For decades racial issues in Brazil were largely absent from public debate. But all that changed with the introduction of affirmative action policies in higher education under the government of Luiz Inácio Lula da Silva (2003–10). During his presidency Lula often referred to the persistence of racial prejudice and discrimination in Brazil, and his government implemented policies that aimed to address these problems. Lula was a pragmatic but effective supporter of race-conscious affirmative action in Brazil, thus helping to promote a debate about the purpose of universities and their social function.

Affirmative action programs, including race-conscious ones, thrived during his administration, providing higher education to people who would otherwise remain excluded from universities. This was the case even if the federal government was not always directly involved in promoting them. University autonomy was respected, and most programs were instituted by the university administrations themselves, which shows that the push toward more inclusive admission policies cannot be entirely credited to governmental initiative.

In supporting affirmative action, Lula took on one of Brazil’s glaring examples of racial inequality: As of 2000, 42% of the black population had no schooling, compared with 23% of whites, and 1.41% of blacks held an advanced degree, compared with 6.59% among whites.1 In 2003, the year Lula took office, more than 72% of undergraduates at the Federal University of Rio de Janeiro (UFRJ), the country’s largest federal university, were white, even though 54% of Rio de Janeiro State is white, according to the 2000 census.2

With regional variations of intensity, the underrepresentation of people of color in Brazil’s public universities was and is a reality throughout the country. This underrepresentation mirrors the close correlation of whiteness and wealth in Brazil: The per capita household income of whites was more than twice as high as that of non-whites, according to a government-run national survey in 2007. This inequality plays out early in the life of Brazilian children. With few exceptions, public elementary and middle schools are poorly funded and offer low-quality education. As a result, the upper middle class and the rich send their children to private primary schools, while the children of poor or blue-collar families are forced to attend public schools.

This picture is reversed in higher education. With very few exceptions, public universities offer much better professional training and house most of the scientific research produced in the country. Private universities often live off tuition they can extract from an increasingly large and competitive market—in 2008 there were more than 3.8 million students enrolled in private colleges, compared with about 340,000 in 1995. After the competitive entrance examination, the children of the well-to-do are mostly admitted to the public universities, while the children of the lower middle class are doomed to pay for low-quality private colleges. That is why affirmative action policies have become a hot topic: They redistribute access to public universities, which is a much coveted good, capable of maintaining or improving one’s social status and increasing income.

Although Lula’s government was the first to implement policies aimed at redressing racial inequalities, such policies were not a direct product of his administration. In fact, his predecessor, Fernando Henrique Cardoso, was the first Brazilian president to openly acknowledge the existence of racial discrimination in the country. His position, however, was vague if not ambivalent. In a conference organized by the federal government in 1996, he declared that
Brazil “should look for solutions that are not a simple copy or repetition of solutions designed for other situations in which prejudice and discrimination are present, but in a context different from ours.” This argument makes an all but explicit reference to the United States and has since then become common among those who oppose affirmative action.

In May 2002 Cardoso launched the Second National Plan on Human Rights, which included provisions for race-conscious affirmative action, but Congress never approved it. He also created the Affirmative Action National Program, which included quotas for blacks and women as mandatory criteria for hiring federal employees and workers serving governmental contractors. The program was not implemented, however. Lula, in contrast, went further. Soon after taking office, he created the Secretariat for Policies Promoting Racial Equality (SEPPIR), a ministry-level agency that addresses discrimination.

He also signed into law a bill (no. 10.639) mandating the inclusion of the history of Africa and Afro-Brazilian culture in the curriculum of all elementary schools. Bill 10.639 has been implemented through a number of initiatives headed by the Ministry of Education and SEPPIR to produce educational materials and to train teachers. However, the actual impact of these initiatives on the education of Brazilian children is yet to be evaluated.

In January 2005 the government created the University Program for All (PROUNI), which targeted private colleges by offering them federal tax exemptions in exchange for undergraduate scholarships that cover tuition and a modest stipend. PROUNI has quota reservations for people of African descent, mixed-race people (pardos), and indigenous peoples, with the number of beneficiaries of each group varying according to the demographics of each state. To be accepted for full a scholarship, students must prove that their families have a per capita income of less than one and a half times the minimum wage; for partial scholarships, less than three times the minimum wage. So far the program has served 748,000 students, about half of them of color.

The federal government also created incentives for public universities to adhere to programs of equal opportunity. A good example is the nationwide Restructuring and Expansion of Federal Universities (REUNI) program, which includes mechanisms for establishing affirmative action policies. However, there is still no federal law that establishes affirmative action in public universities, where it would really count.

The lack of a federal affirmative action law has not stopped public universities from initiating their own programs. After Cardoso raised the issue in 2002, affirmative action programs spread rather quickly through the public university system, first in state universities and later in federal ones, which were much slower in adopting them. Although several federal universities now have affirmative action, state universities are still ahead, with 86% (32/37) of them...
having adopted programs, compared with 62% (38/61) of federal universities. These include all sorts of affirmative action programs and not only race-conscious ones.

More than 71% of all public universities in the country already have some type of affirmative action, and in the regions that have the largest number of public universities, the Southeast and the Northeast, the percentage is higher than the national average. This is quite remarkable, given that before the implementation of the first affirmative action programs, there was almost no public debate in the country about equal opportunity in access to higher education. Public universities were able to implement their own programs, despite the lack of federal laws on affirmative action, because they enjoy a great deal of administrative autonomy in Brazil. Out of all 70 public universities that now have affirmative action, 54 (77%) created their programs through internal deliberations. The other 16 (23%) are state universities that were compelled by state laws to implement affirmative action.

