

Dimensions of Political Inclusion and Exclusion in Brazil:

Gender and Race

Mala N. Htun

Inter-American Development Bank

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Sustainable Development Department

Social Development Division

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Mala Htun is assistant professor of political science at the New School University. She is the author of *Sex and the State: Abortion, Divorce, and the Family under Latin American Dictatorships and Democracies* and several articles and book chapters on gender politics and women's rights in Latin America. She holds a Ph.D. in political science from Harvard University and an A.B. in international relations from Stanford University. Her current research focuses on the politics of gender and ethnic representation in Latin America and worldwide.

The opinions expressed herein are those of the author and do not necessarily represent the official position of the Inter-American Development Bank.

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FOREWORD

I am pleased to share with you Mala Htun's paper on the political inclusion and representation of women and afro-descendents in Brazil, prepared for the Women's Leadership Program (PROLEAD) of the Women in Development Unit. The study centers on an important theme in the Bank's gender and social inclusion agendas: promoting political inclusion. It explores whether the growing visibility and political activism of marginalized groups translates into a representation of their interests. The study also draws important lessons for other excluded groups from women's struggle for equality.

This paper forms part of PROLEAD's effort to promote women's leadership, political participation and representation in the Latin American and Caribbean region, with a special emphasis on indigenous and afro-descendent women. It also responds to a key priority of the Bank's social inclusion agenda: knowledge building and research to better identify relevant issues and address social inclusion.

We hope this paper will contribute to a further understanding of the challenges faced in building democracy for all, and to the Bank's policy dialogues with borrowing member countries.

Gabriela Vega
Chief
Women in Development Unit
Department of Sustainable Development

Contents

Introduction

1

Group Representation Policies around the World

2

Political Inclusion: The Gender Dimension

3

Political Exclusion: The Racial Dimension

11

Comparing Gender and Race

20

Conclusion

22

Appendix A

24

Appendix B

28

INTRODUCTION

Development, as Amartya Sen points out, involves the expansion of freedom. Freedom to earn money to secure adequate conditions of existence, to express one's views and associate with others, and to participate in the formulation of the important decisions governing one's life (Sen, 1999). As this suggests, those of us concerned with development need direct our attention to various dimensions of political participation. Are all citizens adequately represented in decision-making? Do public policy outcomes reflect the diversity of their views?

In most societies at most points in history, the answer to these questions has been negative. Political equality was conceived as the equal right to cast a vote, not to be present in politics nor to elect representatives of one's choice. In the late twentieth century, however, dominant meanings of political equality were refashioned. Governments, international organizations, and civic associations became convinced of an idea advanced for decades by feminists and minority rights groups: descriptive representation—which obtains when representatives resemble constituents in their personal characteristics and life experiences—is a key element of a democratic society. Parliaments that exclude visible segments of their citizenry are increasingly perceived to lack legitimacy.

Many countries apply policies intended to increase the political representation of women and excluded ethnic groups. As of 2003, approximately 40 of the world's some 120 electoral democracies had laws mandating candidate quotas or reserving parliamentary seats by gender and ethnicity. The Latin American region is no exception:

ten countries have gender quota laws and an eleventh—Colombia—uses a quota for senior appointments in the executive branch. Yet only two—Colombia and Venezuela—have any mechanisms for ethnic or racial representation. Many ethnically heterogeneous societies are politically homogeneous, yet little effort has been made to remedy this situation.

This paper analyzes the political inclusion of women and Afro-descendants in Brazil. One of the most inegalitarian societies in the world, Brazil is stratified by gender, race, and ethnicity, in politics as in other spheres. Though women have made significant gains in recent decades, the social gap between blacks and whites has stayed relatively constant. This is reflected in policies for political participation. Brazil introduced a gender quota law for legislative elections in 1996, and has applied this law diligently in every subsequent election. Yet until 2000, there was very little talk of measures to boost the political representation of the country's Afro-descendent majority (who occupy only around two percent of the seats in congress). In 2001, different governmental agencies began to announce affirmative action programs, and bills establishing candidate quotas are under consideration in congress.

Why have policies to improve women's rights been more forthcoming than policies directed at groups defined by race? Do women's successes offer any lessons for other excluded groups? Has women's greater presence in power led to the more effective representation of women's interests? What explains the recent debate about race-based affirmative action? Before answering these questions, let us first situate

Brazil in an international and regional context of group representation policies.

GROUP REPRESENTATION POLICIES AROUND THE WORLD

Around 40 of the world's some 120 electoral democracies officially allocate access to political power along the lines of gender and ethnicity by enforcing national quota laws and reserved seats in parliament. Around 40 more countries uphold effective political arrangements—voluntary party quotas, race-conscious districting, or exemption from threshold requirements for minority political organizations—to promote the political representation of identity groups (see tables 1 and 2). *Statutory quotas* require that a minimum number of candidates fielded by political parties for legislative election be from a certain group. The Argentine *Ley de Cupos* (1991), for example, requires that women comprise a minimum of 30 percent of the positions on party lists. *Reservations* or *reserved seats* set aside a percentage of legislative seats for members of a certain group. These seats may be filled through competitive election in specially-created districts, election by voters registered on separate rolls, by the group member receiving the most votes in general elections, or through designation by political parties.

Countries with gender quotas and reservations outnumber countries with similar measures for ethnic groups, even more so if we consider countries where political parties use quotas on a voluntary basis. Many ethnically diverse countries offer no guarantees of ethnic representation. In Bolivia and Ecuador, where between 35 and 80 percent of the population is indigenous (and where the percentage of parliamentarians who are Indian varies between 10 and 15 percent), there are no

ethnic quotas or reservations. According to the Brazilian census, around half the

country—but only two percent of congress—is black. Nepal, another diverse country, lacks provisions for the representation of ethnic groups. Nonetheless, all four of these countries use gender quotas.

Both quotas and reservations are efforts to improve the representation of identity groups, but the means they use to do so are different. Quotas intervene in party nomination procedures by requiring that a certain percentage of the candidates fielded by a party be of a certain group. They do not affect those features of the electoral system, such as counting rules, the circumscription of electoral districts, or the structure of the ballot, that have been shown to exert the most powerful effects on the party system and party structure. As a result, quotas may be perfectly compatible with existing party systems and representational dynamics. Provided there is “space” for beneficiaries within existing parties, the introduction of quotas may not significantly alter the incentives of the political system.

Reservations take a different approach. Reserved seats introduce group-specific avenues of representation that circumvent the existing party and electoral system. These include the creation of separate electoral rolls, special electoral districts where only group members can compete, exceptions to counting rules such as lower representational thresholds, and the appointment of group members to the legislature. Rather than making space for group members within parties, as quotas do, reservations establish routes to power that

do not require any connection to mainstream parties. They thus permit the continued separation of political communities and facilitate the electoral success of group-specific parties. When reservations levels are high, the legislature is divided among groups, each with its own party system and representational dynamics.

In Latin America, only Colombia and Venezuela use reservations. As a result of indigenous mobilization that pressed demands on delegates to the constitutional convention, the Colombian Constitution of 1991 created a two-seat senatorial district for Indians and permits the reservation of up to five seats in the lower house for ethnic groups and other political minorities. Venezuela had a similar experience: the 1999 constitutional reform established three reserved seats for “indigenous communities” and permitted social movement organizations to contest them, thus eliminating the party registration barrier. In both countries, the allocation of reserved seats granted resources and visibility to indigenous parties and movements, allowing them to successfully contest nonreserved seats and to gain power in local governance (Van Cott 2000, 2003).

In Colombia, moreover, indigenous movements have made better use of the seats than black movements. A law passed in 1993 granted black communities specifically the right to two representatives in the lower house elected in a special “virtual” district. The seats were filled in the 1994 elections but declared unconstitutional by the Supreme Court (on a technicality) in 1996; as a result, there were no seats reserved in the 1998 elections, though they were reinstated in 2001. Though about one-quarter of the Colombian population is black, reservations for blacks make up only 1.2 percent of congressional seats.

Moreover, only 12 percent of the electorate in the heavily Afro-Colombian region of the country voted for the representatives contesting the reserved seats; the vast majority of their votes came from urban areas of Bogotá (Efrén Agudelo, 2002).

As already mentioned, ten Latin American countries have adopted statutory gender quota laws, and such policies have been debated in several others. These policies, fought for by networks of women politicians, endorsed by international organizations, and lent decisive support by some male presidents, have been moderately successful in increasingly women’s representation. On average, women’s presence in congress has jumped by nine percentage points in countries with quotas (see Table 3), though this average is biased due to the dramatic results of quotas in Argentina and Costa Rica. Overall, the effects of quotas have varied depending on a country’s electoral system, the use of placement mandates, and party compliance (Htun and Jones, 2002).

