remarked "these measures [resulted from former Justice Minister] José Gregori and I negotiating with the president. . . . All of this was a personal presidential decision. He didn't consult anyone, not even the party."[35] Márcio Fortes, secretary-general of the Party of Brazilian Social Democracy (PSDB), concurred, saying that the quota policy

is more legal than legitimate. It is not being demanded by society, but is part of the conscience of elites. There was no social movement. [The quotas] resulted from the president's determination, the idea being to construct a more diverse and plural society for the future.[36]

Ivair dos Santos summed it up: "If FHC had not been president, the debate would not have started."[37]

Presidential initiative got the ball rolling, though somewhat precariously. As Pinheiro noted, "In Brazil, an authoritarian, racist, and hierarchical country, you need the agreement of the president to advance on controversial causes."[38] But a lack of partisan and legislative support

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35. Interview, Brasília, 19 June 2002.
36. Interview, Brasília, 19 June 2002.
37. Interview, Brasília, 18 June 2002.
38. Interview, Brasília, 19 June 2002. This is true for other controversial issues as well. I argue elsewhere that presidential willingness to take on the Roman Catholic Church was crucial for the legalization of divorce. Moments of conflict between Church and state over education, human rights, and authoritarianism (such as in 1970s Brazil and

means recent policies suffer from a "fragile architecture." (According to Pinheiro, this is a problem not just for race discrimination but also for human rights more generally.[39]) So far, the new government of Luiz Inácio Lula da Silva has pledged to continue with affirmative action measures, and even created a Special Secretariat for the Promotion of Racial Equality to oversee implementation of the federal government's program, among other responsibilities. Though it remains to be seen whether the incoming government will succeed in institutionalizing new policies on race, civil society will not permit an easy reversal.

International Events: The Durban Conference

The final impetus to state action was the World Conference on Racism, held in Durban in September, 2001. Anticipation of Durban provided an occasion for dialogue on race and a deadline to reach consensus on change. In order to produce an official report, the government convened a committee of state officials, academics, and representatives of Afro-Brazilian movements; this committee held seminars and workshops around the country to solicit input (Saboia and Vidal Porta 2002, 6). NGOs, trade unions, and universities sponsored lectures and exchanges. The whole process was modeled on Brazil's experience with the Fourth World Conference on Women held in Beijing in 1995. Ambassador Gilberto Saboia, president of the Durban preparatory committee and head of the Brazilian delegation, told me that he sought to emulate the women's movement's Beijing preparatory process because he was impressed by how well it had worked.[40] The year's worth of work culminated in Brazil's first national conference against Racism and Intolerance, held in Rio in July 2001 and chaired by then vice governor Benedita da Silva, with some 1,700 participants from around the country. The report eventually released by the preparatory committee adopted a vanguard position by endorsing quotas and other forms of affirmative action.

1980s Argentina), opened political space for partisans of divorce to achieve their objectives. See Htun 2003, chap. 4.

39. Pinheiro noted that on human rights, "It was possible for us to advance . . . because of the president's personal consent . . . I'm afraid that here within the federal government, human rights questions are not yet institutionalized . . . if future governments don't give the same relevance to it, everything will fall very easily" (Interview, Brasília, 19 June 2002). In a talk at Columbia University on 4 May 2002, Pinheiro had similarly expressed his view of the importance of President Cardoso and the lack of more pervasive institutional support for a human rights agenda. There, he exclaimed that "Everything we manage to do in this area is because of the personal support of the president. But it's institutionally very fragile. . . . I have no political support. In Congress, there is benign neglect . . . no political party really cares."

