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To cite this article: Camille Giraut (09 Nov 2023): From privileges to rights: changing perceptions of racial quotas in Brazil, *Ethnic and Racial Studies*, DOI: [10.1080/01419870.2023.2277326](https://doi.org/10.1080/01419870.2023.2277326)

To link to this article: <https://doi.org/10.1080/01419870.2023.2277326>



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Published online: 09 Nov 2023.



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From privileges to rights: changing perceptions of racial quotas in Brazil

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ABSTRACT

This article analyzes how the implementation of affirmative action in Brazil has changed the way people, in particular potential beneficiaries of racial quotas, understand race, inequalities, and rights. Drawing on an original collection of essays written by low-income students in a college preparatory course in Rio de Janeiro, and comparing essays written nearly twenty years apart (2003 and 2022), it shows that potential beneficiaries have become more critical of the often-repeated notion that Brazil is a “racial democracy”. It also finds that, contrary to their 2003 counterparts, potential beneficiaries in 2022 rarely express fear that racial quotas would increase prejudice against black people. Finally, students in 2022 commonly describe racial quotas as a means of reparation and a right the state should protect, a framing nearly absent in 2003. These findings highlight the transformative potential of affirmative action in creating a new legal consciousness among historically stigmatized groups.

ARTICLE HISTORY Received 18 November 2022; Accepted 18 October 2023

KEYWORDS Racial quotas; race; affirmative action; legal consciousness; higher education; Brazil

Introduction

In stark contrast with the USA, where affirmative action faces declining support and backsliding (Warikoo 2016), the implementation of Brazilian affirmative action is vibrant and ongoing. International scholarship on affirmative action has largely described quotas in Brazilian public universities as a successful case that revolutionized access to higher education in the past few decades¹ (Dietrich 2015; Heringer and Johnson III 2015; Moses 2010). Racial quotas, which form one of the main components of affirmative action in Brazil, contributed to an “explosion of debates about race” in the country (Calvo-González and Ventura 2018). Nonetheless, the path toward the consolidation and legalization of racial quotas has not been a seamless

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enterprise. There has been no unifying rationale guiding affirmative action in Brazil (Dietrich 2015; Feres Júnior and Campos 2016), and racial quotas generated huge controversy, particularly in that they threatened the entrenched myth of Brazil as a “racial democracy”² that rejects race, yet paradoxically values racial mixture (Htun 2004; Lehmann 2018).

While a number of scholars have analyzed the different frames³ of race and inequalities that beneficiaries of those programs mobilize to reject or support racial quotas (Cicalo 2012; Neves and Lima 2007; Penha-Lopes 2017; Schwartzman and da Silva 2012), fewer studies have analyzed how these frames evolve throughout the policies’ institutional life. We also know little about how the perceptions of *potential* beneficiaries, or those who are targeted by those programs but have not yet been confronted with the race discourses that circulate within universities, see these policies. Finally, there has been limited debate about the extent to which the growing support for quotas in Brazil is influenced by a shift in individuals’ legal consciousness. This shift affects how affirmative action policies are perceived by people outside higher education.

In this paper, I build on the literature on claims-making (Felstiner, Abel, and Sarat 1980; Gamson 1992; Hirsh and Lyons 2010; Levitsky 2008) to analyze the intertwinement between understandings and support for affirmative action, and frames for interpreting race, inequalities, rights and (in)justice in Brazil. The sociolegal literature on claims-making has highlighted the symbolic efficacy of anti-discrimination legal language (García Villegas 2018; Moreno 2022). It has also emphasized the potential of rights claims to imbue individuals with a sense of entitlement (Levitsky 2008). In this regard, sociolegal scholars have developed the conceptual tool of legal consciousness, which is manifest not solely in the act of going to court, but also in ways “to talk about rights and entitlements” (Merry 1990). For Hirsh and Lyons (2010), legal consciousness should be apprehended in a broad way “to describe the transformations that occur when individuals move towards an understanding of events or experiences as injurious or deserving redress”, and they note that such transformations may also involve the emergence of an injustice frame⁴ (Gamson 1992).

The analysis presented here is based on an original dataset of 149 essays that low-income students in a preparatory university-entrance course (*pré-vestibular social*) wrote in 2003 (when quotas were first implemented) and 2022 (the latest cohort). Based on the comparison of the frames mobilized by students to speak about race, inequalities, and racial quotas across the two periods, I argue that a two-way process is at stake: students in 2022 build upon new frames about race, racism, and inequalities to redefine the quota policy in terms of remediation and rights; however, as they mobilize a language of rights to speak about the policy, students also re-signify their own experiences of race, racism, and discrimination in terms of injustice deserving external legal remedies. This two-way process underlines the

transformative power of Brazilian affirmative action. It operates both at the structural level, to enable effective representation of black individuals in universities, and at the interpretative and ideational levels, by shifting individuals' representations of race, racism, and inequalities, and by generating feelings of entitlement and rights to education.

The next section of this article delineates the debates on affirmative action that took place during the implementation process and how these went hand in hand with growing criticism of the notion of racial democracy in Brazil. Following this, I will review previous studies on how beneficiaries and potential beneficiaries' have viewed racial policies in Brazil and underline the relevance of looking at this issue across time, and through a legal consciousness framework. The article will then present the methods, data, and findings. The conclusion elaborates on the importance of affirmative action policies in shifting the frames through which individuals interpret race and inequalities and in generating legal consciousness among subjects historically excluded from equal access to education.