POLITICAL INCLUSION: THE GENDER DIMENSION

From a comparative and theoretical perspective, Brazil presents a puzzle. Until 2003, women’s presence in political power was low—even lower than in other countries of the region. On the other hand, the country has been a pioneer in laws and policies advancing women’s rights, and is home to Latin America’s largest, most vibrant, and diverse feminist movement. Women’s status, overall, has improved. Why has politics lagged behind these other spheres? Are high numbers of women in power necessary to the advancement of their gender interests?

Women's Presence in Power: Why the Low Numbers?

Compared to the rest of the Latin American region, women's representation in Brazilian politics has been low, though their numbers increased after the 2002 election and Luiz Ignacio Lula da Silva's appointment of more women to the cabinet. Prior to the election, women made up only six percent of the Chamber of Deputies and seven percent of the Senate, compared to a Latin American average of 15 and 12 percent, respectively. In 2003, this climbed to eight percent (Chamber) and 12 percent (Senate). Among cabinet ministers, women went from having no presence (the Latin American average in cabinet representation was 13 percent) to heading two of 22 ministries, and serving as four among 27 officials at cabinet level (see Table 4).

Among senior public servants, women were slightly more numerous, but still disproportionate to their overall participation in the bureaucracy. In 1998, women made up 44 percent of all federal employees, but only 13 percent of those at the highest rank (18 out of 136) and 16 percent of those at the second highest (90 of 546; Avelar, 2001). In 2000, a woman was appointed to the Supreme Constitutional Court, the first in history to serve there, though 29 percent of those who pass public examinations to become judges are women (*Veja*, 2000).

The PT's victories in 2002 swept more women into power than ever before. Fourteen of the 42 women elected (one-third) were from the PT, which also gained the largest block in the Chamber (91 total deputies). Six of the eight new senators elected were from the PT, as were 22 percent of new state legislators. These events have historical basis. The PT was the first party to begin to apply quotas

voluntarily in the early 1990s for election to internal leadership positions. Yet women's presence in the PT leadership is still low: women make up only 15 percent of the PT's total congressional presence, far below the 30 percent quota level.

This discrepancy raises the important question of why gender quotas do not work well in Brazil. The law, passed in 1996, is phrased in gender-neutral terms, stating that parties must reserve a minimum of 30 percent and a maximum of 70 percent of slots for candidates of one sex. The quota percentage has increased with each election: it started at 20 percent in 1996, was raised to 25 percent in 1998, and then to 30 percent in 2000. By 2002, the law had been used four times, twice in municipal elections (1996 and 2000) and twice in national elections (1998 and 2002) (state legislators are elected in national election years). Women's presence has not come close to the level of the quota, but has increased, albeit slowly, in subsequent elections (Table 5 and 6).

Such results can be partially attributable to the details of the law, which requires parties to *reserve* 30 percent of candidate slots for women, but does not demand that parties actually *fill* these slots. Since Brazilian electoral law allows parties to postulate 50 percent more candidates than seats being contested in a state, a party can in practice postulate a full slate without including any women. For example, if a state elects ten members to congress, each party is permitted to postulate 15 candidates. The quota law requires that parties *reserve* four of these slots for women. If a party is unwilling to recruit women, it may postulate 11 male candidates to the electorate and still not violate the law.

This loophole in the quota law helps explain why the number of women candidates has

remained low. In 1994, before the law was passed, the percentage of candidates for federal deputy who were women was six percent. In 1998, with the quota law, this climbed to 10 percent. Numbers were higher at the state and local levels. Women made up seven percent of candidates for state legislator in 1994, and 13 percent in 1998. In elections for municipal councils, women were 18 percent of candidates in 1996 and 20 percent in 2000 (Malheiros, 2000; Araújo, 2002). Clearly, women's low presence in power reflects, in part, the scarcity of women candidates. Yet Brazil's electoral rules and catchall, undisciplined parties may also be prejudicial to women's electoral prospects.

Brazil elects members of its Chamber of Deputies through a system of open-list proportional representation. Votes are pooled at the party level, but seats are distributed among candidates from each party according to the number of preference votes they receive. That is, voters generally cast votes for an individual candidate, not for a party list. The system generates competition among candidates of the same party for preference votes, and in this intra-party competition, women generally lose out. Moreover, the open-list system encourages personalistic, rather than party-oriented, behavior (Ames, 1995; Carey, 1997; Mainwaring, 1999).

Brazilian politics is dominated by masculine personality cults in which few women have risen to positions of importance. Brazil's electoral rules differ from the closed-list systems of Argentina and Costa Rica, where party leaders control the order of candidates on the party list and thereby their chances of getting elected. In those two countries, placement mandates require that women and men be staggered on party lists. The combination of a closed-list system and

placement mandate accounts for the quota laws' dramatic successes (Htun and Jones, 2002).

The nature of Brazilian parties may also hinder women's chances. Political scientists have hypothesized that women enjoy greater opportunities in rule-oriented, bureaucratic parties than in unstructured or clientelistic parties (Caul 1999; Norris 1995). When a party has institutionalized clear rules and procedures, potential candidates can better understand the nomination process and hold party leaders accountable to these rules. In Brazil, parties are weakly institutionalized, which may make rising to the top more difficult for women. With the exception of the Workers' Party (PT) and some small parties of the left, Brazilian parties lack stable roots in society, there is a high rate of split-ticket voting, low party identification among voters, and parties have very short organizational histories. Moreover, the vast majority of parties are "nonprogrammatic" in that they fail to maintain consistent, principled positions on national issues. Even when parties do adopt positions, party leaders are rarely willing or able to compel party representatives to uphold them (Mainwaring and Scully, 1995; Mainwaring, 1999).

Skeptics might contend that women's low presence in power owes, not to institutional factors, but to a macho political culture. Yet there is evidence that Brazilian voters are actually quite willing to support women candidates. Public opinion surveys show that voters find women to be more honest than men. According to a poll conducted in September of 2001 by CNT/Sensus, a majority of Brazilians believe that women in senior government posts are more honest, responsible, trustworthy, and competent than men (*Fêmea*, 2002).

This is consistent with the results of a poll of approximately 2,000 Latin Americans in five major cities, conducted by Gallup on behalf of the Inter-American Development Bank and the Inter-American Dialogue in 2000 (Inter-American Dialogue, 2001a). In that study, fifty-seven percent said that women's greater presence in political office would lead to better government. Over 90 percent claimed they would be willing to vote for a woman for president, and 69 percent believed that their country will elect a woman president over the next 20 years. Sixty-six percent agreed that women are more honest than men, and 85 percent agreed that women are good decision makers.

In recent Brazilian elections, party leaders have tried to capitalize on these favorable views toward women candidates. For example, the Liberal Front Party (PFL) launched Maranhão governor Roseana Sarney's "pre-candidacy" for the 2002 presidential elections in 2001 when early polls found that she drew voters from all regions and social classes, and from both sexes. She was seen as more honest and trustworthy, and provided voters with a sense of security as well as an alternative to traditional, corrupt, male politicians.¹

The danger is that these stereotypes of women candidates create elevated expectations. When millions of *reais* (the Brazilian currency) were found in a business office owned by Roseana Sarney and her husband, the candidate's credibility was shattered. In June of 2002, the Social Democratic Party's (PSDB) selected Espiritu Santo deputy Rita Camata as the running mate for José Serra. Having a woman on the ticket is important, the party

felt, because Brazilian society expects to have a woman at the side of the ruler to provide a guarantee that this ruler will not behave like a typical, macho, insensitive, and uncaring man.² Also in 2002, the Ciro Gomes presidential campaign initially placed the candidate's wife, former actress Patricia Pillar, in a prominent role. Meanwhile, the Lula campaign attempted to maximize the presence of São Paulo mayor Marta Suplicy (also from the PT) in events in order to counterbalance the perceived advantages women brought to the other candidates.³

Do Women Make a Difference?

Women's presence in power is important on the grounds of fairness. Many, however, advocate quotas not for normative reasons alone but because they believe women will change policy outcomes. Having a "critical mass" of women will lead to the greater representation of women's interests in policy debates and produce changes favorable to them. Are these understandings correct?

