

# “What do I write here, teacher?”: Notes on racial classification meanings (self and hetero) in affirmative<sup>1</sup> action policies

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## ABSTRACT

The article intends to problematize how the regulation of racial quotas of the public policy of affirmative action, which recognized racism as a structuring of inequalities in the country, has proven to be a social technology based on: systematic suspicion which generates legal uncertainty in the evaluations of “browns”, the resurgence of the controversial phenotypic criterion, and the implementation of procedures considered legitimate to ensure the right to a place in a public university, which may result in false negatives and rejection for fair-skinned blacks. These analyzes are based on the procedures of the Fluminense Federal University during the registration of those approved in the SISU in 2018 to comply with Law no. 12,990/2014 and Normative Guidance No. 3, of 01/2016, of the Ministry of Planning, Development and Management, which instituted the mandatory gauging commissions for self-declared black and indigenous candidates.

## KEYWORDS

Self-declared, hetero-classification, racial quota, systematic suspicion

## “What do I write here, teacher?”: Notes on the meanings of racial classification (self and hetero) in affirmative action policies

**ABSTRACT** The article reflects the procedures of Universidade Federal Fluminense during the registration of approved students by SISU in 2018. In compliance with law nº. 12990/2014 e Orientação Normativa nº 3, de 01/08/2016, do Ministério do Planejamento, Desenvolvimento e Gestão instituting mandatory commissions for the assessment of self-declared black and indigenous candidates, we conducted one of these examining boards. Reserving vacancies in competitions is a historical demand of black movements, creating public policies of affirmative action. It is intended to problematize how the regulation of racial quotas is positive as a public policy because it recognizes racism as structuring inequalities in Brazil. However, this proves to be a social technology based on systematic suspicion, generating legal insecurity in the evaluations of “pardos”, as well as the resurgence of phenotypic criteria, procedures considered legitimate to ensure the right to vacancy at public universities, which may result in a non-place for light-skinned blacks.

## KEYWORDS

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## INTRODUCTION

According to the Racial Equality Statute (Law No. 12,288, of July 20, 2010) affirmative actions, in Brazil, must take place through "*special programs and measures adopted by the State and the private sector to correct inequalities and for the promotion of equal opportunities*". By creating a legislative document aimed at the specific rights of the black population, the State recognized a situation of social vulnerability, as it did in relation to the elderly (2003), children and adolescents (1990). It is, therefore, a legislation that emerges as a result of public debates and pressure from the black movement, as an attempt to confront racial discrimination in order to guarantee the realization of equal opportunities and the defense of the population's rights, in addition to fighting prejudice and racism.

There is another relevant contribution from the creation of the "vacancies' reserve" in the democratization of education, which is the possibility of increasing the gross enrollment rate of young people in higher education and in the public sector (target 12 of the National Education Plan) (Santos, Camilloto, Dias, 2019), which was achieved by Rio de Janeiro in 2018 (50.8%)<sup>2</sup>. There is a lack of studies to understand the impact of vacancy reservations in this process, but it is undeniable that there has already been a change in terms of perception of these measures. Antonio Sergio Guimarães (2018) points out that, when the policies started, opinion polls indicated that the population rejected racial quotas, currently the importance of racial policies for the social justice promotion in the country is already registered. Another incontestable fact is the transformation of the profile of higher education, which brings new challenges to the functioning of public policy in undergraduate courses and its expansion into graduate studies.

We consider that the vacancies reservation is part of a policy to promote racial equity, which also has an impact on the production of knowledge in the Social Sciences<sup>3</sup>, whether in the field of racial relations, or institutional processes of conflict management, marked by inquisitorial practices and notary government (Kant de Lima and Miranda, 2012), which historically denied blacks and indigenous peoples the status of "subjects of rights". Our approach aims to highlight the conflicts and controversies observed during the process of implantation of heteroidentification committees, understood as a social technology, which, inspired by a logic of systematic suspicion, can generate legal uncertainty in relation to the evaluations of the "browns", in the same way that it politically explains a non-place for light-skinned blacks when validating the phenotypic criterion for heteroidentification.

