

# A retrospective: looking back a decade later on Brazil's racial inclusion policies

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## Abstract

The present article focuses on the progress of affirmative action programs during the past ten years and measurable results produced so far, such as the reduction of income inequality and racial discrimination. For this, the article relies on several data sources, most notably *the Annual Report on Racial Inequality in Brazil, 2007-2008*, of the Laboratório de Análises Econômicas, Sociais e Estatísticas em Relações Raciais – LAESER, at the Universidade Federal do Rio de Janeiro – UFRJ; *Ação Afirmativa: Monitoramento e Acompanhamento nas Universidades Brasileiras*, of the Núcleo Interdisciplinar de Reflexo e Memória Afrodescendente (NIREMA – PUC-Rio) and the *2008 DataFolha Survey* on public opinion on racial issues. The article also presents a summary of results from the quota systems in Brazilian universities and weighs the limits and possibilities of the racial quota system *vis-à-vis* class-based quota systems.

Keywords: affirmative action; quota systems; income inequality; racial justice.

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## Em retrospectiva: uma revisão das políticas de inclusão racial do Brasil após dez anos

### Resumo

O presente artigo tem como tema os avanços dos programas de ação afirmativa nos últimos dez anos e seus resultados mensuráveis em termos da redução das desigualdades de renda e da discriminação racial no Brasil. Para tanto, baseia-se em dados colhidos no *Relatório Anual das Desigualdades Raciais no Brasil, 2007-2008* do Laboratório de Análises Econômicas, Sociais e Estatísticas em Relações Raciais – LAESER), da Universidade Federal do Rio de Janeiro – UFRJ; no documento intitulado *Ação Afirmativa: Monitoramento e Acompanhamento nas Universidades Brasileiras*, do Núcleo Interdisciplinar de Reflexo e Memória Afrodescendente (NIREMA), da Pontifícia Universidade Católica – PUC-Rio; e do *survey* de 2008 da agência *Data Folha* sobre questões relacionadas raça no Brasil. O artigo também apresenta resultados obtidos na implantação do sistema de cotas no âmbito universitário e tematiza os limites e possibilidades da aplicação do sistema de cotas raciais *vis-à-vis* o sistema de cotas baseadas na classe social.

Palavras-chave: ação afirmativa; sistema de cotas; desigualdade de renda; justiça racial.

From 1996 to 2001, I closely followed the black movement and the Brazilian government's efforts at social inclusion of black Brazilians, mostly through my work as a Program Officer in Human Rights at the Ford Foundation. In 2004, I wrote *Race in Another America: The Significance of Skin Color in Brazil* (Telles 2004), where I analyzed Brazilian race relations, inequality and discrimination. I also examined public and private efforts at social inclusion in that book. Since that time, Brazil has launched a series of policies aimed to promoting the inclusion of blacks at all levels of society. Most notably, most public Brazilian universities now have some sort of affirmative action. These programs began in 2001 with a single university and the number of universities with such programs has expanded yearly since that year. Many now have explicitly race-conscious policies but most are class-based and expect that many afro-descendant students will benefit from these programs because of the predominance of afro-descendants in the lower rungs of the Brazilian class structure<sup>1</sup>.

Since my consultancy in 1996, when I met with several black movement organizations and with academics about how the Ford Foundation could help promote racial inclusion in Brazil, I have advocated for affirmative action there (Telles 1996). The levels of social exclusion of afro-descendant Brazilians were so great. At the time, the few policies or laws that sought to include them were very timid or ineffective. Certainly, in 1996, there was a sense that race-based affirmative action ran strongly against Brazilian ideas of social inclusion and therefore it was very unlikely to be implemented. Indeed, the idea of it was seen as a North American notion that had no place in Brazilian society where race was rarely even mentioned or even considered as a social problem and thus it would be inappropriate as a lever for public policy. Indeed, the idea of racial democracy, where Brazilians believed that discrimination was benign, was still alive in Brazilian society.

