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THE QUEST FOR AFRO-BRAZILIANS' EQUAL OPPORTUNITY: THE ARTICULATIONS OF AFFIRMATIVE ACTION POLICIES AND PROGRAMS BY AFRO-BRAZILIAN ADVOCACY ORGANIZATIONS AND THE STATE IN BRAZIL, 1990-2004.

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By

Vera Lúcia Benedito

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ABSTRACT

THE QUEST FOR AFRO-BRAZILIANS' EQUAL OPPORTUNITY: THE ARTICULATIONS OF AFFIRMATIVE ACTION POLICIES AND PROGRAMS BY AFRO-BRAZILIAN ADVOCACY ORGANIZATIONS AND THE STATE IN BRAZIL, 1990 - 2004.

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This dissertation examines the changing meaning of "race" in social policies in Brazil through the implementation of equal opportunity policies, namely affirmative action and diversity policies, by Afro-Brazilian advocacy organizations and the state. The study looks at three concrete case studies in which these policies were developed and implemented in the areas of education and the labor market. The case studies in the area of education refer to the University of Brasília's implementation of a 20 percent quota system aimed at Afro-Brazilians, and the Generation XXI, a project developed by an Afro-Brazilian nongovernmental organization (NGO) and a U.S-based foundation in conjunction with a Brazilian federal agency for black community affairs. The case study related to the labor market discusses the initiatives developed by a labor-based Afro-Brazilian NGO that influenced federal legislation regarding racial discrimination in the workplace. This dissertation seeks to answer three interrelated questions: What factors account for the changing perceptions and definitions of "race" in Brazil? How have affirmative action programs and policies been developed and implemented in the selected case studies? What have been the spill-over effects of such programs on the government, corporate sector, and civil society? Strategically, this dissertation follows the historical sociology approach whereby events of the past shed meaningful light in the socio-cultural

and political developments in the present. The study is interdisciplinary which has equally benefited from analysis and theories drawn from sociology, political science, international relations, social movements and international human rights literature. The research is based primarily on qualitative data consisting of interviews utilizing open-ended questionnaires; secondary resources such as documentaries, and available bibliographic materials published in Brazil concerning equal opportunity policies, such as diversity and affirmative action. It also contains demographic and statistical analysis relevant to the research. This dissertation endorses previous conceptual and theoretical formulations such as: "everyday racism", "political consciousness", "mobilizing opportunities" and the interplay of structures of governance, such as "domestic structures" and "international institutions". The study finally suggests that the interaction of these five conceptual domains, among other factors, partially explains the content, scope, and latitude of the ongoing political economy in Brazil propelling small and large-scale processes of social change.

Dedication

In memory of my mother Suzana Alves de Souza Benedito,
my spiritual source of strength, courage and guidance.

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KEY TO ABBREVIATIONS

ACDI – Canadian Agency for International Development
ACOA – American Committee on Africa
ADC – Aid to Dependent Children
AFL-CIO – American Federation of Labor-Confederation of Industrial Organizations
ANC – African National Congress
ANPOCS – Associação Nacional de Pesquisadores em Ciências Sociais (National Association of Social Sciences Researchers)
CEAAL – Concejo de Edución de Adultos de la America Latina
CECF – Conselho Estadual da Condição Feminina (Council on the Feminine Condition)
CEERT – Centro de Estudos das Relações do Trabalho e Desigualdades (Center for the Study of Labor Relations and Inequality)
CEO – Corporate Executive Officers
CEPES – Conselho de Ensino, Pesquisa e Extensão (Council of Teaching, Research and Extended Learning)
CERDS – The Committee on the Elimination of Racial Discrimination
CGT – General Confederation of Workers
CSR – Corporate Social Responsibility
CUT – Central Única dos Trabalhos (Central Union Workers)
DDS – Diretório de Desenvolvimento Social (Directorate of Social Development)
EEOC – Equal Employment Opportunity Commission
FUNAI – Fundação Nacional Indígena (Indigeneous National Association)
GTEDEO – Grupo de Trabalho para Eliminação de Discriminação no Emprego e Ocupações (Working Group for the Elimination of Discrimination in Jobs and Occupations)
GTI – Grupo de Trabalho Interministerial de Valorização da População Negra (Interministerial Working Group of Valorization of the Black Population)
IBGE – Instituto Brasileira de Geografia e Estatistica (Brazilian Institute of Geography and Statistics)
ICCR – The Interfaith Center on Corporate Responsibility
ILO – International Labor Organization
IMF – International Monetary Fund
IRA – Índice de Rendimento Acadêmico – Index of Academic Return
IRRC – Investor Responsibility Research Center
MEC – Ministério da Educação (Ministry of Education)
MERCOSUR – Mercado Comun do Cone do Sul (Common Market of the South Cone)
MINC – Ministério da Cultura (Ministry of Culture)
MJ – Ministério da Justiça (Ministry of Justice)
MNC – Multinational Corporations
MPOG – Ministério de Planejamento, Orçamento e Gerenciamento (Ministry of Planning, Budget and Management)
MRE – Ministério das Relações Exteriores (Ministry of Foreign Relations)
MS – Ministério da Saúde (Ministry of Health)

MTE – Ministério do Trabalho e Emprego (Ministry of Labor and Employment)
NAACP – National Association for the Advancement of Colored People
NAFTA- North American Free Trade Agreement
NEAB – Núcleo de Estudos Afro-Brasileiros (Afro-Brazilian Nuclei)
NGO – Non Governmental Organization
NOW – National Organization for Women
OAS – Organization of American States
OBC – Other Backward Castes
OFCCP – Office of Federal Contracts Compliance
OMBE – Office of Minority Business
PNAD – Programa Nacional de Amostra de Domicílios (National Household Survey)
POAs – Planos de Orientação Acadêmica (Plans of Academic Orientation)
PROUNI – Programa Universidade para Todos (University for All Program)
PT – Partido dos Trabalhadores (Workers Party)
SBA – Small Business Administration
SCLC – Southern Christian Leadership
SEPPIR – Secretaria Especial de Promoção de Igualdade Racial (Special Secretariat for Racial Equality)
TEN – Teatro Experimental do Negro (The Experimental Black Teatre)
UERJ – University of Rio de Janeiro
UFBA – Federal University of Bahia
UN – United Nations
UnB – University of Brasília
UNESCO – United Nations Educational, Scientific and Cultural Organization
USIA – The United States Information Agency
USP – Universidade de São Paulo
WEAL – Women's Equity Action League
WTO – World Trade Organization

Introduction

The September 27, 1995 edition of the magazine *Exame* (the Brazilian counterpart of *Fortune 500*) ran an article entitled: "Afro-Brazilians First: American Subsidiaries Introduce Brazil to Affirmative Action. It guarantees job opportunities for blacks, women..."[1] A year later, *The Wall Street Journal* published another article under the heading: 'Seeking Equality: A Racial 'Democracy' Begins Painful Debate on Affirmative Action." The sub-headings emphasized: "Blacks Make Up 45% of Brazil but Stay Marginalized: Fear of a White Backlash, Looking to U.S. Companies."[2] Interviewed by the U.S. newspaper, Thomas Skidmore, a well known Brazilianist at Brown University, voiced his surprise with the following question: "Is it possible? This isn't the Brazil I know."

Skidmore's reaction echoed in Brazil, where scholars, despite their familiarity with the local "racial politics and dynamics,"[3] were late to take notice of the changes ahead of them. In the 1995 article, an U.S. agri-business subsidiary was showcased as introducing an "African-Brazilian Program" aimed at recruiting, training and promoting Afro-Brazilians[4] for positions in the company. The 1996 article acknowledged the

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[1] Cláudia Vassalo. "Afro-Brasileiros Primeiro: As filiais Americanas introduzem no Brasil ação affirmativa. Ela garante oportunidades no trabalho para negros, mulheres..." Exame, 27 de Setembro de 1995:74-76.

[2] Matt Moffett. 'Seeking Equality: A Racial 'Democracy' Begins Painful Debate on Affirmative Action. Blacks Make Up 45% of Brazil But Stay Marginalized. Fear of a White Backlash. Looking to U.S. Companies." The Wall Street Journal, Tuesday, August 6, 1996, Page A6, Column 1.

[3] The concept 'racial politics and dynamics' used here follows Michael Hanchard's interpretation. It "encompasses the role of social constructions of race and racial difference in formal, institutional politics as well as in the political interactions of daily life." Racial Politics in Contemporary Brazil, edited by Michael Hanchard. Durban and London: Duke University Press, 1999:1

[4] Racial/Color Terminologies. The U.S. subsidiary in Brazil titled in English its affirmative action program as the "African-Brazilian program." In Portuguese, the terms Afro-Brazilian, Afrodescendant and Negro (Black) are the terminologies of choice used by the active political segments of African descendant populations, and the public at large. These categorizations are used along with the terms Preto (black) and Pardo (mixed) as registered by the census records. In this study I will be using interchangeably the words Afro-Brazilians, Black Brazilians, Blacks and Afrodescendant (s).

changing debate on racial politics in Brazil, citing a protest movement waged by black students from the University of São Paulo (USP). The students formed the "Comitê a Favor das Cotas" (Committee in Favor of Quotas) aimed at increasing the number of Blacks in that traditional and elitist institution. In 1996, out of thirty five thousand plus USP students, black students accounted for only one percent.* The aim of the protest movement was twofold: a) it called on the USP administration to reserve ten percent of admission slots for black students from public high schools; and b) it called into question the university's entrance exam. In addition to the controversies generated by the black student protest movement, the article also explained how Brazilian government officials saw the U.S subsidiaries operating in Brazil as important allies in educating Brazilians about the workings of affirmative action and diversity programs geared towards the labor market and education.[5] Though the Brazilians interviewed were very adamant about devising their own methods and solutions to the racial inequalities, they, nevertheless, relied on U.S expertise because of their long-term experience in dealing with the struggles to eliminate racial inequalities in the United States.[6] Significantly, in both examples, the U.S companies were cited as role models and agents of change in a social

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* The *Folha Online* of March 2nd, 2004, reported that Black students at USP accounted for 9.64% or 1.3% Pretos and 8.34 % Pardos.

[5] The former Brazilian president Fernando Henrique Cardoso, a sociologist by training, confirmed government perceptions of U.S. subsidiaries operating in Brazil in relation to affirmative action. Having been asked about the low number of Afro-Brazilians working in the service sector in comparison to the U.S., Cardoso pondered: " It is beginning to change. Paradoxically these changes have been effected via multinational companies because of the American pressure. I knew the racist United States. The change that took place in the United States over the past thirty years honors the American democracy. In Brazil it is not sufficiently appreciated the spirit of innovation and persistence of egalitarian values as in the United States. A certain change is beginning to take place here. In the television something is beginning to be shown in favor of equality. This is important because it signals something to the country..." (my translation) Excerpt from the book titled O Presidente Segundo o Sociólogo (The President According to the Sociologist), São Paulo: Compahia das Letras, 1998, and published at *Veja,* Maio 6, 1998:50-53.

[6] The *Folha Online* of March 2nd, 2004, cited above.

context where, until recently, inequalities of any sort were attributed to class differences, and "race"[7] was understood as an appendage to socio-economic processes.

When those initial news articles on affirmative action and diversity policies and programs were written in 1995 and 1996, they created a sensation in Brazil, but, by 2004, the concepts of affirmative action, diversity, and corporate social responsibility policies are no longer taboo. In spite of that, these concepts are still fiercely debated among those who favor and those who are against race-based social policies. Two ideas have been central to these debates: a) exactly how to determine who is Black in Brazil, and b) how race-based social policies can be implemented in a country lacking a rigid color/racial line. Both questions have been addressed by race relations specialists, policy makers, political activists, and by the general public, as has been demonstrated in editorials and letters-to-the editor sections of leading Brazilian magazines and newspapers.

This dissertation seeks to answer three main questions: What factors account for the changing perceptions and definitions of "race" in Brazil? How have affirmative action programs and policies been developed and implemented? What have been the spillover effects of such programs on the government, corporate sector, and civil society? In order

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[7] The term "race" leans towards the social constructivism paradigm, which according to Beth Kolko et all argues that: "social constructionist view of race argues that there is no biological or genetic basis for diving the world's population into distinct racial groups. While we typically see racial difference residing in physical traits that *are* genetically determined (e.g., skin color, hair texture and color, nose and eye shapes, etc.), attempts to map out those traits across the world's population (a) generate patterns that don't match up with the racial categories we already have, and (b) don't add up to coherent patterns that would support *any* model of people as racially distinct from one another. Moreover, there is more genetic variance within allegedly homogenous racial groups than there is between supposedly distinct groups – which simply wouldn't happen were the differences between those groups rooted in biology. It bears emphasizing, however, that the socially constructed nature of race *doesn't* mean that our understanding of race and race categories isn't somehow real or that it have tangible (an all too often deadly) effects on the ways that people are able to live their lives. What it *does* mean, however, is that the systems of racial categorization that permeate our world derived from culture, not nature". Beth E. Kolko, Lisa Nakamura, and Gilbert B. Rodman, " Race in Cyberspace" Race in Cyberspace, edited by Beth E. Kolko, Lisa Nakamura and Gilbert B. Rodman. New York and London: Routledge, 2000: 2. Thus, my use of the term "race" conjures up the idea that racism and attendant discriminatory practices give meaning to "race".

to address these main questions, three case studies with those programs and policies will be examined:

Case-Study n.1: In 1999, a U.S. based foundation, an Afro-Brazilian non governmental organization (NGO), and a Brazilian federal agency for black community affairs formed an unusual "partnership" in São Paulo city, Brazil, in order to carry out an affirmative action project titled Generation XXI. Since its inception, the project has received considerable national and international media attention.

Case Study n.2: Since early 1990, the Center for the Study of Labor Relations and Inequality (CEERT), an Afro-Brazilian NGO, has developed a series of innovative seminars and workshops with trade unions, the corporate sector, and public schools, aimed at de-constructing discriminatory practices and prejudices against women and black Brazilians in the workplace. Their initiatives led to broad discussions with national and international labor organizations such as the North American Federation of Labor – Confederation of Industrial Organizations (AFL-CIO) and the International Labor Office (ILO), forcing state compliance with international conventions against racial inequality, which, in turn, influenced federal legislation against racial discrimination in the workplace.

Case Study n.3: In the year 2000, two professors from the Department of Anthropology of the University of Brasília (UnB) conducted a series of discussions to address discriminatory practices that had resulted in the elimination of a first year doctoral student from the same department. Known as the "Ari case", the controversies surrounding the case spurred a series of internal discussions at the university, which ultimately led to the development and implementation of an affirmative action program.

The UnB became the first federal university in the nation to embrace race-based compensatory policies.

Study Background

The remarkable transformations in Brazil regarding race-based social policies have taken place in a country where, until recently, common sense interpretations of" race" and "racial politics and dynamics" were attributed to Carl N. Degler's *mulatto escape hatch*[8] and Gilberto Freyre's *racial democracy*[9] ideology. The former stressed that people of mixed ancestry, mainly Afro-Brazilian and European descendants, well-educated and upward mobile, were most likely to be accommodated within the mainstream Brazilian-European oriented social-racial structure. The latter argued that everyone should be entitled to unconstrained upward mobility, regardless of his or her "race", class, color and religious affiliations. Scholars sponsoring these conceptual and theoretical formulations interpreted the Brazilian social reality as a viable alternative for oppressed racial groups willing to elude racial oppression. These discussions emphasized class rather than racial dynamics and politics as mediating mechanisms that concealed possible socio-racial conflicts.

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[8] Carl N. Degler, Neither Black nor White: Slavery and Race Relations and Brazil and the United States. New York: Macmillan, 1971.

[9] Gilberto Freyre. The Masters and the Slaves. New York: Alfred A. Knopf, 1946.

The power elite's[10] racial democracy ideology, for instance, was voiced by those in charge of managing the state, the military, and sectors of the intelligentsia, academic circles, and the media, as well as by the public, in general, and by selected Afro-Brazilian politically active segments since the 1930s and 1940s.[11] The Brazilian *exceptionalism* was interpreted by members of the academic community and political elites who compared the local pattern of "racial politics and dynamics" vis-à-vis patterns of racial disengagement and violence that typified social relations in the United States and South Africa. Evidently, ideological discourses do not necessarily mirror the entire reality of the social spectrum. It may reflect the willingness of selected social groups interested in changing or maintaining a given social structure, or it may reflect the contradictions and tensions inherent to that social milieu.

Thus, for almost a century, the *racial democracy ideology* enjoyed a firm stronghold in the hearts and minds of the power elite and large segments of the Brazilian population as a symbolic metaphor embedded in a nationalist discourse of affirmation of Brazilian identity. Such sentiment explains in part the resistance with which Brazilians contemplate the idea of implementation of race-based social policies, since such policies question the racial democracy ideal and attendant power structure. Among the charges directed against the idea of government-sponsored affirmative action programs was the

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[10] The North American sociologist, C. Wright Mills, defined the concept of power elite as "composed of men whose positions enable them to transcend the ordinary environment of ordinary men and women; they are in positions to make decisions having major consequences. Whether they do or do not make such decisions is less important than the fact that they occupy such pivotal positions: their failure to act, their failure to make decisions, is itself an act that is often of greater consequence than the decisions they do make. For they are in command of the major hierarchies and organizations of modern society. They rule the big corporations. They run the machinery of the state and claim its prerogatives. They direct the military establishment. They occupy the strategic command posts of the social structure, in which are now centered the effective means of the power and the wealth and the celebrity which they enjoy." C. Wright Mills. The Power Elite London, Oxford & New York: Oxford University Press, 1956: 3-4.

understanding that the concept of "race" was being Americanized into the harsh Black/White bipolar system of racial classification deployed in the U.S.[12] Those opposed to affirmative action policies insist that in a country where, for centuries, a fluid color continuum has allowed Brazilians to identify themselves according to the conveniences of class, color, and status, race-based social policies have no validity. Pierre Bordieu and Löic Wacquant made explicit such an argument in a controversial article published in 1999 where the authors accused an African American scholar, along with U.S. based foundations to impose a dichotomous racial categorizations in countries that had undergone a different historical trajectory.[13]

Critics of such pervasive perspectives have cogently pointed out that throughout history, the Brazilian security forces, such as the police and the military apparatus, have always identified who is Black and who is White in the population. The celebrated Afro-Brazilian civil rights activist Abdias do Nascimento once told me "the police was the government of the poor in Brazil."[14] This criticism is backed up by a 1999 report stating that Afro-Brazilian men "are more likely to be arrested as suspects for both violent and non-violent crimes than any other population group."[15] These critics have argued further that in the periodic government surveys and census data, the fluidity of the color

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[11] Antonio Sérgio Alfredo Guimarães. " Intelectuais Negros e formas de Integração Nacional" In Estudos Avançados 50: Dossiê: O Negro no Brasil, Vol. 18, Número 50, Janeiro/Abril 2004:271-284.

[12] Pierre Bourdieu and Loïc Wacquant articulated an example of such assumption in the controversial article "On the Cunning of Imperialist Reason," Theory, Culture and Society, Vol. 16 N.1, 1999:41-58.

[13] Ibid.

[14] Interview with Senador Abdias do Nascimento in January 03, 1998, Rio de Janeiro.

[15] Sérgio Adorno. "Racial Discrimination and Criminal Justice in São Paulo" in From Indifference to Inequality: Race in Contemporary Brazil, edited by Rebecca Reichmann. University Park, Pennsylvania: The Pennsylvania State University Press, 1999:123-137; Antonio Sérgio Alfredo Guimarães. Preconceito e Discriminação: Queixas de Ofensas e Tratamento Desigual dos Negros no Brasil. Salvador: Novos Toques, 1998; Darién Davis. Afro-Brazilians: Time for Recognition. London: Minority Rights Group International, 1999:26.

continuum thesis collapses in light of the evidence that inequalities in Brazil are colored and gendered. As a matter of fact, in Brazil, people are classified by skin color and are divided into five categories: Branco (White), Preto (Black), Pardo (brown or mixed), Amarelo (yellow and referring to Asian descendants), and Indigenous groups. Nevertheless, Preto (Black) and Pardo (mixed) groups, according to the census, are more likely to be located at the bottom of the social hierarchy and discriminated against.

The Brazilian Ministry of Agrarian Development reinvigorated these debates when the Brazilian federal government announced its first affirmative action program. The announcement came at the Third World Conference against Racism, Racial Discrimination, Xenophobia and Other Forms of Intolerance, held in Durban, South Africa in 2001. Afro-Brazilian activists preceded the announcement by almost two years of intense national and transnational mobilization. On several occasions these activists used international structures of governance, such as the UN-sponsored meetings and conferences, to denounce the Brazilian government for its consistent lack of attention to the rampant racial inequalities and to characterize Brazil as one of the most unequal societies in the world.

In the aftermath of this world event, several affirmative action programs have been implemented in local state governments, such as Bahia, Pará, Rio de Janeiro and Mato Grosso, in addition to the federal program of the Ministry of Agrarian Development, Labor and Justice Ministries. Even more interesting are the affirmative action programs and projects "from below," comprised of previously unthinkable partnerships between the corporate sector, Afro-Brazilian NGOs and the state.

Early studies have addressed the relationships between the state and civil society, or the state and corporate sector. Nonetheless, there is a dearth of knowledge and

academic research about the interactions between these social actors and the implementation of race-based social policies and programs, particularly in relation to the interactions between the state, the corporate sector and Afro-Brazilian NGOs that account for the changing meanings and perception about "race" in Brazil.

Conceptual Framework

The theoretical foundation orienting this investigation is comprised of five interrelated conceptual references derived from an interdisciplinary framework: "everyday racism" as elucidated by Philomena Essed;[16] "political consciousness" as formulated by Aldon D. Morris;[17] and "mobilizing opportunities" as elaborated by Jackie Smith, which are anchored in the social movements literature;[18] and "structures of governance," as advanced by Thomas Risse-Kappen, grounded in the international relations and human rights literatures.[19] The historical narrative, which accounts for the implementation of equal opportunity policies in Brazil, emulates John David Skretny's historical sociological approach regarding the implementation of affirmative action policies and programs in the United States, which points to the convergence of national and international contexts. Of particular importance are Skrentny's "administrative

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[16] Philomena Essed. Understanding Everyday Racism: An Interdisciplinary Theory. New York & London: Sage Publication, 1991.

[17] Aldon D. Morris. " Political Consciousness and Collective Action" in Frontiers in Social Movement Theory, edited by Aldon D. Morris and Carol McClurg Mueller. New Haven and London" Yale University Press, 1992: 351.

[18] Jackie Smith, "Transnational Political Processes and the Human Rights Movement" Research in Social Movements, Conflicts and Change, Vol. 18, 1995:192.

[19] Thomas Risse-Kappen, editor, Bringing Transnational Relations Back In: Non-States Actors, Domestic Structures and International Institutions. Cambridge: Cambridge University Press, 1995:6-7.

pragmatism", "crisis management" and "activist government" conceptual model that I borrowed to explain historical events in Brazil concerning equal opportunity policies.[20]

"Everyday Racism" – Philomena Essed refined this concept in her ground breaking analysis of the intersections of gender and racism which characterized the lives of a selected group of well educated and professional African American and African Surinamese women in the United States and in the Netherlands respectively. In her analytical model, Essed sought to incorporate the macro and micro aspects of social reality in which daily experiences of racism shaped those women's lives and their responses to structural oppression. Their personal accounts exemplified relations of power, domination and subordination. In doing so, Essed was able to bridge the gap created by previous studies that uncovered the structural basis of racial oppression, while leaving untouched or unaccounted for, the extent to which the social meanings derived from racism and discriminatory practices impacted the realm of the private sphere. These insights are relevant for all chapters of this dissertation, and particularly to the case studies presented in Chapters 7, 8 and 9 on account of the interfacing macro and micro aspects of social reality experienced by Afro-Brazilians.

"Political Consciousness" – I relied on Aldon D. Morris's concept of political consciousness to advance my understanding of collective action in the context of social movements' struggles as well as the political actions undertaken by advocacy organizations "from below." As posited by Morris, political consciousness is an overarching concept that gives expression to different kinds of consciousness vis-à-vis structures of domination and subordination. In this sense, "race", class and gender

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[20] John David Skrentny (1). The Ironies of Affirmative Action: Politics, Culture, and Justice in America. Chicago & London: The University of Chicago Press, 1996: 67-110.

consciousness, just to name a few, represent the types of collective action in which each domain corresponds to a set of specific political action undertaken by those engaged in power relationships and redefinition of group identity. However, depending on specificities of time, place and space, these domains – "race", class and gender - may overlap contributing to cross-class-race and gender alliances promoting small or large-scale processes of social change. In relation to this study, the concept of "political consciousness" is relevant in advancing our understanding of the various processes that have contributed to the implementation of affirmative action policies in the United States and Brazil as demonstrated in Chapters 5 and 6.

"Mobilizing opportunities" - In Chapters 5 and 6 of this dissertation, Smith's concept of "mobilizing opportunity" is borrowed in reference to the historical experience of African Americans communities in the processes of implementing equal opportunities, and the ongoing processes taking place in Brazil, where Afro-Brazilian advocacy organizations seek national and international support for equal opportunity policies and programs in areas of education and the labor market. Previous studies have shown that under unfavorable political circumstances, Afro-Brazilian advocacy organizations have been oftentimes prevented by the state from organizing along racial lines on the allegation that such activities are subversive and un-Brazilian. The same reasoning has included censorship in the academic realm as related to race relations' studies.[21]

[21] See for example, Thomas E. Skidmore "Race and Class in Brazil: Historical Perspectives" in Race, Class and Power in Brazil, edited by Pierre-Michel Fontaine. Los Angeles: Center for Afro-American Studies, University of California, 1985:11-24; Peter T. Johnson, "Academic Press Censorship under Military and Civilian Regimes: The Argentine and Brazilian Cases, 1964-1975," Luso-Brazilian Review, Vol. 15, N.1, (Summer 1978): 3-25; Michael Mitchell, "Black and the Abertura Democrática" in "Race, Class and Power in Brazil": Historical Perspectives" in Race, Class and Power in Brazil, edited by Pierre-Michel Fontaine. Los Angeles: Center for Afro-American Studies, University of California, 1985:95-119.

The overall framework advanced by John David Skrentny in his study of the historical development of affirmative action policies in the United States provides a conceptual map which clarifies how the socio-political developments at the domestic front responded in part by the international configurations of the Cold War era. The propaganda machinery deployed by the Soviets aimed to expose the U.S. hypocrisy in championing human rights abroad while neglecting to do the same at home in relation to African Americans resonated with the ascending political leadership of the emergent new nations in Africa and Asia. Although the expediency with which the Americans finally implemented compensatory policies cannot be attributed to this single factor, it helped Civil Rights leaders to gain momentum in their struggles to obtain equality.

Unlike the North Americans, who grappled with the changing social, political and racial structures in the context of the Cold War, in Brazil, globalization processes underscored the international background where the changing discourse and political practices related to "race" took place. More specifically, globalization processes intensified simultaneously not only the interrelatedness of socio-economic, political and cultural events, but also the transnationalization of social movements "from below." Hence, the interplay of the national and international contexts leading to the outcomes of the Civil Rights movement and the implementation of equal opportunity policies by the state offers an interesting counterpoint to the Brazilian experience.

Research Design and Methodology

Selecting the Subjects

In this research, I use the purposeful sampling technique, also known as the criterion-based selection. According to Joseph A. Maxwell,[22] it is a qualitative research strategy, which consists of deliberately selecting people and events that may provide relevant information to the main research questions. I selected the Generation XXI project spearheaded by the Afro-Brazilian NGO Geledés, because of its pioneering affirmative action project "from below" with the financial and logistic support of BankBoston Foundation and the Palmares Foundation, a Brazilian federal agency.

Though non Afro-Brazilian NGOs had for decades made partnerships with U.S. based organizations and institutions to establish a myriad of projects, in the contemporary period it was the first time that such a partnership took place with the full support of the federal government. In 1978 similar attempts by Afro-Brazilian NGOs to promote joint projects with the Inter-American foundation resulted in the expulsion of the latter from the country. The military government of the time perceived the American foundation as supporting subversive activities in the country.[23] In light of the historical underpinnings surrounding such collaborations, I considered studying this project as a watershed since it could determine the future of similar efforts in the years to come, particularly when one considers the sensitivity with which so many Brazilians perceive affirmative action. For

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[22] Joseph A. Maxwell. Qualitative Research Design: An Interpretative Approach. Thousand Oaks: Sage Publication, Vol. 41, and 1996:116-137.

[23] In the peak of the military regime, public discussions on racism and racial discrimination were severely limited and under scrutiny by the government. In 1979 the IPCN – Instituto the Pesquisas das Culturas Negras (Institute for Research of the Black Cultures) of Rio de Janeiro was to form a partnership with the Inter-American Foundation in order to promote study and projects aimed at the poor communities of that state. The initiative created an international incident, and the North American Foundation was kept out of the country for many years. Thomas Skidmore analyzed the episode, "Historical Perspectives" in Race,

Generation XXI, I interviewed twenty people closely related to the project, including coordinators, students, and the BankBoston Foundation representative for the project. Respondents answered my questions through direct contact, e-mail and phone interviews. I also hired a research assistant who conducted part of the interviews and transcribed all of the tapes in Portuguese, and I translated them into English. As a participant observer, I attended one of the events promoted by the students, called Café Cultural - which takes place once a month. My investigation regarding Generation XXI took place during two different time periods: January to July of 2000, and October to December of 2001. The data derived from this primary source of investigation was complemented by subsequent publications on the project, as well as reports conducted by independent researchers and by news media coverage.

The second case study refers to the Center for the Study of Labor Relations and Inequality (CEERT) where interviews were conducted with two members of the organization. Additionally, I was given access to the CEERT's files and documents related to the various projects undertaken by the organization. The period of my field investigation at CEERT was from January to February of 2000. As a participant observer I took part in CEERT's two events about the role of the corporate sector in promoting affirmative action policies. In addition to the members of the organizations aforementioned, on these occasions I interviewed eleven people among corporate executives, union leaders, and one person who, for many years, participated in the African-Brazilian program of another U.S. subsidiary agri-business corporation.

Class and Power, edited by Pierre-Michel Fontaine. University of California, Los Angeles. Center for Afro-American Studies, 1985:16.

I obtained materials for the third case study through interviewing the three main protagonists of the study, in addition to reports, newspaper articles and academic journals, in relation to the process of discussing and implementing an affirmative project at a federal university. I conducted additional eleven interviews with people from different sectors and activities not directly involved with the organizations and the state institution under investigation. I wanted to assess their perceptions about the affirmative action policy prospects in Brazil. These interviews included state officials, scholar-activists and non-activists, students, and policy-makers. Though most of the interviews were conducted between the 2000 and 20001, I continuously updated information and checked new developments regarding affirmative action debates in Brazil until December of 2004.

Interviews

Forty-two interviews constituted the primary source of data. I obtained a wealth of information from these interviews, which were conducted at several levels: 1) Afro-Brazilian advocacy organizations, mainly Geledés and CEERT; 2) Members of the Generation XXI project, such as the coordinators, students and their parents; 3) human resource managers; 3) an Afro-Brazilian employee hired under a diversity program, 4) a former Labor Ministry, and representatives of Ministry of Justice, notably the head of the National Secretary of Human Rights; 5) trade union representatives; 6) academics, scholars-activists, and media journalists.

Each interview took approximately 45 to 60 minutes. Most interviews were taped with the permission of the respondents. This technique allowed me to preserve accuracy and prevent validity threats to the research findings. In all of the interviews my research assistant and I started by explaining the purpose of my study and then began the actual

interviews with an open-ended question, which generally evolved into more structured questions. When a face-to-face interview was not possible, e-mails and phone interviews were utilized. When the main protagonists were well known public figures their real identities were not concealed. For instance, the name of the advocacy organizations, the sponsoring state and private foundations as well as the public university with their respective affirmative action programs and policies are real, and so the main protagonists of the labor advocacy organization and the public university subjects who were directly involved in the case that originated the movement for affirmative action at that institution. Otherwise respondents' privacy was protected through numerically coding the interviews so their names did not appear in the drafts or in the final document.[24]

I selected the interviewee based on the principle of theoretical sampling: that is, choices of respondents and events were oriented according to the main research questions rather than through random statistical representation. This process helped me to select additional subjects in the process of doing the research. The main objective of using this sampling was to help me to clarify particular concepts or theories related to the subject under investigation.[25] Furthermore, this particular modality of investigation allowed me to expand the number of interviews, so that the variations of the information collected provided a sound basis for establishing significant comparisons among case studies. Initially, I had estimated conducting a maximum of 30 interviews. However, the unanticipated additional information led me to include 12 more subjects in order to get more clarification on particular issues.

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[24] This observation relates to the two CEERT's founding members, UnB three main protagonists and Geledés, BankBoston and Palmares foundations the sponsoring institutions of Generation XXI project. The remaining informants had their real identities protected.

Gaining Access and Setting for the Study

My previous work as a scholar and activist for human rights in Brazil facilitated my contacts with the state, corporations and non-governmental organizations under investigation. On the occasions of public seminars promoted by the state, trade unions, corporations and non-governmental organization, I introduced myself and explained my purpose in conducting this research. I was always welcomed, and when the time came for conducting the field research I confirmed my intentions through subsequent phone calls. Two case studies took place in São Paulo: Generation XXI spearheaded by Geledés - The Black Women Institute, and the labor advocacy NGO - Center for the Study of Labor Relations and Inequality (CEERT). The third case study related to the University of Brasilia, took place in Brasília, the federal capital. While face-to-face interviews constituted the primary source of investigation for the case studies in São Paulo, mainly phone interviews and e-mails, in addition to secondary sources and available institutional reports obtained data for the third case study.

Additional Research Methodology

Qualitative methods were chosen as the most appropriate for this research because there was no previous studies regarding the implementation of affirmative action/diversity policies in U.S based companies conducting business in Brazil in conjunction with Afro-Brazilian NGOs. Qualitative methods in this case, allowed me to explore and obtain "rich data" related to all the aspects involved in these projects. Qualitative data collection guiding this study included:

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[25] Matthew B. Miles and A. Michael Huberman. An Expanded Sourcebook: Qualitative Data Analysis, Thousand Oaks, Ca: Sage Publications, 1994:27-34.

1) Primary source materials via face-to face interviews, participant observation at meetings and seminars taking place inside or outside the scope of the advocacy organizations, trade unions and corporations;

2) Secondary source materials included documentary bibliographic methods related to affirmative action and diversity policies introduced in Brazil. Documents produced by corporations and Afro-Brazilian NGOs regarding affirmative action and diversity policies were incorporated in data collection.

3) Quantitative methods were used selectively whenever appropriate.

The Specific Problem and Additional Research Questions

The literature on racial politics produced in Brazil and abroad regarding the Brazilian experience has consistently pointed out that social policy addressing racial inequalities would not prevail until the mixed populations assume a black identity. Despite this common sense perception, U.S. based subsidiaries operating in the country since the early 1990s, have gradually embraced the idea of diversity policies/affirmative action programs without being required by the Brazilian government. More interestingly, civil society advocacy groups have implemented programs of affirmative action/diversity policies either by themselves or in collaboration with the state and corporate sector. In all case studies, "race" or color has been the guiding principles around which those initiatives have been implemented. How can these examples succeed in light of the fluid color continuum argument? How have "race"/color been defined in these particular contexts? In relation to the three case-studies provided in this study, what are the strategies being deployed by school officials, advocacy groups, and the corporate sector in order to implement diversity policies or affirmative action programs? What has been

the outcome of such programs within the scope of the corporate sector? What has been the impact of these programs on the government and other institutions?

The above, in addition to the following additional questions, undergird the investigation: How were these projects conceptualized, developed and implemented? How have they impacted the students and their families involved in the project? How do these examples contribute to the discussion of public policies aimed at curtailing race, class and gender based inequalities?

Significance of the Study

One of the basic contributions of this study is to reflect upon the nature of a changing racial perception and definition of "peoplehood," contributing to the ongoing discussions in Brazil related to the implementation of affirmative action and diversity policies in the public as well as in the private sectors. More importantly, the examples presented here move a step forward in explaining intricate aspects of racial politics and dynamics not yet explored by any previous studies of advocacy groups, "race," class, inequalities and social policies in Brazil. For example, the ongoing interactions between Afro-Brazilian NGOs, international donor agencies and foundations and the state mark a new moment in the history of Brazilian racial political mobilization, which require new interpretations.

Organization of the Study

The chapters are organized as follows: Chapter 1 introduces a demographic profile in order to draw an overall picture of where Afro-Brazilians are located in the socioeconomic, cultural and political social structures. Chapter 2 relates the previous discussion to the role of "race" and the state in structuring racial categorization and

citizenship. It emphasizes the meaning of a color continuum category over periods of time, and the challenges it poses to the formulation of race based social policies vis-à-vis civil society contestation of established racial/color categorization in light of overwhelming racial inequalities. Chapter 3 explores the literature regarding the changing role of "race," the state, corporate sector, and advocacy organization in the context of the global political economy. Taking the U.S. experience as the primary example it traces a brief historical background of affirmative action, diversity and corporate acts of social responsibility policies in the U.S. and Brazil. Chapter 4 contextualizes the historical developments underpinning the implementation of affirmative action policies and programs in the United States as a counterpoint of the discussion about the implementation of these policies in Brazil. Chapter 5 demonstrates the historical foundations of the Brazilian experience and debates with affirmative action policies in Brazil. Chapter 6 introduces Generation XXI, the first case study. Chapter 7 details the evolving affirmative action initiatives developed by the Center for the Study of Labor Relations and Inequality (CEERT), the second case study. Chapter 8 illustrates state-sponsored affirmative action policy by a federal university, the third case study. Chapter 9 summarizes the findings, analysis and recommendations, and concludes the study.

CHAPTER 1

The Reality of Racial Inequalities

Introduction

Social inequalities in Brazil are widespread. However, some groups are more likely than others to be located at the lower end of the social scale, whereby color ascription seems to indicate systematic processes of racialism and attendant racism. The former refers to "the unequal treatment of a population group purely because of its possession of physical or other characteristics socially defined as denoting a particular race." The latter indicates "the deterministic belief-system which sustains racialism, linking these characteristics with negatively valued social, psychological, or physical traits."[26] In Brazil, for the most part, social science students have examined inequalities through the macro-structural lens to the detriment of every day discriminatory practices; that is, the micro-level domain that informs the structural, social and institutional levels. In this chapter, I begin by introducing the socio-demographic data related to spatial distribution of the population by color and region. I proceed to locate Afro-Brazilians within the extant opportunity structures as measured by education and labor market outcomes. I conclude this chapter by presenting an ensemble of various interpretations of the socio-racial inequalities. The macro-structural level, anchored on the assimilation and structural interpretations of Brazilian society, is juxtaposed with brief ethnographic accounts. The latter highlights Philomena Essed's concept of "*everyday racism,*" which clarifies the extent to which inequalities in Brazil are experienced by Afro-Brazilians.