Affirmative action and the transformation of race in Brazil

In liberal democracies, affirmative action policies need to be legitimized by instrumental or moral arguments that justify their fairness beyond purely meritocratic and individualistic reasoning (Moses 2010). While remediation and social justice rationales appeal to the democratic ideals of justice, fairness, and equity, opponents of affirmative action also advance competing injustice claims based on moral principles, such as preferential treatment, common humanity, color blindness, and race egalitarianism, to sustain their points of view (Bonilla-Silva 2014; Gamson 1992). Yet, the rationales for affirmative action can also shift over time, throughout the policies' institutional life. In the US, the justifications for affirmative action switched from moral imperatives of racial equality to instrumental justifications of diversity to counter conservative opinions, with important consequences for the policies' outcomes and meanings (Berrey 2015).

In Brazil, debates about the legitimacy of affirmative action have also been heated and dynamic. The history of affirmative action has been described as composed of an experimental phase that runs from 2001 to 2011 and a consolidation phase from 2012 to present (Campos and Júnior 2021). The year 2012 constitutes a key moment, marked by the Supreme Court's endorsement of national law 12/711, which defined the constitutionality of quotas (*Supremo tribunal federal*).⁵ The most heated debates for or against quotas took place during the adoption phase. Depicted by Bailey and Peria (2010) as a "culture war," these took place mostly in the realm of Brazilian academia, but also in the media (Feres Júnior and Campos 2016). Even when acknowledging the existence of racial prejudice in Brazil, early quota opponents saw

the use of racial criteria as a threat to the founding myth of Brazilian racial democracy, which they felt should be preserved as an ideal. They saw racial inequalities as largely secondary to socioeconomic issues and thought that colorblind policies would be a better remedy. Early quota opponents also argued that affirmative action was breaking with Republican principles of merit and equality before the law, since it would unfairly discriminate by granting special considerations to blacks (Bernardino-Costa and De Carli Blackman 2017; Lee 2021).

By contrast, quota supporters emphasized group-based discrimination and pointed out the enduring legacy of slavery, and decades of a whitening ideology, which resulted in the exclusion of black people from educational and economic spheres. Advocates of quotas, particularly activists within the Brazilian black movement, also thought that quotas would increase black consciousness among the Brazilian population. Those demands to recognize blackness were not merely tied to the objectives of identity politics but were also a demand for social policies targeting black people and for an explicit rejection of ethno-racial hierarchies (Paschel 2018). Yet, the literature has shown that, despite the victory in guaranteeing the legality and expansion of racial quotas, the endorsement of the federal law 12/711 of 2012 also resulted in officializing the subordination of the racial dimension to the class dimension. It suggests that race alone is not a legitimate criterion (Schwartzman and da Silva 2012). Some authors and black activists deplore the policies' official turn to the social justice rationale and call for recovering the centrality of race in the debates on affirmative action (Bernardino-Costa and De Carli Blackman 2017; dos Santos 2022).

In short, the debates on affirmative action in Brazil reveal conflicting moral commitments between recognition of racial discrimination and an emotional attachment to the myth that Brazil represents a "racial democracy", with less antagonistic racial relations than elsewhere, particularly the United States. Approaching affirmative action through a legal consciousness framework enables seeing how these "ideological dilemmas" (Billig et al. 1988) reverberate on students' support for racial quotas, particularly for students who may benefit from them. This theoretical framework also enables taking into account how the growing criticism of the Brazilian myth of racial democracy, which constitutes the backdrop for the institutionalization of antiracist policies, also impacts students' meaning-making of quotas.

Since the first decade of the twenty-first century, racial democracy ideology has been increasingly contested, despite a continuing identification of Brazil as a country of racial tolerance (Roth-Gordon 2017). Bacelar da Silva (2022) argues that the old premise of miscegenation is no longer an obstacle to racial consciousness as Afro-Brazilians mobilize new ideas of race and anti-racism to negotiate their racial position. Others state that Brazilians are moving toward an intersectional understanding of racialization as they

increasingly view inequalities as related to race rather than solely conditioned by class (Layton and Smith 2017; Mitchell-Walthour 2017; Wade 2022).

Another important sign of the crisis of racial democracy ideology is that individuals are increasingly self-identifying as brown or black (Bailey, Fialho, and Peria 2018; Francis-Tan and Tannuri-Pianto 2015; Marteleto 2012), including among the young generation of Brazilians who are still completing their high-school degrees (Senkevics 2022). And while beneficiaries of affirmative action may gain social mobility, their continued exposure to racial discrimination helps explain the increase in identity politicization in Brazil and has been depicted in the literature as an inadvertent effect of Brazilian educational policies (De Micheli 2021).

Previous research has shown that those who entered university through racial quotas tend to be more reflexive of their experiences of race and racial inequalities, and that socialization within black collectives in universities leads a number of beneficiaries to identify politically as black (Cicalo 2012; Guimarães et al. 2020; Penha-Lopes 2017; Schwartzman 2009). Community-based preparation courses that help young black and low-income Brazilians prepare for university entrance examinations also act as “ethnic racial entrepreneurs” (Pinto 2006).

In sum, the implementation and consolidation of race-based affirmative action in Brazil brought debates on racial inequalities to the fore and challenged enduring racial democracy discourses. As a result, racial formation is being transformed from the bottom up (Moraes Silva 2021), influencing Brazilian society as a whole.