In this paper, I look back at the progress of affirmative action and other efforts at racial inclusion in light of what I and others had expected. I rely on several data sources, most notably the *Relatorio Annual das Desigualdades Raciais no Brasil, 2007-2008* (Annual Report on Racial Inequality in Brazil, 2007-2008) by Marcelo Paixão and Luiz M. Carvano (2010) of the Laboratório de Análises Econômicas, Sociais e Estatísticas em Relações Raciais (LAESER) at the Federal University of Rio de Janeiro, *Ação Afirmativa: Monitoramento e Acompanhamento nas Universidades Brasileiras* by Angela Randolpho Paiva (2010) of the Núcleo Interdisciplinar de Reflexão e Memória Afrodescendente (NIREMA) of the PUC in Rio de Janeiro and the 2008 Data Folha survey on public opinion, especially through the tables lent to me by Antonio Sergio Alfredo Guimarães of the University of São Paulo. Certainly, there are more systematic and complete analyses of affirmative action policies, including the report by Rosana Heringer and Renato Ferreira (2009) but this article is meant to be a retrospective from someone who was close to the changes occurring in the late 1990s but has been far from the changes since then.

In my 2004 book, I explain why I support affirmative action. In a country that is rapidly democratizing like Brazil, its high levels of racial inequality are contradictory to a sustainable democracy and therefore it requires effective ways to change this state of affairs. Although universal policies that are genuinely fair are likely to help, the kinds of affirmative action that Brazilian universities have adopted are especially likely to reduce the extreme exclusion of Afro-Brazilians. Whether or not they explicitly specify race, the goals of affirmative action should be to improve racial justice, create role models for young afro-descendants, strengthen the sense of self-worth among blacks and promote racial diversity at all class levels. To do so in Brazil requires attacking the three major barriers to achieving a true racial democracy: hyperinequality, the glass ceiling, and racist culture. If the Brazilian government is to make a significant difference in the lives of most black and brown people, Brazil would need to develop a set of policies that combine universalist social-development policies to reduce Brazil's hyperinequality with race-conscious affirmative action that can break the glass ceiling and alleviate racist culture.

Table 1  
Mean Monthly Income of Brazilians in Primary Job by Race and Sex, 2006

White Male	1164
"Negro" Male	586
White Female	745
"Negro" Female	381

Source: Paixão and Carvano, 2010 (based on 2006 PNAD  
- Pesquisa Nacional de Amostra Domiciliar)

Brazilian levels of racial inequality continue to be high, reflecting the country's world class levels of inequality. Table 1 shows the high levels of racial inequality in Brazil, based on the LAESER report by Paixão and Carano. White males earn almost exactly twice as much as negro (preto and pardo combined) males in their primary job, according to the most recent data. White females earn almost twice as much as "negro" females, as well. The difference in income between black (preto) and brown (pardo) men and women is small in Brazil compared to that between negros and whites (Telles 2004). Racial inequalities reflect Brazil's very high levels of income inequality as well as the concentration of afro-descendants in the lowest sectors of Brazil's income pyramid and their near absence among the highest earning sectors. According to Paixão and Carvano (2010), the bottom decile of Brazil's income distribution is 27 percent white and the bottom decile is 82 percent white. In the remainder of this article, I examine a series of issues which have occurred as a result of affirmative action, some of which were hardly anticipated.

## Expansion of affirmative action

The sudden implementation in 2001 of affirmative action and its expansion and apparent permanence may be the most surprising feature of racial inclusion to any one following Brazil in the 1990s. There had been significant affirmative action initiatives taken in a few municipalities including Porto Alegre, Belo Horizonte and Jundiaí but not at higher levels. For most of Fernando Henrique Cardoso's government (1994-2002), there were attempts to include afro-descendants, such as recognizing racism in Brazilian society, making issues regarding the disadvantaged positions of Afro-Brazilians central to human rights declarations and putting them on a few minor public commissions (Telles 2004) but there were no major projects for their inclusion until the sudden implementation of affirmative action. At the same time there was almost no public discussion on race so that the implementation of affirmative action was seen as a top-down policy, although it was brought on by pressure from the black movement (Telles 2004). The technocratic and top-down approach of the Cardoso government probably permitted its passing as public discussion at the time would most surely have blocked it. Once it was implemented, discussion of race grew tremendously with strong opinions both supporting and opposing affirmative action.