"Race"/Color by the Numbers

It has been widely publicized by the academic and non-academic literature, and the news media, that Brazil has the largest concentration of African descendant people in the Americas. According to the Brazilian Institute of Geography and Statistics (IBGE), the last census of 2000 registered a total population of approximately 170 million people distributed in the following color categories: 6.2 percent (+-10 million) could be unmistakably identified as Pretos (Blacks) and 38.4 percent (+- 66 million) were comprised of Pardos (brown or Mixed), mainly people of African and European ancestry. Excluded from this total were 0.4 percent (+ - 734,000) Indigenous groups representing more than 2000 ethnic nations. Brancos (Whites - European descendants) comprised 53.7 percent (+ - 90 million), and Amarelos (Yellow- Asian descendants) accounted for 0.4 percent (+ - 761,000). Most Asians were of Japanese descendant, but the category also included Chinese, Taiwanese and Korean. Additionally, more than 1 million people, or 0.4 percent of the population, did not declare their color to the census takers.[27] Combining the "pure" and "mixed" populations, there are 75 million plus African descendant people in Brazil.

Population Distribution

The regional distribution of the Brazilian population by color according to the census of 2000 was the following:

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[26] Gordon Marshall. A Dictionary of Sociology. Oxford: Oxford University Press, 1998.

[27] Censo Demográfico 2000. Características Gerais da População. Instituto Brasileiro de Geografia e Estatística. Rio de Janeiro, 2000; See also João Pacheco de Oliveira. "Entering and Leaving the "Melting

Table 1 – Population Distribution by Color and Region in Percentage – 2000

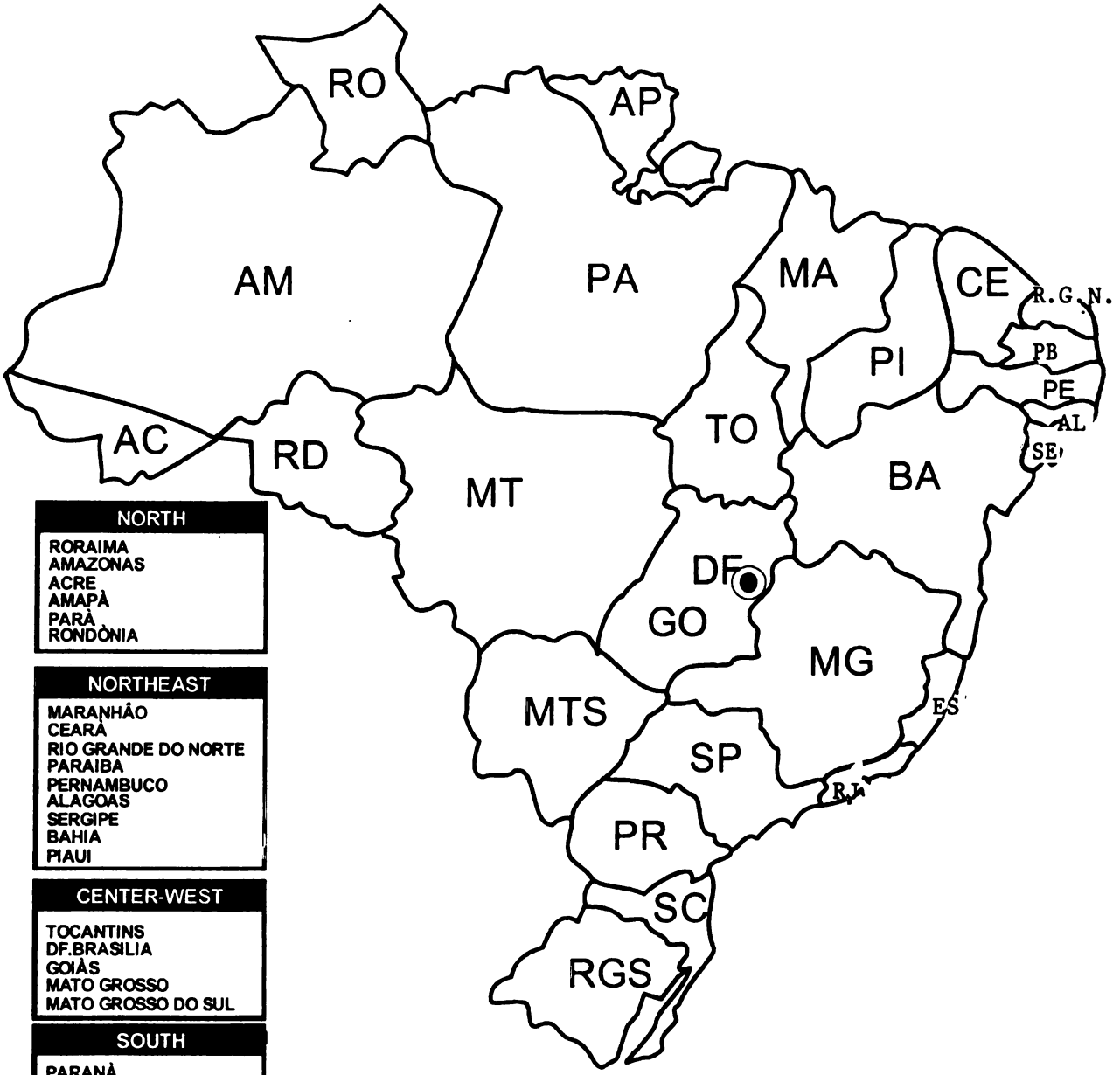
Color	Brasil	North	Northeast	South	Southeast	Center-West
Branca	53.7	28.0	32.9	83.6	62.4	49.7
Preta	6.2	5.0	7.7	3.7	6.6	4.6
Parda	38.5	64.0	58.0	11.5	29.5	43.7
Amarela	0.4	0.2	0.1	0.4	0.7	0.4
Indígena	0.4	1.7	0.4	0.3	0.2	0.9
Color not declared	0.7	1.2	0.8	0.4	0.6	0.7

Source: IBGE. Censo Demográfico, 2000, cited in José Luís Petrucelli, " Mapa da Cor no Ensino Superior,"Programa Políticas da Cor na Educação Brasileira. Série Ensaios & Pesquisas. Laboratório de Políticas Públicas: Universidade do Estado do Rio de Janeiro & Secretaria Especial de Promoção de Políticas de Igualdade Racial, Setembro de 2004: 13.

Table 1 shows that: Brancos (Whites) are primarily concentrated in the South, Southeast, and Center-West regions with 83.6 percent, 62.4 percent and 49.7 percent respectively. Pretos (Blacks) are mainly concentrated in the regions of the North, Northeast and Southeast regions, accounting for 5.0 percent, 7.7 percent and 6.6 percent respectively. Pardos (Mixed) are concentrated in the North, Northeast, Center-West and Southeast regions comprising 64.0 percent, 58.0 percent, 43.7 percent and 29.5 percent respectively. The Indigenous populations are concentrated mostly in the North and Center-West regions totaling 1.7 percent and 0.9 are almost evenly distributed in the remaining regions. Amarelos (Asians) are mainly concentrated in the Southeast, South and Center-West regions comprising 0.7 percent, 0.4 percent, and 0.4 percent respectively. People who did not declared color were mostly concentrated in the North, Northeast and Southeast regions accounting for 1.2 percent, 0.8 percent and 0.6 percent respectively. The spatial distribution of the population by regions is demonstrated in the following map:

Pot:" A History of Brazilian Indians in the National Censuses" Journal of Latin American Anthropology, 4,

Brazil Map by Regions



NORTH
RORAIMA
AMAZONAS
ACRE
AMAPÀ
PARÀ
RONDÒNIA

NORTHEAST
MARANHÂO
CEARÀ
RIO GRANDE DO NORTE
PARAIBA
PERNAMBUCO
ALAGOAS
SERGIPE
BAHIA
PIAUI

CENTER-WEST
TOCANTINS
DF.BRASILIA
GOIÀS
MATO GROSSO
MATO GROSSO DO SUL

SOUTH
PARANÀ
SANTA CATARINA
RIO GRANDE DO SUL

SOUTHEAST
MINAS GERAIS
SÃO PAULO
RIO DE JANEIRO
ESPIRITO SANTO

Source: Map elaborated by Eduardo de Araújo Cardoso, 2005

"Pigmentocracy": The Hierarchy of Color

A word of caution: Brazilians classify themselves according to color and not ancestral lineage or "race" as in the United States. The range of color categorization was registered by the National Household Survey (PNAD) of 1976 that revealed the existence of 136 color categories, which were lumped under the catchall terminology Pardo. Some of the terms included: white dark, white pink, yellow, burned yellow, Morena (brunette), brunette-cinnamon, silver brunette, parda clara (light mestiça), purple, redhead, burned pink, wheat, toasted, sun burned, purple brunette, white molasses, etc...[28]

This apparent non-essentialist categorization is epitomized by the category Pardo, whose fluidity in the color continuum equates to biological and social mobility. In other words, the term Pardo relates mostly to the offspring of African and European descendants, but also to those whose good fortunes are considered well off by European Brazilians as measured by educational achievements or income. For example, depending on the local or regional social etiquette of racial politics, a successful dark skin man or woman who in the United States would be considered 'Black', in Brazil he or she may be considered Pardo (a) or the preferable term 'Moreno' (a)* and even White, in the eyes of the beholder. It is the notion of 'one drop rule' as applied in the United States turned upside down.[29]

In Brazil, social conventions, firmly rooted in time, have established a color hierarchy or pigmentocracy, which attaches positive social values to light skinned people

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[28] Clóvis Moura. Retrato do Brasil. N. 10. São Paulo: Editora Três, 1982: 112.

* In contemporary Brazil, the term 'Moreno' refers to European descendant person with dark hair, however, in popular usage 'Moreno' is an euphemism to the terms 'pardo' and 'negro.' See Antonio Sérgio Guimarães, "Race, Class and Color: Behind Brazil's "Racial Democracy" NACLA, Report on the Americas, 34, N.6, May-June 2001: 38-9.

to the detriment of dark skinned ones, a process comparable to the racial categorizations found in other places. I define the range of people's self-definitions of color as color euphemism, which I perceive as an attribute of discrimination. It informs the discriminatory patterns of those who utilize it as well as those who receive it. This contradictory and dialectical component is, nonetheless, based on a non verbal consensual agreement: individuals who utilize color euphemism do so in order to confer exceptional honorability to one particular individual in a way not accorded to others espousing the same group characteristics or identity. Those on the receiving end of the color euphemism endorse such an unspoken social rule. Some perceive themselves as the exceptional individuals whose good fortune is not extended to others sharing the same group characteristics or identity. In order to make the above conceptualization explicit, in the next section few historical examples contextualize the color euphemism.

Preto, Negro, Pardo or Mulatto: The Insignia of Discrimination

During the colonial (1500s-1822) and the imperial periods (1822-1890) in Brazil terminologies such as Preto, Negro, Pardo, Mulato or Moreno were used to exclude people from mainstream social-political arrangements based on conquest, domination and subordination.[30] For a free or freed person to be called Preto or Negro was the ultimate insult resulting in serious misgivings, bitter brawls and even death. The expression mulatto in this context was another expression charged with derogatory meaning, since it literally implied the crossing of she mule, and when applied to a person of mixed ancestry

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[29] Carl Degler. Carl N. Degler, Neither Black nor White: Slavery and Race Relations and Brazil and the United States. New York: Macmillan, 1971.

[30] Jack D. Forbes. "The Manipulation of Race, Caste and Identity: Classifying AfroAmericans, Native Americans and Red-Black People." The Journal of Ethnic Studies, Vol. 17, N.4, and (winter 1990): 1-33.

it conjured up illegitimacy, and/or bastardization.[31] Pardo, on the other hand, indicated the status of a freed person of color regardless of miscegenation, which according to Hebe Maria Mattos indicated how the stratification system worked. Thus:

> It is a known fact that since the colonial period, any perspective of social mobility implied a process of individual whitening. But, the preferential use of the term 'pardo' for free men, without the necessary reference to miscegenation, represents very well the hierarchical ideal of this society, which reserved a specific social place to slaves, freed people, free African descendants and old white Christians.[32]

Hebe Maria Mattos recounts an incident in 1850 in Rio Claro, a municipality of Rio de Janeiro, when Antônio José Inácio Ramos, a free man, committed a double homicide because he was insulted as a Negro.[33]

In the early twentieth century another situation took place, also in Rio de Janeiro, when Machado de Assis, the founder of the Brazilian Academy of Letters, died. Machado de Assis was a man of mixed ancestry who transcended his humble origins to become well known in the elite and academic circles. His mother was an African descendant and his father was Portuguese. A very close friend of his, José Veríssimo, a respected intellectual and public figure at that time, wrote an article in Machado's homage. Like the deceased, Versísimo also shared mixed ancestry, and in his eulogy referred to his dead friend as a mulatto. He was immediately reprimanded by another towering political figure, Joaquim Nabuco, who made the following remark on Veríssimo's piece:

> Is very beautiful but there is one sentence that caused me chills:
> Mulatto, he was a Greek...I would not have called Machado mulatto

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See also the excellent book by the same author Africans and Native Americans: The Language of Race and the Evolution of Red-Black Peoples. Urbana & Chicago: University of Illinois Press, 1993.

[31] Jack D. Forbes, 1993: 131-189.

[32] Hebe Maria Mattos. Das Cores do Silêncio. Rio de Janeiro. Nova Fronteira, 1998:361. Also cited in Andreas Hofbauer. "Raça, Cultura e Identidade e o 'Racismo À Brasileira'" In De Preto a Afro-Descendente: Trajetos de Pesquisa sobre Relações Étnico-Raciais no Brasil. São Carlos: Edufscar, 2003: 62.

[33] Hebe Maria Mattos, p. 93.

> and I think that nothing would have hurt him more...I beg you to omit this remark when you convert your article into permanent form. The word is not literary, it is derogatory...For me Machado was a white and I believe he thought so about himself."[34]

One could argue that to whiten somebody's color with a euphemism such as the term Pardo and correlated terminologies has served ideologically to: a) construct a sense of self based on the possibility of change to a higher status towards whitening, the ultimate positive social value and b) as a buffer circumventing interpersonal and social conflicts. This second example in particular invokes a conceptualization based on color euphemism. The former enforces the latter and vice-versa. Such a definition attempts to give expression to what Hebe Maria Mattos emphasized was an historical interpretation of color categorization without paying attention to the context in which such a categorization evolved would attribute both examples as tributaries of the ideology of whitening. The first example reflected a man's desire to be perceived as a free man and a citizen. To be called Negro was to deprive a man from his right to be treated in the same way as a white man. The second example did not escape the same reasoning since, if the expression of Negro conjured up a past and present condition of second class citizenship, the expression mulatto, on the other hand, had indeed a pejorative meaning. This is not to say that the whitening ideal was not present. After all, from the 1880s to the 1930s immigration policies were implemented embedded in such ideological construct whereby millions of poor European immigrants supplied the Brazilian labor market while in the expectation of the ruling elite they were expected to whiten the population.[35]

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[34] Emilia Viotti da Costa. "The Myth of Racial Democracy: A Legacy of the Empire" in The Brazilian Empire: Myths and Histories, Chicago and London: The University of Chicago Press, 1985:241.

[35] Thomas E. Skidmore. Black Into White: Race and Nationality in Brazilian Thought. New York: Oxford University Press, 1974, particularly Chapter 2. See for instance, The Idea of Race in Latin America, 1870-1940, edited and introduced by Richard Graham. Austin: University of Texas Press, 1990.

At the present time, the official census category Pardo still encodes an ideal of whitening, and some power elite intellectuals have used such a "de jure" ambiguity to dismiss the implementation of social policies based on racial/color criteria. One example refers to the countless public debates regarding the color of the population instead of focusing attention on to the meanings attributed to the race/color hierarchy whose primary effect results in unequal distribution of life-chances and opportunities. For instance, after an intense debate promoted by several web sites in Brazil regarding the adoption of affirmative action, which has been understood as a system of quotas, Shag, a participant in the debates answering the question, "Who is Black?" offered the following answer on October 11, 2001:

> That's it! Here is a question whose answer is essential for affirmative action to be implemented one day in this country. How to decide who is black and who isn't? Do mulattoes also have rights? Gee, a lot of sun tanned people will try to pass as Black when applying to the entrance exams to college. I do not want to think about the confusion! [36]

Confusion and opportunism have gone hand in hand in Brazil in matters of politicization of racial identity. In 1998, in an interview to the news weekly magazine *Veja*, when asked about the fact that the majority of congress members could not be easily categorized as White by European and North American standards, the former President Fernando Henrique Cardoso offered the following comments:

> It is not white, but they don't know. They don't want to know. This is why I always call attention to my skin color. I say: "Look at my skin! I did this with the Pope. "Do you think I am white?" This concept varies a lot in Brazil. There are people who call themselves white, think they are white, but they are not. People who have the training I have in matters of race soon discover when a person has black blood. As the mixture in Brazil is very wide, which I consider very good, very positive, this favors confusion. It would be better to say: "I am a little mixed." But in politics is not like that. The individual whitens. [37]

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[36] http://www.mundonegro.com.br/forum/read.php?+4&i+134&i+134&t+134.

[37] Roberto Pompeu de Toledo. "O Sociólogo segundo o Presidente" *Veja*, 6 de maio, 1998: 51-52. (my translation)

Raul Jungmann, the former minister of the Agrarian Development, who pioneered the implementation of a quota system in a federal agency under his leadership, offered an interesting example of whitening. During a public session that judged the pros and cons on affirmative action policies and the mandatory requirement of a defined racial identity, Jungman declared: "I am a Pardo, son of a mulatto mother. Thus, I claim my mix ancestry![38]"

By the Brazilian standards of racial etiquette both Fernando Henrique Cardoso and Raul Jungmann could not possibly identify themselves Pardo. Both do not present any immediate resemblance with African ancestry. Their social position and station in life has already placed them within the white elite group. Claiming a racialized identity, Cardoso and Jungmann defied established social conventions on issues of 'race,' and in both instances, their public stand could be interpreted as political opportunism. In the larger society, the stigma of color does not save those well off social groups from suffering the indignities of daily discriminatory practices, as for instance, the case that took place in Vitória, capital of the Espírito Santo. In 1993, the daughter of former governor Albuíno Azevedo was physically attacked and verbally abused by a white woman and her son in an upper-class residential building. Ana Flàvia, the daughter's governor, had gone to visit a friend, and on the way out of her host's apartment, she held the social elevator* door for a few minutes while saying goodbye. When the elevator

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[38] "Juri Simulado – Cotas para Negros (as) no Brasil," 30/10/2001 – Teatro TUCA, an event that discussed the Brazilian proposals that were sent to the Durban Conference in South Africa, in September of 2001.www.mondonegro.com.br

* Brazil is one of the few countries in the world where every single building (residential or commercial) has a social and a service elevator. This practice serves to establish the social hierarchy where servants, mostly blacks, ought to use the service elevator. Though this practice has been prohibited by local city ordinances, in most places, this practice is deeply entrenched in the social architecture of the Brazilian landscape. Diana Jean Schemo registered this phenomenon of Brazilian political culture in *The New York Times*, on August 30, 1995 in "Elevators Don't' Lie: Intolerance in Brazil" Section International, page A7.

reached her floor, the businesswoman, Teresina Stange irritated asked Ana Flávia who was holding the elevator. The latter answered "nobody, I just took few minutes" and the former, unsatisfied with the answer, began yelling: "You've got to learn that the residents are the ones who bosses around in this building and black and poor have no place here." To what Ana Flávia replied: "You should respect me." Teresina Stange got even angrier continuing to yell: "Shut up! You are just a maid". At the lobby the commotion continued and the business woman's son entered the altercation and not only threatened to beat Ana Flávia up but also he punched her in the face and the case ended up in a police station. It made headlines in all major newspapers in the country, and Ana Flávia became known as the black Cinderella.[39]

The case is emblematic of the symbolic uses of color, which in the above case, class and social distinction did not prevent a non-white person from suffering the physical and emotional injuries of racism. As observed by Hofbauer, the color categories should not be interpreted as simple metaphors for the eschewing of a racial identity. People's self-perceptions and definitions are important because they provide the analytical tools

[39] " A Cinderela Negra" *Veja*, 7 de Julho, 1993: 66-71. Major Brazilian newspapers have reported countless examples of well off Afro-Brazilians who irrespective of their status or class positions are publicly humiliated and that include incidents with diplomats, heads of state, business people. The case with Evaldo Brito, the first Afro-Brazilian who, in the 1980s, became mayor of the city of Salvador, Bahia is emblematic. In the early 1990s, he assumed the post of Secretariat of Juridical Business in the city of São Paulo. As such, he was driven back and forth to his office by the official car. On one occasion the police who got suspicious of a black man being driven in an official car stopped him. Secretary Evaldo Brito and his assistant were searched and held for almost one hour in the middle of an important intersection in downtown São Paulo. His position did not save him from being humiliated. The policemen who stopped him were also Afro-Brazilian descendants. See for instance, Suzana Lakatos "Cara de Suspeito". Www.Sampa.org.br/default.asp? idn=7458p=2 In this case the racialization of color was embedded in the state apparatus, as well as in a financial institution that criminalized Black Brazilians irrespective of their social standing, confining them into a system of permanent vigilance and punishment. It is in this context of widespread discriminatory practices that the popular adage gains expression: Guilty until proven innocence! Or when the encounter is with the police: We shoot first, and ask the question later!

with which one can adequately interpret local variances of racism, as well as processes of inclusion and exclusion, and the attendant social meanings attached to it.[40]

> There is an intrinsic relation between reality and discourse about reality – and it is not necessary to assume Marxists standpoints to support this statement. Then, it seems necessary to analyze the historical, political and social contexts along with a plan of discourse (s), that is, along with the construction of ideas if we ought to understand the functioning of the phenomenon 'racism." Henceforth, it is possible to show the non-existence of a "Brazilian ethos" detached from the 'race relations' as it is possible to show that 'races' and or colors do not have an existence on their own, it does not have a meaning independent of the 'world of values' and the 'cultural ideas.'[41]

Afro-Brazilians and the Opportunity Structures: Education and Labor Market Outcomes.

In 1999, socio-racial inequalities in Brazil reached unprecedented levels placing the country as one of the most unequal societies in the world, according to the World Development Report for 1999-2000.[42] Ricardo Henriques, a researcher affiliated with the Institute for the Applied Economic Research (IPEA), considers that countries with similar per capita income have exhibited an overall poverty index around 10 percent in contrast to Brazil with a total index of 34 percent. As Ricardo Heriques, notes the origins and persistence of such income gap, stretched for such a long period, have somewhat "naturalized" inequality, which by extension is also colored and gendered.[43] Such a pattern:

> ...Results from a social exclusionary agreement, which does not recognize citizenship for all, whereby the citizenship of the included is distinct from those excluded, and consequently, are also distinct the rights, the opportunities and the horizons.[44]

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[40] Andreas Hofbauer, op. cit. 51-68.
[41] Ibid. page 66. (my translation)
[42] World Development Report, 1999-2000, World Bank: Washington, D.C. 2000.
[43] Ricardo Henriques. Desigualdade Racial no Brasil:Evolução das Condições de Vida na década de 90. Texto para Discussão N. 807. Rio de Janeiro:Instituto de Pesquisa Econômica_Aplicada (IPEA) Universidade Federal Fluminense (UFF):2001:1
[44] Ibid.

Ricardo Henriques also reflects that, "the naturalization of inequalities engenders in the heart of civil society theoretical, ideological and political resistance that prevents the identification and the fight against those inequalities as priorities of public policies."[45] In 1999, the IPEA revealed the parameters of racial exclusion, where 53 million people were poor, and 14 percent (22 million) were poverty-stricken. The IPEA defines "poverty line as individuals' minimum expenses with food, clothing, housing and transportation. The line of extreme poverty, or poverty-stricken refers to individuals' minimum expenses, regionally defined, and measured according to the minimum caloric intake."[46] The distribution of the two categories of people along color/racial lines was the following:

Table 2 – Poverty Line by Racial/Color Categories – 1999

Color	Lived below poverty line	Poverty-Stricken
Blacks (Pretos & Pardos)	64%	69%
Whites	36%	31%

Source: Ricardo Henriques. Desigualdade Racial no Brasil:Evolução das Condições de Vida na década de 90. Texto para Discussão N. 807. Rio de Janeiro: Instituto de Pesquisa Econômica_Aplicada (IPEA) Universidade Federal Fluminense (UFF):2001:9.

Table 2 clearly demonstrates that Blacks were over-represented by those living either below the poverty line or were under the poverty-stricken category. Translating the above percentages in absolute numbers for both categories, Blacks accounted for 33.7 million and 15.1 million people respectively. In contrast Whites in both categories represented 19 million and 6.8 million respectively.[47] The data decisively show that poverty impacts social groups differently

[45] Ibid.
[46] Ibid. p. 9.
[47] Ricardo Henriques. Desigualdade Racial no Brasil: Evolução das Condições de Vida na década de 90. Texto para Discussão N. 807. Rio de Janeiro: Instituto de Pesquisa Econômica_Aplicada (IPEA) Universidade Federal Fluminense (UFF): 2001:9.

and according to color lines, debunking previous arguments that inequalities in Brazil were mostly ascribed to class-based differences rather than any other social attributes.

Educational Attainment Levels

Inequalities as measured by education and financial rewards constitute only two concrete examples, among others, where it can be adequately investigated. Because the case studies focus on the areas of higher education and the labor market, a deliberate attempt was made to illustrate the context in which colored and gendered inequalities are produced and reproduced in these two sectors to the detriment of other areas that have been extensively studied elsewhere such as spatial segregation,[48] media[49] and political representation.[50]

A closer look at the Brazilian official censuses over the past sixty years indicates that in 1940, out of total Black Brazilian population of 14.8 million people, less than 17,000 were employed in white-collar positions, 20,000 had graduated from high school,

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[48] See for instance: Raquel Rolnick. "Territórios Negros nas Cidades Brasileiras: Etnicidade e Cidade em São Paulo e Rio de Janeiro." Estudos Afro-Asiáticos, Vol. 17, (Setembro 1989): 29-41; Raquel Rolnick. Territorial Exclusion and Violence: The Case of São Paulo. Woodrow Wilson International Center for Scholars. Washington D.C. 1999; Edward E. Telles. "Residential Segregation by Skin Color in Brazil" American Sociological Review, Vol. 57, N.2, 1992: 186-297; Edward E. Telles. "Race, Class and Space in Brazilian Cities" International Journal of Urban and Regional Research, Vol. 19, 1995: 395-406 and Teresa P.R. Caldeira. City of Walls: Crime, Segregation, and Citizenship in São Paulo. Berkeley: University of California Press, 2000.

[49] David Covin. "Black Consciousness in the White Media: The Case of Brazil" The Western Journal of Black Studies, Vol. 15, N.2, 1991: 95-102; Joel Zito de Araújo. A Negação do Brasil: O Negro na Telenovela Brasileira. São Paulo: Editora Senac, 2000.

[50] See for instance: Bolivar Lamounier. "Raça e Classe na Política Brasileira" Cadernos Brasileiros, N. 47, (Maio/Jun.) 1968: 39-50; Ana Lúcia Eduardo Farah Valente. Política e Relações Raciais: Os Negros e as Eleições Paulista de 1982. São Paulo: FFLCH-USP, 1986; Cloves L.P. Oliveira. "Os Negros Candidatos a Vereador em Salvador, em 1988. Cadernos CRH, Salvador, 1991: 94-116; Cloves L. P. Oliveira. "A Luta por um Lugar: Gênero, Raça e Classe: Eleições Municipais de Salvador-Bahia, 1992" (Série Toques). Programa A Cor da Bahia-UFBA, 1997; Ollie A. Johnson III. "Racial Representation and Brazilian Politics: Black Members of the National Congress: 1983-1999" Journal of InterAmerican Studies and World Affairs, Vol. 40, N.4, 1998: 97-118.

and 4,000 obtained a college degree.[51] Perhaps, in light of such ingrained inequalities, Brazilian officials excluded the item race or color from the census tables of 1900, 1920 and 1970.[52] Subsequently, in the official as well as in the popular social mythology, Brazil came to be perceived as a 'racial democracy' where differences based on race, color, class or gender did not exist. However, public campaigns by Afro-Brazilians activists, advocacy organizations, and research centers in Brazil were able to convince government officials to include color categories in the census of 1980.[53]

The census of 1980 revealed that 1.8 million Black Brazilians had moved up to the white-collar professions (doctors, lawyers, and accountants). Out of the total 53.3 million Blacks, 1.1 million graduated from high school and 172,000 from college. The 1980 census also pointed out that out of the total 64.5 million Whites, 4.4 million had obtained a high school diploma, and 729,000 graduated from college, contributing to 6.0 million professional and white-collar jobs.[54]

The National Household Survey (PNAD – Pesquisa Nacional por Amostra de Domicílios), published in March of 1999, reported that in 1997 illiteracy continued to disadvantage Black Brazilians. Out of an estimated total population of 157 million residents, 9 percent of Whites had never attended school, whereas 22 percent, out of almost 60 million people of African descendant fell under this bracket. On the other hand, while Whites attended six years on average of basic instruction, Blacks attended on the

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[51] George Reid Andrews. "Black Political Mobilization in Brazil, 1975-1990", in The Social Construction of Democracy, 1870-1990, edited by George Reid Andrews and Herrick Chapman. New York: New York University Press, 1995:223-224.

[52] Lilia Mortiz Schwarcz. " Nomes, Cores and Confus?o" in Racismo no Brasil. S?o Paulo: Publifolha, 2001: 67

[53] For example the campaign "Não Deixe sua Cor Passar em Branco" spearheaded by Fase, and financially supported by the Ford Foundation and the Italian Foundation Nuova Terra.

[54] Ibid. George Reid Andrews, 1995.

average only four years.[55] These percentages improved slightly from the 1991 census that registered estimates at that time of an illiteracy rate of 28 percent for Blacks against 11.8 percent of Whites.[56]

According to the 2000 census, the population 18 years of age and older accounted for almost 109 million people. This population of 81.4 percent had not finished high school, and 18.6 percent, or three million plus people, had done so. Among those who concluded secondary school, 22.7 percent, or almost 14 million people, classified themselves as Whites against 25.5 percent or 6.2 million Blacks and 10.2 percent or 45.479 thousands of Indigenous people. Asian descendants within this universe accounted for 29.7 percent or 172,340 thousand that had concluded high school. Proportionally, this latter category outperformed all, the other color/ethnic categories. In general terms, among the European descendants, 1 out of 10 graduated from college in the year 2000, contrasting significantly with African descendants and indigenous people, where only 1 out of 50 had attained similar success.[57] As for higher education, regardless of age, 83 percent or 4.5 million Whites graduated from college in 2000, while 14.1 percent or 798,772 Blacks, 0.1 percent or 7,051 Indigenous people, and 2.3 percent or 126.866 respectively Asians obtained similar success.[58]

Public universities in Brazil are free of charge; consequently, these institutions are highly competitive whereby admittance is made through entrance exams. For the most part, those who can afford to pay for private and expensive preparatory courses or who were able to attend the best private high schools manage to enter. In 1999 there were

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[55] http://\www.ibge.gov.br/English/noticias/1trim99/press1003A.HTM-Synthesis (Mar.10/1999).
[56] Ibid.
[57] José Luis Petrucelli, op. cited, pp. 7-8

1,097 institutions of higher education in Brazil, 60 were federal universities, 72 were local state-funded, and 60 were funded by local municipalities. The remaining 905 were private institutions, which according to their missions were classified as:

i) universities, which carry out the traditional missions of teaching and research at the graduate and undergraduate levels;;
ii) university centers, tertiary institutions, whose main mission is teaching;
iii) multiple faculty facilities, known as *federações* e *integradas*, non-university institutions, which offer programs in more than one knowledge area, such as social sciences and technology;
iv) singly faculty facilities, or *instituições isoladas,* non-universities, which offer programs in only one knowledge area, such as social sciences.[59]

The student population divided by color attending these institutions in 2000 corresponded to the following:

Table 3 - Percentage of Students who Attend College by Type of Institution and Color-Brazil 2000

Color	Type of Institution		
	Total	Public	Private
White	78.8	71.0	82.4
Black (Preto+Pardo)	19.2	26.8	15.8
Asian	1.3	1.4	1.3
Indigenous	0.2	0.2	0.1
Color not declared	0.5	0.5	0.4
Total	100.0	100.0	100.0

Source: IBGE: Censo Demográfico, 2000, cited in José Luis Petrucelli, " Mapa da Cor no Ensino Superior," Programa Políticas da Cor na Educação Brasileira. Série Ensaios & Pesquisas. Laboratório de Políticas Públicas: Universidade do Estado do Rio de Janeiro & Secretaria Especial de Promoção de Políticas de Igualdade Racial, Setembro de 2004:28.

Table 3 demonstrates that white Brazilians are overwhelmingly represented in higher education in Brazil whether in public or private universities. Although black Brazilians have made impressive inroads into higher education, comparing the data of the 1940s and 1980s, they are still underrepresented considering their absolute number in the total population in the country. Table 3 clearly shows the enormous gap between the

[58] Ibid. p. 26.
[59] Higher Education in Brazil: Challenges and Options. A World Bank Country Study. Washington D.C, 2002:3.

populations categorized by color.[60] When José Petrucelli analyzed the Census of 2000, he made a dreadful assessment based upon the census findings. He noted that in the year 2000, 284 thousand medical doctors identified themselves as Blacks. Annually, at least eleven thousand students graduate from the field of medicine. According to his estimates, even if all medical schools in the county reserved slots for Blacks and Indigenous populations, it would take 25 years for these groups to catch up with the White majority.[61]

Recent studies point to the segmentation of the undergraduate education whereby white Brazilians are more likely to enter more prestigious careers in comparison to black Brazilians and the indigenous populations.[62] For instance, Whites were overrepresented in the fields of Medicine, Law, Engineering, Architecture, and Foreign Relations, among others. Blacks were more likely to be concentrated in less prestigious professions, which correspond to a social hierarchy. For example, black women were overrepresented in the fields of Nursing, Education, Geography, History, Social Work and Pedagogy. Exceptions include the significant presence of Black men in the fields of Theology and in the Military.[63] The next section will briefly examine the financial rewards in relation to the career choice by color and gender.

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[60] José Luis Petrucelli, op. cited, p. 28.

[61] Ibid.

[62] Kaizô Iwakami Beltrão and Moema de Poli Teixeira. O Vermelho e o Negro: Raça e Gênero na Universidade Brasileira – Uma Análise da Seletividade das Carreiras a Partir dos Censos Demográficos de 1960 a 2000. Texto para Discussão N. 1052. Instituto de Pesquisa Econômica Aplicada. Rio de Janeiro, Outubro de 2004. See also: Delcele Mascarenhas Queiroz, org. O Negro na Universidade. Programa A Cor da Bahia/Propgrama de Pós-Graduação em Ciências Sociais da Faculdade de Filosofia da UFBA. Salvador: Novos Toques, N. 5, 2002; Moema de Poli Teixeira. O Negro na Universidade: Identidade e Trajetórias de Ascensão Social no Rio de Janeiro. Rio de Janeiro: Pallas: Ford Foundation, 2003.

[63] Kaizô Iwakami Beltrão and Moema de Poli Teixeira, pp. 35-36

Gender and Labor Market Outcomes

The past two censuses (1991 and 2000) and periodical national household surveys have consistently demonstrated that Afro-Brazilian's median earnings averaged 57 percent of the total wages in contrast to non Afro-Brazilians. This pattern of racial disparities becomes even more accentuated when gender is incorporated into the analysis. For instance, the 1989 national household survey demonstrated that women 10 years of age and older accounted for 57,756,612 million of the total population.[64] And yet only 8.79 percent of Afro-Brazilians women had 9 to 11 years of school in comparison to 15.21 percent and 25.07 percent to European and Asian descendant women.[65]

The double bond of discrimination as experienced by Afro-Brazilian women has been magnified by the fact that irrespective of the extraordinary educational achievements over the past two decades, it has not necessarily translated into financial rewards or social recognition.[66] Lovell, in a comparative study on regional inequalities has demonstrated that Afro-Brazilian women continue to fare less well either in the industrial sectors, "where men are concentrated" or in the domestic service, where women, mostly Afro-Brazilians outnumber other racial segments.[67] According to Lovell,

> Across all color groups, the wage differential was greatest by gender. The largest wage gaps were between white women and men. For example, at the highest level of schooling, white women earned less than one-half of white men's wages. A comparison of *parda* and *preta* women and men shows a similar pattern of gender differences: Afro-Brazilian women were paid less than Afro-Brazilian men were in all

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[64] Anuário Estatístico do Brasil. Rio de Janeiro, V. 54, 2-67.

[65] Pesquisa Nacional por Amostra de Domicílios (PNAD) – National Household Survey. Rio de Janeiro, 1989.

[66] Peggy A.Lovell. "Race, Gender and Regional Labor Market Inequalities in Brazil". Review of Social Economy, Vol. LVIII, N0.3, (September 2000):277-293.

[67] Ibid.,See also Maria Aparecida da Silva Bento. "A mulher Negra no Mercado de trabalho". Estudos Feministas, Vol. 3, N0.2, 1995:479.

> educational categories. These patterns of wage inequality suggest that gender inequality in wages was even greater than racial inequality.[68]

The wage gap between Afro-Brazilians and European Brazilians tends to increase in the same proportion as economic development, as measured by GDP, suggesting, "that the modern urban labor market in Brazil continues to be segregated by race and gender."[69] Illustrating such an assessment, the 1999 social indicators reported that 45 percent of total Brazilian families received on average a monthly minimum wage, or $110.00 (equivalent to U.S. dollars). Of this total, 34 percent of the European descendant families were in this category in contrast to 59 percent of African descendant families.[70] Individually, European descendants are more likely to receive five times the minimum wage on average, whereas Afro-Brazilian received just two times the minimum wages.[71]

Paradoxically, as the years of schooling increase the distance between African descendant people and other groups of color increases. Previous research has indicated that an Afro-Brazilian with 15.5 to 30 years of experience was more likely to receive $359.17 less by the end of the month in comparison to a European descendant having the same experience and educational background. Afro-Brazilians, particularly women, are more likely to receive 50 percent less income even if they present the same amount of experience and educational background than any other group.[72]

Edward Telles obtained similar findings in relation to his research on the intersection of industrialization and "race" conducted across 74 metropolitan areas based

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[68] Peggy Lovell, 2000:286.

[69] Peggy A. Lovell. "Race, Gender and Development in Brazil" Latin American Research Review, Vol. 29, N0.3, 1994:31; Peggy Lovell and Charles H.Wood. "Skin Color, Racial Identity, and Life Chances in Brazil" Latin American Perspectives, Issue 100, Vol. 25, N0.3, May 1998:90-109.

[70] Ibid.http: //www.ibge.gov.br/English/noticias/1trim99/press1003A. HTM.

