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Discourse, Threats, and Affirmative Action: A Comparative Analysis of Race-Based University Admissions Policies in Brazil and the United States

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DISCOURSE, THREATS, AND AFFIRMATIVE ACTION: A COMPARATIVE

ANALYSIS OF RACE-BASED UNIVERSITY ADMISSIONS POLICIES IN BRAZIL

AND THE UNITED STATES

A dissertation submitted in partial fulfillment of the

requirements for the degree of

DOCTOR OF PHILOSOPHY

in

POLITICAL SCIENCE

by

Linda D. Smith

2021

To: Dean John F. Stack Jr
     Green School of International and Public Affairs

This dissertation, written by Linda D. Smith and entitled Discourse Threats and Affirmative Action: A Comparative Analysis of University Race-based Admissions Policies in Brazil and the United States, having been approved in respect to style and intellectual content, is referred to you for judgment.

We have read this dissertation and recommend that it be approved.

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Date of Defense: April 21, 2021

The dissertation of Linda D. Smith is approved.

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Vice President for Research and Economic Development
and Dean of the University Graduate School

Florida International University, 2021

DEDICATION

To my family, thank you for your immeasurable sacrifice. To my PhD sister circle,

Leslie, Mandy, Nessette, and Karen, thank you for being my sounding board in the most

challenging of times. To my grandparents, Hazel Guerrero and Lorenzo Smith, thank you

for being the inspiration for my work and my life. To Zuri and Zamani, may this work

remind you always to keep pushing forward.

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ABSTRACT OF THE DISSERTATION

DISCOURSE, THREATS, AND AFFIRMATIVE ACTION: A COMPARATIVE

ANALYSIS OF RACE-BASED UNIVERSITY ADMISSIONS PROGRAMS IN

BRAZIL AND THE UNITED STATES

by

Linda D. Smith

Florida International University, 2021

Miami, Florida

Professor Danielle Clealand, Co-Major Professor

Professor Ronald Cox, Co-Major Professor

In the early part of the 21st century, both Brazil and the United States questioned
the use of affirmative action policies that dictate the extent to which race is used as a
factor in university admissions. This study compares discourse frameworks adopted by
policymakers and subsequent affirmative action policies, in addition to Black enrollment
trends in Brazil and the United States. This research contextualizes how three
frameworks—justice, abstract liberal, and threat— shape race-based admission policies
by examining demographic, admissions, and enrollment trends in both countries. I argue
that discourse frameworks are a more reliable indicator than racial threat in determining
affirmative action program types and outcomes. Highly centralized programs are at risk
of being dismantled when policymakers employ threat frameworks that problematize
affirmative action policies instead of current and past social and racial inequality.

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ABBREVIATIONS AND ACRONYMS

AA Affirmative Action

AAP Affirmative Action Policies/Programs

CRT   Critical Race Theory

IBGE   Brazilian Institute of Geography and Statistics

ICERD International Convention on the Elimination of All Forms of Racial Discrimination

INEP   Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira

IPEDS The Integrated Postsecondary Education Data System

PPI   pardo preto Indigenous

RTH   Racial Threat Hypothesis

STF   Supreme Tribunal Federal

UN   United Nations

Chapter I: Addressing Racial Inequality in Elite Public Universities

One of the most challenging issues facing the global community is the historical legacy of racial discrimination combined with contemporary manifestations of institutional racism in multiracial countries (Appiah 2011; Castellino 2017; Da Silva 2016; DiTomaso 2013). Within multiracial societies, race is structurally embedded in social, political, economic, and cultural institutions, including higher education (Bailey 2004, 728-47; Bonilla-Silva 2000, 188-214; Hasenbalg and Silva 1999; Howard Winant and Michael Omi 2014; Warren and Sue 2011, 32-58; Winant 2000, 169-185). Attempts to understand factors contributing to the success or defeat of policies, like affirmative action, that target racial inequality have resulted in a multitude of theories about group threat, the persistence of white supremacy, and racism (Bobo 1998; Giles and Buckner 1996; Shohfi 2016; Tolbert and Grummel 2003; Wilkins and Kaiser 2014). These attempts often overlook how societal and institutional structural inequities are established, reinforced, and challenged through discourse (Briscoe and Khalifa 2013; Dijk 2020; Parker 1998; Tavolaro 2008). In the United States and Brazil, national myths of exceptionalism simultaneously underscored the principle of equality while functioning as a mechanism to maintain racial inequality (Winant Omi 2014; Winant 2000).

Alternatively, discourse has also been used to challenge institutionalized barriers and discriminatory practices in higher education against African descendants in both countries. Policies arising out of such discourse dictate how and when race can be used as a factor for admissions decisions, and have become a crucial tool in combating racial inequality in elite public universities in the United States and Brazil (Moreira 2016). This study compares affirmative action policies and outcomes in Brazil and the United States to elucidate how

discourse framing and racial threat play a role in advancing or abandoning racial equality projects. This study is an analytical intervention that simultaneously considers well-established critical theories on race and policy, while hypothesis testing provides tangible information to be used by those attempting to further racial equality in higher education. The mixed-method approached used in this study which employed critical discourse analysis, statistical significance tests, key-informant interviews, and observing trends in black enrollment, ultimately indicates that discourse is a much stronger indicator of policy outcomes than other factors assumed by scholars and activists.

The initial goal of race-based university admissions policies was to equalize society's racial cleavages by increasing access for underrepresented, marginalized populations. Individuals eligible for affirmative action may also include women, individuals with disabilities, indigenous people, and others as specified by specific policies. Eligibility for race-based affirmative action in Brazil is reserved for *pardos* (brown), *pretos* (black), and Indigenous people and Blacks, indigenous, and Latinx students. This study will focus on African descendants in the United States and Brazil, including individuals with mixed African and non-African origins. Importantly, the use of color terms in Brazil is more ambiguous; they function similarly to racial terms used in the United States and operate as a white-non-white binary when it comes to social capital. These racial/color constructs deserved a more nuanced discussion which will follow in subsequent sections. Nonetheless, multiple political institutions are central to framing race-based affirmative action policies include activists, interest groups, ballot initiatives, presidential administrations, legislatures, university boards, and federal courts.

Through an early 1960s directive of the federal government, the United States initially adopted affirmative action programs for university admissions. This directive, coupled with court orders mandating integration of previously segregated universities resulted in highly decentralized programs run by individual run by individual institutions (Dagbovie 2009; Moses 2010). Since the 1970s these university plans were challenged in courts, state elections, and among university governing boards. In contrast, the federal government did not initiate Brazilian affirmative action programs but instead by states and individual universities starting in 2001. Later, a 2012 federal law, *Lei de Cotas* nº 12.711, dictated mandatory reservations for public high school graduates and disadvantaged racial groups at all Brazilian universities that receive federal financial support (Paixão 2018). As the policy debate surrounding race-based affirmative action evolved, discourse frameworks used by multiple political institutions have become increasingly important. The language adopted in ballot initiatives, legislative acts, presidential speeches, and judicial opinions directly impacted affirmative action policies and outcomes, including Black enrollment rates.

Racial projects constructed by elites in the United States and Brazil have historically framed race very differently; however, framing in both countries resulted in racial inequality between whites and African descendants. Three prominent discourse frameworks: justice, abstract liberal, and threat discourse, have continuously served to reinforce, maintain, or challenge the racial power structure in both countries. This research explores the relationship between race-based affirmative action policies, three discourse frameworks, and racial or group threat hypothesis. I contend that critical theorists have correctly underscored the enduring and self-perpetuating ways in which white supremacy functions. However, their exploration of the role of discourse is inadequate; justice discourse is a powerful mechanism

in shaping policies and outcomes, as demonstrated by the trajectory of affirmative action in Brazil and the United States. Moreover, justice frameworks are associated with aggressive racial equity policies, abstract liberal frameworks appear to preclude action from addressing racial inequality, and threat frameworks seemingly weaken existing racial equity efforts.

Though the racial threat hypothesis has often been used in assessing support for affirmative action, the aforementioned discourse frameworks deserve greater attention. The racial threat hypothesis assumes dominant groups fear a loss of power or resources and will therefore restrict inclusion by enacting policy that limits political participation, access to resources and public goods, etc., of those outside the non-dominant group. (RW.ERROR - Unable to parse: doc:6050656d8f08b18a1fd2d7Giles,MichealW. 1996 /s; BOBO 1998, 985-1003; Lavelle 2017, 515-534; Shohfi 2016; Tolbert and Grummel 2003, 183-202). However, this racial threat hypothesis neglects the role of discourse in framing the problem, proposed solutions, public opinion, policies, and outcomes. In the United States, scholars have noted that political institutions adopted justice discourses resulting in race-based affirmative action policies during the Civil Rights era (Johnson 2020; Okechukwu 2019; Moreira 2016). However, when less abrasive abstract liberal frameworks supplanted these discourses, race-based affirmative action was severely weakened. In the early 21st century, political institutions in Brazil adopted justice frameworks that corresponded with a proliferation of affirmative action policies. Prior to the widespread adoption of justice frameworks in Brazil, the abstract liberal principle of "racial democracy" prevented racial equality policies.

Although a host of social theories are used to explore affirmative action the adoption or banning of affirmative action, this study tests racial threat hypothesis and explores how discourse shapes affirmative action policies and their outcomes. This study assumes that

racial threat is an affirmative action policy driver is approached skepticism primarily due to the varying outcomes from previous research studies. Moreover, several affirmative action scholars have noted that affirmative action in the United States has abandoned its justice roots (Johnson 2020b, 40-66; Lipson 2008, 691-706; Meshelski 2016, 425-443; Phillips and Edelman 2017; Thernstrom and Thernstrom 2004, 251). In isolation, this observation that diversity, colorblind, and other abstract liberal frames have replaced justice frames may appear trivial; however, the impact is much more significant when applied to a large context.

The theoretical framework, research questions, hypothesis, and methods of this study were formed based on the assumption that discourse is too often overlooked as a force of reinforcing or reshaping power structures, specifically racial inequality in higher education, and the frequently used racial threat hypothesis is a weak indicator of policies and outcomes. A cursory comparison suggests that justice frameworks used in the Civil Rights Era United States resulted in aggressive affirmative action policies. These discourses had the same result in early 21st century Brazil's social democracy democratization period under Lula da Silva. Brazil's long history utilizing colorblind abstract liberal frameworks demonstrates a relationship between this discourse and the lack of efforts to address racial inequality (Hanchard 1994; Telles 2004, 47-77). Conversely, when abstract liberalism dominated affirmative action framing in post-racial United States and racial democracy Brazil, raced-based policy solutions for increasing Black's access to higher education are absent. This cursory observation is the foundation for this research inquiry into the resultant outcomes of affirmative action policies in relation to discourse frameworks and racial threat hypothesis. understand and advocate for equal access to elite public higher education, complex conceptual and theoretical framing that produces outcomes on which strategies can be built is

needed. Critical theories underscore that racial equity policies, like affirmative action, are vulnerable given the constancy of white supremacy. However, these theories do little to provide insight into how and why support for these policies is embraced and how material racial equality gains are achieved. For example, Omi and Winant's (2014) racial formation theory provides needed context to how race and racism are embedded within all U.S. institutions and is a robust force driving categorization, separation, and political struggle. However, as Feagin and Elias assert, many race scholars including Omni and Winant do not give enough credence to the enduring nature of whiteness and white supremacy (Feagin and Elias 2013). Feagin and Elias highlight the maintenance of racism at a structural level by whites who actively operate under a white frame that excludes non-whites. Similarly, Bonilla-Silva's four frames of colorblind discourse elucidate how whites justify racial inequality using abstract liberalism, naturalization, cultural racism, and minimization (Bonilla-Silva 2003). Omi and Winant (2014) provide complex theorizing on the nature of racial projects which when applied to race-based affirmative action in Brazil and the United States, is inadequate because of the credence given to the constant reproduction of white supremacy the subsequent racial inequality that stems from it. For example, racial inclusion policies such as affirmative action have contributed to significant education attainment gains by African descendants in Brazil and the United States but, since their inception, a host of political maneuvers have attempted to dismantle race-based affirmative action. This study explores factors impacting affirmative action policy and its outcomes while accepting the premise of enduring white supremacy.

The purpose of this study is to identify factors that influence the viability and success of race-based affirmative action programs in university admissions. Past research has

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extensively detailed the role of interest groups, social movements, judicial decisions, and a host of affirmative action outcomes (Dixon 2016; Moreira 2016; Paschal 2016). There has also been extensive research on support for affirmative action policies with varying results on the roles of white supremacy, symbolic racism, and group threat (Bobo 1998; Gordon 2015; Wilkins and Kaiser 2014). Though these theories have slight variations, the racial threat hypothesis or group threat theory suggest that members from a dominant group fear increasing power or influence of non-dominant groups and will work to restrict potential social, economic, or political gains by non-dominant group members. These assumptions that racial threat/group threat hypotheses are specifically valuable for exploring support for race-based admission programs in public universities. Tolbert and Grummel's (2003) find that the racial threat hypothesis based on population composition was indeed a factor in voters opting to ban race-based affirmative action but warned it was not the only factor. This study provides more insight into racial threat by applying it to population dynamics, resource availability, and competitiveness. Using this hypothesis to explore affirmative action policies in the US and Brazil can elucidate its utility for determining support for affirmative action and similar programs by majority white populations and majority non-white populations. By examining amicus briefs filed in *Fisher v. Texas,* Carter, Lippard, and Baird (2019) found that opponents of race-based affirmative action programs adopted language that went beyond colorblind appeals to use threat frames and language that evokes fear. However, since current studies have widely varying outcomes, this study anticipates that racial threat alone is not the most useful lens to view support or opposition to affirmative action, and discourse frameworks would prove more useful.

To a lesser extent than other social science disciplines, political science has established a relationship between discourse, policies, and outcomes. This study seeks to expound on the increasing academic and social science work which examines discourse and its ability to produce or reproduce power structures. I argue that national discourses have impacted the adoption—or lack thereof—of race-based affirmative action programs in university admissions in Brazil and the United States. I further argue that when those in power frame the affirmative action policy debate as a social justice issue to remedy racial inequality, resulting programs have more robust federal controls and are more effective. Conversely, abstract liberal discourses such as colorblindness and diversity result in weak and highly decentralized programs (Crenshaw 2019, 52-84; Daniel 2006, 237-58; GOMER 2020, 126-162; Johnson 2020b, 40-66; MOREIRA 2016, 455-504). To better understand program stability and outcomes, it is essential to understand how policymakers frame historical and current racial inequality and how this relates to the structure of proposed remedies and their subsequent effectiveness.

This study advances the argument made by Bonilla-Silva (2018) that the abstract liberal framework reifies racial hegemony and directly impacts policy by failing to produce concrete policies that address racial inequality. Bonilla-Silva and Dietrich (2011) demonstrate how discourses are important political forces by underscoring how abstract liberal frameworks like "colorblind" produce empty policies that do little to address racial inequality. The United States and Brazil make for ideal comparisons for applying analysis of colorblind frameworks by highlighting how race neutrality has allowed the dominant white population to defend racial privilege while advocating formal equality to promote social inclusion (Moreira 2016).

The main research questions used to guide this study are as follows:

1. Is the racial threat, a factor in adopting race-based affirmative action policies in Brazil and the United States?

2. To what extent do racial justice, abstract liberal, and threat framework discourses adopted by presidents, legislative bodies, ballot initiatives, and federal courts affect the types of affirmative action programs implemented in Brazil and the United States? And are resulting programs centralized or decentralized?

3. Do federal quota systems or decentralized affirmative action more effectively decrease racial inequality evidenced by increased Black enrollment in universities in Brazil and the United States?

Given the distinct trajectories of race and affirmative action in Brazil and the United States, examining racial equity policies in these two countries using the above research questions offers insight into understanding why different affirmative action approaches were adopted and how each performed.

This research will add to the growing body of scholarship on contemporary comparative race studies focused on inclusion, or lack thereof, and access to higher education in the 21st century. In the US, in the wake of *Brown v. Board of Education* in 1954 and the Civil Rights Act in 1964, the historical legacy of discrimination and racism in the United States required remedy. Meanwhile, although Brazil had previously codified laws to ban discrimination, it was not until post-democratization (after the end of the dictatorship in 1985) that activists successfully urged policymakers to seek such remedies. Initially, affirmative action policies in the United States and Brazil, especially in the educational

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sector, were identified as instruments for promoting and achieving equality of opportunity in the labor market since minorities and women were historically excluded from participating (DiTomaso 2013). Currently, several countries have implemented affirmative action—including Canada, India, Malaysia, and South Africa, among others. Higher education scholars agree that Brazil now has the most ambitious affirmative action policies of any country in the world (Dietrich 2015).

On the other hand, the previously vigorous affirmative action policies found in the United States have shifted to diversity efforts, ultimately impeding racial reform (Ahmed 2012). Therefore, this study will also seek to determine the factors contributing to the creation and sustainability of two types of affirmative action policies: highly centralized federal policies and more decentralized policies determined by states and individual institutions. Lastly, this study will examine the impact of such policies on Blacks' access to education at elite public universities in Brazil and the United States.

Theoretical Assumptions, Discourse Frameworks, and Affirmative Action Policies

For this study, affirmative action is conceptualized as any measure of inclusion enacted to increase the representation of individuals from marginalized groups in the areas of employment, education, and culture from which they have been historically excluded. Further, this study deems that raced based affirmative action policy is any policy that aims to define when, how, and to what extent race can be used as a factor of consideration. Therefore, affirmative action policy is not just a policy that expands access but also policies that restrict race as a mechanism to increase representation. Since the definition of affirmative action adopted in this study centers around the historical and present role of systematic exclusion and discrimination, critical theories which explore how race is

employed to maintain the social order of white supremacy provides guidance when examining the impact of racial discrimination and white supremacy in legal, political, social, and academic institutions. Critical theories provide useful insight to understanding the path of affirmative action because of their assumption that white supremacy will be persistent and reproduce itself without the intentional dismantling of policies that reinforce racial subjugation.

Critical Race Theory (CRT) critiques the social construction of race, and institutionalized racism perpetuate the racial caste system that relegates non-whites to the margins of society; this theory has become a political dog whistle for conservative politicians that negate the existence of institutional racism and structural racism from which racial inequality stems. CRT also recognizes that race intersects with other identities, including sexuality, gender identity, and others. Unlike these conservative politicians, CRT assumes racism is not a relic of the past but is currently manifested in every institution and is woven throughout permeate fabric of racially stratified nations. The unsophisticated analysis of CRT exemplified by conservative politicians fails to capture the complexity of critical theories that exam race, power, and inequality. Critical theories such as CRT are essential to studying race-based policies because they demand that the role of race and racism are integrated into the analysis.

In addition to CRT, racial formation theory (Omi and Winant 1986; 2014) and systemic racism (Elias and Feagin 2016) offer helpful theoretical perspectives to consider how the significance of discourse further or restricts social citizenship rights, specifically access to elite public higher education. This study suggests that government-mandated measures such as affirmative action are vital to bringing about racial equality, assuming that

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these measures will become a mainstay in their respective institutions until the goal of equality is accomplished. However, often these measures do not account for the continued organization and processing of white culture as superior (Aleinikoff 1991; Bell 1997; Crenshaw 2019; Delgado and Stefancic 2017; Freeman and Bell 1981; Gotanda 1991; Greene 1989; Horowitz 2000; Matsuda 2002). Observing discourse frameworks of race and equality can provide insight into the extent of vulnerability such programs face. Critical theories are problematic but not for the reasons highlighted by anti-affirmative action activists and conservative politicians. The problem with critical theories is that their ability to provide insight into factors that spark real material change is limited. Thus, the approach to research on racial equity policies and outcomes must account for persistent systemic racism and structural racism stemming from white supremacy, but it must elucidate causes linked to the undeniable progress made.

Defining Race and Color in Brazil and the United States

Definitions and social understandings of race in the United States and Brazil are not entirely comparable, and they are continually evolving; thus, defining "Black" is essential. Though higher education affirmative action programs in both countries, to an extent, incorporate multiple factors such as ethnicity, race, and income, this study focuses on African descendants. In university admissions, self-selection initially determines eligibility for race-based affirmative action programs. While racial terms and concepts in Brazil and the United States are not entirely transferrable, the terms "Black" and "Afro-descendant" are used interchangeably in this study to refer to those that qualify under the category of Black and concepts specific to Brazil, *preto, and pardo/moreno*. Nonetheless, this study will further detail the formation and evolution of racial constructs of Black in both countries later.

The United States Census Bureau (2020) categorizes race via self-identification with the following options: White, Black or African American, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, or "Other." The bureau further instructs that the region of origin for those identified as Black or African American is Africa (US Census 2020). The legacy of the one-drop rule and a Black-white racial dichotomy in the United States has clarified who goes into the category of "Black." Though centuries of immigration and race-mixing have changed the composition of the ethnic and racial makeup of the United States, descent based in Africa remains the social norm for "Blackness". In the United States, individual programs detail the specific requirements for eligibility.

Although respondents to United States census surveys are instructed to identify their race, the Brazilian Institute of Geography and Statistics census workers are instructed to select the color of the individual being surveyed (Telles 2006). The options given to Brazilians are *branco* (white), *pardo* (brown), preto (Black), *amerlo* (yellow), and Indigenous. It is important to note that the Brazilian Institute of Geography and Statistics currently requests the same classification for the entire household. Brazil does not further instruct nor require respondents to provide national geographical origins to which each racial category is connected.

Though previously established racial projects are a tool of elites, subjugated people have participated in the production of race and nation and subsequently brought about transformational change (Appelbaum et al., 2003). In the 1990s, Brazil's Black movement took root, adopting "negro" as their preferred color category. Though the terms *negro* (Black) and *pardo* (brown or "mixed") combined the color categories used by the Brazilian Institute of Geography and Statistics, the term *preto* has been applied to indicate the actual

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color of the individual's skin. The term negro, by contrast, has been readopted over the previous decades to encompass a broader meaning of Blackness that refers not only to skin color but also to identification with a cultural tradition rooted in Africa, as well as a political stand for the recognition of race as a salient identifier (Sansone 2003; Tavolaro 2008).

The widespread use of *pardo* emerged as a significant focus of the affirmative action debate. In the early debates, arguments opposing affirmative action reinforced the narrative that all Brazilians are products of racial mixing; the ambiguity of "*pardo*" supported the difficulty in delineating eligibility based on race. Once affirmative action took root, the ability to self-select as *pardo*, a category ubiquitously employed throughout the nation, drew attention due to allegations of quota fraud. To emphasize, "*pardo*" has an important place in establishing race in Brazil. Pardo is more often used on official documents than *moreno* (brown), which is more commonly used in daily discourse. Both terms are a catchall category for mixed-race individuals in Brazil and epitomize the ambiguity of racial democracy, while the binary system of *branco*/*preto* (white/negro) highlights the social inequality between whites and non-whites and can be used to justify affirmative action (Penha-Lopes 2017; Telles 2006). As Htun notes, Black activists in Brazil believe the question "Who are the Blacks?" is disingenuous. Activists observe there is no problem identifying Black Brazilians when it comes to social issues of crime, illiteracy, and negative factors; but when it comes to affirmative action, there is a sudden difficulty in identifying who is Black (Htun 2007). Higher education in both the United States and Brazil has long been an elite exclusionary institution and has only more recently become more accessible through federal legislation geared towards widening access for all citizens. Chiefly, the expansion of access to higher

education was only granted to Blacks in Brazil and the United States after Black citizens, activists, and policymakers emphasized race to demand change.

In the early part of the 21st century in both the United States and Brazil, activists, scholars, students, and policymakers concerned with Blacks and other underrepresented groups' access to higher education held their breath as the fate of policies that addressed their inclusion was being decided. The early 2000s marked a significant era of transition and ostensibly divergent paths for race-based affirmative action in Brazil and the United States; Brazil began to incorporate racial quotas in university admissions. The United States reaffirmed racial quotas in admissions as unconstitutional (Daniel 2006). After nearly two decades since these major policy cleavages, questions remain about the effectiveness and stability of programs targeted to address racial discrimination and racial equality in higher education.

Race and Access to Elite Public Higher Education Institutions in the US and Brazil

Disparities in access to education from early childhood through post-secondary education have plagued Black populations throughout the Americas (Bowen Mathew, Rodriguez, and Reeves 2016; Piche, Zeitlin, Cook, and Marcitello 2011). Though racial inequality permeates every aspect of society in Brazil and the United States, education, because of its ability to increase social mobility; as a result the principal institution to target inclusion (Chetty, Freidman, Sacs, Turner, and Yagan 2017). Educational institutions in both countries have had a long history of limiting access to white elites (Bhopal and Alibhai-Brown 2018). For example, according to Darrick Hamilton and William A. Darity Jr. (2017), "conventional discourse upheld by Democrats, Republicans, Blacks, and whites alike still emphasizes education and personal responsibility on the part of Blacks themselves as the

mechanism to bridge the racial divide" (p. 64). It is perceived to be the responsibility of individual Black families to overcome the barriers that keep them from attaining social mobility through education. The perception of responsibility blames Blacks for lack of educational attainment and provides justification for denying those with lower educational success indicators access to higher education (Park and Liu 2014, 36-64; Reyna et al. 2005, 667-682). This perception also ignores the structural barriers that limit access and attainment.

Exclusionary practices in the Americas are a product of the legacy of the colonization, the transportation, and enslavement of millions of Africans to the Americas over a 400-year period (Skidmore 2003). Even though slavery was officially abolished in every country in the Americas in the 19th century, centuries of racist practices still currently manifest in a barrage of legal, social, and structural barriers that have reinforced racial inequality. Racial inequality in both countries continues to leave racialized populations facing challenges with land ownership and property rights, and disproportionately affected by poor health, including higher rates of chronic illness and disease, a lack of access to healthcare, and higher rates of exposure to pollutants (Murillo and Pastor 2015; World Bank 2019). In addition to health disparities, Black people in both countries are over-represented in the prisons, are frequent victims of human rights violations, are systematically marginalized, and are excluded from decision-making processes and bodies (Andrews 2014; Petite and Sykes 2015; Reich 2017; Telles and Bailey 2013). Black people in the United States and Brazil also have a disproportionately higher unemployment rate and earn lower wages than their white counterparts, even when controlling for educational access variables (Murillo and Ojulari 2015; White 2015). These disparities are seen throughout Brazil and the United

States, and education has played a central role in reproducing social and racial inequality (Fernandes 2004; Lima and Parates 2015; Salata and Scalon 2020).

Often scholars distinguish black social movements by time, strategies, and other socio-political factors. However, demarcating social movements accordingly deemphasizes the continuity of the struggle for full citizenship rights that began upon the arrival of Afro-descendants to Brazil and the United States and the myriad of tactics and strategies they have employed in attempt to gain full rights in every facet of society. Gaining access to elite institutions of higher education is one aspect of a larger struggle of obtaining their full social citizenship right of access to quality public education. Efforts to address racial inequality and further social citizenship rights have come in many forms across the Americas, including constitutional amendments, legislative acts, and executive orders.

Among efforts to address racial inequality in higher education affirmative action in the form of race-based university admissions programs are arguably the most contentious. These programs serve as a gateway for Blacks to access institutions that have historically been white spaces, while also serving as a vehicle for Blacks to gain racial, social, and economic mobility. A range of efforts and initiatives have been undertaken by federal government agencies in the United States and Brazil. Such actions target racial discrimination with the goal of advancing social equality across the Americas.

What is perhaps the Americas' most celebrated effort to address racial discrimination began in the United States in response to the Civil Rights Movement. Most notable were efforts to dismantle "separate but equal" discriminatory Jim Crow laws throughout the educational system, which remained legal until the *Brown v. Board of Education Topeka Kansas* Supreme Court decision in 1954 and the Civil Rights Act of 1964. Desegregation

policies were a major outcome of the Civil Rights Movement, which obliged the federal

government to eliminate state-sanctioned racial discrimination regarding access to public

accommodations, equal opportunities in labor markets, access to higher education

institutions, and voting rights. Outside of the post-slavery Reconstruction Era (1863-1877),

the federal response to the Civil Rights Movements of the 1960s through affirmative action

policies demonstrated the most vigorous efforts in the United States to remedy racial

discrimination in higher education. As noted, the policies implemented promptly faced legal

challenges that resulted in states and individual universities crafting policies to account for

race in admissions.

Initially, affirmative action plans in higher education in the 1960s were limited to a

few elite private universities until a host of anti-discrimination legislation that required racial

integration plans from universities in Southern states in the 1960s forced public universities

adoption (Johnson 2020; Okechukwu 2019). At that time, highly regarded Harvard College's

affirmative action plan became the template for other universities, including selective state

flagship universities (Johnson 2020). Justice Powell's *Bakke* 1978 judicial opinion describes

how affirmative action programs at highly selective public universities were modeled before

state ballot initiatives and the *Michigan* cases:

> Harvard College now recruits not only Californians or Louisianans but also Blacks
> and Chicanos and other minority students… This new definition of diversity has
> meant that race has been a factor in some admission decisions of an applicant may tip
> the balance in his favor just as geographic origin or a life spent on a farm may tip the
> balance in other candidates' cases. A farm boy from Idaho can bring something to
> Harvard College that a Bostonian cannot offer. Similarly, a Black student can usually
> bring something that a white person cannot offer… in choosing among thousands of
> applicants who are not only 'admissible' academically but have other strong qualities,
> the Committee, with a number of criteria in mind, pays some attention to distribution
> among many types and categories of students.

Court decisions and state laws have consistently narrowed the scope of affirmative action by restricting or banning the use of race as a consideration in university admissions. Although federal civil rights laws prohibit all programs that receive the Department of Education funds from discriminating based on race, color, and national origin, no ubiquitous affirmative action prescription exists, nor is affirmative action a federal or state requirement in the United States.

Due to lawsuits against Harvard and other prestigious institutions, recent attention has shifted away from the benefits of affirmative action for African American students in favor of an argument that white and Asian American students are *disadvantaged* by affirmative action (Atunes and Lena 2018; Hartocollis and Anemona 2020). However, the growing decline of Black enrollment at selective public institutions after race based affirmative action policies dissipated necessitates discussion (Liu 2020). Selective public universities are especially important to discuss because research shows they are instrumental in creating social mobility in the United States (Bowen, Chingos, and McPherson 2011; Haveman and Smeeding 2006). The failure to note affirmative action's role indicates how affirmative action is often a blind spot in discussions on equality in higher education, which may be due to its changing meaning and scope over time (Okechukwu 2019).

The executive's role in shaping affirmative action policies to address racial inequality in higher education also deserves renewed attention. The United States president usually issues guidelines via the Department of Education whereby university admissions officials can follow the legal framework established for the consideration of race in admissions (Okechukwu 2019). State bans, judicial decisions, the role of presidential leadership, and rhetoric have all shaped affirmative action and Black enrollment at elite public institutions.

Questions about the legacy of the framing, actions, and policies under previous United States

President Donald Trump addressing racial inequality are under discussion and will be

addressed in this research analysis. Brazil's current right-wing populist political climate casts

doubt on the long-term sustainability of projects to dismantle racial inequality, including

affirmative action. University, state, and federal elements must be included in any discussion

on racial equality in higher education as each are significant in federal political systems.

Many in Brazil believe that current President Jair Bolsonaro's policies have

deepened racism (Bo 2020). In 2018, Jair Bolsonaro's election campaign declared his

opposition to racial quotas as he railed against Blacks' victimization mentality (Anderson and

Cuadros 2019; Chagas Bastos 2019). Among other things, Bolsonaro's party consistently

attempted to pass legislation to dismantle affirmative action policies (Anderson and Cuadros

2019; Chagas Bastos 2019). Afro-descendants in Brazil have made unprecedented gains

towards racial equality, as noted by the newspaper *Folha de Sao Paulo*, which reported that

studies on Brazil's racial disparities have increased from five in 1999 to 142 in 2018 (Alves

and Gamba 2019). Black Coalition for Rights (Coalizão Negra por Direitos), a key player in

advancing equal rights, has successfully blocked attempts to reverse affirmative action in the

national legislature. They have also campaigned successfully against legislation seeking to

give more substantial self-defense protections to police officers.

Although gains in access to higher education in Brazil are undeniable, fears that these

gains will erode have surfaced. For example, Heringer's (2020) editor's note in *Society for

Cultural Anthropology* enumerated the gains made through affirmative action in Brazil and

pinpointed persistent inequality in higher education. At the same time, her article articulated

the present fear of losing ground in the battle for racial equality (Heringer 2020). In Brazil,

high-quality free public university education results in increased social mobility (Duryea, de Freitas, Ozemela, Sampaio, and Sampaio 2019). Heringer (2020) argued that, like the United States, Brazil has demonstrated that greater access to higher education by minority students provides better outcomes to these students, their families, and society. These better outcomes occur through their participation in the labor market, their contribution to knowledge, and their participation in community work (Bowen and Bok 2000; Heringer 2020). A growing number of Brazilians have begun to see Brazil as a nation with a racial inequality problem; in the early 2000's - 2010s structural changes were made to higher education to increase Black Brazilians' access (Paschal 2016; Penha-Lopes 2017). The adoption of federal racial quotas in state universities has been vital in achieving racial equality in Brazil (Dietrich 2015; Heringer 2015, 2020).

Discourse from the administrations of Trump and Bolsonaro have framed race-based affirmative action as unlawfully divisive. The tenor of their presidential leadership was demonstrated by President Bolsonaro's pledge to reduce such programs, and under President Trump, the Justice Department alleging racial discrimination in university admissions against whites and Asian Americans at Harvard and Yale Colleges (Hartocollis 2020). However, affirmative action programs have addressed inequality in higher education by providing marginalized students access to elite, affordable, public education, which subsequently increases social mobility and equality. The impact of presidential leadership, legislative outcomes, judicial decisions, and ballot measures regarding affirmative action policies must continuously be examined to determine their utility in combating racial inequality.

Research Design and Methodology

This study uses a mixed-methods approach to understand better both affirmative action framing and racial discrimination status in relationship to the types of policies enacted. Chi-squared tests are used to determine the association between (a) in the United States, population demographics and state affirmative action bans; or (b) in Brazil, states' early adoption of affirmative action. University admissions and university enrollment data from 2000–2019 in both Brazil and the United States are used to evaluate the impact of discourse frameworks and resulting affirmative action policies. This data was collected from Integrated Postsecondary Education Data, the US Census Bureau, the Brazilian Institute of Geography and Statistics, and the Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira. Mean Black enrollment scores and range of enrollment rates are used to contextualize how racial threat and discourse frameworks shape affirmative action policies and the outcomes produced by these policies.

Moreover, this study draws upon discourse collected from arguments made in Brazilian and the United States' federal and state legislatures, federal courts, and federal judicial decisions, along with state ballot initiatives, to inform how language-related to affirmative action serves to maintain or restructure power dynamics. The data collected from federal and state archives are used to examine the relationship between the framing of race and racial inequality with the types of programs that result. To this end, this data will be utilized to look at patterns in how the composition of the federal government (specifically the presidency and federal courts) relates to the stability of affirmative action programs.

Lastly, this study uses interview data collected during key informant interviews to provide insight and context to the quantitative analysis. In Brazil, interviews and focus groups were conducted with 78 self-identified Afro-descendants. The interviewees consisted

of activists who have been instrumental in shaping quota policy, journalists who have covered the affirmative action debate, quota students, and university professors. Interviewees were selected in consultation with a human rights scholar who previously worked with Afro-descendants in Brazil. Once the scholars and activists were identified and contacted, they helped to organize focus groups and identify additional students, lawyers, faculty, staff, and government workers. Focus groups and interviews were used to a lesser extent in the Unites States study since the volume of scholarship, survey, public opinion data, and statistical educational data produced on race, affirmative action, and access to higher education in the US far outweighs that of Brazil. Three interviews were conducted with university officials charged with diversity and inclusion projects, Admissions and Enrollment Management administrators, and scholars of affirmative action. Interviews were collected to serve as supplementary data to illuminate further factors and trends that might impact affirmative action policy and outcomes. These interviews enhance understanding of the quantitative data analysis findings.

Overview of the Dissertation

Chapter II draws on a diverse body of research in sociology, political science, anthropology, education, and law to examine the interplay between national identity, racial constructs, race projects, the function white supramacy, citizenship rights, and racial inequality in access to education. The highlighted scholarship in this chapter underscores the importance of how discourse is used in creating national identity or what it means to be Brazilian or American and these national narratives are the backdrop against which inclusion or exclusion policies are constructed. This chapter also proposes that this framing of national identity has direct implications for addressing racial inequality in higher education. More

specifically this chapter argues that nationalistic ideologies of racial democracy in Brazil and pluralistic democracy in the United States are racial projects that have functioned to delegitimize inequality and proposals to remedy racial discrimination. Meanwhile, there is an increased use of threat frameworks to undermine affirmative action programs that seek to provide access to higher education to marginalized groups.

Apart from defining "who we are as a nation," national identity serves as an accountability mechanism. Citizens and policymakers must be held accountable for upholding the principles upon which their nation is founded, but they have yet to largely embody those principles in its totality. The researcher also contends that national identity in both Brazil and the United States has historically excluded Blacks in what it means to be Brazilian and American respectively, resulting in Blacks' exclusion from higher education. Currently, access to spaces such as elite public universities hinges upon the adoption of justice frameworks. When the nation incorporates justice frameworks, which acknowledge deeply rooted systematic discrimination as part of the current national fabric, vital programs to dismantle systemic inequality are finally proposed and instituted, especially in the realm of education.

Moreover, this chapter shows how nationalist discourse and the framing of racial inequality evolved over the early part of the 21st century, and how they shape race-based affirmative action programs in higher education. I also examine how Brazilian democratization has enabled activism and scholarship to address inequality based on race and how this corresponded with the proposal of strong federal legislation in 2012to redress racial disparities. Lastly, this research study also examined how national discourse and the framing of racial inequality in the United States shifted in the early part of the 21st century, from a

pluralist democracy which acknowledged the need to atone for current and past discrimination in a country that asserted colorblind ideology as a prescription for its race problem, to a threat-based retrenchment.

Chapter III discusses the theoretical framework and methodological approaches used in this study. First, it explores the deep-seated coexisting, yet incompatible, ideologies of white supremacy and racial equality. This chapter argues that while critical race theory can be used to understand how deeply embedded white supremacy is in North American societies, that alone does not provide a framework to assess factors that influence racial equality. Group threat or racial threat is also assumed to be a key motivator for dismantling existing racial equality efforts, but it is an inadequate tool for exploring affirmative action policies and outcomes. Subsequently, this chapter argues that an in-depth cross-national case study of access to higher education for Afro-descendants can provide crucial insight into how discourse frameworks shape racial equality efforts, thus offering better indicators of subsequent policy types and outcomes.

To better understand factors that influence affirmative action policies, this chapter responds to Carter, Lippard and Baird's (2019) call to examine the roles of framing techniques, group threat, and colorblind racism. It also extends the analysis to presidential administrations, state and federal legislation, and ballot initiatives. This chapter explores group threat by using the racial threat hypothesis based on population proportions, resource availability, and competitiveness. This chapter also details why justice frameworks, abstract liberal frameworks, and threat frameworks should be distinct categories for affirmative action policy discourse analysis. Finally, this chapter explicitly details how: (a) population data and legislative outcomes are used to access racial threat, (b) enrollment data and discourse

frequencies from presidential administrations, judicial opinions, legislative acts, and ballot

initiatives are used to assess the impact on affirmative action policies and outcomes, (c)

affirmative action policies have impacted Black enrollment rates from 2000–2018 in Brazil

and the United States; and (d) Black enrollment rates in Brazil and the United States are used

to determine which policy types have the best outcomes.

Chapters IV and V offer an analysis of the interplay between racial threat hypothesis,

affirmative action discourse frameworks, and affirmative action policies and outcomes in the

United States and Brazil from 2000–2018. First, the chapters revisit the central hypothesis

related to each case. I hypothesize that in the United States and Brazil abstract liberal

frameworks do not result in substantive affirmative action policy; justice frameworks result

in more effective, transparent policies and more accountability; and threat frameworks result

in the dismantling of affirmative action programs. I further hypothesize that discourse

frameworks are a better indicator of affirmative action policy types and their subsequent

impact on black enrollment rates than racial threat/group threat hypothesis, a fear that the

majority is losing power, influences, and resources to non-majority populations. I also

contend that highly centralized programs are at risk of being dismantled when policymakers

employ threat frameworks that problematize affirmative action policies instead of focusing

on current and past social and racial inequality.

The first research question assesses the role of racial threat hypothesis in the adoption

or ban of race-based affirmative action programs. Secondly, the chapter explores the extent

to which racial justice, colorblind, and threat framework discourses adopted by presidents,

legislative bodies, ballot initiatives, and federal courts affect the types of affirmative action

programs implemented by observing Black enrollment trends. Lastly, each case utilizes

Black enrollment trends to understand the impact policies have on increasing or decreasing racial inequality in higher education.

Chapter VI examines the broader comparative political debates related to race, ethnicity, inclusion, and access to higher education. This chapter substantiates the conflicting findings of previous racial threat studies and underscores the challenges to drawing on racial threat as a mechanism to understand affirmative action in cases where political elites are not a racial or ethnic minority. Further, this chapter demonstrates the utility of discourse analysis as a way to understand policy types and outcomes better. It concludes that, in the United States, the increased frequency of threat frameworks corresponded with the erosion of race-based affirmative action programs. Brazil should heed this as a warning that the Bolsonaro administration may signal a directional shift.

Ultimately, codifying justice frameworks, abstract liberal frameworks, and threat frameworks separately provides greater clarity on how they shape policy and outcomes. This chapter concludes by demonstrating that United States affirmative action policy types have led to a decrease in Black enrollment in the 21st century, while Brazil's programs have seen a significant increase in Afro-descendant enrollment in elite public universities. Although Brazil's policies have allowed more access to higher education for *pardos*, *pretos*, and Indigenous people as a whole, perhaps a better indicator of its successes is *preto* enrollment, which has only marginally increased.

Significance of the Study

Not only is there a need for more comparative racial politics studies, but countries in Latin America have often been omitted from selected cases. Htun's (2016) comparative study on affirmative action policies toward three underrepresented groups in five Latin American

countries elucidates mechanisms by which marginalized populations can best achieve desired results. Hanchard and Chung (2004) noted that research centered on the concept of race and its implementation has had a resurgence in the humanities and social sciences. Comparative racial politics studies aimed at understanding racial dynamics and power relations by foregrounding the role of politics in the social and political mobilization of various social groups premised upon the concept of race, racial hierarchy, and distinction have a distinct benefit over comparative race relation studies (Hanchard and Chung 2004). In the introductory chapter to *Comparative Racial Politics in Latin America*, Dixon and Johnson (2018) lamented how the United States disciplines of Political Science, Black Politics, Comparative Politics, and Latin American Politics have rarely focused on Black politics in Latin America. The Americas have a rich and complex social history marked by slavery, colonialism, dictatorships, rebellions, social movements, and revolution, making countries in the region useful in a comparative analysis (Dixon and Johnson 2018).

Currently, activist policymakers and higher education administrators grapple with how to best address racial inequality in higher education; since Brazil and the United States are large powerful nations and trendsetters in the Western Hemisphere a comparative analysis of Brazil and the United States offers useful insights. This case comparison provides much needed understanding into politics, policy, racial politics, political mobilization, social citizenship, education, and institutional manifestations of white supremacy. This comparative analysis provides greater context to the relationships between policy and mobilization to access higher education in two these two societies, which share persistent racial inequality but have distinct ways of racial ordering, specific regime types, and distinctive approaches to addressing racial inequality.

Chapter Summary

Scholars, human rights activists, and policymakers have often examined the United States and Brazil to understand better how to overcome racial inequality. Though it is now widely accepted that both societies are highly stratified and have a legacy of racial oppression, discrimination, and exclusion, Brazil and the United States have had varying trajectories regarding racial identity formation and conceptualization and proposed remedies to the legacy of racial discrimination. Many comparative race studies on the United States and Brazil, as Edward Telles (2006) highlighted, have traditionally overlooked and oversimplified race relations in the United States and in Brazil, thus resulting in a distortion of the similarities and differences.

This particular study also looks to Brazil and the United States to better understand the impact of efforts to assuage racial inequality in higher education while noting the distinction and complexity of race in both societies (Telles 2006) but also avoiding essentialism that views all oppression as the same, which critical race theory warns against. Specifically, this study aims to understand better the relationship between how race and racial discrimination are conceptualized by political elites and the types of affirmative action policies constructed to remedy racial inequality in higher education. Further, this study seeks to determine the types of outcomes and level of sustainability of federal highly centralized programs and decentralized state and university programs.

Moreover, the theoretical framework of this study allows us to predict that successful programs will persistently be under attack by white supremacy; understanding mechanisms such as the incorporation of threat frameworks can help to guard against such attacks. This study acknowledges the existence of racial inequality produced and reinforced by structural

racism and white supremacy. Further this study affirms education as a right of social citizenship and the state's obligation to remedy racial inequality in education. Racial threat hypothesis and discourse frameworks are useful mechanisms for exploring factors that influence affirmative action policies and outcomes. Though racial threat hypothesis is given a great deal of scholarly attention, critical discourse analysis is a better tool for predicting affirmative action policies and subsequent outcomes. Critical discourse analysis allows observations of how discourse frameworks adopted by institutions challenge or reproduce race and racism over time (Ansell 2006; Martinot 2010; Parker 1998). This framework underscores that champions of racial equality in higher education must resist abstract liberal frameworks like colorblindness and, instead, they must ensure race is utilized to ensure justice. Therefore, successful social justice policies in higher education must use race as a consideration.

Finally, this study provides an overview of current affirmative action policies in higher education admissions in both the United States and Brazil by drawing comparisons using data from many sources: population surveys, judicial opinions, from the United States Supreme Court and Brazilian Supreme federal courts, text from state ballot initiatives, state legislative acts, university resolutions, admission data, and enrollment data. This study hypothesizes that highly federalized programs result from adopting justice frameworks that demand action to remedy current and past discrimination and require swift and forceful intervention. Subsequently, these programs yield more transparent and reliable outcomes and ultimately achieve their stated goals to a greater extent than non-federal programs, which are more likely to frame affirmative action as a representation and diversity issue. The study further hypothesizes that discourse based on an abstract liberal, colorblind framework

produces weak, highly decentralized programs, resulting in weak outcomes in the United

States. This study offers that, even though centralized programs are more effective, they are

vulnerable when policymakers adopt threat frameworks instead of justice frameworks.

Chapter II: Rethinking National Myths and Racial Inclusion

Racial Formation Exclusion and Inclusion

In the early part of the 21st century, policymakers and the higher education community in Brazil and the United States have questioned the use of affirmative action policies to dictate to what extent race should be considered in university admissions. To better understand which types of policies further advance racial equality and factors that lead to more effective policy, this study seeks to determine the impact of both highly federalized programs run by federal governments and decentralized affirmative action programs run by individual universities and states on Black enrollment at elite public universities in both countries. This chapter provides the basis for this research study in the scholarly literature as it relates to: (a) the process of racial formation, (b) how racial categories are defined in Brazil and the United States, (c) how the framing of citizenship, race, and nation shaped racial inequality and race, (d) early comparative studies that measure inclusion and marginalization and, (e) affirmative action as a mechanism to achieve equity and justice.

This chapter examines the historical developments and scholarly material focusing on nationalist race projects and their subsequent impact on Blacks' access to higher education in Brazil and the United States. This research study will answer the following questions:

- To what extent do racial justice arguments and racial democracy or color blindness affect the types of affirmative action programs implemented?

- What factors have contributed to rights-based discourses or colorblind discourses?

- What factors have determined the stability of affirmative action programs, and which types of programs have worked best?

Furthermore, the literature review will specifically highlight seminal comparative race scholarship, focusing on the role of discourse frameworks and nationalist narratives surrounding race and social citizenship and the role these narratives play in forming higher education affirmative action policies.

Scholars have highlighted that racial formation occurs on a macro and micro level and that micro level formations use these formations to launch social movements (Omi and Winant 2014). Institutions that categorize or count race are no exception and also participate in this formation at both a macro and micro level (Goldberg 1997; Jalali and Lipset 1992; Wacquant 1997; Nobles 2000). Since the inception of the census institutions in Brazil (1873) and the United States (1790), race has been captured, categorized, and imposed via social order. As scholars have suggested (Nobles 2000; Paschal 2016; Telles 2004), racial categorization was strategically used by Black activist groups in both countries to highlight racial discrimination patterns in health, housing, education, and other social policy areas. Melissa Nobles (2000) argued that institutions such as the census that categorize race and shape racial identity could be malleable to social changes. The selection of race is an active process that not only captures a category but also requires the individual to process their location within society. In the United States, where this process is widespread, this process is seemingly passive. Contrarily, in Brazil, where this practice was less common, the current practices demonstrate racial formations' continual evolution (Bailey, Fialho, and Peria 2018, 765-98; Howard Winant and Michael Omi 2014,)

United States and Brazil Post-Racial Projects from Slavery to Post-Abolition (1860–1890)

The drawn-out process of abolishing slavery in the 19th century in the Americas provides insight into the ongoing relationship between racial equality and labor needs in both

countries. For example, Brazilian slavery was not wholly abolished until 1888 when a conservative cabinet of elite planters which previously supported slavery determined that a replacement of slave labor was inevitable and less expensive (Skidmore 1998). Elites also used the opportunity of the abolition of slavery to consolidate power to prevent widespread land reforms that would diminish their political and economic power (Skidmore 1998). Previous defenders of Brazilian slavery saw an opportunity in abolition to increase their profits. Conversely, in the United States, northern elites whose fortunes were tied to free labor were irreconcilable with southern elites whose fortunes were tied to slave labor, thus resulting in a long and brutal Civil War (1861–1865) that economically devastated much of the country.

Slavery planted deep roots of racial inequality in both countries; consequently, the post-abolition racial order had a long-term impact on Blacks' social mobility. Just 45 years after slavery was abolished in Brazil, Gilberto Freyre (1930), a Brazilian sociologist, declared the nation a racial democracy. Notwithstanding, the processes of economic development, industrialization, and immigration that unfolded in each country after the abolition of slavery corresponded with the inclusion or exclusion of Afro-descendants (Marx 1997). Many Brazilian elites highly influenced by Western thought deemed Brazil backward and hindered by climate, racial composition, and reliance on forced labor. Skidmore (1998) highlighted that elites in Brazil were a tiny well-educated minority whose thoughts on the nation's "progress" were shaped by liberalism from England and the United States (Skidmore 1998). This influence resulted in a desire to create a comprehensive school system and implement policies to rid the country of its undesirable racial characteristics, namely its dark-skinned population (Dávila 2003; Skidmore 1998; Telles 2006). In both Brazil and the

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United States, science and education were viewed as vehicles of progress that were fundamental to reinforcing white supremacy's racial order. In both countries, the collapse of slavery was due less to moral arguments than to a vision of economic progress that could not rely on slave labor.

Post Abolition United States

The US Reconstruction Era (1863–1877) was founded upon the acceptance of racial inequality resulting from slavery. Under Reconstruction, Blacks in the United States were granted citizenship rights and equal protection in the mid-to-late-19th century. As the end of Reconstruction converged with the nascence of the Progressive Era (1890s–1920s), all Americans gained widespread access to primary and secondary education. As Blacks made widespread gains during this period, progress came to a quick halt when whites felt their economic and political privilege were in jeopardy.