The unexpected implementation of racial quotas occurred despite a near absence of discussion about them, catching policy analysts and public opinion off guard. However, without their sudden imposition, serious discussion about race in Brazilian society and policies to redress racism probably would never have occurred. Regardless of their design or their potential benefits, the implementation of these policies has projected the issue of race and racism to a level never before seen in modern Brazilian history. Brazilians now largely agree that racism exists and that racial inequality is high. Therefore they often argue that something must be done to alleviate these problems. There is less agreement about the appropriate policy solutions.

Affirmative action programs in Brazil began mostly as quota systems, which guarantee a certain percentage of university admission slots to students on the basis of race and/or class. This stands in contrast to affirmative action programs in the United States, which generally are based on goals for students on the basis of race rather than on a fixed number of entrance slots. According to NIREMA, most Brazilian universities continue to use quota systems, though a few have moved to using point systems to give additional credit to those from disadvantaged class, schooling or race backgrounds (Paiva 2010). Both quota and point systems have often been accompanied by an expansion of available slots in the university.

At last count, 65 of 94 of Brazil's public universities has some type of affirmative action (Paiva 2010). The progressive nature of university councils have made universities especially fertile grounds for affirmative action. Also, the growth of affirmative action mostly at the university level is especially appropriate since the university has become

the most important way to enter the middle class in Brazil. In Brazilian universities, afro-descendants had been nearly absent.

### Public Support

Perhaps not unexpectedly, quotas have become very polemical in Brazilian public discussion. Interestingly, most Brazilians support affirmative action but its opponents have acquired powerful voices due mostly to an anti-quota media, especially newspapers and some news magazines like VEJA.

At the beginnings of affirmative action, many analysts alleged that Brazilian philosophy and culture would not be supportive of race-based quotas but that Brazilians might be supportive of class redress. This was consistent with the racial democracy ideology that race was unimportant or at least it is not an explicit cleavage in Brazilian society like class. Interestingly, a 1995 Data Folha survey, the first of its kind, revealed that a large majority of Brazilians believed that racism and racial discrimination exists in Brazilian society, contrary to racial democracy (Telles 2004).

Several public opinion surveys (2003, 2006 and 2008) since the beginning of affirmative action show majority support for affirmative action. The most recent poll in 2008 showed that 44 percent of the population strongly agreed and another 18 percent agreed in part that quotas for negros are fundamental to improve the access of all persons to education. The numbers in favor of class-based affirmative action are 75 and 11 percent. Support for race-based affirmative action is weakest among the highest socioeconomic classes, with 51 percent of classes A and B in favor of race-based affirmative action. Although the large majority of Brazilians believe there is discrimination in Brazilian society, there is less agreement about what should be done about it.

### Constitutionality of Affirmative Action

At the beginning of affirmative action, many persons alleged that affirmative action and quotas were unconstitutional. They claimed that the Brazilian Constitution seeks equality of opportunity and not equality of results but in reality it promulgates equality of results in several ways. Article 3 states that the Federal Republic of Brazil “fundamentally” seeks to create a free, just and undivided society, eradicate poverty and marginalization, reduce social and regional inequalities, and provide special incentives to protect women in the labor market. The article even suggests the use of affirmative action for women and the physically disabled. Today, there seems to be a wide consensus that the Brazilian Constitution not only permits but it seeks to promote inclusion and affirmative action for disadvantaged groups. Leading jurists like Fabio Comparato have forcibly argued this as in his arguments in front of the Brazilian Supreme Court (STF). Several other jurists, including Supreme Court Justice Joaquim Barbosa (2000) have demonstrated its basis in the Brazilian Constitution.

Nonetheless, there are currently appeals before the Brazilian Supreme Court that claim that affirmative action is unconstitutional. Thus it is not without risks though the constitutional basis for it thus far seems strong. Moreover, affirmative action is not well entrenched at the highest policy levels or in the nation's legal structure. With only a couple of exceptions, affirmative action policies have been instituted at the level of the University Council rather than as legislation or ministerial decrees at any level, so these have been fairly independent actions and not government initiated. Brazilian governments, at the federal and local levels, have implemented relatively few affirmative action laws or policies.