[71] Ibid.

on the 1980 census.[73] The most recent available data confirm the previous gender and color gaps based on earnings in contrast to the overall labor force participation in six metropolitan regions and the federal capital, as the following tables demonstrate:

Table 4 – Percentage of the Population in the Labor Market by Color and Gender Metropolitan Regions and Federal Capital – 2001-2002

Metropolitan		Blacks			Non-Blacks	
Regions	Total	Women	Men	Total	Women	Men
Belo Horizonte	59.1	51.5	67.4	57.8	49.0	68.2
Federal Capital	64.9	58.4	72.2	61.9	55.6	70.0
Porto Alegre	57.7	52.1	64.3	58.1	49.1	68.0
Recife	53.5	44.2	64.1	52.8	44.1	63.9
Salvador	62.2	55.7	69.7	59.3	51.9	68.3
São Paulo	64.5	56.5	73.3	62.4	52.8	73.1

Source: . "Mulher Negra: Dupla Discriminação nos Mercados de Trabalho Metropolitanos." Boletim DIEESE – Edição Especial São Paulo: 20 de Novembro, 2003:4.

Table 5 – Average Monthly Earning by Color and Gender Metropolitan Regions and Federal Capital 2001-2002 (Equivalent to U$ - January 2003)*

Metropolitan		Black			Non-Black	
Regions	Total	Women	Men	Total	Women	Men
Belo Horizonte	177.14	136.57	212.57	253.14	203.71	296.28
Federal Capital	294.00	232.85	348.28	445.74	364.28	525.43
Porto Alegre	155.71	128.28	180.57	252.00	204.28	288.86
Recife	134.57	102.85	157.71	233.43	184.00	273.71
Salvador	159.14	124.28	190.85	336.86	266.57	401.43
São Paulo	182.28	141.14	216.00	333.14	256.00	394.00

Source: . "Mulher Negra: Dupla Discriminação nos Mercados de Trabalho Metropolitanos."Boletim DIEESE – Edição Especial São Paulo: 20 de Novembro, 2003: 31.
*30 January of 2003 1$ = Brazilian Real - R$3.5.
* Blacks (Pretos+Pardos) = Non-Blacks (Whites+ Asians)

Table 4 shows that between 2001 and 2002 Blacks were slightly over-represented in the labor market of the five out of six metropolitan regions. Likewise, black women had a higher participation in the labor market in all six regions in comparison to non-black women. However, in table 5, despite the greater participation in the labor market,

[72] Peggy Lovell Webster and Jeffrey W. Dwyer. "The Cost of Being Non-White in Brazil." Social Science Research, Vol. 72, 2 (January 1988): 136.
[73] Edward E. Telles. "Industrialization and Racial Inequality in Employment: The Brazilian Experience" American Sociological Review, Vol. 59, (February) 1994:46-63.

Blacks earned on average 40 to 50 percent less than their non-black counterparts. The above statistical analyses refer by and large to the private sector and to those who receive social benefits such as health care, retirement pension etc. Nonetheless, workers allocated in the so-called informal sector experience income differentials based on gender and color, whose persistence suggests a racial division of labor at work In Brazil, as studies by Nilo Rosa dos Santos[74] and Nadya Araujo Castro and Vanda Sá Barreto[75] have suggested. These studies consistently pointed out that difference in earning might be attributed to several factors such as educational achievement and type of work, but also to a degree of discrimination against Blacks. How does the public sector compare to the private sector in relation to "race"/color and gender?

Recent data on the Brazilian Civil Service profile by gender, color and occupation demonstrate that in general, Blacks are under-represented in comparison to the population economically active between ages 20 and 69. For instance, out of an estimated total population of approximately 172 million in 2002, 58 percent constituted 99.5 million people between ages 20 and 69. Men presented Forty eight million, and women represented 52 million. Including color category for these two populations, 55 million were White, 45 million were Black and 0.7 million were Yellow (Asians)[76].

In the same year, approximately 580 thousand people constituted the Civil Service. Women represented Forty five percent and men represented 55 percent. Sixty three percent was represent by Whites, Blacks represented 35 percent, and the remaining categories (Indigenous and Asians) account for 2 percent. Including the gender variable

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[74] Nilo Rosa dos Santos. Mercado Informal & Etnia. Salvador: Centro de Reflexão e Ação Étnico-Social (CRAES) 2000;

[75] Nadya Araújo Castro & Vanda Sá Barreto (orgs). Trabalho e Desigualdades Raciais: Negros e Brancos no Mercado de Trabalho em Salvador. São Paulo: Annablume Editora Comunicação Ltda., 1998.

for black and white groups, white men accounted for 35 percent, black men was represented by 19 percent, white women accounted for 29 percent and black women 15 percent.[77]

Since the Civil Service has a highly educated population, earnings across color, gender and occupation are directly related to time of employment or years of experience, even thought some discrimination might occur. The study reported that the higher the level of education, black men and women were more likely to receive comparable wages in relation to their white counterparts. Curiously, such parity referred to those hired less than 10 years ago. As the years of experience increased, such as between 10 and 19 years of employment, wage differential also increased: The highest level of wage differential regarding gender and color related to those averaging 20 and 29 years of experience, and that also correlated to level of education.

Considering white as the standard, in general, black men earned, on average, 9.3 percent less, white women earned, on average, 12.6 percent less and black women earned on average 19 percent less.[78] Even though, the Civil Service tends to be more democratic in terms of wage differential in comparison to the private sector, nevertheless, it presents some disparities that may not necessarily be attributed to education or positions occupied. Finally, the study suggests a selective brand of affirmative action in order to address discrepancies where they arise.

In summary, as a middle-income country, Brazil's educational attainment distributions demonstrate high levels of inequality with large segments of the total population having four years or less of schooling. Afro-Brazilians have even higher levels

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[76] Rafael Guerreiro Osório. Raça e Gênero no Serviço Público Civil. IPEA-PNUD, 2003.
[77] Ibid. Page 6.

of educational disadvantages in comparison with other groups. Access to higher education is even more stark in White and Black comparisons except for the very small (almost eight hundred thousand) Asians - mainly Japanese.

This evidence is, to say the least, puzzling, since basic education in Brazil is mandatory and free for all citizens. Educational attainment is the most important tool for socio-economic mobility. However, for Afro-Brazilians, higher educational attainment does not necessarily translate into socio-economic rewards as discussed in the previous pages, particularly in relation to the private sector. Statistical analysis can only tell us one part of the story. Since educational systems are part of the state apparatuses, it must be asked why such disparities continue to occur, and what the role of the state is in structuring such inequities.

The Micro-Level Domain: Subjectivities in the Production of Difference

In 1991, Philomena Essed, a social scientist in the Netherlands, published, a path breaking book entitled, Understanding Everyday Racism: An Interdisciplinary Theory, in which she presented the results of her research with black women professionals. This research she conducted in the Netherlands as well as in the United States aiming to understand the intersections of the structural and personal consequences of racism.[79]

The thrust of Essed's research was to bridge the gap between the macro and micro-structural levels of social reality. Previous conceptual formulations as "individual" and "institutional" racism did not adequately address the complexities involved in the

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[78] Ibid. p. 57-60.

[79] Philomena Essed. (a) Understanding Everyday Racism: An Interdisciplinary Theory. Newbury, London & New Delhi: Sage Publications, 1991. See also Philomena Essed, (b) "Everyday Racism: A New Approach

interactions between these two domains. Essed contended that individuals do not exist outside of institutions, and racism, as a process, is an ideological construction embedded in relations of power. Thus, the cognitive perception that establishes the notion of difference – between "us" and "them"- empower individuals as well as groups through everyday affirming racist practices, which reinforce a sense of belonging or group membership. These practices, in turn, permeate all spheres of social life, from the macro-structural level to the micro landscape of personal and interpersonal domain of social relationships. In a nutshell:

> ...Racism is a structure because racial and ethnic dominance exists in and is reproduced by the system through the formulation and application of rules, laws, and regulations and through access to and the allocation of resources. Finally, racism is a process because structures and ideologies do not exist outside the everyday practices through which they are created and confirmed. These practices both adapt to and themselves contribute to changing social, economic, and political conditions in society.[80]

These conceptual aspects raised by Essed can be illustrated by the level of cultural hegemonic control of the white Brazilian population over the Blacks, which has impacted negatively on how Afro-Brazilians perceive themselves in society. Abdias do Nascimento, a well-known Afro-Brazilian political activist and former member of Brazilian Congress, recalls that the lack of institutional incentives, such as textbooks and curriculum which emphasize the positive participation of Africans in the construction of society, is detrimental. He clarifies:

> The educational system becomes a key instrument of control in this network cultural discrimination. The material taught on all academic levels is simply the pomp and circumstance of Western Europe, and more recently of the United States. If consciousness is memory and future, where is African memory in the Brazilian consciousness? Where

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to the Study of Racism" in Race Critical Theories: Text and Context, edited by Philomena Essed and David Theo Goldberg. Maiden, Massachusetts: 2002: 176-194.

[80] Philomena Essed, (b), 2002: 185.

> and when is African history or the development of African culture and civilization taught in Brazilian schools?[81]

Corroborating with Nascimento's standpoint, Vera Figueira, a scholar who has studied the Brazilian educational system and the effects of racial discrimination on Afro-Brazilian students, calls attention to the poor appraisal white students and teachers display toward black children.[82] This factor is even more aggravated by the static approach textbooks use to portray Afro-Brazilians. Africans and their descendants in Brazil are depicted in terms of past contributions in which the realm of slavery and serfdom constitute the only social space occupied. The contemporary reality and present participation of Afro-Brazilians are practically invisible. Because of a lack of knowledge about African history in Brazil on the part of teachers, and a bias in textbook content, the values that are taught are European values and cultural aesthetics.[83]

Completely disregarded are the positive contributions of Afro-Brazilians in the realm of political activism, organizations, religions and cultural expressions. The same research informs us that low-income students, besides considering personal attributes such as beauty, intelligence, and richness to be white-related assets, also perceived that legitimate aspirations of Whites were to be doctors or engineers. On the opposite side of the scale, these students perceived Blacks as naturally inclined to be maids or cooks.

In Figueira's assessment, the circle of prejudice encapsulates students, teachers and textbooks, producing a long-term impact in the socio-economic sphere including the notion of citizenship. This state of affairs perpetuates a vicious circle of discrimination

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[81] Abdias do Nascimento and Elisa Larkin Nascimento. "Dance of Deception: A Reading of Race Relations in Brazil" in Beyond Racism: Race and Inequality in Brazil, South Africa, and The United States, edited by Charles V. Hamilton, Lyn Huntley, Neville Alexander, Antonio Sérgio Guimarães and Wilmot James. London: Routledge, 2001:86-87.

[82] Vera Moreira Figueira. "O Preconceito Racial na Escola." Estudos Afro-Asiàticos, N0. 18, (Maio 1990): 63-72.

against black children. Consequently, from the earliest age, children from the low-income households are predisposed to perceive the misconstrued rules Afro-Brazilians should play in society. However, beyond the issue of textbooks and curriculum, which are important, the early socialization processes experienced by children in the secure environment of their homes, and at the pre-schools, pre-conceived rules established the parameters of success and failure of Afro-Brazilians in society[84] as one recent study revealed.

Eliane Cavalleiro conducted an ethnographic research study in the late 1990s, with children ranging from 4 to 12 years old. The study demonstrates the devastating effect of discriminatory practices on those who learn at an early age, within the realm of their family environment, how to differentiate and hurt those perceived different from themselves. It was during classroom breaks that researchers observed how their teachers watched indifferently children's disputes and aggressive exchanges.[85] Researchers noted that teachers are equally part of the problem when they fail to intervene in those situations. Further examples attest to this assertion: On the one hand, subtle psychological damage emerges sometimes during classroom exchanges among students through negative jokes that stereotype those perceived as different. Such unfortunate events contribute to the negative impact on children's self-esteem and later development. On the other hand, the affected children either respond aggressively to the insults or withdraw in silence. Silence then becomes the unsuspected mechanism of feelings of inferiority/impotency vs. superiority/strength molding small children's socialization

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[83] Ibid. P. 64.
[84] Ibid. p. 70.
[85] Eliane Cavalleiro. Do Silêncio do Lar ao Silêncio Escolar: Racismo, Preconceito e Discriminação na Educação infantil. São Paulo: Humanitas: Contexto, 2000.

processes. Cavalleiro illustrates this point quite well in her eight month research study observing children at a pre-school:

> In one occasion, during the break time, several boys were at the bathroom. One of them told the kitchen help that Augusto, a black boy, had pissed in the bathroom sink. The woman called Augusto: "Your nasty pig! If you do that again I will put you on curfew all day long!" The boy responded with silence....

Cavalleiro continues...

> I also took notice when four children – two white boys and two black girls – were playing fighting. They were all six years old. It was visible that the boys were outsmarting the girls with theirs moves. The girls on the other hand tried to get back at them with fearful and uncertain movements. Two teachers watched everything without intervening. After three minutes of "fight" the game was over. The boys went into one direction and the girls into another. Nobody made any single comment about what had happened.[86]

Another ethnographic study with high school students, between the ages of 12 and 14, demonstrated the complexities embedded in the educational system in relation to recognition, or lack thereof, of social signifiers of difference, which in many ways contribute to a student's loss of interest in the learning process and school truancy. Ivone Martins de Oliveira conducted classroom research between June and December of 1990 about student's perceptions, interactions with others, definitions of self and identity construction.[87] Oliveira reached the conclusion that along with socioeconomic factors and gender differences, white and black students developed an elaborate set of discourses aimed at reinforcing racial stereotypes, presupposing the naturalization of differences, that is, markers of inferiority. Skin color constituted the axis of power around which the meaning of difference was articulated involving everyone in the school environment.

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[86] Ibid.

[87] Ivone Martins de Oliveira. Preconceito e Autoconceito: Identidade e Interação na Sala de Aula. Campinas: Papirus Editora, 1994.

However, the internalization of difference was by no means passive. Tension, necessity of calling attention to one, aggressive behavior or withdrawing into complete silence represented some of the defense mechanism deployed by those students perceived as different.

On the other end of the educational scale, at the level of college and post graduate education, current and former university students are beginning to tell their side of the story once they enter the institutions of higher learning. Case studies reporting incidents at federal and state universities in several states seem indicative that racial discrimination is no small accident that individuals encounter in their educational and professional trajectory. Studies are beginning to unravel that these are examples of systematic discrimination, and may in part explain why so many Afro-Brazilians students quit college after their first year of study. For instance, José Jorge de Carvalho reported dozens of cases where hostilities against Afro-Brazilian students were manifested in dismissive attitudes by professors and colleagues in classroom discussions, disqualification of their work, persecution and outright disrespect.[88]

Connecting the micro to the macro domains

The interactions between the macro and micro levels can also be exemplified by cases related to the labor market. As early as 1942, Oracy Nogueira conducted study observing newspapers job advertisements in Sao Paulo. The study revealed that potential

[88] José Jorge de Carvalho. "Exclusão Racial na Universidade Brasileira: Um Caso de Ação Negativa" O Negro na Universidade Brasileira. Salvador: Novos Toques, 2002: 79-100.

employers routinely expressed preference to white employees even though the Constitution prohibited racial discrimination.[89]

In the early1990s, two social scientists, Nadya Araújo Castro and Antonio Sérgio Alfredo Guimarães, conducted similar research in the city of Salvador in the state of Bahia. They arrived at the same conclusions as Oracy Nogueira in 1942. One should keep in mind the study was published just five years after the implementation of a new Constitution, which declared racism crime. Nevertheless, such discriminatory behavior was exercised openly, suggesting that individuals engage in discriminatory practices as long as they have the consent (real or imagined) of the group to which they belong, confirming Essed's insights.

Another difficult task of tackling discriminatory practices in the workplace refers to the invisibility of color categories in the employees' files, whether at private or in the public sector. Until recently, companies were not required to do so, and according to the employer's discretion, "race"/color categories could be filled or not. The lack of systematic data on "race"/color categories is partially attributed to the scant research on the professional trajectory of Afro-Brazilians employees. There has been a change in this type of practice since in 1992, the federal government began conducting an internal census in the civil service in order to tackle the professional trajectory of Afro-Brazilians. This is one of the reasons why in the early 1990s, Afro-Brazilian advocacy organizations engaged in a national campaign prodding the population to declare its color. For the segments involved in this campaign, an accurate census record would: a) give 'visibility' to a majority of the population lacking the proper recognition of citizenship; and b)

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[89] Oracy Nogueira. "Atitude Desfavorável de Alguns Anunciantes de São Paulo em Relação aos Empregados de Cor" In Tanto Preto Quanto Branco: Estudos de Relações Raciais. São Paulo: T.A. Queiroz,

provide policy makers concrete evidence, anchored on scientific tools, of the widespread inequalities based on race, color, class or gender affiliations.[90]

José Aparecido Monteiro, studying the professional mobility of 91 Afro-Brazilians in a public company, observed that in addition to perceived discriminatory practices, those employees also pointed to the nepotism and corporativism within the company, which prevented many Afro-Brazilians and non Afro-Brazilians opportunities for professional mobility. Those who had reached the higher echelons of the company were more likely to downplay discriminatory practices, in contrast to those at the lower levels. When discrimination occurred, many choose to forget, because in the Brazilian political culture there were no institutional mechanisms inside or outside of the companies that could address those subjective issues, even though it had concrete implications for ones life-chances.

Though one can discard these cases of subjective or systematic discrimination, or as victimization syndrome, the macro-structural implications of these anomalies may impact negatively the comparative advantage of countries such as Brazil in the global political economy. In relation to education, the worldwide campaign spearheaded by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) and other multilateral agencies, including International Monetary Fund (IMF) and the World Bank to improve the quality of education, speaks very closely to the problems faced by public education in Brazil. The international media that foreign companies operating in Brazil are pitching in to cover for the educational gap of their Brazilian employees where the

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Editor, 1985:95-124.

[90] Regina Domingues. "The Color of a Majority Without Citizenship." Conexões 4, N0.2, (November 1992a). African Diaspora Research Project. Urban Affairs Program. Michigan State University. East

public education left off has reported it.[91] Companies are helping their employees to improve basic skills in language and math in order to operate the modern machinery.[92] A cursory comparison regarding the percentage of the population who had some high school education, showed Brazil last place, out of the eight countries showcased, behind South Africa and Thailand. While those two countries registered a total percentage of 40.7 and 18.8 respectively, Brazil registered only 17.4 percent of people 10 years of age and older who had obtained a high school diploma. The United States was the top country on the list registering 91.3 percent of the total population that had some high school education, followed by Sweden, Japan, Chile, and Mexico with 79.8 percent, 67.3 percent, 46.2 and 43.5 percent respectively.

The above examples apparently confirm that structural inequalities impact negatively on African descendants in Brazil, even though there are reasons to believe that subjective criteria may have also contributed to such a state, in light of the few studies available on this subject.

Life-Expectancy and Violence

According to the National Household Population Survey of 1990, over the past 30 years life expectancy increased for Whites and Blacks in Brazil. It is noticeable that in the 1950s, Pardos and Pretos had a life expectancy of 40 years in comparison with Whites who lived 7.5 years longer. In the 1980s, the gap was almost the same. While Whites had a life expectancy of 66.1 years on average, Pretos and Pardos lived an average 59.4 years.

Lansing. MI. See also Melissa Nobles. Shades of Citizenship: Race and the Census in Modern Politics. Stanford: Stanford University Press, 2000.

[91] Diane Jean Schemo. "The ABC'S of Business in Brazil: Companies Pitch In Where Public Education Left Off" New York Times, C1, Thursday, July 16, 1998.

Since the majority of Pardos and Pretos lived in the poorest areas of the country, which are the North and Northeast regions, they are more likely to benefit less from improvements in health care and sewage systems and other urban improvements. Consequently, black children present higher rates of mortality in comparison with white children from the same socio-economic background. In addition, black children are more likely to die of violent deaths, as a result of death squads, or drug related crimes.[93]

In 1991, in the Parliamentary Commission of Inquiry, it was reported that every day at least two children were assassinated; abortion is the fifth cause of death among girls up to 13 years old. Among the boys who died of violent deaths, 82 percent were blacks (pretos + pardos). In 1991, 420 children died violently.[94] Corroborating these studies on violence, Caldeira registered in her analysis on new urban segregation in major cities the staggering data that in 1992, in the city of São Paulo 1470 civilians were killed by the police in contrast to 25 and 24 civilians who were killed by the police force in Los Angeles and New York in the United States. Evidences such as these are critically assessed by Muniz Sodré, who in a poignant article about the violence facing young Afro-Brazilians stressed ", racism not only shapes but also reflects society."[95]

The Academic Interpretation of Racial Inequalities in Brazil

The Assimilation Approaches

In the 70 years of academic production in the area of social sciences, mainly in the field of sociology, few theories became predominant in the explanation of racial

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[92] Ibid.

[93] Pesquisa Nacional por Amostragem de Domicílios, 1990; See also Charles H. Wood and José Alberto Magno de Carvalho. The Demography of Inequality in Brazil. Cambridge: Cambridge University Press, 1988: 144-153.

[94] Folha de São Paulo, Sábado, Dezembro 7, 1991:10.

inequalities in Brazil. We can distinguish three currents of thought around which uneven distribution of material and symbolic resources, intersected with color and class dimensions, characterized the Brazilian system of social stratification as reflected in the assimilation, structural, and revisionist approaches.

The assimilation approach encompasses two distinct phases. The first is identified with the early 1930s Gilberto Freyre's lusotropicalism theory.[96] The second refers to the studies undertaken during the 1940s until early 1960s by Donald Pierson (1942)[97], Thales de Azevedo (1955),[98] Charles Wagley (1963),[99] and Carl Degler (1971).[100]

In 1933, Gilberto Freyre, a former student of Franz Boas at Columbia University, published his, Casa Grande e Senzala, (The Mansion and the Shanties), which came to be praised nationally and internationally by the academic community.[101] In this book, Freyre developed the seminal concept of *"ethnic democracy."* The underlying thesis of racial/ethnic democracy stressed that in Brazil racial antagonisms, unlike the ones prevalent in the United States, did not exist because of the large-scale miscegenation that took place in Brazil for five centuries. This was attributed to the historical long-term relationship between the Portuguese and the Moors, when the latter dominated the Iberian Peninsula from the seventh to the fourteen centuries, and because of the early Portuguese trade and settlement in Africa. These previous relationships helped the Portuguese to

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[95] Muniz Sodré. "The Abomination of the Other." Conexões, Vol. 5, N0. 1, (April 1993): 9.
[96] Gilberto Freyre. Casa Grande d Senzala. Rio de Janeiro: José Olímpio Editora, 1977 (1933), and New World In the Tropics. New York: Vantage Books, 1954.
[97] Donald Pierson. Negroes in Brazil: A Study of Race Contact in Bahia. Chicago: The University of Chicago Press, 1942.
[98] Thales de Azevedo. As Elites de Cor: Um Estudo de Ascensão Social. São Paulo: Companhia Editora Nacional, 1955.
[99] Charles Wagley. Race and Class in Rural Brazil. New York: Columbia University Press, 1963.
[100] Carl Degler. Neither Black nor White: Slavery and Race Relations in Brazil and the United States. New York: The MacMillan Co, 1971.

establish a New World in the tropics, a historical process labeled by Freyre as lusotropicalism. The lack of "de jure" segregationist legislation in Brazil was the concrete evidence of such an assertion. In broader terms *"ethnic democracy"* implies that anyone in Brazil, independent of sex, class, color or religious affiliation has equal opportunity to upward mobility. If problems arise, they are more likely to reflect political differences rather than racial antagonism. This notion was clearly expressed in several of Freyre's works, such as The Racial Factors in Contemporary Politics, published in 1966.[102] It is interesting to note that Freyre uses the terminologies "race" and ethnicity interchangeably when referring to African or European descendants. Freyre did not dismiss the existence of problems among ethnic groups in Brazil, which he considered mild problems of integration of marginalized groups into the mainstream society. After all, Brazil still represented a model of ethnic democracy that should serve as an example for other multi-racial societies. Discussing the future of the Brazilian society and the remote possibility of an upsurge of racial confrontation because of the multi-racial character of the country in comparison with other societies, he argued:

> If this is happening in Brazil, then, its style or its technique of developing a new type of civilization, with evident political implications, may offer a few valuable suggestions or anticipations, if not to all, to some of the other multi-racial societies that face problems of integration similar to those that Brazil has faced, and is still facing, without becoming a victim to race-hatred or to race prejudice in its extreme or violent expressions. This style implies interpenetration of cultures, on the sociological level and, on the biological level miscegenation. It implies also such ideologies as `negritude', its narrower political-racial sense, and Indo-American, in its equally narrow political-racial sense, being superseded or supplanted by a disregard for race as a decisive or powerfully conditioning factor of political behavior.[103]

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[101] Gilberto Freyre. Op. Cit.

[102] Gilberto Freyre. The Racial Factor in Contemporary Politics, published for the Research Unit for the Study of Multi-Racial Societies at University of Sussex. MacGibbon & Kee Limited, 1966:27.

[103] Ibid.

Freyre's interpretation of movements of racial pride and racial consciousness is revealing. As suggested in the quotation above, the existence of ideologies such as **Negritude** and **Indigenismo** implies, in today's jargon, "political incorrectness" since the race factor in Brazil did not, in his opinion, influences political behavior. Moreover, he excluded the possibility of flaws in the ideal of ethnic democracy. He believed that race, as a politically conditioning factor, was far from being a reality in Brazil. Freyre gave intellectual coherence to a thought already entrenched in the minds of the power elite since the early twentieth century.

Testing the Tropical Waters of Lusotropicalism: The Macro-Structural Approaches

The image of Brazil as a racial democracy dates back from the nineteenth century and early twentieth century when foreign visitors demonstrated mixed reactions about what they considered the ultimate fluidity of social-racial relationships. From Gobineau to Theodore Roosevelt, including African American visitors, they all reached the conclusion that the extant socio-racial system in the tropics was far more benevolent in comparison to harsher systems of white supremacy exemplified by the United States, France and other European societies.[104] In the 1930s, when Gilberto Freyre's ethnic democracy thesis made headlines all over the world, in a time where fascism and Nazism were threatening the world civilization, his theorizing was an exercise of hope for the future of human kind.

Consequently, in the early 1950s, with the inception of the Cold War and the upsurge of liberation movements in Africa and Asia, the UNESCO commissioned an

international group of scholars comprised of Brazilian, French and North American specialists to uncover the positive and the negative aspects conducive to harmonious socio-racial environments. Initially, Bahia was the preferred focus of investigation but pressure exerted by social scientists resulted in the incorporation of other states as well. Aware of the different patterns of race relations in various regions of Brazil, the UNESCO project centered the focus of investigation in the Southeast and the Northeast regions that included the states of Rio de Janeiro, São Paulo, Bahia and Pernambuco.[105] The division of labor in these two regions was comprised of: a) French scholar Roger Bastide, the Brazilians Oracy Nogueira and Octavio da Costa Eduardo, in São Paulo; b) Luiz de Aguiar Costa, in Rio de Janeiro; c) Charles Wagley, in the rural communities of Amazonas and in Northeast backlands; d) Thales de Azevedo, in the city of Salvador; and Gilberto Freyre, in Pernambuco. A series of studies were published as result of the UNESCO endeavor. Several of these studies became classics in the study of race relations in Brazil. A group of scholars under Charles Wagley's leadership published an excellent book, in 1952, containing several essays reflecting patterns of race relations in rural communities.[106]

In the following year, Thales de Azevedo published a study about the upward mobility of Blacks in Salvador.[107] Contrasting the Northeast region with the ebullient industrial cities of the Southeast, in 1953, Costa Pinto exposed the contradictions of the

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[104] David Hellwig. African-American Reflections on Brazil's Racial Paradise. Philadelphia: Pa: Temple University Press, 1992.

[105] Marcos Chor Maio. "UNESCO and the Study of Race Relations in Brazil: Regional or National Issue?" Latin American Research Review, Vol. 36, Issue 2, 2001: 118-137.

[106] Charles Wagley, editor. Race and Class in Rural Brazil. Holland: Unesco, 1952.

[107] Thales de Azevedo. Les elites de couleur dans une ville brasilienne. Paris: UNESCO.

industrial development in Rio de Janeiro vis-à-vis discriminatory practices and racism.[108] In 1955, similar studies undertaken by Roger Bastide and Florestan Fernandes juxtaposed the industrialization process in São Paulo and local discriminatory patterns.[109] Fernandes would become the dean of race relation studies in São Paulo. The subsequent research projects spearheaded by Fernandes and associates came to be known among the academic establishments as the "Paulista School" as opposed to the "Bahia School" of race relations under the leadership of Thales de Azevedo and collaborators. By and large these studies informed the world audience that Brazil was no racial paradise but had social and cultural elements which could transform the society to a truly racial democracy. Even in the most relaxed atmosphere of the Northeast, Wagley, for instance, warned of the necessity of providing Brazilians with educational opportunities so they could better themselves in a society that places more weight on social attributes such as class, jobs and education rather than the exclusive burden of race. He, however, did not simple dismiss racial tensions but concluded it was not as exacerbated as in other countries.[110]

The Southeast research group reached almost the same conclusions, even though they registered more rigid patterns of social-racial interactions in Rio de Janeiro and Sao Paulo, noting the prevalence of racism. Nevertheless, the cautionary optimism with which these researchers concluded their work insisted that class constituted the main articulating principle of social stratification around which all the other variables were mere appendages. Variables such as "race" and color were considered transient inconveniences bound to disappear with the advancement of capitalist development.

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[108] Luiz de Aguiar Costa Pinto. O Negro no Rio de Janeiro: Relações de Raça Numa Sociedade em Mudança. São Paulo: Companhia Editora Nacional, 1953.

[109] Roger Bastide and Florestan Fernandes. Relações Raciais entre Negros e Brancos em São Paulo, São Paulo. Anhembi, 1955.

In the 1960s and 1970s, as previously mentioned, Florestan Fernandes became a household name, nationally and internationally, in the studies of contemporary race relations in Brazil. The expression "Brazilians have prejudice about having prejudice" is attributed to him. He conducted extensive research projects in São Paulo about Afro-Paulistas, studying their organizations, cultural and political behavior. The result was the 1965 publication of two volumes entitled: A Integração do Negro na Sociedade de Classes. The English version received the title The Negro in Brazilian Society published in 1969. The great merit of Fernandes was to uncover the extent to which discrimination was not subtle in São Paulo, as one was led to believe, based on Gilberto Freyre's studies. The solution for erasing the "weight of the past" and attendant discrimination relied on the expansion of capitalist economic development.

Fernandes advanced several theses such as: a) discrimination against Blacks was carried over from slavery, and because capitalist development required skills that the former descendants of enslaved people did not have, they were relegated to the menial jobs; b) because this segment was basically out of the social and economic development they ended up forming a sort of caste system; c) Pretos and Pardos were to be blame for not being able to compete with white Europeans, and therefore Pretos and Pardos did not take part in the bourgeoisie revolution; d) their inaptitude prevented them from seizing opportunities in the capitalist development; e) consequently, they were unfit to run modern organizations of mutual assistance, and were unfit to develop normal family lives; f) capitalist development would finally integrate Blacks into the system when the other segments had moved up in the social ladder; g) discrimination was mostly related to

[110] Charles Wagley, pp.142-153.

class rather than race.[111] This view from the left would become the common sense interpretation of race relation's studies in Brazil until the 1970s.

Intrigued by the extensive miscegenation processes, Charles Wagley, endorsing Pierson and Freyre in their overall interpretations of Brazilian society, advanced the concept of "social race" in order to account for the perception that Brazilians discriminated more on the basis of class rather than race as in the United States. A few years after Wagley's study another North American, Carl Degler, advanced the *mulatto escape hatch* thesis, which gained wide currency among scholars. As previously explained, such a standpoint emphasized the opportunity structure available to those of mixed ancestry. According to this thesis, upwardly mobile mixed background people willing to assimilate into the European Brazilian value systems would downplay their racialized identities in order to accommodate themselves within the dominant structures.

Critical Standpoints

Criticizing the above perspective twenty years later, the Afro-Brazilian sociologist, Eduardo de Oliveira e Oliveira called attention to the entrapments of language, since "mulatto escape hatch" could either indicate an easy exit or an entrapment into the system of inequalities revealing the complexities of the "mulatto" as an etymological category.[112] Oliveira e Oliveira was not alone in his assessment. In 1954, Guerreiro Ramos, another sociologist from a previous generation and also an Afro-Brazilian intellectual, abhorred the sociological generalizations espoused by Brazilians,

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[111] Florestan Fernandes. "The Weight of the Past" in Color and Race, edited by John Hope Franklin. Boston: Houghton Mifflin Company, 1968:282-301;

[112] Eduardo de Oliveira e Oliveira. "O Mulato, um Obstáculo Espistemológico" Argumento, Vol. 1, N0.3 (Janeiro 1974): 65-73.

Europeans and North American scholars in relation to racial inequalities.[113] Ramos considered the Brazilian sociology of the 1950s and 1960s to be in crisis primarily because the categories of analysis deployed by mainstream scholars, for the most part, did not correspond to the local reality. According to him, the analytical tools were transplanted from other societies at the whim of intellectuals' representative of the power elite, and the studies they produced were consequently outdated and out of place. It is interesting to note his position on this subject:

> Sociology in Brazil, particularly the 'official' and the most celebrated in circle of 'experts' is outdated. Partially because such a state reflects the current state of European and North American sociology, in light of the progress of philosophical ideas in the last forty years and the new image in the world. As our sociologists take too seriously and at face value the foreign sociology, the outdated process increases. Furthermore, our sociology is currently outdated considering the particularly problematic of the Brazilian society, lost in the investigation of pseudo-problems, lesser questions, such as "assimilation," "community structure," "lusotropicology," "the mansions and the shanties," ...or certain themes treated as thesis, pregnant with erudition, and lacking any urgency, necessity or functionality.[114]

It is obvious that in his nationalist fervor, Ramos was alluding to Gilberto Freyre, Arthur Ramos, Donald Pierson and others. Guerreiro, like Freyre and Assessed considered Brazil to be one of the most racially democratic societies in the world, despite the existence of discrimination. Unlike Freyre and others, he concluded there was no "Negro problem" in Brazil, except for the pathology of Whites, who were willing to fabricate one as a pre-condition to conceal their racial privilege. In this sense, he perceived as a mistake and danger to interpret in racial terms "the tensions derived from

[113] Guerreiro Ramos. "Guerreiro Ramos e a Descida aos Infernos" In Introdução Crítica à Sociologia Brasileira. Rio de Janeiro: Editora URFJ, 1995: 263-267.
[114] Ibid. p. 265.

the relationships between metropolis vs. colony and capital vs. labor." [115] Even with a growing national and international recognition, when the military sized the power structures in 1964, Guerreiro Ramos was sent into exile. Thanes de Azevedo and Carl Degler, important social scientists, endorsed the idea of racial democracy while at the same time pointed to the existence of discriminatory practices.

Renewing Structural Inequality Analysis: Intersecting Structure and Culture

Carlos A. Hasenbalg and Suellen Huntington have argued that racist practices entrenched in social institutions have precluded generations of Afro-Brazilians from achieving equality and opportunity in education, housing and income. Refuting "the legacy of the past" theory as the primary cause of the actual conditions of racial inequality, these scholars have suggested that the social construction of race is fundamentally related to the system of domination and subordination in which individual's social status is assigned. In the case of such racially-structured social formation as the Brazilian society:

> ...Racism, through discriminatory practices and cultural stereotyping of roles appropriate for blacks, perpetuates an unequal structure of social opportunities for whites and non-whites.[116]

In the 1970s and 1980s a new stream of Brazilian and Brazilianist scholars took on the task of re-interpreting racial inequalities under new microscopic lenses. In 1971 Anani Dzidzienyo wrote a masterpiece on the position of Blacks in Brazilian society. The point of departure for his questioning was to understand under what conditions and circumstances Brazilians were able to maintain a highly stratified society by color,

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[115] Guerreiro Ramos. " Política de Relações de Raça no Brasil" In Introdução Crítica à Sociologia Brasileira. Rio de Janeiro: Editora URFJ, 1995:250.

without the support of legislative measures as in the United States and South Africa. Dzidzienyo, a political scientist by training, was one of the first scholars of the new generation who skillfully juxtaposed structural analysis – measured by educational achievements, social mobility and political representation - and the political culture – as manifested by the communicative sphere of local "etiquette of racial relations."

In the years to come his initial inquiries would become a classic in the contemporary studies of racial politics in Brazil.[117] Dzidzienyo recognized in 1971 what North Americans would realize at the dawn of the twenty-first century: widespread discrimination can thrive in a social context independent of a state-sponsored system of discrimination. Dzidzienyo in his puzzlement with the Brazilian social "etiquette of racial relations" noted:

> The black Brazilian's position in white-dominated Brazil differs from that of blacks in similar societies elsewhere only to the extent that the official Brazilian ideology of non-discrimination – by not reflecting the reality and, indeed, by camouflaging it – achieves *without tension* the same results as do overtly racist societies.[118]

Dzidzienyo's study gained wide currency among research specialists on the contemporary racial politics and dynamics in Brazil, even though the italicized expression – *without tension* - can be disputed in light of recent scholarship on state and civil society violence.[119]

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[116] Carlos Hasenbalg and Suellen Huntington. " Brazilian Racial Democracy: Reality or Myth?" Humboldt Journal of Social Relations, Vol. 10, N0.1, (Fall/Winter 1982/83): 135-136.

[117] Anani Dzidzienyo. The Position of Black in the Brazilian Society London: Minority Rights Group, 1971.

[118] Ibid. p. 7

[119] See for instance, the recently released National Report on Violence by Fire Arms in Brazil (Relatório Nacional Violência por Armas de fogo no Brasil) organized by Maria Fernanda Tourinho Peres. Núcleo de Estudos da Violência. Universidade de São Paulo, 2004.

By the end of the 1970s an Argentinean naturalized Brazilian, Carlos Alfredo Hasenbalg,[120] systematized statistical data analysis demonstrating the limits of the opportunity structures available for Afro-Brazilians. Such limits were characterized by narrow patterns of social mobility, whereby negligible financial returns, regardless of educational achievements, condemned Afro-Brazilians into a "structure of cumulative disadvantage" vis-à-vis European Brazilians.

Contrary to his predecessors from the structuralist school of thought, Hasenbalg did not believe that capitalist industrial development would ultimately absorb the most unfavorable sectors of the population into mainstream society. The opposite could be true, since the Brazilian model of capitalist development coexisted *pacifically* with racism. Additionally, this author set out to demonstrate that the contemporary conditions of structural inequalities plaguing Afro-Brazilians were not residues from past slavery.

As society entered a new phase of industrial development, racist and discriminatory practices were re-articulated in order to rationalize the evolving stratification system. In his opinion, racist ideologies based on the principle of white supremacy, along with a political culture of 'pigmentocracy', that is based on the color continuum, which emphasizes the lighter the better, cemented the ongoing pattern of racial inequalities. Though this system may have slightly favored some light skin Brazilians, by and large, mixed ancestry people were/are more likely to be accommodated within the social rungs occupied by the majority of Blacks rather than constituting an intermediary category closer to Whites.

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[120] Carlos A. Hasenbalg. Discriminação e Desigualdades Raciais no Brasil. Rio de Janeiro: Edições Graal Ltda., 1979.