Post-Abolition Brazil

After the abolition of slavery, Brazil remained uneasy about race and what it meant for maintaining the nation's power structure. Elite Brazilians embraced a version of eugenics proposed by Francisco de Oliveira Vianna, who argued that the Brazilian population was incapable of self-government and poorly adapted to republican, liberal institutions. Vianna articulated the threat posed to the nation by the inferior African and Indian, meaning indigenous, blood. Vianna's views shaped race ideology and Brazilian nationalism, and they were instrumental in the expansion of education and the promotion of racist "whitening" ideology under President Getúlio Vargas (1930–1945) (Dávila 2003). The entrenchment of Brazilian nationalism corresponded with a shift in framing from miscegenation-informed racial inferiority to a miscegenation-based national pride and strength, which would become

the foundation of racial democracy, the abstract liberal colorblind framework. In 20th century

facts of Brazilian race relations did not change, but the assumptions on which Brazilians

argued did (Skidmore 1992). The Vargas regime exploited the racial democracy ideology to

assuage elite planters and urban bourgeoisie while censoring Afro-Brazilians' ability to

contest their oppression (Skidmore 1992).

According to Vianna, the solution to Brazil's racial problem was to rapidly improve

the national racial stock through European immigration and whitening (Caulfield 2003;

Dávila 2003; Skidmore 1993). For example, European immigrants were given subsidies to

relocate to Brazil, while proposals to extend the same privileges and education to the

emancipated slave population were rejected (Andrews 1988). Conversely, Manoel Bomfim

(1929) believed radical whitening was unpatriotic and affirmed that Brazil's greatest strength

was its racial and cultural mixture. Bomfim's view allowed Brazilians to celebrate their

racially diverse racial heritage while maintaining their racial hierarchy (Caulfield 2003).

Ultimately, each of these perspectives was shaped by white supremacist views that extolled

miscegenation; the only difference is the benevolent discourse of Bomfim when compared

with the more openly racist language employed by others engaged in the debate, such as

Vianna.

In contrast, Freyre's (1930) work developed national pride by declaring

miscegenation as a positive symbol of Brazilian culture, rather than a reminder of its

backward degenerative genetic composition. In comparison to the United States, Freyre

(1930) asserted Brazil was composed of a large white male population whose widespread

miscegenation practices resulted in a closer social distance between the master's house and

the slave huts. Further, miscegenation erased the line between master and slave, resulting in a

racially mixed society in which all races have made a cultural contribution (Freyre 1933).

Brazilian elites latched onto Freyre's (1933) work to promote unity in a society that was

becoming increasingly contentious, with conflicts erupting between rural oligarchs and new

urban industrial elites (Bastos 2001). Both Freyre (1930, 1933) and Vianna inspired

nationalist political regimes that they framed as humane when compared to the individualist

racial hatred observed in the United States (Caulfield 2003).

Even though Brazil and the United States shared assumptions about Blacks' racial

inferiority, policy solutions to address racial problems varied widely (Marx 1999). Instead of

adopting a miscegenation strategy, legal segregation became the United States' solution. The

most significant indicator of this racial bifurcation is the Supreme Court case *Plessy v.*

Ferguson (1896). The United States Supreme Court upheld a Louisiana law that denied a

man with a white person's physical attribute but with 1/8 African ancestry access to ride in a

"whites only" rail car. Strict segregation codes were developed to ensure whites' purity in the

form of Jim Crow segregation and these codes and policies extended to public schools.

Schools and colleges exclusively for Blacks proliferated to meet the demands of the newly

emancipated.

Comparison as Mechanism for Achieving Racial Equality and Understanding Race Relations

Early comparative race scholars either relied on miscegenation or completely ignored

miscegenation as an indicator of race relations in Brazil (Telles 2006). The assumptions that

Brazil was a racially harmonious society caught the attention of two generations of race

scholars. In the 1930s and beyond, Freyre's exaltation of Brazil's racial harmony inspired

race scholars to compare Brazilian race relations with those of the United States. (2016)

argued that the economic uncertainty that unfolded years later during the Great Depression

(1929–1939) allowed whites throughout the United States to resolve their regional political conflicts through establishing white supremacy and racial segregation (Frymer 2016). As the world grappled with the aftermath of World War II and the devastation of the Holocaust, there was an appetite for critical examinations of racial and ethnic discord; Brazil's racial democracy became the perfect case study (Maio 2001). Ultimately Freyre's theory of racial harmony became a tool for nationalist projects to reframe Brazilian nationalism; he successfully advanced the idea that miscegenation was an indicator of racial equality while ignoring the fact that access for Blacks was contingent upon whitening, as demonstrated below. In addition, the results of miscegenation are unequal and hierarchical, as the "gift" of citizenship comes from above (Holt 2003).

Under the tutelage of Freyre, many Brazilian race scholars who drew comparisons between race relations in Brazil and the United States generally accepted that miscegenation in Brazil served as an indicator that Brazil indeed had no racial prejudice problem (Telles 2006; de la Fuente 2010). Pierson (1942) built on the assumptions of Freyre (1933) and asserted that relationships among races in Brazil have always been intimate and cordial. He also built on the assumptions of Robert Parks (1938), who looked at the process of assimilation and how individuals and groups are taken over and incorporated into larger groups. A new national group (Brazilian) replaced the old groups (whites, Blacks, indigenous). Thus, Pierson suggested that intermixing has led to the assimilation or absorption of individual races into one. Pierson, like Freyre, failed to note that improving the material and social condition of Blacks was conditioned upon race-mixing.

In *Negros in Brazil,* Pierson (1942) concluded that social class rather than race was the basis of discrimination in Brazil. Pierson presented evidence on the lack of codified

segregation laws and the position of mulattoes in Brazilian society. He further argued that in the United States, due to the 'one-drop rule,' *mulattoes* would be classified as Black and thus be limited as an inferior social caste. Along the same lines, in his 1942 work *The Negro in Bahia, Brazil* E. Franklin Frazier asserted that the lack of prejudice in Brazil accelerated race-mixing. Even though he noted that nearly 60% of Blacks in the United States are mixed race, he contended that mixed-race populations in Brazil compete equally with their pure Portuguese-descendant counterparts. Frazier noted that Brazilian Blacks who maintained traditional African culture tended to be in the lower class, while those who were more integrated were upper class. Freyre (1933), Pierson (1941), Frazier (1942), and Tannenbaum (1947) accepted the assumption that racial tolerance stems from the relationship of the Portuguese with the Moors, making them more accepting of negroes. While they note that Blacks who have not mixed racially are marginalized, they do not account for the role of racial discrimination in this marginalization. As Edward Telles (2006) argued, that this group of scholars used interracial marriage as an indicator of social equality, and comparatively, Brazil has more racial intermarriage. Unfortunately, other significant indicators such as education were ignored entirely.

After general acceptance of Brazil's racial paradise by the international community, UNESCO commissioned a study to learn Brazil's "secret" to racial harmony in 1951. The final report reinforced the idea that discrimination was based upon social hierarchy, in which non-biological qualities such as class, education, and status affected racial classifications (Maio 2002, 2011). Importantly, it concluded that racial democracy in Brazil was neither as simple nor as firm as previously thought (Maio 2002, 2011). The UNESCO researchers and their protégés continued research to dispel the myth of racial democracy, leaving two

significant contributions: the warning that colorblindness further drives inequality and an analysis of the link between race and class.

One of the principal investigators of the UNESCO report, Fernandes, ignored miscegenation, which he deemed a campaign of elimination and ideology for legitimizing racial discrimination (Telles 2004). Bastide and Fernandes (1965) incisively note that Brazil's race problem is "the prejudice of having no prejudice," in which the state's use of racial democracy allows one to ignore any enforcement of laws to combat racism since racial segregation was and discrimination was not codified. Ultimately, the UNESCO final report reinforced the idea that real discrimination was based upon social hierarchy, not skin color. However, it simultaneously showed that non-biological qualities such as class, education, and status affected racial classifications, contrary to prior thought. Ultimately, the UNESCO authors thought that ultimately this racial structure was incompatible with capitalism and would soon disappear (Maio 2002, 2011).

A subsequent group of scholars, including Marvin Harris (1952), Charles Wagley (1952), and Carl Degler (1971), argued that inequality in Brazil, but they concluded that racial discrimination was largely irrelevant; they argued that any racial inequality was a remnant of the past soon to be eliminated. In fact, Harris (1952) and Wagley (1952) concluded that class, not race, was the basis of social inequality in Brazil. Furthermore, Nogueria (1955) outlined that in Brazil, discrimination was complicated because instead of being based on origin like in the United States, discrimination in Brazil relies on "mark," which allows a mixed person to be accepted into white spaces depending on their facial features, accent, etc. For Nogueria, criteria such as appearance, accent, and perceived education have made race more subjective in Brazil (Penha-Lopes 2017). Nogueria included

how education acts as a "mark" that translates into racial formation, which demonstrates the importance of education on the social mobility of Afro-descendants. Carl Degler (1971) demonstrated that racial differences are based on phenotypical characteristics in both Brazil and the United States, and this recognition of difference leads to prejudice, which leads to discrimination. Degler further noted that the assertion that racial codes were not as codified into law in Brazil as they were in the United States is misleading because laws existed but were ignored. Degler (1971) noted that mixed-race people in the United States are Black, but in Brazil they are not. He argued that in Brazil the mulatto has made significant social and economic gains but ultimately serves as a cover to ignore the racial discrimination and inequality that Blacks face (Degler 1971; Telles 2006). Degler coined the term "mulatto escape hatch," as the mulatto became a mechanism for Brazil to ignore racial inequality. Dematta (1981, 1984) also viewed *mulatismo* as a mechanism of hiding racism in Brazil. Although these scholars acknowledged racial stereotypes and prejudice, they concluded that Brazilians' multiracial character blurred racial distinctions via miscegenation.

Brazil and the United States have continued to serve as a mirror for observing how nationalism has shaped race relations and citizenship of Afro-descendants (Daniel 2006; Penha-Lopes 2017; Telles 2006). Throughout each nation's history, Brazilian policymakers, academics, and activists have looked to their American counterparts as a benchmark for its race "problem" or progress. Economic and labor market needs have continually shaped racial ordering and subsequent denial or expansion of citizenship and inclusion in Brazil and the United States. A comparative analysis between patterns of racial progress and racial domination in the United States and Brazil poses crucial questions about the meanings of citizenship in highly socially stratified nations (Moreira 2016).

Education and the Reproduction of Racial Order

Racial Preferences for Whites in the United States

In the United States, progressive policy measures aimed at an equitable distribution of resources exempted critical coverage for African Americans seeking respite from economic and racial inequality (Frymer 2016; Katznelson 2005). Decades later, the New Deal (1933–1939) coalition of white segregationists and progressives exacerbated social-economic inequality by implementing affirmative action for whites by creating preference policies that targeted the non-elites through subsidies and redistributive measures. Even though these programs' goals were to reduce social-economic inequality, they did so only among whites and largely excluded Blacks (Katznelson 2005). This exclusion practice created a thriving white middle class while deepening Black poverty (Katznelson 2005). As discussed below these programs can clearly be considered as affirmative action for whites since their primary goal was to close the large existing gap between wealthy and poor whites.

While the United States railed against the ethnic hatred of Nazi Germany during World War II, racial tensions in the country became a focus of the international community. This tension was captured in the report *An American Dilemma: The Negro Problem and Modern Democracy* by Swedish economist Gunnar Myrdal (1944). Myrdal articulated proposed frameworks as he theorized that political and social interaction in the United States is shaped by the American creed, emphasizing the ideals of individualism, civil liberties, and equal opportunity. He concluded that Blacks do not benefit from this creed, as they own little property, own inadequate household goods, earn low and irregular incomes, live from day to day, and have inadequate security for the future (Myrdal 1944). Many Black Americans fought in WWII, believing in the promise that when they returned, they would reap the

benefits promised to return soldiers, such as low-cost housing loans and paid educational expenses (Onkst 1998). Contrarily, upon their return, they were met with exclusions to the programs since they were administered by local governments that upheld discriminatory Jim Crow policies. These racists practices by local deemed returning black veterans as unqualified for higher education or they made the bureaucratic insurmountable for black veteran's attempting to take advantage of their due benefits (Katznelson 2005; Onkst 1998). Ultimately, the GI Bill increased the wealth gap between blacks and whites.

The concept of full citizenship has expanded to include political and civil rights and social rights (Katznelson 2005; DiTomaso 2013; Marshall 1950). Social citizenship is based on the idea that all citizens are entitled to certain goods and services, and access to education has been deemed a fundamental indicator of full citizenship in advanced democracies (Marshall 1950). Advocates of social citizenship purport that widespread access to education would subsequently ameliorate inequality (Marshall 1950). Onkst (1998) and Katznelson (2005) argued that the GI Bill (1994) and Veterans Preference Act (1944) supported the expansion of the middle class for the white working-class and structurally reinforced white supremacy by excluding Blacks. Scholars have made clear that such programs effectively served as a wide-scale preferential treatment program and affirmative action for white working-class men (Katznelson 2005; Sacks 310-13). Anti-racist activist Tim J. Wise also demonstrates how the United States has a long history of affirmative action programs that preferred white Americans:

> the whole history of the United States is the history of affirmative action. It was the Naturalization Act of 1790 that made whites the only legal citizens. It was the Homestead Act of 1862 that gave 250 million acres of basically free land to white families. It was the FHA loan program in the middle of the 20th century that gave out $120 billion in housing equity preferentially to white families when people of color

were blocked from it. Time after time after time, this country intervened on behalf of whites and only on behalf of whites.[1]

The ideal of social citizenship expanded in the country but continually excluded Blacks.

Research such as Myrdal's exposed vast racial inequality and became the backdrop for the Civil Rights Movement's demand for access to education. Myrdal (1944) further contended that America's dilemma was the conflict between ideals that white Americans proclaimed and their betrayal of these ideals by oppressing Blacks and subsequently using poor performance by Blacks to justify further marginalization and oppression (Mydral 1944; Roberts and Klibanoff, 2006). Myrdal's (1944) report surmised that Blacks' economic situation in America is pathological, as a small minority enjoyed access to the upper or middle-class while, simultaneously, the masses in the rural South and segregated Southern cities were destitute. As labor markets became more competitive in urban centers in the North, racist practices limited industries which allowed black workers. Myrdal asserted that the only way to overcome this dilemma was education, which represented a vehicle for combatting racist beliefs and improving Blacks' conditions (Allen and Jowell 1995). Equally important, he contended that increased educational opportunities for Blacks were crucial to ending segregation, improving Black economic development, and solving the race problem in America (Myrdal 1944).

This convergence of segregationist and progressive ideologies is demonstrated in higher education's history and development, from its beginnings in the mid-19th century. The American Missionary Association established private religious universities throughout the

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[1] . "Affirmative Action: How Far Have We Come? (Racial Preferences in College Admissions; Broadcast Transcript)." *Weekend All Things Considered* (2010):

segregated south with the primary goal of creating teachers and clergy for the newly

emancipated slaves (Okechukwu 2019). Also, the Morrill Acts of 1862 and 1890 provided

land and funds to expand access to higher education to meet agricultural and industrial

technology's changing economic needs. The Morrill Act of 1890 was explicitly aimed at

former Confederate states, requiring that race be used as an admissions criterion or designate

a separate land-grant institution for non-whites. Instead of allowing Blacks into white

institutions, these states opted to create different universities for Blacks.

Ultimately in the post war period, *de facto* segregation in the North and *de jure*

segregation of the South upheld racial segregation but had a significant impact on creating a

small Black middle class (Okechukwu 2019). The growing capitalist economy, coupled with

the groundswell of returning soldiers receiving education benefits, placed high demands on

higher education institutions. Historically Black Colleges and Universities (HBCUs) became

overcrowded, southern universities still practiced Jim Crow, and northern universities

admitted very few minorities (Johnson 2020b, 40-66).

Education and the Promotion of Whitening in Brazil

In the post-abolition period, Brazil's medical and academic communities became

preoccupied with the subject of race and postulated that the problem of race was Blackness

itself. As many Brazilian academics were followers of the eugenics movement in the United

States and Europe, they accepted the premise that Blacks were inferior and that mulattoes (of

mixed European and African descent) were degenerate. Challenged with how to overcome its

large "degenerate and inferior" population, Brazil's scientific and intellectual communities

projected that through public education, health and immigration, and ultimately

blacquamento (whitening)*,* the inferior traits of the nation could be purified (Dávila 2003).

The Ministry of Education and Health in Brazil was tasked with achieving whiteness (Dávila 2003). Brazil's eugenics brand depoliticized debates over race and offered "scientific" solutions to social problems (Dávila 2003). Schools were the front lines in the battle against "degeneracy" (Dávila 2003). This relationship between schools and scientific racism demonstrates how deeply intertwined education establishes and furthers Brazil's racial order.

As a result of regime types, Brazil's rights discourse varied widely from that of the United States. For example, Perlam (2008) noted how the concept of citizenship in Brazilian society from 1969 to 2001 drastically changed from one that articulated duty to country to one that articulated social citizenship rights like healthcare and education. During *Abertura*, the Brazilian democratization period from 1979–1985, social movements framed citizenship as an entitlement to fundamental rights and services. As Brazil democratized and placed social citizenship as a priority, education became a constitutional right in 1988, guaranteeing free public education. As the access to education became further viewed as a fundamental right of citizenship, even free higher education according to one's ability became guaranteed by the Constitution and reinforced by federal legislation. This growing notion of public education as a fundamental social citizenship element corresponded with a growing race assertiveness.

The late 1990s and early 2000s marked a proliferation of activism addressing inequality, including access to education and racial inequality. This surge in activism corresponded with new scholarship exploring Black political actors' role in confronting racial inequality. For example, Michael Hanchard's *Orpheus and Power* (1994) argued that *Movimento Negro Unificado* (MNU), an umbrella Afro-Brazilian organization for Black intellectuals and activists, failed to make substantial progress due to the structural limitations

of racial hegemony, which suppressed racial issues and focused on cultural articulations instead of political ideas (Hanchard 1994). Brazilian activists have widely contested Hanchard's assertion. For example, activist and scholar, Abdias do Nascimento points out that Afro-Brazilians have never been silenced, and the struggle against racism has reached every corner of the nation and has endured through the nation's entire history (Nascimento and Nascimento 2001). Afolabi (2018) also underscores that Hanchard (1994) did not give enough weight to the considerable risk to which its members were subjected. Afolabi also states that Hanchard's argument also did not give enough credence to the advancements it made towards recognizing racial inequality (Afolabi 2018). Paulina Alberto (2011) suggests that the movement's overemphasis on culture resulted from tight control under the Vargas regime. His populist politics precipitated whitening policies, making the word *nacional* virtually synonymous with *preto* and *pardo* (Alberto 2011). His abstract liberal framing is evident in the celebration of African cultural symbolism. Along the same lines, Twine (1997) challenges the roots of uncontested racism in Brazil, the fundamental way Brazilians define it as the official exclusion of Blacks from the specific spheres. Twine questions why middle-class Afro-Brazilians did not challenge racist practices and concluded that professional Afro-Brazilians' silence allowed them to manage the contradictions of their elevated class status and inferior racial status (Twine 1997). Twine (1997) concludes that they were subsequently able to maintain both harmonious relationships and white supremacy.

Where these arguments coalesce is that Vargas' racial democracy ideology precluded Afro-Brazilians' ability to highlight their educational disparities. As a response to the populism of racial democracy, the demand for education increased, and many Brazilians, including Afro-descendants, had access to practical and technical education in agriculture,

industry, and commerce. Nonetheless, the socioeconomic divide in education became characterized by the divide between public and private education, and higher education remained a privilege for the white elite (Claufield 2000). The contention raised by activists and scholars during Brazil's democratization became the foundation that led to expanding access to higher education for Black Brazilians. As Mitchel (1985) and Winant (1994) argued, race assertiveness resulted from Abertura. Black Movement leaders, who were now able to openly adopt justice frameworks, mounted efforts to address inequality in access to education.

Further, Brazilian universities had always reserved access for the most elite. The first expansion of universities in the 1960s resulted from the growing middle class; this expansion happened primarily through the growth of private university systems with government tax breaks (Heringer 2014; Martins 1998). Also, in 1997 11% of whites attended university, while only 1.8% of Blacks and 2.2% of *pardos* did (Lazaro, Calmon, Lima, and Oliviera 2015). Heringer (2015) further noted that between the 1970s and early 2000s, 70% of public high school students, the majority of whom are low-income poor Black and brown students, attended expensive, low-quality private universities (Heringer 2015). For-profit universities further exacerbated inequality since these diplomas were less valuable in the labor market (Heringer 2015).

As the perception of unfairness regarding access to higher education gained traction, various factions mobilized to demand changes, resulting in a jump of 430% enrollment in higher education between 1991 and 2012 (Heringer 2015; Ristoff 2013). Though private institutions grew at twice the rate of public universities, this led to tremendous overall access. Other efforts to expand university access have included creating 18 new federal (public)

universities; the University for All Program (PROUNI), which provides funds for low-income students to enroll in private institutions; and ultimately, affirmative action. Prior efforts to expand access to higher education in Brazil had not addressed racial inequality in education access. Thus, activists demanded that affirmative action policies use race as a criterion, as addressing social status alone would not remedy racial inequality in access to higher education.

In 2000 the Brazilian Legislative Assembly approved a law that reserved a percentage of slots for candidates that graduated from public schools. In 2001, this centralized policy was expanded by a project to reserve slots for Afro-descendants at state universities. Given that most Brazilians of economic means ensure that their children are educated in private primary and secondary schools, the first policy was to address class economic inequality. The latter addressed the idea that race, independent of class, contributes to socio-economic inequality, and universities historically and currently have reinforced this inequality. With this understanding, combined, the two laws reserved 50% of all slots: 20% for public school graduates, 20% for Afro-descendants, 5% for individuals with disabilities, and 5% for other ethnic minorities (Santos 2006). This law was later revised to stipulate that quota criteria include a maximum per capita income (Santos 2006). Brazil's delegation to the United Nations' Third World Conference against Race, Racism, and Xenophobia (2001) rolled out the State of Rio de Janeiro's affirmative action policy (Paschal 2016; Lehmann, 2018). In 2002 President Fernando Henrique Cardoso signed into law the National Affirmative Action Program. This moment marks a clear shift from" colorblind racial democracy" towards affirmative action.

Black Struggles for Citizenship Rights and Access to Higher Education in the United States
The Path of Affirmative Action in the United States

In the US, before the landmark decision of *Brown v. Board of Education,* the National

Association for the Advancement of Colored People (NAACP) used a legal strategy that

would target racial segregation by first attacking the idea of "separate but equal" in

universities. Houston, the head attorney for the NAACP, sought to underscore the state's

inability to create separate but equal education based on resource limitations and the

immense resource inequality between Blacks and whites (Okechukwu 2019). Several cases,

including *Murray ex rel. Gaines v. Canada* (1935)*, Sipuel v. Board of Regents of University*

of Oklahoma (1948)*, Sweatt v. Painter* (1950)*,* and *McLaurin V. Oklahoma State Regents*

(1940) established intangible considerations to university education, going beyond the

quality of institutional facilities to include the role of classroom deliberation and student

networks. These cases all served as precedents in the *Brown* decision that ended the

constitutionality of "separate but equal." Overall, universities were slow to integrate and

offer admissions to Blacks. The Civil Rights Act of 1964 outlawed racial discrimination in

public accommodations, and bureaucracy to carry out and enforce the legislation was created.

Title VI specifically required plans for students and faculty and stimulated desegregation.

The Supreme Court decisions, coupled with the Civil Rights Act, precipitated the integration

of public universities. In essence, universities predominately failed to comply with court

decisions.

In 1971 the NAACP Legal Defense Fund filed suit against the Office of Civil Rights

to enforce Title VI of the Civil Rights Act of 1964 in *Adams v. Richardson* (1973). The

Adams case results forced the Department of Health, Education, and Welfare to reinstate the

request for desegregation plans from states. Consequently, it shifted the focus from institutional policies to state systems (Southern Education Foundation 1974). The court found that ending legal segregation was not in itself enough to show that states had complied with the Civil Rights Act. States began developing desegregation plans with little help, insight, or input from the Office of Civil Rights. The lack of direction provoked confusion, and in 1977 the Office of Civil Rights, in response to federal courts, specified criteria and provided guidance for state desegregation plans (Office of Civil Rights 1991). Desegregation criteria required each institution to redefine its mission and establish numeric goals for desegregating students, faculty, and management boards (Southern Education Foundation 1980). On the surface, these earliest US race-based affirmative university action plans appear decentralized because individual institutions construct plans; however, judicial and executive bureaucratic oversight made the earliest affirmative action comparably more centralized than current affirmative action policies, which federal and judicial oversight for institutions of higher education ended during the Nixon administration.

To bolster nondiscriminatory practices, President John F. Kennedy (1961–1963) issued Executive Order 10925 in 1961, and President Lyndon Johnson (1963–1969) issued Executive Order 11246 in 1965. The former called for affirmative action to ensure that applicants for government contractors are treated equally to the latter established accountability through what would become the Equal Employment Opportunity Commission (EEOC). Ultimately, these plans and strategies required by Title VI became known as "affirmative action," and failure to comply would result in losing federal funding. Thus, in the United States, affirmative action simply means a plan or strategy for racial equality, and notably, since *Bakke,* racial quotas must be excluded as a strategy. Presidents have reissued

guidelines throughout time, and the courts have established parameters, but ultimately, what remains is that affirmative action in the United States is decentralized and left to the individual institution, with agencies charged with enforcing compliance. Affirmative action has been a nebulous concept in higher education admissions with little federal guidance and questionable enforcement.

In the early adaptation of affirmative action in higher education, two critical variables worked to undermine their efforts: weak enforcement agencies and litigation, limiting university admissions programs' ability to use racial quotas. Various state agencies charged with enforcing state anti-discrimination laws were notoriously weak and uncertain of their authority, constitutional concerns constrained compliance committees and, agencies had difficulty defining discrimination (Delton 2012; Johnson 2020). In his work outlining the history of affirmative action at the University of Michigan, Johnson (2020) demonstrated that in 1964 and 1967, Black enrollment rose from only 0.5 to 1.65 percent of the student body. Though this tripled Black students' representation, it was underwhelming, considering Blacks were more than 10% of the state population (Johnson 2020). Thus, affirmative action made a small dent in the racial disparities at the University of Michigan during this period (Johnson 2020).

Furthermore, the University of Michigan agreed to provide a racial census of their students and employees but found difficulty complying since they did not collect this data in 1963. They ultimately boasted that 10% of their workforce was Black, although the overwhelming majority were service and maintenance employees (Johnson 2020). The census recorded 148 Black undergraduates and 25 Black graduate students; only 32 Black first-year students were on campus, and about 25% were athletes (Johnson 2020). Their

response to the commission provides a telling introspection to the arguments that would be used by both universities and policymakers, but also affirmative action opponents:

1. The University of Michigan did not capture race; doing so may lead to discriminatory practices and violate the principle of colorblindness;

2. The University of Michigan could not be held responsible for the broader societal inequality factors contributing to the small student and faculty applicant pool. (Johnson 2020)

The abstract liberal frameworks such as colorblindness have a long-established tradition in the United States and have also had varying impacts on university admissions policies. In his dissenting statement in the *Plessy v. Ferguson* Supreme Court case, Justice Harlan declared the US Constitution is colorblind and knows nor tolerates classes among citizens. This concept of colorblind constitutionalism supplied Brown's ideological bases and the subsequent higher education civil rights cases, as attorneys argued for a colorblind interpretation of the Constitution (Anderson 2010). Colorblindness primarily developed as a rebuttal to color-conscious interpretations of the Constitution that resulted in the previous decisions that upheld slavery and segregation as constitutional. In the cases before *Brown,* Supreme Court Justice Thurgood Marshall argued that colorblindness was the only way to obtain the full integration of all students, at all levels, in public education. Importantly, Marshall did not argue that race never be considered as a factor for admissions, but rather it should never be a factor for excluding individuals from being admitted to academic institutions. Nonetheless, as universities instituted their affirmative action plans to comply with Title VI and the judicial decisions, opposition to affirmative action adopted the language

of colorblindness to argue how these very policies disenfranchised white citizens, as observed in the earliest court cases *DeFunis*(1974) and *Bakke(*1978).

In 1963 only four Ivy League universities had affirmative action programs, which were modest and not widely publicized (Johnson 2020). As a result of Title VI and changing political winds, public universities came under new pressure to pursue similar plans. Flagship universities throughout the nation gathered at conferences to discuss best practices for implementing affirmative action. As Johnson (2020) notes, the most popular programs discussed included scholarship and recruiting programs for Black students or disadvantaged students of all races, and there were no recorded proposals to create special admissions criteria exclusively for Black students. Although the idea of affirmative action became more palatable to university administration, most faculty and departments remained resistant. Johnson (2020) explains that the primary concern articulated was that these programs would exclude whites. By the 1970s, selective public universities embraced affirmative action; as they became institutionalized, legal mobilization of the opposition swelled (Lipson 2011).

Legal assaults on affirmative action have been principally in the form of judicial opinions and state ballot initiatives. The earliest federal court case attempting to dismantle affirmative action was *DeFunis v. Odegaard* (1973)*.* Though the US Supreme Court considered the case moot, the lower court had determined that "preferential treatment under the guise of affirmative action is the imposition of one form of racial discrimination in the place of another" (*DeFunis* 1973). The judges affirmed that the universities' attempt to make admission accessible to minority students was a noble cause; the principle of equal opportunity could not be achieved by denying opportunity to some *(DeFunis 1973)*. With *DeFunis,* a seismic shift occurred in judicial framing, which moved away from justice

frameworks towards threat frameworks in higher education affirmative action cases. This judicial opinion demonstrated an ongoing theme in the threat framework of affirmative action opposition that Blacks' expanding opportunities must come at the expense of whites' opportunities. The next relevant case, *California v. Bakke* (1978), shaped the construction and implementation of all subsequent affirmative action plans. As further detailed below, the courts declared that the admissions process at the University of California Davis was a violation of the 1964 Civil Rights Act and affirmed the principle of diversity.

     California v. Bakke (1978) also evoked principles that would become important in the future of affirmative action: (a) white student Bakke claimed to be a victim of reverse racism, and (b) racial redress was not just a cause for affirmative action but upheld the principle of diversity. *Bakke* marked a stark transition from framing affirmative action as a mechanism to remedy current and past discrimination toward the discourse or practice of diversity, which celebrates racial, ethnic, gender, and sexual orientation (Okechukwu 2019). In other words, with the *Bakke* decision, the Court moved the "normative center" away from addressing persistent racism and discrimination to the abstract liberal diversity principle, which scholars have argued does not challenge or dismantle institutional racism (Collins 2009; Herring and Henderson 2011; Moore and Bell 2011). This schism reverberated throughout political institutions and university admissions; its significance cannot be overstated.

     As an abstract principle, the liberal discourse of diversity disregards systemic racial inequality and persistent racial discrimination resulting in initiatives that do little to address discrimination and inequality and can harm students of color by replacing programs that explicitly addressed inequities and disparities. (Bonilla-Silva 2013; Johnson 2020a, 215-242; Moore and Bell 2011, 597-613). As Moore and Bell (2001) stated, the instant that "diversity"

in education became a rationale by the court as an interest so compelling to justify the use of race-conscious policies like affirmative action, the concept became deracialized. That is to say, when diversity became securely situated in an abstract liberal framework, it became colorblind, highly insufficient, and problematic (Moore 2011). Ultimately, after *Bakke,* affirmative action programs, to the extent to which they still existed, were even more nebulous and opaque since diversity strategies left little to enforce.

In the 1980s and 1990s, resource redistribution policies, including those that allocated resources to diversify higher education, were often racialized as "white victimhood": hardworking whites versus undeserving minorities (Okechukwu 2019). This strategy resulted in defunding agencies charged with enforcing civil rights and anti-discrimination, conservatives' appointment to federal courts and agencies opposed to affirmative action, and the termination of busing for integration. This strategy did not shift racial classification, but the construction of racial discrimination shifted from one rooted in a long history of Black oppression to a colorblind world in which whites suffer (Anderson 2004; Okechukwu 2019; Perry 2007).

Additional cases continued to limit the scope of affirmative action. *Hopwood v. Texas* (1996) relied on the precedent of *Bakke* by viewing separate admission policies for Black and Mexican American applicants compared with white applicants as a violation of equal protection. Henceforth, they argued for a two-pronged approach previously set by the judicial system: (a) served a compelling interest, and (b) was narrowly tailored to achieving that goal (Olivas 1997). As Olivas (1997) stated, "Within the general principles of the Fourteenth Amendment, the use of race in admissions for diversity in higher education contradicts, rather than minimizes, the use of race" (Olivas 1997). Thus, courts again held that

affirmative action programs must not be a quota system, and they must apply strict scrutiny. The *Hopwood* decision would lead to a race-conscious affirmative action ban in the State of Texas until overturned by *Grutter* in 2003.

Similarly, *Gratz v. Bollinger* (2003) and *Grutter v. Bollinger* (2003) also upheld quotas as unconstitutional and argued that strict scrutiny must be applied but added that any consideration of race must be "narrow and tailored." Lastly, in *Fisher v. Texas, 2016,* the Court upheld precedent, declaring Fischer's constitutional rights were not violated, given that the University of Texas applied strict scrutiny with their consideration of race. Thus, the current rubric for affirmative action programs in higher education is that they actively pursue diversity, but without using a quota, and the use of race must apply strict scrutiny, and all plans must be narrowed and tailored. If the criteria are met, race may be considered, but it is not required (Moses et al., 2014). Each court case hinged on abstract liberal principles, resulting in parameters for the use of race in admission decisions that affirmed the state's interest in diversity.
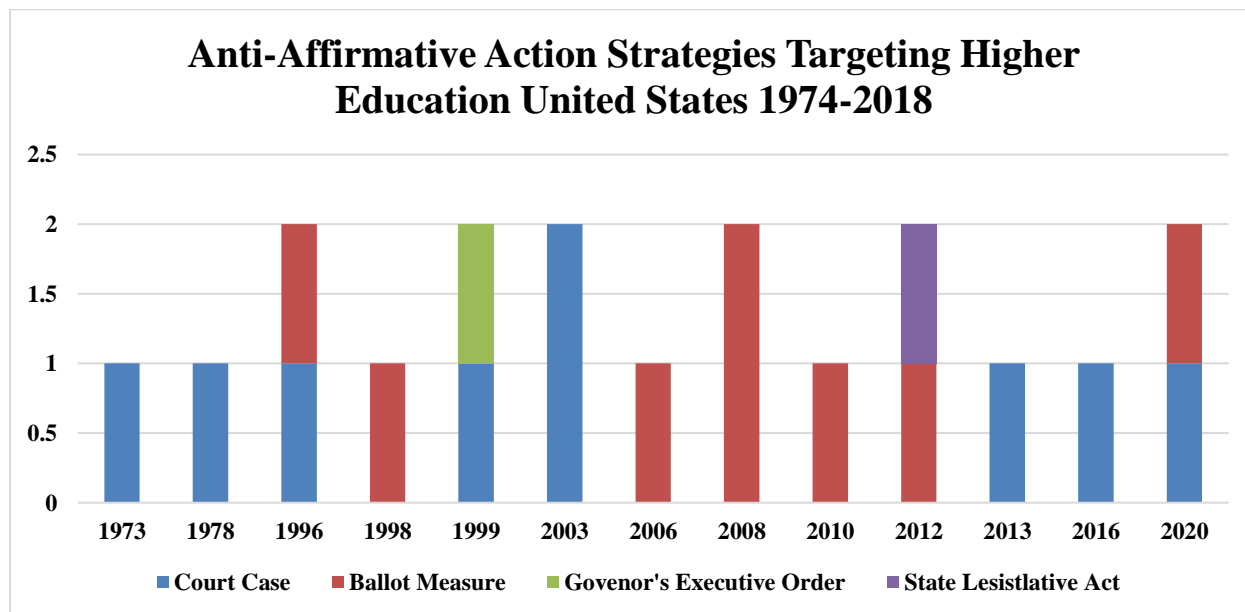
Figure 2.1: Anti-Affirmative Action Strategies in the United States (1974 – 2020)

Less than a decade after desegregation plans, the earliest iteration of public university affirmative action plans, efforts to eliminate affirmative action were launched. The 1980s retrenchment of anti-discriminatory regulations abated the need for anti-affirmative action efforts.

As shown in Figure 2.1, along with court cases, anti-affirmative action coalitions also attracted attention to affirmative action through state ballot initiatives. When anti-affirmative-action networks were unsuccessful in obtaining nationwide bans as a result of litigation, they devised a strategy to eliminate it at the state level. Their moderate success came from adopting an amalgamation of coopted justice frameworks combined with abstract liberal frameworks. The first ballot initiative was in California in 1996. Chavez (1998) contended that the anti-affirmative action coalition represented affirmative action as racist practices that mandated racial preferences via quotas and creating reverse discrimination. Even though racial quotas had been banned in higher education since the 1970s, this strategy of representing affirmative action as racial quotas successfully contributed to the passage of Proposition 209, which banned the use of race-based affirmative action. The impact of the affirmative action ban on the University of California's (UC) system was plummeting enrollment and a reputation as racially hostile (Okechukwu 2019). Regardless, the University of California system was now beholden to the state law banning affirmative action. Ultimately, the anti-affirmative action network successfully controlled the discourse or messaging on affirmative action.

When the courts upheld the University of Michigan's right to use race to consider admissions, this allowed activists to get affirmative action placed on the Michigan state ballot. In 2006, Michigan approved Proposal 2 (Michigan Civil Rights Initiative), which prohibited state agencies and institutions from operating affirmative action programs that

granted preferences based on race, color, ethnicity, national origin, or gender (Schmidt 2006). Additional ballot measures were passed in Washington, Arizona, Nebraska, and Oklahoma (Schmidt 2006). Essentially, only two states that put affirmative action on the ballot did not vote to ban such programs: Colorado and Missouri (Schmidt 2006).

After the courts upheld the University of Michigan's right to use race to consider admissions, activists could get affirmative action placed on the Michigan state ballot. In 2006, Michigan approved Proposal 2 (Michigan Civil Rights Initiative), which prohibited state agencies and institutions from operating affirmative action programs that granted preferences based on race, color, ethnicity, national origin, or gender (Schmidt 2006). Additional ballot measures were passed in Washington, Arizona, Nebraska, and Oklahoma (Schmidt 2006). Essentially, only two states that put affirmative action on the ballot did not vote to ban such programs: Colorado and Missouri (Schmidt 2006). Ballot initiatives and their support campaigns successfully co-opted the language and imagery of the civil rights movement. Anti-affirmative action campaigns in states that banned affirmative action used Martin Luther King Jr.'s image and words "…not be judged by the color of their skin," and the title of the ballot measure also invoked civil rights. Okechukwu (2020) argues that this robust discourse and imagery was highly effective at framing banning the use of race as moral, just, and continuing the legacy of civil rights. She further notes that even supporters of affirmative action were confused by ballot language.

Realizing the importance of discourse frameworks and how they influenced voters, supporters of affirmative action in Missouri and Colorado were organized and prepared, resulting in their successful defeat of statewide defeat of affirmative action bans. Affirmative action activists successfully petition for injunctions that required ballot language to explicitly

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use the term "affirmative action" that previous states did not include. They were also able to restrict Martin Luther King's image and rhetoric in ads aimed at supporting bans. Subsequently, anti-affirmative action groups could not adopt justice frameworks that legitimized their legacy to Martin Luther King's vision and the greater Civil Rights movement because rights actativist successfully blocked these actions in court (Okechukwu 2019). In Missouri, the litigation prevented the ban from appearing on the ballot, and in Colorado, voters rejected affirmative action bans.

States' adoption or rejection of affirmative action bans demonstrate the importance of discourse frameworks, specifically justice frameworks. Thomas Wood, sociologist and anti-affirmative action activist instrumental in California's Proposition 209 initiative, surveyed voters and found that they overwhelmingly supported affirmative action (plans and strategies to increase representation from underrepresented groups) but not preferential treatment or quotas (Okechuckwu 2019). As a result, ballot initiatives strategically employed justice discourse to confuse voters and claim the Civil Rights Movement's legacy and threat frameworks of preferential treatment. Activists successfully thwarted bans by adopted justice frameworks and precluded anti-affirmative action campaigns using convoluted language justice frameworks.

This use of civil rights language resulted in a social narrative that formed the contours of public discussion about race, connecting liberal citizenship and race neutrality as parameters for equal protection. This abstract liberal framework operated as a core element of a social discourse that portrays assimilation as a vital element of American public morality (Moreira 2016). The language and ideas of the Civil Rights Era of equal protection and colorblindness had now become a valued principle in the US, and the anti-affirmative action

coalition has since co-opted the language to eliminate programs aimed at rectifying racial inequality

The Role of Presidents in Shaping Affirmative Action in the US

United States presidents and their administrations have weighed in on the affirmative action debate, but their impact on shaping policy is thought to be significantly less than the courts and legislature. However, the influence of presidents on shaping affirmative action policies warrants more scholarly attention. Presidents know for setting policy agendas taken up by other political institutions have arguably played a much-heightened role in directing affirmative action policy than previously considered. A cursory observation reveals that liberal presidents have affirmed affirmative action as a vital tool in combatting racial discrimination, while conservative regimes have challenged their legal standing, with some arguing that they harm white citizens. Unlike Brazil, before the 21st century, US presidents had a history of weighing in on a topic already widely discussed in the public domain. After more than a decade of dismantling affirmative action on a federal level by President Ronald Reagan (1981–1989) and George H. W. Bush (1989–1993), subsequent presidents took a more moderate approach.

President William Clinton addressed white fears by railing against draconian affirmative action penalties and preferences that resulted in selecting less qualified candidates. However, he reaffirmed that racial and gender discrimination were still persistent issues. He addressed white fears and reassured white men that affirmative action is flexible, fair, and works (Clinton 1995). Clinton appointed investigators to review federal policy on affirmative action. The resulting report concluded that affirmative action had no clear and widely understood definition, which contributed to an atmosphere of confusion and

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miscommunication about affirmative action's goals and modes of implementation (Edley 1996; Smelser 1999). The vague understanding of affirmative action found by this commission persists and is ultimately why this study deems affirmative action as any action taken to increase the representation of underrepresented groups and defines affirmative action policy as any policy that dictates if, how, and what types of strategies can be used to increase the representation of underrepresented groups. Affirmative action policies and guidelines under Clinton offered no policy directives on university compliance to anti-discrimination measures, but in federal courts, the Justice Department did defend the right of affirmative action. Ultimately, Clinton vocally but cautiously supported affirmative action.

George W. Bush (2001–2009) also vocalized the need for anti-discrimination measures while admonishing the use of race as a factor in admissions. Bush expressed his strong support for diversity even in university admissions, but he declared that policies like those at the University of Michigan unfairly rewarded or penalized prospective students based solely on their race (Bush 2003). He directed the Justice Department to oppose affirmative action in an amicus brief filed in the *Michigan* (2003) cases. Affirmative and the consideration of race as a positive factor for admissions was also opposed in the Department of Education and Department of Justice directives to university admissions officials under the Bush administration. These directives encouraged university administrators to adopt race-neutral programs to comply with Title VI. Bush's administration epitomizes how diversity, race-neutral, and colorblindness are rooted in the idea that whites are harmed by programs that consider racial minorities because this is against the liberal principle of equality upon which the nation was founded.

Barack Obama's (2009–2017) administration departed from his predecessors' support to consider race as a factor in university admissions. Given that these guidelines are not laws, his administration did not change affirmative action laws but changed guidance on racial diversity within the law. The guidance offered outlined constitutional support for diversity and, as a result, the use of race as a compelling interest (Jaschik 2011). Apart from this, Obama's Solicitor General filed an amicus brief in *Fisher v. University of Texas* (2016), arguing that considering race when admitting students to universities makes a critical contribution to the federal government's function. This shift from decades of administrations opposing race-based programs was seemingly drastic, although it did not involve a legal change. The amicus brief filed by the Obama Administration in *Fisher* (2013) exemplifies his administration's approach, which avoided explicit justice frameworks and relied on diversity rationale, a type of abstract liberal framing.

Donald Trump's (2017–2021) administration reversed Obama-era guidelines and reverted to the George W. Bush administration's race-neutral guidelines. The Trump administration has also sought to build an alliance with activist groups that desired to dismantle affirmative action due to its perceived bias against Asian Americans (Green, Apuzzo, and Benner 2018). The Trump administration did not introduce executive orders or legislation that drastically changed affirmative action policy; however, he withdrew Obama guidelines that encouraged diversity and allowed for using race as a factor to increase university diversity. Further, in documents obtained by the *New York Times,* the Trump administration actively solicited lawyers interested in investigating the harm of intentional race-based affirmative action programs (Savage 2017). The Trump administration's stance on affirmative action is not only a drastic change from Obama's, but it differs from other

21st-century US presidents in its diversion of staff and funds of the Civil Rights division away from the projection of historically marginalized groups. The full extent of the Trump administration's impact has yet to be seen.

The Path to Affirmative Action in Brazil

By 2006, a quarter of Brazilian public universities had instituted some type of affirmative action plan. State universities were the first to implement them—the debate on the need for federal legislation that would impose a uniform policy on federal universities intensified. Paschal (2016) and Penha-Lopez (2017) detailed how media bias against affirmative action in major outlets had the opposite effect on society since it ultimately forced Brazilians to examine racism critically. For example, *Folha* featured footballer Ronaldo Phenomenon, who self-identified as white, declaring he faced racism while playing in Spain. Only 23% of people surveyed viewed him as *branco* (white); most considered him *preto* (Black) or *pardo* (brown), which was counterproductive to Folha's goal (Capriglione 2008).

Two manifestos summarize the positions of the intellectual and political debates. The first was signed on June 29, 2006 and ran in *Folha*. This abstract liberal manifesto entitled "Everyone Has Equal Rights in the Democratic Republic" appealed to the political and judicial equality principle that the 1988 Brazilian Constitution guarantees. It made the case that the status of racial equality legislation and quota laws would undermine equality by granting privileges where privileges did not previously exist, solely based on skin tone. They ended the manifesto by invoking Martin Luther King Jr., expressing their desire to live in a Brazil where people were not judged (positively or negatively) by their skin color. Paschal (2016) notes how this rhetoric is similar to anti-affirmative action rhetoric used in the US.

This manifesto became known informally as "the Manifesto of White Elites," as most of its signatories were both elite and white (Penha-Lopes 2017).

The second letter, which was a response to the first, appeared just three days later. It was titled "Manifesto in Favor of the Law of Quotas and the Statute of Racial Equality." It had 330 signatories who also were scholars, activists, and artists. It also invoked Brazil's legal history but focused on the 1891 Constitution, which declared equality was only legal symbolism (Penha-Lopes 2017). It also highlighted the programs and policies that followed that Constitution, which gave affirmative action to whites and European immigrants. The manifesto called the new policy "leveling" (Penha-Lopes 2017). Critics such as Dos Santos (2014) asserts that those in positions of authors, such as scholars Maggie (2005) and Fry, are against quotas because they tacitly support the racial status quo and fear quotas threaten their positions of authority.

Johnson (2008) notes both letters demonstrated an impressive intensity of opinion regarding the bill's impact. Johnson points out that the first letter never mentioned affirmative action programs had already existed at many Brazilian universities by this time. He speculates that perhaps the authors believed this legislation would represent an expansion or escalation of current policies (Johnson 2008). Johnson discusses how the 2006 election avoided the discussion of quotas and affirmative action by stating that much more debate was needed.

Although tense debate existed, Johnson (2008) points out that supporters of affirmative action could outmaneuver their opposition by building coalitions. Black lawyers and judges defended the law's constitutionality and urgency, while advocates reached out to their comrades in labor unions and political parties (Johnson 2008). Social scientists and

professors began to argue for the fierce urgency of quotas. For example, Jose Jorge de

Carvalho (2006) argues that the country needed an emergency regime of racial quotas to

diversify truly. According to Carvalho (2006), change at the most prestigious universities

would positively impact the rest of Brazilian higher education.

State and Federal Universities Adopting Affirmative Action Per Year
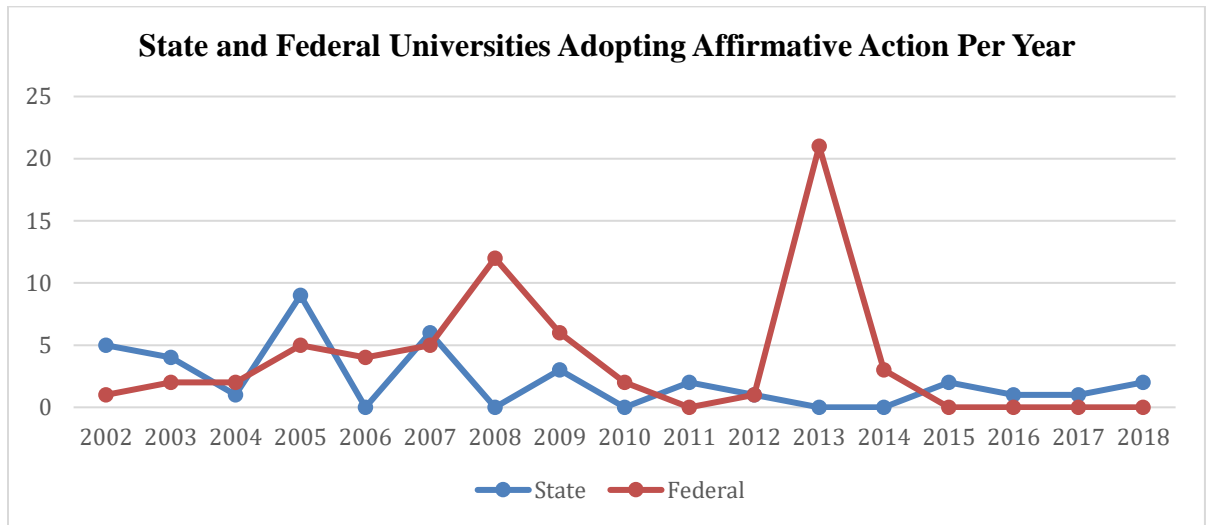
Figure 2.2 State and Federal Universities Adopting Affirmative Action Per Year.
Source: GEMAA 2018.
Figure 2.2 demonstrates that many universities adopted affirmative action programs prior to 10.711 2012 Federal Quota law and the 2014 Federal Court cases which upheld affirmative action.

Brazilian Presidential Administrations

Twenty-first-century Brazilian presidents have expressed differing commitments to

addressing racial inequality and affirmative action, with support coming from more liberal

presidents and opposition from the most conservative presidents. In 2002, President Fernando

Henrique Cardoso signed into law the National Affirmative Action Program. Cardoso and his

center-right majority coalition did not officially support race-based affirmative action despite

promoting changes and regulations on racial issues (Mattei, Magalhães, and Felipe 2011;

Penha-Lopes 2017). Instead of making statements on racial inequality, he affirmed that Brazil's

inequality was caused by economic problems (Agostine 2011). Cardoso continued the justification of the Vargas presidency by imagining a dissolution of the "racial problem" based on economic progress (Santos 2007). Though Cardoso did not embrace affirmative action, this was a turning point because the federal government began to commit to both racial equality and affirmative action (Htun 2004).