Studies from the United States show that women are significantly more likely than men to prioritize women's rights legislation, and also to usher women's rights bills through the legislative process to full approval (Carroll, 2001; Dodson, 2001; Thomas, 1994; Boles, 2001). An important study of the U.S. Congress, however, found that the influence of gender differs across issue area. Gender matters most for the sponsorship of feminist bills such as reproductive rights, affirmative action, and domestic violence than traditional women's issues such as welfare, education, and health, in which men are also active and

¹ Interview with Rio de Janeiro mayor Cesar Maia, organizer of Roseana's presidential pre-campaign, Rio de Janeiro, June 14, 2002.

² Interview with PSDB Secretary General, Deputy Márcio Fortes, Brasília, June 19, 2002.

³ *Folha de São Paulo*, July 28, 2002.

where gender is less important than other factors. What is more, though gender influences patterns of bill sponsorship and agenda setting, at other stages of the legislative process (such as voting and committee behavior where party loyalty and institutional seniority are more constraining), gender matters less (Swers, 2002). In short, gender influences the behavior of those in power, but not on every issue nor in every way power is exercised. In many respects, women in power are similar to men (Beck, 2001; McGlen and Sarkees, 1993).

To test some of these ideas in Brazil, a survey was administered to members of the *bancada feminina* in the fall of 2002. Because it was the end of the congressional mandate, the response rate was lower than it might otherwise have been (46 percent), but still quite high compared to the general rate at which legislators answer research questionnaires (for a sample of the questionnaire see Appendix A).

One question on the survey concerned legislative priorities. Eighty-eight percent said that women's rights were among their priorities; among these, only 20 percent listed women's rights as their "top" priority. On the other hand, 53 percent considered women's organizations to be among their principal bases of political support.

Following the Brazilian pattern, a significant number (38 percent) had relatives in politics. Of those who expected to continue in politics (83 percent), 45 percent desired to move on to the executive branch, not stay in congress. In general, most Brazilian federal legislators use their mandates to gather resources to further careers in local executive office rather seek re-election in congress (Samuels, 2003).

When asked about party loyalty ("in the case of a conflict of interest between your region and the party, with whom would you vote?"), 54 percent said they would opt for their region, and 46 for the party. In response to a question about whether they acted according to their own personal beliefs, the party line, and the expectations of the electorate, 46 percent said the party, 36 percent, their beliefs, and 18 percent, the electorate. These findings suggest that though there is some basis for "party governance" among Brazilian women politicians, party discipline in general is weak. In short, Brazilian women are more likely to be interested in women's legislation than are men, but in other respects their profile is similar.

A survey of both male and female legislators conducted in 1999 by CFEMEA provides another set of data to test hypotheses about gender differences. The CFEMEA study inquired about views on particular policy issues, including affirmative action in the workplace, abortion, gay rights, quotas, sexual harassment, sex education, and maternity leave (Rodrigues, 2001).

Tim Power and the author conducted some initial statistical analysis into these data in order to see whether gender, or other factors, accounts for views on the various issues. In general, leftist ideology tends to account for more of the variation in legislator views than the sex of the respondent (see Table 1).

The PT and other leftist parties have been more salient agents of change on women's rights than elected women politicians. This makes sense given women's low numbers: since women do not form a "critical mass," it is up to parties to serve as advocates of gender issues. The PT's behavior, however, reflects years of close working relationship between feminist groups in civil society and

PT politicians. Due to their common history of struggle against the dictatorship and advocacy for social justice, many PT militants came to internalize and assume, as their own, key elements of the feminist

agenda. In this way, the programmatic party is serving as a surrogate agent for women's gender interests within the congress.

Table 1. Characteristics that Account for Legislators' Views

Question	Characteristics that account for positive responses*		
	Party	Sex	Other
Are you in favor of affirmative action to improve women's position in the labor market?	Left Center	No	
Are you in favor of paid maternity leave in excess of the \$1200.00 ceiling for social security benefits?	Left	Yes	
Should the constitution prohibit discrimination on the basis of sexual orientation?	Left Center	Yes	
Should Brazilian law regulate civil unions between people of the same sex?	Left	No	
Should abortion be decriminalized?	Left	No	
Are you in favor of legislative gender quotas?	Left	No	
Are you in favor of quotas in the executive branch?	Left	Yes	More educated oppose; those from poorer regions oppose
Are you in favor of gender quotas in the judiciary?	Left	Yes	More educated oppose; those from poorer regions oppose

*Statistically significant independent variables with positive coefficients.

Policies Advancing Women's Rights

In spite of their historically low numbers, Brazilian women politicians have worked with the feminist movement and leftist parties to pioneer some of Latin America's most advanced legislation and innovative mechanisms to advance women's rights. Women's status, moreover, advanced significantly in the 1980s and 1990s. World

3.9 children per woman in 1980 to 2.3 in 1999, and illiteracy dropped from 27 to 15 percent of women aged 15 and up.⁴ At the same time, there has been considerable growth in women's participation in the labor force (see Table 2).

Bank data show that women's life expectancy increased from 66 years in 1980 to 71 years in 1999, fertility dropped from

⁴See the Genderstats site at the World Bank. Available online at: <http://genderstats.worldbank.org/SummaryGender.asp?WhichRpt=country&Ctry=BRA,Brazil>.

Table 2. Women's Participation in Labor Force

Year	% Women who are economically active	Women % of labor force
1976	29	29
1981	33	31
1983	36	33
1985	37	36
1990	39	36
1993	47	40
1995	48	40
1997	47	40
1998	48	41

Source: Bruschini (n.d.).

Women outnumber men at school enrollments at all levels, and women's income is increasing at a faster rate than men's. Between 1993 and 1999, women's average income increased by 43 percent, while men's increased by 19 percent. The wage gap between men and women persists, though it is narrowing. In 1992, women earned 62 percent of men's salaries; by 1999, this had climbed to 69 percent.⁵

Soon after the return to democracy, women in the National Council for Women's Rights (CNDM) organized to include progressive changes in the reform of the Brazilian Constitution. The CNDM organized seminars and public forums all over Brazil where lawyers, feminists, legislators, and the general public analyzed women's legal situation and formulated proposals for the constitution. The CNDM staged demonstrations around the country, held a sit-in at the Congress in Brasília, and offered support to the 26 female legislators into what became known as the "Lipstick Lobby" (*a bancada do batom*) in order to press feminist demands. According to the CNDM's former President, 80 percent of the

women's movement's proposals were included in the final constitutional text (CNDM, 1986; Pitanguy, 1996). (See Table 3.)

Brazilian feminists organized a legal abortion movement intended to see that women victims of violence have access to abortion. Though the Brazilian criminal code does not punish abortions performed on women who have been raped, no administrative procedures had existed to allow women who relied on the public health system to have access to abortions under these circumstances. Responding to feminist pressure, in 1985, the state legislature of Rio de Janeiro approved a law requiring public hospitals to perform legal abortions. Though the law was subsequently vetoed by the governor at the request of Rio's Archbishop, Dom Eugenio Salles, the city council of Rio de Janeiro adopted a similar municipal ordinance the same year. Then, in 1989, the São Paulo city government under Workers' Party mayor Luiza Erundina created a service for legal abortions at the Jabaquara Hospital. (The service was later established at other hospitals around the city.) At Jabaquara, a

⁵ *Veja* November 8, 2000; *Fêmea* no. 111, April 2002.

Table 3. Women’s Rights in the 1988 Brazilian Constitution

Area	Rights
Basic principles	Women and men have equal rights and obligations
Family	- Women and men have equal rights and obligations in the family - Families are constituted by marriage and stable unions - The state is obliged to take measures to prevent intrafamily violence
Health	- All couples have the right to decide the number and spacing of their children, and the state is obliged to furnish information on family planning (in addition, organized Brazilian women were able to block an effort to include a Constitutional clause protecting “life at conception”)
Work	- The state is obliged to protect women’s position in the labor market - 120 days of paid maternity leave - prohibits sex discrimination in employment and wages
Domestic workers	- Minimum wage - Weekly day of rest - Paid annual vacation - Maternity leave - Social security

Source: CFEMEA (1996).

commission of doctors and social workers was appointed to receive petitions from women seeking abortions and, on the basis of supporting documentation (a police report and medical exam verifying a rape, for example) and the period of gestation, authorize or decline the abortion. Importantly, explicit police authorization was not required. As of late 1999, 16 public hospitals in Brazil had introduced legal abortion services, and several municipalities had approved laws authorizing such services (Linhares, 1993; *Fêmea* August 1999).

The congressional *bancada feminina*, or women’s caucus holds regular meetings, has established a committee to coordinate its work, and publishes a newsletter. Together with CFEMEA, the feminist lobby group, it secured the approval of numerous laws advancing women’s rights (these examples are from 1999 to the middle of 2002):

- 2002: law authorizing judges to issue restraining orders against perpetrators or suspected perpetrators of domestic violence.