Interesting enough, Hasenbalg reached some conclusions similar to those advanced years earlier by Dzidzienyo. For instance: a) Dzidzienyo, noted that the power elite was able to maintain a system of racial domination without tension, and Hasenbalg inferred that the same system coexisted pacifically with racism; b) Dzidzienyo emphasized the fact the Afro-Brazilians, during the early 1970s did not benefit, ideologically, from the civil rights movement and other movements of liberations that were taking place in the continents of Africa and Asia.[121] Hasenbalg, argued that Afro-Brazilians were not able to develop mass protest social movements in order to challenge the prevailing status quo.[122] When those movements emerged in the 1930s, Hasenbalg considered them of low impact, short duration and incapable of inaugurating a tradition of a strong protest movement.[123] He notes that the only anti-discriminatory law issued in 1950 was implemented in response to an incident of racial discrimination involving an U.S. citizen. Still, the power elite was able to "smoothly maintain" that system of domination because of three interrelated factors: 1) cooptation of the upper mobile members of the Afro-Brazilian population, mainly people of mixed ancestry; 2) ideological manipulation that maintained an unequal system while allowing the displacement of symbolic integration on occasions of national festivities; 3) using or threatening to use repression, if necessary, in the same way the state apparatus controlled the larger population. Hasenbalg's '*smooth*' maintenance of a system of domination resembles Dzidzienyo's expression of racial relations '*without tension.*'

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[121] Anani Dzidzienyo, p. 3.
[122] Carlos A. Hasenbalg. Op cited. Pp. 223-225, and 256-260.
[123] Ibid. p. 224

Unquestionably, Hasenbalg and Dzidzienyo inaugurated the most critical perspectives on the state of race relation's studies in Brazil. However, their reflections did not contemplate the possibility of human agency by the subordinate groups, since it seems they indirectly bestow upon the shoulders of Afro-Brazilians the burden of challenging and changing the forces of domination and super exploitation. Though Hasenbalg mentioned forms of repression that kept the "*pacific*" Brazilian system of race relations intact, he did not elaborate further on that, even when he explicitly noted that repression was extensive to the larger subordinate population.

If one takes into consideration that from 1889, when the republic was inaugurated as a system of governance, up to today, 116 years went by, out of which 76 were under the auspices of non -democratic regimes. Therefore, without a system of political democracy, how is it that the institutions that shape society and support those regimes could possibly be democratic, and by extension, how a regime of 'racial democracy' could ever exist under such circumstances? As recent historical records have shown,[124] without major revolutionary impulses, Afro-Brazilians as integral part of the civil society have been able to articulate their grievances according to the political and institutional mechanisms available to them, as well as to the larger society. That was the case in the 1920s and 1930s and by the end of the 1970s onward. Though structural and revisionist studies of race relations greatly enhanced our understanding of the Brazilian situation, they did not leave an open door that one could use to predict the changing meanings of race and racial politics articulated by segments of the Afro-Brazilian population and

[124] George Reid Andrews. Blacks and Whites in São Paulo, Brazil, 1888-1988. Madison: University of Wisconsin Press, 1991.

sympathizers. The lack of a dialectic approach compromised in part the early analysis by structural and critical-revisionist scholars of race relations.

Remnants of the old generation of critical perspective analysts, and a new generation of students of racial politic and dynamics have captured the gaps in theoretical formulations. Among the new generation of Brazilianist sociologists, Howard Winant formulates the theory of racial formation as a tool to explore the transnational character of "race" as a local and global phenomenon. Howard Winant, departing from the Gramscian approach to the study of hegemony studies, "race" in a context of dialectical processes whose social meanings are constantly articulated and re-articulated over periods of time by both dominant and subordinate groups, whereby "institution and interpretation, structure and culture, society and self are concretely linked,"[125] Hence, articulation implies a level of political contestation and competing projects of social signification. Briefly, racial formation is understood as:

> ...A *process* precisely because the inherently capricious and erratic nature of racial categories forces their constant rearticulation and reformulation – their social construction – in respect to the changing historical contexts in which they are invoked.[126]

Winant's theoretical framework enhances the previous perspectives because it allows the understanding of the changing meaning of race in Brazil, and the ongoing political articulation of its significance by both the power elite as well as by politically active segments of the Afro-Brazilian population, who over the past decade and a half have defended the implementation of race-based public policies as mechanisms to decrease the actual conditions of racial inequalities in Brazil.

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[125] Howard Winant. "Racial Formation and Hegemony: Global and Local Developments" in Racial Conditions: Politics, Theory, Comparisons. London & Minneapolis: University of Minnesota Press, 1994: 111.

Thus, the literature on racism and discrimination have been divided into subfields of specialization where the macro-structural analyses are juxtaposed to the social psychological approaches informing individual/collective impulses to discriminate, as well as the individual/collective responses to the phenomenon. Unlike the U.S. and European scholars, Brazilian sociologists specialized on "racial politics and dynamics" have not benefited from the latest theoretical developments beyond their fields of specialization. U.S. economists have advanced conceptual models such as discrimination based on taste and urban economics theory in order to account for the evolving perception of discrimination.[127] Seemingly, analytical interpretations based on "group dominance" theories, and attendant subfields such as group conflict theory, group position theory and social dominance theory have offered new insights that could greatly contribute to the understanding of the realities of racism in the Brazilian society. Suffice to say that the point of convergence of these theories relates to the role of ideology in explaining group subordination. Though the Gramscian approach to ideology is highly diffused in the Brazilian academy it is understudied in the field of race relations.

In summary, this chapter explored the limited opportunity structures available to large segments of the Afro-Brazilian population in the areas of education, the labor market and life expectancy based on socio-demographic data and brief ethnographic accounts. The complexities involved in the structuration of inequalities for generations included historical factors circumscribed in time and space. Since the UNESCO research program in 1954 several studies have attempted to give theoretical coherence to the phenomenon. Explanations ranging from the assimilation, macro-structural to critical-

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[126] Ibid.

revisionist approaches have partially explained social-racial inequalities in Brazil. The same assessment could be extended to statistical analysis, which tells us only one part of the story. The rigidity of numbers does not explain the qualitative variations between and among the same social-racial groupings, nor are they safe predictors of processes of social change. The socio-demographic data presented in this chapter give us only a glimpse of an emergent Afro-Brazilian middle class. And yet there is a paucity of studies that capture such variations in Brazil even though the global market economies have already paid attention to the potential purchasing power of 8 plus million people of African ancestry.[128] The limits and opportunities that analyzes based on consumer power have yet to be fully accessed. However, considering the pervasive interpretation that Afro-Brazilians are by and large poor, the next question is how have these group of people succeeded despite the limited opportunity structure available to them? Obviously, in Brazil, the field of studies on racial politics and dynamics is underdeveloped. In this sense, I relied on Philomena Essed's theorization of "everyday racism" in order to provide a partial, but more balanced perspective of the macro and micro domains of social reality, whereby one enforces the perpetuating 'cumulative structures of disadvantage.' The next chapter focuses on the role of state and the formulation of social policies.

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[127] Marco Fugazza. "Racial Discrimination: Theory, Facts and Policy." International Labour Review, Vol, 142, N0. 4, (2003): 507-542.

[128] Miriam Jordan. "Marketers Discover Black Brazil – Despite Their Huge Numbers, Blacks Are Just Emerging As Distinct Consumer Group." New York: Wall Street Journal, November 24, 2000; See also Daniela Pinheiro, "A Classe Média Negra," Veja Ano 32, N0.3, 18 de Agosto, 1999; Rodrigo Cardoso e Laura Capriglione, "A Cor do Sucesso," Veja, 24 de Junho, 1998..

CHAPTER 2

"Race", the State and Social Policies in Brazil

Introduction

This chapter seeks to explain how "race" has been one of the most important factors in the structure of nation building and citizenship. Immigration, education and census policies, among others, constitute three concrete examples in which racial ideologies have been systematically articulated and implemented in public policies. Hence, a state-centered approach is pursued in order to render visibility to the challenges, and subsequent re-articulations of state policies by civil society sectors. The ensuing discussions are organized as follows: First, I discuss the alleged neutrality of the Brazilian state on matters of "race" by pointing out the formulation of social policies embedded in racialist frameworks. Second, I expose the contradictions of the ideology of racial democracy, which emerged within such a context; Third, I shift attention to the census policies and its attendant racial classifications at which point the intermediary census category – Pardo – has become the articulating principle of discourses on inclusion and exclusion. I conclude this chapter by addressing the latest developments in the implementation of race-based social and public policies, despite the extant conflicting racial/color categorizations and the lack of consensus as to what constitute affirmative action policies.

The "Sleight of Hand" of the State and the Racial Question

> The real challenge for the student of racial ideology in Brazil, however, is to recognize that the apparent absence of an elaborate racial terminology does not mean the absence of racial meanings.
>
> Sidney Chalhoub[129]

> ...their failure to act, their failure to make decisions, is itself an act that is often of greater consequence than the decisions they do make.
>
> C.Wright Mills[130]

It would be misleading to assert that the Brazilian State, throughout its modern history, had a neutral position in the racial question. Research on early urban renewal and health care efforts,[131] immigration[132] and education policies[133] have been historically pregnant with racial overtones, creating significant exclusions based upon the conditionality of citizenship. The opening quote by Sidney Chalhoub exemplifies the extent to which racism, since the nineteenth century, has been an important component of public policies even though the written text of such policies have rendered this factor invisibility. In this sense, the sub-text of racist expressions is manifested through neglect or absence of explicit actions to correct perceived social problems, which is so well characterized by C. Wright Mills reflections on the power elite and its ability to promote social inclusion or exclusion, as the second quote reveals.

Analyses of racial inequalities in Brazil produced over the past fifty years have rarely addressed the role of the state in structuring inequalities. For the most part, studies dedicated to these subjects fall either into the structural-Marxist approach or into the

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[129] Sidney Chalhoub, "The Politics of Disease Control: Yellow Fever and Race in Nineteenth Century Rio de Janeiro" Journal of Latin American Studies, Vol. 25, 1993:460.

[130] C. Wright Mills, The Power Elite. London, Oxford & New York: Oxford University Press, 1956: 3-4.

[131] Teresa Meade, "Civilizing Rio de Janeiro": The Public Health Campaign and Riot of 1904," Journal of Social History, Vol. 20, N. 2, (winter 1986): 301-22;

[132] Jeffrey Lesser, "Legislação e Dissimulação Racistas no Brasil (1920-1934)" Arché, Vol. 3, N. 8, 1994:79-98;

cultural interpretations, whereby social-racial inequalities are couched within a culturalist standpoint, such as the "culture of poverty" framework. As a consequence the economic realm seems to be divorced from the socio-political realm, and when the cultural is incorporated in the economic analysis, the former is interpreted as an appendage to the latter.

Because of such circumstances, social critics, scholars, journalists and mainstream public opinion makers accommodated themselves within the parameters of the "racial/ethnic democracy thesis," reinforcing the state's absence of restrictive racial legislation. It would not be unrealistic to infer that the state and civil society came to be perceived as two separate entities. In the context of civil society "race" has been a major issue indeed.

This is by no means an exclusive feature of the field of sociology of race relations in Brazil. In the United States much of the same problems have been acknowledged by social scientists. Jack Niemonen, for instance, in his critical appraisal of William Julius Wilson's works, advances a similar argument, noting that the sociological literature on "race" has not produced an adequate epistemological account of the state in structuring in the African Americans life-chances and opportunities. According to him, there is a theoretical incongruence in the sociological analyses produced in the United States, which separates the economic from the sociopolitical realms rendering the role of state invisible.[134] Considering the state as comprised of conflicting and contradictory class interests, ruled by formal structures and embedded in a particular set of values,

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[133] Jerry D'Avila, Diploma of Whiteness: Race and Social Policy in Brazil, 1917-1945. Durham & London: Duke University Press, 2003.

determining the selectivity of how and when policies ought to be implemented, including those related to the repressive state apparatuses, Niemonen summed up:

> The state is not a neutral arbiter; it is *simultaneously* an object, product, and determinant of race-class interactions understood within the context of (1) the contradictory imperatives of capital accumulation and legitimation, and (2) the degree to which the apparatuses of the state are at any point in time in the hands of various factions of the capitalist class. Contradictory imperatives structure opportunities available to the capitalist class. By virtue of its historically specific influence in the state, the capitalist class structures opportunities available to racial and ethnic minorities, as well as the majority. Although these statements incorporate contradictory views (structuralist and instrumentalist), they might be interpreted to represent different tendencies within the state as a set of relations.[135]

The above explanation on the functions of the state - to which I also subscribe - is illustrated by one astute observation made by Michael Mitchell, a Brazilianist, who suggested that since the inception of the republican constitution in 1891, to the last one adopted in 1988 and reformed in 1998, the racial problematic has always been either implicit or clearly stated.[136] For example, the absence of segregationist legislation did not preclude state partiality and racial preference policies toward European groups. Such was the case with the immigration policies from 1890 to 1937 as studied by Vainer and Skidmore.[137] Under decree No.528 of June 28, 1890, any group of people could enter the country, except criminals; applicants from Asia or Africa required authorization of the National Congress.[138] In 1921, project No. 291 went further regarding immigration from

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[134] Jack Niemonen. "The Role of State in Structuring Race Relations" in Race, Class, and The State In Contemporary Sociology: The William Julius Wilson Debates. Boulder & London: Lynne Rienner Publishers, 2002.217.

[135] Ibid. pp. 226- 227.

[136] Michael Mitchell "Race, Legitimacy and the State in Brazil" AfroDiaspora, Vol. 2, N. 4, 1984:111-116.

[137] Carlos B. Vainer. "Estado e Raça no Brasil. Notas Exploratórias." Estudos Afro-Asiáticos, Vol.18 (Maio 1990):103-118; Thomas E. Skidmore. Preto no Branco: Raça e Nacionalidade no Pensamento Brasileiro. Rio de Janeiro: Paz e Terra, 1976:70-94.

[138] Carlos B. Vainer, op. Cit. p. 106

Africa to explicitly prohibit the entrance of any black people into Brazil, which targeted potential black immigrants from the United States and the Caribbean.[139]

This episode provoked heated debates in Congress and in the press between those who condemned racialist policies on moral and religious ground and those in favor of restrictive legislation,[140] a proposition that was halted in the Senate. New attempts to restrict Asian immigration were tried in 1923 with the submission of project No. 391 of October 22,1923, which refined even more the project of 1921. It regulated Asian immigration to Brazil stressing that only 5 percent of the people in this category could enter the country annually.[141] Again, the attempt failed due in part to landowners' pressure in securing a steady flow of surplus labor from Asia.

With the advent of a new political regime, also known as the Estado Novo (New State Regime) in 1930, under the leadership of Getúlio Vargas, immigration policies continued to prevent selected immigrants from entering Brazil, particularly those under the category of undesirable people. In addition to Africans and African descendants, Jews, prostitutes and disabled people, were listed in this category. The diplomatic offices through the issuance or denial of passports would have implemented these "de facto" restrictive policies.[142]

In addition to immigration policies, the Constitution of 1934 endorsed the values of eugenic education in forming the "new Brazilian man." Article 138, item (b), in practical terms implied that, in certain areas of public administration, such as public

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[139] Ibid. p. 107.
[140] Tiago de Melo Gomes. "Problemas no Paraíso: A Democracia Racial Brasileira Frente a Imigração Afro-Americana (1921): Estudos Afro-Asiáticos, Ano 25, N. 2, 2003:179-373.
[141] Ibid.

school systems, European descendants would receive preferential treatment in the allocation of jobs and social rewards.[143] Thus, from elementary education to secondary schools, spatial segregation conferred the "diploma of whiteness" to upwardly mobile Brazilians.[144] This policy was set in motion through spatial segregation based on social class and the physical separation of blacks from white students. Albeit explicit, a written segregationist legislation would betray the country's nationalist propaganda of a racial democracy to paraphrase Leslie Rout, "the sleight of hand" of the state had obscured the reality of race relations in Brazil to the point of denying its existence.[145]

The Estado Novo regime was populist in its rhetoric, protectionist in its first labor legislation, but repressive towards political rights. Yet, in 1931, Afro-Brazilians successfully established The Frente Negra Brasileira (Brazilian Black Front), the first civil rights organization in São Paulo aimed at promoting social justice and fighting against discrimination faced by black Brazilians. In 1937 the Brazilian government, which abolished all political opposition groups in the country, nonetheless banned it.[146]

A few years later, in 1946, Abdias do Nascimento, an Afro-Brazilian scholar and activist, proposed to the National Constituent Assembly several measures to end discrimination against Afro-Brazilians, including proposals of federal scholarships for high school and college students. These proposals were the result of the National

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[142] Jeffrey Lesser. 'Migração e Mutações Conceituais da Identidade Nacional no Brasil durante a Era Vargas' Revista Brasileira de História, N0. 28, 1994:121-150; Jeffrey Lesser. ' Legislação Imigratória e Dissimulação Racistas no Brasil (1920-1934)' Arché, Vol. 3, N0.8, 1994:79-98.

[143] Jerry D'Avila., 2003.

[144] Ibid.

[145] Leslie B. Rout Jr. "Sleight of Hand: Brazilian and American Authors Manipulate the Brazilian Racial Situation, 1910-1951." The Americas, Vol. 24 (April 1973): 4 71-88. See also Leslie B. Rout Jr. "Brazil: Study in Black, Brown and Beige" in African-American Reflections on Brazil's Racial Paradise, edited by David J. Hellwing. Philadelphia: Temple University Press, 1992: 182-197.

Convention of Black Brazilians, which was held in Sao Paulo, in 1945.[147] The majority of Congressmen who emphasized the non-existence of discrimination in Brazil bluntly dismissed his proposals.[148]

In spite of it, five years later, the Afonso Arinos Law N.1390 of 1951 was decreed to prevent racial discrimination in hotels, restaurants, and department stores. Some have argued that the law was issued in response to the discriminatory practices perpetrated against the famous African American dancer, Kathryn Durhan, who was denied accommodations at Hotel Esplanada on her trip to São Paulo city in the same year. Highly publicized by the local media, the incident provoked the attention of the international media that criticized the contradictions between official rhetoric in selling the country as a racial democracy and the crude reality of racial discrimination faced by dark skinned people. After the implementation of the Afonso Arinos Law in 1951, until its demise in 1988, when it was substituted by more severe anti-discriminatory legislation, not a single person was jailed or sentenced for acts of racial discrimination.[149]

In the drafting of the new Constitution in 1989, Afro-Brazilians were more successful in introducing the law N 7.716 of January 05, 1989, which criminalized discriminatory practices on the basis of race and color. Law N. 7.716, also known as Caó

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[146] Thomas E. Skidmore, "Race and Class in Brazil: Historical Perspectives" in Race, Class and Power in Brazil, edited by Pierre-Michel Fontaine. Center for Afro-American Studies: Los Angeles: University of California, 1985:19-20.

[147] George Reid Andrews. Blacks in São Paulo, 1888-1988 op. cit. p. 159.

[148] Abdias do Nascimento. Brazil: Mixture or Massacre? Dover, Massachusetts: The Majority Press, 1989:X.

[149] Thomas E. Skidmore. Black Into White: Race and Nationality in Brazilian Thought New York: Oxford University Press, 1974:212.

Law, was named after an Afro-Brazilian journalist Carlos Alberto de Oliveira.[150] The number of regulations of law 7.716 reveals the extent to which racial discrimination constitutes a crime against human rights. Notwithstanding, racial discrimination exists and permeates all levels of society. For instance, there is no legislation that prohibits Afro-Brazilians from entering the Naval Academy or the Rio Branco School of foreign relations. However, it has been reported that, until recently, the internal red tape within the institutional apparatus of the state precludes the admission of Afro-Brazilians into these ranks. Commentators of socio-racial Brazilian reality may interpret events such as these as consequence of the social practices deriving from the cultural ethos and competition among groups of people independent of the state.

Finally, within months before the World Conference against Xenophobia, Racism and Intolerance, which was held in Durban, South Africa in 2001, selected state agencies began to announce gradual implementation of a quota system in order to guarantee a fixed percentage of federal jobs to Afro-Brazilians.[151] Quota systems have been equated with affirmative action programs. Thus, in September of 2001, representatives of the Ministry of Agrarian Development announced in Durban, South Africa its first affirmative action program. In December of the same year the Ministry of Justice took similar initiatives.[152]

In 2002, the Ministry of Culture along with the Ministry of Foreign Relations took similar steps when it announced its version of an affirmative action program. Instead of

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[150]Abdias do Nascimento and Elisa Larkin Nascimento. "Reflections on the Afro-Brazilian Movement, 1938-97."Beyond Racism: Embracing an Interdependent Future. Atlanta, GA: The Southern Education Foundation, 2000:112.

[151] Márcio Senne de Moraes. " Brasil deve propor Ação Afirmativa na ONU." Folha de São Paulo, Março 14, 2001.

reserving 20 percent of jobs in the diplomatic body to Afro-Brazilians, the Ministry opted instead to provide substantial scholarships to twenty Afro-Brazilians selected from a pool of more than 400 potential candidates. The selected candidates would then compete for a slot with other candidates in the final entrance exam.[153]

From 2002 to 2004, thirteen federal and state universities have adopted a quota system, whereby 20 to 40 percent of slots have been allocated to Afro-Brazilians, as designated by the census to be Preto and Pardos. In Chapters 5 and 6 the discussions on affirmative action and diversity policies and programs will be further developed.

"Racial Democracy" and Racial Cleansing: Two Sides of the Same Coin?

During much of Brazilian historical development "racial democracy" is closely associated with the notion of "racial cleansing," elaborated since the middle of the nineteenth century and the abolition of slavery, when specific situations of social/racial conflicts and political crisis were prevalent.[154] Silvio Romero, a renowned literary critic, and one of the most prominent social thinkers of the period (1890s to the 1920s) predicted that within 50 to 100 years the Brazilian population would resemble white Europeans in its physical make-up. Similar opinion was held by Dr. Jean Baptiste de Lacerda, director of the National Museum of Rio de Janeiro, who attended the First Universal Race Congress at the University of London in 1911 as the representative of the Brazilian government. In the speech he delivered he stated:

> "The influence of sexual selection, however, tends to neutralize that of atavism, and removes from the descendants of the métis all the

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[152] Luciana Jaccoud and Nathalie Beghin.Desigualdades Raciais no Brasil: Um Balanço da Intervenção Governamental. Brasilia: IPEA (Institutos de Pesquisas Econômica Aplicada), 2002:145-147.
[153] Ibid. p.58.
[154] Ibid.

> characteristics features of the black race. In virtue of this process of ethnic reduction, it is logical to expect that in the course of another century the métis will have disappeared from Brazil. This will coincide with the parallel extinction of the black race, left to himself, began to abandon the centers of civilization. Exposed to all kinds of destructive agencies, and without sufficient resources to maintain themselves, the Negroes are scattered over the thinly populated districts, and tend to disappear from our territory. The mixed population of Brazil will, therefore, present a very different aspect in another century from that which has today. The current of European immigration is increasing every day, the white element of the population will after a time displace the elements which might retain any of the characters of the Negro. Brazil will then become one of the chief centres of civilization in the world."[155]

Could such a statement imply a gradual and conscious genocide of the Afro-Brazilian population? Thus, Silvio Romero and Jean Baptiste de Lacerda shared similar perspectives, which were elevated to scientific status 20 years later with the "racial democracy thesis." The sub-text of the mestiçagem ideal implied the progressive biological and cultural amalgamation of the non-white segments into the white European population. The biological amalgamation was also called the process of **branqueamento (whitening)**. The advocates of such a process foresaw the disappearance of the African and Indigenous components within the European population. One could argue that the whitening ideal was the Brazilian way of applying eugenic principles to its last consequence. Melissa Nobles comments regarding the 1920 census suggest a case in point. In the long preface, which was published later on as a separate book, Oliveira Vianna explained that the "aryanization of the country was under way," and that "within mestiço groups the "quanta of barbaric bloods" were decreasing, while the quantum of "white blood" was increasing, each time redefining the Brazilian race."[156]

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[155] Dr. Jean Baptiste de Lacerda. "The Métis, Or Half-Breeds, of Brazil" in Papers on Inter-Racial Problems, presented at the First Universal Race Congress, at the University of London, July 26-29, 1911, published by P.S. King & Son, London, Orchard House, Westminster - England, and by World's Peace Foundation, Boston, USA, p. 382.

[156] Melissa Nobles. "History Counts: A Comparative Analysis of Race/Color Categorization in U.S. and Brazilian Censuses. American Journal of Public Health, 90, N. 11, 2000:1743.

Studying the complexities of Brazilian socio-racial formation and the racial thought of this early period, Ortiz advanced the circumstances whereby the process of blending of "races" takes place. Analyzing the cultural dimensions of such a process he posited that cultural amalgamation implied the expropriation of some cultural symbols of the underlying populations (African and Indigenous) through the appropriation of religious norms, music, food, medicine and organizational forms into the mainstream society, but without the racial component attached to it. Renato Ortiz expresses this view on this particular subject in the following terms:

> ... The social conditions were now different. The Brazilian society was no longer in the transitional period. The course of the development was clear and even the state tried to orient such a change. The myth of the three races became, then, tangible and manifested itself as a ritual. The ideology of mestiçagem that was locked up into the ambiguities of the racial theories became re-elaborated and became socially diffuse to the point of becoming common sense. And it became ritually celebrated in the daily experiences or in the major events as the carnival and the football. What once was mestiço became national.[157]

Ortiz's reflection on the cultural amalgamation through the ideology of **mestiçagem** laid the groundwork for understanding how ideological and cultural mechanisms contribute to the process of whitening. Ortiz's reflections suggest that the Mestiço, Pardo or Mulatto became one important means through which the articulation of a new national racial/ethnic identity became possible. In fact, this process was further articulated with the emergence of national and racial ideologies, the main formula that included the blend of myth and social history. The racial democracy thesis is the best example of the new national racial ideology, which emerged. Coupled with a national ideology, another sleight of hand from the state, the Brazilian Census Bureau became the most important institutional apparatus through which whitening ascended as a possibility.

Census Policy a Contested 'Field of Action': Academia and Advocacy Groups Efforts in debunking the "Racial Democracy Thesis"

In Brazilian history, eleven censuses were taken: 1872, 1890, 1900, 1920, 1940, 1950, 1960, 1970, 1980, 1991 and 2001. The color item was not included in the censuses of 1900, 1920 and 1970. According to a study published in 1981 by the Fundação Instituto Brasileiro de Geografia e Estatística (IBGE) - Brazilian Institute of Geography and Statistics - in the census of 1872 it was up to the free population to define their color, including that of their slaves. The category of free population included African descendants. After the demise of slavery in 1888 the same procedure was adopted in the census of 1890.[158]

The national census of 1872 reported that Brazilians of African ancestry comprised almost 60 percent of the total population of 9,930,478. However, 68 years later, in the census of 1940, only 37.5 percent of the population were comprised of people of African descent. Many reasons may have contributed to this phenomenon, such as incidence of epidemics - yellow fever, cholera, and tuberculosis - all of them conducive to high mortality rates among African peoples, given the poor quality of life and the state's neglect in terms of health care availability.[159]

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[157] Renato Ortiz. Cultura Brasileira e Identidade Nacional. São Paulo: Editora Brasiliense, 1985:41.

[158] Jorge Enrique Mendoza Posada. "Cor Segundo os Censos Demográficos", n/d/ O Lugar do Negro na Forca de Trabalho, edited by Lúcia Elena Garcia de Oliveira, Rosa Maria Porcaro and Tereza Cristina N. Araújo. Fundação Instituto Brasileiro de Geografia e Estatística. IBGE, Rio de Janeiro, 1981:9; and see also Tereza Cristina N. Araújo Costa. " O Princípio Classificatório "Cor", Sua Complexidade e Implicações Para Um Estudo Censitário". Revista Brasileira de Geografia, Rio de Janeiro, 36, N.3,(Julho/Setembro 1974):91-103.

[159] José Jorge Siqueira. "Reflexões Sobre a Transição do Escravismo para o Capitalismo Urbano-Industrial e a Questão Racial no Rio de Janeiro". Estudos Afro-Asiáticos, N.12, 1986:84; See also the excellent dissertation on the subject of health care in Rio de Janeiro from 1890 to 1940. Sam C. Adamo. The Broken

Another significant factor, previously mentioned, can be attributed to the immigration legislation Law 528 of June 28, 1890 that prohibited the immigration of Africans and Asians to the country. Although this legislation was short-lived, lasting only two years, the practical results meant the halting of African immigration for many decades. Meanwhile, Asian immigration was officially regulated in 1907. What is demonstrated, however, is how large scale European migration changed the demographic distribution of Brazil's population.

This demographic shift was particularly accentuated from 1889 until 1934 when nearly three million European workers came to Brazil. A total of 2,578,992 immigrants went directly to the state of São Paulo, out of which 1,151,354 had their boat tickets subsidized by the local state.[160] This demographic shift would be reflected in the national census data of 1940, which for the first time presented Europeans as the majority group in the Brazilian society.

Does the 'Pardo' Census Category Stand the Test of Time?

Since 1940, official censuses mirror both the evaluation of census takers as well as people's self-definition of racial classification. From the first Brazilian census of 1872 four major groups emerged depending on their status - free or enslaved. The free population was defined as Brancos (whites), Pardos (Mestiços or European and African mixed), Pretos (blacks) and Caboclos (meaning offspring of European and Indigenous Populations). The enslaved and freed populations were classified as Pardos and Pretos. Pardo referred to both mixed ancestry and having status as a freed person. The abolition

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Promise: Race, Health and Justice in Rio de Janeiro 1890-1940, PHD Dissertation in History, New Mexico University, 1983.

[160] Vera Lúcia Benedito. West Indian Migration to Brazil. MA Thesis. Michigan State University, 1991:80.

of slavery was decreed in 1888, and two years later, the census of 1890 would repeat the same categorization: Brancos, Pretos, Caboclos, and Pardos.[161]

The Republic was inaugurated in November of 1890 and the new regime reinforced the status ambiguity of people of mixed ancestry. In addition to indicating mixed ancestry the census category indicated social mobility.[162] Consequently, a dark complexioned person, and socially mobile person could be referred as Pardo, a euphemism for the color Preto. Pardo was also the intrinsic metaphor of the racial democracy thesis since those categorized as such were expected to blend with the white population, contributing to the constitution of a new people, and they were expected to be better off in comparison to Pretos. How long could this prevailing assumption stand the test of time?

In 1940 census officials included a new "racial" group to account for the new flow of immigrants to Brazil from Asia. Amarelos (Yellow) was added to refer primarily to Japanese people, along with others coming from Asia. From this census onward the Brazilian population has been classified into four major groups: Pretos (Blacks), Brancos (Whites), Amarelos (Yellow) and Pardos (now including Caboclos, mulattoes and native populations). The terminology used by the census of 1980 to describe the major groups comprising the Brazilian population was the same employed in 1940 and subsequent years.[163]

Shifting definitions and categories of color or racial affiliation by the state census reflects more than anything else, the politics, uneasiness, and ambiguities with which race

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[161] Jorge Enrique Mendoza Posada, p. 224
[162] Ibid.
[163] Ibid.

is perceived in Brazil. As an example, in 1980, the census takers did screen the population by color according to the census bureau guidelines. A study conducted by Brazilian sociologist Clóvis Moura revealed that when people self-defined themselves by color or race more than a hundred labels were identified other than the elusive term Pardo.[164] Such findings supported early research conducted by Marvin Harris in 1964.[165] Harris' subsequent studies on racial classification in Brazil have indicated that Moreno (brunette) is the terminology widely used by the population to designate skin color other than white. Harris and associates have criticized the Brazilian census bureau for its use of the Pardo category in the census schedules, as well as the politically organized movements and research institutes, for allowing Pardo and Preto to be synonymous with Negro (Black).[166] Their assessments have been received with much controversy regarding the interpretation of color categories in Brazil. Harris and associates argue further that the current tendency of certain sectors of Brazilian society to impose a rigid dichotomous racial category, (White and non-white), as in the United States, or the trichotomous category, (White/Black/mixed), constitutes a scientific error not resembling the reality.[167]

Proposing the term Pardo should be substituted by Moreno, Harris and associates contend:

> Racial discrimination is widely perceived as a matter of civil rights. But it is also a matter of civil rights that individuals be permitted to categorize themselves and their children according to their own sense of identity (Davis 1991). Brazil may be no closer to racial democracy than other countries, but its system for establishing racial identity has many features from which the world has much to learn.[168]

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[164] Clóvis Moura, op. cited.

[165] Marvin Harris. "Racial Identity in Brazil." Luso-Brazilian Review, Vol. 1, 1964:21-28.

[166] Marvin Harris. "Referential Ambiguity in the Calculus of Brazilian Racial Identity." Southwestern Journal of Anthropology, Vol. 26, 1970:1-14; Marvin Harris and Konrad Kottak. "The Structural Significance of Brazilian Racial Categories." Sociologia Vol. 5, 1963:203-208; Marvin Harris, Josildeth Gomes Consorte, Joseph Land and Bryan Byrne. "Who Are the Whites? Imposed Census Categories and the Racial Demography of Brazil. Social Forces, Vol. 72, N. 2, (December 1993): 451-462.

[167] Marvin Harris, Consorte, Joseph Land and Byrne, ibid.

[168] Ibid.

Though Harris and associates' arguments are valid they do not explain why people resort to using other terms to identify themselves other than the ones offered by the census takers. It could be argued that because Negro and Pardo terms are heavily charged with historically negative connotations, such as subordination and dehumanization, people try to build a positive image of self regardless of imposed categories. This does not necessarily mean that Brazilians do not know who are Black or White, the opposite may be true, as recent ethnographic research conducted in the morros (hills) of Rio de Janeiro by Robin E. Sheriff shows.[169] Contesting Harris and others who interpret the multiplicity of racial category as static, Sheriff explains:

> The close correlation between color and class structure – another incontestable fact – is taken as sufficient evidence that the apparent multiplicity of racial categories serves as a mystifying ideology that not only conceals the racialized nature of oppression but also prevents the development of social movements that attempt to expose such oppression.[170]

Sheriff seems correct in her assessment because until a few years ago government officials, journalists, scholars, Brazilians and foreigners, contended that in a country with such highly mixed population, the implementation of compensatory policies would not be feasible. Detractors further argued that those who wanted to emulate the U.S. socio-racial relations imperialistically motivated those policies.

The historical development of census categories, and their attendant racial politics, seems to indicate a "dance of deceit" where the state, the power elite, and the subordinate ones, those located at the bottom of the social scale, act according to their conveniences. One could argue that, to the state, an elusive racial category, such as Pardo,

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[169] Robin E. Sheriff. Dreaming Equality: Color, Race, and Racism in Urban Brazil. New Brunswick, New Jersey, and London: Rutgers University Press, 2001

[170] Ibid. p. 30.

has implied negation of racial conflict while at the same time promoting a nationalistic image of racial democracy. For those at the bottom of the social hierarchy, the use of a "public transcript" of race/color self-identifications other than the official one has implied the articulation of a coping mechanism in order to refute a status of subordination, as elaborated by James C. Scott:

> (1) I shall use the term *public transcript* as a shorthand way of describing the open interaction between subordinates and those who dominate. The public transcript, while it is not positively misleading, is unlikely to tell the whole story about power relations.[171]
>
> (2) In ideological terms, the public transcript will typically, by its accommodationist tone, provide convincing evidence for the hegemony of dominant values, for the hegemony of dominant discourse. It is in precisely this public domain where the effects of power relations are most manifest, and any analysis based exclusively on the public transcript is likely to conclude that subordinate groups endorse the terms of their subordination and are willing, even enthusiastic, partners in that subordination.[172]

Scott's point is well taken in both quotes because the "public transcript" expressed by subordinate groups does not necessarily stereotype them as deceitful and conniving against the powerful, but, it is through discourse that one reinvents him/herself in a meaningful way. The studies that place too much emphasis on the superficial level of racial categorization in Brazil may neglect the important ways in which these same categories are contested and deconstructed.

Deconstructing the Intermediate Category: Pardo = Negro

Contemporary social scientists, using the most recent socio-economic indicators, have emphasized that the omission of color from the censuses of 1900, 1920 and 1970,

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[171] James C. Scott. "Domination, Acting, and Fantasy" in Domination and the Acts of Resistance: Hidden Transcripts. New Haven. CT: Yale: Yale University Press, 1990:56.
[172] Ibid. 58.

had the political purpose of masking the reality of racial politics in the country. Posada suggests:

> The demographic phenomena integrate a broad explanation for the study of the ethnic question, especially in terms of the black Brazilian population. The lack of knowledge about the natural growth of ethnic groups leads, for sure, to the denial of the ethnic reality of the country. The official documentation propagates myths such as "Brazil-mulatto", "racial democracy" etc. Is it not explicit that this attitude negates the study of the black population and the racial problem in Brazil? There are many doubts. Are there, in Brazil, difference among ethnic groups in relationship to age structure, levels of masculinity, mortality and fertility rate as well as occupational structure and income? Specifically, where are black people located in the geographic space as well as in the demographic and socio-economic structure in this country? Which ethnic groups are included under "pardos" category?[173]

The above argument has oriented the black politically active segments in Brazil for almost three decades. Two examples illustrate the context in which the census became one of the underlying battlegrounds of political mobilization in Brazil along racial lines. Backed up by an economic development model known as the "Brazilian miracle", the power elite justified that the modernizing process taking place in Brazil in the 1970s superceded racial questions. Arguing against such an assessment, politically active segments of the Afro-Brazilian population, and selected members of the scientific community in Brazil and abroad, stressed that the power elite's strategy aimed to conceal the widening gap between racial groups and the rich and poor segments of the society. Moreover, the majority of the black population represented this latter segment. Several black organizations nationwide such as MNU (Unified Black Movement), IPCN (Research Institute of Black Culture) and other advocacy organizations pressured the government in 1980 to include race/color back into the official census data, and they succeeded.

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[173] Ibid. p. 229.

The second example took place in 1990 when the Brazilian census was the focus of a major campaign, receiving considerable attention by the media, social activists and the public at large. Politically active segments of the Afro-Brazilian population mobilized themselves around the census classification of Pardo (Mestiço) and Preto (Black) groups. The studies conducted earlier by Brazilian and foreign social scientists had attested to the rampant socioeconomic and educational inequalities affecting the Preto (black) and Pardo (mestiço) groups. These studies discredited the racial democracy thesis that, for decades stressed that the equal opportunities were available for all groups of people in the Brazilian society.[174]

Thus, moving a step ahead from the pressure groups of the 1980s, the counter hegemonic forces represented by Afro-Brazilian advocacy organizations from several states promoted a national campaign entitled: "Não deixe sua cor passar em branco. Responda com bom s/censo" (Don't let your color pass off as white. Respond with good sense) aimed at raising the consciousness of those of African descent. The campaign had the sponsorship of the North American Ford Foundation and Terra Nuova, an Italian agency for international cooperation. Black Brazilian activists understood that the census apparatus had the purpose of disguising the real profile of the Brazilian population. The campaign's main objective was to de-construct the Pardo category, an ideological construct that made "invisible" the majority of a population of Afro-Brazilians. As one analyst emphasized:

[174] Carlos Hasenbalg, Discriminação e Desigualdades Raciais no Brasil Rio de Janeiro: Graal, 1979.