Nonetheless, the contestation of racial democracy ideology is not a linear process. The return of conservative forces in 2016, with the impeachment of Dilma Rousseff and the removal of the Workers Party from power, led to a backlash after decades of gains by minorities, women, and the poor (Penha-Lopes 2022). The determination with which the Bolsonaro government sought to undo policies aiding black and poor Brazilians and to condone or encourage the violent repression of poor, Black youth has even been described as “antiblackness” (Da Silva and Larkins 2019).

While anti-discrimination and educational rights constitute new frames for interpreting social life and racial relations, they still compete with pre-existing frames and ideologies about race and the nation (Swidler 1986).

Am I entitled to racial quotas? Potential beneficiaries of affirmative action in Brazil

As described above, the literature on perceptions of affirmative action has largely focused on beneficiaries after they entered university as *cotistas*. It shows that after being confronted with the new discourses on race, advanced in part by black student organizations, they may come to support quotas if

they didn't originally. But we know little about how potential beneficiaries frame affirmative action *before* entering universities. Focusing on incoming prep school students not yet familiar with university debates provides insight into how new frames for speaking about race, racial democracy, inequality, and rights are available to individuals beyond the realm of universities.

Most studies on potential beneficiaries have focused on the case of the *Cursos Pré-Vestibulares para Negros e Carentes* (PVNC), a network of community-based entrance-exam preparation courses that primarily target Afro-Brazilians. This initiative also seeks to raise consciousness on issues of race, and the exam preparation classes include a module on "culture and citizenship" (do Nascimento 2002; dos Santos 2022). In fact, studies evaluating support for quotas among the group of exam-preparation students showed that, during the first decade of affirmative action, support was higher among students enrolled in community-based preparation classes than among students enrolled in private classes.⁶ These studies also found that there was more acceptance of the social quota modalities than racial quotas.

The earliest studies examining attitudes of aspiring university students to racial quotas date back to the policies' early implementation. They found that high rejection of racial quotas traced back to meritocratic views on individuals' access to higher education, rejection of state interventionism in the selection process, and reproduction of racial democracy discourses (Guarnieri and Melo-Silva 2010; Neves and Lima 2007; Vasconcelos and da Silva 2005). Importantly, they showed that potential beneficiaries applied injustice frames to situations caused by physical disability but not to situations caused by social disadvantages. Indeed, most potential beneficiaries believed that the latter could be overcome through individual determination, and they consequently did not resort to a language of rights or redistributive justice when describing racial quotas⁷ (Neves and Lima 2007). As argued above, however, debates about race and racism have changed substantially in the last 20 years. By comparing the essays written during the early years of the implementation of affirmative action policies with essays written two decades later, after affirmative action had been established and incorporated into the constitution, I aim to reveal the underlying frames that contributed to the shift from rejecting to supporting quotas.

Finally, studies on students and affirmative action in Brazilian higher education have mainly focused on *cotistas'* experience within universities and on the connection between race consciousness and support for racial quotas (Cicalo 2012; Neves, Faro, and Schmitz 2016; Penha-Lopes 2017; Schwartzman 2009). Nonetheless, these studies have also shown that neither the status as *cotista* nor students' awareness of racial inequalities automatically correlates with support for quotas. This leaves largely unexplored the question of the determinants of changing opinion about quotas, beyond the issues of

awareness of inequalities and race consciousness. By looking at support and rejection of quotas through the prism of legal consciousness and processes of claims-making, I believe, we can move beyond the question of race consciousness alone. The emergence of new frames to describe (in)justice and new feelings of rights, including entitlement to quotas, are major determinants of the shifts in opinions and meaning-making regarding affirmative action, as evidenced in the essays.

Data and methods

The essays analyzed in this study were written by students enrolled in the *Pré-Universitário Oficina do Saber*, an initiative sponsored by the Fluminense Federal University (UFF) of Niteroi, neighboring Rio de Janeiro, where I have conducted fieldwork for my doctoral thesis. Like the PVNC mentioned above, these comprise classes for disadvantaged students to prepare for university entrance exams. Given the institutional tie, the stated mission is less focused on consciousness-raising than that of the renowned PVNC, described in the previous section. Nonetheless, the professors of the *Pré-Universitário Oficina do Saber*, who are also volunteers, are willing to encourage students to think critically about societal issues, to better prepare them for the challenges they will most likely face at the coveted elite public universities.

University candidates learned about the courses through social media, television and radio advertisements placed by the Fluminense Federal University. Given the high number of applicants (1,070 for 161 places in 2003 and 639 for 172 places in 2022), the volunteer professors needed to select the students for the next academic year.⁸ The selection in 2003 was based on three parameters:

1. a rank based on a set of different variables with the goal of selecting the neediest students (skin color, purchasing power, insertion in social welfare programs, mother's level of education, and type of high school where the candidate was graduated);
2. an interview with the candidate to explore their motivation, and sense of social relations in Brazilian society;
3. an essay in the model of the *Exame Nacional do Ensino Médio* (high school degree certification) to get a notion of the student's ability to spell, write, and form a coherent argument.

In February 2003, applicants could choose between a set of different essay topics, two of which related to the debate around affirmative action. The first of these was titled "The black person at university" ("*O negro na universidade*"), while the second, stated more provocatively, was "Quotas in the

university – reclaiming citizenship or racism?” (“*Cotas na universidade – resgate da cidadania ou racismo?*”).