- 2002: law granting adoptive mothers the right to maternity leave and benefits.
- 2001: law criminalizing sexual harassment.
- 2001: law requiring that health insurance cover reconstructive plastic surgery for women suffering from breast cancer.
- 2001: approval of the new civil code, which grants men and women equality in marriage and considers children equal regardless of whether they were born in or out of wedlock. In contrast to the old code, the new code has eliminated the archaic term “paternal power” (*patrio poder*), a rule enabling husbands to annul marriages on the grounds that the wife was not a virgin, and permission for parents to abandon daughters with “dishonest” behavior.
- 2001: law creating a framework for the adoption of sexual education and drug abuse courses by primary and secondary schools. This law was later vetoed by the President, on the grounds that it interfered with pedagogical autonomy foreseen in other laws and, moreover, that the Ministry of Education already

recommended similar courses in its curricular guidelines.

- 2000: the Chamber of Deputies established a Parliamentary Inquiry Commission (CPI) to investigate Brazil's high levels of maternal mortality.
- 1999: a law giving domestic workers the right to unemployment insurance. This law was vetoed by the President and replaced by a provisionary measure (*medida provisória*) that was broadly similar, though applicable only to employees whose employers contributed to the national employment fund.
- 1999: law designed to create incentives to companies who hire more women workers.

It is possible, indeed likely, that we would have seen more changes if there had been more women in elected office. Nonetheless, women's low presence in power has not served as an insurmountable obstacle to Brazil's adoption of policy changes benefiting women.

These results square with comparative research. Studies of U.S. state legislators reveal that women in legislative chambers who report meeting regularly with other women are significantly more likely to sponsor women's rights initiatives than women in legislatures without a women's caucus. One study comparing legislatures in 12 U.S. states found that states with women's caucuses had a higher legislative output on women and gender issues than states without such a caucus, *irrespective of the number of women in the legislature* (Thomas and Welch, 2001).

The author's own work on Latin American politics found that multipartisan coalitions of women politicians were responsible for some major policy changes in the 1990s, and

that these coalitions formed in countries with large and small numbers of women in politics (Htun, 2003b). This suggests that those interested in promoting the substantive representation of women's interests should turn, not to quota laws, but to strengthening women's caucuses in legislatures and institutionalizing linkages between politicians and feminist interest groups. It is not a question of numbers but rather women's degree of organization that helps produce feminist-oriented policy outcomes.

POLITICAL EXCLUSION: THE RACIAL DIMENSION

Until very recently, the Brazilian state has done very little to promote racial equality. When national-level sociodemographic data broken down by race first became available in the 1970s, dozens of scholars began to publish papers with evidence of systematic racial stratification. Some of the dimensions of this stratification include:

- Though they make up 45 percent of the total population, blacks comprise 64 percent of people living below the poverty line and 69 percent of extremely poor people;
- Blacks are concentrated in the lowest ranks of society: representing 70 percent of the poorest decile of Brazilians, they make up only 15 percent of the richest decile;
- Whereas a 25-year old white Brazilian has an average 8.4 years of schooling, a black Brazilian of the same age has only 6.1 years;
- Education is the major indicator that can predict future income, and, though the average educational levels of both black and white Brazilians have increased significantly over the twentieth century, the gap between them has remained relatively constant;

- Illiteracy among whites over 15 years of age is 8 percent; among blacks, 20 percent;
- 52 percent of blacks live in households without adequate sanitation, versus 28 percent of whites;
- 30 percent of blacks live in households without trash collection, versus 15 percent of whites; 26 percent of blacks live in households without running water, versus eight percent of whites.⁶

Blacks are almost never seen amidst the country's political, economic, and media elite. Though popular music is an exception, the dominant aesthetic in Brazil, visible in fashion, television shows, advertisements, and the like, is white and blonde.

This racial hierarchy, aided by extreme social inequalities, has been enforced more informally, though no less effectively, than the legal racial discrimination and segregation of South Africa and the U.S. south. In spite of mounting evidence of white privilege presented by social scientists beginning in the 1960s and 1970s, Brazilians of all social sectors have remained faithful to the idea of racial democracy (Twine, 1998).⁷ The racial democracy thesis insists that the disproportionate impoverishment of blacks and their absence among elites is due to class discrimination and the legacy of slavery, and that the absence of state-sponsored segregation, a history of miscegenation, and social recognition of intermediate racial categories have upheld a unique racial order.

Yet these same characteristics also help explain why Brazil's racial inequalities have gone unchallenged for so long. The Brazilian state's unwillingness to define

"races" helped preclude the formation of self-conscious groups that could serve as the basis for collective action; the absence of legal racial domination meant there was no obvious target against which identity formation and mobilization could be directed (Marx, 1998). As a result of these state and other social factors (such as low residential segregation and negative images associated with blackness), Brazilians of African ancestry have a weaker "racial consciousness," or identification of themselves as members of a distinct group, than people recognized as "blacks" in the United States.⁸ Weak racial identity forms part of a "vicious cycle" linking social inequalities, demeaning and discriminatory cultural norms, and police repression with the failure of race-based militancy to provoke changes to the situation of blacks (Santos, 2001). On the other hand, Brazilians are color conscious, and use hundreds of terms to classify one another according to skin tone and other phenotypical traits. Unlike in the United States, these labels are based largely on physical appearance and not descent, and their application varies according to context, social class, who is doing the labeling, whether the labels are chosen freely or determined in advance, and so on. As Sheriff points out, "any given race or color term can, in a given conversation, be used to describe, to tease, to insult, or to flatter" (Sheriff, 2001; Harris et al., 1993; Degler, 1971).⁹

⁹ There is some evidence that this may be changing, and that historic claims about weak racial consciousness may be exaggerated. Sheriff's work in a Rio de Janeiro *favela* unearthed evidence of a pervasive "black" identity among dark-skinned Brazilians, though she qualifies this "bi-polar conception of racial identity" as "a universally held notion that remains largely, though not entirely, unvoiced" (2001: 46).

⁶ These figures are from Henriques (2001).

⁷For its original incarnation, see Freyre, 1986.

Historically, the state prohibited racial discrimination but did not take positive action to address inequality. The Constitution of 1934 was the first to declare that “All are equal under the law. There shall not be any privileges, nor distinctions, for reasons of birth, sex, race, personal or family occupation, social class, wealth, religious beliefs, or political ideas.” Though the two subsequent constitutions (1937 and 1946) declared only that “All are equal under the law,” the military government, in the 1967 and 1969 constitutions, reintroduced the prohibition of race distinctions and added that “racial prejudice will be punished by law” (Silva, 2000).¹⁰ These constitutional norms, combined with the 1951 Afonso Arinos Law (named after its author, this law banned racism in public services, education, and employment) were the only legislation on race until the 1988 Constitution.

There was more state activity around the return to democracy in 1985. The three black deputies in the constituent congress (congress worked in 1986 and 1987 to draft a new constitution for Brazil) succeeded in defining racism as a crime for which bail may not be posted and for which there is no statute of limitations; affirming multiculturalism, including a commitment to protect Afro-Brazilian cultural practices; and granting titles to occupants of land of former *quilombos* (i.e., communities established by runaway slaves prior to emancipation in 1888). In 1989, Congress passed Law 7716, authored by black deputy Luis Alberto Caó, to implement the constitutional clause against racism. In his speech to commemorate the centennial of the abolition of slavery on May 13, 1988, then President

José Sarney announced the creation of the Palmares (the biggest of *quilombos*) Cultural Foundation, later charged with “promoting the preservation of the cultural, social, and economic values arising from black influence in the formation of Brazilian society” (article 1 of Law 7,668 of October 22, 1988).

Policy Change: Toward Affirmative Action

When Fernando Henrique Cardoso’s took power in January 1995, he marked a turning point in the state’s approach. The federal government began to take more initiatives and for the first time contemplated affirmative action. The president created, through a decree, an “Inter-ministerial Working Group to Valorize the Black Population”(GTI or *Grupo de Trabalho Interministerial*); a similar group was created within the Ministry of Labor. Meanwhile, Brazil published its 10th report for the United Nations Human Rights commission. Written by Paulo Sérgio Pinheiro—who served as UN special rapporteur for Burundi and Burma and then Secretary of State for Human Rights—the document proclaimed that affirmative action was compatible with Brazilian legislation and committed the Brazilian state “to take positive action to promote equality” even if it implied “meting out unequal treatment to individuals” (Reichmann, 1999). That year marked the 300th anniversary of the death of the black martyr Zumbi, leader of the 17th century Palmares confederation of *quilombos*. In commemoration, Afro-Brazilian movements organized a march of tens of thousands of people in Brasília; the *Folha de São Paulo* also published results of a national public opinion survey on racism (Datafolha, 1995).