> One outcome of the campaign has been to encourage people of color to become more self-aware and learn to identify with the concept Negro.[175]

The official result of this 1990 campaign, as reflected in actual census enumeration has not yet been released. However, non-official estimates have acknowledged that the Preto group that previously accounted for 5.9 percent of the total population is estimated to be around 11 percent of the total population. In reality, the Preto category totaled 6.2 percent according to the last census of 2001.

In summary, throughout the nineteenth, and most of the twentieth century, in Brazil "race" has been central to the discussions of national identity and nation formation.[176] The ambivalence about the existence or non-existence of a "race" problem since then has permeated the political impulses of policy makers, intellectuals, power elite and the public in general. As da Costa aptly asserts, these racial theories have been extensively debated by one generation, only to be discarded by the next.[177] Social policies derived from such a framework have followed the political prerogatives of historical circumstances, national, sub-national and local interests. Contrary to the view that the Brazilian state has exempted itself from implementing race-based social policies because of the non-existence of a race problem, historical evidence seems to suggest otherwise. Immigration and census policies coupled with national ideologies have

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[175] Regina Domingues. "The Color of a Majority without Citizenship" Conexões, Vol.4, N.2, (November 1992): 7. See also Melissa Nobles. "Responding with good sense": The Politics of Race and Censuses in Contemporary Brazil. Ph.D. dissertation. Yale University, 1995.

[176] Eliana de Freitas Dutra. "The Fusion of Races as Locus of Memory", Diogenes, N. 191, Vol. 48/3: 2000:25-3; T. Skidmore. "Racial Ideas and Social Policy in Brazil, 1870-1940." The Idea of Race in Latin America. Edited by Richard Graham. Austin: University of Texas Press, 1990; Antony W. Marx. Making Race and Nation: A Comparison of the United States, South Africa, and Brazil. Cambridge: Cambridge University Press, 1998; Nancy Leys Stepan. "The Hour of Eugenics" Race, Gender, and Nation in Latin America Ithaca and London: Cornell University Press, 1991.

suggested a racial problem in the country, informing "de facto" and "de jure" circumstances of visibility and invisibility of Afro-Brazilians. Moreover, as stated by Nobles, shifting race and color categorizations have served political and social purposes[178] whether from imposed categories by the state or re-articulated categories by those subjected to it. More importantly, as also suggested by Noble, the discourse of "racial democracy" was/is deeply articulated with census policies because: 1) For decades it supported power elites' argument that in a country displaying such a highly mixed population, discrimination did not exist; and 2) Such an argument proved to be fruitful in aborting any state race-based policy aimed at correcting inequalities. As shown in this chapter, both arguments did not stand the test of time. Based on the above background, the next chapter explores the dimensions in which "race" and attendant racial politics and dynamics have impacted the state, corporate sector and civil society.

[177] Emilia Viotti da Costa. The Brazilian Empire: Myths and Histories. Chicago and London: The University of Chicago Press, 1985: 236.
[178] Melissa Nobles, 2000: 1738 and 1744.

CHAPTER 3

The Changing Role of the Corporate sector, the State and Civil Society

Introduction

In this chapter I will demonstrate how the corporate sector, civil society and the state have been changing over the past three decades with respect to discussions and actions related to racial inequalities. These transnational social actors, although espousing different ideas of racial projects, converge in pursuit of their objectives. First, I explain the circumstances in which market considerations drive the corporate sector's actions and corporate policies on a global scale: Second, I point out the changing role of the state as it seeks legitimacy in mediating private and public interests in light of internal and external pressures exerted by the global political economy. Third, I look into the ways non-governmental organizations and advocacy organizations "from below" find expression for their demands from both the state and corporate sectors through global arenas of representation such as the U.N conferences. This representation sometimes results in small or large-scale processes of social change, at the level of local states. Key to this later discussion is the concept of advocacy organizations as inferred by international relations, sociology and political science specialists.

Changing Political Culture of the Corporate Sector

> To give more opportunities to women, blacks, Asians or Hispanics is not a question merely social, says Westin "It is a world business strategy. We believe that diversity will make us more competitive to the extent that we will have inside of our company a more reliable picture of that market where we operate."
>
> Cláudia Vassalo[1]

As early as 1975, Pierre Michel Fontaine conducted research on multinational corporations and race and color dynamics in São Paulo City, Brazil. At that time, corporate human resources management, particularly foreign based companies, exempted themselves from devising compensatory policies aimed at attracting, training and retaining historically disadvantaged social groupings because of race, color or gender ascriptions. Fontaines' concern was to find out whether European or Japanese companies tended to hire Brazilians of corresponding ethnic origins for top management positions. His study revealed that Afro-Brazilians, when hired by U.S. corporations, were more likely to occupy low-skilled positions even though there were a few success stories of Afro-Brazilians who penetrated the glass ceiling of the corporate world. In the study's general assessment multinational corporations tended to adjust to local social norms of racial politics, resorting to the myth of racial democracy whenever questioned, "while pursuing employment and other practices that favored white over light brown, light brown over dark brown, and dark brown over black."[2] The following statement is revealing:

> As for the really central question of the number and percentage of blacks at each level in the various types of firms and sectors, much more work needs to be done on that. Not surprisingly, blacks are to be found at lower levels across the board. They are a rarity at middle level, and almost absent at the upper levels except in a few private and public

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[1] Cláudia Vassalo.op. Cited. P. 74. (My translation).

[2] Pierre-Michel Fontaine, "Multinational Corporations and Relations of Race and Color in Brazil: The Case of São Paulo." International Studies Notes 2, Vol. 2, Issue 4, (Winter 1975): 2.

> Brazilian corporations. While this remains to be proved conclusively, the U.S. multinationals seem to have settled quite comfortably in the Brazilian myth. It gives them comfort of having to do nothing about the racial situation: nobody does.[3]

In the 1970s, multinational corporations could easily claim to be politically neutral or color blind and excused themselves from assuming any responsibility on questions related to human rights, such as racial discrimination. There was no external pressure on multinational companies to comply with equal opportunity employment policies, such as shareholders, student movements or major international interfaith groups, notably, the National Council of Churches, in relation to the then prevailing system of racial domination in South Africa.[4]

As demonstrated in the previous chapter, Afro-Brazilians face limited employment mobility. Black women, in particular, face more constraints when performing low, middle or high level positions whether in public or private companies. Afro-Brazilian women very seldom were hired to attend clients and suffered from continuous cases of psychological and emotional injuries as the result of constant devaluations, rejection and discrimination, as reported by Bento in her study.[5]

Notwithstanding, black women's response to everyday discrimination varies from racial assertion and self-devaluation to devising alternative survival strategies. It is within this context that corporate executives labeled the 1990s the diversity decade, and the first decade of the twenty-first century can be defined as the corporate social responsibility decade. At the heart of both diversity and corporate social responsibility policies lies

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[3] Ibid. p. 9.

[4] Ibid. p. 2. See also IRRC. Social Issues Service, 1998 Background Report F, "Global Labor and Environmental Standard" 5.

questions about how to deal with those considered different on the basis of race, color, sex, gender, religion, or political affiliation. Vassalo, for instance, in the opening quote refers to her article in which a top executive of a U.S. subsidiary in Brazil emphatically announced the need for modern corporations to diversify their workforce in order to maintain a market edge vis à vis world market competitions.

This disposition to attract historically underrepresented groups into their ranks is referred to as global diversity, a voluntary corporate policy, as opposed to affirmative action policies, monitored by the state or federal government as is practiced in the United States. While such a subtle distinction is well understood by the U.S. corporate world, in Brazil corporate executives perceive both as synonymous - mandatory quotas. This faulty line of interpretation may be attributed to the lack of Brazilian tradition with both policies, or to the scant materials published in Brazil on the subject. Concurrently while in the U.S. diversity and affirmative action policies incorporate members of the dominant white population, in Brazil popular discourses as well as academic debates refer mostly to policies aimed at increasing the representation of Blacks in the areas of education and labor market.

The direct association of diversity and affirmative action policies with black Brazilians results from the ongoing tensions and debates about the need to increase Afro-Brazilian representation in both social areas, with race-based social policies being the viable mechanisms to achieve this goal.

A recent investigation on the state of racial representation in the Brazilian corporate world revealed that out of 687 executives of major companies in Brazil only 6

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[5] Maria Aparecida Bento. "Silent Conflict: Discriminatory Practices and Black Responses in the Workplace" in From Indifference to Inequality: Race in Contemporary Brazil, edited by Rebecca

percent were represented by women, and another 6 percent were represented either by Pretos, Pardos, Amarelos or Indigenous groups as per the census categories. The findings of the research were a matter of concern because women account for approximately 50 percent of the total population.[6] There seems to be an indication that social as well as racial considerations lay behind the unequal representation of social groups. Though the question of racial discrimination has been extensively debated by race based non-governmental organizations, advocacy groups and organizations, and some sectors of the academic world, the subject is not addressed with the same intensity by the corporate world, according to the study. The next section summarize the most expressive changes occurring at market level, particularly in Brazil and in the United States.

Racing for the Marketplace: The Rise of Ethno-Consumerism?

Brazil, a leading regional economy in South America has long been an attractive economic site for major multinational corporations because of its untapped natural resources, raw materials, an available pool of skilled and unskilled workers, and a significant consumer base. Over the decades these comparative advantages have been the source of strength through which the power elite has sought to make the country a leading partner in the world political economy.

During the 1970s, multinational manufacturing companies along with public enterprises comprised the major employers in Brazil until 1997 when Volkswagen was the leading private sector employer with a workforce approaching 30,000 people. As of 1998, McDonald's, the U.S based fast food chain, surpassed the manufacturing sector in

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Reichmann. University Park, Pennsylvania: The Pennsylvania State University Press, 1999:109-137

[6] Instituto Ethos de Responsibilidade Social. " Perfil Social, Racial e de Gênero das Diretorias das Grandes Empresas Brasileiras." São Paulo, 2003.

number of jobs with more than 31,000 employees. By the year 2000, the McDonald's workforce in Brazil was expected to employ more than 51,000 people.[7]

In 1998 the Harvard Business Review published a study showing the market pyramid purchasing power of people from China, India and Brazil. The pyramid was divided into four tiers representing: Tier 1, income greater than $20,000; Tier 2, $10,000, to $20,000; Tier 3, $5,000 to $10,000; and Tier 4 represented those whose income averaged less than $5,000. For Tier 1, Brazil topped the list with 9 million potential customers against 2 million in China and 7 million in India. Nevertheless, in Tiers 3 and 4, China topped the list with 330 and 800 million customers respectively, followed by India with 125 and 700 million customers respectively. Brazil came in third place with 27 and 105 million potential customers.[8]

Brazil, China, Indonesia and India are becoming the big emerging markets and examples of creative adaptation by multinational corporations in those places abound. One example refers to the practice of selling single bags for products such as detergents, oil and shampoos, which is a widespread practice in India. Realizing the potential of such a consumer base, the Hindustan Lever, a subsidiary of the Dutch-British Unilever in India, customized some of its products and today controls about $2 billion in business. The experience has been tried in China as well as in other places with similar cultural practices.[9]

In the same year, an example of aggressive corporate-market relationships taking place in Brazil was demonstrated in Rocinha, in Rio de Janeiro, the most famous ex-slum

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[7] *Veja*, Setembro 6, 1998.

[8] C.K. Prahalad and Kenneth Lierberthal, "The End of Corporate Imperialism," Harvard Business Review, (July-August 1998): 69-79.

in the country. In 1992 the slum was elevated to an official neighborhood and it became another administrative region of the city. With a total population of approximately 150,000 people it is still considered a risky neighborhood because of the remnants of illegal business and a high crime rate. Prompted by a successful federal government plan of economic stabilization new legalized businesses mushroomed. Out of the total 2,000 commercial establishments developed from 1993 to 1998, new entrepreneurs who hired mostly local people represented 78 percent.[10]

Because of these developments, an Italian multinational insurance company strategically entered the Brazilian market - via Rocinha - with a customized life insurance policy available only to local residents. Other national and multinational companies are following suit, from TV cable networks to major state and federal banks. With an average annual income from $5,000 to $8,000, the residents of Rocinha, mirroring the larger society, have benefited from a stable economy that reduced the inflation rate from three to single digits. The residents are eagerly purchasing goods, particularly sophisticated durable and non-durable consumer goods, from 29 inch color TVs, VCRs, freezers, and microwaves to computers. The ex-slum produces its own weekly news, and through the local cable TV network, subscribers have access to 20 NET channels. Rocinha became globalized. In the words of Dante Quinterno, director of communications for an Argentine-Brazilian joint venture at that time Rocinha "is a gold mine." Rocinha also has been exporting high fashions for major European designers. The quilts produced by local women have been shown in France and Germany.[11]

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[9] Ibid. p. 74.

[10] Liana Melo, "Rocinha S.A," *Isto É*, section Economy and Business, May 06, 1998.

[11] Ibid.

In 2004 low-income neighborhoods still continue to fascinate potential investors. Ricardo Neves, a former United Nations and World Bank employee and now a full-time consultant, asserts that the slum dwellers are the emergent middle class in Brazil.[12] His opinion is based on research that discovered that slums are increasingly becoming established neighborhoods, and with this change of status, from 1969 to 2001 sales in housing construction materials boomed - going from 37 percent, in 1969, to 97 percent, in 2001. Concurrently, home appliances have registered similar record sales from 25 percent to 79 percent for the same period. Neves reported that since 1985, after the military regime, community organizations have mushroomed, increasing demands from the state and local governments for basic infrastructure, which has improved living conditions. Where once unpaved roads made living in those areas difficult paved streets now facilitate private and public transportation. Sales of durable goods such as CDs, TVs, freezers and microwaves are now booming in these lower middle-class neighborhoods. Such a phenomenon has been registered by the *Wall Street Journal* in its November 24, 2000 edition where the headlines read, "Marketers Discover Black Brazil: Despite their Huge Numbers, Blacks are Just Emerging as a Distinct Consumer Group."[13]

Neves called attention to another phenomenon not yet observed in 1998. Middle-income countries are not only potential emergent markets but are attracting big business in its latest thirst for profit outsourcing. Neves recalls that not long ago he got stuck at a public garage in Toronto, Canada, and was helped by the security system personnel who happened to be located in Nigeria. The incident was a reminder that potential markets

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[12] Ricardo Neves. "Favela Emergente". *Época*, edição 302, de 01/03/04.

[13] Miriam Jordan. "Marketers Discover Black Brazil –Despite their Huge Numbers, Blacks are Just Emerging as Distinct Consumer Group". *The Wall Street Journal*, November 24, 2000, pg. A11.

such as Brazil could somehow benefit in the near future with the latest trend in the global market economy.

One should critically consider that increasing access to global products by low- and middle-income populations of emerging markets do not necessarily imply the upgrading of living standards, better health care systems, housing or education. The majority of residents of Rocinha still live in poor dwellings lacking basic infrastructure, such as adequate sewage and drainage systems, safe and clean environments and potable running water. Part of the dialectical aspect of the phenomenon of integration of world markets relies on the fact that the formal economy is discovering the "enchantments" and the economic potential of the so-called "informal-economy" as wisely observed by a commentator.[14]

Significantly, in the study referring to Rocinha,[15] there was no indication of market segmentation as related to the ethnic or racial composition of the local population, even though in the popular perception, most Brazilians identify places such as Rocinha as comprised mainly of Blacks, Northeasterners and people of mixed ancestry. Until recently Brazilian corporations exempted themselves from associating their products with a Black or Pardo consumer base population alleging, in the first place, that these segments had no attractive purchasing power, and secondly, that the association of their products with non-white populations would negatively impact potential white consumers. Considering that both examples related to the ex-slums one could argue that from the 1990s onward multinational corporations reversed their previously established image

[14] Liana Melo, op. cited. p. 2.
[15] Ricardo Neves, op. cit.

patterns of "ethno-consumerism" in Brazil. How then are "ethno-consumerism" patterns perceived in the U.S.?

Diversity as Global Organizational Strategy

Academic researchers, management practitioners, and consultants for corporations trying to move away from the controversies surrounding the affirmative action debate have devised less controversial equal opportunity policies. They have provided corporations with conceptual tools for recruiting, hiring and training people from a large pool of candidates of mixed racial and ethnic background including individuals of both genders and varied sexual orientations. These policies have been termed Diversity or Managerial Diversity' programs.[16] Since early 1980 diversity programs have been gradually embraced by corporations and have opened up a new field of investigation in the areas of human resource management, international business and international political economy.

Managerial diversity corporate policies seek to integrate a diverse work force that will be complementary with business principles. By and large for the business community, diversity is not a question of moral, social or political right, but of market opportunities. Even though researchers and human resource management practitioners have declared the 1990s as the "diversity decade", this concept is not new to corporations.

Early efforts to integrate a diverse workforce were developed in the aftermath of initial affirmative action programs, emphasizing educational awareness training programs based on individual differences. The current design of diversity programs emphasize

systematic organizational changes including "changing norms, structures, and belief systems, policies, and procedures and developing new ways of thinking about organizations."[17] Behind this rationale is the assumption that a diverse workforce provides creativity, innovation and increasing competitive advantages. Diversity programs are contextualized within corporate cultures that by definition implies, "how people in an organization behave, what assumptions govern their behavior, and what bonds or glue hold the corporation together."[18] Relatedly, the:

> organization's culture reflects assumptions about clients, employees, mission, products, activities and assumptions that have worked well in the past and which get translated into norms of behavior, expectations about what is legitimate, desirable ways of thinking and acting. These are the locus of its capacity for evolution and change.[19]

R. Roosevelt Thomas, an academic practitioner and a pioneer in "Managing Diversity" consulting, defines "diversity" as the "comprehensive managerial process for developing an environment that works for all employees."[20] In addition, he stresses that:

> diversity includes everyone; it is not something that is defined by race or gender. It extends to age, personal and corporate background, education, function, and personality. It includes life-style, sexual preference, geographic origin, tenure with the organization, exempt or nonexempt status, and management or non management. It also shows up clearly with companies involved in acquisitions and mergers. In this expanded context, white males are as diverse as their colleagues.[21]

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[16] R. Roosevelt Thomas, Jr., Beyond Race and Gender: Unleashing the Power of Your Total Workforce by Managing Diversity, New York: Amacom (American Management Association), 1991.

[17] Clare C.Swanger, "Perspectives on the History of Ameliorating Oppression and Supporting Diversity in United States Organizations," In The Promise of Diversity: Over 40 Voices Discuss Strategies for Eliminating Discrimination in Organizations, edited by Elsie Y Cross, Judith H. Katz, Frederick A. Miller, and Edith Whitfield Seashore. New York: Irwin, 1994:3-20.

[18] Charles Hampden-Turner, Corporate Culture: From Vicious to Virtuous Circles. Hampton, London: The Economist Books, 1990:12.

[19] Ibid. This second definition is based on Andre Laurant, and it is used by Charles H.Turner, p.20.

[20] Thomas, 10.

[21] Ibid.

Despite Thomas' attempts to broaden the concept of diversity the majority of authors conceive of diversity as racially/ethnically oriented.[22] Taylor Cox Jr., for instance, defines cultural diversity as "... the representation, in one social system, of people with distinctly different group affiliation of cultural significance."[23] This definition encompasses the notion of majority and minority groups. The first includes members of a social system who "have historically held advantages in power and economic resources compared to minority group members."[24] Occasionally, the group with greater economic and political advantage may reflect the achievements of the larger group of a society, such as Whites in the United States. For example, in the banking and insurance industries, despite the fact that women account for 60 to 70 percent of the work-force, they are underrepresented in the high ranks of management.[25] Therefore, according to Cox, gender imbalance correlates with race and ethnicity as well.[26]

Frederick Miller has pointed out that diversity is a conceptual tool for dealing with oppression within organizations. Organizational oppression encapsulates the notion that racism, sexism, and xenophobia hinder individual potential from full development.[27]

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[22] Susan E. Jackson & Marian N. Ruderman, (Eds.) Diversity in Work Teams: Research Paradigms for a Changing Workplace. Washington, DC: American Psychological Association, 1996. Martim M. Chemes, Stuart Oskamp and Mark A. Constanzo, (Eds) Diversity in Organizations: New Perspectives for a Changing Workplace. Thousand Oaks, California: Sage, 1995. Barbara Mandell and Susan Kohler-Gray, "Management Development That Values Diversity", Personnel, Vol. 67, (March 1990): 41-47. Lennie Copeland, "Valuing Diversity, Part 1: Making the Most of Cultural Differences at the Workplace", Personnel, Vol. 65, (June 1988): 52-60. Lennie Copeland "Valuing Diversity, Part 2: Pioneers and Champions of Change". Personnel, Vol. 65, (July 1988) 44-49.

[23] Taylor Cox, Jr., Cultural Diversity in Organizations: Theory, Research & Practice. San Francisco: Berret-Koehler Publishers, 1993:6.

[24] Ibid.

[25] Ibid.

[26] Ibid.

[27] Frederick A. Miller, "Why We Chose to Address Oppression," in The Promise of Diversity: Over 40 Voices Discuss Strategies for Eliminating Discrimination in Organizations, edited by Elsie Y Cross, Judith H. Katz, Frederick A. Miller, and Edith Whitfield Seashore. New York: Irwin, 1994: XXV-XXIX.

Diversity, then, should be understood from the standpoint of either those who acknowledge strategies that emphasize individual differences, or those who embrace the idea of social justice.[28] To the extent that all multiracial societies are structured in systems of inequalities such as racism, sexism and xenophobia, organizational cultures also reflect the values, assumptions and behavior of the larger social fabric.[29]

Whether diversity is defined in the context of social psychology, human management resources, or international political economy, culture is the basis from which diversity derives its meaning and significance. Consequently, cultural variation is the key for understanding cultural diversity. As defined by Hofstede, culture represents:

> the collective programming of the mind which distinguishes the members of one category of people from another. The category of people can be a nation, region, or ethnic group (national. etc., culture), women versus men (gender culture), old versus young (age group and generation culture), a social class, a profession or occupation (occupational culture), a type of business, a work organization or party of it (organizational culture) or even a family.[30]

One European author amusingly observed, "In organizations, culture is used to explain why nothing seems to work, or why competitors are so much more successful. Culture is thought to bestow unique competitive advantages and/or dire limitations.

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[28] Ibid.

[29] Stella N. Nkomo, "The Emperor Has No Clothes: Rewriting 'Race in Organization' Academy of Management Review, Vol. 17, N0.3, 1992:487-513. See also Floya Anthias, Nira Yuval-Davis and Harriet Cain, "Resisting racism: multiculturalism, equal opportunities and the politics of the 'community'," in Racialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle. London: Routledge, 1996:157-198. Philomena Essed, Everyday Racism. Newbury Park, California: Sage, 1991. Stuart Hall, "Race, articulation and societies structured in dominance" in Sociological Theories: Race and Colonialism, UNESCO, Paris, 1980.

[30] Geert Hofestede, "The Business of International Business is Culture" International Business Review, Vol. 3, N0. 1, pp. 1-14, 1994, and Geert Hofstede, "Cultural Constraints in Management Theories," in National Culture and International Management in East Asia, edited by Herbert J. Davis and William D. Schulte, Jr. Boston: International Thomson Business Press, 1997:88-106.

Could Westerners be like the Japanese even if they wished to be? Would it mean losing forever the distinctive aspects of Western culture?"[31]

Today, the emergent vanguard style of management requires corporations to rely more on local expertise, talents and creativity. Integrating these sources of innovation into the management styles, followed by the general guidelines, principles, mission and philosophies established by the organizations' leadership, may contribute to the global success of corporations.[32]

The Human Resources Management (HRM) unit of either private or public enterprise is the center from which equity policies implementation emanates. The tasks attributed to HRM are broad, complex and include, "acquiring, training, developing, motivating, organizing, and maintaining the human employees of the firm."[33] Another important function of human resource management is developing relationships outside of the firm with governments or other institutions.[34] On that account, HRM policies follow the organizational strategy established by the firm's leadership. As a concept, organizational strategy refers to "the formulation of organizational missions, goals, and objectives, as well as action plans for achievement, which explicitly recognize the competition and the impact of outside environmental forces."[35]

On an international level, organizational strategy "seems to be conditioned primarily by local organizational strategy (a function of both local contextual conditions

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[31] Hampden-Tuner, 11.

[32] Monir H. Tayeb, The Global Business Environment: An Introduction, London: Sage Publication, 1992. See also William C. Taylor and Alan M. Webber, Going Global: Four Entrepreneurs Map the New World Marketplace. New York: Virgin, 1996: 1-33.

[33] Willian P.Anthony, Pamela L. Perrewé, and K. Michele Kacmar, Strategic Resource Management. Orlando, Florida: The Dryden Press, 1996:9

[34] Ibid.11

and global organization strategy) and global human resource strategy. That is, local operations managers and corporate international human resource management may both have input into the determination of personnel strategies and techniques within the subsidiary."[36]

The difference between domestic HRM and international HRM is the scope. While the domestic aspect of HRM policies is directed towards home country nationals, the international HRM is directed at a broad international workforce scattered in one or several countries. The key aspect between the two is the level of coordination and control to the extent that parent HRM policies are systematized and rationalized and transferred to a subsidiary.[37] Taking into consideration the role of the national culture in host countries, Monir Tayeb, in work based on the Pelmutter model, contends that multinational firms have three strategic options to choose from regarding management styles: ethnocentric, polycentric, and global.[38] The ethnocentric strategy refers to those companies, which prefer to rely on their home base policies and apply them in their subsidiaries. For example, an international firm may choose to import HRM policies where the local workforce lacks a strong union, the pool of available labor force is mainly unskilled and uneducated, and there is a lack of job opportunities.[39]

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[35] Ibid.8.

[36] Chapter 7, John Lawler, Vinita Atmiyanandana and Mahmod A. Zaidi, "A Cross-National Comparison of Human Resource Management in Indigenous and Multinational Firms in Thailand," in International Perspectives and Challenges in Human Resource management. Monograph 58, edited by Daniel J.B. Mitchell and David Lewin. Los Angeles: University of California: Institute of Industrial Relations, 1994:197.

[37] Ibid. pp.195-198.

[38] Monir H. Tayeb, 1996: 132.

[39] Ibid.

The polycentric strategy consists of a multinational firm's adoption of the host country's policies. In this case, the labor force is sufficiently skilled, educated, organized, and aware of their rights. In the global strategy, the company seeks to implement universal policies already embedded in the organization's culture and philosophy. McDonald's HRM global strategy is a good example. Training, career planning, anti-discrimination policies, motivational philosophies, and promotions are similar in any part of the world. Despite the similarities of products McDonald's sells worldwide, local variances such as flavor or additional items favored by local habits are incorporated. In Thailand, customers are more likely to have rice instead of French fries, a cultural practice followed by the McDonald's chains operating in that country.[40] Strategies vary according to circumstances of time, place and space. An international firm may adopt an ethnocentric policy and practice in one country, a polycentric in another, and a global in other countries. For example, an assembly-line car manufacturer follows similar management styles in many parts of the world. Other industries, such as electronics, require a different management style that may be adopted according to circumstances of time, place and space.[41]

Tayeb has argued that in the United States, Europe or Asian countries, the transferability of managerial policies to other countries may be related to internal and external factors contributing to the organizational strategy of a firm. Internally, it may correspond to a firm's strategies to universalize career planning, supervision, recruitment and selection policies, training programs, promotion and motivation. Externally, it may be linked by the cultural environment of the home country, political climate, government

[40] Ibid.

and industrial policies, the availability or lack of skilled labor, country membership in regional and global agreements and institutions, pressure groups, etc.[42] The fact that diversity policies and programs emerged in a particular socio-racial and political context, impacting local socioeconomic structures, is relevant. Multinational corporations may not be implementing these policies everywhere but only in places where socio historical and political contexts bear some similarities to the U.S. experience.

Diversity in the Marketplace: "It Simply Makes Good Business Sense"

The issue of diversity underlies much of the international human resources development in the United States, as well as in European and Asian companies, because of international businesses across the globe. There is wide recognition among top executives that the overall financial success of global companies is determined by their ability to cope, understand and value cultural diversity and differences.[43] There is a perception among executives, practitioners and students of human resource management, that diversity, as an organizational strategy, is compounded by at least two main interrelated forces: 1) the shifting demographic patterns inside the United States and European countries, and 2) its implication for international business practices.

In 2000 the U.S. Census Bureau reported that only 15 percent of new entrants into the workforce were white males. The overall workforce presented the following distribution: 39 percent of white males, 35 percent white women, 12 percent Blacks, 10 percent Hispanics and 4 percent Asians. Even though Whites still made up 74 percent of the majority of the population in the year 2000, the group as a whole, according to

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[41] Ibid. 195

[42] Ibid. 193-215.

specialists, was expected to decrease to 52.5 percent by the year 2050.[44] This projected demographic shift will be caused by three main factors: 1) different fertility rates among the groups, 2) net immigration, and 3) the aging baby boomer generation.[45]

James R. Houghton, Chief Executive Officer of Corning Corporation, to whom the above sub-heading is attributed, contends that beyond the question of social or moral issues, diversity constitutes sound business policies because it stresses "efficiency and competitiveness" rather than counting numbers.[46] Corning was one of the first U.S. corporations to abide by federal regulations regarding affirmative action policies. However, according to one scholar, in assessing these policies, recruitment, training, and hiring did not prevent people of color from getting frustrated and disappointed once on the job. The existence of an internal "corporate culture" such as a glass ceiling code precluded these employees from being totally accepted into the company. Moreover, in the assessor's view, the result was a high turnover of people of color and a waste of resources and productivity.[47]

Houghton, who assumed the role of Corning's Chief Executive Officer in 1983, redesigned fundamental aspects of the company's management and instituted additional programs such as "Total Quality" and "Higher Return on Equity," general career planning, summer scholarships targeting women and people of color, and a mandatory awareness training program for all employees to identify unconscious values which

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[43] Kevan Hall. "Worldwide Vision in the Workplace" People Management, Vol. 1, May 18, 1995: 20-25

[44] The Hudson Institute, Workforce 2000, 1987

[45] Marlene G. Fine, Building Successful Multicultural Organizations: Challenges and Opportunities. Westport, Connecticut and London: Quorum Books, 1995:7-17

[46] R. Roosevelt Thomas Jr., "From Affirmative Action to Affirming Diversity," Harvard Business Review, (March-April 1990): 110.

[47] Ibid.

worked against women and people of color. Diversity was perceived as a step forward by Houghton and a successful approach to retention and promotion of women and people of color within the Corning industry.[48] Similarly, other CEOs and high management executives have embraced diversity philosophies. Marcia Worting, Avon's vice president for human resources, stressed: "We felt it was more important to have five minority people tied into the decision-making process than ten who were just heads to count."[49] For years, Avon has implemented diversity-training programs for all its high-level management in conjunction with the American Institute for Managing Diversity in Atlanta, Georgia.[50]

The idea of diversity programs has taken root in major U.S. corporations: Xerox Corporation, Digital Equipment Corporation, Procter & Gamble, McDonald's Corporation, Eastman Kodak Corporation, Hewlett-Packard, and Hallmark Cards represent just a few companies that have actively have developed these programs.[51] The range of program names varies depending on the companies' priorities. Examples include, there is "Valuing Diversity", "Work Force Diversity Management", "Understanding the Dynamics of Difference", etc. A survey conducted in 1994 among American CEOs demonstrated that "... 5 percent of the respondents gave "social responsibility as the reason for offering diversity programs; almost half said it was a business need, and

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[48] Ibid.
[49] R. Roosevelt Thomas, Jr. op. cited. p. 108
[50] Ibid.
[51] Charlene Marmer Solomon, "The Corporate Response to Workforce Diversity," Personnel Journal, Vol. 48, (August 1989): 43-53

another 36 percent saw it as a competitive issue."[52] Within this international context how diversity policies fit in the Brazilian reality?

Diversity Policies in Brazil: Is it good for the Business or for the Government?

Diversity policies and programs showcased in Brazil by a selected U.S. based multinational corporation have been introduced as the voluntary corporate solution for solving the question of discrimination and racial representation.[53] In this sense, according to a government official, diversity policies may indicate the means by which the government can learn and formulate universal mechanisms for promoting equal opportunity policies without the necessity of imposing coercive measures against employers or educational institutions.[54]

As in the United States, the representatives of U.S. companies in Brazil stress these policies follow an organizational strategy based on business principles. FMC do Brasil (chemicals and agricultural machines) a U.S. affiliate, is adapting diversity policies based on business strategies and the country's characteristics according to Alejandro Huidobro, FMC's superintendent in Brazil.[55] In his assessment the company's goal is to become a global corporation, and this objective can only be achieved if the world ethnic make up is reflected within the corporation. Other U.S. companies' representatives in Brazil share Huidobro's opinion. Benedito Pagani, a former Human Resource Manager for Levi-Strauss (apparel industry), observes that competence is the key for success, but

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[52] Monir Tayeb, The Management of a Multicultural Workforce. John Wiley & Sons,1996: 179.
[53] Roberto Pompeu de Toledo, "Os Negros, Segundo o Presidente, " *Veja,* Maio 6, 1998.
[54] Encontro Tripartide, ibid.
[55] Cláudia Vassalo, op. cited p.76.

in hiring procedures, preference should be given to women and Blacks following the company's commitment to diversity policies.[56]

Motorola's human resource manager, Dante Iacavone, agrees that women represent an incredible business potential for the company. As one of the world's giant communications conglomerate, Iacavone recognized the absence of women in higher level management and developed an aggressive recruiting program targeting women. As the headquarters is preparing the new executives for the next century through a program called CADRE 2000, Iacavone was able to send four women to the U.S as a result of his recruiting program in Brazil.[57]

One can argue that the diversity policies of selected U.S. multinational corporations in Brazil are fulfilling the "good citizens" image because of media exposure and government deferential treatment towards them. U.S. companies, in line with diversity policies in Brazil, have also faced negative reactions. Xerox, for example, a pioneering company in abiding by government affirmative action policies and in developing diversity policies in the United States, encountered difficulties in implementing these polices in its Rio de Janeiro subsidiary. In 1994, following the home country orientations, Xerox began discussing the introduction of quotas for hiring women. The company's goal was to fill 50 percent of all management posts with women. According to Carlos Sales, the local company president, shortly after discussing the subject he received a protest letter by a group of female employees who feared that those policies, once implemented, would have the sole purpose of fulfilling a quota system,

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[56] Ibid.,75.
[57] Ibid. 75.

irrespective of women's competence. Since then the U.S. affiliate of Xerox has withdrawn diversity policies from its Rio de Janeiro subsidiary.[58]

One could also argue that global corporations are sensitive to socio-political climate changes in the places they operate because of past and present experiences in dealing with race and gender in their home country. Thus, diversity policies by a few U.S. subsidiaries may be employed as organizational strategy for responding to similar challenges elsewhere. It seems that corporate rationale in pursuing diversity policies in Brazil, like in the U.S, is quite different from local advocacy organizations and state actions seeking to promote equal opportunity. Though apparently unrelated to state actions and civil society advocacy claims, these few U.S. based companies seem to respond positively to both state and advocacy organizations.

The Bottom Line: Markets Beyond Demographics

From a variety of disciplines, scholars have argued that corporate decisions to extend the global reach of their businesses are strategically geared toward many purposes: profit maximization; availability of raw materials and natural resources; renewable pools of cheapened semi-skilled and skilled labor; lack of strong unions and labor legislation; and unlimited access to markets supported by large-scale market ideology, financing and technology.[59] Additionally, three aspects mentioned by Tayeb

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[58] Ibid. 76.

[59] Richard J. Barnet & Ronald E. Müller, Global Reach: The Power of the Multinational Corporations. New York: Simon and Schuster, 1974:123-184. See also: Gary Gereffi, "Global Production Systems and Third World Development," in Global Change, Regional Response: The New International Context of Development, edited by Barbara Stallings. Cambridge: Cambridge University Press, 1995: 100-142. See also Erica Schoenberger, "Multinational Corporations and the New International Division of Labor: A critical appraisal," in The Transformation of Work? Skill, Flexibility and the Labour Process, edited by Stephen Wood, London: Unwin Hyman, 1989:91-101. Corporations Are Gonna Get your Mama:

deserve close scrutiny: markets, production, and personnel factors. Market saturation, high wages, shortage of technical and managerial skilled personnel, along with domestic competition due to foreign direct investment at home may force a corporation to go abroad. In addition, competitive, already established markets in host countries may provide another incentive to corporations to expand their business internationally.[60]

Production constitutes another contributing factor since it implies availability of raw materials and cheaper access to land and capital. As for the personnel, areas of high unemployment rates, lack of strong unions, and the availability of a large pool of skilled and unskilled workers may prove fundamental in a corporation decision to go abroad.[61] Some of the above factors underlie the processes of the global market economy, suggesting, as observed by some scholars, that homogenization or sameness will characterize processes of economic, political and cultural incorporation into a single pattern of exchange among, between and across nations and regions of the world.[62] Previously, the pattern of exchange among and between nations of the world was considered to be rather simple. Fifty years ago, individual countries, through individual companies, produced and manufactured goods to be sold to outside markets. The current pattern is characterized by scattering of production, engineering, marketing, financing, and research throughout several parts of the world, giving rise to what came to be known

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Globalization and the Downsizing of American Dream, edited by Kevin Danaher. Monroe, Maine: Common Courage Press, 1996.

[60] Monir Tayeb, 1992: 9.

[61] Ibid.10.

[62] A Global World? Re-Ordering Political Space, edited by James Anderson, Chris Brook, and Allan Cochrane. Oxford: The Open University, 1995:2

as "the new world marketplace."[63] However, there are no common sense agreements among scholars on this issue.

Analysts have emphasized that this process implies interconnectedness as well as fragmentation by the constituent parts. In their assessment, processes of integration into world markets are characterized by complex, asymmetrical and ambiguous relationships, which are "essentially dialectical in nature and unevenly experienced across time and space."[64]

The logic of this debate suggests that societies are incorporated hierarchically depending on their competitive advantages, economic stability, military and political capabilities. For instance, parts of Haiti's and El Salvador's workforces are connected deeply to the world's most famous sporting goods multinational corporations. Nonetheless, Haiti and El Salvador, as countries, do not enjoy the same degree of economic and political affluence, as do South Korea and Taiwan in the chess game of world political economy. The same reasoning could be extended to Brazil and Indonesia. Some studies, on the other hand, have emphasized that despite the above considerations, multinational corporations are agents of development, particularly for low and middle-income countries.[65]

Almost two decades ago, Lee A. Tavis considered, among many factors, that host country domestic markets were no longer so attractive to international firms, since host

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[63] William C. Taylor and Alan M. Webber, Going Global: Four Entrepreneurs Map the New World Marketplace. New York: Virgin, 1996:36.

[64] Anthony McGrew, "Introduction. A Global Society?" in Modernity: An Introduction to Modern Societies, edited by Stuart Hall, David Held, Don Hubert, and Kenneth Thompson. Cambridge, MA: Blackwell Publishers, 1996:478.