### Racial Classification and Quotas

Brazil is known to have much more racial ambiguity than in the United States where there were clear rules about who was black and intermarriage was forbidden. Such rules for clear racial classification have facilitated race-based affirmative action in the United States, although the growing number of multiracials has begun to make racial classification fuzzier. The issue of racial ambiguity, which was originally seen as an impediment to such policies in Brazil, comes up occasionally as might be expected but not as much as I or others would have expected.

At the extreme, a handful of universities have created commissions to decide if candidates could use racial quotas. These were expectedly judged as unnecessary, at best, and unsavory and worth of a racist regime, at worst. Three universities out of the nearly forty that adopted race quotas actually used such commissions. One was the highly-competitive University of Brasília, which became the source of a media spotlight that apparently sought to discredit affirmative action. In that case, one of a pair of twins was allegedly allowed to compete under the racial quotas while the twin brother was not. This commission received considerable attention when VEJA magazine and anti-quota media highlighted that case. Except for that case, there have been rare cases of "fraud."

Another issue related to racial classification is that of the "missing *pardos*" or mixed race/brown Brazilians raised in his book by the editor-in-chief of Rio de Janeiro's most important newspaper, the strongly anti-quota *O Globo*. Ali Kamel follows the title of his book *We are not Racists* with the subtitle *A Reaction to Those Who Would Like to Transform Us into a Bi-Color Nation* (a literal translation). As the subtitle suggests, Kamel claims that the quotas no longer mention pretos and pardos but only negros. In actuality, though there all racial quota systems use the term pretos and pardos for admissions under the quota system. The State University of Rio de Janeiro, which may have been Kamel's inspiration did not use both terms at one time, but it now employs the *preto* and *pardo* system like all other Brazilian universities have throughout.

The emergence of a racial awareness in Brazil, largely around the quotas debate, has also led to changes in racial identity in Brazilian society. Certainly, it could have

been expected that university applicants, especially those who had previously identified as white but who have some African or indigenous ancestry, might begin to identify as nonwhite to take advantage of the racial quotas. White, just like any racial category, never required that it be ancestrally pure as in the United States. Indeed, a rigorous study of applicants at the University of Brasilia revealed systematic reclassification toward nonwhite with the quota system (Frances and Tannuri-Pianto 2010). More surprisingly is that there has been a general tendency toward identity as nonwhite as Guimarães (2010) has documented and as reflected in the changing racial composition of Brazil. According to the 2000 Census, the percentage of afro-descendants (pretos and pardos) was 47.0 percent and it has increased steadily each year to 50.4 percent in 2008, according to Brazilian national household surveys or PNADs<sup>2</sup> (website of the Brazilian Institute of Geography and Statistics: [www.ibge.gov.br](http://www.ibge.gov.br)).

### Problems in the University

Early on, there were many predictions that affirmative action would cause racial tensions that were previously absent in Brazilian society. This included allegations that students would segregate themselves by race in the university and that black students would be stigmatized because they were admitted on the basis of a racial quota. However, with the passing of as much as 8 years since the beginnings of affirmative action, several cohorts of quota students have entered the university and a few have already completed their undergraduate training. The experiences of those students have revealed little or no such divisiveness as ethnographies have shown (Vidmar Slocum).

The concerns about divisiveness and racial segregation in the university seem to have been based on a facile observation that such occurs among black and white university students in the United States. Such comparisons are made without the understanding of quite distinct contexts, particularly the extreme neighborhood segregation in the United States compared to substantially more intermixing in the United States. Thus to carry this argument to Brazil based on the U.S. experience is an ahistorical and decontextualized argument. In the United States, Bowen and Bok (1998) found that many new friendships across racial lines were being made in the university. Espenshade and Radford (2010) also provide strong evidence that racial mixing greatly increases between black and white students when they reach the university, although the levels of mixing and mingling could improve much more. Such intergroup friendships are more common among white, Asian and Latino students.

Another argument against affirmative action was that quota students would lower the quality of the Brazilian university and thus dispense with meritocracy. However, hindsight now reveals that the argument has not held up to the evidence. Studies at the University of Brasília and the Federal University of Bahia show that especially after an adjustment period to the university, quota students often fare as well as non-quota students (Guimarães, Costa, Almeida and Newman 2010; Francis and Tannuri-Pianto 2009).