Furthermore, Luiz Inácio Lula da Silva (2003–2010), known as Lula, was the first president to promote racial equality explicitly. Da Silva asserted that overcoming racial inequalities require state intervention, articulated public policies, and defined resources (Lima 2010). Unlike his predecessor Cardoso, race-based policies were visible during da Silva's government, and programs were implemented more broadly. A significant advance occurred in higher education and sectors previously resistant to implementing such policies (Lima 2010). Also, da Silva nominated the first Afro-Brazilian to the Supreme Court, who would be instrumental in affirming the constitutional right to *cota* (Teixeira and Pereira 2003; Dentz, Souza Santo, and Ribeiro Valle 2008).

Similarly to da Silva, his successor, Dilma Rousseff (2011–2016), defended racial quotas as part of the necessary affirmative actions to overcome 300 years of slavery and the resulting racism (Rousseff 2013). Rousseff signed Federal Law Number 12,711 / 2012, which instituted a reserve of 50% of vacancies in federal universities in the country for Blacks and indigenous people connected to their proportion of each state's population. The law increased the number of public universities with affirmative action programs for Afro-descendants from 57% to 71% (Junior, Daflon, and Campos 2011).

As Rousseff's Worker's Party (PT) entered crisis with Rousseff's impeachment, racial inequality and affirmative action programs were deliberately neglected by the successive

government under Michel Temer (2016–2018) (Muribeca, Esteves, and Brito 2019). Though Temer himself introduced no additional affirmative action legislation, the conservative party ministers of Michel Temer Brazil's Democratic Movement Party (MDB) attempted to challenge the racial quota system's validity by bringing a case before the Brazilian Supreme Court in 2014. Proponents were keenly aware of the fate affirmative action faced in the US Supreme Court, and they were relieved when the Brazilian court ruled quotas were a constitutional right. Thus, in August 2014, the law of quotas stalled for a decade in the Brazilian Congress was now passed. This passage required all 59 federal and 38 technical universities to reserve seats for poor working-class students.

The current president, Jair Bolsonaro, with his Social Liberal Party (PSL), has already signaled that he can "end" racial quotas. It will be up to the retired Army captain's government to take stock of the results and expand or reduce affirmative actions and continue or not to continue with the quota policy. Although there has yet to be policy changes to race-based affirmative action, the impact of the conservative president's signaling has yet to be determined.

The Superior Federal Tribunal (STF) upheld the constitutionality and legitimacy of racial quotas in ADI 3.330/2014 and ADPF186/2014 186. The attacks on affirmative action came just two years after the federal law was signed. However, the courts' unequivocal adoption of justice frameworks resulted in a mandatory implementation of affirmative action laws by the year 2016. Affirmative action has since garnered widespread support in Brazil (Bailey, Fialho, and Peria 2018, 765-98) However, the elections of Temer and Bolsonaro pose the question of whether an impending backlash is inevitable and whether Brazil's policies can withstand it.

Diverging and Converging Paths Meet: Racial Threats and Discourse Frameworks

The relationship between racial construction and the extent to which these

constructions translate to racial inclusion for descendants of African slaves in America has

long been of interest to scholars, with recent scholarship suggesting both countries are

experiencing a new racial order (Daniel 2006; Moreira 2016). For example, Daniel (2006)

argued that instead of occupying opposite positions on race and ideology, Brazil and the

United States have converged towards each other in recent years (Daniel 2006). He further

highlighted how the United States has accepted multiraciality on a larger scale, has

dismantled *de jure* segregation, and has had a growing interaction across social movements

since the 1990s; In contrast, Brazil has adopted affirmative action and acknowledged

inequality, and has had a growth in their Black movement since the 1980s (Daniel 2006).

The theory of the converging course of race highlights how current race projects have

shifted these two countries away from seemingly fixed, deeply entrenched racial

colorblindness in Brazil and a black-white dichotomous consciousness in the United States.

Daniel (2006) posits these developments as a positive one-directional force, ignoring detailed

accounts of how race-conscious ideologies and colorblind ideologies have been long used to

extend or retract Blacks' rights in each country. Race neutrality discourse has become a

continuous political force in the United States, while race consciousness is increasing

Brazil's persuasive power in addressing inequality (Moreira 2016). Observing whether Brazil

continues to trend toward racial inclusion in higher education or whether retrenchment occurs

could provide valuable insight to theories such as racial formation, group threat, critical race,

and symbolic racism, which all presuppose that gains will eventually dissipate due to the

persistence of white supremacy or the effort to retain the current power structure (Elliott et al.

2009, 96-103; Enos 2014, 3699-704; Howard Winant and Michael Omi 2014; Shohfi 2016,). However, if the trend that Bailey (2018) observed is correct and a majority of white Brazilians support affirmative action, new theoretical and conceptual frameworks are needed to understand factors that contributed to institutional and societal change.

Access to education is a social citizenship right, and race-based affirmative action programs are a useful tool in the desired outcome of eliminating racial discrimination and racial inequality in higher education. Adopting a rights-based perspective that incorporates justice frameworks allows the discussion to shift from race itself as problematic to a discussion that problematizes lack of inclusion for non-white people. Studies with this focus have continually demonstrated that, although the numbers of Black students enrolled in US institutions of higher education have increased, the enrollment at highly selective institutions has declined (Card 2005; Mishory et al. 2019; Long and Bateman 2020; Okechukwu 2019). In the 2015-16 school year, African American students comprised nearly 1 in 6, or 16%, of high school graduates across the country, but Black students made up less than 5% of the students enrolled in large, selective public colleges (Huelsman 2019). When access is at the center, studies appropriately assess the extent to which Blacks have access to higher education as well as the outcomes of affirmative action policies

Higher education has become a two or three-tier system in which those that receive the most amount of funds per student are enrolling disproportionately whiter and wealthier students (Mishory, et al 2019; Okechukwu 2019). In the United States, elite public universities are defined as having highly competitive admissions and are highly selective, have significant financial endowments, and receive the most government funding per student (Mishory, et al 2019). Troubling trends include a decrease in funding for minority-serving

institutions (Mishory, et al 2019). These universities are funded primarily by student tuition but also receive state and federal funds. Although they are not the most prestigious universities, these elite public institutions serve as a better point of analysis for race-based affirmative action between the two countries due to their historical role in increasing social mobility, competitiveness, quality of education, and relative cost. In the wake of affirmative action injunctions, underrepresented minority students in California shifted their enrollment from more-selective University of California system institutions to less-selective institutions (Backes 2012; Hinrichs 2012). Research has shown that minority students that attend elite universities are more likely to graduate (Bowen, Chingos, and McPherson 2009; Melguizo 2010). Thus, the decline in enrollment in highly selective universities has a potentially negative impact on the graduation rates of minority students.

Affirmative action is proven to increase access, and support for these programs is crucial. At public flagship institutions, white students made up 63% of all students enrolled in the fall of 2016, despite comprising only 52% of all high school graduates the previous spring (Huelsman 2019). Overall, 34 large selective public institutions had declining Black enrollment from 1996-2016 (Mishory, et al 2019). Research further shows a nationwide trend: states that have banned affirmative action have seen even more significant decreases in minority enrollment (Card 2005; Harris and Tienda 2012; Long and Tienda 2008; Tienda, Leicht, Sullivan, et al., 2003). According to a 2005 study, California and Texas state bans against affirmative action caused a 30-50% decline in their minority enrollment (Card 2005). The policy at the University of Texas, which banned race as consideration post-*Hopwood,* did not increase the racial/ethnic diversity to levels found before the ban, although it did increase geographic diversity (Harris and Tienda 2012; Long and Tienda 2008; Tienda,

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Leicht, Sullivan, et al., 2003). Scholars have attempted to understand what factors contribute to white support of affirmative action and other racial equity measures, but these studies resulted in wide-ranging findings. Nonetheless, public opinion polls and scholarly research has demonstrated that affirmative framing action is crucial to policy outcomes (Carter, J. S. and Lippard 2020, 67-114; Elliott et al. 2009, 96-103; Phillips and Edelman 2017, 366-380).

Although scholars such as Johnson (2006), Paschal (2016), and Pena-Lopes (2017) believed Black activists had won the ideological debate amongst the Brazilian public, the battle for affirmative action is far from over. In 2009, 65% of Brazilians favored race-based affirmative action, while 87% favored class-based affirmative action (Mitchell-Walthour 2015; Paschal 2016). Similarly, Bailey, Fialho, and Peria (2015) discussed the recent "aggressive" implementation of affirmative action policies by universities in Brazil. They noted that support for these programs was widespread, but Afro-Brazilians supported them to a greater extent than whites. Their analyses of two questionnaires administered to the general public in 2010 and 2012 showed that the level of education, not race, was the strongest predictor of support for affirmative action. Those with high educational achievement levels (university degrees) were more likely than any other demographic group to support those policies (Bailey et al. 2015). In a follow-up study Bailey (2018) observed continued white support for affirmative action. However, the election of Temer and Bolsonaro may signal a backlash to progressive policies upon which affirmative action was founded.

The framing of race in Brazil and the United States has shifted over time, the former moving towards race consciousness and the latter moving toward colorblindness (Daniel 2006). However, racial formation is a part of larger national projects that link racial representation to the broader distribution of resources and services to meet the greater need

of those in power (Omi and Winant 2015). The shift toward racial inclusion in higher education in Brazil and the United States corresponded with increased labor demands for an educated workforce and called for expanding social citizenship. In the US, after implementing affirmative action, political elites employed colorblindness as a tactic to redistribute the funds and resources used to ameliorate the disparities faced by Blacks (Okechukwu 2019). With President Bolsonaro signaling away from race-based affirmative action, perhaps Brazil's affirmative action program will follow a similar path.

Comparative studies of Brazil and the United States have dissected many aspects of race, including affirmative action. Still, there is little scholarship on how presidents may directly shape policies that impact access to higher education for Afro-descendants. Political leadership stokes white fears, which leads to a backlash against affirmative action, as demonstrated under the Reagan and Bush administrations (Okechukwu 2019).

Even though critical theories aptly identify persistent white supremacy as the reason policies aimed at dismantling racial inequality fail, the racial power threat hypothesis might offer additional insight. Racial threat theory holds that white citizens engage in retaliatory actions and social control of minorities when faced with increased economic power or political power threats by minorities (Giles and Buckler 1996; Glasser 1994; Oliver and Wong 2003; Rocha and Espino 2009). Also, Baker (2019) found that racial power threat holds with states that voted to ban affirmative action. She asserted these bans might be a dominant group's punitive action to secure access to a scarce commodity: education at the state flagship institution. Though the scholarship previously mentioned in this chapter demonstrates the robust anti-affirmative-action networks in Brazil and the United States, more research is needed on the President's role in these policies. Although President Trump

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in the United States and President Bolsanoro in Brazil have signaled changes to race-based affirmative action, the extent to which this has impacted programs and outcomes remains to be seen. Presidents' framing of affirmative action and racial inequality may contribute to whites' perceived power threat.

In the United States, the national scope of affirmative action in higher education has become eviscerated and ultimately left to each institution to craft. Currently, the underlying assumptions regarding why and how affirmative action should function vary between the two countries, not only among policymakers but among the general public too. The United States affirms diversity is a compelling interest of the state. Simultaneously, Brazil's framing of affirmative action is a racial justice perspective that demands redressing inequities caused by current and past discrimination. Brazil's multidimensional approach incorporates a rights-based theoretical framework for justice, incorporating redistribution and recognition (Santos 2003). Piovesan (2016) further adds that it requires measures to address economic injustice, marginalization, and economic inequality via policy while spreading the process of gaining equal footing.

After the Brazilian courts declared the right to *cota* (quotas), it appeared to be institutionalized throughout public higher education rapidly. In the United States, a series of litigation and ballot initiatives eviscerated any meaningful, cohesive federal understanding of affirmative action in higher education. Although state and federal courts in Brazil have condemned affirmative action because it supposedly subverts liberal principles and moral consensus about equal racial treatment, the Brazilian Supreme Court has classified race neutrality as a strategy of racial domination whereas American affirmative action cases, resulting in a formulation of the notion of citizenship that functions as a counter-hegemonic

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narrative (Moreira 2016). Given Brazilian affirmative action programs' structure as a constitutionally protected quota policy, it appears to have become a permanent and institutionalized fixture in Brazilian public elite universities. Yet, analysis based on CRT warns that these programs will indeed be under constant assault until white supremacy is dismantled.

Critical theory frameworks are essential in exploring the long-term viability of race-based affirmative action programs. For example, Dietrich (2015) examines the future of race-based affirmative action by exploring the roles of diversity rationale and social justice rationale in the United States and Brazil. Dietrich (2015) draws upon the work of prominent critical race theorist Derrick Bell (1980), who asserts that whites would not relinquish their privilege to bring about racial equality; therefore, to persist, affirmative action programs must be structured in a way that whites see as advantageous (Bell 1980). Dietrich (2015) observes that diversity rationale is central in the US, while social justice is all but absent, resulting in weak affirmative action policies. It is essential to consider further factors that may influence race-based affirmative action programs (Bell 1980; Dietrich 2015).

Critical discourse analysis provides the ability to see how institutions and political actors use language to restructure or reinforce racial order. Though judicial opinions have often been subject to such analysis, extending it to additional political institutions is needed (Carter, J. Scott, Lippard, and Baird 2019, 503-18; Dijk 2020; Dunmire 2012, 735-51; Gamson 1988, 219-244; Goldstein Hode and Meisenbach 2017, 162-180; MOREIRA 2016, 455-504; Van Gilder and Jackson-Kerr 2017, 356-373). More specifically, Carter Lippard and Baird (2019) examine the prevalence of abstract liberal frameworks in *Fisher*. Their observation of increased use of threat frameworks in amicus briefs led them to conclude that

further examination of the role of threat is needed. Therefore, the present study combines traditional racial threat hypothesis and discourse frameworks to observe their impact on adopting or rejecting race-conscious affirmative action in Brazil and the United States.

There are many challenges to performing a comparative analysis of Brazil and the United States. Each country has very different racial constructions, social orders, and white supremacy institutions, as previously detailed. For instance, essential concepts like race and color are not entirely transferable between countries. Most importantly, it is impossible to fully encapsulate the significance of Brazil's relatively recent democratization and the long-standing liberal democracy to the development of race, racial inequality, access to education, and affirmative action program policies. Another significant challenge for this analysis is Brazil's structural differences. Brazil's federal universities are financed as a whole by the federal government, resulting in tuition-free, high-quality education (Heringer 2015). These are the most prestigious and prized universities in the country (Heringer 2015; Penha-Lopes 2017), which differs from the United States' university systems.

In the US, State governments finance state universities, and their resources depend on the wealth of the individual state. As a result, in less wealthy regions, state universities may lack the prestige and quality of federal universities located in the same state (Heringer 2015). In the United States, the most prestigious universities are not often public universities (Okechukwu 2019). Rather, elite private universities in the United States are not free, nor are they principally financed by the government. When private universities receive federal funds, they are required to comply with anti-discrimination policies. For this study, private universities, though considered the most prestigious, are not suitable for comparison. Lastly, the data available in both countries are not parallel. The United States does not produce data

on affirmative action policies; therefore, there is no way to quantitatively measure these outcomes. Brazil, on the other hand, publishes the number of reservations for pardo, preto, and Indigenous. Most data in Brazil are not readily available on an institutional level as found in the US. Ultimately, most analysis of Brazil is at the state and federal level. Overall, comparing outcomes at only top universities in both countries presents challenges.

Flagship University in States with Affirmative Action Bans Years 2000 to the Year 2018			Top-Ranked Public Universities in States without Affirmative Action Bans Between 2000-2018		
State	Unit I.D.	Institution Name	State	Unit I.D.	Institution Name
Arizona	104179	University of Arizona – Tucson	Georgia	139755	Georgia Institute of Technology-Main Campus
California	110635	University of California-Berkeley	Indiana	243780	Purdue University-Main Campus
Florida	134130	University of Florida	Illinois	145637	The University of Illinois at Urbana-Champaign
Michigan	170976	University of Michigan-Ann Arbor	Maryland	163286	University of Maryland-College Park
Nebraska	181464	University of Nebraska-Lincoln	North Carolina	174066	University of Minnesota-Twin Cities
New Hampshire	183044	University of New Hampshire- Durham	Pittsburgh	199120	University of North Carolina at Chapel Hill
Oklahoma	207500	University of Oklahoma- Norman Campus	Virginia	215293	University of Pittsburgh-Pittsburgh Campus
Texas	228778	University of Texas -Austin	Wisconsin	234076	University of Virginia-Main Campus
Washington	236939	University of Washington- Seattle	Virginia	2404444	University of Wisconsin-Madison

Source: IPEDS accessed 08/02/2020

Table 2.1: THE 2020 Eight Top Ranked US Public Universities

State	Financial Support	Institution Name
São Paulo	State	USP - University of São Paulo
São Paulo	State	Unicamp - University of Campinas
Minas Gerais	Federal	Federal University of Minas Gerais
Rio Grande do Sul	Federal	Federal University of Rio Grande do Sul
Santa Catrina	Federal	Federal University of Santa Catarina
São Paulo	Federal	Federal University of São Paulo (UNIFESP)
Brasília	Federal	University of Brasília
Rio Grande do Sul	Federal	Federal University of Pelotas
Rio de Janeiro	Federal	Federal University of Rio de Janeiro
São Paulo	State	São Paulo State University (UNESP)

Table 2.1:THE 2020Top Ranked Brazilian Public Universities

Conclusion

Unlike previous studies—which have primarily focused on normative questions regarding quotas, the consideration of class, and recipients' ability to succeed—this study leads with the premise that affirmative action is a necessary tool in dismantling racial inequality. This study seeks to examine the impact of discourse and presidential signaling on affirmative action outcomes. It further seeks to examine the effectiveness of highly federalized programs and decentralized programs by examining patterns of admissions and enrollment of African descendants in elite public universities in Brazil and the United States. This study will add to the comparative race scholarship by adding cross-country analysis of race-based affirmative action program outcomes and their subsequent impact on Afro-descendants' access to higher education.

Chapter III: Theorizing and Measuring Affirmative Action, Threat, and Discourse

In the 21st century, access to higher education is an essential measure of social citizenship in democratic societies. Elite public universities, as government institutions that promote social mobility, are crucial to achieving racial equality. In Brazil and the United States, most overt racial discrimination has been banned for decades. Still, discriminatory practices continue to prevent opportunities for educational and economic advances while perpetuating the cycle of poverty for many marginalized groups (Hollingsworth, Patton, Allen et al. 2018). Bossuyt (2002) confirms international conventions uphold the use of race-based affirmative action as an essential tool to correct unequal access to higher education. There is no dearth of research on affirmative action underscoring the legal framing, normative reflections on policies, inequality and diversity studies, and policy outcomes (Anderson 2010; Anderson 2005; Antonovics and Backes 2014; Bagde, Epple, and Taylor 2016; Ball 2000; Donahoo 2008; Karst and Horowitz 1974; McBride 2017). Substantial research also explores the role of group threat or racial threat in affirmative action policy (Carter, Lippard, and Baird 2019; Giles and Buckner 1996; Lavelle 2017; Tolbert and Grummel 2003). This research connects to previous research by underscoring justice, abstract liberal, and threat frameworks as forces that demonstrate current thinking and directly impact policies and outcomes. These frameworks can provide insight into how and why policies embrace or reject the use of race to further equality.

Given the rapid expansion of race-based affirmative action policies, Brazilian society, which is also deeply imbued with white supremacy, has had a different trajectory. The role of abstract liberal frameworks, racial threat, and threat frameworks provide much-needed insight. Ultimately, can affirmative action policies like those found in Brazil withstand

assaults from presidents like Trump and Bolsonaro? The institutional racism that has long

presented itself in higher education admissions has failed to be eliminated by more liberal

legislation and social policy (Corbin 2017; Huber 2016). Using survey data from IBGE and

INEP in Brazil and IPEDS in the United States, this study charts data and analyzes how

trends in the early-21st century are related to race and university admissions for Afro-

descendants. Exploring such trends will supply a gauge for the impact of social policy and

the permanency of such policies' impact. This study draws on four principal theoretical

constructs in order to analyze the role of the presidents of both the United States and Brazil

in enacting and enforcing affirmative action policies in universities in their respective

countries. Below I explain each component of the framework.

Theoretical Framework

Rights-based and critical race theories are two elements of the framework that guide

this study in understanding how racial justice arguments shape the ways affirmative action

programs are implemented, and their outcomes. This study accepts the premise that States

and institutions should actively dismantle racial inequality in higher education to combat

persistent white supremacy and racial inequality. International human rights standards are

operationally directed to promote and protect human rights (Braniff and Hainsworth 2015).

This study assumes that access to education is a fundamental social right, which allows for

analyzing inequalities to redress discriminatory practices and unjust distributions of power

that impede developmental progress (Braniff and Hainsworth 2015).

Critical race theory is a body of theory that underscores institutional racism and

emphasizes the importance of intentional lawmaking to target the persistence of institutional

racism directly. As critical race theorists assert, racism is a fundamental aspect of society in

the Americas and cannot be legislated out of existence; any efforts at dismantling racism are subject to fierce backlash (Harris 2012; Hernandez 2010; Ladson-Billings 2004). Accordingly, without exception, race-based affirmative action programs at elite public universities, which have a long history of increasing social mobility, are quickly targeted. Elite public universities have a well-documented role in increasing social mobility (Blume and Long 2014; Hinrichs, 2012); therefore, this study aims to establish relationships between the framing of race and affirmative action to program types and outcomes. Critical race theory can explain the evisceration of university admissions race-based affirmative policies at a cursory glance, but it does not explain why Brazil, a country that likewise has a legacy of white supremacy, has seemingly had a different trajectory than that of the US.

However, critical race theory does not offer much insight into understanding how and why policies that target a more equitable environment are constructed and institutionalized. Since CRT and RB frameworks both center efforts around the active dismantling of structural inequality, outcomes that decrease inequality are the principal focus rather than normative questions about using race to decrease inequality. With these underlying assumptions, student performance indicators such as grade point average and standardized test scores are not useful. Therefore, a rights-based framework and critical race theory are inadequate when it comes to affirmative action policies since they do little to provide insight into the drastic difference between the trajectories of affirmative action in Brazil and the United States. Beyond critical race theory, discourse and threat frameworks may offer insight.

For this reason, this study has added in racial threat hypothesis as a key part of the framework. The racial threat hypothesis states that whites feel increased threat as the number

of non-whites increase and have failed to account for white support of anti-discriminatory or equity targeted policies. However, the racial threat hypothesis has some blind spots as well. Critical race theory's assumption of white supremacy as a constant that operates without regard for nuances such as in-group or out-group size offers a much-needed context for understanding the failings of the racial threat hypothesis. Finally, this research investigates discourse as a political tool by drawing heavily on the liberal framework of colorblind thinking, which focuses on abstract ideas such as "equality" instead of concrete proposals to reduce inequality (Bonilla-Silva 2014).

This research systematically describes relationships between discourses on race, inequality, and affirmative action. As noted in the previous chapter, discourse has been essential to shaping national identities and plays a crucial role in shaping policies and outcomes or lack thereof (Bonilla-Silva 2012). Moreira (2016) sought to examine the relationship between discourses of citizenship and cultural narratives centered on color blindness or color consciousness and affirmative action. Using data from lower and federal courts, Moreira (2016) finds that discourses centered on justice and color consciousness resulted in affirming the right to race-based affirmative action programs. Applying Bonilla-Silva's discourse frameworks to amicus briefs found in affirmative action supreme court cases, Carter, Lippard, and Baird (2019) find that abstract liberal frameworks were adopted by both opponents and supporters of race-based policies. Their study's conclusion substantiates Bonilla-Silva's assertion that abstract liberal frames are the most common discourse found in the United States.

This study separates threat frameworks because, unlike abstract liberal frames, threat frames underscore perceived societal problems. However, Carter, Lippard, and Baird (2019)

catalog a threat discourse under the abstract framework. As their study demonstrates, opponents framed affirmative action as a threat to white society, hard-working individuals, highly qualified applicants, and democratic society. In their implications for further research, Carter, Lippard, and Baird (2019) suggest that future research needs to examine framing techniques that combine colorblind racism and group threat theory. The present study further elucidates the relationship between discourse and race-based affirmative action policies by extending the critical discourse analysis approach to the executive branch, legislative branch, and ballot initiatives. Further, this study extends the research of Carter, Lippard, and Baird (2019) on abstract liberal frameworks, adopts justice and threat discourse frameworks, and incorporates racial threat hypothesis.

If rights-based discourse, which underscores past and current racial inequality, leads to programs that have better outcomes, it is essential to understand what types of socio-political climates allow for rights-based discourse to either prevail or to be challenged. By bringing together justice, abstract liberal, and threat discourse frameworks and racial threat hypothesis, this research will rigorously explore an often-overlooked institution concerning affirmative action in higher education: the presidency. Cataloging the use of abstract liberal, rights-based, and threat discourse frameworks by 21st-century presidents in both the United States and Brazil will illustrate how presidents shape affirmative action policies and outcomes. The racial threat hypothesis assumes that dominant groups, in this case, whites, feel politically and economically threatened by non-dominant groups and are motivated to enact greater social control. This theory has proven beneficial in offering insights to important issues at the intersection of race and politics, such as voter turnout and felon disenfranchisement (Enos 2016; Key 1949). Omni and Winant (2015) assert that concern

over losing their privileged position in society causes a white backlash against efforts to achieve racial equity. This study theorizes that the outcomes of adopting or abandoning race-based affirmative action policies are tightly connected to the discourse employed by political institutions. These discourses uphold equality as a target yet to be reached, or an established attribute to be maintained, or national value under siege.

More recently, racial hypothesis threat was determined to be a factor in determining support for anti-affirmative action ballot initiatives (Baker 2019; Tolbert and Grummel 2003). Tolbert and Grummel (2003) approach racial threats by using the traditional method of measuring the proximity of whites to Blacks on their likelihood to support affirmative action, and Baker (2019) specifically look at the perceived threat of limited resources (elite public universities). Instead of examining racial threat by voting outcomes, this study will ascertain any existing racial threat patterns that inhibit rights-based discourse. This research takes a mixed-method multi-pronged approach to investigate the relationship between racial justice and colorblind discourses and resulting affirmative action types. This comparative case study design uses statistical data on admissions, observations of discourse frameworks, and qualitative data to better understand affirmative action's impact on racial inequality in higher education. The research design is explained in more detail in the section that follows.

<div align="center">Research Design</div>

Case Study Selection and Comparative Analysis

This research study uses a comparative case design because the intensive study of units allows for broader generalizations. Explicitly, this study is designed to use Brazil and the United States to explore and analyze complex theories and provide multiple explanatory data forms. The concepts and variables studied in this research are complex and often

convoluted. One pitfall of this design was pointed out by Lijphart (1971, 1975) when he advocated for greater use of case studies but warned that either increasing the number of cases or decreasing the number of variables was needed to avoid the well-documented problems with small n large variable cases. This concern is most present when the case is modeled after the statistical method. Lijphart's concern is negated with a case-oriented approach that prioritizes each case's attention as an interpretable whole, seeking to understand each unit's complexity rather than establishing causation (Ragin 1987, 2014). Ultimately, this design allows adequate exploration of dense concepts while including quantitative data to provide nuanced and properly contextualized hypotheses.

Using Mill's (1843) method of agreement and difference approach, Brazil and the United States were prudently selected as cases due to their large population of Afro-descendants, their history of racial inequality initiated by the Transatlantic slave trade, the ideas surrounding race in nationalistic discourses, the expansion of social citizenship rights and education, the incorporation of affirmative action programs in higher education, and their changing political landscapes. The ultimate aim for the case study phase was to search for limited generalizations about nationalistic narratives of race, the framing of racial inequality, and race-based programs by making logical inferences based on historical divergence and substantial knowledge of policy processes that target racial inequality. Logical inferences can be made regarding variables' relationships by observing similarities and differences as assessment mechanisms between cases. Generally, this design limits generalizations to only the cases studied; greater relevance can only be extrapolated through further research. Though the analysis unit remains individual countries (Brazil and the United States), a comparison of similarities and differences is used to infer causal relationships.

Operationalizing and Measuring Variables

 This case study requires unpacking concepts that have shifted over time and require adequate contextualization. A case-oriented approach includes developing an extensive dialogue between the researcher's ideas and the data, allowing for concept formation and fine-grained description by examining each case and its complex set of relationships, allowing causal complexity to be addressed (della Porta 2006). Variables at the center of this study include: affirmative action policy, racial threat, discourse frameworks, justice frameworks, abstract liberal frameworks, threat frameworks, elite public universities and Black enrollment rates. Due to their perpetual framing and reframing, the variables of affirmative action policy and Black enrollment rates require a nuanced approach to define adequately. Specifically, the concept of affirmative action in the United States is not universally understood (Anderson 2010; T. H. Anderson 2005; Iyigun and Levin 2003), while racial quotas in Brazil have left less ambiguity.

The United States has a long history of a white-Black racial dichotomy that endures, despite a growing mixed-race population. Based on the legacy of the one-drop rule, Black is defined as having ancestry with origins in Africa. Defining Black in Brazil presents more of a challenge. Brazilians have historically evaded fixed racial identity and instead opted for color terms. For example, *moreno* (brown color) and *negro* (Black) (Bailey and Telles 2006; Nobles 2000; Sansone 2003; Silva 1996). The term *moreno* worked in tandem with racial democracy and highlighted Brazilians' racial mixture, while *negro* became the Black Movement's preferred term (Bailey 2008; Nascimento and Nascimento 2001; Telles 2006). The adoption of negro was a strategic effort by Brazilian Black activists to underscore Brazil as a majority nonwhite nation by defining *negro* as the sum of *pardos* (browns) and *pretos*

(Blacks) (Domingues 2005; Pinho 2005). Even though *pardos* and *pretos* are color-based

terms, they become fixed into the racial category of *negro* (Nascimento 2001). This

movement towards a racial dichotomy was initially isolated to the Black movement until

state efforts to ameliorate social and racial inequality instituted racial quota policies.

Defining Black in Brazil remains complicated because it is yet to be a fixed concept,

and there is a disconnect between everyday people and institutions and activists. Bailey

(2015) argues efforts by Black activists coupled with policies they fought for are reshaping

racial identification in Brazil; *pardo* and *preto* are replacing *moreno*. Since most affirmative

action policies adopted include *pardos*, *pretos* and *indígenas* as one group, this research

study adopts the same practice. Therefore, this study uses the reported data on race, which is

primarily self-reported, to look at enrollment trends and determine factors that increase

Blacks' enrollment in both countries. This design has several weaknesses. First, Brazilian

data fails to adequately capture data by race over several years evaluated in this study. More

specifically, data before 2009 often do not separate *pardos*, *pretos*, and *indígenas*.

Additionally, university racial quotas do not delineate the individual racial-color categories.

Thus, an essential distinction in this research is that PPI is used for observing the

amalgamated racial group, which includes all three groups. Significantly, self-selection has

come under scrutiny for its ability to be co-opted by non-African descendants or those far

removed from African ancestry. Another problem with operationalizing Black and Afro-

descendant is that it ignores the over numeration of *pardo* to the extent that Telles (2006)

warned it might be futile in drawing valuable conclusions as a variable for data.

In higher education in both Brazil and the United States, the use of race for university

admission is based on self-selection of one's race. To clarify, in Brazil, only *pretos*, *pardos*,

and *indígenas* are eligible for racial quotas and commissions may verify eligibility (Garcia-Navarro 2016); in the United States, there are no government-mandated affirmative action programs. Data on race is used in this research to observe enrollment trends. More specifically, trends in Black enrollment rates will be used to provide more insight to the relationship between discourse frameworks, policy types, and outcomes.

Defining higher education affirmative action policy in the United States presents a challenge. Affirmative action refers to colleges and universities' abilities to act "affirmatively increasing racial diversity within their institutions" (Dynarski 2018). These actions may include race-conscious admissions policies, meaning that they may consider an applicant's race as one of the numerous factors in weighing admissions (Dynarski 2018). Race-conscious admissions policies stand in contrast to race-blind or race-neutral policies that do not consider an applicant's race a factor in any portion of the admissions process. In general, race-conscious admissions policies at the undergraduate level generally affect selective and highly selective institutions, a fraction of colleges and universities (Dynarski 2018). According to Weisskopf (2004), affirmative action policies take on the form of quotas, the reservation of a determined number or percentage of available places for the beneficiary group, or preferential boosts in a competition of all candidates where beneficiaries receive special consideration. Thus, affirmative action policy in the United States is essentially the efforts, guidelines, laws, and practices that determine the extent to which the efforts mentioned above can be used. Therefore, in this study, affirmative action policies include all policies aimed at shaping the use of race in university admissions, even efforts that exclude it. The variable affirmative action policy is used to observe effectiveness at increasing Blacks' access to higher education by observing the impact of policies on Black enrollment

at elite public universities. This study also uses the variable affirmative action policy to understand how group threat or racial threat hypotheses and discourse frameworks impact affirmative action policies and their outcomes.

Group threat and racial threat hypotheses are systematic approaches to understanding majority support for policies that target inequality (Appiah 2011, 2011; Bailey 2004; Balock 1967; Blume and Long 2014; Enos 2014; Giles and Buckner 1996). This study focuses on the racial threat hypothesis, defined as the perceived threat of loss of opportunity or resources due to the Black population's size or resource scarcity. In the United States and Brazil, population data is gathered from census publications and used to determine threat based on the Black population's proportion. Subsequently, the proportion of the Black population is used to observe its relationship to states banning affirmative action in the United States or being early adopters of affirmative action policies in Brazil.

Even though the racial threat hypothesis has garnered more attention as a lens of analysis for affirmative action policies' support and outcomes, I argue that discourse frameworks are a better indicator. Discourses are defined as any written or spoken communication, emphasizing shaping public debate (Dunmire 2011). This study focuses on how abstract liberal, justice, and threat discourses on policies impact race-based university admissions policies. Discourse frameworks not only shape the debate, but they are a force that shapes policies too. This study will add to the growing scholarship highlighting the essential relationships between discourses policies and outcomes (Briscoe and Khalifa 2013; Scott Carter, Lippard, and Baird 2019; Dunmire 2012; Moreira 2016; Tavolaro 2008; Van Gilder and Jackson-Kerr 2017). Further, the discursive analysis looks at the frames,

styles, or stories employed to make sense of existing racial inequalities (Bonilla-Silva 2008).

Abstract liberal frameworks are defined as those that espouse classical liberal values like colorblindness, diversity, and equality, without centering the discussion on problems of unequal access, current and historical discriminatory practices, and greater societal racial inequality (Bonilla-Silva and Diethrich 2011; Carter, Lippard, and Baird 2019). These discourses are marked by the following characteristics: (a) discourse that focuses on exceptionalism, which highlights the country's unique and distinct ability of racial equality based on its national ideologies; (b) discourse that focuses on society's transformation from its past racial transgressions; and (c) discourses that underscore disregarding phenotype, race, or ethnicity. Again, this classification is reserved for discourse that maintains the value of racial equality but fails to center the discussion around inequality.

Lipson (2008) provides a well-established framework upon which affirmative action programs were founded: justice, which centered on correcting the societal ill of long-held racial inequality. This study also codifies two types of justice discourses, racial and social. Justice discourses are defined as those that (a) highlight current and past racial discrimination and inequality or social-economic inequality, and (b) focus on the State's need to actively dismantle structural racism or economic inequality. Similar language may be used as language found in other frameworks; however, the central tenet of justice discourse focuses on substantiated current and historical practices that reinforce inequality.

Carter and Lippard (2020) establish that a drastic shift in affirmative action framing is underway in which discourses underscore whites as victims of the injustices of affirmative action. These discourse types are coded as threats in this study. Threat frameworks are those

in which (a) the underlying purpose is to highlight harm to society, individuals, or culture

from policies that target racial inequality without producing evidence that such harms have

been actualized, or (b) arguments center on valuable assets wasted on unworthy individuals.

Threat frameworks might also adopt other frameworks' language, but they perceive racial

equity efforts as the problem rather than the inequality itself as the problem.

Due to the impact on public debate, priority is given to the discourse of the head of

governments (US and Brazil), the written language of state ballot measures (US), state

assembly bills (Brazil), and judicial opinions (US and Brazil). Forms of discourse include

speeches and debates, interviews, writings, and text from judicial opinions, court briefs,

ballots, and legislation. Importantly, this research design is structured to illuminate

marginalized people's perspectives, specifically African descendants, and include data

collected from interviews and focus groups of individuals instrumental in racial inclusion

efforts.

Affirmative action scholarship observing discourse has most often focused on the

general public (Bonilla-Silva, Lewis, and Embrick 2004; Briscoe and Khalifa 2013; Carter

and Lippard 2020b; Van Gilder and Jackson-Kerr 2017) or federal courts (Carter, Lippard,

and Baird 2019; Moreira 2016; Kateri Hernández 2003). Less attention has been given to

how discourses adopted by presidential administrations impact affirmative action policies

and outcomes. The discourse frameworks used in the presidential administrations Clinton,[2]

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[2] (Clinton et al. 1995; Clinton and Cable News Network. 1995; Clinton, United States., and White House Office 1999; [U.S. President Bill Clinton addresses a meeting of his administration's Advisory Board on Race Relations and commends their work which made a number of recommendations regarding necessary steps to improve race relations in the United States]. 1998; [U.S. President Bill Clinton discusses race relations in a commencement address at the University of California at San Diego]. 1997)

Bush,[3] Obama,[4] and Trump[5] in the United States, and the Cardoso, Lula, Rousseff, Temer, and Bolsonaro administrations in Brazil, are codified according to justice, abstract liberal, and threat. In the United States the majority of the data was retrieved from presidential libraries and the research database EBSCO. In Brazil, the data was taken from online federal government archives, excerpts from scholarly writings, and news media websites.

State legislative action has been vital to the trajectory of affirmative action in Brazil and the United States. In California (1996), Texas (1996), Washington (1998; 2019), Florida (1999), Michigan (2006), Nebraska (2008), Arizona (2010), New Hampshire (2012), and Oklahoma (2012), anti-affirmative action networks saw federalism as a way to achieve affirmative action bans when the courts affirmed the constitutionality of affirmative action.

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[3] (Bush 2005, 2016b, 2016a; United States Supreme Court 2003, 2003)

[4] (ATTORNEY GENERAL LORETTA E. LYNCH STATEMENT ON THE U.S. SUPREME COURT RULING IN FISHER V. UNIVERSITY OF TEXAS AT AUSTIN 2016; U.S. 2016) Obama, B., 2021. Remarks by the President on Trayvon Martin. [online] whitehouse.gov. Available at: <https://obamawhitehouse.archives.gov/the-press-office/2013/07/19/remarks-president-trayvon-martin> [Accessed 15 March 2020].
Obama, B., 2021. Remarks by the President on the Supreme Court Decision on U.S. Versus Texas. [online] whitehouse.gov. Available at: <https://obamawhitehouse.archives.gov/the-press-office/2016/06/23/remarks-president-supreme-court-decision-us-versus-texas> [Accessed 15 March 2021].
Obama, B., 2021. Remarks by the President on the Supreme Court Decision on U.S. Versus Texas. [online] whitehouse.gov. Available at: <https://obamawhitehouse.archives.gov/the-press-office/2016/06/23/remarks-president-supreme-court-decision-us-versus-texas> [Accessed 15 March 2021].
Obama, B., 2021. Remarks by the President in Eulogy for the Honorable Reverend Clementa Pinckney. [online] whitehouse.gov. Available at: <https://obamawhitehouse.archives.gov/the-press-office/2015/06/26/remarks-president-eulogy-honorable-reverend-clementa-pinckney> [Accessed 15 March 2021].
Obama, B., 2021. President Obama Delivers a Statement on the Grand Jury Decision in the Death of Eric Garner. [online] whitehouse.gov. Available at: <https://obamawhitehouse.archives.gov/blog/2014/12/03/president-obama-delivers-statement-grand-jury-decision-death-eric-garner> [Accessed 15 March 2021].
Obama, B., 2021. President Obama Delivers a Statement on the Ferguson Grand Jury's Decision. [online] whitehouse.gov. Available at: <https://obamawhitehouse.archives.gov/blog/2014/11/24/president-obama-delivers-statement-ferguson-grand-jurys-decision> [Accessed 15 March 2021].
Obama, B., 2021. Obama Speech on Race at the National Constitution Center. [online] Constitutioncenter.org. Available at: <https://constitutioncenter.org/amoreperfectunion/> [Accessed 15 March 2021].
The White House. 2021. Statement by the President in the James S. Brady Briefing Room. [online] Available at: <https://obamawhitehouse.archives.gov/realitycheck/the-press-office/statement-president-james-s-brady-briefing-room> [Accessed 15 March 2021].

[5] (Brief in support of APPELLANT and REVERSAL Students for Fair Admissions v Harvard 2019 n.d.; Inside President Donald J. Trump's First Year of Restoring Law and Order – The White House n.d.)

Ballot initiatives, state legislative bills, and governors' executive orders are products of anti-affirmative action political networks that adopt the same strategy for banning affirmative action. They incorporate the same language and are, therefore, grouped for analysis. The Texas law banning affirmative action results from *Hopwood V. Texas, 1996* and not included in this discourse analysis, but enrollment trends are included to understand the impact of state bans on Black enrollment. Essentially, this section explores which discourse frameworks are most common in ballot initiatives, legislative acts, governors' orders, and legislative policies that have resulted in policies that ban affirmative action for consideration in university admissions and what impact these policies had on Black enrollment rates at flagship universities in these states.

For Brazil's case, discourse from legislative assemblies and university counsel sessions that took up affirmative action measures are used.[6] The bill's text content was retrieved primarily from the state government's or university's website and online archives. This study will focus on the discourse found in legislative acts in the United States,

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[6]Federal Quota Law 12.711 2012
Statute of Racial Equality Federal Law No. 12,288, of 07/20/2010
Alagoas - Law No. 6,542, of 12/7/2004
Amapá - State Laws N°s. 1022 and 1023 of 30/06/2006 and1258 of 18/09/2008
Amazonas - Law No. 2,894, of 05/31/2004
Goiás - Law No. 14,832, of 12/07/2004
Maranhão - Law No. 9,295, of 11/17/2010
Mato Grosso do Sul - Laws No. 2605 of 06/01/2003 and No. 2589 of 12/27/2002
Minas Gerais - State Law No. 15,259 of 07/27/2004; Resolution No. 104 CEPEX/2004; State Law No. 13,465, of 12/1/2000
Paraná - Law No. 13,134 of 04/18/2001 Civil House, modified by State Law No. 14,995/2006, of 09/01/2006, Notice No. 007/2007 COORPS, Notice No. 01/2006 CUIA and Resolution No. 029/2006 SETI
Rio de Janeiro - State Law No. 4151/03
Rio Grande do Norte - State Law No. 8,258, of 12/27/2002
Rio Grande do Sul - Law 11.646/01

discourses from ballot measures[7] and Governor's executive orders[8] were gathered from the

Office of Secretary or Department of State online archives or databases.

Judicial opinions can set long-term precedents; therefore, this type of discourse is highly

influential in shaping long-term affirmative action policy. As previously mentioned in the

literature review, litigation has been a preferred mode of attacking race-based admissions in

the United States and Brazil due to the unique position of federal court cases in creating

nearly instant long-standing policies. Not only is the discourse used in the majority opinion

of great consequence, but even concurring and dissenting opinions have widespread

implications in setting the future course of law and policy. Examples related to racial equality

include *Dread Scott v. Sandford* and The *Civil Rights* Cases, 109 US 3 (1883), in which the

dissenting opinions became the impetus for future judicial open and broader societal values

(Bader Ginsburg 2010).

Therefore, discourse analysis of all written judicial opinions—majority, concurring,

and dissenting— from university affirmative action cases to reach the high courts in Brazil,

and the US is being used. In Brazil, judicial opinions from ADI 3.330 2012 and ADF/186

2012 were used. In the United States, judicial opinions from the following cases are analyzed:

Grutter v. Bollinger (2003), *Gratz v. Bollinger* (2003), and *Fisher v. University of Texas*

(2013, 2016). Specifically, opinions from justices, majority opinions, and dissenting

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[7]California Proposition 209, 1996
Washington Initiative 200, 1998
Michigan Civil Rights Initiative Proposal 2 Michigan, 2006
Nebraska Civil Rights Initiative 424
Arizona Proposition 107, 2010
Oklahoma State Question 759 Affirmative Action Amendment 2012

[8]One Florida Initiative 1999

opinions, were collected and the frequencies of the previously detailed discourse frameworks

were tallied.

Presidential statements, speeches, and orders, language from legislative and ballot

measures, and judicial opinions were collected and entered into NVivo-12 software. Next,

word clouds and word trees were run to understand better the context in which words were

used. Next, these different forms of discourse were coded and placed into nodes. Labels

(codes) identified discourse as colorblind or about racial justice according to its use to

underscore the current and past racial discrimination and injustice or if it underscored the

value of a race-neutral society. Node names assigned were "racial justice" and "colorblind."

Codes were also assigned to types of affirmative action discussed and subsequently placed in

nodes. Nodes labeled "race-blind" were assigned to all types that did not explicitly call for

the use of race as an allowed consideration. The node "race-conscious" was assigned to

programs that required race to consider affirmative action programs. Lastly, the node "racial

threat" was assigned to all discourse that alluded to the scarcity of resources (elite higher

education). Once all data was coded, queries were used to highlight themes, create concept

maps and charts to visualize variables' relationships.

Quantitative Research

As part of each case analysis, quantitative data on race and population collected from

the Brazilian Institute of Geography and Statistics, PNAD, The Integrated Postsecondary

Education Data System, and US Census is used to understand better factors that impact

affirmative action policies. Specifically, racial threat theory is tested using the proportion of

Blacks in a state/region and the state's likelihood to ban affirmative action in the United

States or be an earlier affirmative action policy adopter like in Brazil. In the United States,

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the variable competitiveness was also used to calculate threat. Competitiveness, defined by low acceptance rates at universities, was calculated by dividing total applicants by admissions using data from IPEDS. Competitiveness was used to determine if states with more competitive admissions at their flagship or top-ranked university were more likely to adopt affirmative action bans. Resource scarcity is defined as the limited number of top-ranked public universities located in the state used to assess threat. Top-ranked universities were retrieved from THE Rankings 2020 list. Crosstabulation and Chi-square test are used to observe the association between threat variables and state banning or approving affirmative action policies.

In the United States, micro-level data and individual university reports on enrollment are used to interpret affirmative action policies' results. Black enrollment rates from each school are calculated by dividing the number of Black students enrolled by the total number of students enrolled from the years 1994-2019. Though this research is specifically focused on 2000-2018, these additional years are added to contextualize the Clinton and Trump administration trends. Black enrollment calculations are observed within the context of discourse frequencies by institutions and by outcomes for universities with bans and without. Given the large number of universities in the United States, this study limited its sample to flagship universities in states with bans. The designation of flagship does not explicitly indicate that the university is top-ranked, nor is it always a state government's designation. Flagship is a common term used to describe a university that is a land grant institution designated by the Morrill Acts and is frequently associated with the largest, most selective, and desired public schools within the state. The second group of universities used in this research is Top-Ranked Public Universities. According to Times Higher Education 2020

ranking, these universities were selected according to the values of teaching, research, research influence, international outlook, and knowledge transfer (THE 2020). The top nine ranked public universities that were located in states without affirmative action bans were selected to assess trends in Black enrollment at top-ranked public universities compared to those with affirmative action bans and in the context of discourse frameworks.

In Brazil, individual university data is often not available or incomplete. Therefore, the data used is most often macro-level data that looks at trends at federal and state universities as groups, or public universities within specific regions are municipalities as a group. The use of macro-level data does not necessarily present a problem with providing meaningful analysis given the smaller number of public universities in Brazil than in the United States. In Brazil, university prestige results from academic reputation and free cost of attendance, making public universities highly competitive and highly selective. THE 2020 Rankings reports demonstrate both state and federal universities and Brazilian populate the top university rankings in the country. Though federal universities tend to be the most prestigious, several state universities, especially those located in the South, are among Brazil's top universities. Since individual university data is elusive in Brazil, this study used individual university enrollment trends when available, but most often used national-level data that groups schools by private, state government-supported, or federal government-supported.

Nonetheless, since public universities are the most sought after in Brazil, this ensures Times Higher Education ranked schools are captured in the analysis by observing outcomes by region/state, federal universities, and state universities. Enrollment trends by race and color are analyzed in the context of discourse frameworks adopted by legislation, presidential

administrations and found in judicial opinions. Enrollment data is also used to assess the outcomes of existing affirmative action policies in Brazil. Enrollment data is obtained from The Integrated Postsecondary Education Data System (IPEDS), Pesquisa Nacional por Amostra de Domicílios (PNAD), and Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira. It also reinterpretes existing data by *Grupo de Estudos Multidisciplinar da Ação Afirmativa*. As mentioned previously, these data sets have significant challenges due to inconsistent racial classifications across agencies and institutions.

In total, the data described above provides great insight to understanding trends; however, it lacks the required depth to fully understand the totality of the impact such policies have on not only gaining access to higher education but also the experience of having and not having such access. Therefore, qualitative interviews are required to remedy these deficiencies.

Qualitative Methods

To understand the extent that racial justice, abstract liberal, and threat discourses impact affirmative action policies and their subsequent outcomes, themes from presidential, legislative, and judicial discourse were placed in NVivo software and mined for the following framework: justice (racial or social inequality), abstract liberal (diversity, equality, and colorblind), and threat (discrimination, merit, diversity). Frameworks were coded accordingly, and frequencies were calculated. These frequencies were used to contextualize affirmative action developments, and Black enrollment trends are analyzed in the context of the adopted discourse framework. Specifically, this is used to see how Black enrollment changes correspond with discourse frameworks adopted by presidential administrations, legislatures, ballot initiatives, and court opinions in the US and Brazil.

As Solorzan and Yosso (2002) point out, qualitative data such as personal narratives and counter-storytelling are often better-positioned to capture the nuances of racialized experiences. Conventional political science methodologies, especially those found in Comparative Politics, often reinforce the power structure of white supremacy and Black subordination by relying on survey data and statistical analysis. While these methods supply tangible information that provides great insight, they are limited in projecting marginalized communities' experiences. Thus, an approach that values experiential knowledge coupled with data is best suited to explore the relationship between racial justice and colorblind discourse on the impact, implementation, and assessment of affirmative action policies.