¹⁰Notwithstanding, the military government suppressed discussions of race, viewing critics of the racial democracy ideology as threats to national security.

The National Human Rights Program, launched in 1996, then proposed specific public policies addressed at black Brazilians, such as support for private businesses with affirmative action programs and measures to increase access to universities. The same document suggested that the Brazilian Statistics Institute (IBGE) adopt a dichotomous definition of race, considering mulattoes, browns, and blacks to be part of the black population. The Human Rights Plan represented the first time that the racial groups were officially recognized as targets of public policies. Also in 1996, the Brazilian government organized an international seminar in Brasília on affirmative action and multiculturalism in Brazil and the United States. Several academics compared race politics in the two countries and the prospects for affirmative action in Brazil. Though many activists were angry that almost all the experts who spoke at the conference were white, others recognized the significance of the president's acknowledgement of a "multicultural" society (Fry, 2000; Reichmann, 1999).

The intra-governmental debate accelerated during preparations for the World Conference on Racism held in Durban (South Africa) in September, 2001. The official report submitted, produced by a large committee composed of state officials and representatives of various civic organizations, recommended that the government adopt quotas or other "affirmative mechanisms" to expand the access of black students to public universities. The document argued that affirmative action has a constitutional basis,¹¹ and cited various ordinary laws that

established quotas, including the Consolidation of Labor Laws (CLT) of 1943 dating to the Vargas era which required that two-thirds of workers in private businesses be Brazilian—deemed by many to be an effective racial quota, since many whites were recent immigrants, a 1990 law creating quotas of up to 20 percent in civil service jobs for handicapped people, and the 1997 law requiring political parties to field a minimum percentage of women candidates in legislative elections (Ministério da Justiça, 2001). When Brazil presented its report, the national and international press reported that the government had endorsed quotas and affirmative action for blacks.

In the following months, state agencies at all levels began announcing affirmative action policies. Raul Jungmann, the Minister of Agrarian Development, launched a program establishing a 20 percent quota for blacks in jobs at his ministry and in firms seeking official contracts (the quota would increase to 30 percent in 2003). In December, the Constitutional Court and the Ministry of Justice announced quotas of 20 percent for black employees. The Justice Ministry's decree, issued on December 20, 2001 in a public ceremony presided by President Cardoso and the Justice Minister, created quotas for blacks (20 percent), women (20 percent), and handicapped people (five percent) in management and senior advising positions, in firms offering services to the ministry as well as involved in cooperative projects with international organizations.

types of norms oblige the state to combat inequality and marginalization; the second commit the state to promote the inclusion of "unfavored" sectors of the population such as handicapped adolescents; and the third prescribe special treatment to compensate for unequal opportunities, such as a provision about protecting the female labor market, reserving a percentage of public service jobs for handicapped people, and a progressive income tax system (Ministério de Justiça, 2001).

¹¹ The document cited three types of constitutional norms as evidence for its claim that the 1988 Constitution introduced a principle of "positive discrimination" into Brazilian jurisprudence. The first

The decree also states that preference will be granted to firms with affirmative action policies (Portaria 1,156 of December 20, 2001, published in the *Diário Oficial da União*, December 21, 2001). In August of 2002, the Ministry of Culture established a similar policy (Portaria 484 of August 22, 2002).

Meanwhile, the Foreign Ministry (Itamaraty) announced an affirmative action program. Historically, there have been almost no blacks in Brazil's diplomatic corps: only one Afro-Brazilian has headed a diplomatic mission abroad (in Ghana), and he was a journalist, not a career officer. President Cardoso proclaimed that "We need a diplomatic corps...that reflects our society, which is multicolored and will not present itself to the outside world as if it were a white society, because it isn't" (Cardoso, 2001). The affirmative action program, which began in early 2003, provides a scholarship of 1,000 reais per month to a maximum of 20 black candidates to help them study for the public service entrance exam. The program, intended to improve the performance of the best candidates, aims to enlarge the pool of potential diplomats without compromising Itamaraty's "criteria of excellence," which the ministry is unwilling to let go of under any circumstances.¹²

¹² Interview with João Almino, Director, Rio Branco Institute, Brasília, June 19, 2002. One becomes a diplomat by taking a highly competitive entrance exam (actually a series of six exams, both written and oral) to enroll in a two-year diplomatic training course—essentially a masters' degree—at the Rio Branco Institute of Itamaraty. In recent years, there have been, at the most, only one or two black students per class (less than three percent, as a class typically has 25 to 30 students). There are more blacks in the applicant pool: in 2002, there were 460 self-declared blacks among the 3,200 applicants (14 percent). (The first test, a multiple choice exam of 100 questions, narrows the applicant pool of 3,200 down to 250 candidates.)

Finally, on the occasion of the release of the second National Human Rights Program in 2002, the President issued an executive decree creating a National Affirmative Action Program charged with studying how government agencies could adopt "percentage goals" for blacks, women, and handicapped people in their own ranks and also in firms under contract with the government (Decree no. 4,288 of May 13, 2002). The Human Rights Program, which generated a lot of press for its support of gay rights¹³ (in the ceremony, President Cardoso became the first president of Brazil publicly to hold a rainbow banner, symbol of the gay movement), also endorsed "compensatory mechanisms" designed to expand black access to universities and public service "in proportion to their representation throughout Brazilian society" (Ministério da Justiça, 2002).

Debates heated up in Congress as the Senate considered a bill presented by former president José Sarney that would establish a 20 percent quota for blacks in the civil service and federal universities. In his justification for the bill, Sarney claimed to want to "break the current inertia, which prevents blacks from competing in equal conditions with whites in access to higher education and the labor market...Without access to education, blacks are condemned to segregation." The bill received a favorable report in the Constitutional and Justice Commission and was sent to the Chamber of Deputies for consideration in 2002.¹⁴ Meanwhile, a special commission

¹³ Specifically, the government announced its support for a bill in Congress authored by then-deputy Marta Suplicy (mayor of São Paulo from 2000 to 2004) that would permit civil unions between people of the same sex.

¹⁴ According to the proposal advanced by the bill's *relator*, Senator Sebastião Rocha, university entrance exams and public service entrance exams would have to set aside a quota of 20 percent for black students.

was created in the Chamber of Deputies to discuss Deputy Paulo Paim's "Statute of Racial Equality." In April of 2001, the Chamber's Commission on Science, Technology, and Communication had approved another Paim bill that would establish a quota of 25 percent for blacks on television programs and a 40 percent quota for TV advertisements; in April of 2002, the Chamber's Commission on the Defense of the Consumer, Environment, and Minorities approved the same bill. Overall, 14 different bills in congress contemplated some form of racial quotas.¹⁵

State and municipal governments began to announce quota policies. On October 9, 2001, the Rio de Janeiro state legislature approved a bill establishing a quota of 40 percent for blacks in the two state universities. The bill followed approval of an earlier initiative introduced by governor Anthony Garotinho creating a 50 percent quota for students coming from public schools. Then, black PT leader Benedita da Silva assumed the governorship of Rio de Janeiro in April of 2002 (she had been vice governor, and was promoted when Anthony Garotinho resigned to run for president of Brazil) with the objective of naming an unprecedented number of blacks to high positions in her government. Though her plans clashed with the PT's tradition of allocating secretariats to different tendencies within the party, she succeeded such that 32 percent of senior decision-making posts were occupied by blacks.¹⁶ Benedita also

However, the university or state agency could set a minimum grade or performance level on the exam. If enough candidates failed to meet the minimum note, then the university/agency could fill the resulting slots with other students/candidates (*O Globo*, April 18, 2002).

¹⁵ *O Estado de São Paulo*, December 2, 2001.

¹⁶ Interview with Hildézia Alves de Medeiros, Subsecretary of Affirmative Action, Rio de Janeiro, July 5, 2002. According to Hildézia, Benedita's plan

created a subsecretariat to work on incorporating affirmative action policies into different government programs. In July, 2002, the state university of Bahia announced that 40 percent of spots in undergraduate and graduate programs would heretofore be reserved for Afro-Brazilians; the state legislature in Minas Gerais approved a 20 percent quota in university admissions in November of 2002.