1 | A first version of this text was presented at the Open Panel 23. Anthropology of contemporary states: institutions of public administration, population management and symbolic production of state centrality, during the 18th World Congress of the IUAES. We are grateful for the comments of Antonio Carlos de Souza Lima and Laura Belén Navallo Coimbra.

2 | In 2012, the rate in RJ was 34.8%. See data from <https://www.observatoriodopne.org.br/indicadores/metas/12-ensino-superior/indicadores>, accessed on September 10, 2020.

3 | A bibliographic review is beyond the scope of this article about the debates in this field, we just chose to highlight the questions that relate to the empirical data that were built from our insertion in production of public policy, with emphasis on the need of re-discussion of the place of the "mestizo" ("brown") as part of a comparative racial identity and its relation to the black movement (Carneiro, 2004; Pereira, 2020).

### THE "QUOTAS" AT THE FEDERAL UNIVERSITY OF RIO DE JANEIRO (UFF)

The implementation of affirmative actions, in the form of reservation of places for students from public schools, as well as for blacks (blacks and browns) and indigenous people took place in 2007 at UFF<sup>4</sup>, the same year the university joined the Support Program to the Restructuring and Expansion of Federal Universities (REUNI). This provided an expansion of the institution's physical structure, highlighting a process of strengthening the internalization of undergraduate courses in nine municipalities in Rio de Janeiro<sup>5</sup>, which resulted in an adjustment of administrative procedures for analyzing the beneficiaries of this policy and a considerable change in the profile of students at the university.

UFF created the Affirmative Actions, Diversity and Equity Advisory (AFiDE) in December 2017, through Resolution 580, with the objective of articulating, managing and monitoring UFF's Affirmative Action Policies and Programs. The first challenge was to ensure the validity of the principle of 'presumption of innocence' of candidates during the "*measurement of the self-declaration of color/ethnicity of the selection process for admission to UFF undergraduate courses through the Unified Selection System (SISU)*"; instituted in February 2017 (Prograd Service Instruction No. 01/2017), which resulted in more than one hundred administrative appeals against the decisions of the aforementioned assessment.

AFiDE had Ana Paula Mendes de Miranda<sup>6</sup> in the role of advising its creation until December 2018, when Rolf Malungo de Souza assumed the position, which he has continued since then. In addition, Rosiane Rodrigues de Almeida participated in work as a graduate student at the university. Also working directly at the time, were students Leonardo Vieira Silva, Master's Student in the Postgraduate Program in Anthropology (CNPq Scholarship), and Iago Menezes, Degree in Social Sciences (Scholarship Pibit-Pibinova). Thus, the authors of this article participated in the organization of training workshops and the construction of the first commissions, which used to last around five working days (depending on the number of candidates), working from 9:00 am to 4:00 pm. Thus, it was possible to monitor the entire process, whether theoretical, for more and legal discussions, as well as the day-to-day issues of the practices of these commissions, being able, in this way, to follow their procedures and some conversations of candidates in the corridor, while they awaited their turn to be attended.

It is necessary to clarify that each university was required to adopt such a procedure, as it was notified by the Federal Public Ministry (MPF) of Recommendation No. 41, which determined that universities throughout the country create a «scouting committee», enacted in 2016<sup>7</sup>, whose goal is to decrease the number of "quota fraudsters", understood as people who apply for positions of blacks (blacks and browns), using the affirmative action public policy, but who are not legitimate

4 | Mandatory quotas in public universities federal government only occurred when Law No. 12,711/2012 was published, known as the "Lei das Quotas". We emphasize that the aforementioned legislation does not mention possible situations of fraud.

5 | The university's headquarters are in Niterói, the other units are in Angra dos Reis, Campos dos Goytacazes, Macaé, Nova Friburgo, Petrópolis, Rio das Ostras, Santo Antônio de Pádua, Volta Redonda.