For this portion of the research, key informants were identified and emailed letters requesting participation. The participation letter gave a general overview of the study and presented the research questions. It contained the Institutional Review Board and a link to sign for informed consent. This request was sent to 30 individuals in Brazil, and although only 17 responded, a total of 78 individuals participated in this study as several individuals invited others to participate. Three interviews scheduled with one individual ended up having more than ten people, subsequently becoming a small focus group. For example, the first interview conducted was scheduled with a professor and a high school counselor. They had, unbeknownst to me, invited two amateur interpreters to assist. These interpreters were university students admitted to university via affirmative action quotas and ultimately became part of the group discussion. The second example of a spontaneous group interview is a meeting scheduled with a journalist who invited his friend, a union leader who invited his postgraduate student and postgraduate children to participate.

The three focus groups unfolded similarly. An interview scheduled with the coordinator of a community development program that focuses on education was instead turned into a focus group with the director, staff, students/program participants, and the program's alumnus. This group contained seven high school students, but only one was included in the research study due to age of consent. In the second focus group, an interviewee suggested an interview with a lawyer who worked on the affirmative action legislation in the State of Rio de Janeiro. He was not initially on my list, and when we met, he had six law graduate students, a post-graduate interpreter, a physics professor, and two activists in attendance with him. The last focus group arose from a professor who allowed me to attend his lecture on Afro-Brazilian history. He introduced me to the class and allowed me time to discuss my research with the group. Subsequently, a discussion on race and affirmative action policies in the US and Brazil evolved. It is important to note that all spontaneous interviews and focus group participants were asked to give informed consent to participate. The interviews and focus group participants were primarily university faculty and staff members, undergraduate, and postgraduate students, lawyers, Black activists, and education activists.

In Brazil, the interviews were conducted physically in Rio de Janeiro and Salvador, Bahia; several participants were from São Paulo and Minas Gerais and participated remotely via Skype and Google Hangouts. The interviews took place in various settings, including personal residences, coffee shops, employment places, community centers, and university conference rooms. The study interviews and focus groups presented minimal risk of harm to participants. Standard steps were taken to ensure that the participants fully understood the study's nature and that participation was voluntary. Participants were also aware that

recorded data's confidentiality would always be maintained, and participants' identification would not be available during or after the study. Ultimately, interviews and focus groups provide the best format for narratives and counter-narratives, crucial in critical approaches.

Since the United States does not have a comprehensive affirmative action program, its history of affirmative action policies long preceded the 21st century. There is a copious amount of work on racial attitudes and affirmative action; therefore the needed number of interviews is significantly different to Brazil. Accordingly, interviews were conducted with four experts that work explicitly with university admissions or institutional equity offices. Several enrollment management and admissions professionals recommended these individuals because of their first-hand experience, leadership and experience in the profession, and expertise in the research area. One interviewee worked as admission and enrollment administrator at a flagship university during its Supreme Court battle on race-based admissions. He currently serves as the Director of Diversity and Inclusion at a different top-ranked public university. Another interviewee is the president of a state association for college admissions and counseling in a state that has banned affirmative action via a ballot initiative; he has previously served on a wide range of committees in the National Association of College Admission Counselors (NACAC). These interviews were conducted remotely via telephone. Two additional interviews were conducted with university employees charged with assuring that the universities comply with anti-discrimination measures. One of these is a data and enrollment management employee; the other is in an office of Equity and Diversity Services and the Gender Equity and Sexual Harassment Policy Office. Both these individuals have a high level of expertise in compliance with federal anti-

discrimination guidelines on both a state and federal level and have served and are considered experts by their peers.

All interviews for Brazil and the United States were entered into NVivo and coded according to research question themes. Word frequencies were run to highlight additional common themes, which were subsequently coded. All themes were then incorporated into the qualitative analysis to provide a richer context to each case.

<div align="center">**Validity and Reliability**</div>

It is crucial to address this study's validity by determining the effectiveness of the research design, methods to capture the data, and the data's ability to answer the research questions. This study is designed to make inferences about the nature of relationships between the way discourse is shaped and affirmative action policy outcomes, not to determine causal relationships. Given the numerous factors that contribute to race-based affirmative action policy establishing causal relationships is an impractical approach. Thus, this design structure is best suited to provide a rich multilayer analysis that results in rich contextualized conclusions.

This study is internally valid as it will yield results to answer the research question appropriately. Essentially the principal research goal is to draw generalizations from this research and apply it to similar cases. In terms of general external validity, case studies are considered weak because of their lack of ability to draw sweeping generalized which can be applied to other cases and populations. However, this study has added an element of comparison, strengthening the ability to draw generalizations and assure validity. Triangulation, incorporating more than one method to collect data on the topic, was used to assure this research study's validity.

Conclusion

The theory that abstract liberal discourse prevents substantive affirmative action program policies guides the research methods adopted in this study. While the racial threat may be significant, threat frameworks are a better indicator of affirmative action policies and outcomes. This mixed-method comparative analysis explores outcomes by analyzing admissions and enrollment data provided by The Integrated Postsecondary Education Data System (IPEDS), Pesquisa Nacional por Amostra de Domicílios (PNAD), and Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira. It also reinterprets existing data by *Grupo de Estudos Multidisciplinar da Ação Afirmativa* (GEMAA). It further uses statistical data from the US Census Bureau and the Brazilian Institute of Geography and Statistic to test racial threat hypothesis and observe affirmative action policy impact. Additionally, this research uses discourse analysis to understand better factors shaping policies and policy outcomes. In the critical studies tradition, this study also emphasizes people of color's racialized experiences, including African descendants in Brazil and the United States. Presidential, judicial, and legislative discourse were collected from: Brazilian Imperial Archives and the United States National Archives, presidential libraries, Secretary of State websites, and municipal government websites.

The first phase of research sought to determine the role of threat in adopting or preventing race-based affirmative action policy. The second phase examined affirmative action policy discourse throughout political institutions (presidency, states, university legislative bodies, ballot initiates, and federal courts). The last phase of this research was to conduct a comparative analysis of the two cases to understand if policy types have significant differences in outcomes.

To provide the needed insight to policy analysis, qualitative interviews and focus groups are conducted to provide a context to the above data collected by understanding the lived experiences of those around whom the discourses and policies are centered, as well as a comparative analysis of the two cases of Brazil and the United States. Ultimately, this comparative study seeks to determine common themes and patterns and substantial differences that provide insight into the conditions that have led to the formulating of race-based affirmative action programs in higher education admissions, along with the conditions that provide for successful implementation and outcomes. This triangulation of methods helps ensure the validity of this study. As Lijphart (1971, 1975) asserted, some disadvantages of extensive statistical studies could be overcome through the greater use of small-sample comparative methods. Conventional political science methodologies, especially those found in Comparative Politics, often reinforce the power structure of white supremacy and Black subordination by relying on survey data and statistical analysis for analysis while failing to reflect the lived experiences of those on society's margins.

This research is designed as a case study that includes empirical statistical data while incorporating the rich context of individual experience, which allows for rich variegated analysis. As King, Keohane, and Verba (1995) state, qualitative data's thick descriptions can be bolstered and approved by adding cases and structuring the design to evaluate the theory. In essence, selecting these two cases improves the overall investigation quality by allowing for nuanced contextualization in each case, which leads to a more robust conclusion. Given that the United States and Brazil have very different timelines in developing the affirmative action debate, the decision was made to limit the data to the years 2002 through 2018. This period provides excellent insight into how the debate was framed around the landmark

Michigan cases (*Grutter v. Bollinger* and *Gratz v. Bollinger*). The analysis scope is limited to 2000-2018 when required analysis goes beyond these years to provide needed context. Although a research study that examines all countries with apportioned efforts to redress racial discrimination in higher education would yield the ability to draw generalizations, such design would lack depth and is nearly incompatible with critical studies. Essentially, the methods employed in this research are employed to determine the role of racial threat, and abstract liberal and threat discourses perform in affirmative action policies and outcomes.

Chapter IV: Disappearing Justice and Rising Threat, The Case of US Higher Education Affirmative Action

This chapter uses racial threat hypothesis and discourse frameworks to gain a more comprehensive understanding of factors that contribute to the strengthening or erosion of university admissions race-based affirmative action policy in the United States and their subsequent impact on Black enrollment. The chapter answers the following primary research questions: Is the racial threat hypothesis a factor in adopting race-based affirmative action in the United States? To what extent do racial justice, abstract liberal, and threat framework discourses adopted by political institutions (presidents, legislative bodies, ballot initiatives, and federal courts) affect the structure of affirmative action programs and their implementation in the United States, and how does the resulting structure or type of affirmative action impact black enrollment trends?

Past studies have demonstrated that affirmative action bans resulted in declines in Black enrollment (RW.ERROR - Unable to find reference:doc:5f4bce6ce4b0086cca2d4d35; Garces and Mickey-Pabello 2015, 264-294; Hinrichs, P. 2014; Hinrichs, Peter 2012, 712-722; Liu 2020,). However, this study specifically draws attention to the role of discourse frameworks in shaping policies and outcomes. Critical discourse analysis is a tool used to assess power asymmetries, manipulation, exploitation, and structural inequities, and has often been used in studies of judicial opinions of affirmative action and subsequent laws (Briscoe and Khalifa 2013; Carter, Lippard, and Baird 2019; Doane; Martinot 2010; Moreira 2016; Van Dijk 1999). These studies reveal that the courts have abandoned justice discourse frameworks, resulting in a weakening of affirmative action. I argue that this abandonment and replacement of justice frameworks can be observed in other political institutions, adding to the abandonment of race-based affirmative action.

The function of how the three discourse framework typologies are used by various political actors and how they relate to affirmative action policies and outcomes is also central to this chapter. More specifically the investigation of how discourse functions to impact affirmative action policies and consequently, Black enrollment at elite public universities in particular is the foundation of this policy analysis. I explore the hypothesis that discourse frameworks are better indicators of affirmative action policy types and outcomes than the racial threat hypothesis and that discourse frameworks play a pivotal role in shaping these policies and outcomes. The study further hypothesizes that discourse based on an abstract liberal, colorblind framework produces weak, highly decentralized programs, resulting in weak outcomes in the United States. Although no causal link can be established between the use of discourse frameworks and Black enrollment rates, these observations can contribute to the theorizing that affirmative action and, subsequently, Black enrollment have suffered from the abandonment of justice frames (Corlett 2009, 255-264; Lipson 2008, 691-706; Okechukwu 2019,).

Furthermore, studies have explored the relationship between racial threat and efforts to expand racial equity, but findings have widely varied (Appiah 2011; Balock 1967; Enos 2014; Giles and Buckner 1996; Lavelle 2017). Tolbert and Grummel (2003) explicitly examine the racial threat and white voters in California's 1996 Proposition 209, which banned the use of race-based affirmative action. They found that white voters located in non-homogenous white neighborhoods were more likely to ban affirmative action, but the racial threat alone does not explain why 2/3 of white voters supported banning affirmative action. To further understand the relationship between racial threat and state affirmative action bans, this chapter answers the following questions: 1) are states with a larger Black percentage of

the population more likely to ban affirmative action, 2) is the number of top-ranked public universities located in the state a significant variable related to states adopting an affirmative action ban and 3) are states with more competitive admissions more likely to adopt an affirmative action ban?

Answering these questions elucidates the relationship between elite universities, racial demographics, Black enrollment, affirmative action policies, and affirmative action bans. of adapted discourse frames in shaping affirmative action policies and outcomes.

Next, I will explore the impact and function of the various discourse frameworks adopted by policymakers on affirmative action policies and, subsequently, Black enrollment. Carter Lippard and Baird (2019) examine discourse in the *Fisher* amicus briefs by first categorizing frames according to the function of the language used and then observing the frequencies of colorblind rhetoric along with threat. They observe that these frameworks serve one major purpose: to use nuanced racialized tactics to stoke animosity and finally put an end to affirmative action as a viable ameliorative policy in higher education (Carter, Lippard, and Baird 2019). Discourse adopted in other political institutions serve a purpose, just as it does in the amicus briefs by expanding their scope, presidential directives, speeches, executive orders, state legislative acts, and state ballot initiatives. Accordingly, I classify each of the adopted discourse frameworks in each of the above institutions and enumerate their frequencies, which provides context on their function in shaping affirmative action policies and outcomes. Frameworks and frequencies elucidate the function of these discourses in forming and shaping affirmative action policies and subsequent outcomes.

Okechukwu (2019) investigates how the adoption of various frames by political institutions (activism, university boards of directors, state legislatures, ballot initiatives, and

federal courts) has shaped policies that furthered or eroded the access of Black and Latinx students to elite public institutions such as CUNY, the University of California, Berkeley, the University of Michigan, and the University of Texas. In reality, there are multiple factors simultaneously shaping affirmative action policies and specifically Black enrollment trends; I begin by applying Okechuckwu's (2019) method, first isolating the use of frames in individual institutions, second contextualizing the interplay of multiple actors and the policy which resulted, and lastly using enrollment rates to interpret the impact of these policies. This framework provides a structure that allows for thorough analysis of the interplay between discourse, policy, and the outcomes of Black enrollment. Therefore, I will analyze how discourse frameworks have shaped polices and outcomes by observing how Black enrollment rates at the sampled universities change under each presidential administration, as a result of the *Gratz/Grutter* and *Fisher I* and *Fisher II* decisions, state ballot initiatives, legislative acts, and governors' orders.

Lastly, I will examine how the overall trends in Black enrollment rates correspond to policy parameters placed on using race as a factor in university admissions. Discourse not only influences affirmative action policies but also actively generates affirmative policies. This dialectical relationship between discourse and affirmative action policy is evidenced in presidential executive orders, which mandate that government contractors take "affirmative action" to ensure equal opportunity, as well as in court opinions that prohibit racial quotas and restrict constitutional use of considering race for university admissions to a narrowly tailored, strictly scrutinized practices.

This section will answer: What consequences do these policy parameters set through judicial opinions, state legislative acts, ballot decisions, and presidential directives have on

Black enrollment rates? Importantly, four interviews with university administrators with direct experience with admissions, affirmative action, and diversity policies will be used to provide further context to examine the relationship between discourses frameworks, policies, and Black enrollment rates. Their interviews will underscore how specific political institutions have shaped race-conscious practices. As an interviewee, President of a regional professional organization for university admissions and enrollment, stated *…they are all important… we interpret them [Department of Education Directives]as current compliance policy according to the respective administration… and abiding by these established guidelines will keep us out of court while we advance our commitment to diversity … the guidelines aren't our only consideration… NACAC, and a host of other higher education professional organizations, individual university administrators, etc. evaluate the same policies mentioned in the guidelines to establish compliance and best practices*. This statement underscores that admission officials constantly monitor the parameters on race conscious admissions set by state governments, courts, and presidential administrations.

Racial Threat Hypothesis and State Affirmative Action Bans

The relationship between racial threat and affirmative action bans has previously been explored by Grummel and Tolbert (2003). Their research concluded that racial threat was a factor in white Californians' support for affirmative action bans (Tolbert and Grummel 2003, 183-202); specifically, their study concluded that whites living in areas more heavily populated by non-whites were more likely to support affirmative action bans (Tolbert and Grummel 2003, 183-202). To further test the relationship between racial threat and support for affirmative action bans, three factors are considered: (a) the proportion of the Black population to the overall population, (b) the number of top public universities located in

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states, and (c) admission rates at the state's flagship or top-ranked. The racial threat hypothesis formed in this study is that the percentages of enrolled Blacks, fewer top public universities, and lower acceptance rates at flagship universities are all associated with the state's adoption of affirmative action bans. This hypothesis was tested by performing crosstabulation and chi-square tests.

Racial Threat Hypothesis

Population Proportion

First, the racial threat hypothesis was analyzed by observing the percentage of Black population located within a state in relationship to state bans on affirmative action. The assumption is that whites in states with larger Black populations would feel affirmative action poses limitations on their access to higher education and would subsequently threaten their own ability to access elite public higher education; therefore, these states would be more likely to ban affirmative action. The relationship between the proportion of the Black population in a state to the banning of affirmative action is considered by determining whether the number of Blacks located in the state impacts affirmative action bans. The proportion of the Black population to the overall population was calculated and ranked from highest to lowest. The results were cross-referenced with a list of states that have banned affirmative action. The below chart demonstrates the percent of the state's population that is Black. Blacks make up 13.4% of the United States population overall (US Census Bureau 2021).

	States by Percent Black Population source: 2019 US census estimates			
Ranking of % of Black Population	Percent of Blacks of the Total State Population	State	Total Number of Blacks in the State	
1	38.90%	Mississippi	1,156,497	no ban
2	33.50%	Georgia	3,556,697	no ban
3	33.40%	Louisiana	1,554,297	no ban
4	32.20%	Maryland	1,946,932	no ban
5	28.00%	South Carolina	1,441,530	no ban
6	27.80%	Alabama	1,364,474	no ban
7	24.40%	Delaware	237,780	no ban
8	23.10%	North Carolina	2,424,132	no ban
9	21.30%	Virginia	1,820,891	no ban
10	18.00%	Tennessee	1,228,973	no ban

Table 4.1 The US States by Percentage of the Black Population State
Table 4.1 demonstrates that the ten states with the highest percentage Black population do not have affirmative action bans.

Three states with affirmative action bans have a Black population that is above the national percent Black population. Florida has a Black population of 17%, Michigan has a 15.3% Black population, and Texas has a 13.5% Black population. Therefore, the initial finding is that states with larger Black populations are not more likely to ban affirmatives. This relationship was further evidenced by performing a Chi-squared test of independence to

determine the significance of the association between the following hypotheses and the null hypothesis:

H_0: States with a larger Black population are not likely to ban affirmative action

H_1: States with larger Black populations are more likely to ban affirmative action

			Percent of Blacks of the Total State Population			
			<= 10.00%	10.01% - 20.00%	20.01% - 30.00%	30.01% +
Affirmative Action	Ban	Count	6	2	0	0
		Expected Count	4.3	2.2	.8	.6
		% within Percent of Blacks of Total State population	22.2%	14.3%	0.0%	0.0%
	No ban	Count	21	12	5	4
		Expected Count	22.7	11.8	4.2	3.4
		% of Blacks of Total State Population	77.8%	85.7%	100.0%	100.0%
Total		Count	27	14	5	4
		Expected Count	27.0	14.0	5.0	4.0
		% of Blacks of Total State Population	100.0%	100.0%	100.0%	100.0%

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	2.523ª	3	.471
Likelihood Ratio	3.880	3	.275
N of Valid Cases	50		

Figure 4.1 Chi-squared Test of Independence for Population and Bans
a. 6 cells (75.0%) have an expected count less than 5. The minimum expected count is .64. There was no significant ($X2=2.523$, $df= 3$, p-value (≥0.05)) association between affirmative action and the percentage of the black population in the sampled states from the contingency Thus, the null hypothesis is accepted.

Racial Threat and Resource Scarcity

The hypothesis that states are more likely to adopt affirmative action bans when there are a limited number of top-ranked public universities located in the state is used to examine further racial threat hypothesis. The assumption is that bans are motivated by a sense of

resource scarcity and the perspective that affirmative action programs limit opportunities for whites. The Times Higher Education Rankings (2020) results were used to calculate the number of top universities in each state. This data was cross-referenced with state affirmative action bans, and a chi-squared test was used to examine further the association between resource scarcity defined as a limited number of top-ranked universities located within the state.
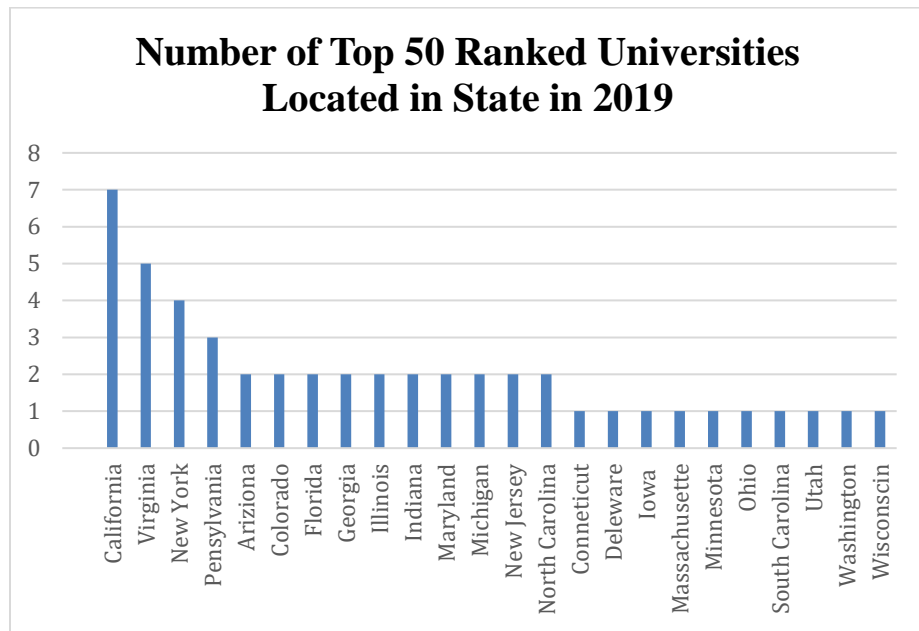
Figure 4.2 Number of Top-Ranked Public Universities located in the State

Figure 4.2 lists the top-ranked public universities according to 2020 Times Higher Education Rankings. The chart below demonstrates that of the nine states with affirmative action bans, three or more states do not have universities listed in the top 50 ranked public universities. These three states are Nebraska, Oklahoma, and New Hampshire. Figure 4.2 details the number of top 50 ranked universities located in each state. These figures reveal that of the states with affirmative action bans, four states have more than one top public university ranked in the top 50: California, Florida, Texas, and Michigan. California,

Virginia, New York, and Pennsylvania have the most universities ranked within the top 50; California is the only state of these with an affirmative action ban.

Moreover, of these nine states with affirmative action bans, three of the states do not have universities listed in the top 50: Nebraska, Oklahoma, and New Hampshire. Of the states with bans, four states have more than one top public university ranked in the top 50. California, Florida, Texas, and Michigan have more than one school ranked within the top 50. California, Virginia, New York, and Pennsylvania have the most universities ranked within the top 50; California is the only one with an affirmative action ban. Figure 4.3 demonstrates that states with bans do not have a resource scarcity. In order to further understand the relationship between states with top public universities and affirmative action bans, the below hypotheses were formed:

H_0: States with bans are not likely to have a top-ranked university.

H_1: States with bans are more likely to have a top-ranked university

Ultimately it was determined that states with affirmative action bans are more likely to have one top-ranked university. Therefore, having the resource may be a factor in states adopting bans.

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	44.185 a	24	.007
Likelihood Ratio	51.430	24	.001
N of Valid Cases	51		

a. 49 cells (98.0%) have an expected count less than 5. The minimum expected count is .27.

Figure 4.3 Chi-Squared Results Bans and Top Ranked Public University located in State
a. 49 cells (98.0%) have an expected count less than 5. The minimum expected count is .27.

There was a significant (X2=44.185, df= 24, p-value (≤0.05)) association between affirmative action ban and top-ranked university in the sampled states from the contingency table above. Thus, the alternate hypothesis is accepted. Thus, states with bans are more likely to have a top-ranked university.

Racial Threat and Competitiveness

To further assess factors that impact affirmative action policies and, more specifically, perceived threat, I compiled and analyzed admission rates at flagship universities in states with bans and top-ranked public universities in states without bans. The assumption is that competition for admissions, defined by lower admissions rates, would be more likely in states with affirmative action bans. Thus, admission rates were calculated by dividing the number of students accepted by the number of students that applied. After calculating admission rates at each school on the *Top Universities in States with No Bans* and each university on the *Flagship Universities in States with Bans* list, the mean acceptance rate was calculated for each year from 2001-2018. Therefore, in order to understand the relationship between competitiveness in top-ranked or flagship university admissions and affirmative action bans, the below hypotheses were made.

H_0: *States with competitiveness do not ban affirmative action.*
H_1: *States with competitiveness ban affirmative action.*

University	State	Admission rates 2018	Affirmative Action Status
Georgia Institute of Technology-Main Campus	Georgia	21.52%	NO BAN
University of Illinois at Urbana-Champaign	Illinois	62.16%	NO BAN
University of Maryland-College Park	Maryland	47.15%	NO BAN
University of Minnesota-Twin Cities	Minnesota	51.84%	NO BAN
University of North Carolina at Chapel Hill	North Carolina	22.71%	NO BAN
University of Virginia-Main Campus	Virginia	26.43%	NO BAN
University of Wisconsin-Madison	Wisconsin	51.73%	NO BAN
University of William and Mary	Virginia	36.91%	NO BAN
University of Texas at Austin	Texas	38.52%	BAN*
University of Arizona	Arizona	84.41%	BAN
University of California-Berkeley	California	14.84%	BAN
University of Florida	Florida	38.75%	BAN
University of Nebraska-Lincoln	Nebraska	78.22%	BAN
University of New Hampshire-Main Campus	New Hampshire	84.02%	BAN
University of Michigan-Ann Arbor	Michigan	22.82%	BAN
University of Washington-Seattle Campus	Washington	48.68%	BAN

Table 4.2 Acceptance Rates and Affirmative Action Status

The above table shows the admission rates of states in 2018 and their status of ban or no ban affirmative action. It is clear from the table that there is no relation between admission rates and the state's decision about affirmative action.

			Acceptance Rates 2018			
			<= 19.00%	19.01% - 40.00%	40.01 %+	Total
Affirmative Action	Ban	Count	1	3	2	6
		% within Admission rates 2018	100.0%	42.9%	33.3%	42.9%
		Standardized Residual	.9	.0	-.4	
	No Ban	Count	0	4	4	8
		% within Admission rates 2018	0.0%	57.1%	66.7%	57.1%
		Standardized Residual	-.8	.0	.3	
Total		Count	1	7	6	14
		% within Admission rates 2018	100.0%	100.0%	100.0%	100.0%

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	1.556[a]	2	.459
Likelihood Ratio	1.923	2	.382
N of Valid Cases	14		

a. 6 cells (100.0%) have an expected count of less than 5. The minimum expected count is .43.

Figure 4.4 Chi-Squared Results Low Acceptance Rates and State Bans

6 cells (100.0%) have an expected count of less than 5.
The minimum expected count is .43.

The hypothesis that says "States with more competitive admission rates at top public universities located within the state are less likely to have affirmative action bans" is proved

false. There was no significant (X2=1.556, df= 2, p-value (≥0.05)) association between competitiveness and affirmative action ban from the contingency table above. Thus, the null hypothesis is accepted.

US Presidents' Discourse, Affirmative Action Rates, and Black Enrollment

Here I assess the relationship between United States' presidents' discourse, affirmative action, and Black enrollment rates in elite public universities. More specifically, I investigate how presidential discourse generates policy by establishing parameters on the use of race, which influences how universities craft their admissions policies, shapes public opinion, and establishes priorities for related institutions. I conducted critical discourse analysis of United States presidents William Clinton, George W. Bush, Barack Obama, and Donald Trump to determine the extent to which presidential discourse shapes affirmative action policy and subsequent Black enrollment. Table 4.3 demonstrates the frequency of abstract liberal, justice, and threat frameworks retrieved from speeches, written directives, and amicus briefs provided by each president to determine the discourse type. Subsequently, Black enrollment patterns under each presidential term will be considered to determine any significant patterns. This section will respond to the research question: To what extent does rhetoric from presidents influence affirmative action and, subsequently, Black enrollment?

The discourse related to affirmative action for Presidents Clinton, Bush, Obama, and Trump were entered into NVivo software to enumerate and quantify word frequency and tree maps. Parameters were set to the top 1000 most frequent words, discarding words with less than three characters. The results of the word cloud and tree map were used to examine themes and functions of the discourse. Next, they were categorized by theme and function into threat, abstract liberal and justice frameworks. Discourse themes were then evaluated in

relationship to affirmative action bans and Black enrollment numbers during each president. I used the following questions to explore this relationship:

1) What discourse frameworks are used most frequently by 21st-century US presidents?

2) How have Black enrollment rates changed under each presidential administration?

Discourse Framework Frequency by Presidential Administration			
	Social/Racial Justice	Abstract Liberal	Threat
Clinton	23	9	4
Bush	1	10	8
Obama	11	68	2
Trump	0	1	79

Table 4.3 Discourse Frequencies US Presidents 1994-2018

The discourse of President Clinton (1993–2001) affirmed the need for affirmative action while simultaneously problematizing it. Clinton articulated the urgency of fixing a cycle of poverty in urban and rural America, which is highly populated by minorities, and noted that certain professions have been "exclusive clubs" for generations. Clinton adopted social/racial justice discourse (23) more often than abstract liberal (9) or threat discourse frameworks. Nonetheless, his "mend it don't end it" slogan reaffirmed white fears that affirmative action policies run the risk of advancing candidates lacking merit.[9] Though

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[9]"[U.S. President Bill Clinton speaks at the National Archives about affirmative action]." Available from http://www.lib.msu.edu/uri-res/N2L?urn:x-msulib::vvl:DB2424.

Clinton spoke to white fears of being passed over by less qualified candidates, he

unabashedly problematized racial discrimination and his discourse articulated a need to

remedy the social ill of racism.

Total Black Enrollment at Elite Public Universities by Administration

	Clinton	Bush	Obama	Trump
Total	309084	373685	398317	159277
Black	17314	20827	19771	7472
Percentage of Black	5.60%	5.57%	4.96%	4.69%
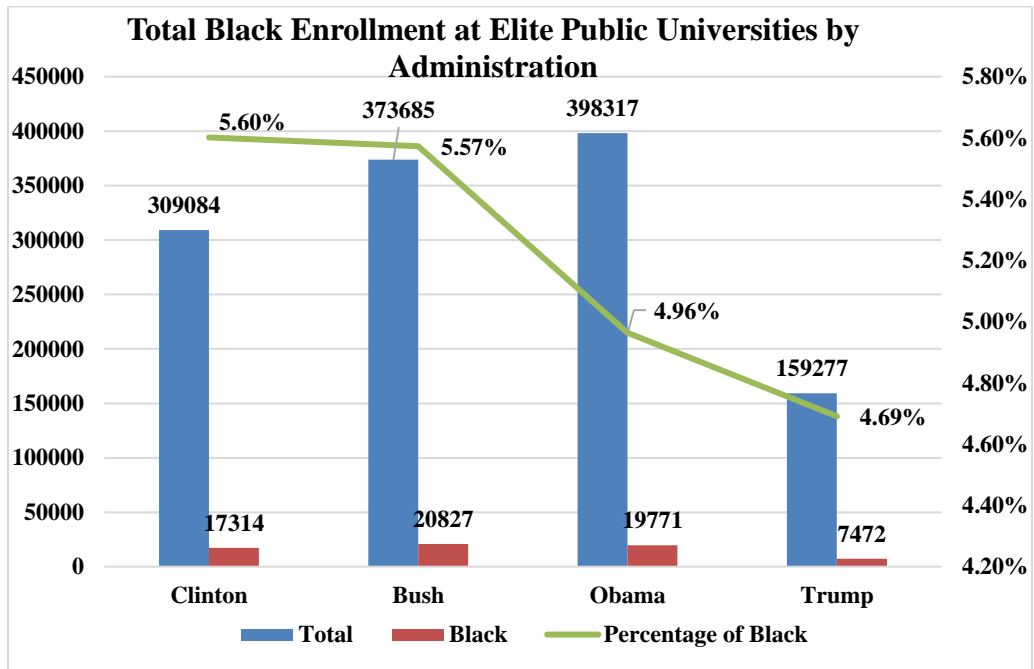
Figure 4.5 Black Enrollment Rates by US President 1994-2018

Enrollment rates increased throughout William Clinton's presidency. Black enrollment rates were at their lowest at the start of his first term in 1994 (5.39%) and peaked in 1997 (5.72%). The overall percentage of Black enrollment during Clinton's administration was 5.60% of the overall university enrollment. Overall, rates of Black enrollment during the Clinton administration increased by .21%.

Clinton adopted justice frameworks more than any other president (23) followed by

Obama (11), Obama adopted abstract liberal frameworks most often (68), followed by Bush

(10) and Clinton (9). Trump rarely adopted justice frameworks (0) or abstract liberal

frameworks (1). Threat frameworks were most often used by Trump (79), followed by Bush

(8), Clinton (4), and Obama (2). Black enrollment rates reached their highest points under

George W. Bush and lowest under Donald Trump. Rates also declined under the Bush

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administration and continued to decline under the Obama Administration. Black enrollment

rates increased under Clinton (0.26%) and Bush (0.47%) and fell under Obama (-1.6%); rates

also decreased under Trump by -0.21%. Black enrollment rates grew most from Clinton's

administration to Bush's administration by 0.85%, and increased between Bush's and

Obama's administration by 0.03%. The rate of Black enrollment declined from Obama to

Trump's administration by 0.10%. The greatest number of Blacks were enrolled during the

Bush administration, and the Obama administration had the highest percentage of Black

enrollment. There appears to be no significant relationship between the use of threat

frameworks by presidents and corresponding Black enrollment rates.

George W. Bush (2001–2009) adopted colorblind discourse but also frequently

incorporated threat discourse as he maintained, "At their core, the Michigan policies amount

to a quota system that unfairly rewards or penalizes prospective students based solely on their

races" and "racial prejudice is a reality in America. It hurts many of our citizens. As a nation,

as a government, and as individuals, we must be vigilant in responding to prejudice wherever

we find it. Nevertheless, as we work to address the wrong of racial prejudice, we must not

use means that create another wrong and thus perpetuate our division" (Bush 2003). Black

enrollment fell the first two years of Bush's first presidential term. It rebounded in 2004 and

increased from 2006–2008, a trend that will be discussed in the conclusion.

The administration of Barack Obama (2009–2017) adopted colorblind discourses in

the administrations' *Fisher v. Texas* Amicus briefs, in which they exposed the compelling

interest of diversity. Obama's discourse incorporated threat frames that suggested race-based

affirmative action policies could further inequality by giving privileged Blacks an unfair

advantage over their underprivileged white counterparts. "We have to think about affirmative

action and craft it in such a way where some of our [Black] children who are advantaged aren't getting more favorable treatment than a poor white kid who has struggled more" (Obama 2008, 17-23) Black enrollment fell consistently under the Obama administration.

The administration of Donald Trump (2017–2021) adopted threat frameworks that suggested race-based affirmative action policies were the problem, not a solution. Trump's statements, briefs, and directives were a stark contrast from previous administrations by incorporating threat frameworks (79) more often than abstract liberal frameworks (1). Trump never adopted social/racial justice frameworks. Trump's administration often used similar verbiage that could be categorized as abstract liberal principles; however, under his administration, they are codified as "threats" because of the function they perform. The (anti) discrimination and colorblind discourses adopted by Trump did not underscore diversity as a universal shared value but instead centered around the threat of missed opportunities caused by discrimination against whites and Asian Americans.[10] Accordingly, Black enrollment rates fell from the first to the second year of his administration.

The Judiciary, Affirmative Action, and Black Enrollment

This section seeks to understand the relationship between the frequency of discourse frameworks adopted in court opinions and affirmative action policies. This section combines cases into two distinct groups: the first *Gratz* (2003) and *Grutter* (2003) in one group and *Fisher I* (2013) and *Fisher II* (2016) in the second group. Given the proximity in the dates of the cases and little changes to the Supreme Court between the dates of these cases (Justice Scalia's death preceded the *Fisher II* decision), judicial thought among each group's cases is

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[10] Brief for the United States as Amicus Curiae Supporting Appellant and Urging Reversal *Students for Fair Admissions v President and Fellows of Harvard College. No. 19-2005 (1st Cir 2020).*

analogous. The court decisions and individual judicial opinions provided in these cases are categorized according to each of the discourse frameworks; the frequency of social/racial justice, abstract liberal, and threat frameworks are calculated. Subsequent trends on Black enrollment following court rulings will be observed to understand better the extent to which Black enrollment increased or declined at the sampled universities after these significant court decisions.

Gratz/Grutter Discourse Framework Frequency					
		Justice	Abstract Liberal	Threat	
Majority Opinion	O'Conner	4	86	0	Grutter
	Souter				
	Stevens				
Concurrence	Ginsburg	2	2	0	
	Breyer				
Dissent Opinion	Rehnquist	0	7	0	
	Kennedy				
	Scalia	0	1	14	
	Thomas	0	11	199	
Majority Opinion	Rehnquist	0	31	0	Gratz
	Kennedy				
Concurrence	O'Conner	0	10	0	
	Breyer	1	0	0	
	Thomas	0	4	3	
Dissent	Stevens	0	6	0	
	Souter	2	15	0	
	Ginsberg	12	1	0	
Total		19	170	216	

Table 4.4 Gratz/Grutter Discourse Frequencies

Fisher I/Fisher II Discourse Framework Frequency					
	Discourse Frameworks				
		Social/Racial Justice	Abstract Liberal	Threat	
Majority Opinion	Kennedy	1	9	0	Fisher I
	Roberts				
	Breyer				
	Roberts				
	Alito				
	Sotomayor				
Concurrence	Scalia	0	1	1	
	Thomas	0	20	58	
Dissent Opinion	Ginsburg	2	0	0	
Majority Opinion	Kennedy	0	19	11	Fisher II
	Ginsburg				
	Breyer				
	Sotomayor				
Dissent	Thomas	0	12	205	
	Alito	0	68		
	Roberts			17	
Total		3	129	372	

Table 4.5 *Fisher I/Fisher II* **Discourse Frequencies**

In *Grutter,* the majority opinion adopted abstract liberal frameworks (86) more often than social/racial justice frameworks (4). Overall, threat frameworks were adopted by dissenting justices Scalia (14) and Thomas (199). *Gratz* most also most often adopted abstract liberal frameworks by the majority (31); dissenters used social justice discourse (15) and abstract liberal frameworks (22). Thomas used threat frameworks in his concurring opinion (3). In total, the 2003 Michigan cases adopted racial/social justice, abstract liberal, and threat frameworks 19,170 and 216 times, respectively. *Fisher I* (9) and *Fisher II* (19) both adopt abstract liberal frameworks for the majority opinion. Justice frameworks are the least frequently occurring (3), and threat frameworks are most often adopted in the two cases

(372).
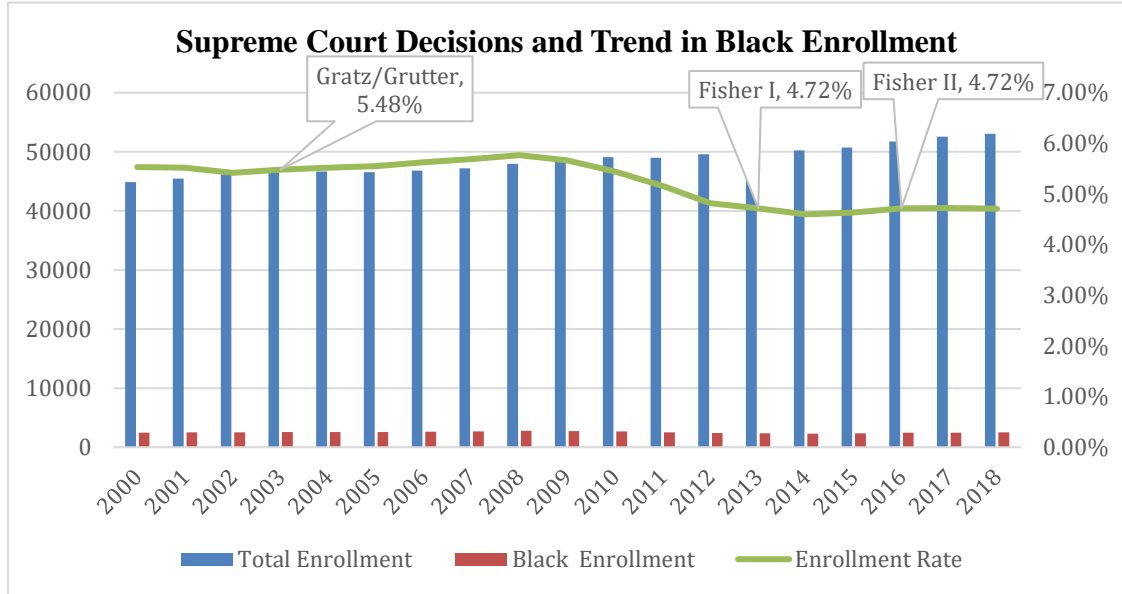
Figure 4.6 Black Enrollment Trends and Supreme Court Decisions

Black enrollment rates declined pending the *Gratz/Grutter* decision, but afterward Black enrollment rates increased. Following *Fisher I* and *Fisher II,* Black enrollment rates have not significantly increased or decreased and continued to hover around 4.72. Consequently, more Blacks were enrolled at the sampled universities (2,570) during Gratz/Grutter's compared with *Fisher I* (2,347) and *Fisher II* (2,440), whereas the total students enrolled during *Fisher I* (49,741) and *Fisher II* (51,726) compared with during Gratz/Grutter's with 46,871 total enrollments. Although not adopted by the majority, the growing frequency of threat frameworks used in judicial opinion corresponds with decreased Black enrollment rates at sampled top-ranked public universities and flagship universities with bans.

State Initiatives, Affirmative Bans, and Black Enrollment Trends

Black enrollment rates are a primary indicator of how affirmative action policy functions. In states that adopted affirmative action bans, the discourse used in ballot initiatives, executive orders, and state legislative acts is used to contextualize the relationship these frameworks have to the resulting policy and Black enrollment in the state's flagship university. First, a discourse analysis of state measures to ban affirmative action is conducted, followed by an analysis of Black enrollment trends at that state's flagship university.

Figure 4.7 Word Frequency Ballot Initiatives, State Legislative Acts, and Executive Orders Banning Affirmative Action

All states that have instituted affirmative action policy bans via ballot initiatives have adopted abstract liberal frameworks by banning discrimination based on race (13), color (13), creed (13), ethnicity (13), national origin (13), and sex (9). Threat frameworks (preferential treatment) (9) are also incorporated. No states ballot initiatives incorporated social justice initiatives or discourses.

There was a progressive decline in the rate of Black enrollments at the University of California, Berkeley after the 1996 ban was instituted. The total enrollment progressively increased yearly from 1996 to the present, while Black enrollment continued to decline. The

highest numbers of Blacks enrolled occurred in 1997, with an enrollment of 5.87% with a total

enrollment of 21,618. Conversely, the lowest Black enrollment occurred in 2017, with 1.75%

of Blacks enrolled, for a total of 30,574 enrollments.

Figure 4.8 Black Enrollment Trend UC, Berkeley

There was a progressive decline in the rate of Black enrollments at the University of

California, Berkeley after the 1996 ban was instituted. The total enrollment progressively

increased yearly from 1996 to the present, while Black enrollment continued to decline. The
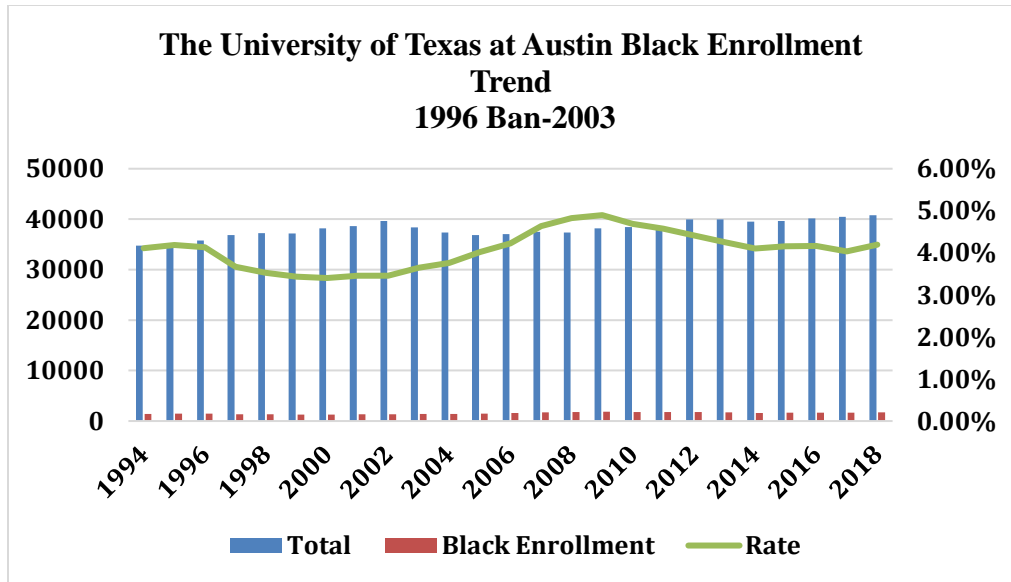
highest numbers of Blacks enrolled occurred in 1997, with an enrollment of 5.87% with a total

enrollment of 21,618. Conversely, the lowest Black enrollment occurred in 2017, with 1.75%

of Blacks enrolled, for a total of 30,574 enrollments.

The University of Texas at Austin Black Enrollment Trend
1996 Ban-2003

Figure 4.9 Black Enrollment Trend University of Texas, Austin

The University of Texas, Austin also saw a progressive decline in Black enrollments from 1996 to 2000 after affirmative action was banned in 1996. As a result, the total number of students enrolled progressively increase during this period. The highest numbers of Black enrollment occurred in 1996, with an enrollment of 4.13% and a total enrollment of 35,489. The lowest Black enrollment occurred in 2000, with 3.40% of the total enrollment of 38,162. Black enrollments rates rose progressively from 2000 to 2003 but never returned to previous ban rates. The 2003 Black enrollment rate was 3.65% of the total enrolment of 38,383 students. The highest number of students enrolled was in 2000, with a total enrollment of 39,66, which is still a low level of total enrollment.

University of Florida Black Enrollment Trend 1999 Ban-Present
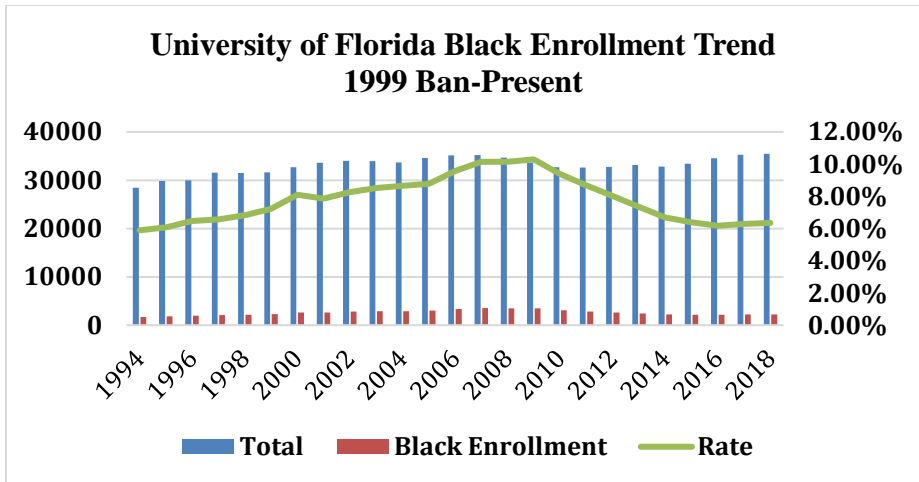
Figure 4.10 Black Enrollment Trend University of Florida

The University of Florida initially saw a progressive rise in Black enrollments and total students enrolled from 1999 to 2009. During this period, the highest numbers of Black students enrolled occurred in 2009, with 10.29% of the total enrollment of 33,628. From 2009, the rate of Black enrollments progressively decreased and reached the lowest point in 2016, with enrollment rates of 6.16% of the 34,554 total students enrolled.

University of Washington-Seattle Campus Black Enrollment Trend 1999 Ban-Present
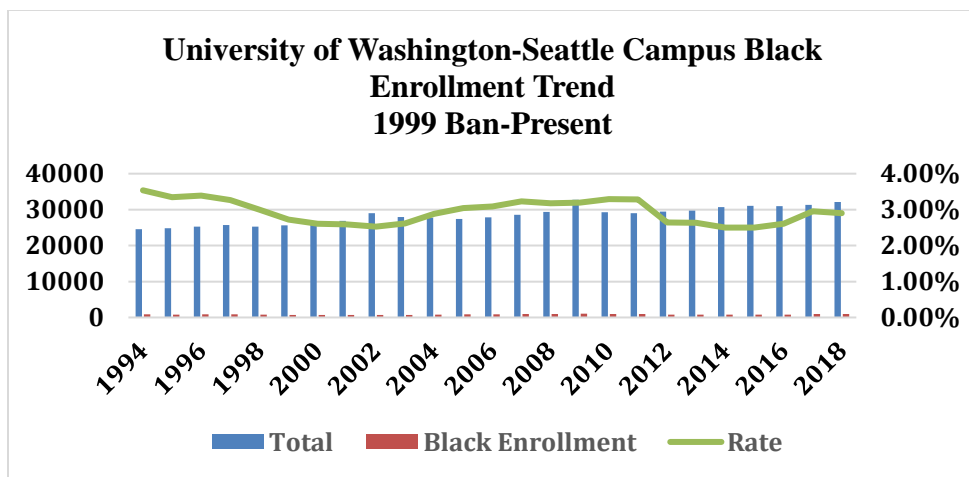
Figure 4.11 Black Enrollment Trend University of Washington

Like Florida, Washington state initially experienced a progressive increase in the rate of Black enrollments from 2000 to 2010. During this period, the highest numbers of Black students enrolled occurred in 2017, with an enrollment of 3.30% of the total enrollment of 29,307, whereas the rate of Black enrollments reached the lowest level in 2001, with enrollment rates of 2.53% of 29,028 of total enrollment. From 2010 to 2018, the lowest Black student enrollment rate was in 2014 and 2015, with enrollment rates of 2.50% of 30,672 and 31,063 total enrollments respectively; Black enrollment rose progressively from 2015 to 2018, with the peak Black student enrollment rate of 2.95% of 31,331 total enrollment in 2017. Black enrollment rates at the University of Washington did not decline under the affirmative action ban.
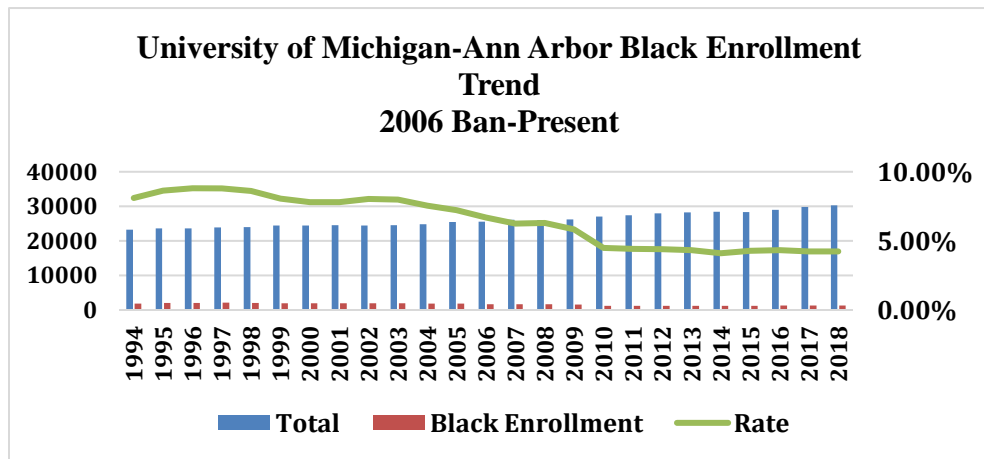
Figure 4.12 Black Enrollment Trend University of Michigan

The University of Michigan experienced a progressive decrease in the rate of Black enrollments from 2006 to 2018. During this period, the highest numbers of Black students enrolled occurred in 2006 with an enrollment of 6.69% of the total enrollment of 25,555, whereas the rate of Black enrollments reached the lowest in 2014 with enrollment rates of

4.11% 28,395 of total enrollment. Thus, the Black enrollment rate was negatively impacted in this university during the ban period.
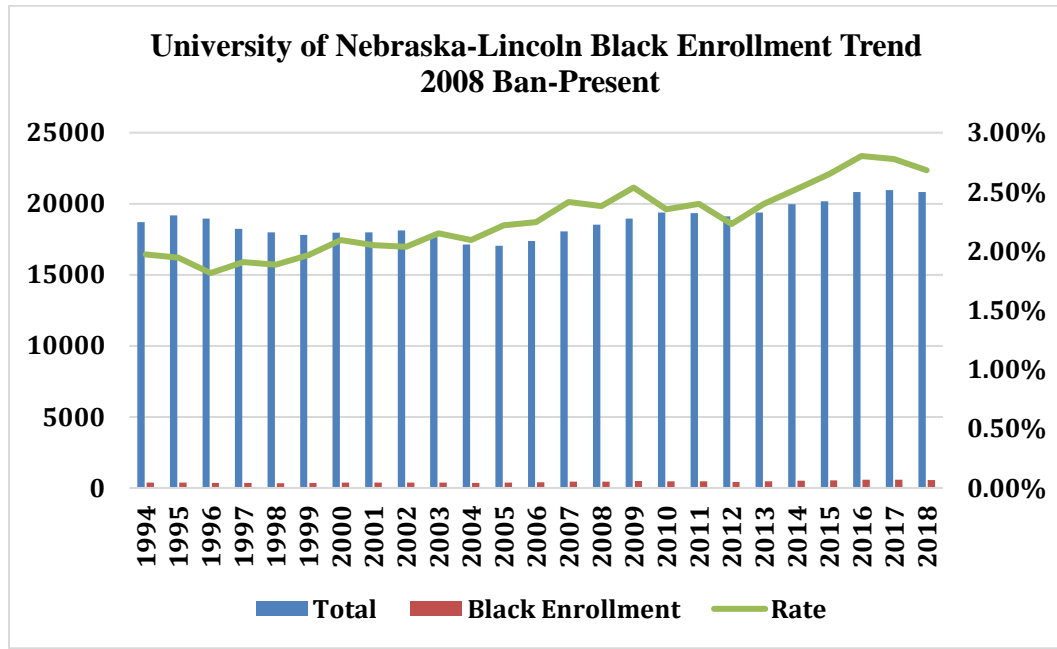
Figure 4.13 Black Enrollment Trend University of Nebraska-Lincoln

The University of Nebraska-Lincoln experienced a progressive increase in the rates after implementing the 2012 affirmative action ban. During this period, the highest numbers of Black students enrolled occurred in 2016 with an enrollment of 2.80% of the total enrollment of 20,833, whereas the rate of Black enrollments reached the lowest point in 2012 with enrollment rates of 2.23% 19,103 of total enrollment. Thus, Black enrollment rates did not decline under the affirmative action ban.