The new quota policies were controversial. Opponents charged that they led to reverse discrimination, insulted blacks by presuming that they could not compete on their own merits, and did not address the causes of black exclusion, which are social, not racial. Quotas are deemed inappropriate for Brazil's style of racism, which is subtle and shameful, not explicit or structural. Racist acts should be punished, but the problem of exclusion more generally requires social policies directed at the poor. There are also fears that quotas are a policy based on U.S. race relations and history and will consequently introduce false racial divisions to Brazil and end up generating greater injustice. Similar concerns were raised by Pierre Bourdieu and Loic Wacquant: their article, "The Cunning of Imperialist Reason" (1999), claims that recent debates reflect "ethnocentric intrusion" practiced by U.S. philanthropic foundations and scholars.¹⁷

Others claim that quotas will be impossible to implement because of the difficulty of

to appoint blacks to high positions clashed with the desire of the Worker's Party (PT) to allocate secretariats to different tendencies within the party. The governor endured four rounds of negotiation with other party leaders, trying to convince them to include more blacks and women in their lists. Though she was unable to appoint as many blacks and women as she wanted as state secretaries, she named enough to subsecretary positions and leadership in other state agencies so that the total reached 32 percent.

¹⁷ For a lucid response, see Telles, forthcoming.

identifying just who is black. Yet supporters argue that the question of “who is black” is disingenuous and avoids the real issues. Deputy Paulo Paim noted that today, people are virtually unanimous in acknowledging that discrimination exists, but:

...at the moment you start any movement for reparations, compensation, people start to backtrack. When you say that blacks have lower salaries than whites, that black women have half the salaries of white women (who are also discriminated against in relation to white men), that blacks are the majority in prisons, blacks are 2 percent of universities, that blacks live in favelas, when you talk about data, OK. But when you propose public policies, the response is: how do we know who is black? That is the first excuse they give. When we talk about the bad side, they identify blacks easily, but when we get to the issue of compensation, they don't know who blacks are!¹⁸

For advocates, the answer to “who is black” is simple: self-declaration, used by the Ministries of Justice and Agrarian Development, as well as researchers and census enumerators at the Brazilian Institute of Geography and Statistics.¹⁹ Brazilian activists joke that if this does not work to identify blacks, “In the event of a doubt, call a policeman, who always knows.”²⁰

¹⁸ Interview, Brasília, June 19, 2002.

¹⁹ In practice, however, some census enumerators do not ask individuals to declare their color but decide on their own how to classify respondents, particularly in situations where observance of “color etiquette” precludes an explicit inquiry (Nobles 2000).

²⁰ Carlos Alves Moura, quoted in *O Estado de São Paulo*, January 13, 2002.

Quota supporters argue that racism in Brazilian society is pervasive and will continue unless the state intervenes. Pointing to data on the position of blacks in society, their absence among political, business, and media elites, and cultural practices known to all such as the use of terms like “*boa aparência*” to exclude dark-skinned people from employment, they maintain that racial stratification cannot be attributed just to the legacy of slavery or low levels of education. Though much of discrimination in Brazil is “social” or class-based, the historic association of whiteness with money and blackness with poverty has, over time, consolidated a racial aesthetic (hence the adage “money whitens”). Being black is synonymous with being lower-class, lacking opportunities, working as a servant, and living in bad neighborhoods. These cultural associations of blackness are clear in an expression favored by President Cardoso to joke about his own afro-descendent origins: “I too have a foot in the kitchen.” Even this casual choice of words reveals a lot: the kitchen, the area of service, is the domain of dark-skinned people. “Having a foot in the kitchen” means being black.

At the same time that the United States seems to be moving away from its historic “one-drop” policy and toward a recognition of mixing, evinced by the ability of residents to identify with multiple racial categories in the 2000 census, Brazilian quota advocates seem to be pushing Brazil in the direction of greater fixity in identities.²¹ The government’s policies presume that racially-defined groups are enough of a reality that they can be the objects of public policies. “For the first time since the abolition of slavery the Brazilian government has not

²¹ However, Thomas Skidmore has argued that the contrast between the bi-racial United States and “multi-racial” or multi-colored Brazil was overdrawn (1993).

only recognized the existence and inequity of racism but has chosen to contemplate the passage of legislation that recognizes the existence and importance of distinct 'racial communities' in Brazil" (Fry, 2000). Could state policy succeed where Afro-Brazilian movements have thus far failed, namely, in cementing a widespread racial consciousness among Afro-Brazilians?

First, though, it remains to be seen how and whether the Brazilian government will be able to apply its new policies. Preliminary results are reasonably promising. In August 2002, twenty black candidates were selected to receive Itamaraty's scholarships for preparation for the Rio Branco Institute entrance exam. Four hundred candidates applied for the program (they classified themselves using the IBGE's census characteristics – white, black, brown, yellow, or indigenous). Black functionaries have been hired by the Ministries of Agrarian Development and Justice. In fact, by November of 2002, 95 of the 353 functionaries hired by the Ministry of Justice were black (27 percent), though most of them held low-level positions. One of the new employees at the Ministry of Agrarian Development, a 26-year old receptionist, said to the press that: "I like the quota because it gives opportunities for people of black color to enter the public service. I think that if it weren't for the quota I wouldn't be working here."²²

Explaining Policy Change on Race

There were similar factors driving the adoption of gender quotas and the Brazilian state's tentative embrace of race-based affirmative action. The first was the formation of policy-oriented issue networks. Feminist-led issue networks centered on claims for greater political representation

were key factors in the adoption of quota laws in Brazil and the rest of Latin America. In the 1990s, from dispersed Afro-Brazilian movements and leftist academics, mobilization around race came to involve greater number of people and prestigious government research institutes. Journalists, public intellectuals, state officials, economists from prestigious government research institutes, human rights NGOs, and politicians in Congress carried such action from Afro-Brazilian movements and the leftist academy into the social mainstream.

This issue network began to crystallize in the mid to late 1990s around a number of events such as the march commemorating the 300th anniversary of the death of Zumbi de Palmares and protests at celebrations for 500th anniversary of Brazil. A shift in priorities at the Ford Foundation helped generate more money to fund the incipient issue network. From funding "background" and "infrastructure" projects like academic research on race and research institutes, Ford began, in the mid-1990s, to support activist organizations promoting affirmative action. As Nigel Brooke, Ford Foundation representative in Brazil, recalled, the idea was that "we would come out of the closet with regard to our positive view of affirmative action, instead of just supporting research...we could actively support groups working to promote affirmative action."²³ With the formation of an issue network, the policy sophistication of the race discussion grew and the issue gained greater public attention. One of the decisive moments in this process came when the federal government's Institute for Applied Economic Research (IPEA) entered the debate. Beginning in 2000, the IPEA released studies, widely publicized in the press, documenting the extent and stability of racial inequalities in Brazil (see especially

²² *Folha de São Paulo*, December 16, 2001.

²³ Interview, Rio de Janeiro, July 2002.

the CD-ROM released in December 2002, *Desigualdade racial: Indicadores socioeconômicos—Brasil, 1991-2001*, available at www.ibe.gov.br).

The second factor was the World Conference on Racism, held in Durban in October of 2001. In much the same way that the Fourth World Conference on Women held in Beijing in 1995 lent international legitimacy to women's demands for gender quotas in politics, the Durban conference backed Afro-Brazilian demands for race-based affirmative action. Durban sparked reports on race discrimination in the Brazilian press, motivated the government to organize a large commission to study the question of race, and helped legitimize the idea of racial quotas. As UN ambassador Gelson Fonseca Jr. put it, "Durban was a positive experience for Brazil because it legitimized the debate on racism at the international level and recognized the need for remedial actions to benefit the victims of discrimination. But the most significant and immediate effect of Durban occurred at the domestic level, for it mobilized civil society and public opinion against racism, and strengthened the political will for policies to combat discrimination and led to the first experiences in affirmative action for Afro-descendants."²⁴

On their own, these two factors might not have been enough to compel policy change unless former President Fernando Henrique Cardoso opened the door at the highest level. Since his days as a sociology professor in São Paulo in the 1960s and 1970s, Cardoso had always denied the racial democracy myth. In the mid-1990s, he granted networks the political opening they needed to take the debate on race and affirmative action into the mainstream of Brazilian society. Senior Brazilian officials I

²⁴ Personal communication, October 30, 2002.

interviewed affirmed the president's role in orchestrating an opening for new policies. Paulo Sérgio Pinheiro, secretary of state for human rights, said that "in the struggle against racism, most of the advances are due to presidential decision....affirmative action, the defense of quotas, it's the president of the republic!" Looking back on the various initiatives since 1995, Pinheiro remarked "these measures [resulted from former justice minister] José Gregori and I negotiating with the president....All of this was a personal presidential decision. He didn't consult anyone, not even the party."²⁵ Márcio Fortes, secretary-general of the PSDB party, concurred, saying that the quota policy "is more legal than legitimate. It is not being demanded by society, but is part of the conscience of elites. There was no social movement. [The quotas] resulted from the President's determination, the idea being to construct a more diverse and plural society for the future."²⁶ Ivair dos Santos summed it up: "If Fernando Henrique Cardoso had not been president, the debate would not have started."²⁷

Significant as the recent policy changes may be in light of the country's historic denial of the importance of race, they are still largely symbolic. A more systematic affirmative action program – one that operates in all government agencies and for which enforcement mechanisms have been created – has yet to be established. Critics of the Cardoso government see this as evidence of a lack of official commitment to Afro-Brazilian rights.²⁸ And such a program, requiring profound institutional changes and budgetary outlays would likely encounter

²⁵ Interview, Brasília, June 19, 2002.