40. Interview, Brasília, 18 June 2002.

These preparations for Durban captured the interest of the Brazilian media. In the months leading up to the conference, newspapers, television, and radio stations around the country began to report on racism and inequalities. Reports analyzed proposals for quotas and affirmative action, programs being adopted by NGOs around the country directed at the black population, academic studies, and debates about gay rights and Indian rights. The op-ed pages of the major newspapers carried debates among politicians, academics, journalists, Afro-Brazilian activists, and government officials. Never before had race been such a big topic in the Brazilian press; one study remarked that the press "woke up" to the topic only on the eve of the Durban conference (Articulação de ONGs de Mulheres Brasileiras 2001). It helped that Brazilians played an active role in Durban. Edna Roland, a black activist and head of the São Paulo organization Fala Preta, was chosen as its rapporteur.

Durban's unequivocal success in getting Brazilians to talk about discrimination and commit to change contrasts with harsh criticism leveled at the rest of the conference. The discussions at Durban were overshadowed by severe conflict between Arab delegations, the United States, and Israel over the draft document's characterization of Zionism as a "racist practice." Early failure to expunge this language from the document provoked the U.S. and Israeli delegations, small and low-level, to walk out. Africans and Europeans clashed over slavery: African countries demanded a formal apology for slavery and agreement that Africans and African-Americans receive reparations for past suffering; Europeans said they would express regret but not apologize nor pledge reparations (*The New York Times*, 6 September 2001). In the end, however, the delegations reached a compromise. Language about Israel was toned down considerably, and the text said that slavery and the slave trade "are a crime against humanity and should always have been so." Durban was a site that multiple historical processes ran through; for Brazil, the event produced a rupture with past ways of thinking, but this effect was not shared by other societies.

The final document recommended affirmative action and other policies for victims of racism and called for adequate representation in politics and education, adding force to the positions Brazil had adopted in its national report. In much the same way that the Fourth World Conference on Women held in Beijing in 1995 lent international legitimacy to women's demands for gender quotas in politics (Htun and Jones 2002), the Durban conference backed Afro-Brazilian demands for special rights. As U.N. ambassador Gelson Fonseca Jr. put it,

Durban was a positive experience for Brazil because it legitimized the debate on racism at the international level and recognized the need for remedial actions to benefit the victims of discrimination. But the most significant and immediate effect of Durban occurred at the domestic level, for it mobilized civil society and

public opinion against racism, and strengthened the political will for policies to combat discrimination and led to the first experiences in affirmative action for Afro-descendents.[41]

AN INTERACTIVE MODEL

Hence, three variables—issue networks, presidential initiative, and international events—arose independently but were mutually reinforcing. As the discussion revealed, social networks do not just affect policy, but are also shaped by the state. Institutional openings provide a focal point around which social actors and networks can coalesce; repeated interactions with state officials help movements defy mobilizational fatigue. Considerable literature exists on this: social movement theorists have highlighted the ways that changes in the political opportunity structure—the presence of elite allies, partisan realignment, and so on—trigger or preclude societal mobilization (Tarrow 1998); historical institutionalists show how the configuration of state institutions affects the patterns of organization and the resources of different groups (Skocpol, Ganz, and Munson 2000; Skocpol 1992). In these ways, state institutions nourish the development of civil society.

International factors, moreover, strengthen domestic political actors and increase the salience of certain principled ideas. Global conferences and treaties on social development, women's rights, human rights, and anti-racism contributed to the diffusion of norms about the proper behavior of liberal, democratic states and helped transform national interests (Risse and Sikkink 1999). Transnational advocacy networks (TANs) focused on social justice became major actors in world politics in the 1990s, transferring ideas and resources to their local affiliates and increasing the pressure on national governments to fight human rights abuses and inequality (Keck and Sikkink 1998).