University of Arizona Black Enrollment Trend 2010 Ban-Present
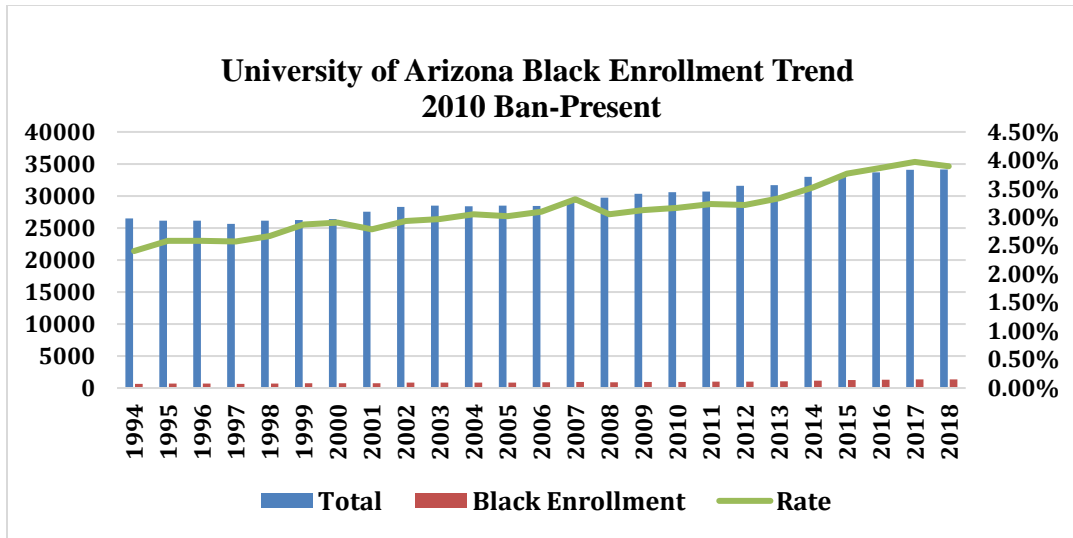
Figure 4.14 Black Enrollment Trend University of Arizona

The University of Arizona experienced increased Black student enrollment after the implementation of its affirmative action ban. During this period, the highest numbers of Black students enrolled occurs in 2017 with an enrollment of 3.97% of the total enrollment of 34,101, whereas the rate of Black enrollments reached the lowest point the year the ban was approved by voters (2010), with enrollment rates of 3.17% of 30,592 of total enrollment. Thus, Black enrollment rates were not negatively impacted at the University of Arizona after the affirmative action ban.
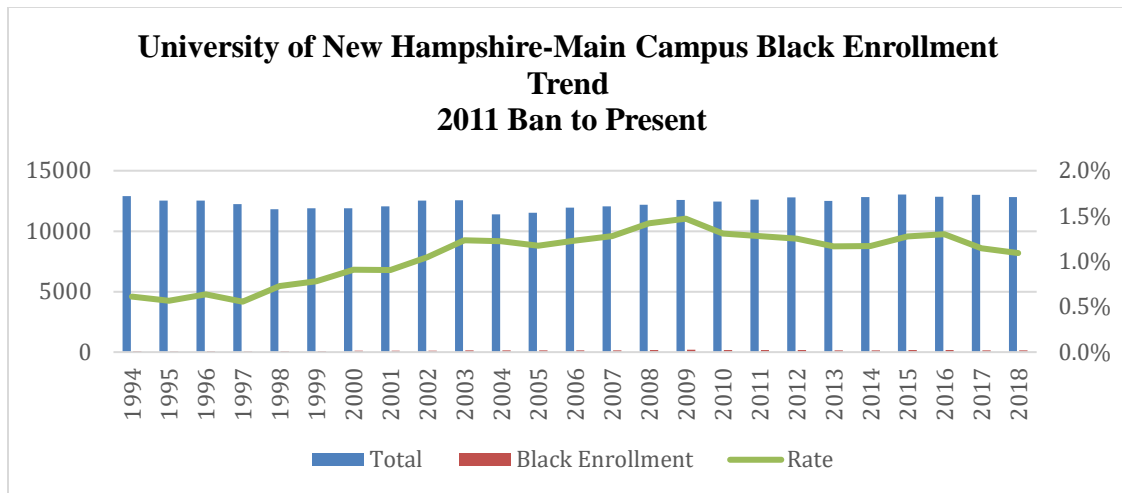
Figure 4.15 Black Enrollment Trend University of New Hampshire-Main Campus

The University of New Hampshire saw a progressive decrease in the rate of Black enrollments from 2011 to 2014. During this period, the highest numbers of Black students enrolled occured in 2011, with an enrollment of 1.30% of the total enrollment of 12,602, whereas the rate of Black student enrollments reached the lowest in 2013 and 2014 with enrollment rates of 1.20% of 12,516, and 12,831 of total enrollments respectively. From 2014 to 2016, the highest Black enrollment rate was in 2016, with enrollment rates of 1.30% of 12,857 total enrollments, whereas Black enrollment decreased progressively from 2016 to 2018, with the lowest Black enrollment rate of 1.10% of 12,815 total enrollment in 2018.

University of Oklahoma-Norman Black Enrollment Trend
2011 Ban to Present
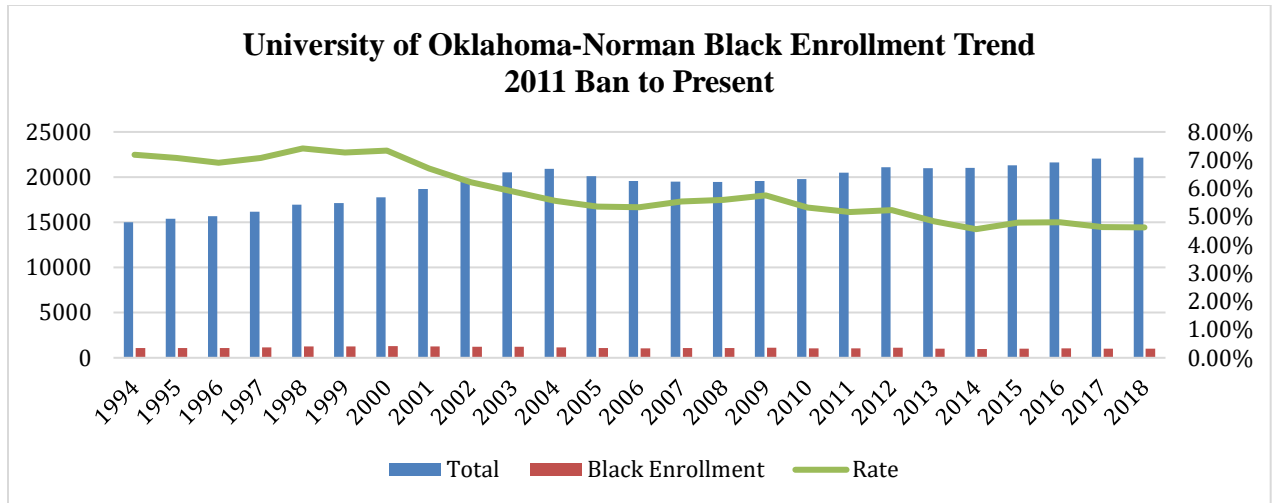
Figure 4.16 Black Enrollment Trend University of Oklahoma-Norman

The University of Oklahoma experienced a progressive decrease in the rate of Black student enrollments from 2012 to 2018. The highest numbers of Black students enrolled occurred in 2012, with an enrollment of 5.23% of the total enrollment of 21,109, whereas the rate of Black enrollments reached the lowest point in 2014 at 4.55%. Thus, the Black enrollment rate negatively impacted this university during the ban period at the University of Oklahoma.
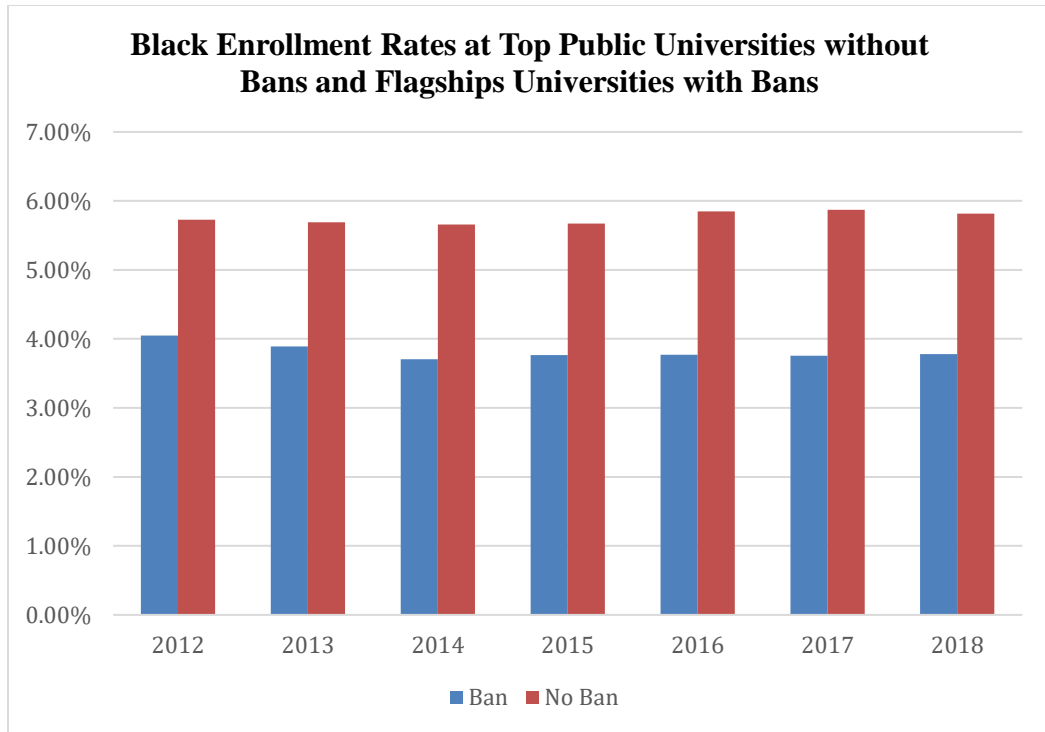
Figure 4.17 Trend in Black Enrollment at Top Universities without Bans and Flagship Universities in States with Bans

When comparing rates of Black enrollments at top-ranked public universities and flagship universities located in states with bans from 2012-2018, rates are lower when bans are present. The rate of Black enrollment in states with no ban slightly increased from 2012 through 2018, from 5.73% to 5.81%. Conversely, the state's Black enrollment rate with bans declined slightly from 4.05% through 3.78% from 2012 to 2018.

Trend in Black Enrollment Rates at Sampled Universities 1994-2018
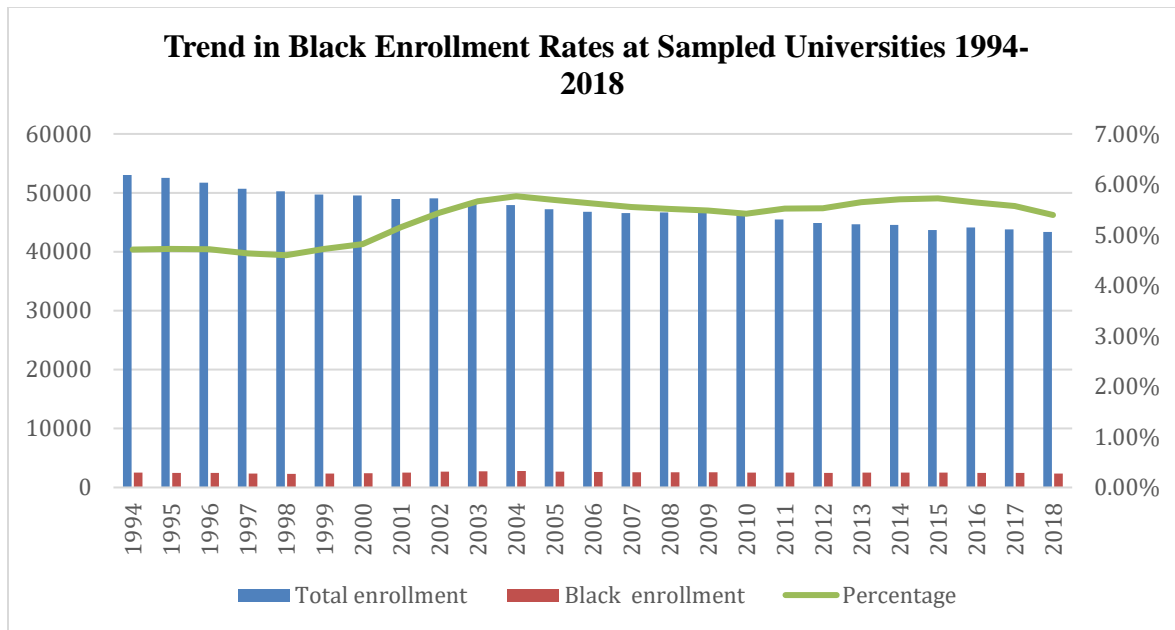
Figure 4.18 Trend in Black Enrollment at Sampled Universities from 1994-2018
Black enrollment rates reached their highest point in 2008 at 5.77%, after which they steadily declined. Black enrollment rates reached their lowest point of 4.60% in 2016, and 2018 Black enrollment rates were 4.71%

Discourse, Policies, and Outcomes from the Perspective of Practitioners

In analyzing the interviews data conducted with higher education administrators at top-ranked universities in the United States, three common themes surfaced, contextualizing how affirmative action policies function and the outcomes affirmative action policies produce. The frequent themes that emerged are:

1) There are no uniform affirmative action programs across admissions and enrollment offices in the United States or even within the same states.

2) Diversity is an overall value across institutions.

3) Measuring whether diversity efforts yield enrollment is difficult to determine.

For each of these administrators, it was clear that using the term "affirmative action" was not a widespread practice, and it is a subject that they approach gingerly. Whenever I used

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the term affirmative action in a question, the participants' responses did not include "affirmative action," but they used a different phrase instead, most often diversity or representation. "*We do not use this terminology. In both the profession and in the greater public's perspective, it is synonymous with quotas reserved or set aside seats. Most universities that had such type of programs moved away from these decades ago...after the Michigan cases if not before.*" This comment from the president of a state professional organization for admission and enrollment professionals further demonstrates uneasiness with the term "affirmative action" and the importance of the Supreme Court in shaping admission practices.

The data revealed that diversity was a core value among higher education administrators, and they were constantly seeking ways to increase diversity. These comments seem to provide evidence that abstract liberal frameworks are widespread among university administrators. What is less clear is how these values translate into policies and procedures to increase Black enrollment. A Director of Diversity and Inclusion and former Admissions and Enrollment administrator highlighted that some of community outreach events track participants' demographic data and personal identifiers. However, he commented, "*I can't say I am aware of any largescale longitudinal studies that attempt to determine if these students matriculate. In general, I do believe there is research that indicates exposure benefits these students.*" Interviewees contended that universities employ various tactics to increase diversity across departments; this is an effort by individual academic departments and administrative units. Diversity is a core value embedded in the mission statements of the university and individual departments.

The findings produced by these interviews bolster my hypotheses. Abstract liberal frameworks of diversity are the foundation of US university admission practices. No uniform

policies exist across universities, and outcomes are rarely measured. Since Black enrollment rates have continued to decline despite increasing diversity and inclusion efforts, abstract liberal frameworks do not result in substantive policies that erode racial inequality in higher education.

US Case Study Conclusion

In contrast to the findings of Grummel and Tolbert (2003), this research finds that racial threat hypothesis is not an adequate predictor in determining whether states will adopt affirmative action bans. As observed, states with the highest percentage Black population do not have affirmative action bans. As demonstrated, a chi-square test further substantiated that there is no sign of the association between the states with larger Black populations and states with affirmative action bans. Though these observations confirm that there is no relationship between the Black population and states banning affirmative action, this finding does not account for the percent of the non-white population, consisting of racial and ethnic minorities, that may be given university admissions preference. For example, Whites the percent of whites (36%) is outnumbered by the number of Latinos (37%) and Asians, a group often not underrepresented in higher education and therefore frequently ineligible for race-based diversity initiatives, make up 15% of the state. In Texas, Latinos make up 38.2% of the state's population, bringing the state's non-Hispanic white population to 41.4%. In Florida, Hispanics make up 26% of the state's population; and in Arizona, 30.7% have Hispanic or Latino origins. Interestingly, Oklahoma, New Hampshire, and Washington all have lower than the national average number of racial/ethnic minorities in their states. The proportion of the nonwhite to white population alone cannot account for state adoption of bans.

Perceived Threat

 Together with testing the racial threat hypothesis, assessing threats can add insight to factors that may influence affirmative action policy. The perceived threat of limited resources, in this case defined as having only one top-ranked public university located within the state, was not found to increase the likelihood of states adopting affirmative action. Illustrated by what the cross-tabulation test reveals, there is a relationship between having a top-ranked public university and having a state-adopted affirmative action ban. For example, 44% of states with bans (California, Florida, Texas, and Michigan) have more than one school ranked within the top 50 public universities. As demonstrated, 33% of states with bans have no top 50 ranked public universities. Although the relationship between a state having a top university and having a ban is significant, it cannot be determined whether having only one top-ranked university is a significant factor.

　　Provided that many top-ranked universities are highly desirable and have a limited number of available seats, competitiveness is also an excellent measure to test perceived threat. The average acceptance rate at flagship universities with bans was slightly higher, at 41.34%, compared to top-ranked universities in states without bans at 40.06%. Acceptance rates at universities with bans ranged from the lowest at the University of California, at 14.84%, to the highest at the University of Arizona at 84.41%. Competitiveness, measured by acceptance rates at the universities sampled in this project, was not significantly related to state's policies of affirmative action bans.

 Racial threat hypothesis measured the proportion of the state's Black population and threat measure by having only one top-ranked public university, and the low acceptance rate at flagship universities did not prove significant in this study; however, these factors should not be wholly dismissed. The sampled universities may not share the same threats that led to

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bans, but that does not suggest that threat is not significant in each case. When testing for racial threat hypothesis, states with a larger number of ethnic and racial minorities that meet the criteria for race-based affirmative action policies should be isolated. Additionally, the consideration of changing racial threat hypothesis to include other non-white groups that do not meet criteria due to overrepresentation based on proportion to the population would prove beneficial for future analysis. Also, the racial-ethnic composition itself may play an important role. According to 2019 Census projections several states, including California (-22.93%), Texas (-18.1%), Florida (-6.04%), and Arizona (-5.24%), are below the 60.1% national average. New Hampshire (+30.42%), Nebraska (18.9), Michigan (+15.07%), Washington (+8.65%), and Oklahoma (+5.57%) are above the national average. Having a white population well above or below the proportion of non-Hispanic whites to the country's proportion should be explored since all states with bans have either 5% above or below the national average.

Although it could not be determined that having only one university was related to states having a ban, the two-tailed test reveals an association with having more or fewer top-ranked universities is related to affirmative action bans; therefore, the threat may result from having top schools that are highly desired instead of a limited number of top schools. In isolation, racial threat hypothesis did not prove significant. In addition to examining the relationship of states adopting policies of affirmative action bans to population dynamics, the role of combined threats should be explored. The role of having multiple threats, including a small number or no top-ranked public school, combined with the proportion of the population eligible for race-based affirmative action policies in admissions and acceptance rates at the state's top public universities, needs to be considered. Statistically, this study underscores

that the relationship between states with bans and a top university is significant, and low

acceptance rates are not significantly related to bans. Further examination of factors that

impact affirmative action policies and their policy outcomes is needed. Extending the query

of how threat impacts policy and outcomes to discourse proves beneficial.

The role discourse plays in forming, implementing, and dismantling Affirmative action

policies in the United States cannot be understated. As evidenced in the literature review,

early affirmative action policies resulted from social/racial justice discourse frameworks that

demanded an immediate resolution to unequal access to higher education for Blacks.

Twenty-first-century discourse frameworks varied widely among US presidents. Clinton and

Obama adopted justice frameworks more than any other president. Obama also frequently

adopted abstract liberal frameworks more often than any other president. This study does not

find that Black enrollment decreases more rapidly when presidents use threat frameworks, or

conversely that their use of social justice framework results in higher Black enrollment rates.

However, the study does observe a steady increase in presidents' use of threat frameworks

corresponding with a persistent decline in Black enrollment rates at universities sampled in

this research. Although the adoption of threat frameworks by presidents cannot be contrived

as casual, the relationship should not be dismissed.

Judicial opinions are arguably the most influential factor in shaping affirmative action

policies in higher education admissions. As previously explained, court decisions in these

cases have defined the parameters of how universities can use race in admission decisions.

Gratz reaffirmed quotas as unconstitutional, while *Grutter* reaffirmed the constitutionality of

using race as a factor and the compelling interest of diversity. *Fisher I* and *Fisher II* also

reaffirmed the requirement of strict scrutiny. Undoubtedly, the majority opinion of the court

most often uses abstract liberal frameworks. Social/racial justice frameworks have not been central to judicial opinions, and threat frameworks have increased. This trend also corresponds with sharp decreases in Black enrollment rates. Like the adoption of threat frameworks by presidents, judicial opinion adoption of threat frameworks cannot be considered causal. Okechukwu (2020) points out that justices and presidents opposing affirmative action are part of the same anti-affirmative-action networks. The adoption of threat frameworks by these two groups is inevitably linked.

Ultimately, the adoption of social justice frameworks, abstract liberal frameworks, and threat frameworks by individual presidents do not correspond with Black enrollment trends under the individual administration, nor do enrollment trends correspond with frameworks adopted in the majority opinion. However, increased use of frameworks by multiple institutions does correspond with declining Black enrollment underscoring the relationship between discourse types, shaping affirmative action policies, and subsequent Black enrollment rates.

All states that have instituted affirmative action bans via ballot initiatives have adopted abstract liberal frameworks, underscoring non-discrimination without deference to the historical and present structural racism and discrimination, and without promoting material remedy to this inequality. Furthermore, threat frameworks alluding to unsubstantiated preferential treatment are also incorporated. No state ballot initiatives incorporated justice initiatives. These state bans have had a tangible impact on Black enrollment rates as a whole; the group saw more significant progressive declines in Black enrollment than top universities without bans. Although the University of Washington, the University of Nebraska, and the University of Arizona experienced increases after

implementing bans, universities located in states with larger Black populations experienced drastic declines after bans.

The University of Texas should serve as a cautionary example of the long-lasting impact of race-based affirmative action bans. UT Austin had a strict ban from 1996–2003. Total student enrollment progressively increased during this period, but Black enrollment decreased to its lowest point. The highest numbers of Black enrollment occurred before the ban's implementation in 1996, with an enrollment of 4.13% and a total enrollment of 35,489. The lowest Black enrollment occurred in 2000, with 3.40% of the total enrollment of 38,162. Texas adopted the abstract liberal framework of diversity during this period and instituted its Top 10% Rule, which aimed at capturing geographic and economic diversity and racial diversity in a colorblind fashion. Black enrollment rates at the University of Texas did increase starting in 2000. However, even when *Grutter* allowed the university to use race as one of many considerations for admissions, Black enrollment rates never reached their pre-ban rates. Black enrollment rates did rise progressively from 2000 to 2003, but not to previous ban rates. In 2021, University of Texas at Austin reduced their reservations from 10% ranked high school graduates to 6%, as approved by the Texas legislature. When policies aimed at equity are based on abstract liberal frameworks rather than social/racial justice, resulting policies do little to address racial inequality in higher education access.

Interviews with key informants underscore that the US does not have a ubiquitous university admissions affirmative action policy. Programs among universities can drastically differ. Standard features appear to have a common guiding principle of the abstract liberal framework diversity. The Office of Civil Rights and US Department of Education does not "impose any requirement beyond those required under applicable laws and regulation." Title

VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (Title VI), and the most recent Supreme Court decisions. These agencies advise that for policies to fall within the framework of law:

1) Use of race must be essential to an institution's mission and stated goals;

2) The diversity sought by the postsecondary institution must be broader than mere racial diversity;

3) Quotas are impermissible;

4) Providing individualized consideration is paramount, and there must be no undue burden on other-race applicants;

5) Before using race, there must be serious good faith consideration of workable race-neutral alternatives; and

6) Periodic reviews are necessary, and the use of race must have a logical endpoint.

(US Department of Education 2020)

Race-based affirmative action policies in the United States are difficult to operationalize, quantify and measure due to the lack of uniformity. Universities fear backlash and lawsuits as a result of policies aimed to achieve racial equity in university admissions. Initiatives aimed at increasing Black enrollment are incorporated into abstract liberal frameworks such as diversity and inclusion. Attempts to quantify the impact of these programs are limited. Throughout the 21st century, university admissions' race-based affirmative action policies in elite public institutions have transformed to an amalgamation of esoteric efforts, which have resulted in declining Black enrollment.

Chapter V: From Racial Paradise to Justice and Back Again: Affirmative Action in Brazilian Public Universities

This chapter examines the relationship between several discourses—racial threat hypothesis, social justice discourse, abstract liberal discourse, and threat discourse—and affirmative action policies and their outcomes in Brazil. This study uses population data and the dates of federal states' adoption of affirmative action to test the racial threat hypothesis. I use presidential speeches, writings, and laws to understand discourse frameworks adopted regarding race, discrimination, and affirmative action policies. Supreme Court (Supremo Tribunal Federal, STF) opinions are also assessed and categorized into frameworks. This study assesses enrollment trends among Afro-descendants in Brazil to understand how these discourse frames impacted affirmative action policies and their outcomes. This chapter's conclusion incorporates an overall analysis of the case of affirmative action in Brazil and integrates qualitative interviews to provide insight into discourse frameworks and trends, as well as the outcomes of affirmative action policies.

The question used to assess the racial threat hypothesis in the case of Brazil's affirmative action policies is: "Are states with a higher proportion of Blacks less likely to be early adopters of affirmative action policies?". This question was tested using a Spearman's rho significance test using two variables: the year affirmative action commenced and the Black population in the region. Afro-descendants in Brazil can hardly be considered a racial or ethnic minority by numbers, but white Brazilians still dominate political institutions; therefore, the racial threat hypothesis can still provide insight into factors that contribute to affirmative action policy outcomes. Essentially, this section will determine if states with larger numbers of Blacks were less or more likely to adopt affirmative action.

To better understand the relationship between the president's discourse and affirmative action policies and outcomes in Brazil, I conducted discourse analysis. Black enrollment was analyzed under each administration. Presidential discourse has been divided into three frameworks: social/racial justice, abstract liberal, and threat. I entered text from speeches, writings, interviews, and laws into NVivo to produce a word frequency. I produced word clouds and treemaps to illustrate common themes, and I calculated each framework's frequencies.

For STF judicial opinions, I repeated the same process as above by entering opinions into NVivo, and then producing word clouds and treemaps to find common themes, use the study's frameworks to categorize themes, and calculate framework frequencies. I drew on these frequencies, along with Black enrollment trends, to determine how these opinions have shaped affirmative action policies and their outcomes. Specifically, this data is used to answer the question, "What impact do discourse frameworks adopted by the STF have on affirmative action policies and subsequent Black enrollment?"

Next, I conducted discourse analysis on federal and state legislation and university resolutions to better understand how the adoption of discourse frameworks in legislative acts has impacted PPI enrollment/reservations in public universities. This data provided insight into the relationship between legislation and affirmative action outcomes. I did not conduct an analysis of Black enrollment trends at the state level but rather at the federal level for all public universities in Brazil. I utilized this data to assess the impact of affirmative action policies on the proportion of PPI reservations to PPI within the state. To further elucidate the impact of frameworks found in legislative acts and resolutions, this section uses this data to observe national trends in Black enrollment at public universities in Brazil.

Lastly, this chapter will summarize the findings from the research questions presented above and provide an overall analysis of affirmative action policies in Brazil. It will also analyze the impact of presidents' discourse frameworks and legislation and how these discourses shape affirmative action policies and their outcomes. This section will incorporate the findings from qualitative interviews, which provide context to Brazil's discourse framework shifts and how affirmative action policies function.

Racial Threat Hypothesis, Threat, and Affirmative Action Policy

The relationship between a larger number of Blacks and states' early adoption of affirmative action policies was used to test the racial threat hypothesis. The formulated hypothesis used to test this relationship was: States with a larger relative Black population were less likely to be early affirmative action adopters. The test found that the percent of the state's Black population is not a significant factor in being an early adopter of affirmative

			Year Affirmative Action Commenced	Percent Black Population in State/Region
Spearman's rho	Year Affirmative Action Commenced	Correlation Coefficient	1.000	-.012
		Sig. (2-tailed)	.	.938
		N	48	48
	Percent Black Population in State/Region	Correlation Coefficient	-.012	1.000
		Sig. (2-tailed)	.938	.
		N	48	48

Figure 5.1 Correlation between Proportion of Population PPI and Early Adoption of Affirmative Action Policy
From Figure 5.1, the Spearman rho's correlation coefficient between early adoption of affirmative action and percent Black in the state or region. The result showed no significant (p-value = ≥0.05) association between early adoption of affirmative action and the percent of the Black population in the state or region.

Brazilian Presidents, Discourse Frameworks, and Affirmative Action Policies

As Brazil transitioned from a military regime to a democracy, political leaders including presidents had to reckon with the requisites of full citizenship rights required for a democratic country. As political leaders eased censorship in the 1970s and 1980s, activists bolstered by social science research highlighted material racial inequality and by the 1990's the issue of racial inequality had become more visible as activists became equipped with statistical data which reinforced their claims of racial equality (Paschel 2016,). The national Black Movement's agenda advocated reparatory and affirmative action measures to which the urged presidents responded (Daflon, Feres Júnior, and Campos 2013, 302-327). In the early 21st century, racial democracy remained heavily steeped throughout Brazilian society, and the presidency was no exception. As activist demands grew, Brazilian presidents incorporated justice frameworks until Bolsonaro when, in a backlash against progressive politics that addressed social and racial inequality, the presidency frequently adopted threat frameworks.

Discourse Framework Frequency by Presidential Administration			
	Justice	Abstract Liberal	Threat
Cardoso	15	11	0
Lula	223	58	0
Rousseff	12	8	0
Temer	4	2	7
Bolsonaro	0	2	9
Total	254	71	16

Table 5.1 Brazilian Presidents' Discourse Frameworks

The frequencies of the use of discourse framework types by Cardoso, Lula, Rousseff, Temer, and Bolsonaro were used to contextualize the relationship between discourse and affirmative action policies and black enrollment outcomes. Table 5.1demonstrates that social justice frameworks have been adopted the most in Brazil (254). Threat Frameworks were least often adopted and only adopted by Bolsonaro (9) and Temer (7). Except for Bolsonaro, social/racial justice frameworks were used.

My analysis used discourse framework types by Brazilian presidents Cardoso, Lula, Rousseff, Temer, and Bolsonaro to contextualize the relationship between presidential discourse, affirmative action policies, and Black enrollment outcomes. Table 5.1 demonstrates that social justice frameworks have been adopted the most in Brazil (254). Threat frameworks were least often adopted and only adopted by Bolsonaro (9). Except for Bolsonaro, social/racial justice frameworks were used most often by each president, with Cardoso (11) and Rousseff (8) using these frameworks in a more significant proportion than other presidents.

Fernando Henrique Cardoso 1993–2003

Cardoso's presidency helped usher in a new era of racial politics in Brazil by acknowledging the existence of racial inequality. A social scientist who completed his thesis on racial segregation, President Cardoso, was incredibly informed on Brazil's racial inequality. Cardoso used justice frameworks as he campaigned on championing racial equality. However, he often simultaneously adopted abstract liberal frameworks. For example, one of his most notorious statements on race is "I have one foot in the kitchen,"[11] meaning that he too, has African roots reinforces the myth of racial democracy. However, in a 1996 speech, Cardoso does what no previous Brazilian president has done: accept that racial inequality exists in the nation.

> Here in Brazil we constantly live with and are surrounded by prejudice and discrimination. Discrimination in our society has long been consolidated and is constantly reproduced. This situation must be brought out into the open so that we can condemn it, and not merely with words but also through mechanisms and processes that will lead to a transformation of our society into one where truly democratic relations among different races, classes, and social groups can abound. (Cardoso 1997)

The first of race-based affirmative action programs which targeted underrepresentation in the civil workforce were initiated under Cardoso. "We need a diplomatic corps that reflects our multicolored society, that will not present itself to the outside world as if it were a white society, because it isn't," proclaimed Cardoso.[12] The use of Justice frameworks is further evidenced in Cardoso's administration as the Minister of Agrarian Development,

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[11] (Brooke 1994)

[12] 1 "Discurso do Presidente da Rep6blica, Fernando Henrique Cardoso, na cerim6nia de entrega do Premio Nacional de Direitos Humanos-Palacio do Planalto," 19 December 2001

Constitutional Court, and Ministry of Justice announced the adoption of racial quotas for employment positions in their respective agencies.[13]

However, Cardoso's legacy on advancing racial equality in higher education centers around his ambivalence, and this is demonstrated in his frequent use of justice discourses that nearly equaled his use of abstract liberal discourse frameworks. Cardoso's attempt to find a middle ground between those resistant to drastic social change and the demands of Black activists is summarized by a 1996 *Wall Street Journal* article, "In the face of such constraints, President Cardoso has called for policy makers to display 'creativity' in tailoring policies for Brazil. The least controversial formula is simply strengthening generic antipoverty programs, since being black and being poor are nearly synonymous here. A range of proposals cover education, from study programs for black students taking college entrance exams to race-based scholarship funds" (Moffet 1996). Yet, Daflon, Feres Júnior, and Campos (2013) note the subsequent statement by Cardoso became a refrain for opponents of race-based affirmative action. Brazil "should look for solutions that are not a simple copy or repetition of solutions designed for other situations in which prejudice and discrimination are present, but in a context different from ours."[14] Under Cardoso's tenure, no federal university affirmative action policy was passed or adopted. States and universities would pass affirmative action plans during Cardoso's presidency, yet they were not implemented.

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[13] Ministerio da Justica 2001 Relat6rio do Comite Nacional Para a Preparafao da Participacao Brasileira na III Conferencia Mundial das Nacoes Unidas Contra o Racismo, Discriminacdo Racial, Xenofobia e Intolerancia Correlata. Brasilia: Ministerio da Justica.
Ministerio da justica 2001 2002 Programa Nacional de Direitos Humanos. Brasilia: Ministerio da Juicia.

[14] Quoted in Jessé Souza, ed., *Multiculturalismo e racismo: uma comparação Brasil–Estados Unidos* (Brasília: Paralelo 15, 1997), 15.

Nonetheless, Black enrollment rates increased at the end of his administration by 2.6% from 2001–2003.

Figure 5.2 Cardoso Word Frequency
Cardoso used social/racial justice frameworks most often (15), followed by abstract liberal frameworks (11). Threat discourse frameworks were not used by Cardoso.
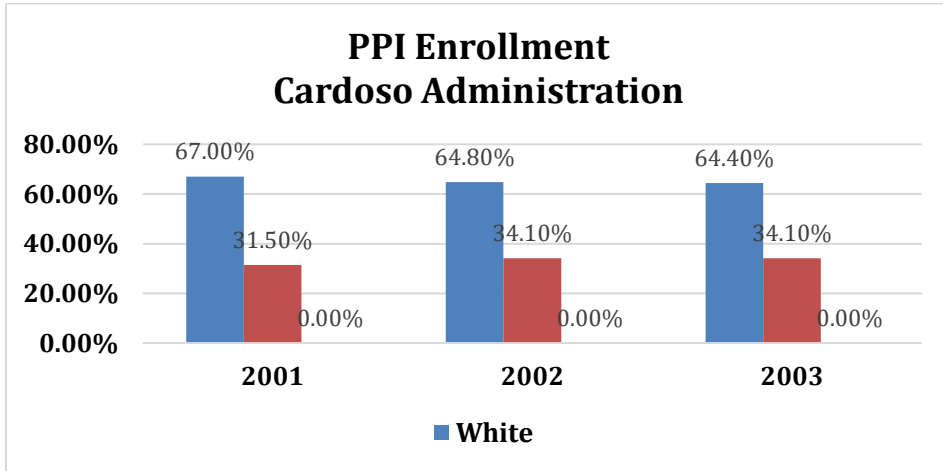
Figure 5.3 PPI Enrollment During the Cardoso Administration
PPI enrollment rates progressively increased under Cardoso. From 2001-2003 rates increased by 2.6%.

Luiz Inácio da Lula da Silva 2003–2011

As a member of Brazil's leftist Worker's Party social inequality was always the center of Lula da Silva's political platform, and so was the adoption of justice frameworks. Lula's own identity as an outsider from the northeast (a region known for its backwardness and miscegenation) was often evoked as he promoted racial equity policies. Heringer (2001) observes that the Worker's Party was initially skeptical of race-based affirmative action plans. Though Lula widely supported racial equality efforts, these policies resulted from Black activists' gains pushing their platform within the party and increased black representation in elected offices (Daflon, Feres Júnior, and Campos 2013, 302-327). Dos Santos and Anya (2006) note that Lula went further than his predecessor by acknowledging discrimination and implementing policies to combat it. For example, Lula's use of justice frameworks clearly articulated that widespread racial inequality was an urgent problem in Brazil. On several occasions, his remarks touted statistics that highlighted the disproportionate unemployment and poverty among *pardos* and *pretos* as a consequence of racism and discrimination.

To demonstrate further, Lula articulated that racial inequality in Brazil is cruel and unjust" and persists in the absence of public policies created to eradicate it. Lula asserted that the Brazilian government should not remain neutral on issues of race and racism. Instead, it should actively ensure that all Brazilians are granted equal opportunities in the pursuit of a better life. Justice frameworks are woven throughout Lula's speech, executive acts, and legislation. Many of Lula's actions to combat racism specifically targeted the sector of education. For example, in 2003, he announced the creation of the Special Secretariat on Policies to Promote Racial Equality (SEPPIR), and he signed Law no. 10.639, 2003, which mandated the teaching of Afro-Brazilian history and culture. Additionally, in January 2005,

the government created the University Program for All (PROUNI), which targeted private

colleges by offering them federal tax exemptions and funding in exchange for scholarships

that cover tuition and a modest stipend for poor students and reserved seats for *pardo*, *preto*,

and *indígena* (PPI) students. Even though a federal university quota law was not

implemented under Lula, a precursor to Restructuring and Expansion of Federal Universities

(REUNI) was implemented in 2010. Black enrollment at public universities grew over 10%

during Lula's two terms.

Figure 5.4 Lula Da Silva Word Frequency

Da Silva adopted social/racial justice frameworks (223), most often followed by abstract liberal frameworks (58). Threat frameworks (0) were never adopted by da Silva.

Figure 5.5 PPI Enrollment During the Da Silva Administration
PPI enrollment increased progressively under da Silva's administration from 2003 (34.10%) to 2011(44.36%). Overall, PPI enrollment grew by 10.26% during this time.

Dilma Rousseff 2011–2016

Dilma Rousseff seemingly supported policies that furthered racial equality in higher education like her predecessor, but her administration defunded agencies tasked with enforcing racial equity polices. As illustrated in Table 5.1 she adopted justice frameworks more than others, she discussed racial equity to a way lesser extent than Lula da Silva. She also adopted justice frameworks while promoting these policies; yet abstract liberal frameworks often accompanied her discourse. An example of this can be seen in her 2014 address to the United Nations.

> promotion of racial equality aims to rescue Brazilians of African descent, who represent more than half of our population, from the consequences of centuries of slavery to which they were subjected. We own them our rich and permanent legacy of cultural, religious, and human values. To us, racial miscegenation is a matter of pride. Racism

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is not only a heinous crime, but also an outrage against which we must not save efforts to punish and eradicate.[15]

This quote demonstrates that while admonishing racial discrimination, Rousseff promoted the nations' value of miscegenation.

Furthermore, Rousseff clearly attempts to assuage threat fears by broaching meritocracy, a frequently used threat frame. As she stated, "There are two challenges. First, we need to democratize the access to universities, second, we need to achieve this by maintaining a high level of education and meritocracy." Federal Quota Law 10.711 2012 was adopted under Rousseff's administration. Though she supported racial quotas, her later embrace of abstract liberal and threat frames perhaps marked an end of an era. Though Black enrollment rates increased by 6% during Rousseff's administration, a 1.6% decreased occurred during her last year in office.

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[15] Rousseff, Dilma Speech by President Dilma Rousseff on the occasion of the General Debate of the 69th General Assembly of the United Nations – New York, September 24th, 2014

Figure 5.6 Rousseff Word Frequency

Rousseff used social/racial justice frameworks most often (11), followed by abstract liberal (8). Rousseff never adopted threat frameworks (0).
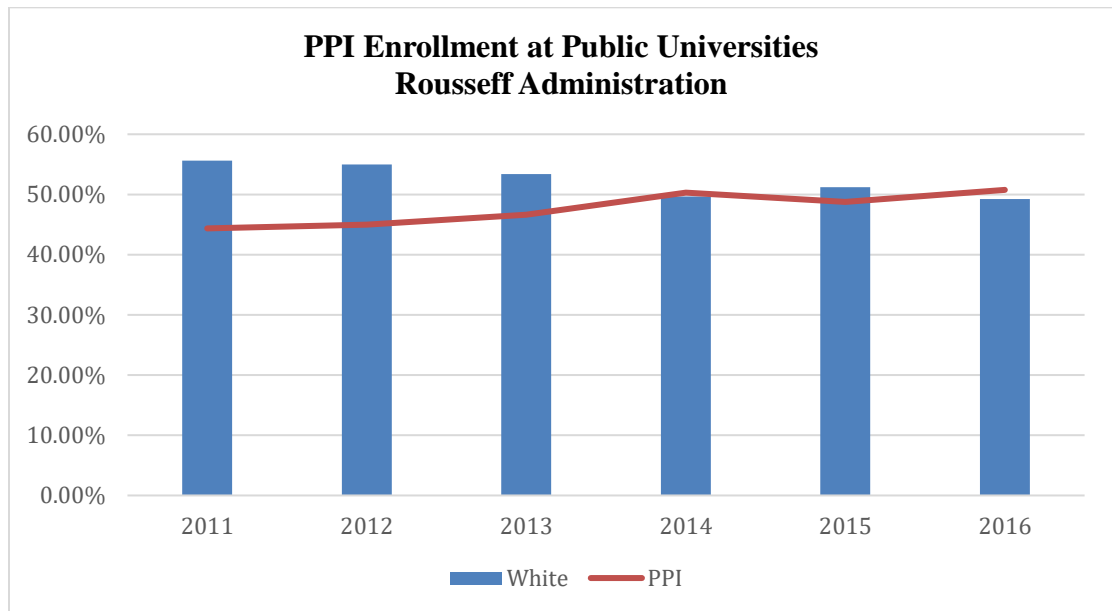
Figure 5.7 PPI Enrollment under Rousseff's Administration

PPI enrollment increased from 2011 (44.36%) to 2016 (50.76%) from 2011–2016. Between 2014 and 2015, PPI enrollment rates decreased by 1.5%, but an overall increase of 6.5% occurred during this period.

Michel Temer 2016-2019

Temer of the Brazilian Democratic Movement Party (PMDB) ascended to the

presidency using abstract liberal frameworks and threat frameworks such as promising a

return to Brazil's founding principles of "order and progress."[16] In the name of austerity,

Temer reduced the number of ministers from 31 to 22, and many of the previous racial

equality programs and efforts introduced under the Lula and Rousseff administrations were

repealed. Rights activists and international media also noted all of Temer's appointed

ministers were white men, which had not been the case since 1979 (Koren 2016). During an

address to the UN, Temer condemned racism and xenophobia and promoted the value of

access to education.[17] His UN statements contradicted his administration's actions to promote

known racists to minister positions,[18] reduce the public education budget, and eliminate

cabinet positions crucial for ensuring racial equality.

 Regarding racial quotas, Temer's administration actively worked to dismantle civil service

and university quotas, though Temer himself chose not to pursue lawsuits against them. He

continued to publicly affirm racial quotas: "We are making available 30% of the vacancies of

internship at the Federal Government [Exclusive for black people] we're giving more

opportunities for a part of the population that faces a well-known historical hardship."[19]

Temer did not join his cabinet members in actively supporting lawsuits against university

affirmative action. However, his elimination of Ministério de Mulheres, Direitos Humanos e

Igualdade Racial (Ministry for Women, Human Rights and Racial Equality) dealt a blow to

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[16] Speech by President of the Republic Michel Temer during event on May 16, 2016: Brazil is Back

[17] Brazilian President Michel Temer U.N. General Assembly Address September 20, 2016

[18] Quilombolas, Indians, gays, lesbians, are everything that are of no use," Statement by Luis Carlos Heize, the Minister of Agriculture of the Michel Temer administration

[19] President Michel Temer signs decree reserving 30% of public service vacancies for Blacks June 28, 2018

federal oversight of Law 10.711. As Caldwell (2017) points out, this ministry collapsed

several ministries, including SEPPIR (Secretariat for the Promotion of Racial Equality

Policies) and the SPM (Secretariat for the Promotion of Women's Policies). In 2012, the

Ministry of Education specifically charged SEPPIR as one of the agencies responsible for

oversight of the Federal Quota law. Despite the Temer administration's scaling back on

efforts to increase racial equality in higher education, Black enrollment rates still increased

marginally by 1.92 % during his tenure. This is a drastic decline in Black enrollment rate

increases compared with his predecessors.

Figure 5.8 Temer Word Frequency
Temer most often used social/racial justice frameworks (4). He did not adopt abstract liberal (2) frameworks or threat frameworks (7).

PPI Enrollment at Public Universities
Temer Administration
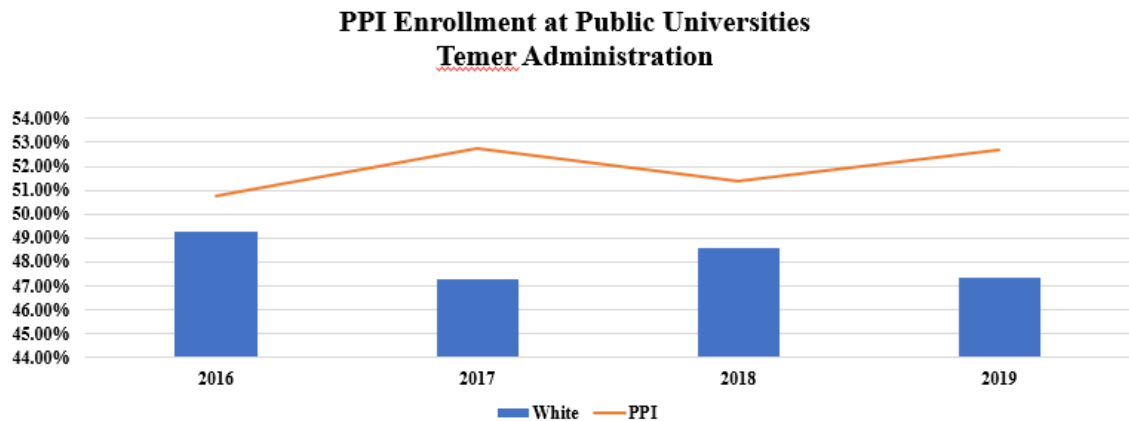
Figure 5.9 PPI Enrollment Rates under Temer's Administration
PPI rates grew from 2016 (50.76) to 2017 (52.73%), followed by 2018 with an enrollment rate of 51.40% in 2018 and 5268 in 2019.

Jair Bolsonaro 2019–Present

Bolsonaro's presidency and its position on racial equality stands in stark contrast to the earlier 21st century Brazilian presidents. The current Independent (former Social Liberal and Social Christian) frequently adopted threat frameworks throughout his campaign and presidency. Videos of Bolsonaro's inflammatory language on Blacks, indigenous people, and gays and lesbians can be retrieved throughout the internet, though he dismisses much of it as fake news. On the topic of racial equality, Bolsonaro is clear that efforts to achieve it are a threat. In 2011, while senator, in a now-infamous interview with entertainer Preta Gil he insinuates that dating an Afro-Brazilian woman denotes promiscuity and asserts he would not get on a plane flown by a pilot that was a beneficiary of racial quotas.[20]

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[20] 'Resposta de Jair Bolsonaro para Preta Gil no CQC (sem cortes)', at https://www.youtube. com/watch?v=lkZv3iyZdkA.