In 2022, the selection was based on similar criteria but candidates were no longer required to write an essay to take the course. The coordinators offered to have incoming students do the same exercise as in 2003 to collect new data for comparative research. Students of the 2022 cohort were also asked to state their racial self-identification under the Brazilian Institute of Geography and Statistics (IBGE) categories next to their names when they wrote their essays. This enabled more insight into the students’ standpoint when analyzing the arguments put forward in their essays. Table 1 shows the breakdown of the 149 essays analyzed in this study, divided between the two essay types and the two cohorts. Given how both topics were framed, most students dealt with issues of race and racism in their essays, and most of them discussed racial quotas more than the two other social-quota modalities based on income and type of high school (public versus private; see footnote 5).

All the essays collected were handwritten. Once scanned, they were analyzed using NVivo software following an inductive approach. After the first phase of open coding, I proceeded to the process of axial coding (Corbin and Strauss 2014) to analyze them through five main categories: I – rationales and justifications for implementing quotas; II – justifications and principles for rejecting quotas; III – frames to interpret racism and inequalities; IV – students’ choice of words and categories that refer to race, mixture, or Brazilian-ness; V – students’ demands and proposal regarding equality beyond quotas.

To better contextualize the essays analyzed in this study, Table 2 presents a compilation of the potential beneficiaries’ characteristics. It shows that the preparatory course students share many characteristics in both periods, even if the 2003 cohort exhibits a somewhat higher average age when compared to the 2022 cohort. All the students also graduated from public high schools, mostly from low-ranking state (*estadual*) schools, with a tiny minority coming from higher-standard federal schools. Close to half of the students in both cohorts (45,3% in 2003 and 42,4% in 2022) came from the municipality Niteroi, and close to half (43,5% and 44,8%, respectively) came from the neighboring, and overall lower-income municipality of São Gonçalo. Despite those similarities, there are a few notable differences between the

Table 1. Essays analyzed.

	Essay 1*	Essay 2*	Total N
2003	22	56	78
2022	27	44	71

*Essay 1: “The black person at university” (“*O negro na universidade*”).

*Essay 2: “Quotas at university – citizenship rescue or racism?” (“*Cotas na universidade – resgate da cidadania ou racismo?*”).

Table 2. Student characteristics.

Variable	Cohort 2003 Percentage of sample	Cohort 2022 Percentage of sample
Age		
• < 15	2,5	0
• 15 –18	29,2	58,1
• 19 –22	29,8	14
• 23 –34	17,4	15,7
• 35+	21,1	12,2
Color/race according to the IBGE		
• White (<i>branco</i>)	41,6	30,8
• Black (<i>preto</i>)	18	21,5
• Brown (<i>pardo</i>)	37,9	45,3
• Indigenous (<i>indigena</i>)	0,6	0,6
• Asians (<i>amarelo</i>)	0,6	1,7
• Did not mention	1,2	0
Per capita family income		
• Up to half the minimum wage	23	51
• Half to full minimum wage	44,1	33,7
• Full to double minimum wage	22,4	12,2
• More than double minimum wage	2,5	2,3
• No information	8,1	0

(Continued)

Table 2. Continued.

Variable	Cohort 2003 Percentage of sample	Cohort 2022 Percentage of sample
Gender		
• Female	61,5	67,4
• Male	38,5	30,8
• Non-binary	0	1,2
• Non-declared	0	0,6
Municipality of origin		
• Niterói	45,3	42,4
• São Gonçalo	43,5	44,8
• Rio de Janeiro	2,5	4,1
• Other	8,6	8,7
Total <i>N</i>	100 (absolute <i>N</i> = 161)	100 (absolute <i>N</i> = 172)

This table is a compilation of data provided by the coordinator of the preparatory courses, José Nilton de Sousa. The *N* total corresponds with the percentage of the number of students enrolled for the preparation courses – 161 in 2003 and 172 in 2022.

2003 and 2022 cohorts: 51% of the individuals in the 2022 came from families that earned no more than the minimum wage per capita, compared to 23% of the 2003 cohort. The compilation also shows a difference in ethnic and racial self-identification, as 66,8% of the 2022 cohort identified as black or brown and only 30,8% as white, compared to 55,9% as black or brown and 41,6% as white in 2003.⁹ The dataset reveals that, while all students are eligible for the public-school quota modality, the majority of students in both cohorts were also potential beneficiaries under the two other quota modalities established in law 12/711, based on race and socioeconomic status.

Opinions on quotas in the essays: a general overview

Table 3 provides an overview of the frequency of students' support or rejection of quotas in the essays analyzed across the two periods.

Table 3 shows an unprecedented rise in explicit support for quotas among the students who wrote the essays across the two periods (with only 14

Table 3. Breakdown of the essays according to attitudes toward quotas.

	Against quotas	Against racial quotas but in favor of social quotas	Ambiguous (both for and against)	In favor of both social and racial quotas	Did not mention quotas	Total number of essays
2003	27	4	5	14	28	78
Essay 1	5	1	0	3	13	22
Essay 2	22	3	5	11	15	56
2022	5	1	1	61	3	71
Essay 1	0	0	0	24	3	27
Essay 2	5	1	1	37	0	44

*Essay 1: "The black person at university" ("*O negro na universidade*").

*Essay 2: "Quotas at university – citizenship rescue or racism?" ("*Cotas na universidade – resgate da cidadania ou racismo?*").

students out of 78 in favor in 2003 and 61 out of 71 students in favor in 2022). It seems to reflect the trend of national changes in opinion on quotas and affirmative action in Brazil. Indeed, a survey conducted in 2022 by the polling institute Datafolha revealed that support for quotas has now risen to about 50% of the overall population.¹⁰ The Datafolha survey also confirmed the persistence of a generational gap in support for quotas. In 2022, 67% of individuals aged between 16 and 24 years expressed support for the policy, whereas only 30% of those aged 60 years and older were in favor. This gap may explain why the students who wrote the essays in 2022 were more supportive of the policy than the overall Brazilian population.