[65] Lee A. Tavis, "The Role of Multinational Corporations in the Third World" in Multinational Managers and Host Government Interactions. Notre Dame, Indiana: University of Notre Dame Press, 1988:1-2.

governments were pushing local production to exports, with import-substitution policies.[66] Early in the 1990s the restructuring of the world political economy implied gradual deregulation of many national economies, the increasing fall of trade barriers and protectionism, etc. In 1998 part of multinational global strategy consisted of competing aggressively within local domestic markets. In China for instance, local producers have developed high quality detergents with low cost efficient technology using less than half of the resources employed by foreign MNCs. Such local knowledge is very attractive for MNCs since local expertise based on local cost production and high efficiency have been extended to other sectors, from textiles, machinery, cement, and chemicals to the production of television sets. Consequently, what has been attempted in China may have some implications for the way MNCs respond to technological innovations elsewhere. Similarly, in India engineers and software specialists have been avidly recruited by foreign MNCs to work inside and outside the Indian market.[67] C.K.Prahalad and Kenneth Lieberthal contend that, "By the year 2010, diversity will be a fact of life for top management teams of multinational corporations."[68]

In summary, diversity policies and programs are circumscribed not only at the national but also at the international level of business practices, due to demographic shifts and world market competition, among other factors. Consequently, the ethno/racial variations in the composition of the global workforce are becoming part of today's reality of corporations operating inside and outside national boundaries. Although a few scholars have stressed that diversity or managerial diversity policies should be race/color blind,

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[66] Ibid.
[67] C.K. Prahalad and Kenneth Lierberthal, op. cited. p. 78.
[68] Ibid. 77

selected international human resource management and international political economy literature suggest that increasingly international firms have to develop cultural as well as ethno-racial sensibilities, in places where they conduct their business. These factors could determine the success or failure of a multinational corporation's initiatives. Moreover, as the above review has indicated, the ongoing global market economy has provided corporations with opportunities to expand their businesses abroad. Multinational corporations worldwide are relying more and more on low-and middle- income countries, not only for the potential immediate increase in the consumer-base, but also as a source of talent and innovation, outsourcing, and management skills in strategic areas such as computer technologies. The ongoing global market economy provides the conditions under which multinational corporations may have a competitive advantage, whether based on market, land, capital, or labor availability in host countries. In addition, demographics, along with cultural ethno-racial variances, may play a significant role in the corporation's ability to sustain long-term profit margins, whether at home or abroad. Concurrently, these factors may have some impact on how corporations change in relationship to state and civil society.

Advocacy Organizations in the Global Political Economy

> Globalization processes of cultural and economic integration and the rise of global political institutions affect how people organize, how they interpret the sources of their problems, and how they frame prospects for change
>
> Smith and Johnston.[69]

The above epigraph encapsulates the dilemma confronting civil society and attending advocacy organizations in today's global political economy: to find a balance between local and the global institutions of governance while securing democratic and sustainable processes of social change.

It has been argued elsewhere that the language and grammar of civil society have received a variety of interpretations according to the circumstances of time, place and space, conceptual and ideological orientations. From the most recent political and economic developments in Europe, Asia, Africa, Central, South America and the Caribbean, the main question pivots around the extent to which civil society has been able to counteract state apparatuses in the exercise of democratic freedom. The answer(s) cannot be restricted to either/or explanations, such as the standpoint that reduces the civil society debate into a broad assumption "weak states produce strong civil society or vice versa."[70] This is only part of the story.

Historical sociological narratives demonstrate that in secular or non-secular societies the emergence of civil societies has been more complex. In Central, South America and Caribbean countries, for example, the emergence of civil society took firm roots during

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[69] Jackie Smith and Hank Johnston, ed. Globalization and Resistance: Transnational Dimensions of Social Movements. Oxford: Rowman & Littlefield Publishers, Inc, 2002:8.

[70] Omar G. Encarnación. The Myth of Civil Society: Social Capital and Democratic Consolidation in Spain and Brazil. New York: Palgrave MacMillan, 2003.

the military dictatorship where churches, voluntary associations, business circles and trade unions, advocated against the loss of civil liberties.

Similarly, in countries of Eastern Europe, the Solidarity movement sprung out of an alliance between the working, middle, and intellectual classes, forging a new civic pact counteracting the oppressive state. In Southeast Asia, South Korea presented a new conceptual and theoretical challenge. Against the success of state capitalism, a growing discontent with the South Korean state has been noted among several sectors of civil society. Likewise in North Korea despite the existence of an authoritarian state that for decades has successfully prevented civil society's mobilization, and as result *"counterpublic"* is beginning to exert their "civic capacity" against the state.

Notwithstanding, in many countries around the world, civil society political mobilizations against the state have existed while at the time exhibiting new features: the synergetic but complex relationship between civil societies, state, multilateral organizations and the market. It is within such a framework, that the concept of advocacy organization gains weight.

Defining Advocacy Organizations

The concepts "advocacy groups" or "advocacy organizations" as used in this study find expression within the social movements and international politics literature. The use of the term parallels Keck and Sikkink's conceptualization of advocacy networks, which by definition imply:

> international resources available to new actors in domestic, political and social Advocacy networks are significant transnationally and domestically. By building new links among actors in civil societies, states, and international organizations, they multiply the channels of access to the international system. In such issue areas as the environment and human rights, they also make struggles. By thus blurring the boundaries

> between a state's relations with its own nationals and the recourse both citizens and states have to the international system, advocacy networks are helping to transform the practice of national sovereignty.[71]

In this sense, advocvacy groups or organizations emerge within such a framework, moreover, Keck and Sikkink remind us that even before the enactment of the United Nations Human Rights Chart in 1948 several transnational movements took place, such as the 1833-1865 anti-slavery movement, the 1888-1928 international suffrage movement in favor of women's rights to vote, and the 1874-1911 movement by Western missionaries and Chinese reformers to end foot binding.[72] In the United States advocacy groups and organizations have been instrumental in pursuing social policies that have benefited a significant number of people nationally and cross-nationally.

In the United States, during the 1980s and 1990s, influential advocacy organizations such as the National Committee on Labor, International Labor Office (ILO), TransAfrica, and labor activists have played a fundamental role in pressuring multinational corporations on a number of different cases under the banner of human rights around the globe. The United Nations charter on "Universal Declaration of Human Rights" elaborated immediately following World War II, has become the principal frame of reference that social activists have used to pressure multinational corporations to adopt a moral code of conduct on such issues as child and forced labor, work safety, racial, gender and religious discrimination and prosecution, and the establishment of minimum wage standards in low and middle-level income countries.[73]

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[71] Margaret E. Keck and Kathryn Sikkink, Activists Beyond Borders: Advocacy Networks in International Politics. Ithaca and London: Cornell University Press, 1998:1.

[72] Ibid.

[73] IRRC, Background Report J, Social Issues Service, 1996 "Human Rights and Labor Rights Issues," 1996.

Over the past decade and a half, advocacy organizations, mainly in the U.S., were partly responsible for denouncing U.S. corporations that were not abiding by those principles, particularly the ones related to child labor exploitation. The widely publicized cases of Nike and the Kathie Lee Gifford garment factories are good examples. In 1996, *The Washington Post, The New York Times* and *Christian Science Monitor* denounced Nike's almost slave-like labor conditions not only in the United States but also in Asian countries. For instance, *The New York Times* called upon superstar endorsees such as Michael Jordan to take a moral stand on these matters.[74] The same working conditions later were found in garment industries related to Kathie Lee Gifford in Honduras, Gap in El Salvador, and Levi Strauss in China.

Human rights monitoring also linked labor exploitation practices to Disney manufacturing production in Haiti.[75] The public outcry and willingness to boycott products made by these companies prompted several U.S. corporations to regulate and monitor their labor practices. The Clinton administration's "Model Business Principles," announced in May 1995, exemplifies the impact of advocacy groups and organizations on government as well and the business community. The federal administration issued a statement of principles for corporations to comply with on a voluntary basis. It stressed, among others principles: a) a healthy and safe workplace; b) fair employment practices, including prohibition of child labor exploitation and, discrimination based on race,

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[74] Ira Berkow, "Jordan's Bunker View on Nikes's Slave Labor," New York Times, (July 12, 1996).
[75] Ibid.

gender, religion or ethnicity; c) environmental protection; and d) workers' rights to politically organize themselves in trade unions.[76]

Another example of an advocacy organization is The Interfaith Center on Corporate Responsibility (ICCR), which represents shareholder interests. This center monitors how companies adopt moral and corporate responsibility abroad based on the reports provided by several research centers, among them, the Investor Responsibility Research Center (IRRC). The Interfaith Center has been able to influence shareholders decisions on whether to invest in companies whose profile and norms of conduct do not conform to the advocacy organizations postulates of non-violation of basic human rights.[77]

One success story during the 1960s was the ICCR association with the American Committee on Africa (ACOA) and the African National Congress (ANC), which unleashed a fierce campaign targeting North American corporations operating in South

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[76] Pamela Varley, Ed, The Sweatshop Quandary: Corporate Responsibility on the Global Frontier, Washington, DC.: Investor Responsibility Research Center, 1998:9.

[77] Principles for Global Corporate Responsibility: Bench Marks for Measuring Business Performance. New York, ICCR, Sept 15, 1995.On Sept 15, 1995 in New York three religious groups held a press conference; there were the Ecumenical Committee for Corporate Responsibility of the United Kingdom (ECCR); The Task force on the Churches and Corporate Responsibility of Canada (TCCR), and Interfaith Center on Corporate Responsibility (ICCR). A coalition of 275 Protestant, Roman Catholic and Jewish institutional investors issued a document containing principles, which corporations should follow in their business around the world. Briefly, the theological context stated:
" Faith communities measure the global economy not only by what it produces but also by its impact on the environment, how it touches human life and whether it protects the dignity of the human person. The protection of human rights - civil, political, social and economic - is minimum standards for social institutions that respect human dignity and social justice. An increasingly global (ized) economy requires a redefinition of the concept of stakeholder. The principles make the community, rather than the corporation, the starting point in this new definition of stakeholder. In order for communities to be sustainable, all members of the community need to be recognized as stakeholders in the community as a whole. Corporations are stakeholders in the community along with consumers, employees, stockholders, and the community at large.
*MacBride principles are named after Sean MacBride, a winner of Nobel and Lenin Peace Prizes and founder of the Amnesty International. Based on the Sullivan model, which guided a code of conduct for North American corporations operating in South Africa, MacBride Principles sought the same in relationship to North Ireland.

Africa during the apartheid era. This campaign, known in the business communities as the "hassle factor," called for immediate disinvestment* of U.S. corporations from South Africa.[78]

Many corporations, weary of endless campaigns in the United States, coupled with bad publicity, international boycotts of their products, and time and money spent explaining to the American public why they still maintained commercial links with South Africa, began the process of disinvestment.[79] Pressures exerted by these and other anti-apartheid groups and organizations on the Congress yielded a new U.S. diplomatic policy towards South Africa. It emphasized disinvestment from that country, and the Congress approved the Comprehensive Anti-Apartheid Act of October 1986.

Some corporations preferred to promote internal codes of conduct based on the Sullivan Principles, aimed at eliminating racial discrimination in hiring and promotion of black South Africans working for those companies. By the end of 1977 fifty U.S. companies operating in South Africa adopted the Sullivan Principles.[80] For example, in conjunction

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[78] Les de Villiers, In Sight Of Surrender: The U.S. Sanctions Campaign Against South Africa, 1946-1993. Westport, Connecticut: Praeger: XVI. pp. 55 * The author calls attention to the use of the terms divestment and disinvestment. The first refers to "selling of shares in a corporation with South African links". As for the second, disinvestment relates to the "withdrawal by a U.S. or other overseas corporation - selling or liquidating its assets in South Africa under pressure".

[79] Ibid.

[80] The Sullivan Principles were named after Rev. Leon Sullivan, minister of the Zion Baptist Church in Philadelphia, and a member of the board of Directors of General Motors Co. In 1971, the Rev. Sullivan urged GM to disinvest from South Africa because of the apartheid. A year later, Sullivan changed his view and proposed instead six principles from which U.S. corporations in South Africa should follow. Those principles were:

"1. Non segregation of the races in all eating, comfort, and work facilities;
2. Equal and Fair employment practices for all employees;
3. Equal pay for all employees doing equal or comparable work for the same period of time;
4. Initiation and development of training programs that will prepare, in substantial numbers, blacks and other nonwhites for supervisory, administrative, clerical, and technical jobs;
5. An increase in the number of black and other nonwhites in management and supervisory positions;
6. Improvement in the quality of employees' lives outside the work environment in such areas as housing, transportation, schooling, recreation, and health facilities."

with the implementation of those equal opportunity policies, Mobil established a multimillion-dollar foundation promoting black education and development.[81] As noted by Villiers, "As long as corporations stood to make good profits in a relatively sound and stable South African market, they were willing to endure a large degree of inconvenience and criticism."[82] Nevertheless, the political implications of the escalating "hassle factor" also reached other countries. But the 1980s, in response to the large scale "sanctions of the markets" an increasing number of U.S. and European corporations had no other solution but to opt for disengagement from South Africa.

Other corporations preferred selling their assets to South African holders while continuing to sell their products through a third party. In this way they were free from political attacks in their U.S. home base. This maneuver constituted one of the seven alternatives corporations used in order to disinvest. The other six alternatives were: sell to local management, close down South African operations, sell to another multinational company, and move operations to a neighboring country, sell shares to the public, or transfer assets to a trust.[83]

According to a report issued in April 1988 by IRRC, out of 114 U.S. companies which withdrew from South Africa, "46 percent sold their operations to South African

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Alexandra Bernasek and Richard C. Porter, Private Pressure for Social Change in South Africa: The Impact of the Sullivan Principles. Ann Arbor: Michigan: Center for Research on Economic Development. Discussion Paper No.125, August 1990:3.

[81] Les de Villiers,135.

[82] Ibid. 130.

[83] Ibid. 135-137. See also Charles M. Becker, ed., The Impact of Sanctions on South Africa: The Economy. Part I, by IRRC (Investor Responsibility Research Center), edited by Charles M. Becker and et al. Washington, DC, 1990. Trade Union Action to Stop Oil to South Africa, a paper presented to the International Conference Of Trade Unions on Sanctions and Other Actions Against The Apartheid Regime in South Africa, Geneva, 10-11, June 1983 by the Worker's Group of the Governing Body of the ILO. The State of California and Southern African Racism: California's Economic Involvement with Firms Operating in Southern Africa, Assembly Office of Research: Sacramento: California Legislature, 1972.

companies or investors; 27 percent sold to local management or employees; 15 percent closed their operations; 13 percent sold to foreign multinationals; 6 percent sold to other U.S. companies; one donated its assets to a church; another moved to a neighboring country, another sold its shares to the public, and 7 percent did not publicize what they have done with their assets".[84] By 1989, out of 277 North American firms operating in South Africa, more than a half had departed. This is a conservative estimate. IRRC estimated that at least 550 foreign companies from North America, Britain, Canada and Germany had departed.[85]

The South African example demonstrates that advocacy groups and organizations were key actors in pressuring multinational corporations to alter their economic ties to South Africa; that these same groups and organizations also impacted U.S. government policies; and that a combination of external pressures from activist groups, U.S. government policies, and changing economic realities in South Africa, altered the playing field of major multinational corporations based in the United States. While the examples presented above refer to some of the most recent events concerning violation of human rights, it should be noted that transnational advocacy networks against violence, abuse and discrimination have a long history.

The Changing Role of State: Racing to Adjust to Markets and Advocacy Organizations Pressure

From the 1950s to 1980, state-led development in low-and middle-income countries was a relatively successful formula prompting the emergence of the "new

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[84] Ibid.
[85] Ibid.

industrializing countries." The disintegration of that formula had a negative impact, particularly on countries in Latin America and Africa, due to the debt crisis. The state was no longer perceived as the driving force of economic development but a failure for not meeting market requirements for sustained economic growth.[86] As a result, changes in trade regulation/deregulation and privatization of public enterprises dictated by international global institutions such as the World Bank and the International Monetary Fund (IMF) took place. Consistent with these processes, some scholars have declared the role of the state meaningless because of the power and fluidity of other transnational activities such as the economic practice.[87] Masao Miyoshi, a scholar and follower of this line of thought, maintains that the transnational corporations, the apex of global economic activity, are a modern form of disguised colonialism. While "the old colonialism operated in name of nations, ethnicities, and races[88]"transnational corporatism tends toward the nation (less)."[89]

While acknowledging the shifting qualitative role of state, the assertion of its declining power in the face of global economic forces is disputed on a variety of grounds. Contrary to Masao Miyoshi, James Anderson asserts that the dichotomy of "territorial politics" (nation-state) versus "non-territorial" economics (multinational firms) is anchored on false premises.[90] The current pace of the global political economy confirms

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[86] Dutt, Kim, and Singh. 3-21. See also, Global Change, Regional Response: The New International Context of Development, edited by Barbara Stallings. Cambridge: Cambridge University Press, 1995:1-32.

[87] Masao Miyoshi, "A Borderless World? From Colonialism to Transnationalism and the Decline of the Nation-State," Critical Inquiry, Vol. 19, Number 4, (summer 1993): 726-751.

[88] Ibid.

[89] Ibid.

[90] James Anderson, "The exaggerated death of the nation-state," in A Global World? edited by James Anderson, Chris Brook, and Allan Cochrane. Oxford & New York: Oxford University Press, 1995:79.

the increasing interdependence between states and firms. Furthermore, economic activities continue to take place in particular geographical spaces, so "fixed capital has 'fixed' locations".[91] The headquarters of most MNCs are rooted still in particular territorial spaces. Additionally, in analyzing the cyclical crises of international capitalism, Anderson reminds us that either in the Japanese yen crisis, or the U.S. crisis in the aftermath of the near stock market crash of 1987, it was the state funding of the banking system that ultimately guaranteed the normalcy of the world economy.[92] One could argue that the August-October 1998 U.S. stock market crises followed similar patterns. Another line of inquiry recognizes the changing role of government while at the same time calling attention to the diffusion of power and authority between state and non-state actors, and ultimately, what gives content and substance to the world political economy.[93] These relationships are asymmetrical and determine "who gets what and when." The important dimension in the rise of multinational corporations is their impact on world market shares, the state and civil society. Therefore, their prominence in the world economy has heightened state competition across space for allocating units of productions in their own territorial boundaries.[94] As established by Vivien Schmidt, and quoted by Strange:

> The unwritten story behind the internationalization of trade lies not so much in how international and regional trade associations are diminishing the autonomy of the nation-state, or in how multinationals are escaping the control of the nation-state, but in how nation-states have been altering their

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[91] Ibid.

[92] Ibid. 80- 82.

[93] Susan Strange, "The Limits of Politics," Government and Opposition, Vol.30, No.3, (summer 1995): 296.

[94] Philip G. Cerny, "Paradoxes of the Competition State: The Dynamics of Political Globalization," Government & Opposition, Vol. 32, Number 2, 1997:251-274.

> own policies to function in the new international arena, and in how these in turn have affected their policy making processes.[95]

In the case of Brazil, the macroeconomic approach based on import substatitution followed a formula established since the 1930s, which was anchored on desenvolvimentalism and suppresion of civil society political organizations.[96] It was a give and take socio-economic and political agreement whereby state paternalism provided an advancement in the social welfare policies extended to all segments of the working class in exchange for political loyalty to the regime. Ideologically oriented towards a nationalist flag, the sectors previously excluded from the socio-economic developments since the inception of the republic in 1890, blessed the paternalist hands of the state. It was under the dictatorial Vargas regime, from 1930-1945, that trade unions were first established. The most representative elements of the bourgeois intelligentsia were incorporated within the state apparatus through cultural agencies. That formula worked until the mid 1980s when the military regime entered into a deep crisis of legitimacy.

Escalating mass demonstrations against the regime, spurred by high cost of living, unbearable inflation rate, re-organization of civil society with the bourgening of social movements, the proliferation of political parties, and the final detachament of the trade unions and their federations from the hands of the state, combined to give birth to the

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[95] Vivien Schmidt, "The New World Order, Incorporated: The Rise of Business and the Decline of the Nation-State" in What Future for the State? Edited by S. Graybeard, Deedless, Vol. 124, N0.2, 1995:85 and cited in Strange, 297.

[96] Brasilio Sallum Jr. "The Changing Role of the State: New Patterns of State-Society Relations in Brazil at the End of the Twentieth Century" in Brazil since 1985: Politics, Economy and Society, edited by Maria D'Alva Kinzo and James Dunkerley. London: Institute Of Latin American Studies, 2003:

New Republic in 1985. The new regime was anchored on political democratization and economic liberalisation: its stability was reached only in the middle of the 1990s.[97]

Declining Role of State?

Some resource management scholars are very cautious in asserting the declining role of the state because of the restructuring of the global economy. In Malaysia, HRM practices and policies by domestic, as well as MNCs are scrutinized closely by the state. In 1975, the Malaysian government instituted a strict affirmative action policy aimed at upgrading the socio-economic, cultural and political representation of Bumiputras, who comprise 50 percent of the native population, in comparison to 35 percent represented by Chinese Malaysians. This latter group is considerably better off in all sectors of society.[98] The government has instituted short-and long-term goals for recruitment of Malaysians and employers are required to report periodically to the government agencies their efforts at recruiting Malaysians for all levels of employment, particularly middle and high levels of management. If multinational corporations have employees from their home country working at a higher level of management in Malaysia the local officials issue temporary work permits. These work permits allow companies to train Native Malaysians for future replacement of expatriates. If companies fail in their affirmative action commitments the government is entitled to withdraw company licenses to operate in the country.[99]

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[97] Brasilio Sallun Jr. ibid.

[98] Doug Wolfe and Brad Arnold, "Human Resource Management in Malaysia: A Comparison between American and Japanese Approaches," in National Culture and International Management in East Asia, edited by Herbert J. Davis and William D. Schulte, Jr. Boston: International Thomson Business Press, 1997:518.

[99] Ibid. 519

In the case of race and racial discrimination U.S based corporations have long debated the extension of existing international human rights laws to their subsidiaries abroad. In the late 1960s and early 1970s because of the apartheid regime in the former Rhodesia and South Africa, multinationals and their operations abroad came under U.S. jurisdiction. As such, companies could extend equal opportunity policies abroad without running the risk of interfering in other countries' national sovereignty.[100] Companies were to be backed up by international human rights laws. However, some American managers preferred to abide by the "when in Rome act like the Romans", policy within host countries to avoid political and economic friction with the local communities.

In South Africa such a vision eroded when U.S. corporations could no longer find skilled white South African workers. Consequently, they resorted to hiring black South Africans for skilled positions even though it was against the local legislation. U.S. businesses could do so because they were operating under the framework of international law.[101] To abide by international laws, U.S. businesses in South Africa hired black South Africans as a rational managerial decision to continue their business operations.[102]

Transnational laws may impact significantly the way domestic and foreign companies operate regarding their managerial styles and policy implementation. Country members of transnational organizations such as the International Labor Organization (ILO), World Trade Organization (WTO), and the Organization of American States (OAS) may abide by the resolutions approved by periodic conventions. The ILO, for

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[100] W. Joseph Dehner, Jr., "Multinational Enterprise and Racial Non-Discrimination: United States Enforcement of an International Human Right," Harvard International Law, Vol. 15, (winter of 1974): 86-91.

[101] Ibid.

[102] Ibid.

instance, is responsible for universalizing some labor practices through its conventions which "articulate legal principles that should be present in the indigenous laws of member-nations, and must be separately ratified by each affiliated sovereignty."[103] Nonetheless, not all member-nations must comply with ILO resolutions. Law student Tadashi Hanani recognizes that the ILO has positively influenced Japan to alter domestic laws regarding minimum age, forced labor, employment policies and discrimination in the post war period. However, out of 67 conventions, in the pre-war period, Japan ratified 14. From 1951 to 1981, out of the 153 conventions adopted by the ILO, only 22 had been ratified.[104] In countries where conventions are not enforced, "It may be that the economic boom associated with foreign investment prompts developing nations to be more tolerant of MNC employment transgressions." Conversely, "developed nations may enforce their laws more vigorously against MNCs from other developed countries with objectionable trade barriers based elsewhere."[105]

Therefore, the global political economy has brought on the interdependence between states and international firms. This factor has led some advocates of the free-market economy to decry the end of the nation-state. Against this positioning a growing consensus among scholars has stressed that, in reality, the state has altered qualitatively its role balancing the economic and political climate, while at the same time competing with other states for world market shares. Consequently, irrespective of their economic power and leverage, multinational corporations have to comply with local, state, national and transnational legislation, which controls not only their ability to operate in other

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[103] Florkoski and Nath, pp.311-312.

[104] Tadashi Hanami, "The Influence of ILO Standards on Law and Practice in Japan," International Labour Review, Vol. 120, N0.6, and (November-December 1981): 765-779.

countries but also their willingness to transfer management practices across boundaries. Even though the increasing integration of markets has altered the corporate-state relationship, the state continues to have a prominent role in conciliating the public and private sectors.

In summary, this chapter explored at a conceptual level the extent to which the cultural and political dimensions have historically intersected with other spheres of social relationships, such as the economy, providing for the transformations of the global political economy. While some students have targeted the state as a key player in promoting socio-economic development, others have considered transnational economic forces as the leading institutions capable of promoting social change and development. One could argue that the partnerships between the private sector, state and civil society may serve interrelated purposes: 1) to debunk local racial politics and practices by bottom-up advocacy groups and organizations; 2) to selectively upgrade labor skills and future leaderships in areas where multinational corporations are competing aggressively with other transnational and local market forces for competitive business interests; 3) to prevent "hassle factors" by local advocacy groups and organizations in host countries, as well as in the corporation's home country, given the increasing internationalization of social movements and 4) to protect corporate "good citizens" images safeguarding shareholders interests at home and abroad, and as a way to further their market advantage. Over the past two decades, critics have called for change in multinational organizations' political cultures arguing these microsystems have been structured by race,

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[105] Florkoski & Nath, 312.

color, religion, sex or gender differences reflecting the larger society.[106] Not addressing these factors may have some implications for the efficiency and competitiveness of organizations. As observed by one scholar, in the face of pressure, corporations always resort to their guiding principles in coordinating their vision, mission and commission, such as the sensibility to perceive change, the flexibility to implement change and ability to profit from both vision and mission.[107]

The literature often refers to transnational economic forces as stateless or "footloose" entities, whereby they are accountable only to themselves. However, the interplay of market forces, state and advocacy groups and organizations may also indicate that local-to-local articulation of global processes may acquire new meaning as catalysts of small-and large-scale processes of social change. The next chapter details the historical background, which prodded the implementation of affirmative action policies in the United States.

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[106] Stella N. Nkomo, "The Emperor Has No Clothes: Rewriting 'Race in Organization' Academy of Management Review, Vol. 17, N0.3, 1992:487-513. See also Floya Anthias, Nira Yuval-Davis and Harriet Cain, "Resisting Racism: Multiculturalism, Equal Opportunities and the Politics of the 'Community'," in Racialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle. London: Routledge, 1996:157-198.

[107] Hassen Rahmanian, "TNCs and Globalization: Competing Constructions of a Reality" paper presented at Conference on "Globalization and its (Dis) contents: Multiple Perspectives," Kellogg Center, East Lansing: Michigan State University, April 3-4, 1998.

CHAPTER 4
Equal Opportunity Policies in the U.S. and Abroad: Looking Back, Looking Forward and Beyond

Introduction

The discussions on equal opportunity policies, namely affirmative action and diversity, are divided between Chapters 5 and 6. Chapter 5 summarizes the most important historical events that led to the implementation of these policies in the United States and briefly explores the context of these policies in selected countries. The arguments advanced serve as a counterpoint to the ongoing debates and implementation of affirmative action policies and programs in Brazil, which is the subject of the next chapter. An interrelated conceptual reference guides these discussions, namely, "political consciousness", "mobilizing opportunities", "structures of governance" in addition to John David Skrentny's approach, in which several affirmative action policies emerged as the state's strategies based on administrative pragmatism and response to a crisis management, domestically, but with international implications.[1] First, I discuss the above conceptual references. Second, I briefly discuss the trajectory of race and social policies in the U.S. Third, I look at the historical background, which prodded the enactment of affirmative action policies by the U.S government. Fourth, I focus on the implication of these policies in the 21st century. I close this chapter by briefly introducing the scope of equal opportunity policies beyond the United States.

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[1] John David Skrentny (1) The Ironies of Affirmative Action: Politics, Culture, and Justice in America. Chicago & London: The University of Chicago Press, 1996: 67-110; John David Skrentny (2) "The effect of the Cold War on African-American Civil Rights: America and the World Audience, 1945-1968" Theory and Society, Vol.27, N. 2, 1998: 237-285; John David Skrentny, editor (3) Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America. Chicago and London: The University of Chicago Press, 2001, and John David Skrentny (4) The Minority Rights Revolution. Cambridge, Massachusetts, and London, England: The Belknap Press of Harvard University Press, 2002.

Conceptual Considerations on "Political Consciousness", "Mobilizing Opportunities" and "Structures of Governance"

The literature on collective action is vast, notably, the ones related to the emergence of the Civil Rights Movement. One study in particular provides a relevant contribution in exploring the complexities of analytical frameworks, in which the concept of class-consciousness is analyzed in opposition to other types of political consciousness. Aldon Morris, for instance, defines political consciousness as

> ... comprising those cultural beliefs and ideological expressions that are utilized for the realization and maintenance of group interests. Political consciousness is continually shaped and influenced by concrete social and political struggles engaged in by two or more groups. This definition takes into consideration the fact that both dominant and subordinate groups develop political consciousness for the purpose of achieving their respective political and social ends. Social scientists have tended to underemphasize the political consciousness of dominant groups while focusing on the oppositional consciousness of subordinate groups such as workers, blacks, and women.[2]

In the above context the concept of political consciousness is twofold: it serves to identify dominant groups' hegemonic consciousness as well as subordinate groups' oppositional consciousness. The way in which hegemonic consciousness is materialized is through public institutions that purport to attend the interests of the larger population, such as government, schools and the media. In contrast, the oppositional consciousness is based upon a set of ideas and belief systems that represent the interests of a specific constituency.[3]

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[2] Aldon D. Morris. "Political Consciousness and Collective Action" in Frontiers in Social Movement Theory, edited by Aldon D. Morris and Carol McClurg Mueller. New Haven and London: Yale University Press, 1992: 362-363.

[3] Ibid.

According to Morris, analysis of the American working class consciousness, for the most part, have been couched within analytical frameworks where survey research attempt to convey workers opinions and perceptions of class dynamics and class structure independently of their actual struggles and class conflicts. Yet according to Morris such studies tend to emphasize that black workers tend to demonstrate higher racial consciousness rather than class-consciousness in contrast to their white counterparts. These frames of analysis presuppose a dichotomous approach where workers have either class-consciousness or racial consciousness. From this standpoint class-consciousness is perceived as objectively anchored on a transformative power. On the other hand, racial consciousness is perceived as subjective and consequently it lacks a transformative component for social change. As inferred by Morris, the historical contexts are lost among the interactional domains, which produce class conflicts and propel workers to act collectively in pursuit of their interests. More importantly, other types of political consciousness such as gender, race, and ethnic consciousness are rendered invisible.[4] Workers have always been aware of the conditions and circumstances of their exploitation. Then, what are the conditions and under which circumstances are people propelled to act in pursuit of their collective interests? Again, Morris provides an important reference beyond the dichotomous capital versus labor framework.

> Human action cannot be reduced to social structures and impersonal social forces. From birth to death, human beings are embedded within cultural contexts that provide them with belief systems that help guide their actions and infuse them with meaning and comprehensibility. But neither are they simply detached cultural actors, given that they are also embedded within structural contexts that shape their actions and limit their options. To understand human action therefore, attention has to center on the intersection of culture and structure.[5]

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[4] Ibid. p. 359.
[5] Ibid. p. 351.

Throughout history African American communities in the United States and others racialized groups have fought against systems of domination and subordination with relative success and countless failures. Since the Reconstruction Era, and for almost one hundred years, racial domination constituted the hallmark of American society. Curiously, it was in the context of the Cold War where the U.S. avidly sought to secure world leadership and legitimacy that some advances in civil rights took place. It was the fact that only then, and not before the Civil Rights Movement prevailed, that forced me to look further into the social movements and in the international relations literature in order to obtain additional conceptual understandings. Thus, Jackie Smith's "mobilizing opportunities" and Thomas Risse Kappen's "structures of governance" conceptualizations provided me with some insightful answers.

In his study of social movements Sidney Tarrow[6] defines "political opportunity structure" as the "consistent – but not necessarily formal, permanent, or national – signals to social or political actors which either encourage or discourage them to use their internal resources to form social movements." Departing from Sidney Tarrow, Jackie Smith, in her studies of transnational politics, expanded the meaning of opportunity structures to incorporate transnational opportunity structures, reminding us that the political realm constitutes only one aspect compelling people to collective action. Cultural and social contexts should play an equally important role in mobilizing political action. In this sense, Jackie Smith refers instead to "mobilizing opportunities" as "the activists' attempt to mobilize individual and organizational adherents, active supporters,

[6] D. McAdam J.D. McCarty, and M. Zald, ed. "States and Opportunities: The Political Structuring of Social Movements" in Comparative Perspectives on Social Movements: : Political Opportunities, Mobilizing Structures and Cultural Framing: Social Movement Dynamics in Cross-National Perspectives, Cambridge. MA: Cambridge Press, 1996: 41-61.

sympathetic media coverage, and material resources for its political struggle."[7] In the context of the Civil Rights Movement a broad coalition of supporters and media coverage were fundamental to impacting the national conscience unleashing one of the most important processes of social change in the United States.

Because the end of racial segregation ended officially in 1954 and the Civil Rights Movement took place in an era of heightened international tension between the United States and the Soviet bloc, a look into the international relations literature where Thomas Risse-Kappen, in his comprehensive study of the impact of the international institutions on domestic structure politics provided me with some additional insights. Risse-Kapen elaborated the concept of "structures of governance" to refer to both the domestic structure and international institutions "as the normative and organizational arrangements which form the "state, structure society, and link the two in the polity."[8] As defended by Risse-Kappen "Domestic structures are likely to determine both the availability of channels for transnational actors into the political systems and the requirements for 'wining coalitions' to change policies". International institutions are conceptualized by "the extent to which the specific issue-area is regulated by bilateral agreements, multilateral regimes, and/or international organizations".[9] Though considering the importance of this concept there are points of contention between

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[7] Jackie Smith, "Transnational Political Processes and the Human Rights Movement" Research in Social Movements, Conflicts and Change, Vol. 18, 1995:192. In this conceptual effort, Smith based her argument on Rucht studies of political action where he refers to "context structure" in substitution of Tarrow's political opportunity structures, and cited in "The Impact of National Contexts on Social Movement Structures: A Cross-Movement and Cross-national Comparison." Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures and Cultural Framing: Social Movement Dynamics in Cross-National Perspectives, edited by D. McAdam J.D. McCarty, and M. Zald. Cambridge. MA: Cambridge Press, 1996:185-204.

[8] Thomas Risse-Kappen, pp.

[9] Thomas Risse-Kappen, op. cit

Margaret Keck and Kathryn Sikkink,[10] and Risse-Kappen. The former place more emphasis on issues and networks, because, according to them, 'domestic structures' explain only partially why and under what conditions some transnational advocacy networks succeed while others do not. "Institutional openness to leverage varies significantly across issue areas within a single institution or state structures". Despite the important observations made by Keck and Sikkink, Jackie Smith, another student of transnational political movements, convincingly argues along the same lines as Risse-Kappen, that:

> Social movements are more likely to emerge under political and economic conditions that support (or at least which do not completely suppress) mobilization and where their capacity for political influence vis-à-vis established political actors is favorable.[11]

These arguments, though related to social movements, can be extended to the analysis of advocacy organizations, for example, the U.S. civil rights advocacy organizations in the 1950s and 1960s, and the contemporary examples of Afro-Brazilian advocacy organizations, which over the last twenty-five years have been engaged in civil rights mobilizations in Brazil. Thus, in the sections to follow, I will summarize some of the most important historical events that contributed to the implementation of affirmative action policies in the United States. Key to these narratives is John Skrentny's administrative pragmatism and crisis of state management concepts in relation to domestic contexts with international implications.

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[10] Margaret E. Keck and Kathryn Sikkink, 1998. Op. cited.
[11] Jackie Smith, op. cit.

Looking Back: "Race" and Social Policies in the United States

In the history of the United States, affirmative action policies and programs constitute one of the most contested institutional arrangements to date. Students of American institutions have long debated the extent to which the changing patterns of racial categorizations have profoundly impacted policy-making and politics, or how specific social policies and attendant institutions, abiding by local and state political interests, have effectively included or excluded racialized social groups.[12]

Theda Skocpol, for instance, defends the last argument in her analysis of the African Americans' trajectory in the welfare policies. She argues that over periods of time, and according to regional and local contexts, African Americans and their descendants were able to accrue uncontested social benefits based upon cross-class alliances, such as the war veteran pensions, from the Civil War to the World War II, and the New Deal emergency relief and work programs in the early 1930s.[13] Furthermore,, the New Deal labor policies, which favored the unionization of wageworkers and wage and hour regulations, excluded rural workers, particularly southern rural black workers and sharecroppers.[14] By the same token, the social insurance program under the Social Security Act of 1935, that almost reached universal social provision, excluded retired and unemployed workers under the categories domestic service and agricultural work where

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[12] Robert C. Lieberman, "Race and the Organization of Welfare Policy" in Classifying by Race, edited by Paul E. Peterson. Princeton, New Jersey: Princeton University Press, 1995:156-187. See also George R. La Noue and John C. Sullivan "Deconstructing Affirmative Action Categories" in Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America, edited by John David Skrentny. Chicago and London: The University of Chicago Press, 2001: 71-86; Richard M. Valelly "National Parties and Racial Disenfranchisement" in Classifying by Race, edited by Paul E. Peterson. Princeton, New Jersey: Princeton University Press, 1995:188-216.

[13] Theda Skocpol "African Americans in U.S. Social Policy" in Classifying by Race, edited by Paul E. Peterson. Princeton, New Jersey: Princeton University Press, 1995: 129-155.

[14] Ibid. 142.

two thirds of African American workers were so categorized. These categories were later incorporated into the Social Security Act.[15] From the 1960s onward, elderly people, irrespective of race, color, religion or national origin, have become entitled to the old-age insurance programs.

In the 1990s, however, other social provisions, that previously enjoyed national support, such as mothers and their children, i.e. welfare mothers, suffered a political backlash that had an unmistakably racial and class bias against the poor. At the turn of the twentieth century, for example, women workers, mostly white women in the industrialized centers of the North, enjoyed cross-class alliances that guaranteed them welfare benefits. Motherhood was conceptualized as an honorable function in society, since in addition to participating in the workforce; mothers were taking care of future citizens. Furthermore, honorable motherhood was based upon significant exclusions. African American mothers, except in a few cities of the North, were excluded from state and federal maternal regulations and benefits.[16] Gradually, from the 1960s to the 1990s, poor mothers, in general, began receiving state support to raise their children through the Aid to Dependent Children (ADC) policies. In the middle of the 1980s these policies became steadfastly associated with poor, nonwhite and unwilling to work mothers, resulting in a drastic reduction of these policies in the 1990s.