Additionally, Bolsonaro's use of threat discourse and abstract liberal frameworks are noted in his comments: "When I talk with an Afro-descendant and discuss the quota situation, which I'm absolutely against…, I ask 'Am I better than you?' and he says 'no' – 'so why do you like quotas? We are absolutely equal, I'm not guilty for being born with a blue eye." The previous statement demonstrates that he completely dismisses current and past discrimination and inequality faced by Afro-Brazilians. "Is it fair if my daughter enters university by quota? My father-in-law is black (…) what historical debt? Have I enslaved anyone in my life? This statement also introduces the threat of fraud because, as a result of miscegenation, all Brazilians have Afro-descendant claims. Data on Black enrollment rates during the Bolsonaro years have yet to be released.

Figure 5.10 Bolsonaro Word Frequency
Bolsonaro used threat frameworks most frequently (9), followed by abstract liberal frameworks (2). Bolsonaro never adopted social/racial justice frameworks before 2018.

Figure 5.11 PPI Rates During the Bolsonaro Administration
Black enrollment rates were (52.68%) in 2019.

To conclude this section, discourse frameworks in Brazil have varied widely from 2000-present. Cardoso's acknowledged racial inequality was a first for a Brazilian head of state. Under Lula and Rousseff, the acknowledgment was coupled with affirmative action in higher education to mitigate racial inequality. Black enrollment between the years 2003 to 2008 was 36.41% before enrollment; however, this data combines *pretos* and *pardos*. The average rate of Black enrollment between 2009 and 2011 is 11.59%, the seemingly sharp decline in the rate of Black enrollment from 2008 to 2009 (*pardo* and *preto* began to be reported separately in these years). During Rousseff's administration, the average rate of Black enrollment between 2011 to 2016 was 10.98% compared with the enrollment of *pardos* and whites. PPI enrollments during the Michel Temer administration paled in comparison; they only grew by 1.9%. The average Black enrollment rate between the year 2016 to 2018 was 11.74% compared with *pardos* and white enrollment—the average Black enrollment rate between the year 2019 to 2018.

Brazilian Judiciary, Discourse Frameworks, and Affirmative Action Policies

This study considers discourse frameworks adopted by the courts to contextualize their role in shaping affirmative action policies and their subsequent outcomes by observing the frameworks adopted in judicial opinions in the STF ADPF 186, 2012 and ADI 3.3300 2012. Even though university governing bodies, state legislatures, and federal legislatures passed affirmative action bills, arguably, court decisions were crucial to affirm their legitimacy. Brazil's most notable affirmative action case was ADPF 186/2012 *Action of Brazil's Democratic Party v. Quotas of the UNB and in Brazil* (2012). University of Brasilia's (UnB) admissions practice of racial quotas was at the center of this case. UnB's policy reserved 20% of the seats for *pretos*, *pardos*, and Indigenous (PPI) students (Alvarado, 2012(Penha-Lopes 2017,)). Plaintiffs adopted abstract liberal frameworks and invoked article Article 5 of the Constitution: "All are equal before the law, without distinction of any kind, and Brazilians and foreigners residing in the country have ensured the inviolability of the right to life, liberty, equality, security, and property." However, UnB adopted justice frameworks in their argument. The university's argument centered on access to education for all citizens as justice and racial quotas as a necessary mechanism to ensure justice— therefore, the justice framework was used.

Further evidence of the use of justice frameworks is the court's assertion that universalist policies will not achieve material equality because they do not account for groups' relative position. Most importantly, the court's opinion acknowledged past use of distributive justice and affirmed the appropriateness of redistributing assets and opportunities for the larger benefit of society as a whole. The court acknowledged public universities as
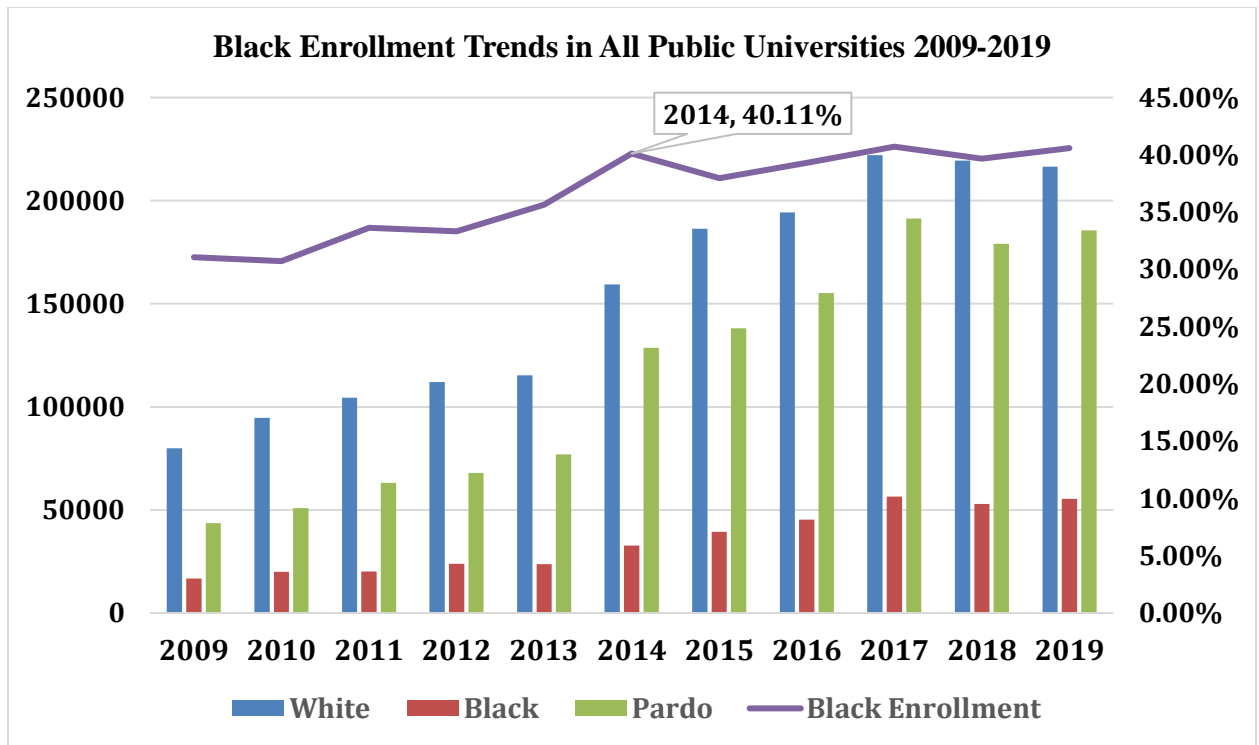
autonomous governing and underscore this comes with an obligation to be accessible to all otherwise, universities will merely reinforce inequality.

An additional court case related to affirmative action. In 2012, STF decided another case in which the justice frameworks adopted upheld racial quotas as an instrument of justice. *ADI 3,330, Direct Claim of Unconstitutionality, 2012,* filed by the National Confederation of Education Institutions and the Democratic Party, claimed ProUni violated the separation of powers, specifically university autonomy. ADI3.330, also known as the ProUni case, focused on a law that allotted funds for low-income students to private universities on the condition that these universities reserve a percent of the funding for scholarships for PPI students and students with disabilities. Additional evidence of justice frameworks adopted by the court is evidenced in the rapporteur's statement: "a kind of payment (albeit late and insufficient) of the fraternal debt that the country contracted with Afro-Brazilians in the ignominious centuries of black slavery." Though this case does not focus on public universities, it establishes racial quotas as restitution necessary for equality.

Discourse Frequency Adopted in ADI 3.330 and ADPF 187 2012			
	Social Justice	Abstract Liberal	Threat
ADI 3.300	20	12	0
ADPF 187	49	13	0
Total	69	25	0

Table 5.2 STF Discourse Frameworks Frequency
STF adopted social/racial justice frameworks most often, followed by abstract liberal frameworks (25); threat frameworks (0) were not adopted by the court.

Figure 5.12 2012 STF *ADI 3.300 /ADPF 187/2012* Word Frequency
The court established the constitutional legitimacy of redistributive practice in the form of affirmative action.

The STF, the highest Brazilian federal court, most often adopted social/racial justice discourse (69). Abstract liberal discourse frameworks had a frequency of 25, and threat frameworks were never used. Black enrollment rates continued to grow following the ADPF 187 court case and the ADI 3.330 case, though they declined in 2017. Discourse frameworks used in these cases can be evidenced by Justice Lewandowski, the rapporteur for ADPF 187 2012. He evoked the principle of equality, as defined in the Magna Carta. He moved from this abstract liberal framing to justice, a justice framework, as he discussed the concept of formal equality versus material equality. Lewandowski underscored that formal equality refers to equal treatment and would result in material equality that can be achieved through affirmative action.

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Figure 5.13 PPI Enrollment Rates Before and After ADI 3.330 and STF ADPF 187
PPI enrollment has had an overall increase (7.77%) since the STF decided ADI 3330 and ADPF 187 in 2012. PPI enrollment rates were 44.36% the year before the case (2011), and 2019 PPI enrollment rates were 52.78%

Interviews and Focus Group Findings

In Brazil, I conducted interviews and focus groups to assess the study's research hypotheses: discourses are a better indicator of affirmative action policies and outcomes than racial threat hypothesis and discourses that directly address current and past racial inequality. Thus, highly centralized programs with strict federal controls are more effective, reliable, and transparent. Ultimately, the interview findings revealed that racial threat hypothesis was not crucial in determining support for affirmative action policy and that social justice frameworks have permeated Brazilian society. Social justice frameworks are no longer

isolated to activists and academics, and the Brazilians I interviewed believe that affirmative

action programs are largely effective. Participants were frequently eager to inform me that

Now even white people support affirmative action for Blacks. One graduate student said in

jest *White folks are now "quota police."* I interpreted this to mean that quota has become an

institution that even white Brazilians find a value you in ensuring its integrity. (Bailey,

Fialho, and Peria 2018, 765-98) also found in his experimental study on white support for

affirmative action, that racial threat was not a factor in supporting affirmative action.

Moreover, discourse frameworks have and continue to be important factor in the

social ordering of race and its implications for access to education in Brazil. the research

question—"How do justice, colorblind, and threat framework discourses adopted by

presidents, legislative bodies, ballot initiatives, and federal courts affect the types of

affirmative action programs implemented?"— was used to guide the interviews. Specifically,

journalists, black activists, and union members were asked to detail the trajectory of quota

laws from their inception to their implementation as laws. Respondents made clear that this

process resulted from decades of work that took root long before the start of the 21st century

and that activists alone deserve credit. For example, one journalist elaborated that, *unlike in

the United States, Blacks in Brazil are not a contingent of a single party, and no political

party in Brazil has Black rights at the center of their platform*; according to this individual, it

was the clever maneuvering of activists that resulted in cornering policymakers to add race to

social quotas. He further added that *addressing social [economic] inequality was at the

center of the political discussion and that racial equality was merely tangential*. A lawyer

who worked on Rio State Laws n. 4.151 of 2003, the first state law to implement racial

quotas in universities, echoed this by underscoring that *the previous iteration of the law only

included social [economic] quotas without consideration for race. In essence, participants articulated a focus on distributive economic justice in the early 21ˢᵗ century. Afro-Brazilian activists and legislatures have continued to assert that without policies that specifically target racial inequality, social equality policies in isolation will fail. Ultimately, interview data revealed that though justice frameworks are often observed in other data, the assumption that these have become a fixture in Brazilian political institutions is false.

The interview data was also used to clarify whether federal quota systems or decentralized frameworks more effectively decreased racial inequality, as indicated by increased Black enrollment. Respondents provided positive assessments of racial quota laws. A university physics professor declared "*things had changed from when [he] was the only one at the university."* He further noted his delight at seeing groups of Black students congregate on campus. However, when I probed further about how affirmative action programs function in Brazil, it was observed that confusion existed between state law and federal law and changes in reservation allotments.

The Return of the Mulatto Escape Hatch

Questions about who is entitled to racial quotas remained persistent, resulting in an old debate on defining race in Brazil. In a nation like Brazil with a mixture of races, the definition of racial terms and what "qualifies" a person as a member of one race or another is a subject of fierce debate that runs through affirmative action policies (Kent and Wade 2015). Since the period of racial democracy postulated that all Brazilians were mixed-race, disentangling what it means to be Afro-descendant became difficult; therefore, *preto* and

pardo are the groups that qualify for quotas. Edward Telles (2006) elaborates that *pardo* and *moreno* are interchangeable terms that do not necessarily indicate one's ancestry.

Telles (2006) provided an example of how someone with European ancestry alone could self-describe as *pardo* because of suntanned skin. As prior discussion indicated, mulattos enjoyed a degree of social mobility as opposed to non-mixed-race Afro-descendants. Thus Deglar's "mulatto escape hatch" has resurfaced as a manner to question their entitlement to quota. Lastly, even after *preto* and *pardo* were accepted categories for racial quotas, the category *pardo* became the center of a discussion about quota fraud.

Researchers examined the relationship between genetic testing and racial and social identity. They noted that genetic testing was often mandated to determine a person's racial identity for affirmative action purposes. They found that Black citizens rejected the idea of genetic testing, saying that race in Brazil is a social, not a genetic classification, and is based on appearance more than anything else (Kent and Wade 2015). Apart from this, Garcia-Navarro (2016) notes that specific commissions were set up in Brazil to determine persons' race when it was in doubt. Such classification was needed to determine if an individual was eligible for preferential treatment under affirmative action. DNA testing frequently produced different classifications than the individuals' self-identification (Garcia-Navarro 2016). Affirmative action policies, to be effective, must use clear definitions of racial categories.

Francis-Tan and Tannuri-Pianto (2015) note that the University of Brasilia implemented racial quotas for admission and allowed applicants to self-identify by race. The researchers noted this had caused an increase in the number of applicants who classified themselves as Black because there was a 20% Black admission quota. In agreement with the sentiments expressed by Kent and Wade, Francis-Tan and Tannuri-Pianto (2015) noted that

in Brazil, race was as much a construct of social identity than of biology. In a country where seemingly, everyone has some elements of all three races (white, Black, indigenous) in their genetics, and appearances vary across a broad spectrum, racial self-identification is often the norm (Francis-Tan and Tannuri-Pianto 2015). Coverage of genetic test results also sparked debate and, what was perceived as, a smear campaign against affirmative action.

Affirmative action opponents used examples of "fraud" as proof that race-based affirmative action does not belong in Brazil. As in other countries where affirmative action has been implemented, in Brazil, one of the strongest objections to it has been that students admitted under racial quotas would not perform as well as those admitted by merit. Valente and Berry (2017) sought to find out if this was, in fact, the case. Using standardized exam scores given to university students over four years, they found that students admitted to public universities under affirmative action programs were the same as those admitted under traditional methods. Students admitted to private universities under racial quotas performed slightly better than their traditionally admitted counterparts. The premise that students admitted under racial quotas would perform worse than traditionally admitted students was thus disproved (Valente and Berry 2017).

Initial affirmative action studies on higher education in Brazil focused on the normative questions of if and how programs should be constructed. The extent to which race should be a consideration was highly debated. As mentioned above, scholars believe the winds have shifted, and most Brazilians now believe that Afro-descendants have a right to quotas. Yet, the trajectory of affirmative action in the United States serves as a harbinger to Brazil, given that its two most recent conservative presidents have not supported race-based affirmative action.

Though not a common theme found in the focus group and interviews when the question of fraud was asked, twice, responses centered around *pardos*. Given Brazil's history of racial democracy and how colorblind frameworks were imbued in every institution at every level of society, the shift to adopting a policy that hinges on racial classification would never be without difficulties (Marteleto 2012, 337-358; Santos, Augusto, and Anya 2006, 30-48; Schwartzman 2008, 27-47). Many interviewees acknowledged there were cases of fraud, but fraud was not widespread. Moreover, at least one interview suggested the mere mention of fraud was a signal of accepting the machinations of affirmative action opponents. When I brought this topic up, the previously mentioned lawyer retorted that those opposed to affirmative action are the ones who assert that there is a problem with fraud. He further suggested that I review the data I had just referenced which cited the significant increases in Black enrollment. Indeed, opponents of race-based affirmative action policies pointed to fraud cases as proof that Brazil is not a country in which such distinctions are viable.

Not all participants were as emphatic as the lawyer about the success of quota policies, but they all expressed cautious optimism. When asked, "What changes can be made to improve affirmative action policies in Brazil?", common responses included providing more support services for quota students and increasing Black faculty and staff. The theme of *pardos* and racial ambiguity surfaced twice. As one professor stated, "The problem is with *pardo*." He insisted that quota fraud is a by-product of ambiguity, saying, "Only those that are unequivocally *pretos* ought to have the right to racial quotas." When I asked the group if they agreed, a long uncomfortable silence was observed. I interpreted this silence to mean that there was not unanimous agreement among the group and that the idea is contentious.

To reiterate, as Telles (2006) noted, *pardo* is a catchphrase that includes Indigenous people, people of Asian descent, mixed-race African descendants, and whites after spending the day on the beach. If most Brazilians can point to having some African descendant lineage, perhaps self-selecting pardos obfuscate the impact of race-based affirmative action policies. The Brazilian government has enacted measures to reduce quota fraud, including adopting commissions made up of university administration and faculty who adopt procedures to curb fraud. These procedures may include submitting a photograph along with eligibility documents and having an in-person interview. The parameters for who qualifies as a *pardo* are ambiguous. The criterion of being a public-school graduate, coupled with joint fraud prevention efforts, helps to ensure the intended population is occupying the reservations.

Given the ambiguity of *pardo*, a better indicator of the gains made to close the racial inequality gap would be the increase of *preto* enrollment. *Pardo* enrollment in 2018 had drastically increased since 2009 by 9.5%, while *preto* enrollment has not increased a full percent (0.17%). Inarguably, affirmative action policies in Brazil close the social and racial inequality gap, but perhaps the increasing rates for *pardos* overshadow the minuscule increases gained by *pretos*. Furthermore, when I inquired about outcomes by asking the question, "Are quota programs benefiting the students they were designed to target?" I observed uneasiness.

Data from the interviews also revealed that quotas are active in shaping racial identity. One nanotechnology student recounted how his teacher made him aware of his eligibility for consideration as a quota student. He remarked that a heaviness came over him when he marked the box for consideration via racial quota reservation on his ENEM

application; what he had always known his entire life but never able to articulate was made clear: "When you check the box for racial quota, you are accepting everything that comes along with it." This finding supports Bailey's finding that affirmative action policies change racial identification in Brazil (Bailey 2008, 577-614; Nobles 2000,). In summation, Brazil's history of racial democracy, Brazil's national myth that all Brazilians are a result of race-mixture, and the nation's predilection for ambiguity which allowed terms for "brown" to be a catch-all category have lingering consequences in the 21st century with the occurrence of quota fraud. However, racial quotas are changing identity in Brazil, and racial consciousness is permeating Brazilian society.

Brazilian Acts, Discourse Frameworks, and Affirmative Action

This section analyzes the relationship between discourse frameworks adopted in resolutions and legislative acts to contextualize how they have shaped affirmative action policies and outcomes by observing the types of discourse frameworks adopted and their impact on black enrollment rates. By design, legislative acts and resolutions affirm the racial quotas necessary to achieve racial and social equity. Legislative acts are structured to produce policies that reserve seats for PPIs. Subsequently, PPI reservations at federal universities nearly match the proportion of PPIs in the region. On the other hand, states still have PPI reservations as mandated by legislation, but the PPI proportion is not representative of federal universities. The data demonstrates that legislative acts in Brazil incorporate social/racial justice frameworks.

Figure 5.14 Brazilian Affirmative Action State Legislative Acts and Resolutions Word Frequency
Legislative acts and resolutions adopted social/racial justice discourses that sought to remedy current and past discrimination by allotting reserved seats to marginalized populations.

In Brazil, individual university boards and state legislatures were the first to pass and implement affirmative action. Most of these laws establish what affirmative action plan the state university must carry out. For example, Maranhão's legislative bill detailed that The State University of Maranhão (UEMA) will reserve, in each contest selection for entry into undergraduate courses at least ten percent, respectively, of their vacancies for students from indigenous communities and black students who have fully attended high school in public schools…."[21] Another example of the use of justice frameworks in state legislative acts is evidenced in the Rio state legislature's law 4151, 2003, which stated, "With a view to reducing ethnic, social and economic inequalities, state public universities should establish quotas for admission to their undergraduate courses to the following needy students: public

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[21] Law No. 9.295 November 7, 2010

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school students, blacks and persons with disabilities."[22] In addition to laying out the criteria

for state university affirmative action, these bills also highlighted that the law was within

their constitutional authority.

Essentially these laws followed the same format, which (a) stated their authority to

legislate affirmative action, (b) detailed the requirements for reservation allocations at state

universities, and (c) noted the responsibility for implementation and evaluation belongs to the

university. Since these bills are unequivocally redistributive, they are all cataloged as

adopting justice frameworks. However, two of these state affirmative action laws, Alagoas

and Rio Grande North, did not explicitly mention race and only noted allocation of

reservations for public school graduates.[23]

Nearly ten years after state universities begin adopting racial quotas, the federal

government signed the Federal Quota Law 102.711 2012. The 2012 law reserved 50% of

vacancies in Brazil's federal universities for students from public schools, low-income

families of African or indigenous descent, and people with disabilities. The Ministry of

Education (MEC) explained that the race criterion for quota eligibility is determined first by

self-declaration as occurs in Brazil's demographic census. Initially, further documentation

was needed to qualify for competition through racial quotas. The per capita family income,

on the other hand, will have to be proven by documentation, with rules established by the

university as recommended by the MEC. MEC noted that the number of vacancies reserved

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[22] Law No. 4151, September 4, 2003.

[23] State of Algoas Law No. 6,542 December 7, 2004, and State of Rio Grande North Law No.8.258, December 27, 2002

for Black, mixed-race, and indigenous students would vary according to each Brazilian state's racial makeup.

PPI Population, PPI Reservations at Federal and State Universities
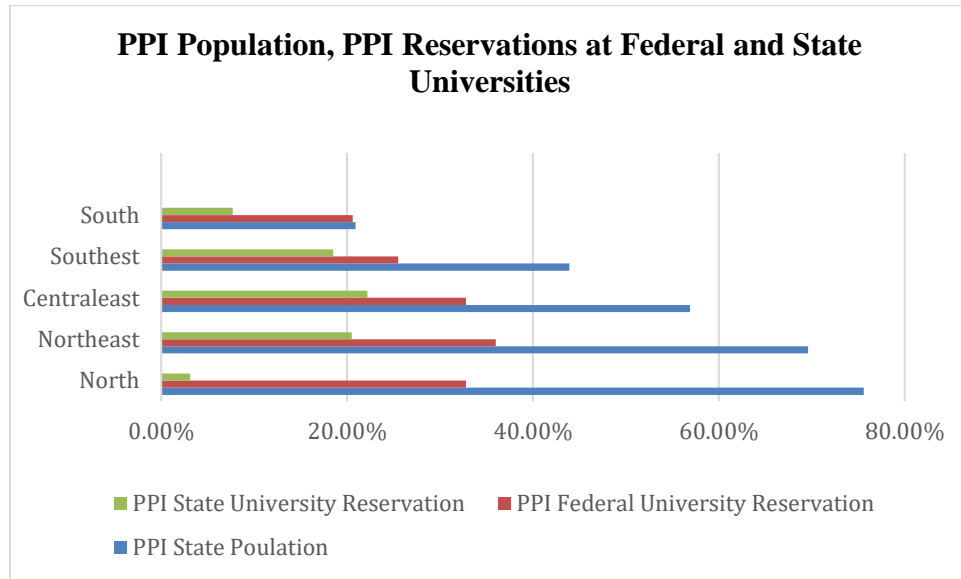
Figure 5.15 Proportion of Population PPI to State and Federal University Reserved PPI Seats

The proportion of seats reserved for PPIs does not equate to their proportion of the population in the state.

MEANS OF ADOPTING AFFIRMATIVE ACTION IN BRAZIL
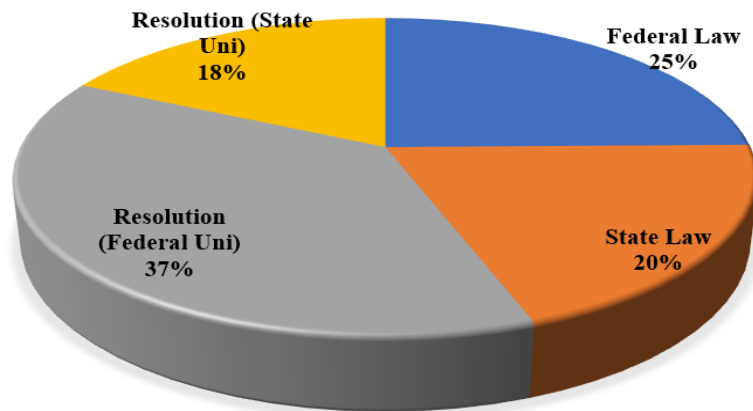
Figure 5.16 Means of Adopting Affirmative Action in Brazil

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Figure 5.16 demonstrates that the Federal law only resulted in only 25% of federal universities adopting affirmative action, a majority (37%) were the result of individual university resolutions. State Universities adopted affirmative action by both state law and university resolutions nearly equally. Importantly 45% of all universities adopted affirmative action via federal or state legislative action.

The federal quota law did not set distinct racial criteria for *preto*, *pardo*, and Indigenous (PPI); however, they encouraged universities and federal institutes located in states with a high concentration of indigenous people to adopt additional criteria specific to these peoples, within the criteria of race, within the scope of the institutions' autonomy. The MEC states monitoring of racial quotas will be a joint effort among a committee composed of representatives from the Ministry of Education, the Secretariat for Policies for the Promotion of Racial Equality (Seppir), and the National Indian Foundation (Funai), with the participation of representatives from other bodies and entities and civil society. However, it was not until 2016 that commissions for verification of racial quotas were made mandatory. Importantly, commissions do not have uniform requirements for verification. As Figure 5.16 demonstrates, the individual state laws and the federal quota law vary widely on the proportion of reserved seats for PPI students in proportion to the number of PPIs within the state. The most proportional policies are found in the South; the remaining regions have yet to reach near proportionality of reserved seats to population for PPIs for federal universities. Also, the gap between reserved PPI seats and PPI population is even greater among state universities.
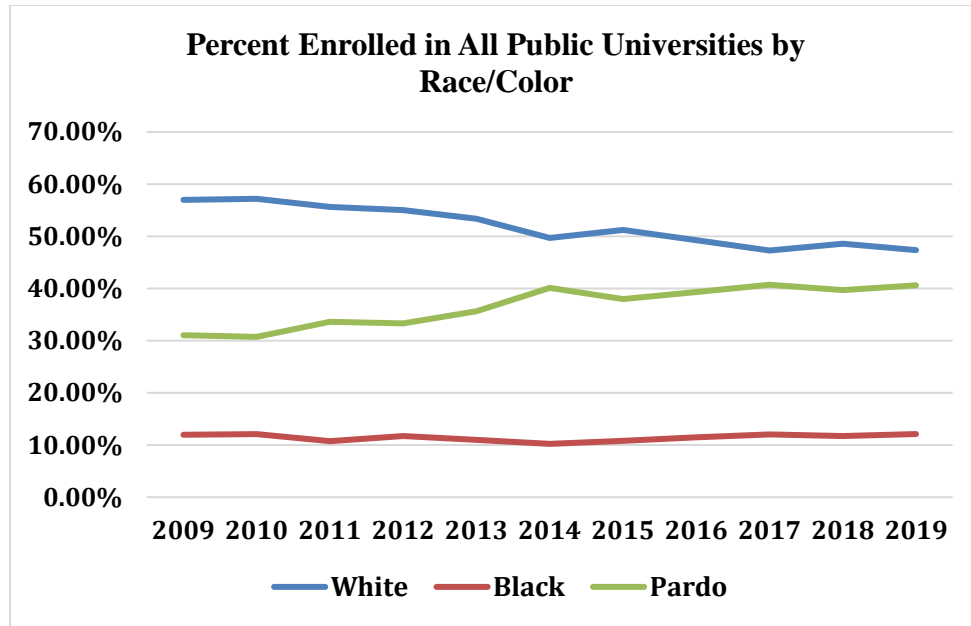
Figure 5.17 Enrollment in Brazilian Universities by Color from 2009-2019

White enrollment had an overall decrease from 2009 (57%) to 2019 (47.37%), an overall decrease of 9.68%. Preto enrollment slightly increased from 2009 (11.93%) to 2019 (12.10%), an overall increase of (.17%). Pardo enrollment increased 9.52 % overall from 2009 (33.32%) to 2019 (40.58%).
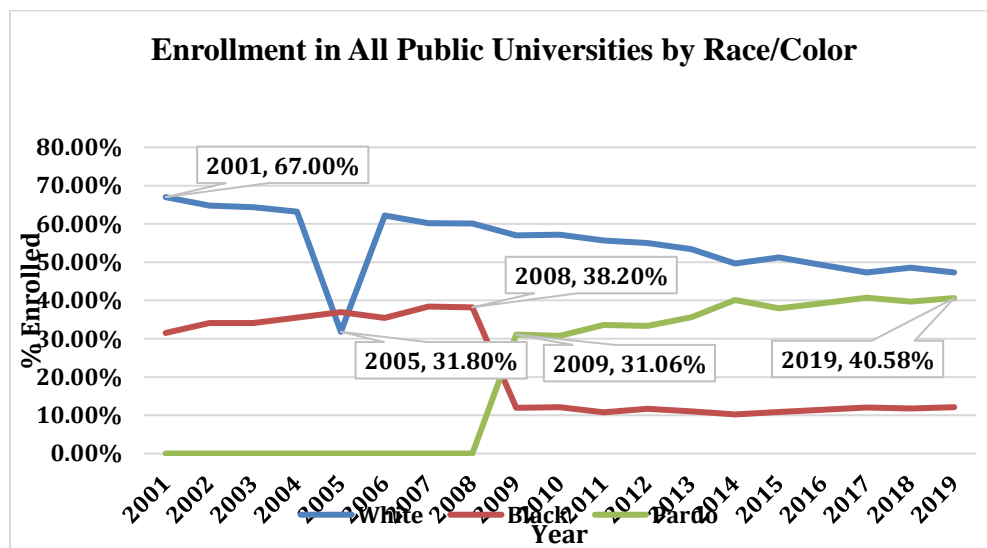
Figure 5.18 Enrollment Trends by Color in Brazilian Public Universities from 2001-2019

Data prior to 2009 does not distinguish between pardo, pretos, *and Indigenous peoples. Overall, the gap between whites and* pardos *has significantly decreased while* preto *enrollment rates have had only minimal increases.*

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Participants in ENEM (Brazil's National Entrance Exam)
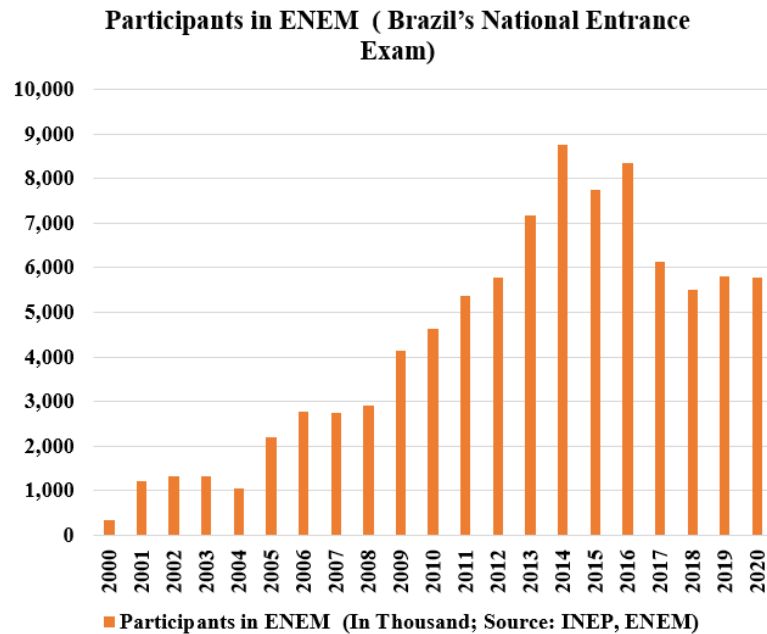
Figure 5.19 Participants in ENEM (Brazil's National Entrance Exam
Figure 5.19 above demonstrates the increase in national exam participants. The continued growth demonstrates how access to higher education rapidly expanded during the early 21st century. Steady declines occurred during conservative administrations that have abandoned justice frames.

Brazil Case Study Conclusion

As highlighted in the literature review, the adoption of affirmative action in Brazil was not without its detractors. Nonetheless, the vast social stratification left few *pardo*, *preto*, and *indegnas* Brazilians with access to higher education and required remedies to meet the growing demand for a more skilled and educated workforce. A burgeoning democracy and economy presented an opportunity for Black activists who long asserted access to education is social citizenship right. The proposed remedies initially arrived in university resolutions and state legislative acts, which reserved seats for public school graduates and PPIs. Universities followed with resolutions to meet the growing demands of social equity (Heringer 2015). Predictably, affirmative action policies were met with fierce opposition when proponents

advocated for higher education implementation; lawsuits challenging such programs' constitutionality swiftly followed affirmative action implementation. To understand factors that influence affirmative action policies and their subsequent results, this chapter explored racial threat discourse frameworks in the context of Brazil and found that the use of social/racial justice discourse frameworks has significantly increased in Brazil by presidents, courts, and in affirmative action policies legislation. PPI enrollment rate corresponds with increased social/racial justice framework usage by policymakers. According to my findings, racial threat hypotheses and threat frameworks do not have an impact on affirmative action policies in Brazil. Ultimately, affirmative action policies in Brazil have closed the gap between the enrollment of whites and PPIs in Brazilian public universities.

Racial Threat Hypothesis

In Brazil, the racial threat is difficult to test given that Afro-descendants are not a racial minority in the country. Nonetheless, this study examined if the proportion of Afro-descendants in the region determined whether the state would be an earlier adopter of race-based affirmative action policies. The results showed that the state's proportion of Afro-descendants showed no significant relationship to the early adoption of race-based affirmative action policies. This finding supports previous research findings, which suggest that white Brazilians increasingly support race-based affirmative action policies (Bailey, Fialho, and Peria 2015; Vidigal 2015).

Brazilian Presidents, Discourse Frameworks, and PPI Enrollment Trends

(357) most often. Abstract liberal frameworks were used 29 times, and threat frameworks were adopted 9 times. Da Silva used social justice frameworks with the most frequency (223). Although da Silva used abstract liberal frameworks with the most frequency

(58), Cardoso (11) and Rousseff (8) used them in greater proportion. Bolsonaro was the only president to adopt threat frameworks (9). An increase in Black enrollment rates does correspond with a trend in the use of social/racial justice frameworks. Notwithstanding, the largest increases did not occur under presidents with higher frequencies of social/racial justice frameworks. Perhaps this suggests the frequency of the institution alone is not as important as the adoption of discourse frameworks across all political institutions. Overall, justice frameworks have become more pervasive in Brazilian political institutions.

Brazilian Judiciary, Discourse Frameworks, and Affirmative Action Policies

The Brazilian federal Supreme Court has had two foundational cases which determined the outcome of race-based affirmative action policies: ADI 3.330 2012 and ADPF 187 2012. The two cases affirmed quotas and race-based affirmative action policies as constitutional. The discourse frameworks adopted in judicial opinions in these two cases were social/racial justice (69). Abstract liberal frameworks were adopted 25 times. Threat frameworks (0) were not adopted in these judicial opinions at all. Ultimately, the use of social/racial justice frameworks corresponded with increased PPI enrollment numbers. The discourse adopted in these two cases upheld race-based affirmative action policies as efforts to repair or compensate for factors of real inequality with measures of legal superiority. Even the dissenting minister in ADI 3.330, Marcus Aurelius, did not contest the social/racial justice lens to view affirmative action; what he disagreed with is what he perceived of as a violation of the separation of powers. What is clear from both cases is that there were no uses of threat frameworks to frame affirmative action policies as the problem in need of remedy.

Brazilian State Legislative Acts, Resolutions, and Affirmative Action

State legislatures in Brazil were the earliest policymakers to place race-based affirmative action on the agenda. These acts have a similar form and structure across states. All legislative acts and resolutions adopt a justice framework; the majority highlight racial and social justice, while others highlight social inequality. Within the legislation, a specific remedy is presented in the form of reservations for public school graduates and a proportion of PPIs. At a macro level of analysis, these policies have corresponded with a large increase in PPI enrollment across the nation. The policies are clear, and the numbers of reservations are also clear. These outcomes will be further analyzed in the final chapter.

Interviews in Brazil substantiate the quantitative findings of this study. Informants believe affirmative action policies are working, and the results are palpable. Informants also believe that most people, even whites, support these efforts. On the surface, there is little room to question the success of race-based affirmative action policies in Brazilian higher education admissions, as reported by all data collection institutions (IBGE, PNAD, ENEM, GEMAA). Throughout the interviews and focus groups, I noted a common theme: the difficulties that follow admissions. Students expressed anxiety stemming from being the first to attend college in their families. They found a lack of support staff on college campuses and a lack of faculty with area specializations that are of importance to Afro-descendants. They experienced racism, such as harsh grading compared to their white counterparts. Activists noted the great gains made by race-based affirmative action policies but noted that higher education still largely represents an elite institution in Brazilian society. Activists noted that the utmost urgency should be on primary and secondary education, healthcare, housing, and other basic societal needs.

Overall, the interviews and focus groups bolstered the notion that Brazil has reached a pivotal point in its framing of race and racial inequality (Bailey, Fialho, and Peria 2018, Mitchell-Walthour 2015). As one discussion uncovered, when a student self-selects pardo or preto for a racial quota, students do not take this decision lightly. Electing this classification signifies that the applicant is acknowledging everything that comes along with it, that is, the shame that has always been hidden. Participants demonstrated that making this selection means that you join a fraternity of people that have to reject racial democracy.

Chapter VI: Discourse a Tool for Race-Based Affirmative Action Analysis and Political Interventions

Study Overview

The nuanced approach (to exploring affirmative action policies in public university admissions and their outcomes) used this study considered the role discourse frameworks and racial threat hypothesis revealed that discourse frameworks have an important relationship to policy outcomes. It further found that the most transformational changes in black access to elite institutions of higher education are more likely to be related to the use of racial quotas than policy being highly centralized or decentralized.

Affirmative action discourse frameworks most often fell into three typologies: justice, abstract liberal and threat. Justice frameworks dominated the affirmative action debate in the Civil Rights era United States and in early 21st century Brazil; this framework centers on racial inequality and the need for exigent remedies deemed essential in a "just society." Abstract liberal frameworks—discourses that espouse universal values and principles without underscoring the fundamental problem of racial inequality—highlight lofty ideals and values held as an aspect of essential nationalistic narratives. This study finds that discourse frameworks are a better indicator of affirmative action policies and their outcomes than the racial threat hypothesis. Justice, abstract liberal, and threat frameworks are an active force in shaping and molding affirmative action policies. More specifically, this study finds that the use of justice frameworks corresponds with the creation of affirmative action programs and, subsequently, higher Black enrollment rates.

Moreover, racial threat hypothesis (RTH) contends that the dominant social and racial groups are more likely to restrict programs benefiting another group when the other groups' population increases, and the dominant group perceives that it is facing declining political

and economic opportunity. Additionally, RTH asserts that the use of threat frameworks, which characterize affirmative action as harmful to deserving individuals as well as a debasing of societal norms and values, correspond with limiting race-based affirmative action and declining affirmative action. However, according to the findings of the present study, racial threat hypothesis did not provide a useful lens for understanding affirmative action policy outcomes in Brazil and the United States in the period under study.

On the other hand, threat frameworks correspond with the dismantling of existing efforts to increase Blacks' opportunities, while abstract liberal frameworks result in little change to the status quo. Participants in affirmative action debates in both Brazil and the United States have recently increased their use of threat frameworks. This increase in threat frameworks is displayed in the discourse of Temer and Bolsonaro in Brazil, and US Presidents Bush, Trump; US SC Justices Scalia, Thomas, and Alito; and a host of other anti-affirmative action political figures. Recent Brazilian presidents have taken varying stances on the issue of racial inequality. President Cardoso's public admission that Brazil has a problem of racial inequality, like Lula and Rousseff's use of justice frameworks, mark a stark contrast to previous epochs in which the abstract liberal framework of racial democracy dominated. On the other hand, in the 21st century, US discourse frameworks have been dominated by abstract liberal frameworks. Ultimately, abstract liberal and threat frameworks as discourse patterns correspond with the proliferation of actions aimed at eradicating existing programs that were established to address inequality. Such actions are exhibited in Brazil's defunding of enforcement agencies and the numerous ballot measures to ban affirmative action in the United States. Essentially, the use of justice frameworks corresponded with creating aggressive policies that targeted and increased Black enrollment.

Abstract liberal frameworks like equality and colorblind were adopted in state measures that aimed to ban affirmative action, while US federal courts also transitioned from the use of justice frameworks in the 1960s and 1970s to the abstract liberal framework of diversity. Affirmative action in higher education has garnered more attention in the United States since the 1990s when anti-affirmative action networks developed a multiprong strategy to dismantle race-based affirmative action programs. When anti-affirmative action groups did not accomplish their goal of achieving a nation-wide ban based on court challenges, they took their battle to individual states. This study has closely examined key cases from several of these states. State referendums have successfully framed the consideration of race as antithetical to the nation's liberal values and these state initiatives neglect to highlight real systematic racial inequality. The courts centered the affirmative action debate on the desire for equal protection and colorblind admissions, instead of remedying the existing racial inequality in higher education. The courts have consistently affirmed the states' "compelling interest in diversity," which has allowed race to be continually used as one of several factors for consideration for admissions. Such decisions have recently been challenged by Supreme Court Justices Scalia, Thomas, and Alito, as well as President Donald Trump. Furthermore, even though diversity has been upheld in the Court as a legitimate factor in university admissions, the movement away from justice frameworks in the United States corresponds with a steady decline in Black enrollment rates at elite public universities.

Affirmative action's long-term stability in Brazil is unclear despite approval from the court of public opinion and the federal court. Initially, Brazil's affirmative action programs appear very promising for their increasing enrollment of *pardos*, *pretos*, and Indigenous

populations (PPI). Though activists have fought to combine *pardo* and *preto* into one Afro-descendant category, I argue that observing enrollment rates of *pretos* as a unique group could provide better insight into affirmative action's success in creating opportunities for the most marginalized Black folks in Brazil. However, the increase in *preto* enrollment in Brazilian public universities pales compared to the increase of *pardo* enrollment at .17% respectively from 2009-2019. According to IBGE, an increasing number of Brazilians self-declare as *preto*, an overall 1.9% increase from 2015 also suggesting the enrollment rates for this group lag. Additionally, the extent of Brazilian affirmative action programs' effectiveness could be clouded by existing methods of data collection and reporting, since government agencies, universities, and other entities use different racial categorizations. Regardless, enrollment rates have not grown as steadily in recent years under the recent administrations of Temer and Bolsonaro when compared with the rates under Lula and Rousseff. The threat frameworks adopted by Temer and Bolsonaro corresponded with defunding of essential programs, policies, and agencies charged with maintaining the integrity of Brazilian affirmative action programs.

Twenty-first century Black enrollment rates in the United States have steadily declined at elite institutions in proportion to their overall numbers in the general population more than any other racial or ethnic group in the United States, while Brazil has seen a large increase in *pardo*, *preto*, and *indígena* enrollment. In general, Brazil's affirmative action programs have transformed access to public university education. However, the trajectory of affirmative action in elite public universities in the United States offers a cautionary tale for Brazilians to heed. Ultimately, affirmative action in higher education admissions in the United States and Brazil are fundamentally different based on federal and state laws, which

mandate quotas. This seems to make Brazil's programs more effective in minority recruitment. However, the lack of oversight, university autonomy, and inconsistencies in data reporting undermine affirmative action transparency. Race-based affirmative action programs in universities in the United States lack transparency to a greater extent. Affirmative action policy is shaped by federal government anti-discrimination policy, US Supreme Court decisions, presidential directives on how to comply with laws, and individual state laws surrounding the use of race, or racial preferences (Blume and Long 2014; Carr 2018; Dagbovie 2009; Thernstrom and Thernstrom 2004). After US public universities implemented race-based affirmative action programs in the 1960s, the backlash was swift. When justice-frameworks were replaced by abstract-liberal frames and ultimately threat frameworks, race-based affirmative action programs were increasingly eviscerated. Though Brazilian society by and large currently supports race-based affirmative action, racial quotas have been affirmed by the federal courts, and they have been successful at increasing access, Presidents Temer and Bolsonaro's adoption of threat frameworks represent a backlash to affirmative action, in addition to other social programs. If this trend of abandoning justice frameworks and increasing threat frameworks continues, Brazilian affirmative action may meet the same fate as US affirmative action policies. Ultimately, discourse framing is a powerful force in shaping affirmative action policies and their outcomes and is too often overlooked.

Research Questions

Racial Threat Hypothesis and Affirmative Action Policies

The racial threat hypothesis proved insignificant in this study in determining factors that shape affirmative action policies and their outcomes. This study tested the racial threat

hypothesis in several states in the United States, using additional variables. This study found that the proportion of the Black population to the total population was not significantly related to state adoption of affirmative action bans. For example, Tolbert and Grummel (2003) find that whites who lived in more racially diverse areas of California were more likely to vote for an affirmative action ban; however, they warned that demographics alone could not account for the fact that 2/3 of whites in the state support affirmative action. As measured by competitiveness, defined as low acceptance rates, racial threat was correlated with low acceptance rates in flagship or top-ranked universities within the state, which was also found to have an insignificant association with state bans on affirmative action. Having a limited number of top-ranked public universities located within a single US state was also used to test the racial threat hypothesis; the results were inconclusive. In fact, cross-referencing reveals that several US states with bans have multiple top-ranked universities located within the state, which means that there is less competition for admission to elite institutions than in states with none. A chi-square test revealed that there is a significant association between the number of top-ranked universities and states having a ban. Future studies should explore whether the existence of elite universities located within a state is a motivating factor in banning affirmative action. Specific observations should explore whether Brazil's expansion of public higher education corresponds with an increased perceived threat.

The racial threat hypothesis will become obsolete if it does not adapt to the reality of non-racially dichotomous societies. For example, although Brazil's Afro-descendant population is not a racial minority, Brazil is an excellent case to understand the growing irrelevance of the racial threat hypothesis if it is not adjusted appropriately. The findings on

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Brazil demonstrated that the Black population's proportion of the total population of the state was insignificant in whether a state was an early adopter of affirmative action policy. Further, though the racial threat hypothesis was found not to be significant in the US, this study only considered the Black population's size when calculating threat; however, Arizona, Texas, Florida, and California all have sizable populations of non-Black racial minorities that would also benefit from admissions preferences for underrepresented or historically marginalized. Also, Asian Americans are generally ineligible for affirmative action policies because they are not considered underrepresented in higher education. California has an Asian/Asian American population of 17.5%, and this demographic might perceive race-based affirmative action policies as a threat to their access to elite educational institutions, given their ineligibility. In general, the racial threat hypothesis based on population proportion and resource limitations is not a good indicator of affirmative action policy outcomes, whereas discourse frameworks offer additional needed insight into these dynamics.

Table 6.1 Discourse Frameworks and Affirmative Action Policy

	Brazil	Discourse Framework	AAP Direction	United States	Discourse Frameworks	APP Direction
Executives	Cardoso	Abstract Liberal/Justice	Toward	Clinton	Abstract Liberal /Social Equity/ Threat	Maintain
	Lula	Justice	Toward	Bush	Abstract Liberal/Threat	Away
	Rousseff	Justice	Toward	Obama	Abstract Liberal/Justice	Maintain
	Temer	Abstract Liberal	Maintain	Trump	Threat	Away
	Bolsonaro	Threat	Away			
Legislative Acts Ballot Initiatives	Statute of Racial Equality Federal Law No. 12,288	Justice	Toward	California Prop 209	Abstract Liberal/Threat	Away
	Alagoas - Law No. 6,542	Justice	Toward	Texas HB 588	Abstract Liberal/Threat	Away
	Amapá - State Laws	Racial Justice	Toward	Florida	Abstract Liberal/Threat	Away
	Amazonas - Law No. 2,894	Justice	Toward	Washington Initiative 200; Referendum 88	Abstract Liberal/Threat	Away
	Goiás - Law No. 14,832	Justice	Toward	Michigan Prop 2	Abstract Liberal/Threat	Away
	Maranhão - Law No. 9,295	Justice	Toward	Nebraska Civil Rights Initiative 424	Abstract Liberal/Threat	Away
	Mato Grosso do Sul - Laws No. 2605 and No. 2589	Justice	Toward	Arizona Prop 107	Abstract Liberal/Threat	Away
	Paraná - Law No. 13,134; State Law No. 14,995, Notice No. 007 COORPS, Notice No. 01 CUIA and Resolution No. 029 SETI	Justice	Toward	Oklahoma Question 759	Abstract Liberal/Threat	Away
	Rio de Janeiro - State Law No. 4151/03	Justice	Toward	-	-	-
	Rio Grande do Norte - State Law No. 8,258	Justice	Toward	-	-	-
Judicial	ADI 3330	Justice	Toward	Gratz	Abstract Liberal	Away
	ADPF 186	Justice	Toward	Grutter	Abstract Liberal	Maintain
	-	-	-	Fisher-I	Abstract Liberal	Maintain
Maintain	Maintain	Maintain	Maintain	Maintain	Maintain	Maintain

Table 6.1 Discourse Frameworks and Affirmative Action Policy demonstrates that Brazilian institutions by in large have adopted justice frameworks and moved towards affirmative action. US institutions have primarily adopted abstract liberal frameworks and have had no policies that strengthen affirmative action policies. In both countries, threat frameworks signaled policies that moved away from affirmative action; abstract liberal frameworks maintained the status quo. Justice frameworks did correspond with policies that moved toward affirmative action but more so in Brazil.

Discourse Frameworks and Affirmative Action Policy

Discourse frameworks provide insight into the types of policies that are adopted and their outcomes. In the United States, the 1960s marked a period when policymakers adopted social and racial justice discourses to address racial inequality in higher education. The 21st-century affirmative action policy debate in the United States has nearly abandoned such discourse frameworks and, instead, abstract liberal frameworks have become the most prevalent forms of discourse used by US policymakers in recent decades. The prevalence of abstract liberal frameworks is demonstrated in several cases, including *Gratz, Grutter, Fisher I,* and *Fisher II*, as well as the Clinton and Obama administrations. When abstract liberal

discourses are most prevalent and outnumber justice frameworks, a robust substantive policy is absent.