6 | The author had been invited by the dean to assume the role after implementing the quotas in the postgraduate course at the Pro-Rectorate of Research, Graduate Studies and Innovation, as coordinator of the university's graduate programs, as well as having participated as a member of the UFF Teaching, Research and Extension Council of a commission that evaluated the candidates' resources in the first selection process after the application of commissions. With the end of the rector's term, she suggested the new administration that the Professor Rolf was invited, as he had participated in the processes during the first year and for being a professor of a unit out of office (Santo Antônio de Pádua-RJ), with demands and typical characteristics of the university's internalization.

7 | In March 2018 the MPF extended its recommendation to all federal universities. See <http://www.mpf.mp.br/rj/press-room/noticias-rj/mpf-rj-quer-adocao-de-control-previo-for-entry-into-racial-quotas-in-public-universities>, access on 12th March 2018.

beneficiaries of such policy. Elísio, Costa and Rodrigues Filho (2019) refer to an “Afro-convenience”, that is, the adoption of bad faith to characterize the situations in which individuals use quotas reserved for blacks and indigenous people, in order to access benefits that they would not have otherwise had the right to as a shortcut to access Higher Education.

The crime typification of “fraud in the quota system” has been a demand of the black movement<sup>8</sup> which was institutionalized, in 2015, after a public hearing at the Commission on Human Rights and Participatory Legislation (CDH), in the Federal Senate, when they discussed the lack of legal provision to prove the “truthfulness” of the self-declaration. The guests<sup>9</sup> asserted that there would be an increase in cases of white people who declared themselves black or brown, with the intention of benefiting from quotas in public examinations, in disputes for scholarships, study or selection for admission to public universities, which, in turn, would also result in an increase in the number of lawsuits in the Judiciary.

The concern with increasing the judicialization of cases involving “fraud” and also of candidates who demand lawsuits against universities for being classified as unfit for ethnic-racial quotas, was a reason for attention of UFF, within the scope of the Teaching, Research and Extension Council (CEPex). The discussion was guided by two preliminary and basic understandings regarding the “scouting committees”, whose function it is to assess and attest to the condition of blacks, brown or indigenous, the “PPI candidates”:

- ▶ There are no criteria for ‘measurement’ of browns<sup>10</sup> nor a pacified definition – either for the Social Sciences or for the black movements – about this category used by the IBGE. The view/opinion that racial quotas should be directed towards “*black browns and not socially white browns*” (Vaz, 2018) is a view held by a segment of the black movement, known as “colorist”, but that is not a consensus in the movement itself.
- ▶ Candidates cannot be exposed to embarrassment or treated as suspects. What we know, unfortunately, is a practice of the Brazilian public administration when dealing with blacks and indigenous people, either through systematic suspicion or through the logic of guardianship. Both disqualify them as subjects with full rights.

The lack of consensus on what to do with candidates who declare themselves ‘brown’ is a critical point, since the controversies<sup>11</sup> around what would be the possible ‘frauds’ arise not only in relation to white candidates who claim to be ‘browns’, but the difficulty of dealing with those who consider themselves ‘light-skinned blacks’ (Carneiro, 2004), because they were taught by their parents to think of themselves as black and to be proud of their identity, regardless of their children’s skin color. In this sense, it is necessary to reflect on what ‘frauds’ mean if we consider that self-declaration is a fundamental human right provided for by the United Nations.

8 | The Educafro group role (Education and Citizenship of Afro-descendants and Needy) stands out here, which presented to the HRC suggestion for a bill to tighten the punishment of violators.

9 | The participation of diplomat Jackson Luiz Lima Oliveira stands out, who defended the adoption of complementary rules self-declaration, such as presenting a photo and conducting an interview for those who wish to benefit from the quota policy. He also defended that the decision of the verification commission should always be unanimous. For him, the unanimity of a board unique, added to the interview mechanisms and the essay on and personal experience, could prevent fraud. See: <http://contests.correioweb.com.br/app/noticias/2015/09/30/noticiasinterna,35608/fraude-nas-cotas-raciais-pode-se-tornar-crime-previsto-no-codigo-penal.shtml> and <https://www12.senado.leg.br/citizenship/edicoes/522/since-before-the-quotas-bolsa-search-guarantee-fair-dispute>, accessed on June 5, 2018.