²⁶ Interview, Brasília, June 19, 2002.

²⁷ Interview, Brasília, June 18, 2002.

²⁸ PT Deputy Luis Alberto Caó believes that few FHC initiatives have been more than "statements of good intention" (Interview, Brasília, November 12, 2002).

greater resistance than the changes made up to this point. This suggests that the explanation of discursive policy shifts may be different from the explanation for actual policy implementation. Ideas may compel people to change their minds and even certain aspects of their behavior, but alone may not build the political coalitions needed to back the allocation of money and changes in the rules. In Brazil's world of pork barrel politics, old habits die hard. Breaking these habits will likely require threats and incentives in addition to moral conviction.

Even when weakly implemented, quotas compel people to talk about race. As Paulo Paim noted, "even a law that works only partially is a step forward. It generates debate, because then you can ask, and force parties to explain, why quotas aren't filled....laws don't always give the results that we expect, but offer yet another instrument to do politics."²⁹ In a speech on July 4, 2002, then Rio de Janeiro governor Benedita da Silva summarized this political strategy, declaring that quotas amount to "an accusation" (*uma denuncia*). Proposing quotas exposes racism. The idea is: since I haven't already convinced you that racism exists, then I am going to put this proposal on the table and you will have to react. In short, the appearance of quotas in public discourse prevents anyone from denying that race matters. Given Brazil's history of racial democracy, this is no small achievement.

COMPARING GENDER AND RACE

Individuals suffer discrimination and social exclusion on the basis of their gender and race. Both identities have been marked as inferior to the dominant position assumed by white men. What does this imply about strategies to overcome oppression? Are there common policies that can be applied to

different marginalized groups? In particular, what lessons does women's struggle for equality offer to Afro-descendants and indigenous peoples? In the case of Brazil, we have seen that women have been relatively successful at compelling the state to adopt policies to advance women's rights, in spite of women's low presence in power. State action to promote gender equality began under the military regime, continued after the political transition, and accelerated following the Fourth World Conference on Women held in Beijing in 1995. By contrast, the state historically resisted demands for Afro-Brazilian rights; only at the turn of the century did it begin to change its approach. Today, the government endorses the goal of improving black political representation and reducing racial inequalities in society at large.

A similar desire for social justice motivated actions to improve women's position and that of Afro-descendants. Yet policymakers need to be cognizant of the different issues entailed by the inclusion of each group. In the first place, comparative experience reveals that representation policies directed at women differ from those directed at groups defined by ethnicity, religion, and race. Women tend to get quotas in political parties, while the other groups are granted reserved parliamentary seats. Second, class conflicts frequently plague inter-ethnic and inter-racial relations, but not relations between men and women. Finally, within the category of collective action problems faced by oppressed groups, women face no boundary problem, but Afro-descendants do. This complicates political mobilization, and also arises as an issue in public policy implementation. Democrats advocating a social justice agenda must pay attention to these concerns, lest they naively endorse a "one-size fits all" approach to political inclusion.

²⁹Interview, Brasília, June 19, 2002.

Mechanisms for Political Inclusion

There are two ways that the representation of identity groups has been pursued in electoral democracies: party quotas and legislative reservations. In general, the nature of the group is related to the type of policy to achieve that group's political representation. If the group's boundaries cross-cut existing political communities (such as those manifested in political parties and organizations), the group can be integrated into politics through quotas in political parties. If the group is essentially its own political community, quotas in parties will not work. More appropriate are reservations that permit the group's parties and political organizations to gain representation on their own.

It is a worldwide pattern that women are integrated into politics through quotas in political parties while ethnic groups get reserved seats and divided legislatures. Why? These representational differences flow from differences in the ways that ethnicity and gender are manifested politically. Ethnic groups are often coterminous with political communities; women and men almost never are. Ethnicity is often a country's most politically salient social feature; gender almost never is. Ethnic groups often cluster geographically; women and men do not. In countries where it is politicized, ethnicity is a central, if not *the* central principle of political behavior; gender, though politically activated from time to time, rarely defines how individuals vote and what parties they affiliate with.

Notwithstanding, these features do not characterize gender and ethnicity in all situations. In fact, various features of gender identity—low geographic segregation, lack of correspondence to a political community, little correlation with voting behavior or

party affiliation—may apply to ethnic groups in some countries. In other places, features of most ethnic groups—geographical segregation, correlation with political community, predictor of political behavior—may apply to gender.

In Brazil, race relations do not conform to patterns of ethnic relations in other heterogeneous developing countries. Racial cleavages do not overlap with political cleavages, and race is not a good predictor of voting behavior or party affiliation (though very limited data is available on this, since questions about racial identity are rarely asked in national electoral surveys). There is much less residential segregation by race than in the United States (Telles, 1999). Moreover, national black political organizations have been relatively weak (though this is changing), and few have fielded candidates for elective office. In short, though underrepresented ethnic and racial groups tend to opt for legislative reservations, Brazil presents a unique situation in which party quotas might be more appropriate.

The Class Dimension

Social class is a key variable affecting the dynamics of representation of identity groups. The extent to which class divisions overlap with ethnic/racial and gender divisions helps explain demands for, and resistance to group representation rights. In most Latin American countries, race/ethnicity closely corresponds to class status. This has obscured the racial dimension to social inequality: many people have argued that racial discrimination is really class discrimination, and anti-poverty and other universal social policies will solve problems of racial inequalities.

Moreover, blacks and Indians are not part of the ruling class. Their political inclusion thus introduces a new set of class interests into the political order, interests that are potentially destabilizing. The overlap between race and class makes race-based affirmative action measures particularly threatening. Racial quotas have the potential to raise members of the lower classes, or at least those who identify with them and represent their views, into positions of power.

By contrast, there are few class conflicts between women and men. Women belong to all social classes and categories. Most women in politics, moreover, have similar class and family backgrounds to their male colleagues. Women's inclusion may lead to the promotion of gender interests, but not separate class interests.

The Boundary Problem

Racial identity is ambiguous in Latin America and the boundaries between racial groups are fluid. Part of this is the legacy of the racial classifications of the Spanish and Portuguese empires, which recognized dozens of intermediate (mixed) racial categories and permitted individuals to pass from one to the other. Racial ambiguity is also a product of the lack of formal legal segregation. Though there was cultural awareness of skin color and other phenotypical differences, Latin American states never enforced definitive racial boundaries. By contrast, segregation in the U.S. South and in South Africa left no doubt about who was who: the boundaries between races were firm and one's membership in a racial group was rarely questioned. The certainty of group identity facilitated collective action. In Latin America, racial ambiguity precludes the self-conscious groupness necessary for collective action.

Feminist collective action, by contrast, faced fewer barriers. Gender is a taken-for-granted identity in Latin America; race is not. Feminists had to cultivate a feminist consciousness in order to produce a movement. They did not have to convince women they are women. Many "blacks" deny being, are not conscious of being, or are unwilling to assume the identity of, "black." As a result, Afro-Latin activists must not only raise awareness about racial discrimination but also construct a collective identity among people for whom racial identity has not necessarily been central to their sense of self.

Vague boundaries also pose a challenge for the implementation of affirmative action. There is little doubt about who the female beneficiaries of gender quota policies should be. But many people have raised concerns about difficulties involved with identifying just who is "black." (Yet in practice, most people—particularly the police, restaurant personnel, and doormen—have little problem identifying those with more or less African ancestry.) Brazilian quota advocates argue that self-identification should be the standard, and this is the policy being applied by organizations starting to adopt affirmative action. Precisely because the question of "who is black" has entered public debate, however, it is unlikely to die soon, however disingenuous the motivations behind the objection.