Importantly, state ballot initiatives, executive orders, and legislative measures meant to eliminate affirmative action adopt the threat discourse frameworks of abstract liberalism and threat frames, both of which presuppose affirmative action as a threat to colorblind selections based on merit. This erroneous framing has transformed the debate—from one centered around well-documented unequal access and proposed remedies designed to affect real observable inequality—to one that disregards the historical and existing conditions in favor of preserving a universal value that has never been actualized. As seen in the *Michigan* cases, abstract liberal frameworks have been used in the courts to affirm the value of "diversity," allowing universities to continue to use race as one of many indicators for admissions consideration. Abstract liberal frameworks as used by the courts have also espoused values of equal protection and race-blind policies, which confined race-based admissions to narrowly tailored programs that meet the test of strict scrutiny. In adopting these frameworks, courts have done little to present remedies to Blacks' longstanding exclusion from higher education. Using these frameworks has allowed universities to employ mechanisms that purport to achieve racial inclusion without in fact placing demands on universities to eliminate racial inequality. Equally problematic, the courts' use of abstract liberal frameworks does little to negate proliferating threat discourse frameworks; instead, it reinforces the premise that current values of equality must be protected despite the reality of widespread inequality.

When the affirmative action debate began in Brazil in early 2000s, the articulation of threats was present in the public discourse; however, once federal legislation passed and the

courts affirmed the constitutionality of affirmative action, the use of threat frameworks from policymakers had subsided until recently. Social/racial justice discourses adopted by judicial opinions and legislative acts have peaked. Further, conservatives like Temer did not directly admonish race-based affirmative action policies; however, his call for a return to "order and progress" signaled a new direction, which ultimately led to his use of a threat framework. Bolsonaro has continued to adopt threat discourses regarding policies established to address racial inequality. Nonetheless, before this recent shift in Brazil, the justice frameworks adopted by state legislation, federal courts, and individual universities demanded exigent solutions for persistent inequality in higher education. This framing resulted in policies that directly targeted racial inequality. Presidents from the Workers' Party, Lula and Rousseff, highlighted racial inequality as a threat to democracy and held that establishing racial quotas was essential to complete the democratization process. Federal judicial ministers also framed racial quotas as actions well within the established precedent of compensatory measures necessary to amend current and past discrimination. At times, state legislation incorporated justice frameworks, but they established racial quota protocols as solutions to combat racial inequality.

Comparative Black Enrollment Trends in United States and Brazil
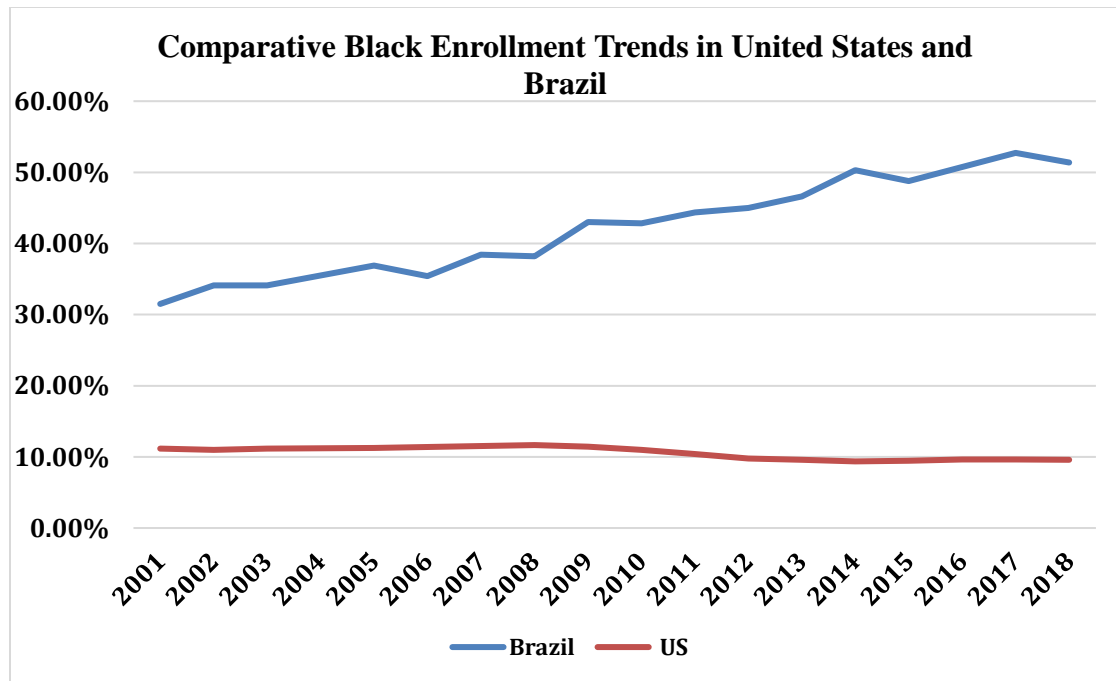
Figure 6.1 Comparison of Black Enrollment US and Brazil
Black enrollment increased progressively from 31.50% to 51.40% in Brazil, where the enrollment rate decreased progressively from 11.17% to 9.59% in the US from 2001 through 2018. However, Brazil and the US's lowest enrollment rate occurred in 2001 and 2018, respectively, whereas the highest enrollment rates occurred in 2001 and 2017 respectively by 11.17% in the US and 52.73% in Brazil.

Elite Public Universities and Affirmative Action in the United States and Brazil

The policies which were adopted in response to justice the regions' demographic composition. However, even though PPI enrollment has increased, if enrollment trends isolate for individual categories, *preto* enrollment alone—which represents the most marginalized in Brazilian society—has not seen large increases in enrollment at public universities. Federal and state affirmative action policies have resulted from legislation and been affirmed by judicial opinions which adopted justice discourse frameworks. As a result, programs are structured as racial quotas in effort to address the racial inequality underpinned by justice discourse frameworks. Ultimately, the hypothesis that justice discourses have

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resulted in Brazil's highly centralized and transparent programs is not conclusive because of the lack of transparency and oversight.

While the number of reservations is transparent, there are aspects of federal university affirmative action policies that are less transparent, making the success of Brazil's affirmative action programs difficult to gauge. For example, each university is responsible for its procedures in determining PPIs' academic qualifications and ensuring the integrity of the racial quota system. In addition, reservations do not mandate a specific number of *pretos*, *pardos*, or *indígena*. Not further delineating this group makes it less transparent and more challenging to assess the gains made by subsets of Afro-descendants. Additionally, even though federal universities' vacancies are established, they are not guaranteed to be filled (Bevilaqua 2015). The federal government does not dictate standard policies, procedures, or a federal agency tasked with ensuring compliance. As evidenced by interview data, even activists that worked on the policy, university students, and faculty had difficulty distinguishing aspects of federal and state quota policies. Like federal universities, state universities are responsible for implementing the programs, including establishing criteria for its integrity. However, there are no uniform policies, procedures, or best practices, nor is there a central bureaucratic state agency tasked with compliance.

In the United States, the shift away from justice discourse corresponded with policies focused less on racial inequality and more on protecting liberal values of colorblind evaluation and diversity. Rather, the 21st century debates have been imbued with abstract liberal frameworks and increased threat discourse frameworks. The subsequent policies functioned as parameters instead of prescriptions for using race as a factor in admissions. These parameters rely on the discretion of universities to craft their own admissions policies.

Abstract liberal frameworks adopted by political institutions led to increased affirmative action bans and corresponding declines in Black enrollment rates. Ultimately, the structure of affirmative action policies (or lack thereof) in the United States has corresponded with a decrease in Black enrollment by .82% at top flagship universities with bans and top-ranked public universities located in states without bans. The hypothesis that justice frameworks preclude centralized highly effective race-based affirmative action programs, while abstract liberal frameworks and threat frameworks lead to a dismantling of existing race-based affirmative action policies in the United States is substantiated by the observance of their corresponding use.

Moreover, the hypothesis that discourses are a better indicator of affirmative action policies and their outcomes than the racial threat hypothesis appears accurate. Racial threat hypothesis tested in both the United States and Brazil were not significant indicators of policies or outcomes. On the other hand, the use and frequencies of discourse frameworks more often corresponded with the adoption of policies that strengthen or weaken race-based affirmative action in elite public universities. Abstract liberal discourses were central to Brazilian political debates on race for the majority of the nation's history. As a result of the prevalence of this framework, they failed to address racial inequality until policy were forced to address the demands of activists in the early 21st century. As political institutions adopted justice frameworks, resulting policies were structured as aggressive racial quotas. The rise of conservative presidents Temer and Bolsonaro unleashed threat discourse frameworks and race-based programs have been weekend by the dissolution and underfunding of agencies crucial to higher education racial equity policies. In the United States, the first court cases *DeFunis* and *Bakke* marked a shift away from justice discourses and aggressive affirmative

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action policies to abstract liberal discourses and weak decentralized policies. State legislation banning affirmative action also increased as abstract liberal and threat frameworks became pervasive in the racial equity and higher education political debates. Thus, discourse frameworks offer crucial insight to affirmative action policies and outcomes.

Brazil's affirmative action policies have been far more effective than US affirmative action policies in the 21st century. The results of Brazil's policies have significantly closed the gap between whites and PPIs, when the latter are considered as a monolithic group. However, when specifically looking at individuals who self-select as *preto* (Black), the gains are not as prominent. When data that delineates *pretos* from the general PPI category is considered, *preto* enrollment has increased only 0.17% at public universities in Brazil. However, affirmative action in Brazil is, compared to the United States, more centralized because they are mandated by federal and state laws. Like the United States, university autonomy in Brazil takes precedence in its implementation, assessment, and accountability processes. Further, the parameters set by policies guiding when and how race can be considered in the United States corresponded with decreased Black enrollment. In US states with greater racial diversity that have adopted affirmative action bans, Black enrollment rates are significantly lower at elite public universities than prior to the ban, suggesting that non race-conscious policies are much more ineffective than race-conscious policies (Blume and Long 2014, 228-252; Hinrichs, P. 2014; Pusser 2004,). As previously mentioned, in Brazil PPI reservations does not always result in PPI enrollment. However, accounts from students, activists, and university officials substantiate that the racial composition of students at Brazilian public universities has transformed. On the contrary, Black enrollment at elite public universities in the US declined over the past twenty years.

Implications for Practice

This study brings novel contributions to social science research that has attempted to understand the factors contributing to a dominant groups' support or opposition for extending rights. While this study was conducted in the discipline of Political Science, it makes contributions to the fields of Legal Studies, Higher Education, and Latin American Studies. This research study's implications are crucial for a variety of practitioners in the United States and Brazil, including those specializing in higher education; those who work in government and non-governmental sectors, the justice system, and social justice movements; and those more generally concerned with racial equity and access to elite public universities.

Studies have consistently indicated that white support for affirmative action depends on the framing of affirmative action (Bobo 1998; Stoker 1998; Williams 1999). Yet, previous studies based on group threat, racial threat, and other iterations of zero-sum game assumptions failed to capture the extent to which prevailing discourse frameworks shape public opinion, political and policy platforms, and ultimately, policy outcomes. Stoker's (1998) experiential study demonstrated that whites were less likely to support affirmative action programs when framed with reference to discrimination or preference. However, their support increased when affirmative action highlighted racial discrimination, and the highest support was for efforts to increase diversity and representation. In addition to previous research that suggests framing is important, this research asserts that the adoption of justice frameworks is crucial not only in garnering support but also in molding subsequent policies and outcomes (Elliott et al. 2009; Iyigun and Levin 2003). In other words, the practical implication of these findings is that supporters of affirmative action should employ strategies to win the war of words. The use of abstract liberal frameworks by supporters and opponents

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of affirmative action programs demonstrates the popularity of these ideals; however, to be effective, they must be accompanied by frameworks that underscore real inequality to garner support and action. This research establishes the significant relationship between discourse frameworks—often overlooked as a policy driving force—to craft policy and lead to certain outcomes.

Policymaking Implications

The premise that race-blind admissions is the goal of a socially progressive society is problematic; seeing race and making race-based decisions is not the problem. The problem is the embedded and systemic racism that permeates both the United States and Brazil. Policymakers need to revisit the use of racial quotas in higher education. This research demonstrates Black enrollment will continue to decline at the most selective universities as a result of affirmative action bans.

Justice frameworks are effective because they demand responses to an underscored problem and, as a result, the proposed remedies, and because they are more prescriptive. As Bonilla-Silva (2018) noted, abstract liberal frameworks do little to offer concrete solutions to inequality and discrimination; clearly, threat discourse frameworks work to eviscerate existing programs. Therefore, strategic efforts to combat threat frameworks must expose unsubstantiated false claims with data proving that those historically at the margins of society are, in fact, actually harmed by the status quo policies.

Future Research Possibilities

This study highlights the influence of the racial threat hypothesis in societies with complex racial, ethnic, and social compositions, specifically in the United States and Brazil. Findings show the racial threat hypothesis should expand to encompass multiple groups that

may experience perceived threat by expanding inclusion to another group. In Brazil, all Afro-descendants are the majority but do not exercise substantial political power in the country's formal institutions. Since this study demonstrates overall support for race-based affirmative action policies even among white Brazilians, future studies need to examine additional reasons besides a threat that factor into this response. The role of inequality is so disproportionate that even poor whites experience exclusion in Brazil; future research should determine if this is the primary reason for white support of affirmative action. As the United States' racial composition continues to change and non-whites outnumber whites, the racial threat hypothesis will have to become more nuanced. In the US, states with top-ranked universities were more likely to have an affirmative action ban; this trend needs to be further investigated. What could not be determined is whether the scarcity of elite public universities in a state caused a sense of threat and a subsequent ban; the indication may be the opposite. The presence of the resource, in this case elite public universities may be a better variable to test. Historically, the public university was not available to most Brazilians, but access has recently expanded; future studies should observe whether the trend contributes to an increase in perceived threat.

Undoubtedly, more in-depth research should explore why existing measures in both countries do not increase Black enrollment to the extent of other minority groups. In the United States, Blacks were the only minority group to decrease enrollment since 2010. Although white enrollment rates also decreased, the decrease in enrollment is more proportional to their general population decrease. Even though overall access to elite public institutions in Brazil has expanded access, current quota policies have not significantly increased *pardo* enrollment, though *pretos* (Blacks) have increased in population size,

according to IBGE. Moreover, previous work has explored how institutions shape identity (Nobles 2000). The increase in the *preto* population should be explored in the context of racial quota selection. In 2018, Brazil counted 19.2 million people who declared themselves (Black) *pretos*; 4.7 million more than in 2012, resulting in a 32.2% increase during the period (IBGE). Studies need to evaluate the impact racial quotas may have on shifting identity and how this identity shift may impact social-political changes.

Conclusion

Black activists, social scientists, and policymakers have used data to underscore the material racial inequality that exists in Brazil and in the United States. As activists in Brazil demanded public officials address racial inequality, threat discourse frameworks warned of impending damages that would ensue from what opponents described as, imposing US ideas to fix a problem that is not a problem (racial inequality), but racial inequality would surface if race-based affirmative action policies were approved. Nonetheless, supporters of affirmative action won the war on framing; affirmative action became law and the debate had seemingly subsided when the courts established quotas as necessary for Brazilian society truly manifest its ideals. The two remaining questions are the permanency of these policies and the outcomes. To access the permanency of these programs' recent trends, suggest that decentralized programs are most threatened when state legislatures or voters determine the fate of race-based programs. Though across the board trends show that black enrollment rates are declining the lack of transparency makes it nearly impossible to connect the decline in enrollment to an erosion of affirmative action programs. However, a relationship between polices restricting how race can be used and lower black enrollment rates is clear.

In Brazil, declines can be seen in both federal and state affirmative action programs. As one interviewee, a Brazilian Political Scientist and Black activist noted, this decline can be traced to a shift in priorities that begin under the Rousseff administration when funds were allocated away from racial equity initiatives (including enforcement agencies) and away from social programs like public education. Funding shifts and weekend racial equity enforcement have steadily increased under the Temer and Bolsonaro administrations.

Although it seemingly appears that support and opposition for affirmative action relies is dependent on liberal conservative executives, judges, and legislatures a more nuanced look reveals this is not quite the case. Critical discourse analysis appears that in Brazil and the United States discourse frameworks were related to racial equity polices such as university race-based affirmative action programs and improvements in black access to elite public education. However, even the center and center left regimes were more likely to employ abstract liberal framing impeded the creation of or advancing of aggressive affirmative action policy.

The consideration of historical trends is also insightful for understanding how discourse may shape affirmative action policy. Policymakers adopted justice discourse frameworks, which appear to have a relationship to policy prescriptions that propose aggressive mechanisms to remedy racial inequality, as observed in the 1960s Civil Rights Movement in the United States and the fight for racial quotas in 21st century Brazil. Abstract liberal frameworks like racial democracy previously permeated Brazilian society and were instrumental in thwarting efforts to underscore racial inequality. Intriguingly, the most striking example of the use of justice discourse and aggressive race-based affirmative action policy outside of higher education is under the conservative administration of Richard Nixon

whose Labor Secretary called out craft unions as the most egregious, openly hostile offenders

against equal opportunity laws. Ultimately under Nixon government contractors were

required to produce racial goals and timetables. Richard Nixon was a racial conservative was

not committed to racial justice or equity but rather had an interest in undercutting white his

support for black laborers was an effort undercut wages of unions members and divide two

major supporters of the Democratic Party, union members and blacks. These two referenced

historical examples from varying political ideologies demonstrates that justice framing may

provide more insight than political party. Most importantly, these examples demonstrate that

justice frameworks are related to strong more centralized policies.

Currently, abstract liberal discourse appears with great frequency in the United States

through the growth of threat discourse frameworks. Though, in Brazil, it seems the concept

of quotas has crystalized as a critical measure in reaching a genuinely democratic society of

equals, this position's permanence should be viewed with caution. Lessons from the path of

affirmative action in the United States demonstrate that even when society accepts social

justice frameworks, shifts are possible.

Indeed, early 21st-century discourse in Brazil was markedly different from previous

eras, with social justice frameworks becoming more common. Notwithstanding, the

discourse of Temer and Bolsonaro might signal a regression to previous epochs. In particular,

Bolsonaro was the first 21st-century Brazilian president to adopt threat frameworks. This

departure from past frameworks indicates a backlash to racial equality measures. Brazil's

long-held national identity has equated being Brazilian with being a product of

miscegenation. This nationalistic narrative, deeply embedded in the Brazilian psyche,

became the initial crux of the affirmative action debate, as it claimed all Brazilians have

European and African ancestry. This interpretation of past race-mixing was used as an indicator that racism was non-existent in Brazil.

Significantly, threat frameworks could ultimately evolve into attempts to dismantle race-based affirmative action policies; *pardos* have always been used to indicate Brazil's racial progress. For Freyre (1933), who influenced generations of scholars, this meant the willingness for masters to mate with slaves. For subsequent scholars, white and Black social proximity was a clear indicator that race alone was not the basis of inequality in Brazil. Study after study has noted that social, economic, and racial equality gaps are closing in Brazil. Access to education is one indicator of this. Inarguably, access to higher education in Brazil has dramatically expanded during the 21st century, but only marginally for *pretos*. The number of Brazilians identifying as preto has increased by over 30% in the general Brazilian population, while enrollment rates of *pretos* have increased by less than a full percent. One Brazilian law student that was interviewed pointed it, "Separating *pretos* and *pardos* is futile… as in any given context someone classified as *preto* could be reclassified as *pardo* and vice versa what is most important is neither are white". He further stated, "isolating *pretos* cannot provide you with any useful analysis not only because of the murky categories but also because of the inconsistency found across institutions." The issues highlighted by this law student are valid; however, the isolation of *pretos* in this study does indicate a need to examine further the extent to which the darkest Brazilians have been provided access to elite public higher education.

Ultimately, this research has demonstrated that neither Brazil nor the US has highly centralized or effective race-based affirmative action policies. Overall abstract liberal frameworks have rendered US programs an esoteric hodgepodge that fails to articulate

objectives, policies, and procedures clearly. Subsequently, elite public universities have experienced increasing declines in Black enrollment. US race-based affirmative action policies aimed at increasing Blacks' access to higher education have been left to individual institutions and have proved ineffective. Universities have adopted abstract liberal framing of diversity for admission policies, and laws have confined their ability to consider race as a factor for admissions. Brazil's affirmative action policies are more prescriptive than those found in the United States, but they still lack any central enforcement or accountability mechanisms. These prescriptive policies, which seem to result from social/racial justice frameworks, have led to significant enrollment increases for PPIs. Nonetheless, efforts to increase access for *pretos* in Brazil and Blacks in the US have had underwhelming results.

This study has offered new data and insights into the complex reality of affirmative action in two racially diverse countries, the United States and Brazil. These countries—which share legacies of racial discrimination and inequality stemming from slavery and enduring throughout their nation's histories—have attempted to remedy inequality through increased access to higher education with varying success in successive political eras. As a response to rights activists' demands, political institutions adopted justice frameworks and policies addressing racial inequality, including race-conscious admissions programs. In the United States, these programs had their inception in 1960s Civil Rights-era federal executive orders and policies that mandated Jim Crow states to demonstrate their plans to increase Black enrollment. This required universities that receive federal funds to adopt anti-discrimination policies. Anti-affirmative action networks were formed immediately after the implementation of these policies.

In addition to emphasizing the widespread racial equality, activists underscored how the nation failed to live up to their shared values. Anti-affirmative action networks changed the framing of the affirmative action debate by adopting the language of justice and shared values while ignoring racial inequality (Johnson 2020; Okechukwu 2019). This abstract liberal framing was soon adopted by a multitude of political institutions and universities, which resulted in policies that restricted the use of racial quotas, bonus programs, and additional forms of racial preferences. Increasingly, the discourses of abstract liberalism and threat frameworks seek to underscore affirmative action as the primary problem—instead of racial inequality—and have increased in the United States during the 21st century. These discourse frameworks correspond with an increase of affirmative action bans, a decrease in explicit racial preference programs, and a decline in Black enrollment. However, policy restrictions coupled with fear of litigation have resulted in a lack of transparency.

The amorphous definition of affirmative action as any program that proactively seeks to increase representation from underrepresented groups engulfs so many efforts that this understanding of affirmative action has little utility. On the other hand, from longstanding abstract liberal framing of race to justice frameworks, Brazil's shift resulted in 21st-century reforms that adopted racial quotas to ameliorate inequality in higher education. Brazil's affirmative action programs are comparatively more transparent than those found in the United States, and Brazilian programs have more success in increased access for Afro-descendants.

Nevertheless, the success and transparency of Brazilian higher education affirmative action programs in public universities still lack needed oversight and adequate data collection and reporting. Ultimately, indicators demonstrate discourse is a powerful force in shaping the

trajectory of affirmative action policy, evidenced by Afro-descendants exercising their

agency through framing as national injustice the unequal access to their social citizenship

right of quality public higher education.

The focus of racial equity in higher education and, more specifically, access to elite

education is not without its criticisms. The most convincing arguments center on the need to

increase access to quality primary and secondary education. However, this criticism ignores

the current and historic activism aimed at improving primary and secondary education, and

the struggle for inclusion has never been isolated to one institution. Additional criticisms

point to the role of non-elite public higher educational institutions in democratizing access

for historically marginalized people and demand more attention be given to these vital

institutions. This critique ignores that elite public universities are government bodies; in a

democracy, governments are for all citizens. Suggesting that the focus should be on non-elite

public institutions deflects from the right that Blacks have as citizens to access elite public

universities.

The topic of racial inequality has been thrust into the national and international

spotlight over the past year. Technology has allowed blacks around the world the opportunity

to broadcast their own realities. As black communities were disproportionately impacted by

COVID-19 economic fallout and experienced a disproportionate number of deaths, viral

videos of police brutality and racial harassment by fellow citizens forced a renewed

discussion on racial justice and equality. Currently, academics have an unprecedented

opportunity to effect change as exemplified by how scholarship on health disparities

influenced the COVID-19 vaccine rollout in the United States. As the black struggle for

rights continues, inequity in every institution must be confronted, including elite public

universities. Research studies must continually assess how the social citizenship rights of afro-descendant peoples in the Americas can be advanced; including their access to elite public institutions of higher education.

Research related to race and inequality must go beyond theory building and hypothesis testing. These studies must provide analytical interventions that incorporate critical theory that centers the discussion on race and material inequality are coupled with methodologies that elucidate strategies for advancing equity. Although this study cannot establish causality between discourse framing and policy, it establishes a relationship between discourse types and affirmative action policies. Political elites constantly frame and reframe national narratives that either propagate or admonish affirmative action as policy needed or hinder the nation's ability to achieve the ideals and principles for which it was founded. The control of this narrative by either side has related to the implementation or banning of affirmative action.

Moreover, discourse frameworks also appear related to policy types. When justice frameworks that highlight actual material racial inequality are dominant, the resulting policy tends to be more centralized and aggressive. The case of Brazil provides convincing evidence that decentralized affirmative action can indeed be highly effective though not to the extent of centralized programs. Importantly, centralization and decentralization are less important than the consideration of race. Race-conscious affirmative action appears to be requisite in transforming access to elite public universities.

Bibliography

Afolabi, Niyi. 2012. "Quilombismo and the Afro-Brazilian Quest for Citizenship." *Journal of Black Studies* 43 (8):847-71. http://www.jstor.org.ezproxy.fiu.edu/stable/23414678.
———. 2018. "The Quilombo Newspaper, Abdias Nascimento and Human Rights Activism in Brazil." XVII, n.1.

Aka, Philip C. 2009. "Affirmative Action and the Black Experience in America." *Human Rights* 36(4): 8–10.

Alberto, Paulina L. 2011. "Democracy: São Paulo and Rio De Janeiro, 1945–1950." In Terms of Inclusion: Black Intellectuals in Twentieth-Century Brazil, University of North Carolina Press, 151–95.

Aleinikoff, Alexander T. 1991. "A Case for Race-Consciousness." Columbia Law Review 91. (5: 1060–1125.

Alfonso, Daniel A. 2020. "Bolsonaro's Take on the 'absence of Racism' in Brazil." Race & Class 61 (3):33-49. https://doi.org/10.1177/0306396819890221

Alon, Sigal. 2015. "The Search for an Alternative Affirmative Action Policy in American Higher Education." In Race, Class, and Affirmative Action, Russell Sage Foundation, 3–24.

Alon, Sigal, and Malamud Ofer. 2014. "The Impact of Israel's Class-Based Affirmative Action Policy on Admission and Academic Outcomes." Economics of Education Review 40: 123–39.

Alvarez, Sonia E., Evelina Dagnino, and Arturo Escobar, eds. 1998. Cultures of Politics, Politics of Culture: Re-Visioning Latin American Social Movements. Boulder, CO: Westview Press.

Alves, Gabriel, and Estêvão Gamba. 2019a. "Pesquisas Brasileiras Sobre Racismo e Desigualdade Racial Crescem 28 Vezes Em 20 Anos." Folha de S.Paulo. Folha de S.Paulo. https://www1.folha.uol.com.br/ciencia/2019/11/pesquisas-brasileiras-sobre-racismo-e-desigualdade-racial-crescem-28-vezes-em-20-anos.shtml.

———. 2019b. Pesquisas Brasileiras Sobre Racismo e Desigualdade Racial Crescem 28 Vezes Em 20 Anos. Folha D S. Paulo.

Amparo, Thiago. 2020. "Why America's Protests Resonate So Deeply in Brazil." Americas Quarterly. https://www.americasquarterly.org/article/why-americas-protests-resonate-so-deeply-in-brazil/.

Ana, Otto Santa, and Joe R. Feagin. 2002. "Proposition 209: Competing Metaphors for Racism and Affirmative Action." In Brown Tide Rising, 104-155, University of Texas Press.

Anderson, Elizabeth. 2010. "Understanding Affirmative Action." In The Imperative of Integration, 135-154, Princeton University Press.

Anderson, Jon Lee, and Alex Cuadros. "Jair Bolsonaro's Southern Strategy." The New Yorker. https://www.newyorker.com/magazine/2019/04/01/jair-bolsonaros-southern-strategy.

Andrews, George Reid. "Blacks and Whites in São Paulo, Brazil, 1888-1988." . 1992 29 (2):141-58.

Andrews, George Reid. 1996. "Brazilian Racial Democracy, 1900-90: An American Counterpoint." Journal of Contemporary History 31, 3: 483–507.

———. 2014. "Racial Inequality in Brazil and the United States, 1990-2010." Journal of Social History 47(4): 829–54.

Ansell, Amy E. 2006. "Casting a Blind Eye: The Ironic Consequences of Color-Blindness in South Africa and the United States." Critical Sociology 32(2–3): 333–56.

Antonovics, Kate, and Ben Backes. 2014. "The Effect of Banning Affirmative Action on College Admissions Policies and Student Quality." Journal of Human Resources 49(2): 295–322.

Appelbaum, Nancy P. 2003. Muddied Waters: Race, Region, and Local History in Colombia,1846-1948. Durham: Duke University Press.

Appiah, Kwame Anthony. 2011. "'Group Rights' and Racial Affirmative Action." The Journal of Ethics 15(3): 265–80.

Arcidiacono, Peter, and Michael Lovenheim. 2016. "Affirmative Action and the Quality-Fit Trade-Off." Journal of Economic Literature 54(1): 3–51.

Arretche, M.T.S., ed. 2015. "Desigualdades raciais no Brasil: um desafio persistente"." In Trajetórias das desigualdades: como Brasil mudou nos últimos 50 anos, São Paulo: Editora UNESP.

Ashkenas, J., H. Park, and A. Pearce. 2017. Even with Affirmative Action, Blacks and Hispanics Are More Underrepresented at Top Colleges than 35 Years Ago. https://www.nytimes.com/interactive/2017/08/24/us/affirmative-action.html.

Attewell, Paul, and David E. Lavin. 2007. Passing the Torch: Does Higher Education for the Disadvantaged Pay Off Across the Generations. New York: Russell Sage Foundation.

Aygun, O., and I. Bó. 2017. College Admission with Multidimensional Privileges: The Brazilian Affirmative Action Case. https://papers.ssrn.com/sol3/papers.cfm.

Bagde, Surendrakumar, Dennis Epple, and Lowell Taylor. 2016. "Does Affirmative Action Work? Caste, Gender, College Quality, and Academic Success in India." American Economic Review 106(6): 1495–1521.

Bailey, Stanley. 2009. Legacies of race: Identities, attitudes, and politics in Brazil. Palo Alto, CA: Stanford University Press.

Bailey, Stanley R. 2004. "Group Dominance and the Myth of Racial Democracy: Antiracism Attitudes in Brazil." American Sociological Review 69(5): 728–47.

———. 2008. "Unmixing for Race Making in Brazil." American Journal of Sociology 114, (3: 577–614.

———. 2009. "Public Opinion on Nonwhite Underrepresentation and Racial Identity Politics in Brazil." Latin American Politics and Society 51(4): 69–99.

Bailey, Stanley R., Fabrício Fialho, and Michelle Peria. 2015. "Support for Race-Targeted Affirmative Action in Brazil." Ethnicities.

Bailey, Stanley R., Mara Loveman, and Jeronimo O. Muniz. 2013. "Measures of 'Race' and the Analysis of Racial Inequality in Brazil." 42 (1):106-19.

Bailey, Stanley R., and Edward E. Telles. 2006. "Multiracial Versus Collective Black Categories: Examining Census Classification Debates in Brazil." 6 (1):74-101.

———. 2018. "Support for Race-Targeted Affirmative Action in Brazil." Ethnicities 18(6): 765–98.

Ball, Howard. 2000. The Bakke Case: Race, Education, and Affirmative Action. Lawrence: Univ. Press of Kansas.

Balock, H.M. 1967. Toward a Theory of Minority-Group Relations. New York: Wiley.

Bastos, Fabrício H.Chagas. 2019. "Political Realignment in Brazil: Jair Bolsonaro and the Right Turn." Revista de Estudios Sociales 69: 92–100.

Bevilaqua, Ciméa Barbato. "The Institutional Life of Rules and Regulations: Ten Years of Affirmative Action Policies at the Federal University of Paraná, Brazil." *Vibrant: Virtual Brazilian Anthropology* 12, no. 2 (2015): 193–232. https://doi.org/10.1590/1809-43412015v12n2p193.

Bell, Derrick A. 1980. "Brown v. Board of Education and the Interest-Convergence Dilemma." Harvard Law Review 93(3): 518–33.

———. 1997. "White Superiority in America: Its Legal Legacy, Its Economic Costs." In Critical White Studies, eds. Delgado Richard and Stefancic Jean. Philadelphia: Temple University Press, 596–600.

Benedito, Vera L. 2015. "Equal Opportunity Policy in Brazil: Black Activism and the State." In Race, Politics, and Education in Brazil: Affirmative Action in Higher Education, eds. Ollie A. Johnson, Rosana Heringer. New York: Palgrave Macmillan US, 73-94.

Benford, Robert. 2002. Controlling Narratives and Narratives as Control within Social Movements. Stories of Change: Narrative and Social Movements. ed. Joseph Davis. Albany, NY: State University of New York Press.

Bhopal, Kalwant, and Yasmin Alibhai-Brown. 2018. "Higher Education, Race and Representation." In White Privilege: The Myth of a Post-Racial Society, Bristol, UK; Chicago, IL, USA: Bristol University Press, 87–104.

Blume, Grant H., and Mark C. Long. 2014. "Changes in Levels of Affirmative Action in College Admissions in Response to Statewide Bans and Judicial Rulings." Educational Evaluation and Policy Analysis 36(2): 228–52.

Bobo, Lawrence. 1998. "Race, Interests, and Beliefs about Affirmative Action: Unanswered Questions and New Directions." 41 (7):985-1003. https://doi.org/10.1177/0002764298041007009.

Bonilla-Silva, Eduardo. 2000. ""This is a White Country": The Racial Ideology of the Western Nations of the World-System." 70 (2):188-214.

———2009. Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America. Lanham, MD: Rowman & Littlefield Publishers.

———. 2012. "The Invisible Weight of Whiteness: The Racial Grammar of Everyday Life in Contemporary America." 35 (2):173-194.

———2013. Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America. Lanham, MD: Rowman &.

Bonilla-Silva, Eduardo, and Austin Ashe. 2014. "The End of Racism?" In The Colorblind Screen, eds. Sarah Nilsen, Sarah E. Turner: NYU Press, 57-80.

Bonilla-Silva, Eduardo, and David Dietrich. 2011. "The Sweet Enchantment of Color-Blind Racism in Obamerica." 634:190-206. http://www.jstor.org.ezproxy.fiu.edu/stable/29779402 (Accessed 2021/03/12/).

Bonilla-Silva, Eduardo, Amanda Lewis, and David G. Embrick. 2004. ""I did Not Get that Job because of a Black Man...": The Story Lines and Testimonies of Color-Blind

Racism." Sociological Forum 19 (4):555-81.
http://www.jstor.org.ezproxy.fiu.edu/stable/4148829

Boston, Thomas, Nai-Reichert, and Ushur. 2003. "Affirmative Action Perspectives from the United States, India and Brazil." Western Journal of Black Studies 27(1): 3–14.

Bowen, William, and Derek Bok. 1998. The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions. Princeton, NJ: Princeton University Press.

Bowen, William Gordon, Matthew M. Chingos, and Michael S. McPherson. 2011. Crossing the Finish Line: Completing College at America's Public Universities. Princeton, NJ: Princeton University Press.

Braniff, Marie, and Paul Hainsworth. 2015. "A Human-Rights Based Approach to Development." In From the Local to the Global. Pluto Press.

Brasil. 2004. Ministério Da Educação. Conselho Nacional De Educação. Diretrizes Curriculares Nacionais Para a Educação Das Relações Étnico-Raciais E Para O Ensino De História E Cultura Afro-Brasileira E Africana. Brasília: DF.

Briscoe, F. M., and M. A. Khalifa. 2013. ""That Racism Thing": A Critical Race Discourse Analysis of a Conflict Over the Proposed Closure of a Black High School." .

Brown, Michael K. et al. 2003. "Civil Rights and Racial Equality; Employment Discrimination Law, Affirmative Action, and Quotas." In Whitewashing Race, 161-192: University of California Press.

Burgos, Marcos D. 2016. Development, Security and Displacement: An Ethnographic Case Study of Rocinha and Other Key Favelas. in Rio de Janeiro. aldwell, Kia L. 2017. "Conclusion:; The Limits of Universality and the Urgency of Intersectionality." In Health Equity in Brazil,Anonymous : University of Illinois Press, 177-186.

Cantor, J. C., E. L. Miles, L. C. Baker, and D. C. Barker. 1996. "Physician Service to the Underserved: Implications for Affirmative Action in Medical Education." 33 (2):167-80.

Capriglione, Laura. 2008. "Cor de Celebridades Revela Critérios 'Raciais' do Brasil." Folha de São Paulo.

Carnevale, Anthony P., and Stephen J. Rose. 2003. Socioeconomic Status, Race/Ethnicity and Selective College Admissions. New York: The Century Foundation.

Carnoy, Martin et al. 2013. "The Great Higher Education Expansion." In University Expansion in a Changing Global Economy, Stanford University Press.

Carr, M.K. 2018. "Conclusion ; the Rhetorical Supreme Court and the Legacy of Diversity." In The Rhetorical Invention of Diversity, 185-210, Michigan State University Press.

Carter, Daryl A. 2016. "'Mend It, Don't End It'; the Politics of Affirmative Action." In Brother Bill, 135-168, University of Arkansas Press.

Carter, J.S., and Cameron D. Lippard. 2020a. "Case Study 2:; The Fisher Supreme Court Cases Against the University of Texas at Austin." In The Death of Affirmative Action, 155-188: Bristol University Press.

———. 2020b. "Who Is Fighting the Fight?" In The Death of Affirmative Action, 67-114: Bristol University Press.

Carter, J. Scott, Cameron Lippard, and Andrew F. Baird. 2019. "Veiled Threats: Color-Blind Frames and Group Threat in Affirmative Action Discourse." Social Problems 66(4): 503–18.

Castellino, Joshua. 2017. "How Effective Has CERD Been in Protecting Minorities?" In Fifty Years of the International Convention on the Elimination of All Forms of Racial Discrimination, eds. David Keane and Annapurna Waughray. 227-245: Manchester University Press.

Chace, William M. 2011. "Affirmative Inaction: Opposition to Affirmative Action has Drastically Reduced Minority Enrollment at Public Universities; Privated Institutions have the Power and the Responsibility to Reverse the Trend." The American Scholar 80(1): 20–31.

Chetty, Raj et al. "Mobility Report Cards: The Role of Colleges in Intergenerational Mobility."

Childs, Porsha, and Nelly P. Stromquist. 2015. "Academic and Diversity Consequences of Affirmative Action in Brazil." Compare: A Journal of Comparative and International Education 45(5): 792–813.

Clair, M., and J.S. Denis. 2015. "Racism, Sociology Of." In International Encyclopedia of the Social & Behavioral Sciences, , 857–63.

Clancy, Patrick, and Gael Goastellec. 2007. "Access and Equity in Higher Education: Policy and Performance in a Comparative Perspective." Higher Education Quarterly 61: 136–54.

Caulfield, Sueann. In Defense of Honor: Sexual Morality, Modernity, and Nation in Early-Twentieth Century Brazil. Durham N.C.: Duke University Press, 2000.

Cole, Stephen, and Elinor Barber. 2003. Increasing Faculty Diversity: The Occupational Choices of High-Achieving Minority Students. Cambridge, MA: Harvard University Press.

Conference, American Inter-Continental Peace. 1952. "United States Sponsoring Committee." In Correspondence. New York (N.Y, https://www.digitalcommonwealth.org/search/commonwealth-oai:kh04jh37p.

Coppedge, M. 1999. "Thickening Thin Concepts and Theories: Combining Large N and Small in Comparative Politics." Comparative Politics 31(4): 465–76.

Conrado, Mônica, Marilu Campelo, and Alan Ribeiro. 2015. "Metáforas Da Cor: Morenidade E Territórios Da Negritude Nos Construções De Identidades Negras Na Amazônia Paraense." 51:213-46.

Corbin, Caroline Mala. 2017. "Terrorists Are Always Muslim but Never White: At the Intersection of Critical Race Theory and Propaganda." Fordham L. Rev 86: 455.

Corlett, J.A. 2009. "The Whitewashing of Affirmative Action." In Race and Human Rights, ed. Curtis Stokes. 255-264: Michigan State University Press.

Covin, David. The Unified Black Movement in Brazil, 1978- 2002. Jefferson: McFarland.

Crenshaw, Kimberlé Williams. 2019. "Unmasking Colorblindness in the Law: Lessons From the Formation of Critical Race Theory." In Seeing Race Again: Countering Colorblindness across the Disciplines, eds. Crenshaw Kimberlé Williams, Harris Luke Charles, HoSang Daniel Martinez, and Lipsitz George. Oakland, California: University of California Press, 52–84.

Daflon, Verônica T., João Feres Júnior, and Luiz A. Campos. 2013. "Ações Afirmativas Raciais no Ensino Superior Público Brasileiro: Um Panorama Analítico." Cadernos De Pesquisa (Fundação Carlos Chagas) 43 (148) (Apr):302-27.

Dagbovie, Pero Gaglo. 2009. "Historicizing Affirmative Action and the Landmark 2003 University of Michigan Cases." In Race and Human Rights, ed. Curtis Stokes. 199-210: Michigan State University Press.

Daniel, G.Reginald. 2006. "The Brazilian Convergence: Toward the United States Path." In Race and Multiraciality in Brazil and the United States: Converging Paths?, Pennsylvania State University Press, 237–58.

David. 2021. "Racial Reclassification and Political Identity Formation." World Politics 73 (1) (Jan):1-51. https://dx.doi.org/10.1017/S0043887120000179.

Degler, Carl N. 1986. Neither Black nor White : Slavery and Race Relations in Brazil and the United States. Madison, Wis.: University of Wisconsin Press.

Davidson, R.C., and E.L. Lewis. 1997. "Affirmative Action and Other Special Consideration Admissions at the University of California, Davis, School of Medicine." Journal of the American Medical Association (JAMA 278(14): 1153–58.

Davis, F. J. 1991. "Who is Black? One Nation's Definition." In Mediações–Revista De Ciências,Anonymous . University Park, PA: The Pennsylvania State University Press.

de la Fuente, Alejandro. 2010. "From Slaves to Citizens? Tannenbaum and the Debates on Slavery, Emancipation, and Race Relations in Latin America." International Labor and Working-Class History (77):154-73. http://www.jstor.org.ezproxy.fiu.edu/stable/40648589.

De Micheli, David. 2021. "Racial Reclassification and Political Identity Formation." World Politics 73 (1) (Jan):1-51. https://dx.doi.org/10.1017/S0043887120000179.

de Oliveira, and Cleuci, "'Race Fraud': How a College Quota Scandal Exposed Brazil's Historic Racial Tensions," The Guardian, June 8,. https://www.theguardian.com/inequality/2017/jun/08/race-fraud-how-college-quota-scandal-exposed-brazil-historic-racial-tensions.

Degler, Carl N. 1986. Neither Black nor White : Slavery and Race Relations in Brazil and the United States. Madison, Wis.: University of Wisconsin Press.

Delgado, Ignacio J. G. 2016. "Ações Afirmativas E O Horizonte Normativo Da Democracia Racial (Affirmative Actions and the Normative Horizon of Racial Democracy)." Cadernos De História (Belo Horizonte, Brazil) 17 (26) (Jun 28,):182.

Delgado, Richard, Jean Stefancic, and Angela Harris. 2017. Race Theory (Third Edition): An Introduction. New York: NYU Press.

Deshpande, Ashwini, and Thomas E. Weisskopf. 2014. "Does Affirmative Action Reduce Productivity? A Case Study of the Indian Railways." World Development 64: 169–80.

Dietrich, E. 2015. "Ambition with Resistance: Affirmative Action in Brazil's Public Universities." In Race, Politics, and Education in Brazil, eds. Johnson O.A. and Heringer R. New York: Palgrave Macmillan.

Dijk, Teun A. v. 2020. Antiracist Discourse in Brazil. Lanham, Maryland: Lexington Books.

DiShino, Christopher. 2009. "Affirmative Action in Brazil: Reverse Discrimination and the Creation of a Constitutionally Protected Color-Line." U. Miami Int'l & Comp. L 17: 155.

DiTomaso, Nancy. 2013a. "Affirmative Action and Equal Opportunity:; Changes in Access to Education and Jobs for Women, African Americans, and Immigrants." In The American Non-Dilemma, 256-308: Russell Sage Foundation.

———. 2013b. "Conclusion:; Myrdal's Dilemma and the American Non-Dilemma." In The American Non-Dilemma, 309-338: Russell Sage Foundation.

———. 2013c. "The White Electorate:; The White Working Class, Religious Conservatives, Professionals, and the Disengaged." In The American Non-Dilemma, 174-219: Russell Sage Foundation.

Dixon, K. 2006. "Beyond Race and Gender: Recent Works on Afro-Latin America." Latin American Research Review 41(3): 247–57.

Dixon, Kwame. 2016a. "Affirmative Action and Education in Brazil." In Afro-Politics and Civil Society in Salvador Da Bahia, Brazil, 77-99: University Press of Florida.

———. 2016b. "Black Education, Affirmative Action, and Citizenship in Salvador Da Bahia:; The Steve Biko Cultural Institute and the Pré-Vestibular Para Negros E Carentes Movement." In Afro-Politics and Civil Society in Salvador Da Bahia, Brazil, 100-124: University Press of Florida.

Dixon, Kwame, and Ollie A. Johnson. 2019. In Comparative Racial Politics in Latin America, New York, NY: Routledge.

Dixson, Adrienne D., and Celia K. Rousseau. 2005. "And We Are Still Not Saved: Critical Race Theory in Education Ten Years Later." Race, Ethnicity, and Education 8(1): 7–27.

Donahoo, Saran. 2008. "Reflections on Race: Affirmative Action Policies Influencing Higher Education in France and the United States." Teachers College Record 11(2): 251–77.

D'Souza, Dinesh. 1992. Iliberal Education: The Politics of Race and Sex on Campus. New York: Vintage.

Du Bois, W.E.B., and E. B. "1868-1963. Letter from W." W. E. B. Du Bois Papers (MS 312.

Dunmire, Patricia L. 2012. "Political Discourse Analysis: Exploring the Language of Politics and the Politics of Language." Language and Linguistics Compass 6(11): 735–51.

Duryea, Suzanne et al. 2019. "Universities and Intergenerational Social Mobility in Brazil: Examining Patterns by Race and Gender." Journal of Economics, Race, and Policy 2(4): 240–56.

Dynarski, S. 2018. At Elite Colleges, Racial Diversity Requires Affirmative Action. https://www.nytimes.com/2018/09/28/business/at-elite-colleges-racial-diversity-requires-affirmative-action.html.

Eads, J.K. 1936. "The Negro in Brazil." The Journal of Negro History 21(4): 365–75.

Earl, Jennifer et al. 2010. "Changing the World One Webpage at a Time: Conceptualizing and Explaining Internet Activism." Mobilization: An International Journal 15(6): 425–46.

Elliott, Catherine S., Keith Fitzgerald, Donald M. Hayward, and Stela Krasteva. 2009. "Some Indications of Limits to Framing the Policy Preferences of the Civically Engaged: Interplay of Social Capital, Race Attitudes, and Social Justice Frames." Journal of Socio-Economics 38 (1):96-103. http://ezproxy.fiu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=edselp&AN=S1053535708001030&site=eds-live.

Emigh, Rebecca J., Dylan Riley, and Patricia Ahmed. 2015. "The Racialization of Legal Categories in the First U.S." 39:485-519.

Enloe, Cynthia. 1981. "The Growth of the State and Ethnic Mobilization: The American Experience." 4 (2):123-36.

Enos, Ryan D. 2014. "Causal Effect of Intergroup Contact on Exclusionary Attitudes." Proceedings of the National Academy of Sciences of the United States of America 111 (10): 3699–3704.

Erasmus, Zimitri. 2015. "The Nation, Its Populations and Their Re-Calibration: South African Affirmative Action in a Neoliberal Age." Cultural Dynamics 27(1): 99–115.

Estlund, Cynthia. 2003. Working Together: How Workplace Bonds Strengthen a Diverse Democracy. New York: Oxford University Press.

Evans, M.Alex, Nancy Cardenas, and Adrienne D. Dixson. 2017. "Race Still Matters in Urban Education: Critical Race Theory and Urban Education." In Second International Handbook of Urban Education, Cham: Springer, 787–808.

Favara, J.B. 2017. "Recruiting for Difference and Diversity in the United States Military." (Doctoral dissertation,. University of Oregon.

Feagin, Joe, and Sean Elias. 2013. "Rethinking Racial Formation Theory: A Systemic Racism Critique." Ethnic and Racial Studies 36 (6) (Jun 1,):931-60.

Featherman, David Lee, Marvin Krislov, and Martin Hall. 2009. The next Twenty-Five Years: Affirmative Action in Higher Education in the United States and South Africa.

Fernandes, D.C. 2004. "Race, Socioeconomic Development, and the Educational Stratification Process in Brazil." Research in Social Stratification and Mobility 22: 365–422.

Ferreira, Denise da Silva. 2016. "The Racial Limits of Social Justice: The Ruse of Equality of Opportunity and the Global Affirmative Action Mandate." Critical Ethnic Studies 2(2): 184–209.

Fitzgerald, David S., and David Cook-Martin. 2014. Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas. Cambridge, MA: Harvard University Press.

Fitzgerald, David Scott, and David Cook-Martín. 2014. "Brazil; Selling the Myth of Racial Democracy." In Culling the Masses, 259-298, Harvard University Press.

Francis, Andrew M., and Maria Tannuri-Pianto. 2012. "Using Brazil's Racial Continuum to Examine the Short-Term Effects of Affirmative Action in Higher Education." The Journal of Human Resources 47 (3):754-84.

Francis-Tan, A., and M. Tannuri-Pianto. 2015. "Inside the Black Box: Affirmative Action and the Social Construction of Race in Brazil." Ethnic and Racial Studies 38(15): 2771–90.

Frankel, Richard. 2000. "Proposition 209: A New Civil Rights Revolution?" Yale Law & Policy Review 18 (2):431-61

Frazier, E.Franklin. 1942. "The Negro Family in Bahia, Brazil." American Sociological Review 7(4): 465–78.

———. 1943. "The Annals of the American Academy of Political and Social." Science 227: 188–89.

———. 1950. American Journal of Sociology 55(4): 413–15.

Fredman, Sandra. 2017. "Reversing Discrimination." In Global Minority Rights, New York: Routledge, 307–32.

Freeman, Alan D., and Derrick A. Bell. 1981. "Race and Class: The Dilemma of Liberal Reform." The Yale Law Journal 90(8): 1880–95.

Freyre, Gilberto, Casa-Grande, and Senzala. 1956. The Masters and the Slaves. New York: Knopf.

Frisancho, Veronica, and Kala Krishna. 2016. "Affirmative Action in Higher Education in India: Targeting, Catch up, and Mismatch." Higher Education 71(5): 611–49.

Frymer, Paul. 2016. "Rights Through Knowledge and Reason: Civil Rights Aspirations in the Progressive-Era Department of Labor." In Progressives' Century: Political Reform, Constitutional Government, and the Modern American State, eds.