10 | According to Anjos (2013: 104) “for the militants of the Black Movement this is an intermediate category between ‘white’ and ‘black’, which gives respondents the possibility of declaring a lighter color or ‘whitening’ in the answers (Marx, 1998, p. 163). It would promote a denial of ‘blackness’ and would make it difficult to create a common identity among ‘non-whites’ (Loveman; Muniz; Bailey, 2011, p. 4; Marx, 1998, p. 254; Munanga, 2008; Skidmore, 1992a, p. 13). For social scientists, the triad is questioned for (a) preventing the observation and study of inequalities between whites and non-whites (Wood; Carvalho; Horta, 2010, p. 123); and (b) be linked to an interpretation of the Brazilian race relations according to which the ‘brown’ would occupy an intermediate social

The creation of AFiDE took place after CEPex analyzed 162 resources, in a universe of 1,274 students, of candidates who failed the 2017.1 selection process. It was this particular controversy, allied to the little accumulation of racial discussion within universities<sup>12</sup> and the lawsuits filed by candidates considered unfit to enter higher education by quotas, the main reasons that led UFF to internally discuss the need to monitor closer carrying out the work of these commissions.

### THE "MEASUREMENT PANEL" AND THEIR LEGAL LEGITIMACY

In addition to Recommendation No. 41 of the National Council of the Public Ministry, of 2016 and Ordinance No. 4 of the Ministry of Planning, of 2018, the legislation used to guide the orientation of the Scouting Committees (2017 - two semesters) of the UFF, highlighted from 2018, the importance of the Racial Equality Statute (Law No. 12,288, of July 20, 2010), with regard to the definition of what is racial or ethnic-racial discrimination and racial inequality, considering that the Statute "*adopts as a political and legal guideline the inclusion of victims of ethnic-racial inequality, the valorization of ethnic equality and the strengthening of the Brazilian national identity*" (art. 3°).

AFiDE understood that it would be necessary to conceptually understand the categories at stake in the application of affirmative action such as 'discrimination or ethnic-racial inequality' and for this reason adopted the Racial Equality Statute. This was the first legal document to be inaugurated, at the Brazilian legislative level. The public policy of racial equality, through which an attempt was made to provide equal treatment to people of ethnic descent and to outline the ethnic-racial criteria that would define the target of this public policy:

Art. This Law institutes the Racial Equality Statute, designed to guarantee the black population the realization of equal opportunities, the defense of individual ethnic rights, collective and diffuse and combating discrimination and other forms of ethnic intolerance. (...)<sup>13</sup>IV - Black population: the group of people who declare themselves black and brown, according to the color or race used by the Brazilian Institute of Geography and Statistics Foundation (IBGE), or who adopt a similar self-definition" (Emphasis added ours).

It is necessary to pay attention to the fact that the Racial Equality Statute mentions in "*the defense of individual, collective and diffuse ethnic rights*" and descent – as a blood tie or by law – for the Afro-descendant population. Although the topic is controversial among social movements, it is noteworthy that there is jurisprudence that afro-descendance does not depend on phenotypic characteristics, if the ancestry comes from the father or the mother. In this sense, the Statute is important because it emphasizes that the identity criterion is the primary reference for the construction of affirmative policies, and not just the phenotypic criterion, which is provided for in

position that would mitigate the differences between whites and blacks (Bailey; Loveman; Muniz, 2013; Marx, 1998, p. 67; Skidmore, 2001, p. 65). In addition, the terms used for classification are themselves criticized by some authors, for (c) they do not agree with the categories used by the population (Bailey; Telles, 2002, p. 3; Loveman; Muniz; Bailey, 2011, p. 3). While the 'brown' category captures all that do not fit in the other categories, and covers all categories mixed and intermediate, it would not be used by the larger part of the population, which seems to prefer the category 'brunette', only partially linked to miscegenation (Bailey; Telles, 2002, p. 6-7; Loveman; Muniz; Bailey, 2011, p. 4; Telles, 2011, p. 13)".