Because affirmative action spread over public university systems in a decentralized manner, the programs vary widely, with different criteria for admissions and different kinds of beneficiaries. Among the public universities with affirmative action, more than 87% have programs benefitting students of all races coming from the public school system; public schooling works well as a proxy for low income, given that in an economy that still has a large informal sector, proofs of income are not always reliable. More than 57% of those universities with affirmative action have programs for black students, and more than 51% for indigenous peoples.

There were at least three bills discussed in Congress during Lula’s presidency that would have established a federal affirmative action program, but all of them met a great deal of opposition, particularly from representatives and senators of the Brazilian Social Democratic Party (PSDB) and the conservative Democrats, a right-wing party that has been historically allied with the PSDB. One proposal that was passed, the Statute on Racial Equality, officially recognizes Brazil as a multi-racial and multi-ethnic country where people of African descent have been subject to racial discrimination.

The law establishes an agency called the National System for the Promotion of Racial Equality (SINAPIR), requires that schools at all levels—not just primary schools—include the history and culture of Afro-Brazilians in their curricula, prohibits racial and ethnic
discrimination, protects Afro-Brazilian religions as a matter of freedom of expression, recognizes still existing Maroon communities (quilombolas) and provides financial help for them, and declares the Afro-Brazilian martial art capoeira an official sport worthy of government support. Affirmative action in public universities, however, was dropped from the law during negotiations.

The opposition to race-conscious affirmative action in Brazil owes much to a long-standing myth that race relations in the country are harmonious and devoid of conflict. A history of racial mixing and a lack of discrimination and prejudice, the story goes, are the hallmarks of social relations among Brazilians, who inhabit a color continuum that goes from very dark to very light. Often referred to as the myth of “racial democracy,” this narrative was created by 20th-century Brazilian intellectuals like the sociologist Gilberto Freyre, among others, as well as foreigners. It once worked well as an antidote to various racist theories and was eventually adopted by the state as the core of a discourse on national identity and social integration. But with Brazil’s return to liberal democracy in the 1980s, it increasingly became an impediment rather than a support for the expansion of civil, political, and social rights and opportunities.

Today, the myth is systematically used to deny the existence of racism and discrimination in Brazil, despite a plethora of demographic, economic, and social data and analyses since the 1950s showing stark differences in terms of income and opportunities between whites and non-whites. Few are more strident in opposing affirmative action than the commentators given a platform by the country’s big media—particularly Rede Globo (which owns the largest television network in the country, several cable channels, the newspapers O Globo and Extra, and several other publications) and the Abril company (which publishes the weekly news magazine Veja). On top of assuming an editorial stand against affirmative action, these media channels give voice to journalists, academics, and public intellectuals engaged in challenging affirmative action through a variety of arguments.

Their arguments take three main forms: The first accuses policy makers of importing a system of racial classification from the United States, one that will ultimately cause the racialization of Brazilian society and create racial conflict in a country that did not previously have it; in other words, affirmative action will erode Brazil’s nation identity, which is based on racial harmony and mixing. The second, more legalistic argument holds that affirmative action violates the equal protection clause of Brazil’s constitution or simply undermines the republican principle of legal and political equality. Finally, the third argument portrays affirmative action as ineffective because it either has procedural flaws, such as the supposed impossibility of sorting out blacks from whites in Brazil, or produces unintended results, such as excluding poor whites or benefiting only the black middle class.

These arguments are quite similar to those used in the United States, with the exception of the “racial democracy” argument, which in Brazil is invoked quite often. That is, while in the United States commentators who oppose affirmative action might accuse it of betraying the nation’s foundational tradition of strict equality before the law, in Brazil affirmative action is charged with violating a different kind of national identity, one based on racial tolerance and mixing.

Reading Brazil’s big newspapers and news magazines, one would think the issue has been deadlocked in an acrimonious debate pitching righteous self-proclaimed liberal academics defending the republican virtue of social harmony against self-interested militants colonized by the Ford Foundation and its U.S. race categorizations. Fortunately, the reality is quite different—affirmative action has been strongly supported by many Brazilians. Yet intellectuals and politicians who oppose it have launched a concerted effort to bring at least two cases against affirmative action before Brazil’s Supreme Court.

As the bill that created PROUNI was being discussed in Congress in late 2004, the Liberal Front Party (PFL) challenged the constitutionality of PROUNI before Brazil’s Supreme Court, arguing that among other things the program violated the universities’ autonomy. In July 2009 the same party, now renamed Democrats, challenged the constitutionality of the race-conscious admissions program of the Federal University of Brasilia before the Court. Some politicians close to Cardoso, like his onetime minister of education, Paulo Renato Souza, have been very vocal against race-conscious affirmative action. If the PSDB’s candidate, José Serra, had won the recent presidential elections in 2010 affirmative action programs would be in potential risk.

Although the Supreme Court might be sensitive to the popularity of a measure that would address the problem of racial inequality in the country’s higher education system, there is no guarantee that more conservative ideas and interpretations of Brazilian society will not prevail.
Brazil’s Social Safety Net Under Lula

1. Instituto de Pesquisa Econômica Aplicada (IPEA), Objetivos de Desenvolvimento do Milênio—Relatório Nacional de Acompanhamento (Brasília, March 2010).
12. Ibid., 79.
15. Ibid., 304.
19. See, for example, Corrêa de Andrade Júnior, “O Programa de Aquisição de Alimentos da Agricultura Familiar (PAAL),” 96–8.
24. Ibid., 236.

Lula and the Meaning of Agrarian Reform

5. Ibid.
8. Ibid.

Lula’s Approach to Affirmative Action and Race


Scenes From an Occupation


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