The decrease in the number of students who avoided speaking about quotas or had an ambiguous position about them between 2003 and 2022 makes it clear that the new generation of lower-class Brazilians has become, to a certain extent, more willing to embrace quotas. While the silence and ambivalence about quotas in the 2003 essays may have reflected, in part, students' lack of information about the policy before it was institutionalized, they nonetheless contrast markedly with the language of reparation and rights mobilized in 2022.

It is uncertain if the findings from a Rio de Janeiro preparatory class can be generalized to the country as a whole, notably since opinions on race and racial quotas, in Brazil's highly polarized political environment, may differ significantly according to region and racial demographics (Neves and Lima 2007). However, recent surveys show that both the racial/color makeup of Rio de Janeiro and the poverty rate are close to the national averages.¹¹ Thus, I believe that the trends toward greater support for quotas evident in these Rio de Janeiro community-based prep courses are likely representative of attitudes of potential beneficiaries in Brazil more broadly.

Shifts in the frames to speak about race, racism, and inequalities

Beyond revealing a shift toward greater support for affirmative action, the two sets of essays also indicated a change in attitude toward the notion of Brazil as a racial democracy. This Brazilian myth comprises a set of different beliefs, one of which is the idea of an existing Brazilian meta-race arising from the miscegenation of black, white, and Indian individuals (Bailey 2009). The celebration of racial mixture has been presented as a bulwark against the eugenicist racism of the pre-World War II period (Da Costa 2016). Scholarship has shown that Brazilians still view racial mixture as intrinsic to Brazilian identity and an asset against racism, complicating any claims of essentialized racial boundaries (Moraes Silva and Reis 2012). Among the students who rejected racial quotas in the 2003 cohort, a small number explicitly embraced the idea of a racial mixture (7 students), as evidenced in the excerpt below.

Quotas are racist because we shouldn't qualify students based only on their appearance. Brazilians are a fusion of races, thus we have great diversity. (student, 2003)

The references to race as a concrete or reified category (mentioned by 23 students in 2003 and 4 in 2022) with expressions such as "the black race," "strong race," "race of origin," or "fusion of races", show that the understanding of many students in the 2003 cohort was based on the idea that "races" existed as real social groups or as an empirical reality.¹² It also reflects the extent to which the discourse of racial democracy, which promotes antiracism and celebrates *mestiçagem* (miscegenation), is paradoxically deeply racialized (Cicalo 2012).

Another paradoxical, yet more contemporary, manifestation of racial democracy lies in promoting a race-neutral universalism, characteristic of the idea of post-racism (Da Costa 2016). It is thus unsurprising that several students said racial quotas would impinge on antiracist ideals while creating an unjustified racial divide. Those students often adopted a patriotic stance, defending the idea of shared Brazilianness (11 students), claiming that racism would only be overcome by rejecting racial categorization. As in the excerpt below, most students who invoked the notion of racial democracy in 2003 did so *aspirationally* (Joseph 2013), as an ideal, in that they simultaneously acknowledged and lamented existing racial hierarchies:

For me, stipulating quotas is the same as separating people and this is what we are tired of seeing. Everyone has the same rights, and quotas for black people at university are nothing but racism. (student, 2003)

Another common pillar of the racial democracy myth, is the primacy given to class-based over race-based inequalities (Layton and Smith 2017; Telles 2004). It is therefore not surprising that the students of the 2003 cohort who stood

up against racial quotas mobilized the following arguments: that quotas are against equality principles (11 students in 2003 and 1 in 2022), that they are particularly unfair to low-income white students (6 students in 2003), that quotas are an excuse for the government not to solve the *real* problem of inequalities (10 students in 2003 and 1 in 2022), and that social quotas should prevail over racial ones (7 students in 2003 and 1 in 2022). A number of students in the 2003 cohort (6 students) also emphasized a hierarchy of class over race in the reproduction of inequalities. This is hardly surprising, since the literature has depicted how Brazilians, in particular lower-class Brazilians, largely see race and class as entangled, mostly believe that low-income white people do not have white privilege, and they are thus more reluctant to support racial quotas (Daflon, Carvalhaes, and Feres Júnior 2017).

In contrast, in 2022, 22 students referred to intersectional categories linking race to class, or race to territory in 2022, with expressions such as “black youth from the periphery” or “low-income black people” (compared to 6 students in 2003). Through these expressions, these students pointed to the interrelation between different forms of discrimination or referred to race as an aggravating factor of inequalities. In this sense, they manifested a form of “racially aware class-consciousness,” which Wade (2022) defined as a core feature of mestizo societies that may lead individuals to efficient antiracist strategies without directly mobilizing the language of antiracism. More importantly, in the 2022 essays, 15 students associated whiteness with elites or mentioned the existence of white privilege in accessing universities, as did the student in the following excerpt:

Blackness is most often linked to poverty; however, it is necessary to state that most universities have a majority of white students. This is not by merit but by possibilities and privileges in a racist society. (student self-identified as brown, 2022)

This reference to whiteness contrasts with the absence of such references in the 2003 essays, which also lacked allusions to racial stratification when mentioning privileges in access to university. These new frames to speak about race in the 2022 essays echo recent findings in the literature on whiteness in Brazil, which showed that the mobilization of the category white is often coupled with upper-middle-class qualifiers (Morales Silva, Souza Leão, and Grillo 2020).