<sup>11</sup> | Understood as "a form of 'shared uncertainty', that is, a series of 'situations in which actors agree that they disagree with each other' (...) it is about understanding how a set of facts is brought together in a public debate, which translation processes transform the meaning of common language in a social problem" (Montero, 2012: 178).

<sup>12</sup> | Although the bibliographical production on race has been the foundation of Anthropology in Brazil, discussions and theoretical accumulations are still restricted to some sectors of social movements and few research groups in the Social Sciences. It can be said that the theme from a critical perspective is not part of the everyday life of universities, except in events that do not result in internal policies.

<sup>13</sup> | For a forms discussion of intolerance and discrimination see Miranda (2018).

e Rosiane Rodrigues de Almeida | “What do I write here, teacher?” Notes of racial classification meanings (self and hetero) in affirmative action policies.

Article 9 of Normative Ordinance No. 4, of April 6, 2018, of the Ministry of Planning, Development and Management / Department of Personnel Management:

*The heteroidentification committee will exclusively use the phenotypic criterion to measure the condition declared by the candidate in the public examination. (Our italics).*

According to the statute, the affirmative actions are

*The programs and special measures adopted by the State and by the private sector to correct racial inequalities and to promote equal opportunities”. (Art. 1, Sole Paragraph, VI).*

In addition to the Racial Equality Statute, which admits self-declaration as the criterion for recognizing belonging to a certain ethnic-racial group, there is also Convention 169 of the International Labor Organization (ILO), of 1989, which inaugurates the use of the concept of self-declaration at the international level, in a non-assimilationist perspective of indigenous peoples and other traditional populations. Thus, self-declaration is the legal technique adopted in Brazil in terms of defining ethnic-racial identity. In this context, consider the self-declaration in matters of identities as a document of the “*veracity of relative presumption*”, that is, “innocent until proven guilty”, goes against arbitrary and simplifying classifications, informed by nineteenth century racist approaches, which end up discriminating against the very individuals they should be protecting from discrimination.

The idea that an identity can be considered false, because it is possible to prove something different, is a very problematic assumption. If one imagined that this principle were to be applied to administrative and/or judicial procedures aimed at gender identities, what effects would it have on the relationships between “gender subjects” (Pinho e Souza, 2019) and the social order?

#### “PACIFIED” RIGHT VS. DISPUTED CRITERIA

Ethnic-racial quota constitutes a constitutional law, according to the decision taken in the judgment of the Extraordinary Appeal (RE 597285)<sup>14</sup> by the Federal Supreme Court, on May 9, 2012. The decision had general repercussions in all public universities across the country. Therefore, the reservation of places for blacks and indigenous people in universities is a subject of “pacified understanding”, that is, on which there is no legal discussion. It is a legal instrument that aims at the sociocultural mobility of groups in a condition of inequality in the country, inspired by what was adopted by the United States in the last 60 years. Both here and there, the objective of quotas is the social and economic ascension of African and indigenous descendants. However, it is worth noting some important differences; *In the United States, race-based affirmative*

<sup>14</sup> | The refers to the action filed by a student questioning the criteria adopted by UFRGS for booking vacancies. The university allocated 30% of the 160 vacancies to candidates public school graduates and blacks who have also studied in public schools (15% each), in addition to 10 vacancies for indigenous candidates. See: <http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=207003>. Accessed on July 7, 2018.

e Rosiane Rodrigues de Almeida | “What do I write here, teacher?” Notes of racial classification meanings (self and hetero) in affirmative action policies.

*actions to grant an advantage to one group over another not only contradicted meritocratic (US) ideology but seemed inconsistent with the idea of racial equality* (Lempert, 2015, p. 42). However, the Bakke case<sup>15</sup> changed the nature of the discourse around affirmative action, when arguments for racial equity started to *promote affirmative action for its contribution to educational diversity* (op. cit., p. 44; Bayma, 2012, p. 335). In this sense, it is possible to understand it as a liberal policy, which intends to integrate blacks and indigenous peoples into a broader society without, however, offering historical reparations to these groups, individualizing the effects of public policy.