CONCLUSION

The Brazilian government is increasingly open to the political inclusion of historically marginalized identity groups. By upholding gender quotas in policies and entertaining debates about race-based affirmative action, it is embracing "difference" as a salient criterion for political participation and representation. Such representation,

moreover, is deemed important not for its own sake but as an integral part of a just, legitimate, and democratic society. Yet not all differences are alike. Groups have varying structural positions and diverse means of interacting with the dominant group. For example, race and ethnicity overlaps with class, but gender does not. Greater cultural and historical obstacles

impede the collective action and identification of Afro-descendants than women. As this suggests, distinct alliances, coalitions, and strategies may be required to design and to improve political representation. Blindness to the “difference among differences” will retard the social inclusion agenda.

Appendix A.

Table A. Statutory Gender Quotas and Reservations

Country	Policy
Argentina	30% of candidates
Armenia	5% of party lists for PR elections
Belgium	1/3 of candidates
Bolivia	35% of candidates for Chamber; 30% for Senate
Bosnia and Herzegovina	1/3 of candidates
Brazil	30% of candidates
China	around 30% seats reserved?
Colombia	1/3 of executive appointments
Costa Rica	40% of candidates
Djibouti	10% of parliamentary seats reserved
Dominican Republic	33% of candidates
Ecuador	30% of candidates for Chamber of Deputies
France	50% of candidates
Guyana	33% of candidates
Indonesia	30% of candidates
Kenya	6 of 12 parliamentary seats nominated by president
Kosovo ^a	33% of candidates
Macedonia	30% of candidates
Mexico	30% of candidates
Morocco	30 of 325 parliamentary seats reserved
Nepal	5% of candidates for lower house; 20% of local seats reserved
North Korea	20% of parliamentary seats reserved
Pakistan	17% of seats reserved in national assembly; 33% at local level
Panama	30% of candidates for Chamber of Deputies
Paraguay	20% of candidates
Peru	30% of candidates
Philippines	Some parliamentary seats reserved ^b ; 1 seat reserved per local council
Serbia and Montenegro	30% of candidates in Serbia
Sudan	10% of national assembly seats reserved
Taiwan	10% of legislative seats reserved at all levels
Tanzania	15% of parliamentary seats reserved; 25% of local councils
Uganda	56 parliamentary seats reserved; 33% of local councils
Local Level Only	
Bangladesh	reserved seats at local level ^c
Greece	33% of candidates
India	33% of seats reserved
Namibia	33% of candidates

Notes:

(a) Kosovo is a province of Serbia administered by the United Nations.

(b) 20% of seats in the Lower House of Congress are reserved for "marginalized sectors" of society, including women.

(c) Information on the number of reserved seats was not available

Sources: International IDEA (2003); Htun and Jones (2002).

Table B. Ethnic Quotas and Reservations

Country	Policy
Belgium	Cabinet divided between French and Dutch speakers
Bosnia and Herzegovina	Assembly divided between Bosniaks, Croats, and Serbs
Colombia	2 reserved seats for Afro-Colombians in Chamber; 3 reserved seats for Indigenous population in Senate
Croatia	5 seats reserved for ethnic minorities
Cyprus	24 of 59 seats reserved for Turks (unfilled); 3 seats for Maronite, Roman-Catholic and Goumenian minorities
Fiji	23 and 19 of 71 seats reserved for Fijians and Indians, respectively
India	reserved seats in national and state legislatures for scheduled castes and tribes in proportion to their size in the population (around 22%)
Kiribati	1 of 39 seats for Banabans
Kosovo	20 of 120 seats reserved for minority communities
Mauritius	8 of 70 seats reserved for four ethnic communities
New Zealand	6 reserved seats for Maoris
Niger	8 of 83 seats reserved for national minorities
Samoa	2 of 49 seats reserved for part- and non-Samoans
Serbia and Montenegro	Legislature divided between Serbians and Montenegrans; 4 reserved seats for Albanians in Montenegro elections
Slovenia	2 seats reserved for Hungarians and Italians
Switzerland	2 seats for French-speakers, and one for Italian-speakers, in Federal Cabinet
Taiwan	16 of 225 reserved for overseas Chinese and aboriginal groups
Venezuela	3 legislative seats reserved for Indigenous population

Sources: Reynolds (n.d.); Miles (1999); www.electionworld.org; Reilly 2001.

Table C. Results of Latin America's Gender Quota Laws

Country	Legislative Body	% Women (before law)	% Women (after law)	Change (in % points)
Argentina	Chamber	6	30	+24
	Senate	3	36	+33
Bolivia	Chamber	11	12	+1
	Senate	4	4	0
Brazil	Chamber	7	6	-1
Costa Rica	Unicameral	14	35	+21
Dominican Republic	Chamber	12	16	+4
Ecuador	Unicameral	4	15	+11
Mexico	Chamber	17	16	-1
	Senate	15	16	+1
Panama	Unicameral	8	10	+2
Paraguay	Chamber	3	3	0
	Senate	11	18	+7
Peru	Unicameral	11	18	+7
Average		9	17	+8

Source: Htun and Jones 2002.

Table D. Women in Political Power in Brazil (%)

	2003	1990	1980
Cabinet Ministers	10	17	N/d
Senate	13	0	1
Chamber of Deputies	8	5	1
Governors	1	0	0
State Legislatures	13	5	2
Mayors	6	2	1
Municipal Councils	12	N/d	N/d

Sources: Inter-American Dialogue (2001b); CFEMEA; *O Globo*.

Table E. Results of Quotas in Brazil, Local Elections (%).

	1992 (pre-quota)	1996 (with 20% quota)	2000 (with 30% quota)
Women as a percentage of municipal councilors (vereadores)	8	11	12

Table F. Results of Quotas in Brazil, State and National Elections.

	1994 (pre-quota)		1998 (with 25% quota)		2002 (with 30% quota)	
	Number of women elected	Women as % of Total	Number of women elected	Women as % of Total	Number of women elected	Women as % of Total
State legislatures	82	8	106	10	133	13
Chamber of Deputies	32	6	29	6	42	8

Source: Malheiros Miguel (2000); Martins Costa (1997); CFEMEA website.

Appendix B. Legislator Survey.

Pesquisa de Opinião Parlamentar

1. Você já serviu em um ou mais dos seguintes cargos públicos? Em quais anos? Marque todos.

____ vereador ____ dep. estadual ____ senador ____ dep. federal

____ prefeito/vice ____ governador/vice ____ ministro ____ sec. estadual

2. Algum parente seu já exerceu um dos cargos acima nos últimos 50 anos?

___ sim ___ não

3. Qual grau de parentesco? Marque todos.

___ esposo/a

___ pai/mãe

___ avô/avó

___ tio/a

4. Você pretende se re-eleger como deputado/a federal? ___ sim ___ não.

5. A outro cargo? ___ sim ___ não. Se respondeu “sim,” a qual cargo? _____

6. Quais têm sido suas prioridades no seu mandato parlamentar?

Assunto	Marque não mais de quatro em ordem de importância, 1-4
direitos das mulheres	
direitos humanos	
educação	
emprego	
meio ambiente	
política salarial	
questões internacionais	
reforma previdenciária	
reforma tributária	
saneamento básico	
saúde	
segurança pública	

7. Sua campanha política deu ênfase mais nas questões municipais, estaduais, ou nacionais?

___ municipais ____ estaduais ____ nacionais

8. Você acha que você conseguiu realizar o que você prometeu na sua campanha?

sim não

9. Quais foram os impedimentos? Pode marcar mais de um.

partido congresso executivo falta de apoio da sociedade civil

Outro: _____

10. Quais são os segmentos sociais que você considera sua base principal de apoio político?

Segmento social	Marque X todos que se apliquem
empresariado	
grupos organizados pela sua campanha	
grupos religiosos	
movimentos sociais	
ONGs	
organizações de mulheres	
população afro-descendente	
população indígena	
profissionais liberais	
sindicatos	
trabalhadores rurais	

11. Você acha que você deve se preocupar com os interesses do seu município, do seu estado, ou do país em geral?

do município do estado do país

12. Quando há um conflito entre as necessidades do seu município ou seu estado e as posições partidárias, você vota, a maioria das vezes:

de acordo com as necessidades do município/estado com o partido

13. Você atua de acordo com o seu modo de ver, segundo a maioria do partido, o segundo a expectativa dos eleitores?

o meu modo de ver partido eleitores

Agradecemos a sua participação.

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