Finally, many students in the 2022 cohort also cited figures from the Brazilian Institute of Geography and Statistics (IBGE) to denounce the lack of representation of black people at universities or to show the correlations between poverty and blackness in Brazil (11 direct mentions of statistics in 2022, compared to 3 in 2003).

It is worth pointing out social inequality as one of the biggest problems of black men in the university. According to IBGE data, the percentage of black and brown people at university drops to 18%, while 36% of young white people

are studying or finishing their degrees. Furthermore, it is worth mentioning that the situation is confirmed by racism. (student self-identified as brown, 2022)

The students who, in 2022, cited official figures in their essays to defend quotas also often offered anecdotes of personal experiences of inequalities. This seems to indicate that the statistics constitute new tools that individuals mobilize both to make sense of the quota policy and to confirm their own experiences of inequalities and discrimination. Moreover, since understandings of law are not fixed but develop through experience (Merry 1990), it is likely that new understandings of one's experience of discrimination also contribute to the increase in legal consciousness regarding racial quotas, described in the next sections.

Reconciling black people's merit and quotas

One of the most frequent arguments against adopting racial quotas in the 2003 essays was that they would fuel racist stereotypes of black people as being less capable (mentioned by 19 students in 2003). Encountering this assertion was not surprising, as it is consistent with attitudes reported elsewhere in studies on how racial quotas were received (Cicalo 2012; Neves and Lima 2007; Penha-Lopes 2017). The potential beneficiaries who expressed this fear also rejected the policy because, they argued, it contradicted ideals of colorblind equality and the notion that all peoples have equal potential, regardless of skin color. They thus explicitly asserted a belief in meritocracy and individual effort as sufficient to counter racial prejudice (mentioned by 20 students in 2003 and 3 students in 2022):

This type of selection is harmful because black candidates will have a greater number of spots available to them, just because they are black. Is it supposed to mean that a black person is more stupid than a white person? Does it mean that black people don't have the capacity to dispute spots on an equal footing? People's intelligence comes from daily experiences, in the continuous quest for knowledge, not in the race to which they belong. (student, 2003)

Numerous studies documenting *cotistas'* academic success put to rest quota opponents' fears about the underperformance of black students or an increase in racial tension at universities (Feres Júnior et al. 2013; Valente and Berry 2017). Few students in the 2022 cohort, however, stated explicitly that higher numbers of black people at universities had weakened stereotypes about their purported intellectual inferiority. Rather, the near absence in 2022 of the argument that racial quotas would create more prejudice against black people (one instance) points to the emergence of two new frames for interpreting racial quotas.

First, many students (13) in 2022 assessed the policy through the prism of the positive effects that it had already produced on the social ascension of black people. These students understood that the institutionalization of

quotas at Brazilian public universities had already transformed the profile of the student body. Hence the quota policy appeared as a consolidated legal remedy and a resource that individuals could use. Also present in 10 essays (2 in 2003 and 8 in 2022) was the idea that the entry of black individuals into universities created more role models and a shift in other black people's aspirations to reach universities.

For many years, universities were thought to be accessible only to white and rich people. There was a perception that low-income and black people did not have the capacity to reach higher education. It was often because of the lack of information, the lack of knowledge, and the lack of incentive for low-income people that passed on from generation to generation. Many things have changed, such as access to information and quota systems (...). Furthermore, black people are increasingly fighting to show that knowledge is not a "color". (student self-identified as brown, 2022)

Second, in the 2022 cohort, eight students denounced the gap between meritocratic ideals and their practical inefficacy, which affects both low-income and black individuals.

People complain that quotas facilitate the entry of black and public-school students into universities. Those who complain about it are mostly people who have a different, quality education, where there is no lack of teachers, no overcrowded classes, etc. (...) Quotas are a fairer way for people with lower education and without access to private schools to have the opportunity to obtain a higher education. (student self-identified as black, 2022)

Students in both 2003 and 2022 pointed to the value of education as a means of social ascension (mentioned 12 times in 2003 and 6 times in 2022). The expression "realizing one's dream" (mentioned 10 times in 2022 and 1 time in 2003) underlines the possibility of developing one's potential and overcoming social determinism by going to university. The importance given to the idea of reaching one's potential helps clarify that students cherished the idea of competing on an equal footing upon entering university both in 2003 and in 2022. What shifted in the 2022 essays is the increased recognition and criticism of the practical inexistence of merit and the unfulfilled promise of equality enshrined in the constitution.

The shift to a language of unfairness to depict a situation of unequal opportunities is an important step in the claims-making processes and in the construction of legal consciousness (Felstiner, Abel, and Sarat 1980; Levitsky 2008). The new frames about quotas as a consolidated policy aimed at correcting unfair access to universities led most students of the 2022 cohort to also state that the solution to racial inequality no longer lay in individual merit or in assuming responsibility for overcoming the prejudices that plague the black community. Rather, they depicted the state as the accountable actor to remedy a situation of racial inequalities rooted in a history of enslavement, which becomes clear in the next section.