If exclusion and inclusion of African Americans characterized the trajectory of American social institutions, the same can be said for political rights. In the aftermath of the Civil War, for a brief period African Americans enjoyed the right to vote. Soon after southern retrenchment cast them out of the political process until 1965 when Congress

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[15] Ibid.
[16] Ibid. pp 138-141.

approved the Voting Rights amendment to the Constitution. In the same year the Immigration Act was also approved, banning national origin quotas and extending citizenship rights to Asians, Southern and Eastern Europeans, and Latin Americans willing to live in the United States. While for African Americans social and political rights were fought over for decades with varying degrees of success and failure, Asians, Southern and Eastern Europeans, and later Latin American immigrants conquered social and political rights, not so much because of their political organization and militancy, but because of perceived changing demographics and related voting power, as well as geopolitical circumstances of the time. Affirmative action policies implemented after the Civil Right Act of 1964 represent a combination of all these factors, in addition to exemplifying the convergence of domestic and international interests.

Antecedents of Affirmative Action Policies

Among specialists in public policies, the 1960s Civil Rights movement is also known as the "Second Reconstruction", in reference to the government attempts to redress historical injustices committed against the African American communities nationwide.[17] The injustices consisted of a "tripartite system of domination" where systematic institutional and everyday racism controlled African American communities "economically, politically and personally".[18] Economically, African Americans were excluded from mainstream jobs, were systematically denied financial opportunities, and had limited access or no access to certain institutions of higher education. Politically, they were deprived of their voting rights, and personally had their freedom of movement

[17] Carl M. Brauer. John F. Kennedy and the Second Reconstruction. New York: Columbia University Press, 1977.

[18] Aldon D Morris. The Origins of the Civil Rights Movements: Black Communities Organizing for Change. New York: The Free Press, 1984: 1-4.

restricted.[19] That period was also characterized by economic expansion, where political agreements between policy makers and civil rights activists provided the framework for state action in mediating the socio-economic interests of powerful groups, while at the same time apparently addressing the needs of the most vulnerable sectors through social programs and compensatory policies.[20]

The historical vulnerability of the African-American communities had been spelled out on numerous occasions, such as the report supervised by the sociologist Franklin Frazier, in the aftermath of the Harlem uprisings in 1935. The report was titled The Negro in Harlem: A Report on Social and Economic Conditions Responsible for the Outbreak of March 19, 1935. In it, Frazier pointed out the potentially dangerous racial division of the labor force and its negative impact on the Black community. Frazier's report clearly indicated that the principle of equality before the law was not enough to guarantee inclusion of larger numbers of black employees in the overall workforce.

The report's final proposal to remedy racial inequality sparked controversy and fell into obscurity, having been silenced first by policy makers, and second by the academic community that ignored the study's findings. The mayor of New York City at that time, Fiorello La Guardia, considered it too explosive, and managed to prevent its publication. However, a year later in 1936, *The Amsterdam News* published the entire report exposing the conditions of racial exclusion experienced by the black community in Harlem.[21] Even though the liberal Constitutional principle stated that anyone enjoyed

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[19] Ibid.

[20] Stephen Steinberg. Turning Back: The Retreat From Racial Justice in America Thought and Policy. Boston: Beacon, 1995:109.

[21] Paul D. Moreno From Direct Action to Affirmative Action: Fair Employment Law and Policy in America 1933-1972. Baton Rouge: Louisiana State University Press, 1997

equality before the law, it did not find expression in the social reality experienced by African-Americans in the 1930s. In this context, grass-roots campaigns such as "Don't Buy Where You Can't Work" emerged, that were related to several incidents throughout urban American, known as the "race riots of the 1930s."[22]

It was only after the Civil Rights Act of 1964 that a color-blind anti-discrimination legislation was enacted based on the principles of the disparate-treatment theory, despite the fact that since the 1930s, segments of the black community had been pleading for race-specific public policies, also known among policy-makers as disparate-impact theory, but to no avail.[23]

Disparate-treatment theory refers to individual rights whereby the principle of equal opportunity favors merit and not race in decision-making processes: for example, who should or should not be hired.[24] Those in favor of this universal criterion are not necessarily against compensatory policies to certain individuals but are vehemently opposed to what they perceive as preferential treatment in a context where everybody should be equal before the law.

Disparate-impact theory, on the other hand, refers to group rights, where racism is perceived to permeate all social institutions, influencing human behavior either subtly or unconsciously and rendering the principle of merit useless. Proponents of disparate-impact theory are color-conscious and strategically make use of statistical data in order to scientifically prove the lack of proportional representation of discriminated groups within

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[22] Ibid.
[23] Ibid. 1-5.
[24] Ibid. p.2

the labor force. According to specialists, group representation is "the safest guarantee of individual rights."[25]

Historical records have shown that since the 1920s labor leader A. Randolph Phillip, of the Sleeping Car Porters Union, fought for equal opportunities in the labor market with scant results. However, it was not until 1941, under the threat of a March to Washington organized by A. Philip Randolph, that President Roosevelt issued Executive Order 8802, prohibiting racial discrimination in the defense industry, but not in the armed forces.[26] It was in the 1940s that civil rights leaders such as A. Philip Randolph successfully linked the issue of civil rights to a question of national security. Roosevelt, on the occasion of signing Executive Order 8802, declared:

> that there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color, or national origin," and that "it is the duty of employers and of labor organizations... to provide for the full and equitable participation of all workers in defense industries.[27]

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[25] Paul D. Moreno, p.2

[26] Ibid. p.28. Steinberg in the op. cited eloquently describes the incident where Eleanor Roosevelt and Mayor La Guardia were summoned to convince A. Philip Randolph to abort the march, but to no avail. Randolph stood firm behind his resolution. For more details about this episode see Jervis Anderson. A Philip Randolph: A Biographical Portrait. New York: A Harvest Book, 1974: 241-261. The March on Washington was scheduled to take off on June 25, but six days prior to its launching it was cancelled most likely because of the presidents' executive order 8802 which proscribed discrimination in the defense industries. The decision to cancel the march was severely contested within the ranks of the movement whose young militants accused Randolph to selling out to President Roosevelt. In response to his detractors, Randolph issued the following statement: "because its main objective, namely the issuance of an Executive Order banning discrimination in national defense, was secured... The Executive Order was issued upon the condition that the march be called off...The purpose of the march... was not to serve as an agency to create a continuous state of sullen unrest and blind resentment among Negroes... There is sufficient evidence of this. Its purpose was to achieve a specific and definite thing. ... It would have constituted a definite betrayal of the interests of the Negro if the march Committee after receiving ...The main objective of its struggle ... had defiantly waved it aside and March on to Washington. Such a strategy would have promptly and rightly been branded as a lamentable specie of infantile leftism and an appeal to sheer prima donna dramatics and heroics." pp. 259-260. See also Nicolaus Mills, (ed) Debating Affirmative Action: Race, Gender, Ethnicity, and the Politics of Inclusion. New York: Dell Publishing, 1994:5-7

[27] Jervis Anderson, pp. 259.

Although racial discrimination was banned in the defense industries, racial segregation constituted the hallmark of social life, plaguing all social institutions without exception. At the time Executive Order 8802 was issued it also marked the beginning of the Cold War, yet nationwide compensatory policies for African Americans were out of the question. One of the ironies of affirmative action policies, as noted by Skrentny, was the fact that no major march on Washington was rallied for or against this policy. No major civil rights organizations lobbied for its implementation, and although advocating for racial preferences policies was considered political suicide in the 1960s, white males in positions of power in the government and in the business community crafted the policy and later courted civil rights organizations to support it.[28]

Affirmative Action at the Dawn of an Era

Skrentny, in his historical analysis of the implementation of affirmative action polices and programs in the United States, highlighted three major factors, among others, that ultimately contributed to the adoption of those policies by the state: a) the international environment, where at the height of the Cold War the Soviets alarmed the world to the dangers of capitalism spearheaded by the United States, where racial oppression represented the most visible signal of that regime;[29] b) a crisis of state management prompted by wide scale urban unrest led, primarily but not exclusively, by segments of the African American urban communities; and c) national disruption of socio-political life.

[28] John David Skrentny, 1996:5-6.
[29] John David Skrentny, 1996.

The final adoption by the state of equal opportunity policies was couched within an administrative pragmatism expeditiously undertaken by federal agency administrators, the White House and State Department officials with the approval of the business communities, mainstream civil rights leaders and advocacy organizations such as the Southern Christian Leadership Conference, the National Association for the Advancement of Colored People and other advocacy organizations. These main protagonists of the affirmative action policies, at that particular period of time, supported the colorblind approach to equal opportunity policies.[30]

Political calculation and administrative pragmatism by both Democrats and Republicans gradually shifted the color-blind equal opportunity ideal expressed in the Civil Rights Act of 1964, to race-consciousness imperatives implied in the equality of results of subsequent efforts aimed at enforcing the law.[31] For instance, the Civil Rights Act of 1964 proscribed discrimination on the basis of race, color, religion and national origin. The eleven sections of the law laid out the conditions and circumstances under which discrimination ought to be barred from the private and public spheres, assuring the rights of all individuals as prescribed as the following: "Title I. Voting Rights; Title II. Injunctive Relief against Discrimination in Public Accommodations; Title III. Desegregation of Public Facilities; Title IV. Desegregation of Public Education; Title V. Commission on Civil Rights; Title VI. Nondiscrimination in Federally Assisted Programs; Title VII. Equal Employment Opportunity; Title VIII. Registration and Voting Statistics; Title IX. Intervention and Procedure after Removal of Civil Rights Cases; Title X. Establishment of Community

[30] John Skrentny, 1996: 3.
[31] Ibid. 1-15

Relations and Title XI."[32] The Equal Employment Opportunity Commission was created to monitor Title VII violations.[33] Title VI and VII became the battleground of political and pragmatic miscalculations. In the law of 1964 there was nothing suggesting preferential treatment or imposition of quotas in employment. After all, the language of the Civil Rights Acts of 1964-safeguarded the "cultural logic of the American moral values" based on color-blindness, individualism and meritocracy. It expresses what authors termed a soft affirmative action social policy whose normative character coalesced with the American moral and social values, even though, as Skrentny well observed, exceptions to the rule were also part of the tradition. Examples abound such as lower fare mass-transit for senior citizens or family farms subsidies against natural disasters.[34]

The World Audience is Watching America

Internationally, during the Cold War period, liberation struggles in several countries in Africa, Asia and Latin America signaled the international political alignment either toward the free-market capitalism as championed by the West, mainly the United States, or state socialism, as spearheaded by the Soviet Union. The end of World War II traumatized the world audience because of the atrocities committed by the Nazi-German regime against designated groups on the grounds of racism, anti-Semitism and attendant racial oppression. In 1945 the United Nations was created. In 1948, the United States,

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[32] Carol M. Swain. "Affirmative Action Revisited" in Race Versus Class: The New Affirmative Action Debate. Lanham, New York & London: University Press of America, Inc.1996: 6-7.
[33] Ibid.
[34] Ibid. pp. 2-3.

along with other nations, drafted the Universal Declaration of Human Rights as the United Nations Magna Chart. Between the 1950s and the 1960s new nations emerged out of colonialism. The International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights were issued in 1965 and 1966.[35]

While at the foreign relations level and in the name of democracy Americans and the West championed such honorable causes at home, those honorable practices were contradicted by persistent racism, discriminatory practices, and violation of human rights, focused primarily but not exclusively against, African Americans. The question of human rights became the Achilles tendon to the Euro Americans. In the Cold War propaganda machinery, racial oppression and violation of human rights identified the brand of capitalism practiced in the U.S. On the other hand, while socialism represented an alternative system for the newly formed states, after the demise of colonialism voices of dissents within the Soviet republics were also brutally repressed.

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The Hope from the East: African Americans in Search for the 'Imagined Community'

Since the early 20th century the retrenchment of racial politics and dynamics, lack of jobs, and prospects for the future in the United States prompted the flight of many African Americans to different countries in Europe, Africa, Asia and South America. Even Theodore Roosevelt, who visited Brazil in 1913 and was shocked to witness the "cordiality" between Whites and non-whites Brazilians where many "colored" men

[35] John David Skrentny, 2002:3.
[36] John David Skrentny, 1996: 67-110; John David Skrentny, 1998.

occupied positions of power, had known the latter among North Americans as a "racial paradise" by foreign visitors. Much to the dismay of Brazilian officials, Roosevelt, oblivious of the internal racial dynamics, considered many among the power elite as being African descendants.[37] However, the ticket to the Brazilian paradise was out of reach, considering the maneuvering of the Brazilian diplomatic corps in collusion with their North American counterparts to prevent a black immigration to the country. Denial of passports was the means through which "de facto" segregationist immigration policies took effect.[38]

Time was running out and skilled African Americans went to any place that could provide them a livelihood and the dignity accorded to civilized men. By 1917 the Russian revolution became a reality bringing with it the ideological motto of a new civilization, classless, and where human beings could at least dream of realizing their full potential. African Americans and Africans responded to the call, and many formed small communities around Moscow in the Black Sea region and other places.[39]

The word got out, making inroads among trade union members and reaching intellectuals from a variety of political persuasion – Whites and Blacks. Many daughters and sons of the Harlem Renaissance cultural movement were also attracted to the winds of change of the communist era: From W.E.B. Du Bois, Claude McKay, Langston Hughes to Richard Wright, in addition to lesser-known names, they all embraced the ideological alternative to capitalism. Moreover, supported by the Soviet Intelligentsia and

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[37] David Hellwig. African-American Reflections on Brazil's Racial Paradise, edited by David J. Hellwing. Philadelphia: Temple University Press, 1992.
[38] Ibid.
[39] Allison Blakely. Russia and the Negro: Blacks in Russian History and Thought. Washington, D.C.; Howard University Press, 1986: XIV and 76.

power structures, several intellectuals traveled to the Soviet Union as lecturers, along with nurses and skilled auto industry workers who went to help in the building of this new Promised Land. After all, in addition to obtaining high paying jobs, they were treated with dignity and respect during a time where lynching constituted the staple of the day in the southern belt U.S.A. Claude McKay, a well known intellectual, took an active part at the Third International conference in Moscow in1922. Langston Hughes was another towering figure of the Harlem Renaissance who traveled extensively throughout Asia.[40]

Labor leaders were particularly welcomed in Soviet circles. The American Communist Party recruited hundreds of Americans, among them African Americans, and the prospects for interracial alliances that could eventually turn the political table in the country represented a real possibility. For example, James Ford was the first African American labor leader to run in a national campaign for Vice-President by the Communist Party. In the 1930s, the concrete realization of such a bold move, though symbolic, won the hearts and minds of many constituents.[41] Still, during the 1920s Marcus Garvey was also making quite an impression among African Americans with his "Back to Africa' movement."[42] Meanwhile, racial oppression was beginning to show its explosive potential when race riots began to erupt in early 1930s, spurred by local campaigns such as the 1935 Harlem "Don't Buy Where You Can't Work" movement organized by labor leaders.[43]

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[40] Kate A. Baldwin. Beyond the Color Line and the Iron Curtain: Reading Encounter between Black and Red, 1922-1963. Durham and London: Duke University Press, 2002: 1-24.
[41] Allison Blakely, 110.
[42] Ibid. Chapter seven
[43] Paul Moreno, 1997:2

In the early 1940s African-American intellectuals continued to visit the USSR, even though by then many had already distanced themselves from the communist regime. This is attributed in part to the Stalin's "purges" of those not committed enough to the ideology of class struggles. However, influential figures such as Paul Robeson and W. E.B. Du Bois continued to demonstrate their sympathies to the Soviet regime. Both once welcomed in the high circles in the United States began to be persecuted as enemies of the state. While political repression of Communists in the United States was heightened, liberation struggle movements in Africa and Asia increasingly divided the world into competing political regimes: capitalism championed by the West, that is, the United States, and centrally planned economies, spearheaded by the Soviet Union. Italy invaded Ethiopia in 1935-1936. The nonviolent resistance movement started in South Africa from 1948 to 1953. The Mau Mau violent revolution took place in Kenya from 1952 to1956; Ghana became independent in 1957. By the end of World War II the two opposing camps were well into the Cold War era.[44]

African Americans veterans who fought for democracy abroad were disillusioned to find themselves excluded from opportunities for advancement at home due to racism and discrimination in the aftermath of World War II. Support for Communism had dramatically dropped among African Americans since the middle of the 1930s because of the wars of independence in several African countries. Nonetheless, labor advocates were sympathetic to the Communist ideals and promises of solidarity and equality. Civil rights leaders understood the importance of that historic period and skillfully linked racism and racial discrimination to violations of human rights, and therefore, a matter of national

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[44] James H. Meriwhether. Proudly We Can Be Africans: Black Americans and Africa, 1935-1961. Chapel Hill and London: The University of North Carolina Press, 2002.

security. Mahatma Gandhi was said to have called the attention of the United States and Britain officials to the contradictions inherent in the international campaign for human rights, while colonialism and racism subjugated peoples of color in Asia, Africa and in the America.[45]

The human rights issue played an important role in international politics, and civil rights leaders wisely used the international human rights principles to foster social change at home. In 1945 the U.S., along with other nations, succeeded in establishing the United Nations as an international system of governance to flag the illegitimacy of racial discrimination on a world scale. The Nazi Germans, the Japanese and the Soviets were the obvious target in light of the highly publicized news articles detailing the atrocities of racism and lynching committed in the United States. In Russia meanwhile, the main newspapers periodically published incidents of racial discrimination in the U.S. Cartoons ridiculed the brand of capitalism and democracy as its main ideology.

Moreover, political leaders from Europe, Asia and Africa expressed their doubts about the U.S. style of democracy in various newspapers, as well as letters sent to the State Department, protesting racial discrimination against African Americans. The United States Information Agency (USIA) periodically reported the concerns of African and Asian elites about discriminatory practices against African Americans and other groups perceived as second-class citizens.

In these wars of positions, major domestic efforts had to be undertaken in order to assure U.S. moral legitimacy and world leadership. The task was carried out by a variety of state and non-state actors, that including: White House and State Department officials,

[45] John David Skrentny, 2002: 27

civil right leaders, appointed black leadership working in several administrative posts, and segments of the business community, characterizing "an activist government." According to Skrentny:

> The images of minority rights revolution are mostly of mainstream Euro-American males and minority advocates, wearing suits, sitting at desks, firing off memos, and meeting in government buildings to discuss new policy directions. While these are not romantic images, they are the images of power.[46]

Hence, the struggle for racial equality indeed became a subject of national security.[47] American officials, many of whom were segregationists, and above all anti-Communists, understood the race for world leadership. The State Department sponsored international tours and seminars led by African American artists and civil rights leaders of the magnitude of Walter White of the National Association for the Advancement of Colored People. They were sent to act as emissaries of Democracy.[48]

By the early 1960s the question of civil rights was on the agenda. The assassination of President John F. Kennedy sent a chilling message to the rest of world. Several leaders perceived JFK's death as directly related to the situation of racial strife in the U.S.[49] Foreign leaders urged the U.S. government, now under Lyndon Johnson, to implement civil rights legislation. Messages varied from skepticism to cautious optimism. Nigerian President Azikiwe sent to a message to President Johnson that revealed the extent to which the world had a divided opinion about American democracy:

> The slaughter of this typical American reformer shows clearly that among some Americans there is a deep-seated hatred of the black man

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[46] John David Skrentny, 2002:5.

[47] John David Skrentny, 1996: 7-15. Thomas Borstelmann "Jim Crow's Coming Out: Race Relation and American Foreign Policy in the Truman Years" Presidential Studies Quarterly Vol. 29 no3 (Sept. 1999): 549-69

[48] Mary L. Dudziak. Cold War, Civil Rights: Race and the Image of American Democracy. Princeton and Oxford: Princeton University Press, 2000: 3-45; 79-114.

[49] Ibid. 205-207.

> as a human being. As one who was educated in American universities I am disappointed that over a quarter of a century I had preached to my people to regard the United States of America as "God's country." He now prayed that all who believe me will forgive me for being a simpleton. What would the future portend, he wondered. Who knows whether it would not be in the best interest of Africa if the newly emergent African states were not to be obliged to look elsewhere?[50]

President Azikiew's concerns echoed in many countries in Africa and Asia. The U.S. government promptly responded to that kind of pressure, implementing in record time, the Civil Rights Legislation of 1964. The Brown vs. Board of Education suit ten years earlier had not accomplished the goal of school integration because of entrenched resistance, particularly in the Southern states. The new Civil Rights Legislation was featured as a legacy to JFK, even though as Dudziak implied, the issue was not on the top of the list of the Kennedy administration. Johnson's pragmatism proved effective in a moment of emotionaly fragility since Americans were still mourning the loss of Kennedy.[51]

However, the implementation of the Civil Rights legislation did not counter the escalating of racial wars. Furthermore, the crisis in relation to the Vietnam War divided American and world attention. Following JFK's death, Malcolm X, Robert Kennedy and Martin Luther King were also assassinated in the same decade. Social unrest and large-scale urban riots became the hallmark of the summers of 1967, 1968, 1969, and 1970. To make matters worse, the radicalization of black militants sympathetic to communist ideology posed another real threat. It was against such a background that affirmative action polices and programs came into existence. These policies emerged in a period where the state was undergoing a deep crisis of management, derived from large-scale urban unrest and loss of control by the civil rights, of part of its constituencies.

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[50] Ibid. 206.

[51] Mary L. Dudziak, Chapter 3 "Fighting the Cold War with Civil Rights Reform" 2000:79-114.

Dudziak raised a trick question derived from the above developments. Why would a Republican president implement a race-based public policy? The Johnson administration era had passed and the new President, Richard Nixon, took a calculated political risk, not so much in terms of supporting race-base legislation because of past wrongs committed against a group of people, but because it would serve three interrelated purposes: a) divide the political loyalties of African-Americans in relation to the Democrats by providing them the tools to build black capitalism; b) though marginally, it would increase the Republican constituency; c) it would appease the national leadership such as the business community, civil rights leaders, and other social groups that were beginning to follow the African American footsteps in engaging in nonviolent direct action strategies to further their standing in society.

As noted by Skrentny, this seldom-analyzed aspect of the history of the Civil Rights movement cannot be overemphasized to the detriment of events that were taking place in the domestic realm. The national and international dimensions of the episodes described above may suggest that a convergence of conflicting interests ended up contributing to a large-scale process of public policies. The gradual transformation of the U.S. system of racial politics and dynamics could not be refashioned without the astute perception of civil rights leaders who strategically linked the domestic framework of racial domination to the issue of national security.

Defining Affirmative Action Policies

According to Skrentny, the term "affirmative action" first emerged in the 1935 National Labor Relations Act where the government required employers to stop

discrimination against union members, whereby taking affirmative action to the "victims of discrimination placing them where they would have been without discrimination."[52] In the 1960s the term is re-introduced in the realm of politics appearing in Executives Orders 19825 and 11246 that protected individuals against discrimination while retaining the idea of meritocracy and individual rights. Skrentny, in his search for historic specificity, considers the terminology "affirmative action" as a policy paradigm or model designed to achieve particular goals according to perceived needs.[53] Thus,

> Affirmative action will be recognized as a model or less advocated in public or official statements or institutionalized in particular practices or laws, on the basis of the extent to which the following unit ideas are present: (1) a requirement that employers see in their everyday hiring and promoting practices group difference and specifically race as real (rather than unreal or irrelevant), (2) an emphasis on counting anonymous minorities in the workforce (rather than treating each individual as an individual, (3) a de-emphasis rather than emphasis on discriminatory or racist intent and on finding individual victims of discrimination, (4) de-emphasis or re-evaluation rather than emphasis or acceptance of previously accepted standards of merit (usually with a critique of the traditional concept of merit employment as "white" or "middle-class"), and (5) an overriding concern with representation, utilization, or employment of minorities, rather than stopping harmful, "bigoted" acts of discrimination.[54]

The Employment Opportunity Commission defines affirmative action as "actions appropriate to overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity".[55] Sociologist Barbara Reskin expands the EEOC definition, particularly as related to employment as:

> ...policies and procedures designed to combat on-going job discrimination in the workplace. Like anti-discrimination laws, the goal of affirmative action is to make equal opportunity a reality for members of groups that have commonly been the object of discrimination. Unlike anti-discrimination laws, which provide remedies to which

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[52] John David Skrentny, 1996:6-7.
[53] Ibid.
[54] Ibid. 7-8.
[55] Roy L. Brooks, "The New Law of Affirmative Action," Labor Law Journal, October 1989:612. See also Christopher Edley, Jr. Not All Black and White: Affirmative Action, Race, and American Values. New York: Hill and Wang, 1996:16-17

> workers can appeal after they have suffered discrimination, affirmative action can prevent discrimination by replacing employment practices that are discriminatory – either by intent or default – with employment practices that safeguard against discrimination.[56]

Reskin divides affirmative action programs into four broad categories: "(1) presidential and gubernatorial executive orders requiring action by government contractors and subcontractors, (2) regulations requiring affirmative action by public employers, (3) court orders based on anti-discrimination law, and (4) employers' voluntary human resources policies".[57]

The first, intended for the business community, does not require government or court intervention. Employers may set up flexible goals through benchmarks or timetables in their efforts to hire more women and people of color. The second refers to federal, state and local agencies. The third requires government or court intervention: employers not abiding by the general guidelines established by the Equal Employment Opportunity Commission (EEOC) may be obliged to set up quotas as an "absolute and fast command" which guarantees the hiring of women or people of color. In this case, equality of result is expected.[58]

Because of the countless definitions being offered by specialists regarding the meaning of the term "affirmative," it is almost impossible to discern the variety of programs housed under the umbrella 'affirmative action.' There is not a single program that defines the entire scope of this at federal level. Each state adjusts affirmative action policies according to its local constituencies. Over the past forty years each state has designed its own brand of affirmative action policies. By and large, one of the common

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[56] Barbara F. Reskin. The Realities of Affirmative Action in Employment Washington, DC: American Sociological Association, 1998:5.
[57] Ibid. 7
[58] Roy L. Brooks, 1989: 618.

features of the social policy between states is the use of outreach and training programs, after school programs and mentoring, among other characteristics. It is equally important to emphasize that whether in the guidance policies issued by the Equal Employment Opportunity Commission or in the text of prominent scholars, affirmative action programs and policies should not be equated with quotas, which are illegal.[59] According to Christopher Edley, Jr. misconceptions and abuses have been committed in the name of affirmative action policies and programs and are exemplified in the following analysis:

> *In practice, flexible numerical goals can become rigid numerical straitjackets, or quotas, if the people implementing the affirmative action measure are badly trained, indifferent to the law, or poorly supervised. There is little evidence that this is a widespread problem, but plenty of anecdotes and assertions claim that it is. Of course, there is no bright line separating flexible from rigid, this kind of abuse is not just a problem for law enforcement. Like other issues of legal or social obligation-antitrust rules, labor relations, consumer protection, customer service- affirmative action requires good judgment and sound management.
> *In practice, flexible consideration of race can become an inflexible emphasis if it sacrifices other objectives inappropriately, the classic complaint being that traditional measures of merit may suffer. This potential abuse deserves careful analysis and attention;
> *It is also an abuse of affirmative action to design a program in a manner that, in the words of judicial doctrine, "unnecessarily trammels" the interests of non-beneficiaries; i.e., bystanders. The important point here is that the very flexibility of affirmative action, done right, should allow for the interests of all those potentially affected to be addressed. That doesn't mean everyone has to be happy. But, to at least some undefined extent, everyone's interest matter.
> *It's an abuse when the design of targeted programs invites fraud. For example, if the premise of a program is that the beneficiaries be minority entrepreneurs who are also economically disadvantaged, it is wrong to operate the program in a way that lets "front" firms participate or that lets participants hide financial assets that in fact make them ineligible.[60]

The Labor Department, Civil Rights Commission and the EEOC thereafter have monitored the applicability of affirmative action policies. It should be noted that Executive Order 10925 targeted Federal, state and local agencies, and since 1978 it has

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[59] Christopher Edley, Jr., 1996:18-19.
[60] Ibid.

been monitored by the EEOC. Besides maintaining periodic statistics on the composition of the labor force by race and gender, these federal institutions have implemented further guidelines for orienting contractors doing business with the government. Those who have followed equal opportunity standards have received quicker approval for their government contracts as compared to those who have not.[61] Although affirmative action policies and programs are located in corporations, universities and other arenas, in the United States they are largely state-sponsored policies protecting the right to equal opportunity in education and employment. Occasionally, head-count data must be filed with the appropriate federal agencies demonstrating success in achieving government goals. Legal, moral, political and social responsibilities constitute the principles underlying government affirmative action initiatives. The following table summarizes the scope of affirmative actions policies in the United States.

[61]Nicolaus Mills, (ed) Debating Affirmative Action: Race, Gender, Ethnicity, and the Politics of Inclusion. New York: Dell Publishing, 1994: .9

Table 6 - Federal Affirmative Action Efforts
Methods, Spheres of Activity, and a Few Illustrative Programs

	Outreach, Hortatory Efforts	Disclosure of Data	Affirmative Action Plans	Targeted Training And Investment	Goals And Timetables	"Soft" Preferences	Set-Asides
Federal Employment	Military Recruitment	Head-count Reports to EEOC are Required	Encouraged by EEOC when appropriate	Foreign Service Internships; West Point/ Annapolis Prep. Schools	Rare: used by Agencies when appropriate	None formally, but many hires and promotions are subjective	none
Federal Benefits	Agencies encouraged to use minority banks; grants encourage states' outreach	Community Reinvestment Act; SBA § 7 (a) loan program data from lenders	Conditions on certain grants (e.g., Education, Interior) require planning	Dozens of HHS and education scholarship and faculty programs	SBA § 7 (a) District-level loan participation goals	FCC distress sale and tax incentives; some auction-bid price preferences	Auctions of foreclosed farmland; auctions of certain FCC licenses*
Federal Agency Procurement Practices	Offices of Small Disadvantaged Business (SDB) Utilization in most agencies	SBA monitors and reports on government-wide Procurement goals	Agencies prepare periodic plans on how they will pursue their contracting goals	Special Small Business Investment Cos.; SBA § 7 (j) technical assistance program	Government-wide procurement goals required by statute	up to 10% bid price preference in some cases for SBDs; "evaluation" preferences, too	Rule-of-two sheltered competition for SDBs in some cases; * § 8 (a) sole-source contracts
Private Contractor Practices	DOL's awards for Exemplary Voluntary Efforts by contractors	Head-count data filed with EEOC	Required by Executive Order 11246 when appropriate	Mentor-protégé programs at DOD	Required by EO 11246 to address serious "under-utilization"	None required by federal law	None required by federal law

- The commission in the weeks following Adarand suspended the FCC program; the rule-of-two program was suspended in October 1995 as part of the Justice Department's review of programs for compliance with *Adarand* and the President's directive on affirmative action. Officials hope to publish the broader proposal for how agencies redesigned SDB contracting programs in the Federal Register eventually.
- SDBs are, by statute and regulations, socially and economically disadvantage; this presumptively includes minority-owned business.

Source: Christopher Edley, Jr. Not All Black And White: Affirmative Action and American Values. New York: Hill and Wang, 1996: 20- 21

The Turning Point: Gradual Shifts

In the Johnson administration, subsequent amendments and Executive Orders such as 11246 in 1965, and 11375 in 1967, aimed at enforcing affirmative action policies, sparked a series of controversies that go beyond the scope and purpose of this study.[62] But, one of the controversies referred to President Johnson's statement, delivered at Howard University in June of 1965 during a commencement. On that occasion, President Johnson declared:

> You do not take a person who, for years, has been hobbled by chains and liberate him, bring him to the starting line of a race and then say, you are free to compete with all others and still justly believe you have been completely fair.[63]

In saying that, the President was conjuring up the disparate-impact theory whose principles, in addition to proclaim the validity of group rights over individual rights, aimed at guaranteeing equality of results. By the end of the Johnson administration, the Office of Federal Contract Compliance (OFCCP) stipulated that firms doing business with the government above $50,000 were required to present affirmative action hiring plans, which resulted in more blacks added to the workforce. The Labor Department would then "green light" those contractors who were abiding by these new regulations and "red light" those contractors who were not. Both executive orders primarily targeted the business community. Twelve years after the Civil Rights Act of 1964 the disparate-impact or color-conscious theory became the predominant theoretical framework and spearheaded subsequent anti-discriminatory legislation and policies.

During the Nixon administration, on June 2, 1970, the OFCCP included sex discrimination guidelines, even though goals and timetables were not required as in the

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[62] Ibid.
[63] Ibid. p.7.

case of other 'minority' groups. The leadership of women's organizations, such as the National Organization for Women (NOW), and the Women's Equity Action League (WEAL), protested for not being taking seriously as blacks, since their appeals fell upon deaf ears.[64]

Nevertheless, it was during the Nixon administration that affirmative action policies and programs became inextricably linked to disparate-impact theory, moving away from the disparate-treatment ideal as conjured up by the Civil Rights Laws of 1964. Hugh Graham poses the big question on how a re-elected Republican president staunchly opposed to racial quotas and racial busing could have allowed the implementation of social policies based on the principle of disparate-impact theory.[65] Graham suggests that the bureaucratic, theoretical, and judicial domains could be held responsible for the turn of such events.

In the bureaucratic domain, the traditional style of public administration of "clientele capture" relied on enforcement and compliance to the law through regulated individual industries, whereby "capturing effective control of the commission or board designed to regulate economic behavior in the public interest".[66] The new regulatory system implied the control of commission or boards by representatives of the "organized minority constituencies". In addition to the civil rights enforcement agencies that were set in place in the late 1950s and early 1960s, such as the Civil Rights Division in the Justice Department, and the EEOC respectively, twenty-seven new regulatory enforcement agencies were created in order to comply with the 1965 executive order signed by

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[64] John David Skrentny, 2002:135-142

[65] Hugh Davis Graham. "Race, History, and Policy: African Americans and Civil Rights Since 1964" Journal of Policy History, Vol. 6, N0.1, 1994:19-22.

[66] Ibid. 19

President Lyndon Johnson. In addition, Nixon created two enforcement agencies as the Office of Minority Business Enterprise (OMBE) in the Department of Commerce, and the Voting Rights Commission in the Justice Department. These newly created agencies covered not only particular industry but also the entire economic sector.[67]

In the theoretical domain, universities, namely law schools, foundations (Ford and Rockefeller), think tanks, private-law firms, and single interest lobbying groups provided the intellectual rationale. This critical mass reinforced the idea of compensatory justice for past discrimination embedded in the principles of disparate-impact theory supported by statistical analysis as a measure to prove "proportionally unequal results." Such an approach was largely used to assess job promotions, awards, and access to selected higher education schools. This theoretical framework privileged group rights, which diametrically opposed the liberal tradition of protection of individual rights. The model after which these new enforcement agencies mirror their actions followed the Philadelphia model of contract-compliance, whereby inclusion of minority groups into the labor force should be proportional to their number in the overall local population.[68]

In the judicial domain, compliance to the federal courts constituted the main principle around which local states should make an extra effort to undo generations of past discrimination, in particular in the school system. Consequently, as Graham notes:

> To redress the damage inflicted on an entire race down through the generations, the Supreme Court approved increasingly detailed school policies that stipulated the racial assignment of pupils, teachers, administrative staff, and the color-conscious construction of school budgets – judicial interventions that were similar to the minority hiring requirement of the Philadelphia Plan.[69]

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[67] Ibid. 19-23
[68] Ibid. 21.
[69] Ibid. p. 21.

Several unsuccessful lawsuits were filed against these new enforcement policies against a background of political alliances between the White House and civil rights liberals versus organized labor and southern Democrats. By the early 1970s the Philadelphia style of contract-compliance had become the paramount of all federal enforcement agencies. Curiously, Graham notes that Nixon's strategy in supporting race-based specific legislation aimed primarily at: a) punishing organized labor through its AFL-CIO members who defeated a Nixon's southern Supreme Court nominee, Clement F. Haynsworth; b) to further the division between the New Deal coalition of the 1960s, most notably Blacks and organized labor; c) to attract the black middle class in order to "cement" their loyalty to capitalism while at the same time increasing Republican support, therefore undermining even further the New Deal coalition. The long-term direct beneficiaries of this risky strategy would be southern whites and urban ethnics who would eventually strength the Republican control of the political process.[70]

The Johnson and Nixon administrations perfected the meaning, scope and content of affirmative action policies and programs in order to accommodate diverse interest groups such as women (mainly the white advocacy organizations), Mexican and Puerto Rican political lobbies,[71] and later the concerns of a growing population from Central and South America lumped together as Hispanics. What once was considered to be a 'soft' social policy became a "hard" policy strictly monitored by the central government through the requirement of goals and timetables.

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[70] Ibid. 22-24.

[71] John David Skrentny, 2002: 120-122; 124-128.

Thus, within the scope of affirmative action policies and programs, in 1977 the Congress passed the Public Works Employment Acts instituting set-aside programs granting billions of dollars for minority business enterprises, mainly African Americans and Hispanics. Other groups were later incorporated into these programs, such as Asians, American Indians, Eskimos, and Aleuts, thereby increasing the political power of these communities. The most evident result of this policy was the conquest of several mayoral elections in several cities across the United States, despite mounting opposition to affirmative action policies and programs, and the widening gap between the richest and the poorest segments dictated by the restructuring of the U.S. economy.[72]

The Gains from Affirmative Action Programs and Policies in the United States

In spite of being controversial affirmative action programs and policies have thrived for 40 years in the United States. Their purpose has been to reduce discrimination against specific groups of people who were previously excluded from jobs and educational opportunities. African Americans, women, Native Americans, and the Spanish speaking populations lumped together as Hispanics, are the target groups for these programs and policies. Although quantitative and qualitative analyses have indicated that groups have benefited from these programs and policies, researchers are cautious about giving these compensatory programs too much credit. In times of economic expansion these groups are more likely to receive some benefit from these policies as opposed to times of economic recession.

[72] Ibid. 28-31

It is important to consider that affirmative action programs and policies are widely implemented in federal, state and local governments, and in companies doing business with governments, which according to a 1995 study, were estimated to be only three percent of private companies. Even though there are an increasing number of companies that have voluntarily taken affirmative steps to prevent discrimination in the workplace, the majority of firms have not developed or implemented any affirmative action policies.[73]

Discrimination is still part of everyday formal and informal social practices. The way social networks benefit certain groups of people in hiring, promotion, and even word of mouth opportunities for career advancements constitute some of the examples of structural discrimination. While these practices are race and gender neutral, they reinforce discriminatory practices in light of the outcomes they produce.[74]

Substantial wage gaps between social groupings continue to indicate that some enforced measures ought to be in place to correct these distortions. In 1995, for instance, compared to white men's salaries, African American men and white women, earned on average 73 percent; African American women earned on average 63 percent; Hispanic men earned 62 percent, and Hispanic women earned on average 54 percent. As Reskin and other scholars have documented, the wage gap between African Americans and Whites has increased, particularly among college graduates.

In 1979 African American college graduates earned on average 94 percent of a white man's salary. Ten years later that percentage had decreased to 86 percent, and by

[73] Barbara Reskin, 1998: 5-10
[74] Ibid. pp. 35-37.