The expectations of several years ago, that negro students would be stigmatized by the quota system also proved to be exaggerated. Even today, public opinion supports this belief. According to the 2008 survey by Data Folha, 53 percent of the general population believed that quotas could be humiliating for black students but this belief is especially strongly held by the middle class. However, based on the actual experience of students, there appears to be some of this but less than expected. Ethnographic studies, including those by Penha-Lopes (2008), Slocum (2008) and Vidmar (2009), have shown that while this sort of division was a concern for most of the respondents, only one or two were able to come up with concrete examples. Most students agreed that more racial prejudice existed outside the university than inside it.

### Class versus Race Policies

According to NIREMA, class quotas have now become more common than race quotas, even though the debate has been almost entirely about race quotas. Some universities have adopted both race and class quotas although class quotas are more common. The most common class system is that based on attendance in public schools, which the poor and lower middle class mostly attend. In contrast, the middle class and above attend private schools, which are generally better-resourced than public schools. At the university level, public universities, with a few exceptions, are superior to private universities so that students from private schools usually attend public universities, which only the very best public school students have historically been admitted to.

Of the 65 public universities with affirmative action systems, fully 55 target students from public schools, often in combination with another criteria and eight use an income criteria. For those using public school criteria, 36 also target “negros. None (0) use only the criteria of “negros” although 5 use “negros” and indígenas without any additional criteria. Note that all of those systems with the “negro” criteria use pardos (browns) and pretos (blacks) in actuality.

Studies at the Universities of Paraná and Juíz de Fora have shown that without directly using race as a criteria for admissions, the number of blacks in the university would not be as high as it became with race-based quotas<sup>3</sup> though there seems to be contrary evidence at Federal University of Bahia (Guimarães Costa, Almeida and Newman 2010). Black representation clearly increases with the class criteria but not as much as it would with race-based criteria by itself or in addition to the class criteria. Several studies have shown the same in the United States. This is not a surprising finding for those who have analyzed income or schooling in Brazil, where racial inequality cannot be explained by class proxies like schooling, region or parental occupation.

According to NIREMA, 15 public universities in Brazil have expanded their enrollments at about the same time that they have implemented affirmative action. Some have done this along with quotas or a point system. At various times, universities in the United States, have similarly expanded their slots in response to demands

to admit students that were previously excluded. This was clearly the case of elite universities which only began to admit Jews in large numbers in the 1940s (Karabel 2007, Attewell 2008). Later, many universities did the same when they opened their ranks to women, blacks and other minorities (Attewell 2008). Certainly there is also a continuing expansion in general of higher education in Brazil and this probably has something to do with a growing demand by the lower middle class who previously did not attend the university. A new university oriented toward black students, the *Universidade Zumbi dos Palmares*, is a particular example of market expansion of higher education in the private sector that occurred in response to the growing demand for higher education by Afro Brazilians.

As William Julius Wilson notes for the United States, the biggest declines in racial inequality will be based on programs for the poor and not on university admissions and the case of Brazil clearly reflects this. According to Institute of Applied Economics (IPEA), the Brazilian government's semi-independent economic research agency, overall income inequality and racial inequality have declined mostly as a result of two universalist or class-based policies: increases in the minimum wage and the bolsa family, a cash transfer program. These have disproportionately helped black families because they are in the lower economic sectors. According to Paixão and Carvano of LAESER of the Instituto de Economia at UFRJ, fully 22 percent of black families receive the bolsa família compared to only 9 percent of white families but selection is strictly based on economic needs.

Similarly, improvements in public basic education (2 year gain 1996-2007) are likely to have a significant effect on overall racial inequality. Opponents of affirmative action that support inclusion policies often proclaim that improving basic education is the most important policy intervention the government can make. With reforms made under the Cardoso administration and continued in the current Lula administration, education has improved a full two years between 1996 and 2007, for Brazilians of all colors (Paixão and Carvano, 2010). That is likely to have long run positive effects for all Brazilians and for the Brazilian economy and is likely to reduce overall income inequality. However, even though education and income have increased in Brazil in the past 10 years and thus education and income have increased for blacks and whites, the racial gap in education and income continues.