From privilege to reparation: quotas as a right to be secured by the state

The high number of references in 2022 to quotas as a means to mitigate the long-standing effects of slavery and compensate the black population is striking, especially when compared to the near absence of this argument in the 2003 essays (29 students in 2022, compared to only 3 in 2003, with one rejecting this motive). The reparation rationale was raised in the mid-1990s, before the actual introduction of quotas, in the form of a bill introduced to the Congress, by Abdias Nascimento (da Silva Martins, Medeiros, and Nascimento 2004). It was also one of the first arguments brought up when quotas were again debated in the chamber of deputies (*Câmara dos deputados*) between 1999 and 2008 (van Dijk 2020). However, Schwartzman and da Silva (2012) noted that students interviewed in 2005 were much more apt to mobilize a social justice frame as a justification for affirmative action. Contrary to the U.S., where the social justice rationale has been applied toward achieving greater racial integration, equity, and justice (Moses 2010), in Brazil it was rather directed to efforts focused on the economic and social integration of the most deprived groups, which included but was not limited to black people (Feres Júnior and Campos 2016). Although they recognized that current inequalities had origins in slavery, students in 2003 viewed this legacy through the lens of inherited socioeconomic problems affecting broad sectors of Brazilian society, a society characterized by widespread racial mixture.

In contrast, the analysis of 2022 students' essays shows that the reparation rationale is mobilized differently. Phrases such as "a historic reparation," "a means to repair historic mistakes of the past," or "a historical debt" in the 2022 essays reveal a moral judgment of Brazil's history, envisioned as an issue requiring governmental accountability in itself.¹³

The "abolition" of slavery was something thought out in a political and socioeconomic way, without including the population of the enslaved. (...) To this day, we can observe consequences not only in education but in the peripheries and in police violence against black youth. The quota program is one of the few actions that Brazil has taken to compensate black people. (student self-identified as white, 2022)

In 2022, students emphasized the historical continuity between past and present discrimination. They also denounced the "disjunctive Brazilian citizenship" (Paiva 2016) which prevents white and black people from sharing the same rights and restricted black people's opportunities for reaching individual fulfillment. Social justice and reparation rationales are thus intertwined in students' narratives; the quest for social justice is also now understood as a quest for racial justice.

Gamson's (1992) conceptualization of the injustice frame helps us understand the shift to the language of rights to refer to quotas in 2022 (mentioned

by 19 students in 2022 and none in 2003). Students in 2003 had already often pointed to social injustice as allowing every person to live with personal integrity and dignity. However, they also referred to it with fatalism or mentioned their *hope* for future changes in abstract terms, referring to God or faith (9 students in 2003) or to an individual's need to overcome their situation (11 students in 2003), as in the below excerpt.

I am sure that one day this (inequalities and discrimination) will end, and we will show everyone that we are all equal, (...) for the black person must show his color with dignity. (student, 2003)

By contrast, several students in 2022 explicitly argued that the onus rests on the state to remedy historic wrongs and maintain quotas to improve access to universities for disadvantaged students (8 students in 2022 and 1 in 2003). In this sense, students of the 2022 cohort no longer attributed suffering to individual, vague, or abstract forces but rather to specific historical factors and events, which Gamson (1992) describes as a necessary condition for an injustice frame to emerge. It also becomes clear from the 2022 students' essays that the framing of quotas in terms of rights contributes to a feeling of entitlement among potential *cotistas* as well as new demands and expectations that the Brazilian state should continue to fight racial inequalities.

In the 80s, there were not that many black people in colleges. Nowadays, there are more; enough to change initial thoughts. With our strength and determination, we will be even more. We already succeeded with the quota system, which helps a lot. Without this policy, we would be like black people of the 80s, thinking that happiness is only to get a job. No! This is over, equality for all! (student self-identified as black, 2022)

As shown in the last excerpt, some students who self-identified as black or brown envisioned themselves as both members and heirs of the black movement's struggle that led to the policy's implementation ("we already succeeded with the quota system") and as a new generation of gatekeepers, responsible for its maintenance and for pushing it forward ("we will be even more"). This enthusiasm for affirmative action was present in most of the 2022 essays, which referred to the need for the state to defend and promote awareness about quotas (11 students), and characterized quotas in terms of "achievement" and "struggle" (20 students). These new ways to depict quotas illustrate how successful drives for new rights can generate feelings of collective empowerment and lead to further rights-claims and new policy agendas (McCann 1994).

Concluding remarks

This study analyzed essays written by students applying for or just beginning free preparatory courses for university entrance exams in Brazil in 2003 and

2022, before and after the institutionalization of affirmative action. The goal was to understand how the shift from widespread rejection to overall acceptance of racial quotas reflected in the students' essays went hand in hand with the mobilization of new frames to speak about race and inequalities, leading to a renewed understanding of the policy's rationales.

First, analysis of the essays revealed the salience of a more critical view of the notion of "racial democracy" in Brazil. Rather than a comforting ideal, or echo of gentler race-relations in the country, it is seen as a problematic myth that hides racial stratification, including historically unequal access to universities. Second, the analysis showed that fear of reinforcing stereotypes against black students and thus further stigmatizing them is no longer invoked, in 2022, to reject racial quotas. With the institutionalization of quotas in Brazilian public universities already transforming the student body profile, unequal access to education is no longer perceived as immutable, and the new generation of potential beneficiaries in Brazil now embraces affirmative action as an available and justified legal remedy to educational inequalities. Third, while most students in 2003 mentioned their hope for a less unequal society without advancing concrete demands, students in 2022 held the state to account for the differentiated access to rights and education for low-income and black individuals. It follows that quotas are no longer seen as a privilege, but rather as a form of state reparation to correct historical injustices and to protect the fundamental rights of black people in Brazil. Importantly, the shift in meaning-making of quotas results not only from a rise in racial consciousness but also from the development of new frames to interpret race and inequalities. Among these are the development of injustice frames (Gamson 1992) and a rise in legal consciousness.