Fuente, De La and Alejandro. 2010. "From Slaves to Citizens? Tannenbaum and the Debates on Slavery, Emancipation, and Race Relations in Latin America." International Labor and Working-Class History (77): 154–73.

Gamson, William. 1988. "Political Discourse and Collective Action." International Social Movement Research 1: 219–44.

Gamson, William, Bruce Fireman, and Steven Rytina. 1982. Encounters with Unjust Authority. Homewood, IL: Dorsey Press.

Garaz, Stela. 2014. "Helping the Marginalised or Supporting the Elite? Affirmative Action as a Tool for Increasing Access to Higher Education for Ethnic Roma." European Educational Research Journal 13(3): 295–311.

Garces, Liliana M. 2012. "Necessary but Not Sufficient: The Impact of Grutter V. Bollinger on Student of Color Enrollment in Graduate and Professional Schools in Texas." 83 (4):497-534.

Garces, Liliana M., and David Mickey-Pabello. 2015. "Racial Diversity in the Medical Profession: The Impact of Affirmative Action Bans on Underrepresented Students of Color Matriculation in Medical Schools." The Journal of higher education 86(2): 264–94.

Garcia-Navarro, Lulu. 2016. For affirmative action, Brazil sets up controversial boards to determine race. NPR Parallels.

Garrow, Mary Sue Coleman, David J., Njabulo Ndebele "Affirmative Action, and the U.S. 2010. "Black Freedom Struggle." In The Next Twenty-Five Years, eds. David L. Featherman, Martin Hall, and Marvin Krislov. 35-49: University of Michigan Press.

Gerring, John. 2004. "What Is a Case Study and What Is It Good For?" The American Political Science Review 98(2): 341–54.

Giles, Micheal W., and Melanie A. Buckner. 1996. "Beyond Racial Threat: Failure of an Old Hypothesis in the New South: Comment." The Journal of Politics 58(4): 1171–80.

Gil-Riaño, Sebastián. 2018. "Relocating Anti-Racist Science: The 1950 UNESCO Statement on Race and Economic Development in the Global South." The British Journal for the History of Science 51(2): 281–303.

Gomer, Justin. 2020. "We Are What We Were; Imagining America's Colorblind Past." In White Balance, 126-162, University of North Carolina Press.

Gordon, Lewis R. 2015. "White Privilege and the Problem with Affirmative Action." In "I Don't See Color", eds. Bettina Bergo and Tracey Nicholls. 25-38: Penn State University Press.

Gotanda, Neil. 1991. "A Critique of 'Our Constitution Is Color-Blind.'" Stanford Law Review 44(1): 1–68.

Graham, Hugh Davis. 1992. "Origins of Affirmative Action: Civil Rights and the Regulatory State." The Annals of the American Academy of Political and Social Science 523(1): 50–62.

Greene, L. 1995. "Race in the Twenty-First Century: Equality through the Law?" In Critical Race Theory: The Key Writings That Formed the Movement, eds. K. Crenshaw, N. Gotanda, G. Peller, and K. Thomas. New York: Ne, 292–302.

Guimarães, Antônio Sérgio. 2007. "After Racial Democracy." Tempo social 18(2): 269–87.

Haddad, Sérgio. 1996. "Brazil." International Review of Education / Internationale Zeitschrift Für Erziehungswissenschaft / Revue Internationale De L'Education 42(1/3): 29–40.

Hall, Ronald E. 2004. "Entitlement Disorder: The Colonial Traditions of Power as White Male Resistance to Affirmative Action." Journal of Black Studies 34(4): 562–79.

Hamilton, Charles V. 2001. Beyond Racism Race and Inequality in Brazil, South Africa, and the United States. Boulder, Colo.; Londres: Lynne Rienner Publishers.

Hamilton, Darrick, and William A. Darity Jr. 2017. "The Political Economy of Education, Financial Literacy, and the Racial Wealth Gap." Federal Reserve Bank of St. Louis Review 99(1): 59–76.

Hanchard, Michael, and Erin Aeran Chung. 2004a. "From Race Relations to Comparative Racial Politics: A Survey of Cross-National Scholarship on Race in the Social Sciences." Du Bois Review: Social Science Research on Race 1(2): 319–43.

———. 2004b. "From Race Relations to Comparative Racial Politics: A Survey of Cross-National Scholarship on Race in the Social Sciences." Du Bois Review: Social Science Research on Race 1(2): 319–43.

Hanchard, Michael George. 1994. Orpheus and Power: The "Movimento Negro" of Rio De Janeiro and Sao Paulo, Brazil 1945-1988. Princeton, NJ: Princeton University Press.

———. 2004. "Transnationalism, Africana Studies, and the 21st Century." Journal of Black Studies 35(2): 139–53.

———. 2005. Racial Politics in Contemporary Brazil. Durham: Duke University Press.

Harris, A. 2018a. What Happens When a College's Affirmative-Action Policy Is Found Illegal? https://www.theatlantic.com/education/archive/2018/10/when-college-cant-use-race-admissions/574126/.

———. 2018b. What the Harvard Trial Is Really About. https://www.theatlantic.com/education/archive/2018/10/harvard-really-about-affirmative-action/573064/.

Harris, Angela P. 2012. "Critical Race Theory." In International Encyclopedia of the Social & Behavioral Sciences,.

Harris, Luke Charles, and Uma Narayan. 2019. "Affirmative Action as Equalizing Opportunity: Challenging the Myth of Preferential Treatment"." In Seeing Race Again, 246-266: University of California Press.

Hartocollis, Anemona. 2020. "Affirmative Action Cases May Reach Supreme Court Even Without Trump." The New York Times. The New York Times. https://www.nytimes.com/2020/11/09/us/affirmative-action-north-carolina.html.

Hasenbalg, Carlos, and Nelson V. Silva. 1999. "Notes on Racial and Political Inequality in Brazil." In Pp. 154–78 in Racial Politics in Contemporary Brazil, ed. M. Hanchard. Durham, NC: Duke University Press.

Haveman, Robert, and Timothy Smeeding. 2006. "The Role of Higher Education in Social Mobility." The Future of Children 16(2): 125–50.

Hellwig, David J. 1990. "Racial Paradise or Run-around? Afro-North American Views of Race Relations in Brazil." American Studies 31(2): 43–60.

Henrard, Kristin. 2007. "The Protection of Minorities through the Equality Provisions in the UN Human Rights Treaties: The UN Treaty Bodies." International Journal on Minority and Group Rights 14(2): 141–80.

Heringer, Rosana. 2001. "Mapeamento De Ações E Discursos De Combate Às Desigualdades Raciais no Brasil." Estudos Afro-Asiáticos 23 (2).

———. 2015. "Affirmative Action and the Expansion of Higher Education in Brazil." In Race, Politics, and Education in Brazil: Affirmative Action in Higher Education, eds. Ollie A. Johnson, Rosana Heringer. New York: Palgrave Macmillan US, 111-131.

———. 2020. "The Future of Affirmative Action Policies in Brazil." . https://culanth.org/fieldsights/the-future-of-affirmative-action-policies-in-brazil.

Hernández, Tanya K. 2014. Racial Subordination in Latin America : The Role of the State, Customary Law, and the New Civil Rights Response.

———. 2018. "Racial Mixture as a Presumed Complication in Antidiscrimination Law." In Multiracials and Civil Rights,Anonymous : NYU Press, 1-15.

Hilbert, Jim. 2017. "Restoring the Promise of Brown: Using State Constitutional Law to Challenge School Segregation." JL & Educ 46: 1.

Hinrichs, P. 2014. "Affirmative Action Bans and College Graduation Rates." Economics of Education Review 42: 43–52.

Hinrichs, Peter. 2012. "The Effects of Affirmative Action Bans on College Enrollment, Educational Attainment, and the Demographic Composition of Universities." Review of Economics and Statistics 94(3): 712–22.

Hochschild, Jennifer L., Vesla M. Weaver, and Traci Burch. 2011. "Destabilizing the American Racial Order." Daedalus 140(2): 151–65.

Hollingsworth, L.D., D.U. Patton, P.C. Allen, and K.E. Johnson. 2018. "Racial Microaggressions in Social Work Education: Black Students' Encounters in a Predominantly White Institution." Journal of Ethnic & Cultural Diversity in Social Work 27(1): 95–105.

Holt, Thomas C. 2000. "Racial Identity and the Project of Modernity." In Problem of Race in the Twenty-First Century, Cambridge, MA: Harvard University Press, 25–56.

Hooker, Juliet. 2005a. "Beloved Enemies": Race and Official Mestizo Nationalism in Nicaragua." Latin American Research Review 40(3): 14–39.

———. 2005b. "Indigenous Inclusion/Black Exclusion: Race, Ethnicity and Multicultural Citizenship in Latin America." Journal of Latin American Studies 3(2): 285–310.

———. 2012. "Negotiating Blackness Within the Multicultural State in Latin America: Creole Politics and Identity in Nicaragua." In "Afrodescendants, Identity, and the Struggle for Development in the Americas," eds. Bernd Reiter and Kimberly Eison Simmons. Michigan State University Press, 93–112.

Horowitz, D. L. 1985. Ethnic Groups in Conflict. Berkeley and Los Angeles: Univ. of California Press.

Howard Winant, and Michael Omi. 2014. Racial Formation in the United States. London: Taylor and Francis.

Htun, Mala. 2004. "From 'Racial Democracy' to Affirmative Action: Changing State Policy on Race in Brazil." Latin American Research Review 39(1): 60–89.

———. 2016. Inclusion without Representation in Latin America Gender Quotas and Ethnic Reservations. New York, NY: Cambridge University Press.

Huber, Lindsay Perez. 2016. "Make America Great Again: Donald Trump, Racist Nativism and the Virulent Adherence to White Supremacy Amid US Demographic Change." Charleston L. Rev 10: 215.

Hunt, Scott, Robert Benford, and David Snow. 1994. Identity Fields: Framing Processes and the Social Construction of Movement Identities. New Social Movements: From Ideology to Identity. eds. Enrique Larana, Hank Johnston, and Joseph Gusfield. Philadelphia: Temple University Press.

Ibañez, Marcela, and Gerhard Riener. 2018. "Sorting through Affirmative Action: Three Field Experiments in Colombia." Journal of Labor Economics 36(2): 437–78.

"International Convention on the Elimination of All Forms of Racial Discrimination." In Official Records, Meeting of States Parties: Decisions, New York: United Nations.

Iyigun, Murat F., and Andrew T. Levin. 2003. "What Determines Public Support for Affirmative Action?" Southern Economic Journal 69(3): 612–27.

Jain, Harish C., Peter Sloane, and Frank Horwitz. 2015. Employment Equity and Affirmative Action: An International Comparison: An International Comparison. New York: Routledge.

Jalali, Rita, and Seymour Martin Lipset. 1992. "Racial and Ethnic Conflicts: A Global Perspective." Political Science Quarterly 107(4): 585–606.

Jerry, Dávila. 2003. Diploma De Brancura: política Social e Racial No Brasil, 1917-1945. São Paulo: UNESP.

Johnson, Matthew. 2020a. "Gratz V. Bollinger." In Undermining Racial Justice, 215-242, Cornell University Press.

———. 2020b. "The Origins of Affirmative Action." In Undermining Racial Justice: How One University Embraced Inclusion and Inequality, Ithaca, NY: Cornell University Press, 40–66.

Odis Johnson, Jr. "Still Separate, Still Unequal: The Relation of Segregation in Neighborhoods and Schools to Education Inequality." The Journal of Negro Education 83, no. 3 (2014): 199-215. Accessed March 9, 2021. doi:10.7709/jnegroeducation.83.3.0199.

Johnson, O. 2015. Race. London: Palgrave Macmillan.

Johnson, Ollie A. 2008. "Afro-Brazilian Politics:; White Supremacy, Black Struggle, and Affirmative Action." In Democratic Brazil Revisited, eds. Peter R. Kingstone, Timothy J. Power: University of Pittsburgh Press, 209-230.

———. 2015. "Blacks in National Politics." In Race, Politics, and Education in Brazil:Affirmative Action in Higher Education, eds. Ollie A.

Johnson, Rosana Heringer. New York: Palgrave Macmillan US, 17-58.

Johnson, Ollie A., and Rosana Heringer. 2015. Race, Politics, and Education in Brazil: Affirmative Action in Higher Education. Basingstoke, Hampshire: Palgrave Macmillan.

Júnior, Feres, Verônica D. João, Eduardo Barbarela, and Pedro Ramos. 2013. No Title.

Júnior, João F., Verônica Toste, and Luiz A. Campos. 2015. "Affirmative Action in Brazil: Achievements and Challenges." In Race, Politics, and Education in Brazil: Affirmative Action in Higher Education, eds. Ollie A. Johnson, Rosana Heringer. New York: Palgrave Macmillan US, 179-198.

Kahlenberg, Richard. 1995. Class, Not Race. New Republic.

———. 1996. The Remedy: Class, Race, and Affirmative Action. New York: Basic Books.

Kang, Jerry, and Mahzarin R. Banaji. 2006. "Fair Measures: A Behavioral Realist Revision of Affirmative Action." California Law Review 94(4).

Karst, Kenneth L., and Harold W. Horowitz. 1974. "Affirmative Action and Equal Protection." Virginia Law Review: 955–74.

Karst, K.L., and H.W. Horowitz. 1979. "The Bakke Opinions and Equal Protection Doctrine." Harvard CR-CLL Rev 14L7.

Kathryn Lum. 2019. "Bolsonaro's Election Threatens the Future of Brazil's Quota Law." Economic and Political Weekly (Nov 16,).

Katznelson, Ira. 2005. When Affirmative Action Was White. New York: W.W. Norton.

Keane, David. 2007. "The United Nations and the Elimination of Racial Discrimination." In Caste-Based Discrimination in International Human Rights Law,Anonymous : Routledge, 179-230.

Kent, Michael, and Peter Wade. 2015. "Genetics Against Race: Science, Politics and Affirmative Action in Brazil." Social Studies of Science 45(6): 816–38.

Kingstone, Peter, and Timothy J. Power. 2008. "Democratic Brazil Revisited." In Afro-Brazilian Politics: White Supremacy, Black Struggle, and Affirmative Action, ed. Ollie A. Johnson. Pittsburgh, PA: University of Pittsburgh Press, 209-230.

Key, V.O. 1950. Southern Politics in State and Nation. New York.

Klandermans, Bert. 1984. "Mobilization and Participation: Social-Psychological Expansions of Resource Mobilization Theory." American Sociological Review 49: 583–600.

Kluegel, James R. 1985. ""If there Isn't a Problem, You Don't Need a Solution": The Bases of Contemporary Affirmative Action Attitudes." The American Behavioral Scientist 28 (6):761-84. https://doi.org/10.1177/000276485028006004 (Accessed 2021/03/14/).

Krieger, Linda. 1998. "Civil Rights Perestroika: Intergroup Relations After Affirmative Action." California Law Review 86: 1251–1333.

Ladson-Billings, Gloria. 2004. "Just What Is Critical Race Theory and What's It Doing in a Nice Field like Education." In The Routledge Falmer Reader in Multicultural Education, , 49–67.

Lavelle, Kristen M. 2017. "Under Siege in any Era: White Threat and Victim Memories of the Civil Rights Movement." 14 (2):515-34.

Lawrence, Charles R., and Mari J. Matsuda. 1997. We Won't Go Back: Making the Case for Affirmative Action. Boston: Houghton Mifflin.

Lee, Sharon M. 2010. "Racial Classifications in the US Census: 1890–1990." 16 (1):75-94

Lehmann, David. 2018. "After Durban: Affirmative Action Goes to University." In The Prism of Race, 41-72, University of Michigan Press.

Leslie, Lisa M., David M. Mayer, and David A. Kravitz. 2014. "The Stigma of Affirmative Action: A Stereotyping-Based Theory and Meta-Analytic Test of the Consequences for Performance." Academy of Management Journal 57(4): 964–89.

Lewis, Amanda E. 2004. ""What Group?" Studying Whites and Whiteness in the Era of Color-Blindness." 22:623-46.

Levine, Joshua M. 2006. "Stigma's Opening: Grutter's Diversity Interest(s) and the New Calculus for Affirmative Action in Higher Education." California Law Review 94(2): 457–530.

Lijphart, Arend. 1971. "Comparative Politics and the Comparative Method." The American Political Science Review 65(3): 682–93.

Lima, Márcia. 2014. "A Obra De Carlos Hasenbalg E Seu Legado À Agenda De Estudos Sobre Desigualdades Raciais no Brasil." Dados (Rio De Janeiro) 57 (4) (Dec):919-33

Lipson, Daniel N. 2007. "Embracing Diversity: The Institutionalization of Affirmative Action as Diversity Management at UC-Berkeley, UT-Austin, and UW-Madison." Law & Social Inquiry 32(4): 985–1026.

———. 2008. "Where's the Justice? Affirmative Action's Severed Civil Rights Roots in the Age of Diversity." 6 (4):691-706.

———. 2011. "The Resilience of Affirmative Action in the 1980's: Innovation, Isomorphism, and Institutionalization in University Admissions." Political Research Quarterly 64(1): 132–44.

Liu, Huacong. 2020. How Do Affirmative Action Bans Affect the Racial Composition of Postsecondary Students in Public Institutions?" Educational Policy.

Lloyd, Marion. 2015. "A Decade of Affirmative Action in Brazil: Lessons for the Global Debate." In Mitigating Inequality: Higher Education Research, Policy and Practice in Era of Massification and Stratification, Emerald Group Publishing Limited.

Lombardo, Paul A. 1987. "Miscegenation, Eugenics, and Racism: Historical Footnotes to Loving v. Virginia." UC Davis L. Rev 21: 421.

Long, Bridget T. 2003. "Diversity by any Other Name: Are there Viable Alternatives to Affirmative Action in Higher Education?" 27 (1):30-4.

Long, Mark C. 2004. "College Applications and the Effect of Affirmative Action." 121 (1–2):319-42.

Loury, Glenn C. 1995. One by One from the Inside Out: Essays and Reviews on Race and Responsibility in America. New York: Free Press.

Loveman, Mara. 2014. National Colors: Racial Classification and the State in Latin America. New York, NY: Oxford University Press.

Maggie, Yvonne. 2005. "The Politics of Quotas in Admissions to the University of Brasilia, Or the Fault Line that Creates Divided Societies." Horizontes Antropologicos 11 (23):286-91. http://ezproxy.fiu.edu/login?url=https://www-proquest-com.ezproxy.fiu.edu/scholarly-journals/politics-quotas-admissions-university-brasilia/docview/59987708/se-2?accountid=10901

Maio, M., and R. Galli. 2011. "Florestan Fernandes, Oracy Nogueira, and the UNESCO Project on Race Relations in São Paulo." Latin American Perspectives 38(3): 136–49.

Maio, Marcos Chor. 2001. "UNESCO and the Study of Race Relations in Brazil: Regional or National Issue?" Latin American Research Review 36(2): 118–36.

Magalhães, Célia Maria. 2006. "A critical discourse analysis approach to news discourses and social practices on race in Brazil." DELTA: Documentação de Estudos em Lingüística Teórica e Aplicada, 22(2), 275-301.

Malamud, Deborah. 1997. "Assessing Class-Based Affirmative Action." Journal of Legal Education 47: 452–71.

Malamud, Deborah1997. "Affirmative Action, Diversity, and the Black Middle Class." University of Colorado Law Review 68: 939–99.

Mallon, Ron. 2004. "Passing, Traveling and Reality: Social Constructionism and the Metaphysics of Race." Noûs 38(4): 644–73.

Malos, Stanley B. 2000. "The New Affirmative Action: Socioeconomic Preference Criteria in College Admissions." 36 (1):5-22.

Mannheim, Karl. 1952. "The Problem of Generations." In Essays on the Sociology of Knowledge, ed. P. Kecskemeti. London: Routledge and Kegan Paul, 276-320.

Marshall, T.H. 1950. Citizenship and Social Class, and Other Essays. Cambridge.

Marteleto, Leticia J. 2012. "Educational Inequality by Race in Brazil, 1982-2007: Structural Changes and Shifts in Racial Classification." Demography 49(1): 337–58.

Marx, Anthony W. 1998. Making Race and Nation: A Comparison of the United States, South Africa, and Brazil. Cambridge: Cambridge University Press.

———. 1997. Introduction." Chapter. In Making Race and Nation: A Comparison of South Africa, the United States, and Brazil, 1–26. Cambridge Studies in Comparative Politics. Cambridge: Cambridge University Press.

Marx, Sherry. 2008. "Critical Race Theory." In The SAGE Encyclopedia of Qualitative Research Methods, , 164–68.

Matias, Cheryl E., and Peter M. Newlove. 2017. "Better the Devil You See, Than the One You Don't: Bearing Witness to Emboldened En-Whitening Epistemology in the Trump Era." International Journal of Qualitative Studies in Education 30(10): 920–28.

Matsuda, Mari. 2002. "Beyond, and Not Beyond, Black and White: Deconstruction Has a Politics." In Crossroads, Directions and A New Critical Race Theory, eds. Valdes Francisco, Culp Jerome McCristal, and Harris Angela P. Philadelphia: Temple University Press, 393–98.

McAdams, Doug. 1982. Political Process and the Development of Black Insurgency, 1930-1970. Chicago: University of Chicago Press.

McBride, Alex. 2017. "Regents of University of California v. Bakke (1978)." PBS.

McCowan, Tristan. 2007. "Expansion without Equity: An Analysis of Current Policy on Access to Higher Education in Brazil." Higher Education 53(5): 579–98.

McGary, Howard. 2010. "Reconciliation and Reparations." Metaphilosophy 41(4): 546–62.

McGary, Howard. 2010. "Reconciliation and Reparations." 41 (4):546-62.

Medeiros, Carlos Alberto. 2013. "Brasil, Estados Unidos e a questão racial: A fertilidade de um campo cheio de armadilhas." In Ação Afrmativa em Questão, ed. Angela Paiva. Rio de Janeiro: Pallas Editora, 240–65.

Melucci, Alberto. 1995. The Process of Collective Identity, Social Movement and Culture. eds. Hank Johnston and Bert Klandermas. Minneapolis, MN: University of Minnesota Press.

Meshelski, Kristina. 2016. "Procedural Justice and Affirmative Action." Ethical Theory and Moral Practice 19(2): 425–43.

Michael, Michael. 1985. Blacks and the "Abertura Democnitica." ed. P.M. Fointaine. Los Angeles: University of California.

Milazzo, Marzia. 2017. "On White Ignorance, White Shame, and Other Pitfalls in Critical Philosophy of Race." Journal of Applied Philosophy 34(4): 557–72.

Mills, Charles W. 1998. Blackness Visible: Essays on Philosophy and Race. Ithaca: Cornell University Press.

Miranda, Vítor. 2015. "A Resurgence of Black Identity in Brazil? Evidence from an Analysis of Recent Censuses." Demographic Research 32: 1603–30.

Mishory, ── Jen, Suzanne Kahn, and Mark Huelsman. "How Student Debt and the Racial Wealth Gap Reinforce Each Other." The Century Foundation, September 9, 2019. https://tcf.org/content/report/bridging-progressive-policy-debates-student-debt-racial-wealth-gap-reinforce/.

Montejano, David. 1998. "Maintaining Diversity at the University of Texas." In Race and Representation: Affirmative Action, eds. Robert Post and Michael Rogin. New York: Zone Books, 359–6.

Mitchell-Walthour, Gladys. 2015. "Afro-Brazilian Support for Affirmative Action." In Race, Politics, and Education in Brazil: Affirmative Action in Higher Education, eds. Ollie A. Johnson, Rosana Heringer. New York: Palgrave Macmillan US, 133-153.

———. 2017. "Economic Pessimism and Racial Discrimination in Brazil." Journal of Black Studies 48 (7):675-97. https://www.jstor.org/stable/26574530.

Moffett, and Matt, "Blacks make Up 45% of Brazil, but they Remain Marginalized " Wall Street Journal, August 6,. https://www.wsj.com/articles/SB839281807788718500.

Moore, Wendy Leo, and Joyce M. Bell. 2011. "Maneuvers of Whiteness: 'Diversity' as a Mechanism of Retrenchment in the Affirmative Action Discourse." Critical Sociology 37(5): 597–613.

Moreira, Adilson José. 2016. "Discourses of Citizenship in American and Brazilian Affirmative Action Court Decisions." The American Journal of Comparative Law 64(2): 455–504.

Moses, Michele S. 2010. "Moral and Instrumental Rationales for Affirmative Action in Five National Contexts." Educational Researcher 39(3): 211–28.

Motley, Constance Baker. 1979. "From Brown to Bakke: The Long Road to Equality." Harvard CR-CLL Rev 14: 315.

Moynihan, Daniel Patrick. 1965. The Negro Family: The Case for National Action. Office of Policy Planning and Research, United States Department of Labor.

Murillo, Pastor, and Esther Ojulari. 2017. "General Recommendation 34: A Contribution to the Visibility and Inclusion of Afro-Descendants in Latin America." In Fifty Years of the International Convention on the Elimination of All Forms of Racial Discrimination: A Living Instrument, eds. Keane David and Waughray Annapurna. Manchester: Manchester University Press, 150–66.

Nakamura, Robert, and Frank Smallwood. 1980. The Policy Implementation. New York: St. Martin's Press.

Nascimento, Abdias, Elisa L. Nascimento, and Pp. 2001. Dance of Deception: A Reading of Race Relations in Brazil. Boulder, CO: Lynne Rienner Publishers

Newton, Lisa H. 1973. "Reverse Discrimination as Unjustified." Ethics 83(4): 308–12.

Nickel, James W. 1974. "Should Reparations Be to Individuals or to Groups?" Analysis 34(5): 154.

Nobles, Melissa. 2000. Shades of Citizenship: Race and the Census in Modern Politics. Los Angeles: Stanford University Press.

———. 2002. "Lessons from Brazil: The Ideational and Political Dimensions of Multiculturality." In New Race Question, How the Census Counts Multiracial Individuals, eds. Joel Perlmann and Mary C. Waters. Russell Sage Foundation, 300–317.

———. 2004. "Racial/Colour Categorization in United States and Brazilian Censuses." In Categories and Contexts, , 107–25.

———. 2005. "The Myth of Latin American Multiracialism." Daedalus 134(1): 82–87.

Noǵueira, Oracy. 1955. "Os Estudos de Comunidades no Crasil." Revista De Antropología 3(2): 95–103.

Okechukwu, Amaka. 2019. To Fulfill These Rights: Political Struggle Over Affirmative Action and Open Admissions. New York, NY: Columbia University Press.

Oliven, Arabela Campos. 2008. "Universities and Affirmative Action: Comparing Brazil and the United States." VIBRANT-Vibrant Virtual Brazilian Anthropology 5(1): 141–61.

Omi, Michael, and Howard Winant. 2015. Racial Formation in the United States. New York, NY [u.a.]: Routledge.

Oliveira, L., R. Porcaro, and T. Araújo. 1985. O Lugar do Negro Na Força De Trabalho. Rio de Janeiro: IBGE.

Osório, Rafael G. 2003. "O Sistema Classificatório De 'cor Ou Raça' do IBGE." (996).

Painter, Nell I. 2010. The History of White People. New York: W. W. Norton.

Paixao, Marcelo, and Irene Rossetto. 2018. "Chess Game for Affirmative Action at UFRJ." Brasiliana: Journal for Brazilian Studies 6(2): 83–104.

Palumbo, Dennis J. 1994. Public Policy in America: Government in Action. Wadsworth Publishing Company.

Pantea, Maria-Carmen. 2015. "Affirmative Action in Romania's Higher Education: Roma Students' Perceived Meanings and Dilemmas." British Journal of Sociology of Education 36(6): 896–914.

Park, Julie J., and Amy Liu. 2014. "Interest Convergence or Divergence? A Critical Race Analysis of Asian Americans, Meritocracy, and Critical Mass in the Affirmative Action Debate." The Journal of Higher Education 85(1): 36–64.

Park, Robert E. 1950. Race and Culture. Free Press.

Parker, Laurence, Donna Deyhle, and Sofia A. Villenas. 1999. Race Is– Race Isn't Critical Race Theory and Qualitative Studies in Education. Boulder, CO: Westview Press.

Paschel, Tianna. 2010. "The Right to Difference: Explaining Colombia's Shift from Color-Blindness to the Law of Black Communities." American Journal of Sociology 116(3).

Paschel, T.S. 2016. Becoming Black Political Subjects: Movements and Ethno-Racial Rights in Colombia and Brazil. Princeton, NJ: Princeton University Press.

Patton, Carl V., and David S. Sawicki. 1993. Basic Methods of Policy Analysis and Planning.

Penha-Lopes, V. 2008. "Universitários cotistas: De alunos a bacharéis (University quota students: From students to graduates." In Ação Afirmativa no Ensino Superior (Affirmative action in higher education, eds. J. Zoninsein and J.F. Júnior. Belo Horizonte: Editora da Universidade Federal de Minas Gerais.

Penha-Lopes, Vânia. 2017. Confronting Affirmative Action in Brazil: University Quota Students and the Quest for Racial Justice. Lanham: Lexington Books.

Pereira, Amilcar A. 2016. "O Movimento Negro Brasileiro E a Lei no. 10.639/2003: Da Criação Aos Desafios Para a Implementa- Ção." 11 (22):13-30.

Pereira, Amilcar A. 2015. "From the Black Movement's Struggle to the Teaching of African and Afro-Brazilian History." In Race, Politics, and Education in Brazil: Affirmative Action in Higher Education, eds. Ollie A. Johnson, Rosana Heringer. New York: Palgrave Macmillan US, 59-72.

Pérez Huber, L., and D.G. Solorzano. 2015. "Racial Microaggressions as a Tool for Critical Race Research." Race Ethnicity and Education 18(3): 297–320.

Peria, Michelle, and Stanley R. Bailey. 2014. "Remaking Racial Inclusion: Combining Race and Class in Brazil's New Affirmative Action." Latin American and Caribbean Ethnic Studies 9(2): 156–76.

Pettit, Becky, and Bryan L. Sykes. 2015. "Civil Rights Legislation and Legalized Exclusion: Mass Incarceration and the Masking of Inequality." Sociological Forum 30: 589–611.

Phillips, Barbara, and Marian W. Edelman. 2017. "Framing the Contemporary Dialogue of Race." In Voices of Civil Rights Lawyers, ed. Kent Spriggs: University Press of Florida, 366-380.

Piché, Dianne, June Zeitlin, Sakira Cook, and Max Marchitello. 2011. "Remedying Disparate Impact in Education." Human Rights 38(4): 15–18.

Pierson, Donald. 1939. "The Negro in Bahia, Brazil." American Sociological Review 4(4): 524–33.

———. 1942. Negroes in Brazil: A Study of Race Contact at Bahia. Chicago, IL: The University of Chicago Press.

Pinho, Patricia S. 2005. "Descentrando Os Estados Unidos Nos Estu- Dos Sobre Negritude no Brasil." 20 (59):37-50.

Piovesan, Flávia. 2015. "Affirmative Action from the Perspective of International Human Rights: Challenges and Possibilities from the Brazilian Experience." In Race, Politics, and Education in Brazil: Affirmative Action in Higher Education, eds. Ollie A. Johnson, Rosana Heringer. New York: Palgrave Macmillan US, 95-109.

Phillips, Barbara, and Marian W. Edelman. 2017. "Framing the Contemporary Dialogue of Race." In Voices of Civil Rights Lawyers, ed. Kent Spriggs: University Press of Florida, 366-380.

Piven, Frances, and Richard Cloward. 1977. Poor People's Movements: Why They Succeed and How They Fail. New York: Pantheon.

Plaut, V.C., K.M. Thomas, K. Hurd, and C.A. Romano. 2018. "Do color blindness and multiculturalism remedy or foster discrimination and racism?" Current Directions in Psychological Science 27(3): 200–206.

Poon, Oiyan, and Ester Sihite. 2016. "Racial Anxieties, Uncertainties, and Misinformation:; A Complex Picture of Asian Americans and Selective College Admissions." In Contemporary Asian America, eds. Min Zhou and Anthony C. Ocampo, 508-528: NYU Press.

Porta, Della, Donnatela, and Mario Diani. 2006. Social Movements: An Introduction. 2nd ed. Blackwell Publishers.

Preston, Samuel H., Richard J. Herrnstein, and Charles Murray. 1995. "The Bell Curve: Intelligence and Class Structure in American Life." 21 (3).

Pusser, Brian. 2004. Burning Down the House: Politics, Governance, and Affirmative Action at the University of California. Albany: State Univ. of New York Press.

Preston, Samuel H., Richard J. Herrnstein, and Charles Murray. 1995. "The Bell Curve: Intelligence and Class Structure in American Life." Population and Development Review 21(3): 675.

Ragin, Charles C. 1987. The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies. University of California Press. http://www.jstor.org/stable/10.1525/j.ctt1pnx57.

Time for Justice: Tackling Race Inequalities in Health and Housing. 2016. Washington, DC: The Brookings Institute.

Assembly, United Nations' General. 1965. "International Convention on the Elimination of All Forms of Racial Discrimination." Treaty Series 660: 195.

Michigan, University. 2008. Race, Gender, and Affirmative Action. http://www-personal.umich.edu/ eandersn/biblio.htm#ed.

Overview." World Bank. 2021. https://www.worldbank.org/en/country/brazil/overview.

Ragin, Charles C. 1987. The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies. University of California Press. http://www.jstor.org/stable/10.1525/j.ctt1pnx57.

———. 2014. "The Distinctiveness of Comparative Social Science." In The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies, University of California Press, 1–18.

Ratuva, S. 2014. "Ethnicity, Affirmative Action, and Coups in Fiji: Indigenous Development Policies between the 2000 and 2006 Coups." Social Identities 20(2–3): 139–54.

Reese, Benjamin. 2020. "Inside Higher Ed." Colleges Shouldn't Simply Focus on Diversity and Inclusion but Also Attack Systemic Racism (Opinion." June 18. https://www.insidehighered.com/views/2020/06/18/colleges-shouldnt-simply-focus-diversity-and-inclusion-also-attack-systemic-racism.

Reich, M. 2017. 4883 Racial Inequality: A Political-Economic Analysis. Princeton, NJ: Princeton University Press.

Reiter, Bernd. 2013. "Colombia: When Law and Reality Clash." In The Dialectics of Citizenship: Exploring Privilege, Exclusion, and Racialization, Michigan State University Press, 133–50.

Reyna, Christine, Amanda Tucker, William Korfmacher, and P. J. Henry. 2005. "Searching for Common Ground between Supporters and Opponents of Affirmative Action." 26 (5):667-82. http://www.jstor.org/stable/3792306 (Accessed 2021/03/14/).

Rosenberg, Alyssa. 2015. Yale, University of Missouri and the Broken Promises of America's Universities. Washington Post. https://www.washingtonpost.com/news/act-four/wp/2015/11/11/yale-university-of-missouri-and-the-broken-promises-of-americas-universities/.

Rubio, Philip F. 2001a. "It Was Something That Was Hard to Describe"; Black Movement, White Reaction, and Affirmative Action from the Civil Rights Movement to Reagan-Bush, 1955–93." In A History of Affirmative Action, 1619'2000, 135-166: University Press of Mississippi.

———. 2001b. "'The Special Favorite of the Laws'; Civil War, Reconstruction, and America′s First ″Affirmative Action Programs,″ 1861–77." In A History of Affirmative Action, 1619'2000, 33-56: University Press of Mississippi.

Sabbagh, Daniel. 2011a. "Affirmative Action: The U.S. Experience in Comparative Perspective." Daedalus 140(2): 109–20.

———. 2011b. "The Rise of Indirect Affirmative Action: Converging Strategies for Promoting 'Diversity' in Selective Institutions of Higher Education in the United States and France." World Politics 63(3): 470–508.

Sacks, Karen Brodkin. 1997. "The GI Bill: Whites Only Need Apply." In Critical White Studies, eds. Delgado Richard and Stefancic Jean. Philadelphia: Temple University Press, 310–13.

Sander, Richard. 2004. "A Systemic Analysis of Affirmative Action in American Law Schools." Stanford Law Review 57.

Sansone, L. 2003. Blackness Without Ethnicity: Constructing Race in Brazil. New York: Palgrave MacMillan.

Santos, Ricardo Ventura, Michael Kent, and Verlan Valle Gaspar Neto. 2014. "From Degeneration to Meeting Point:; Historical Views on Race, Mixture, and the Biological Diversity of the Brazilian Population." In Mestizo Genomics, eds. Ricardo Ventura Santos, Peter Wade, Carlos López Beltrán, and Eduardo Restrepo. 33-54: Duke University Press.

Santos, Ricardo V., Michael Kent, and Verlan V. G. Neto. 2014. "From Degeneration to Meeting Point:; Historical Views on Race, Mixture, and the Biological Diversity of the Brazilian Population." In Mestizo Genomics, eds. Ricardo V. Santos, Peter Wade, Carlos L. Beltrán and

Santos, Dos et al. 2008. "Ações Afirmativas: Polêmicas E Possibilidades Sobre Igualdade Racial E O Papel do Estado." Estudos Feministas 16(3): 913–29.

Santos, Dos, Sales Augusto, and Laurence Hallewell. 2014. "Affirmative Action and Political Dispute in Today's Brazilian Academe." Latin American Perspectives 41(5).

Santos, Sales Augusto, and Obianuju C. Anya. 2006. "Who Is Black in Brazil? A Timely or a False Question in Brazilian Race Relations in the Era of Affirmative Action?" Latin American Perspectives 33(4): 30–48.

Santos, Sales Augusto, and Laurence Hallewell. 2014. "Affirmative Action and Political Dispute in Today's Brazilian Academe." Latin American Perspectives 41(5): 141–56.

Santos, and Laurence Hallewell. 2002. "Roots of the 'Whitening' of Brazil." Latin American Perspectives 29(1): 61–82.

Santos, A., E. Cavalleiro, M.I. Barbosa, and M. Ribeiro. 2008. "Ações afirmativas: Polêmicas e possibilidades sobre igualdade racial e o papel do estado." Revista Estudos Feministas 16(3): 913–29.

Santos, Sales A. d., João V. Moreno, and Dora L. Bertulio. 2015. "The Defeat of Quotas within the Racial Equality Statute." In Race, Politics, and Education in Brazil: Affirmative Action in Higher Education, eds. Ollie A. Johnson, Rosana Heringer. New York: Palgrave Macmillan US, 199-221.

Sara, Ahmed. 2012. On Being Included. Racism and Diversity in Institutional Life. Duke University Press.

Savage, Charlie. 2017. "Justice Dept. to Take on Affirmative Action in College Admissions." The New York Times. https://www.nytimes.com/2017/08/01/us/politics/trump-affirmative-action-universities.html?_r=0.

Sawyer, Mark Q. 2005. "Race" to the Future: Racial Politics in Latin America 2015" Perspectives on Politics 3. American Political Science Association, Cambridge University Press.

Sawyer, Mark Q., and Benjamin Reese. 2020. "Citizens, Identities." June 18. https://www.insidehighered.com/views/2020/06/18/colleges-shouldnt-simply-focus-diversity-and-inclusion-also-attack-systemic-racism.

Schwartzman, Luisa F. 2008. "Who are the Blacks?" Cahiers De La Recherche Sur L'Éducation Et Les Savoirs 7 (Oct 1,):27-47. http://journals.openedition.org/cres/761.

Schwartzman, Luisa F. 2009. "Seeing Like Citizens: Unofficial Understandings of Official Racial Categories in a Brazilian University." Journal of Latin American Studies 41 (2) (Jun 23,):221-50. https://dx.doi.org/10.1017/S0022216X09005550.

Schwartzman, Luisa F. 2019. "Confronting Affirmative Action in Brazil: University Quota Students and the Quest for Racial Justice." 124 (4) (Jan 1,):1266-8.

Segal, Robert A. 2001. "In Defense of the Comparative Method." Numen 48(3): 339–73.

M. Silva, and Elisa P. Reis. 2001. Dreaming Equality: Color, Race, and Racism in Urban Brazil. New Brunswick, NJ: Rutgers University Press.

Shohfi, Kyle D. 2016. "Racial, Not Rational : Economic Threat, Symbolic Racism, and Affirmative Action." . http://ezproxy.fiu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=edsndl&AN=edsndl.oai.union.ndltd.org.MIT.oai.dspace.mit.edu.1721.1.104568&site=eds-live.

Silva, Nelson V. 1996. "Morenidade: Modo De Usar." 30:79-95.

Silva, Tatiana D. 2012. "O Estatuto Da Igualdade Racial." (1712).

Skidmore, Thomas E. 2003. "Racial Mixture and Affirmative Action: The Cases of Brazil and the United States." The American Historical Review 108(5): 1391–96.

Skrenty, John D. 2002. "Introduction:; How War and the Black Civil Rights Movement Changed America." The Minority Rights Revolution 1–20.

Solorzano, Daniel G. 1998. "Critical Race Theory, Race and Gender Microaggressions, and the Experience of Chicana and Chicano Scholars." International Journal of Qualitative Studies in Education 11(1): 121–36.

Sowell, Thomas. 1990. Preferential Policies: An International Perspective. New York: William Morrow and Co.

———. 2005. Affirmative Action around the World: An Empirical Study. New Haven, CT: Yale University Press.

Staggenborg, Suzanne. 2002. The 'Meso' in Social Movement. Social Movements: Identity, Culture, and the State. eds. David Meyer, Nancy Whittier, and Belinda Robnett. Oxford/New York: Oxford University Press.

Stainback, Kevin, and Donald Tomaskovic-Devey. 2012. Documenting Desegregation: Racial and Gender Segregation in Private Sector Employment since the Civil Rights Act. New York: Russell Sage Foundation.

Steele, Shelby. 1998. The Content of Our Character: A New Vision of Race in America. New York, NY: Harper Perennial.

Stoker, Laura. 1998. "Understanding Whites' Resistance to Affirmative Action:; The Role of Principled Commitments and Racial Prejudice." In Perception and Prejudice, eds. Jon Hurwitz, Mark Peffley: Yale University Press, 135-170.

Stulberg, Lisa M., and Anthony S. Chen. 2014. "The Origins of Race-Conscious Affirmative Action in Undergraduate Admissions: A Comparative Analysis of Institutional Change in Higher Education." Sociology of Education 87(1): 36–52.

Skowronek Stephen, Engel Stephen M., and Ackerman Bruce. New Haven; London: Yale University Press, 316–38.

Tavolaro, Lília G.M. 2008. "Affirmative Action in Contemporary Brazil: Two Institutional Discourses on Race." International Journal of Politics, Culture, and Society 19(3/4): 145–60.

Taylor, Bron. 1991. Affirmative Action at Work: Law, Politics, and Ethics. Pittsburgh: University of Pittsburgh Press.

Taylor, Edward, David Gillborn, and Gloria Ladson-Billings. 2009. Telles, Edward. 2017. "Black Lives Matter in Brazil." 40 (8):1271-7.

Telles, Edward E. 1995. Who are the Morenas?" Social Forces.

———. 2004a. "From Racial Democracy to Affirmative Action." In Race in another America,Anonymous : Princeton University Press, 47-77.

———2004b. Race in another America: The Significance of Skin Color in Brazil. Princeton, NJ: Princeton University Press.

Telles, Edward E., and Nelson Lim. 1998. "Does it Matter Who Answers the Race Question? Racial Classification and Income Inequality in Brazil." 35 (4):465-74.

Telles, Edward E., and the Project on Ethnicity and Race in Latin America. 2014. Pigmentocracies: Ethnicity, Race and Color in Latin America. Chapel Hill: Univ. of North Carolina Press.

Telles, Edward E. 2006. Race in another America: The Significance of Skin Color in Brazil. Princeton, NJ: Princeton University Press.

Telles, Edward, and Stanley Bailey. 2013. "Understanding Latin American Beliefs about Racial Inequality." 118 (6).

Telles, Edward, and Christina Sue. 2009. "Race Mixture: Boundary Crossing in Comparative Perspective." 35:129-46.

Thernstrom, Abigail, and Stephan Thernstrom. 2004a. "Secrecy and Dishonesty: The Supreme Court, Racial Preferences, and Higher Education." 21:251-74.

———. 2004b. "Secrecy and Dishonesty: The Supreme Court, Racial Preferences, and Higher Education.(from Brown to Bakke to Grutter: Constitutionalizing and Defining Racial Equality)." Constitutional Commentary 21 (1) (Mar 22,):251. https://search-proquest-com.ezproxy.fiu.edu/docview/229416837.

Thompson, Jennifer L., and Scott B. Morris. 2013. "What Factors Influence Judges' Rulings about the Legality of Affirmative Action Plans?" Journal of Business and Psychology 28(4): 411–24.

Tolbert, Caroline J., and John A. Grummel. 2003. "Revisiting the Racial Threat Hypothesis: White Voter Support for California's Proposition 209." State Politics & Policy Quarterly 3(2): 183–202.

Twine, F.W. 2015. Outsourcing the Womb: Race, Class, and Gestational Surrogacy in a Global Market. New York: Routledge.

Valente, Rubia R., and Brian J.L. Berry. 2017. "Performance of Students Admitted through Affirmative Action in Brazil." Latin American Research Review 52(1).

Van Dijk, Teun, A. 1999. "EDITORIAL: Critical Discourse Analysis and Conversation Analysis." Discourse & Society 10 (4):459-60. http://www.jstor.org/stable/42888868.

Van Gilder, Bobbi J., and Roni K. Jackson-Kerr. 2017. "The Oklahoma Affirmative Action Ban Amendment: A Dialogic Analysis of Equal Opportunity Discourse in Oklahoma." Null 28 (4):356-73. https://doi.org/10.1080/10646175.2017.1300966.

Vidigal, Robert Lee. "MEDINDO ASSUNTOS SOCIALMENTE SENSÍVEIS: O USO DO EXPERIMENTO DE LISTA E POLÍTICAS DE AÇÃO AFIRMATIVA." *Revista Eletrônica de Ciência Política* 6, no. 1 (2015). https://doi.org/10.5380/recp.v6i1.38821.

Viera, Paulo Alberto D.O.S.Santos. 2014. "Questioning the Nation:; Affirmative Action and Racial Quotas in Brazilian Universities." In Mestizaje and Globalization, eds. Stefanie Wickstrom and Philip D. Young. 92-106: University of Arizona Press.

Wacquant, Loïc. 1997. "For an Analytic of Racial Domination." Political Power and Social Theory 11: 221–34.

Wade, Peter. 1993. Blackness and Race Mixture: The Dynamics of Racial Identity in Colombia. Baltimore: Johns Hopkins University Press.

———. 1997. Race and Ethnicity in Latin America. London: Pluto.

———. 2004. "Images of Latin American mestizaje and the politics of comparison." Bulletin of Latin American Research 23(3): 355–66.

———. 2009. "Defining Blackness in Colombia." Journal de la Société des Américanistes.

———. 2017. "Brazil, Race, and Affirmative Action." In Degrees of Mixture, Degrees of Freedom,: Duke University Press, 122-145.

Walsh, Catherine E. 2015. "Affirmative Action and Post Neoliberal Movement in South America and Ecuador." Cultural Dynamics 27(1): 19–41.

Warren, Christiane. 2020. "Inside Higher Ed." To Defeat Systemic Racism, Institutions Must Fully Integrate Truly Diverse Subject Matter into Required Courses (Opinion." June 9. https://www.insidehighered.com/views/2020/06/09/defeat-systemic-racism-institutions-must-fully-integrate-truly-diverse-subject.

Warren, Jonathan, and Christina A. Sue. 2011. "Comparative Racisms: What Anti-Racists Can Learn from Latin America." Ethnicities 11(1): 32–58.

Watson, Katy. 2020. "Brazil's Racial Reckoning: 'Black Lives Matter Here, Too.'" BBC News. BBC. https://www.bbc.com/news/world-latin-america-53484698.

Webb, Andrew. 2015. "Indigenous Schooling Grants in Chile: The Impacts of an Integrationist Affirmative Action Policy among Mapuche Pupils." Race, Ethnicity, and Education 18(3): 419–41.

Weisskopf, Thomas. 2004. Affirmative Action in the United States and India: A Comparative Perspective. London: Routledge.

White, John Valery. 2004. What Is Affirmative Action. UNLV School of Law.

Whitten, Jr., and Arlene Torres. 1998. Bloomington: Indiana University Press.

Wilson, William Julius. 2012. The Declining Significance of Race: Blacks and Changing American Institutions. Chicago, IL: University of Chicago Press.

Winant, Howard. 2000. "Race and Race Theory." Annual Review of Sociology 26: 169–85.

Yashar, Deborah. 2005. Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge. New York: Cambridge University Press.

Yosso, Tara J. 2005. "Whose Culture Has Capital? A Critical Race Theory Discussion of Community Cultural Wealth." Race, Ethnicity, and Education 8(1): 69–91.

Zambrana, Ruth E., and Bonnie Thornton. 2009. "Intersections, Identities, and Inequalities in Higher Education." In Essay. In Emerging Intersections Race, Class, and Gender in Theory, Policy, and Practice, New Brunswick, NJ: Rutgers University Press.

Zoninsein, Jonas. 2009. "Human Rights, Affirmative Action, and Development:; An Agenda for Latin America and the Caribbean." In Race and Human Rights, ed. Curtis Stokes. 237-254: Michigan State University Press.

Zweigenhaft, Richard, and G.William Domhoff. 1991. Blacks in the White Establishment? A Study of Race and Class in America. New Haven, CT: Yale University Press.

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EDUCATION

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Spring 2007	HIV/AIDS & Governance Project Assistant National Democratic Institute of International Affairs - Abuja, Nigeria
2009	Hispanic College Fund, Henry Cisneros Scholar
May 2009	Master of Public Administration: specialization in International Development and Policy Texas Southern University – Houston, Texas
May 2009-August2009	Senior Research Assistant, MPA Program E-governance Center Texas Southern University - Houston, TX
May 2009-May 2010	Adjunct Professor Houston Community College - Houston, TX
August 2010-May 2012	Graduate Research Assistant Florida International University Women's Studies Center - Miami, FL
January 2011-May2012	Instructor Florida International University - Miami, FL
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January 2014-Present	Visiting Professor Texas Southern University - Houston, TX
Fall 2015- Spring 2017	National Association for the Advancement of Colored People, Faculty Advisor
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PUBLICATIONS AND PRESENTATIONS
Adams, M.O. and L.D. Smith. 2010. Changing the Face of Public Affairs: A Look at How Social Networking is Impacting the Business of the Public Sector. National Social Science Association Journal

Adams, M.O. and L.D. Smith. 2009. New Public Management and Service Science: Preparing Students for the 21st Century. Journal of Service Science. Volume 1, Number 1, Third Quarter pp. 23-31

Paper Presentation, It's Complicated: The status of race based affirmative action programs in Higher Education in Brazil and the United States. National Conference of Black Political Scientist, Oak Brook IL March 14, 2018

Paper Presentation, U. S. Foreign Policy and the Promotion of Racial and Ethnic Equality in Latin America: An Analysis of the Obama Administration's Joint Action Plans for Brazil and Colombia National Conference of Black Political Scientist, Oak Brook IL March 14, 2013

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