### The Labor Market

Though important for many symbolic and real material reasons, affirmative action in the university affects a small proportion of the black population. So the issue of what to do in the general labor market is very important. Since most of the Brazilian population and the vast majority of the "negro" population are in working class jobs, ideally Brazil should seek to expand employment in sectors where there are plentiful jobs that require the 9 years of average education of Brazilians, or less, while improving

access for “negros” to higher status jobs, if the country is to experience significant reductions in racial inequality.

Macrolevel economic development policies aimed at economic growth are a central feature of the neoliberal agenda, however, they often do not include mechanisms to effectively redistribute income or reduce poverty and attack Brazil’s hyperinequality. Brazil’s economic growth has had relatively little effect on poverty and has often increased inequality. Similarly, the liberal argument has also argued that economic development will eventually eliminate or diminish racism and racial inequality. However, we now know that this is clearly not the case. Creating only universalistic policies may well have the effect of increasing racial inequality, as poor whites will be in the best position to take advantage of new opportunities, further isolating the black and brown poor.

A disproportionate number of informal sector workers are afro-descendants. Minimum wage laws directly help those in the formal sector and indirectly those in the informal sector where blacks predominate (e.g. 31 percent of black women and 22 percent of white women). There has been very little affirmative action in the labor market<sup>4</sup>. Governments have been very timid in labor market affirmative action and a few large enterprises have voluntarily adopted affirmative action but these scattered initiatives appear to have gained little traction.

What about anti-discrimination laws? That was the first attempt at ending discrimination and presumably inequality in Brazil. As late as 2001, a Brazilian minister declared that even though discrimination in Brazil is not a problem, it has laws to stop it! Moreover, the minister “claimed that affirmative action has no basis in Brazilian reality” (Telles 2004: 257). In a country as large as Brazil and with 30 years of anti-discrimination laws, there has been almost no conviction of anyone under these laws. They depend on very egregious racism and even in those rare cases where that has been found, judges are very reluctant to convict someone under those laws. Anti-discrimination laws are very unlikely to change Brazil’s high levels of racial inequality.

### Black Representation in the Media

Recent changes in the visual Brazilian media have been encouraging though they are still timid. In order to improve a culture of racial tolerance, changes in the media particularly in the way of increasing black roles in favorable light are probably necessary. There have been small improvements in the representation of blacks in soap operas and news programming but smaller improvements in terms of commercial media and propaganda. Given that about half of the Brazilian population is nonwhite, afro-descendants continue to be woefully underrepresented. Finally, the opposition of the print media to affirmative action has clearly been opposed to such measures despite public support by a majority of Brazilian society, revealing a failure of many major newspapers and news magazines to promote democratic dialogue.

## Conclusion

Racism and racial inequality are now widely accepted as prevalent in Brazilian society, after several decades of a strongly held racial democracy ideology. This represents a major transformation in Brazilian society. Unexpected a few years ago, there is now large-scale affirmative action in most Brazilian universities that is both race and class-based. Moreover, there are now real signs that racial inequality and overall income inequality is beginning to decline from historically very high levels and this is due to a series of mostly universal policies implemented by the Brazilian government. Race-based solutions continue to be controversial but many Brazilian universities have adopted them though most have shied away from them. In any case, there seems to be a serious attempt at including Afro Brazilians in Brazil's prestigious public universities, whether they end up using race or class-based solutions. Despite legal challenges, there does not seem to be any major threat to even race-based affirmative action in Brazilian universities. Large reductions in racial inequality are possible in Brazil but this may take several decades. This is likely to occur only if Brazil makes serious policy attempts to include its large afro-descendant population at all levels of society, utilizing policy measures that extend well beyond the university.

## Notes

<sup>1</sup> In the remainder of this report I refer to brown and black people collectively as afro-descendants or “negro”, although I use black to describe the black movement.

<sup>2</sup> This number is affected little by the margin of errors of standard surveys since the samples are in the hundreds of thousands (nearly 400,000 in 2008). Also the steady increase each year shows further suggests the robustness of the PNAD data.

<sup>3</sup> This information is from the presentations of the respective presidents (reitores) of the two universities before the Brazilian Supreme Court in early March of 2010.

<sup>4</sup> I am talking about race-based affirmative action here since class based affirmative action at this level would be redundant.

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