The emergence of a legal consciousness of quotas and new feelings of entitlement with rights to education, among those deprived of them throughout centuries of slavery and post-slavery, is perhaps one of affirmative action's most revolutionary effects. Understanding affirmative action as a right, in 2022, has raised aspirations to realize one's potential through education. These perspectives also contribute to new ways of naming and denouncing inequalities as injurious and harmful instead of naturalized and immutable (Neves and Lima 2007). Potential beneficiaries no longer feel that they should rely on their individual merit alone to thwart educational inequalities but now hold the Brazilian state responsible for remedying the lack of equal access to public universities. This shows that, once affirmative action is consolidated, it can impact "naming and blaming" processes. This study therefore is a contribution to the literature on claims-making, which commonly views naming and blaming as prerequisites for demanding redress for (newly) perceived injuries (Levitsky 2008), but less as an effect of remedies once established.

Finally, the shift to the language of rights to speak about quotas in 2022 highlights the symbolic efficacy (García Villegas 2018) of consecrating social justice and racial equality as the guiding principles underpinning affirmative action, as was the case when quotas were enshrined in the Brazilian constitution in 2012. Individuals build on frames about race and inequalities to fix affirmative action's meaning, while antiracist laws, and the debates that they generate, provide individuals with new frames to interpret inequalities and race. Further exploration of the scope of this double movement internationally will provide new tools to assess the transformative power of affirmative action beyond Brazil.

Notes

1. Affirmative action policies cover “any measure that allocates resources – such as admission to selective universities or professional schools, jobs, promotions, public contracts, business loans, or rights to buy, sell or use land—through a process that takes into account individual membership in underrepresented groups” (Sabbagh 2011).
2. The myth of racial democracy first emerged in the early 1930s, but it gained significant prominence as a dogma and ideological tool of the Brazilian state during the military dictatorship from 1968 to 1978 (Da Costa 2016).
3. I build upon the definition of the concept of frame as “a lens through which we observe and interpret social life” (Small, Harding, and Lamont 2010).
4. Gamson (1992) states that the injustice component “is not merely a cognitive or intellectual judgment about what is equitable but also what cognitive psychologists call a *hot cognition* – one that is laden with emotion”.
5. This law reserves 50% of federal university places for students who attended a public school for all of their high school years. A percentage of that 50% is reserved for low-income students and for black, brown, and indigenous students (*pretos*, *pardos*, and *indigenas*), in proportion to their numbers in a given region's population.
6. This was consistent with the Brazilian population overall, when during the first decade of affirmative action support for quotas was higher among people with a lower-class social background (Bailey, Fialho, and Peria 2018). However, the results of a 2022 Datafolha survey show that the support is now more significant among educated, and middle-class Brazilians (60%) than among public school and lower-class students, something that was similarly underlined by Mitchell-Walthour (2017) based on the 2012 LAFOP survey results.
7. Likewise, a study in 2006-2007, led by Penha-Lopes (2017) among the first generation of *cotistas* showed that they mobilized ideas of justice and rights in supporting quotas for students from public-school schools but were less likely to invoke such ideas when discussing racial quotas.
8. However, despite the social orientation of the course – such initiatives are commonly referred to as *pré-vestibular social* (social pre-university exam preparation) – students of both the 2003 and the 2022 cohorts were unfamiliar with their professors' political and social views at the time of writing the essays.
9. It is uncertain if the growth of self-identification as black among the 2022 cohort reflects the pattern of racial reclassification described in the previous sections.

As the Brazilian socioeconomic structure is largely divided along racial lines (Telles 2004), it may also be related to the 2022 cohort's poorer socioeconomic background.

10. <https://g1.globo.com/educacao/noticia/2022/06/12/datafolha-metade-dos-brasileiros-e-a-favor-das-cotas-%20raciais-em-universidades-34percent-sao-contra.ghtml> [accessed on 13/10/2022].
11. <https://www.ibge.gov.br/estatisticas/sociais/trabalho/9221-sintese-de-indicadores-sociais.html> [accessed on 01/06/2023]; <https://www1.folha.uol.com.br/mercado/2023/05/pobreza-cai-mas-ainda-atinge-mais-da-metade-da-populacao-em-9-estados.shtml> [accessed on 30/05/2023].
12. I rely on Brubaker and Cooper's (2000) definition of reification as "social processes and mechanisms through which what has been called the 'political fiction' of the 'nation' – or of the 'ethnic group,' 'race,' or other putative 'identity' – can crystallize, at certain moments, as a powerful, compelling reality".
13. Penha-Lopes (2017) observed that two interviewees depicted quotas as "a weapon of restitution for the damage caused by history", yet they also exhibited frequent uncertainty regarding their opinions on quotas. This suggests that while the reparation rationale was present, it was not sufficiently consolidated for *cotistas* to invoke during the implementation phase.

Acknowledgement

A warm thank you to the coordinators and students of the *Pré-Universitário Oficina do Saber*, and in particular to José Nilton de Sousa, who gave me access to the essays that made this article possible. I also wish to thank my thesis director, Graziella Moraes Silva, for her precious feedback and support throughout the writing process of this article; Daniel Hoffman for his careful reading and editing of the final version; the anonymous reviewers of *Ethnic and Racial Studies*, for their insightful comments which made this a better paper; and finally; the Swiss National Fund (SNSF) for supporting my doctoral research through a Doc.CH scholarship.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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