Figure 1 illustrates the interaction of these factors in the Brazilian case. Against a background of socio-structural inequalities, Afro-Brazilian movements and scholars formed networks to denounce racism. After he assumed the presidency in 1995, Cardoso created the political space and support for them to grow and diversify. Preparations for Durban stimulated additional civic mobilization, media interest, and public dialogue; the meeting itself legitimized the idea of racial quotas and enhanced the moral standing of affirmative action advocates. Global ideas linking race with democracy and justice—which motivated a social movement, socialized a president, and ultimately congealed into a United Nations conference—were influential at all stages of the story. By

41. Personal communication, 30 October 2002.

Global human
rights networks
and norms

Intl events
(Durban)

Ideas,
legitimacy

Problem:
Structure of
Racial
Inequalities

Afro-Br/
movements,
scholarship
on race

Issue
networks

Networks
stronger,
coalition
bigger

Policy change

Pol. space,
support

Presidential
initiative
(FHC)

Cosmopolitan
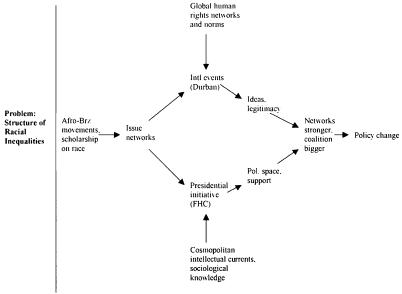intellectual currents,
sociological
knowledge

Figure 1

nationalizing these ideas, the movement, and the president, brought about a radical shift in the state's approach to race.

CONCLUSION

At the turn of the century, the Brazilian state admitted to racism and endorsed affirmative action. Significant as these changes may be in light of the country's historic denial of the importance of race, they are still largely symbolic. A more systematic affirmative action program—one that operates in all government agencies and for which enforcement mechanisms have been created—has yet to be established. Critics of the FHC government see this as evidence of a lack of official commitment to Afro-Brazilian rights.[42] And such a program, requiring profound institutional changes and budgetary outlays, would likely encounter greater resistance than the changes made up to this point. This suggests that the explanation of discursive policy shifts may be different from the explanation for actual policy implementation.[43] Ideas may compel people to

42. PT Deputy Luis Alberto Caó believes that few FHC initiatives have been more than "statements of good intention." Interview, Brasília, 12 November 2002.
43. Victoria Murillo makes a similar argument with respect to privatization in Latin America. Ideas help explain the decision to privatize in different Latin American countries, but the manner in which these privatizations were carried out varied and must be explained by politicians' beliefs and their supporting coalitions (2002).

change their minds and even certain aspects of their behavior, but alone may not build the political coalitions needed to back the allocation of money and changes in the rules. In Brazil's world of pork barrel politics, old habits die hard. Breaking them will likely require threats and incentives in addition to moral conviction.

Even weakly implemented, quotas compel people to talk about race. As Paulo Paim noted,

even a law that works only partially is an advance. It generates debate, because then you can ask, and force parties to explain, why quotas aren't filled. . . . Laws don't always give the results that we expect, but offer yet another instrument to do politics.[44]

In a speech on 4 July 2002, then Rio de Janeiro governor Benedita da Silva summarized this political strategy, declaring that quotas amounted to "an accusation" (*uma denuncia*). Proposing quotas exposes racism. The idea is: since I have not already convinced you that racism exists, then I am going to put this proposal on the table and you will have to react. In short, the appearance of quotas in public discourse prevents anyone from denying that race matters. Given Brazil's history of racial democracy, this is no small achievement.

The crucial question for the future is whether the country will be able to adopt race-specific public policies while acknowledging the contingency of "race." The concept originated in attempts by nineteenth-century biologists and anthropologists to rank putatively inherited differences among human populations but has almost no basis in biology (Appiah 1997; Gould 1996; Graves 2001). Since it easily aids in the cause of racism, it might be desirable to move beyond the concept of "race." But race has validity as a social category, for racial labels shape human identities and social relations. How can public policy address these concerns while avoiding essentialism? At the same time that policy seeks to level out differences, the normative power of the law lends a fixity to racial categories. Thus, there is a tension between trying to get beyond race on the one hand and forming practical strategies to combat racism on the other. Negotiating this tension—affirming the living practice of race while simultaneously denying its essence—is the challenge Brazil faces.*

44. Interview, Brasília, 19 June 2002.

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