1990 had decreased again to 79 percent for the same occupation.[75] It should be recognized that the "glass ceiling" continues to prevent white women and other "racialized" groups from moving up the corporate ladder. In 1995 Reskin noticed that in *Fortune 1000* companies women, held 46 percent of the jobs whereas non-white women accounted for 21 percent. However, white men occupied 97 percent of senior management positions, and Hispanics, Asians and African American were very far from becoming the top executives of major corporations.[76]

Recent studies on educational achievement, median family income, employment and unemployment rates and wealth index continue to point to significant gaps between White and non-white social groupings in the United States. For instance, non-Hispanic Blacks and Hispanic males and females lag behind all indicators of educational achievements in comparison with white non-Hispanic groups, as shown in the following tables:

Table 7 – Educational Attainment of the U.S. Population 25 Years of Age and Older, by Race/Ethnicity and Sex, 2000 (Percentage)

			Race/Ethnicity		Sex	
Highest Education Level Reached	White Non-Hispanic	Asian	Black Non-Hispanic	Hispanic	Male	Female
No High School Diploma	11.5	14.4	21.1	43.0	15.8	16.0
High School Diploma	34.1	22.1	35.3	27.9	31.9	34.3
Some College	26.3	19.6	27.0	18.4	24.5	26.1
Bachelor's degree	18.6	28.7	11.5	7.3	17.8	16.3
Advanced degree	9.5	15.2	5.1	3.3	10.0	7.3
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: Chronicle of Higher Education (2002); U.S. Census Bureau (2001a).) and cited in Fred L. Pincus. Reverse Discrimination: Dismantling the Myth. Boulder & London: Lynne Rienner - Publishers, 2003:10.

[75] Ibid. pp. 40-43.
[76] Ibid. 41

Table 7 demonstrates that Black Non-Hispanic, Hispanics and females presented the highest percentage among those who had not completed high school. In the 2000 census, among those who had a high school diploma, Black Non-Hispanics and females were slightly well off in comparison to White, Asian and Hispanic groups. Among those who had some college, Whites and Blacks, males and females, were well represented in comparison to Hispanics. As the level of education increased Asians represented the most well educated group in the population compared to Whites, Blacks and Hispanics, since they were most likely to have obtained a bachelor as well as advanced degrees.

Table 8 – Percentage of 25- to 29 Year-Olds Who Had Completed 4 Years of College in 1978 and 2000, by Race/Ethnicity and Sex

Race/Ethnicity	1978	2000
White	24.5	29.6
Black	11.8	17.5
Hispanic	9.6	9.7
White/Black (a)	2.1	1.7
White/Hispanic (a)	2.6	3.1
Sex		
Male	26.0	27.9
Female	20.6	30.1
Male/Female(b)	1.3	0.9

Source: Harvey (2002).
Notes (a). The white graduation rate is divided by that of the black or Hispanic population. A ratio greater Than 1.0 indicates a white advantage, while a ratio of less than 1.0 indicates a black or Hispanic advantage. (b). the male graduation rate is divided by that of the female population. A ratio of greater than 1.0 Indicates male advantage, while a ratio of less than 1.0 indicates a female advantage.

E.g., 29.6% of whites graduate from college in 2000.
Cited in Fred L. Pincus. Reverse Discrimination: Dismantling the Myth. Boulder & London: Lynne
Rienner Publishers, 2003:11.

Table 8 shows that since 1978, Blacks and Women were among those who advanced the most in educational attainment. While Whites had an overall increase of 5.1 percent in educational progress, Blacks and Women had an overall success rate in

educational achievement of 5.7 percent and 9.5 percent respectively in comparison to Hispanics.

However, in terms of employment and unemployment rates, as well as median family income, Blacks and Hispanics, regardless of the level of educational attainment, show these two groups were most likely to accrue less rewards in terms of income and wealth accumulation in comparison to Whites and other population groups. One can argue that some level of discrimination may take place in terms of job allocation and occupation as the following table shows:

Table 9 – Unemployment Rates in 2001 for Persons 25 Years of Age and Older, by Education, Race/Ethnicity, and Sex.

Education Level			Race	&	Ethnicity		Sex	
	White	Black	Hispanic	B/Wa	H/Wb	Male	Female	F/Mc
Did not complete High School	6.5	11.9	7.5	1.83	1.15	6.5	8.5	1.31
High School Graduate	3.6	7.5	4.4	2.08	1.22	4.3	4.0	0.93
Some College	3.0	5.0	3.8	1.67	1.27	3.3	3.3	1.00
College Graduate	2.1	2.7	3.6	1.29	1.71	2.2	2.3	1.05
All Education levels	3.3	6.3	5.3	1.90	1.61	3.6	3.7	1.03

Source: Bureau of Labor Statistics, www.bls.gov/cps.
Notes: a. The black rate (b) is divided by the white rate (W).
b. The Hispanic rate (H) is divided by the white rate (W).
c. The female rate (f) is divided by the male rate (M).
E.g., for all education levels, the Hispanic unemployment rate is 1.61 times higher than the white rate.
Cited in Fred L. Pincus. Reverse Discrimination: Dismantling the Myth. Boulder & London: Lynne Rienner Publishers, 2003:12.

Table 9 shows that Blacks without a high school diploma or those who had some college were more likely than Whites and Hispanics to be unemployed. Those graduated from college still had slightly higher rates of unemployment in comparison to Whites.

However, Hispanics in this category had higher rates of unemployment than both Whites and Blacks. When rates of educational levels were calculated Blacks and Hispanics still presented higher levels of unemployment that their White counterparts. For those employed Blacks and Hispanics continued to be underrepresented in most categories, with the exception of a few categories, including areas of service areas and semi-skilled and unskilled occupations as presented in the next table.

Table 10 – Employed Persons in 2000, 16 Years of Age and Older, by Occupation, Sex, and Race/Ethnicity (percentage)

	Percentage of	Total	Population
Occupation	**Women**	**Black**	**Hispanic**
Executives, administrators, managers	**45.3**	**7.6**	**5.4**
Professionals	**53.9**	**8.7**	**4.6**
Physicians	**27.9**	**6.3**	**3.7**
Lawyers	**29.6**	**5.4**	**3.9**
Teachers (non college)	**75.4**	**10.4**	**5.2**
Nurses	**92.8**	**9.5**	**2.8**
Technicians	**51.7**	**11.2**	**6.9**
Sales	**49.6**	**8.8**	**8.5**
Administrative support	**79.0**	**13.7**	**9.7**
Service	**60.4**	**18.1**	**15.7**
Police	**12.1**	**13.0**	**10.1**
Firefighters	**3.0**	**9.0**	**5.0**
Private household	**95.5**	**14.9**	**31.7**
Cleaning, building services	**45.0**	**22.2**	**23.4**
Precision production, craft, repair	**9.1**	**8.0**	**13.9**
Operators, fabricators, laborers	**23.6**	**15.4**	**17.5**
Transportation, material moving	**10.0**	**16.5**	**11.9**
Handlers, equipment cleaners	**19.8**	**15.3**	**20.7**
Farming, forestry, fishing	**20.6**	**4.9**	**23.0**
Total labor force	**46.5**	**11.3**	**10.7**

Source: U.S. Department of Labor, www.bls.gov/cps.
Note: E.g., women account for 46.5 percent of the labor force but only 27.9 percent of physicians. Cited in Fred L. Pincus. Reverse Discrimination: Dismantling the Myth. Boulder & London: Lynne Rienner Publishers, 2003:13.

Table 10 demonstrates that when considering the total population, women have an unequal representation in the labor force in certain categories, while being over represented in others. For instance, women physicians and lawyers were underrepresented, while in the areas of teaching, non-college level, nursing and administrative support they were over represented in comparison to Blacks and Hispanics. Blacks, on the one hand, who represent 11.3 percent of the labor force, were considerably underrepresented as executive administrators and professionals, such as physicians and lawyers. Yet they were more likely to be represented under the categories of administrative support, service industries, semi-skilled and unskilled occupations. Hispanics, on the other hand, though comprising 10.7 percent of the work force, were over represented in the semi-skilled and unskilled occupations. The next table contextualizes the income gaps between all groups, and similarly as the previous tables showed Backs and Hispanics are notably disadvantaged in comparison with the White majority.

Table 11 – Median Family Income in 2001, by Race/Ethnicity and Type of Family

Race/Ethnicity			**Married**	**Couples**		
	All Families	**All Couples**	**Wife in Labor Force**	**Wife Not in Labor Force**	**Male**	**Female Head**
White, non-Hispanic (WNH)	$57,328	$63,862	$74,071	$43,423	$39,979	$30,062
Black	$33,598	$51,514	$60,693	$29,309	$31,512	$20,894
Hispanic	$34,490	$40,614	$50,437	$28,682	$31,635	$20,547
All races	$51,407	$60,335	$70,834	$40,782	$36,590	$25,745
Black/WNHa	58.6%	80.1%	81.9%	67.5%	78.8%	69.5%
Hispanic/WNHb	60.1%	63.6%	68.1%	66.1%	79.1%	68.3%

Source: U.S. Census Bureau (2001), http://www.census.gov/hhes/income/income01/inctab4.html

Notes: a. The black income is divided by the white (non-Hispanic) income.
b. The Hispanic income is divided by the white (non-Hispanic) income.
Cited in Fred L. Pincus. Reverse Discrimination: Dismantling the Myth. Boulder & London: Lynne Rienner Publishers, 2003:14.

Table 12 confirms the extent to which Blacks, Hispanics and women lag far behind White non-Hispanic families. As Pincus notes, while family income may partially explain income differentials among social groupings, other explanations may contribute to clarify the nature of such disparities; for example full-time and part time working arrangements. Though table 12 did not include part and full time income earnings the same study confirms the trend in income gaps for Blacks and Hispanics in comparison with Whites.[77]

Table 12 – Race/Ethnicity Distribution of All Firms and Average Receipts of All Firms, 1997

Race/Ethnicity of Business Owner	Percentage of Population	Percentage of All Firms	Average Receipts ($)
White	70.7	84.9	92,706
Black	12.3	4.0	2,055
Hispanic	12.5	5.8	5,276
Asian	3.6	4.4	28,842
Native American	0.9	0.9	13,871

Source: Office of Advocacy (2001a).
Cited in Fred L. Pincus. Reverse Discrimination: Dismantling the Myth. Boulder & London: Lynne Rienner Publishers, 2003:17.

Table 12 presents a staggering income differential for all firms according to the Small Business Administration (SBA). Once again, Blacks are more likely to accrue less income for their business in comparison to all other groups. All the tables presented in this section seem to indicate that inequalities based on race/ethnicity is a marked phenomenon disadvantaging some groups while privileging others. After forty years of mandatory equal opportunity policies discrepancies continue to occur, indicating that the

[77] Fred L. Pincus. Reverse Discrimination: Dismantling the Myth. Boulder & London: Lynne Rienner Publishers, 2003:15.

official and non-official utterances demanding the end of those policies may be premature. Thus, the debates continue as illustrated in the next section illustrates.

Mend it, not End it? The Debates Continue

When President Clinton assumed the presidency in 1992 he took a particular stance on affirmative action, expressing the need for change in the scope of the policies but not ending them. In the United States during the 1980s conservative groups criticized affirmative action programs as "reverse discrimination programs." In 1997 opponents to affirmative action programs succeeded in banning these policies in California with the passing of Proposition 209, which prevents state and local governments, but not the private sector, from hiring candidates solely on the basis of race, color, and ethnicity or gender preferences.[78] A year later the University of Texas took similar steps after the Supreme Court ruling on the Hopwood case, which prohibited race as a criteria for university admissions. The University of Texas instituted a system whereby the top 10 percent of students from public high schools are automatically selected to enter a public university. The measure drew criticism on both sides of the political spectrum. Educators have contended the measure will inevitably prevent the number of potential non-white students from entering selective colleges and universities.[79]

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[78]California Against Discrimination and Preferences doc. Nos. 97-15030,97-15031, United States Court of Appeals For the Ninth Circuit, 1997, U.S. App. Lexis 6512:3-17.

[79]William G. Bowen and Derek Bok. The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions. Princeton, New Jersey: Princeton University Press, 1998:287-288.

As noted by Christopher Edley Jr., 47 out of 50 states still believe that diversity "may in some circumstances provide an appropriate legal justification for race conscious affirmative action."[80] However, the Supreme Court rulings in Texas and California may indicate a move towards eliminating race-based affirmative action policies.

Sowell, one of the fiercest critics of affirmative action policies, has contended that it is not possible to legislate against cultural inheritance - meaning values, social groupings, and tradition and class dynamics.[81] He qualifies some of his arguments stressing: a) African Americans made significant socio-economic gains between 1940 and 1960, and not after 1971, when timetables and goals were set to measure the extent of race and gender inclusion; b) in addition to these measures being untenable, since they incorporate 70 percent of the working population, Sowell contends that discrimination should be interpreted as derived from economic causation, rather that political circumstances. This line of reasoning favors analysis that looks into variances within groups, rather than averages between and among groups;[82] c) affirmative action, like quotas, has creamed off those at the top of the social scale, while leaving behind those at the bottom, the 'truly disadvantaged';[83] d) though racism and discrimination may have impacted certain groups, race-based social policies have increased racial tension, such as the controversy over busing and meritocracy. In a nutshell, Sowell summarizes his standpoint by noting the Civil Rights vision has been comprised to the detriment of politics, according to Sowell:

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[80] Christopher Edley Jr, Beyond Racism: In Their Own Voices. Atlanta, Georgia: The Southern Education Foundation 2000:48.
[81] Thomas Sowell. Civil Rights: Rhetoric or Reality? New York: Quill William Morrow, 1984:40-53.
[82] Ibid., 53-60.
[83] Ibid., pp. 48-51, 134-137.

> ... the mindset and agenda of the past are no longer working. Like the blind men who each felt only one part of the elephant, many minority leaders mistake that for the whole elephant. Those who point out that other parts are quite different, and that the whole elephant is quite different, are seen as contradicting a tangible reality which has been seized upon and held fast for years. For many, "discrimination" and "racism" are not partial truths but whole truths not just things to oppose but explanations to cling to, like a security blanket. Evidence that undermines the status of these old enemies also undermines the comforting vision that has grown up around them.[84]

Sowell's cultural inheritance vision, which seems to lean toward cultural determinism, provides a static perspective on social reality and evades almost completely the multi-layered processes that comprise social existence, including social practices grounded on racism and sexism. Although some of the statistical analysis he presents indicates the complexities of American society, he adamantly downplays the significance of politics in promoting social change. More importantly, in extending his vision to other social and political contexts, he lends an ethnocentric perception to how the world should function. It should be noted that Sowell's criticisms find resonance among conservative scholars, such as Shelby Steele[85], Walter Williams[86], Nicolas Capaldi[87], and Dinesh D'Souza.[88]

Arguments such as these have profoundly impacted the debate on affirmative action in the United States. They have influenced the extent to which Supreme Court rulings have judged the merit of those policies. In 2003 and 2004 the Supreme Court rulings on the University of Michigan, outlawing race as one of possible criteria for

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[84] Tomas Sowell, p. 139-140.

[85] Shelby Steele. "A Negative Vote on Affirmative Action", in Debating Affirmative Action: Race, Gender, Ethnicity, and the Politics of Inclusion, edited by Nicolaus Mills. New York: Delta Trade Paperbacks, 1994:37-47.

[86] Walter Williams. The State Against Blacks. New York: New Press-McGraw-Hill Book Company, 1982.

[87] Nicolas Capaldi. "Affirmative Action " in Affirmative Action: Social Justice or Unfair Preference?, by Albert G. Mosley and Nicholas Capaldi. London, New York: Rowman & Littlefield Publishers, Inc, 1996:65-109.

[88] Dinesh D'Souza. "Sins of Admission"in Debating Affirmative Action: Race, Gender, Ethnicity, and the Politics of Inclusion, edited by Nicolaus Mills. New York: Delta Trade Paperbacks, 1994:230-236.

enrollment at institutions of higher education, may weaken other affirmative actions in the U.S. It may also contribute to the misperceptions associated with these policies in other countries that have little experiences with anti-discriminatory policies and programs.

Reskin and associates raised important points related to the misconceptions of affirmative action programs in the U.S. by the media and interest groups. The misconceptions about affirmative actions include: First, race and sex discrimination no longer exists; second, affirmative action goals and timetables required by the federal government, however weakly enforced or monitored, can be equated with quotas or racial preferences; third, the principles of affirmative action violate meritocracy. Although politically motivated groups have spread these misperceptions in the media, the majority of academic studies do not support them.[89] One way to understand such a manipulation of affirmative action policies by the powers that be is to observe the extent to which the business communities have embraced these policies voluntarily. Reskin and associates contend that when properly implemented these policies prevent cronyism and increase efficiency by demanding that companies design more objective criteria for hiring, promotion and retention of qualified people. This would enhance the pool of talent as well as serve as a survival mechanism for companies competing for comparative advantages on a global scale.[90]

The case for affirmative action policies and programs will continue well into the 21st century. As long as disparities of any sort continue to disadvantage some groups in relation to others, compensatory policies may be here to stay. Within this context,

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[89] Reskin, pp. 92-93.
[90] Ibid.

President Clinton in 1992 asked his Task Force on Affirmative Action to "Mend it! Not End it!" Thirteen years later the challenge continues.

New Factors for the 21st Century

In the history of the United States, affirmative action policies and programs constitute one of the most contested institutional arrangements to date. Students of American institutions have long debated the extent to which the changing patterns of racial categorizations have profoundly impacted policy-making and politics, or how specific social policies and attendant institutions, abiding by local and state political interests, have effectively included or excluded racialized social groups.[91]

While for African American, social and political rights were fought over for decades with varying degrees of success and failure, according to Hugh Graham, Asians, Southern and Eastern Europeans, and later Latin American immigrants conquered social and political rights not so much because of their political organization and militancy but because of perceived changing demographics, and related voting power, as well as geopolitical circumstances of the time.[92] Affirmative action policies implemented after the Civil Right Act of 1964 represent a combination of all these factors, in addition to exemplifying the convergence of domestic and international interests.

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[91] Robert C. Lieberman. "Race and the Organization of Welfare Policy" in Classifying by Race, edited by Paul E. Peterson. Princeton, New Jersey: Princeton University Press, 1995:156-187. See also George R. La Noue and John C. Sullivan "Deconstructing Affirmative Action Categories" in Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America, edited by John David Skrentny. Chicago and London: The University of Chicago Press, 2001: 71-86; Richard M. Valelly "National Parties and Racial Disenfranchisement" in Classifying by Race, edited by Paul E. Peterson. Princeton, New Jersey: Princeton University Press, 1995:188-216.

[92] Hugh Davis Graham "Affirmative Action for Immigrants? The Unintended Consequences of Reform" in Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America. Chicago and London: The University of Chicago Press, 2000:53-70.

The complexities involved in the historical implementation of affirmative action policies and programs in the United States are far from being sketched out by social scientists, even though a revisionist tendency in on the rise. For the countless debates surrounding these public policies one would expect that after 40 years of policy implementation, policy makers, politicians, the academic community, and the public at large would have reached a minimum of consensus as to the meaning, scope and latitude of these policies. Nothing could be further from the truth, as recent scholarship on the subject has indicated. For instance, in a focus group conducted by Swain, Greene and Wotipka, affirmative action acquired different meaning to different ethnic and racial groups.[93] Except for the shared perception that affirmative action means quotas each group espoused different interpretations. Although African Americans perceived that the policies somewhat addressed the harmful effects of discrimination they, nevertheless, also believed that such polices implied institutional discrimination against them. This implies that only a small number of African Americans can benefit from the programs sponsored by the policies. Though restrictive, it was considered better than having nothing.[94]

Asian Americans disregarded the extent to which these policies were advantageous to them, even though they indicated they suffered low levels of discrimination. Contrary to previous studies based on surveys, which indicated that Asian American shared the same rejection for these policies as Euro-Americans, Asian Americans in this focus group view affirmative action favorably for certain groups, most

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[93] Carol M. Swain, Kyra R. Greene, and Christine Min Wotipka "Understanding Racial Polarization on Affirmative Action: The View from Focus Group" in Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America, edited by John David Skrentny. Chicago and London: The University of Chicago Press, 2001:214-237

[94] Ibid. 221.

notably African-Americans. Interestingly, they confirm patterns of discrimination between Asian American in relation to other groups.[95]

Euro Americans showed fewer dispositions to favor affirmative action. For some of the participants in the focus group these policies represented reverse discrimination, repeating the same mantra engendered by the conservative forces over the past two decades. Moreover, Euro Americans believed that discrimination as practiced in the past was part of history, in total opposition to the perception of discrimination by African Americans.[96] Surprisingly, Latinos disapproved of these policies contending they did more harm than benefit to them. According to them, their ability to achieve success on their own merit was downplayed for being beneficiaries of these policies. As the researchers noted:

> They believed that the lowered standards for minorities endorsed by affirmative action programs resulted in the labeling of nonwhites as less competent than whites.[97]

Such perceptions are coherent with the wide spectrum of disagreements about these policies. However, there are other elements equally disruptive to the affirmative action debates. Hugh Graham brings up the delicate issue of immigration and affirmative action policies.[98] According to him, one of the unintended consequences of the reform of the Civil Right laws is the inclusion of groups that never experienced racism or racial discrimination in the U.S. Orlando Patterson and other scholars have pointed out the incongruity of racial categorization in the U.S. where immigrant groups, who in their country of origins are the oppressors, in the U.S. become the beneficiaries of policies not

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[95] Ibid. 230-231.
[96] Ibid. 221-223.
[97] Ibid.
[98] Hugh Davis Graham , op. cited

intended for them. For example, the broad category label of Hispanic incorporates both black and white people from Spanish speaking countries. The unreflective way with which these categories have been applied has prompted students and policy makers to conclude that the declining numbers of the white population provokes unnecessary white anxiety.[99] The controversy is far from being solved, and it constitutes one potent ingredient to reform or debunk these policies.

In summary, institutional and everyday racism has constituted the hallmark in the history of U.S. social policies, characterized by significant variations in the processes of inclusion and exclusion of African-Americans depending on their position in socioeconomic activity. In southern states social policies regarding retirement or old age relied on the discretion of landowners who, for the most part, excluded them from benefits, which could threaten their economic interests. Consequently, agricultural workers, sharecroppers, or domestic servants were not entitled to welfare policies until the middle of the 1940s. An exception to this rule referred to the honorable position of the "soldiers of the nation," as war veterans, whose pensions guaranteed the survival of widows and their children for the rest of their lives. However, African American mother workers and their dependent children were often excluded from social provisions by local states and federal government policies, due mostly to a regime of racial segregation.

The inception of affirmative action policies in the 1960s and 1970s aimed to curtail the long-term effects of racial discrimination that prevented generations of African-Americans from obtaining jobs, housing, public services, qualified education, etc. As a result of the Civil Rights movement these policies were controversial from the

[99] Orlando Patterson, "Race by Numbers." The New York Times, May 8, 2001.

start. However, the race for world leadership between the United States and the Soviet bloc provided civil rights activists, White House and State Department officials, federal agencies administrators, and sectors of the business community with convincing arguments that linked civil rights to national security issues. As increasing racial hostility and urban conflicts made headlines in several newspapers around the world and compromised the moral leadership of the U.S. as champions of democracy and human rights, affirmative action policies became the pragmatic administrative tool with which the state counterbalanced its crisis of management. The policies that represented the appropriate state response during a delicate period in world history proved to be a successful formula, gradually incorporating other segments of the U.S. population that had historically suffered the effects of gender, ethnic and sex discrimination. Changing demographic patterns occasioned by a large infusion of immigrant populations from Asia, Eastern and Southern Europe, Central and South American, significantly impacted these policies, since for decades people from these regions have equally benefited from affirmative action policies without having been subjected to past discriminatory practices in this country. And yet, different groups perceive the effect of these policies differently, where groups categorized as minorities do not perceive them as such which substantially erodes the possibilities of a cross-ethnic alliances in favor of affirmative action. The increasing controversies have caused social scientists to call for a deconstruction of ongoing minority categories as a condition to preserve the original intent of these policies in addressing racism and discrimination of historically identified groups in the U.S. Retrenchment of affirmative action policies in states where these policies have been proscribed, i.e. California, may propel other states to follow suit.

The next section briefly introduces the scope and content of affirmative action policies and programs in other countries.

The International Context of Affirmative Action/Equal Opportunity Policies

In other countries, equal employment, equal opportunity policies, and workforce diversity, represent variations of the concept known as affirmative action, though they exhibit subtle differences in their approach to discrimination. The Equal Employment policy defined by the Canadian government intends to be a comprehensive policy aimed at providing, beyond increased numerical representation, a "supportive organizational culture for the retention, promotion, and training of the designated groups."[100] Workforce Diversity, as mentioned in Chapter 4, represents a proactive and corporate voluntary response to work-related discrimination along race, color, religious or sexual lines. Workforce Diversity should be interpreted as an "extension, not substitution, of proactive policies to ensure fair treatment of all employees."[101]

Equal opportunity policies represent different strategies designed for restraining discrimination in various domains of human existence, of which equal employment constitutes one aspect. Symbolic spheres such as race, gender, age, physical disabilities, religious and political affiliations, represent powerful realms where discriminatory practices have had negative material consequences for particular social groups. Equal opportunity policies seek to address these issues. The conceptual scope of equal opportunity policies is broad and encompasses minimalist to far-reaching definitions of

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[100] Harish C. Jain, Peter J. Sloane, and Frank M. Horwitz. Employment Equity and Affirmative Action: An International Comparison. London, New York: M.E. Sharpe, 2003:2.
[101] Ibid.,

equal opportunity, as well as the concepts of positive action, choice and freedom.[102] Equal opportunity policies are mostly identified with the social and political context of the European Union. The legislative bodies and mandates that regulate the implementation of anti-discrimination laws have emphasized gender to the detriment of race, age, and physical disabilities. With respect to the latter aspects, Great Britain has provided a more advanced framework in dealing with race discrimination and serves as a reference to the European Union.[103] In conclusion, affirmative action, equal opportunity and equal employment are government sponsored and monitored policies, as opposed to Workforce Diversity, which are corporate voluntary policies.

Following the United States example other countries have instituted state-sponsored affirmative action programs: Canada, Australia, Northern Ireland, South Africa, Nigeria, Sudan, Malaysia, Fuji and Namibia. In the last four countries listed, affirmative action statements and programs have been governed by state constitutions.[104]

The European Union Dilemma: Gender and Equal Opportunity Policies

> Women benefit from labour market integration. However, they lose from the neoliberal focus on 'pure' individualization.
>
> Brigitte Young[105]

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[102] Ken Blakemore and Robert F. Drake. Understanding Equal Opportunity Policies. London, New York: Prentice Hall, Harvester Wheatsheaft, 1996: 44-75.
[103] Ibid., 41.
[104] J. Faundez, Affirmative Action: International Perspectives. Geneva: International Labour Office, 1994.
[105] Brigitte Young. "Disciplinary Neoliberalism in the European Union and Gender Politics." New Political Economy Vol. 5, Issue 1, 2000: 92.

Stephen Gill, in an important article,[106] hinted at the limits and possibilities of the implementation of the social agenda of the European Union in light of budgetary constraints faced by sub-national governments. He suggests tracing the historical developments, which preceded the adoption of equal opportunity policies by the European Union in the 1980s and 1990s. Feminist scholars have emphasized that the Treaty of Rome, when elaborated in the 1950s, did not include any clause regarding women's rights, namely equal pay, sexual harassments or discrimination.[107]

During the Keynesian Welfare State period women's work was perceived as appendages to the husband's work, the so-called breadwinner model. In the following decades changes in the productive system altered the breadwinner model substantially, due primarily to a high number of women entering the work force, and the incorporation of feminist politics in the labor markets. Subsequent treaties, particularly the Maastricht Treaty adopted the claims of the women's movement but in a new economic and political configuration, in which the welfare state system no longer anchored the social fabric and mediated the capital and labor relationships.

Without the social safety net of the previous era, the adoption of the neo-liberal agenda has privatized health-care systems and made the work force more flexible through the large-scale introduction of part-time labor schemes. What appeared to be an era of equal opportunity supported by the European Union legislation, in reality became a

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[106] Stephen Gill. "European Governance and New Constitutionalism: Economic and Monetary Union and Alternatives to Disciplinary Neoliberalism in Europe." New Political Economy, Vol. 3, 1, 1998:1-19.See also Paulo Williams and Ian Taylor "Neoliberalism and the Political Economy of the 'New' South Africa". New Political Economy, Vol. 5, Issue 1, 2000:21-40.

[107] Brigitte Young, p. 83. See also Rachel A. Chichowski. "No Discrimination Whatsoever:" Women's Transnational Activism and the Evolution of EU Sex Equality Policy" in Women's Activism and Globalization: Linking Local Struggles and Transnational Politics. Edited by Nancy A. Naples & Manisha Desai. New York and London: Routledge, 2002:220-238.

"catch 22", according to Young. For example, for a considerable number of women single heads of household, the only available opportunities have consisted of part-time jobs offered primarily by the service sector, which do not offer full social security coverage.

Additionally, the European Union equal opportunity legislation posed another set of problems. Scandinavian countries have always had a highly developed welfare system in contrast to countries nearer the Mediterranean. With the overall goals of the EU to equalize social policies for all members' states, those with high levels of state provisions had to curtail their interferences in areas of health, education and care systems. States with non-comparable social provisions had to upgrade their systems in order to continue as members to the EU. The latter somewhat benefited from the process of neo-liberalization of their economies. But, for those states that had to downgrade their systems, it proved disastrous.

Another important issue is the very understanding of equal opportunity policies by sub-national governments of the European Union. According to Young, not all the members' states understand the meaning and extension of these policies or demonstrate the political will to adopt the directives of the EU on the subject.[108] There are no regulatory or monitoring agencies in charge of overseeing the compliance of member states to the European Union policies. It is up to women's movements and a transnational coalition of feminists to supervise, politically mobilize, and force their governments to adopt certain measures. The pressures are particularly efficient in representative global arenas, such as the UN meetings and conferences. Young says, "Nation-states have been

[108] Brigitte Young, p.14

forced to pay at least lip service and even provide evidence that they are in compliance with EU commitments on gender equality."[109]

India: Quota Policies in a Caste System

In the 1930s India, a country structured by a caste system, was one of the first in the world to adopt affirmative action policies. Since then, constitutional laws have established special provisions to incorporate the Dalits, or the Scheduled Caste (the lower social strata, also known in the past as the untouchables), and the Scheduled Tribes into the labor market and educational system. In the 1990s other caste groups were brought into the quota system, the so-called Other Backward Castes (OBC).[110] Before independence in 1947, because of local social codes, these groups were prevented from competing on an equal basis with other castes for employment and educational opportunities. While the Dalits represent approximately 160 million people, only 22.5 percent of them benefit from quota policies to access higher education. Poverty and illiteracy rates are exceedingly high within this group, only 37 percent are literate, and only 7 percent of girls are literate. Today, 15 percent of government jobs and seats in public colleges and universities are reserved for the Dalits. Taken atogether these three groups account for more than 400 million people, less than a half of the total population, which is estimated at 1 billion people. Discontent also takes place among those considered well off: Hindus and Brahmins have complained they have been discriminated against because most of the quota system is geared toward lower castes leaving them out

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[109] Ibid.

[110] Harish C. Jain, Peter J. Sloane, and Frank M. Horwitz. Employment Equity and Affirmative Action: An International Comparison. London, England, Armonk, New York: M.E. Sharpe, 2003:6 & 12. See also Monir H. Tayeb, The Management of a Multicultural Workforce. New York: John Wiley & Sons, 1996:181;

of the loop. One student at New Delhi University expressed the thought that the quota system reinforces class divisions. Despite these complaints, however, the majority of the population embraces the quota system. Because of the poverty level and attendant lack of resources they would have no other way to move out of poverty.[111]

Malaysia: Ending Quota Policies?

In Malaysia human resources management practices and policies by domestic, as well as multinational corporations, are scrutinized closely by the state. In 1975 the Malaysian government instituted a strict affirmative action policy based on a quota system, aimed at upgrading the socio-economic, cultural and political representation of Bumiputras (the sons of the soil), who comprise 50 percent of the native population, in comparison to 35 percent represented by Chinese Malaysians. This latter group is considerably better off in all sectors of society.[112] The government has instituted short and long-term goals for recruitment of Malaysians and employers are required to report periodically to the government agencies their efforts at recruiting Malaysians for all levels of employment, particularly middle and high levels of management. If multinational corporations have employees from their home country working at a higher level of management in Malaysia, the local officials issue temporary work permits. Theses work permits allow companies to train native Malaysians for future replacement

[111] Martha Ann Overland. "In India, Almost Everyone Wants to be Special: The world's most sweeping quota system remains popular even though its effectiveness is being questioned". *The Chronicle of Higher Education, February 12, 2004: A40-A42.*

[112] Doug Wolfe and Brad Arnold, "Human Resource Management in Malaysia: A Comparison between American and Japanese Approaches," in National Culture and International Management in East Asia, edited by Herbert J. Davis and William D. Schulte, Jr. Boston: International Thomson Business Press, 1997:518

of expatriates. If companies fail in their affirmative action commitments the government is entitled to withdraw company licenses to operate in the country.[113]

When the quota system was implemented in the early 1970s law prohibited public dissent against the policy. Over the years increasing dissension among the three main groups, Malays, Chinese and Indians, have forced the government to look closely into the issue. These groups comprise 60, 25 and 8 percent respectively of the population. In 2003 the Malay government relaxed its quota system because 30 thousand Malays, mainly of Chinese origin, leave the country each year to study abroad, causing 1 billion dollars in lost revenues annually. Some critics blame this turn of events on the quota-system, which requires public universities to allocate at least 50 percent of their slots to Malays. Critics have also argued that because of the quota-system key areas such as science and technology have been negatively impacted. Others suggest that the 1970 goal of increasing the Malay middle-classes has been achieved, and consequently, the system is no longer required. Only time will attest to the last government measure in retaining or bringing more Chinese Malays into the university system in Malaysia.[114]

In order to give a brief perspective on affirmative action/EEAA policies in some selected countries, tables 13-15 summarizes the types of policies, target populations, and methods being applied in each country.

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[113] Ibid. 519

[114] David Cohen. "In Malaysia, The End of Quotas: The country has abandoned a 31 year old system that benefited its population but also drove top students abroad". The Chronicle of Higher Education, February 12, 2004: A42-A43.

Table 13 – Female and Total Distribution of Population in Selected Countries, 2001 (Millions)

% Pop.	USA	Canada	India	Malaysia	S. Africa	G. Britain	N. Ireland
	51	50.5	48	49.7	52	51	50.9
Total Pop.	281.4	31.6	1 billion	22.3	40.5	58	1.7

Source: Harish C. Jain, Peter J. Sloane, and Frank M. Horwitz. Employment Equity and AffirmativeAction: An International Comparison. London, England, Armonk, New York: M.E. Sharpe, 2003:7.

Table 14 – Characteristics of EE/AA Programs in Six Countries

	USA	Canada	India	Malaysia	South Africa	Britain	Northern Ireland
Legal Provisions	•Presidential Executive Orders Re: AA Requiring Contract Compliance	•EE Act (1995)	•Constitutional Provisions Guarantee AA	•Constitutional Provisions	• Constitution (1996) Bill of Rights Section 9, Chapter 2) Allows EE	• Race Relations Act 1976 & Amendments 2001	• Fair Employment and Treatment Order, 1998
	•Court Decisions Under Civil Rights Act & Other Statutes	•Constitution (Charter of Rights & Freedoms Sec. 15 (2) Allows EE	.•Seats in Parliament & State Legislatures For SCs & STs	• NEP • OPPI to III • National Vision Plan (NVP)	•EE ACT (1998)	.•Sex Discrimination Act, 1975	•Race Relations (NI) Order, 1996
		• Human Rights Legislation	• Quotas in Government Jobs & in Public Enterprises •Admission into Colleges, Medical & Engineering Schools		•Promotion of Equality & Prevention of Unfair Discrimination Act (1999) •Labour Relations Act (1995)	• Disability Discrimination Act, 1995 •Human Rights Act, 1995	•Equal Pay Act, 1970 & Amendments • Disability Discrimination Act, 1995
			•Tension Exists Between Equality & AA		• Skills Development Act (1998)		•Northern Ireland Act, 1998
			•Court Decisions are Ambiguous				• Human Rights Act, 1998.

Source: Harish C. Jain, Peter J. Sloane, and Frank M. Horwitz. Employment Equity and Affirmative Action: An International Comparison. London, England, Armonk, New York: M.E. Sharpe, 2003: 8-9

Table 15 – Characteristics of EE/AA Programs in Six Countries

	USA	Canada	India	Malaysia	South Africa	Britain	Northern Ireland
Target Groups	•Racial & Other Minorities & Women •Vietnam War Veterans •Persons with Disabilities	•Women •Racial Minorities •Aboriginal Persons •Persons with Disabilities	•Scheduled Castes and Scheduled Tribes	•Majority Ethnic Community that is Malay and Indigenous Groups •Persons with Disabilities	•Majority Ethnic Community (Blacks) •Women •Persons With Disabilities	•Racial minorities, Women •Persons with Disabilities	•Constitutional Provisions
Scope	Public & Private Sector	Public & Private Sector	Public Sector	Public Sector	Public & Private Sectors	Public & Private Sectors	Public & Private Sectors
Rationale	•Political Necessity for Blacks e.g. Desegregation of Schools etc. •Elimination of Employment Discrimination	•Elimination of Employment Discrimination	•Political Necessity for Elimination of Societal and Job Discrimination	•Political Necessity Due to Racial Riots in 1969 •Broader Economic Development Objectives	•Political Necessity •Elimination of Societal Discrimination	•Elimination of Employment Discrimination	•Elimination of Employment Discrimination
Quotas or Goals & Timetables	Goals and Timetables	Goals and Timetables	Quotas for Reservations	Quotas	Goals and Timetables	•No Affirmative Action Provision •Positive Action in Relation to training, Outreach Recruitment and Promotion Permissible in Case of Under Representation •However, Codes of Practice Encourage Regular Monitoring and Setting of Targets	•Goals and Timetables •Both Affirmative Action and Contract Compliance

Source: Harish C. Jain, Peter J. Sloane, and Frank M. Horwitz. Employment Equity and Affirmative Action: An International Comparison. London, England, Armonk, New York: M.E. Sharpe, 2003: 10-11.

In summary, regardless of where affirmative action or equal opportunity programs have been implemented, the intellectual debates surrounding them have incorporated philosophical, economic, and political orientations as well as legal frameworks. Faundez has emphasized that philosophical, economic and legal traditions underlie the debate on affirmative action and equal opportunity policies.

The philosophical debates encompass the notions of justice and equality, reverse discrimination, compensation for past wrongs, group and collective rights, and distributive justice – principle of utility. The economic standpoints include neo-classical and statistical approaches, group preferences and entrepreneurial competition. On the other hand, the legal frameworks follow the constitutional principles of each country.[1] At the heart of the discussions, the concept of equality of opportunity, the guiding principle of these programs, does not provide a consensual interpretation, whether it is related to individuals or groups.[2] The pendulum moves between the meaning of equality of results and equality of opportunities, or equal chances and equal means, depending upon local context and individual or group interpretation

[1] Ibid. 3-26.
[2] Ibid. p.1