As we will see below, what is at stake for the execution of the quota policy is neither its legality nor its applicability to ‘black’ or ‘strong ink’ candidates. The challenge of executing the quota policy is placed in the group of candidates who declare themselves as “brown”, since it is not possible to talk about “objective criteria” to classify them, much less to assess the “truthfulness” of their self-declaration. That is, the “browns” heteroidentification is directly related to the sensitivity of the Committee members and their greater or lesser deepening the discussions related to ethnic-racial relations in the country. An example of this was the case of a candidate considered unsuitable because she had undergone an aesthetic procedure, which resulted in ‘smoothed hair’<sup>17</sup>, diacritical which was considered an indicator of denial of black identity by the commission that evaluated the student. To counteract situations of this type, we note that the members of the commissions were sensitive to the arguments that, when in doubt, considering whether a brown candidate would be suitable for the vacancy, they should ponder episodes of potential racial discrimination. As examples they mentioned that it was necessary to conceive whether the candidate would be, or not, a priority target of a police *blitz*; or if they would be followed inside of a commercial establishment. If the answer were yes, he/she would certainly be deserving of the quota.

<sup>15</sup> | Regents of the University of California versus Bakke (1978). Allan Bakke, a white who applied to the Medicine University, filed a lawsuit against the University of California.

<sup>16</sup> | Category used by the Black Social Movement that identifies the individual with a high concentration of melanin in the skin which, in the understanding of the group identified as “colorist”, should be the target audience of these policies (Almeida, 2015).

<sup>17</sup> | The student filed an administrative appeal at the university and was approved.

#### **EVERYTHING LOOKS THE SAME, BUT IT’S DIFERENT: THE SCOUTING COMMITTEES ARE TRANSFORMED INTO HETEROIDENTIFICATION COMMITTEE**

Normative Ordinance No. 4, of April 6, 2018, of the Ministry of Planning, Development and Management/People Management Secretariat, established the heteroidentification procedures complementary to the self-declaration of afro-descendant candidates. The document aimed to improve the guidelines on the subject contained in Normative Guidance No. 3, of August 1, 2016, and Joint Ordinance No. 11, of the Ministries of Planning, Development, Management and of Justice and Citizenship. The intention was to deny the idea of a “racial court” and define the procedures for measuring self-declarations in order to make them standard for all federal competitions. We clarify that heteroidentification is legally understood as “*the identification by third parties of the self-declared condition*” (art. 5), since the self-declaration “enjoys

the relative presumption of veracity” (art. 3).

Before describing the procedures adopted by the Fluminense Federal University, we thought it necessary to emphasize that the Ministry of Planning’s initial focus was public examinations, whose administrative procedures aim to assess personal skills and select the best candidates for exercise, as servants, public positions – in a permanent, remunerated and stable employment relationship. There is no reference in the document to the National Secondary Education Examination (ENEM), adopted as a selection criterion for candidates for entry into higher education, whose link is temporary and unpaid with the university. Before its implementation, in 1998, the process of selecting students for higher education was individualized, each university did its own entrance exams. ENEM is not mandatory, but its implementation to assess the knowledge of students who are completing, or have already completed High School, established it as a mechanism for accessing higher education in Ministry of Education programs – SiSU and PROUNI. The reference to vestibular homes only occurred in August 2016, in a Recommendation of the National Council of the Public Ministry:

Considering the news that has been published, by the press and by the various branches of the Public Ministry, on the occurrence of fraud in registrations held in public contests that reserve places for blacks, or for admission to universities public as quota holders, or to run, in the same situation, for public positions made available in open competitions, without such candidates actually meeting the established legal criteria (Recommendation of the National Council of the Public Prosecutor’s Office, No. 41, August 9, 2016 – emphasis added).

The argument used by the National Council of the Public Prosecutor’s Office is that “self-declaration is not an absolute criterion for defining an individual’s ethnic-racial belonging, and should, notably in the case of the quota policy, be complemented by heteronomous mechanisms for verifying authenticity of the declared information, with the STF, in the judgment of ADPF 186, specifically ruling on the legitimacy of *the mixed system of racial identification*”. (Recommendation of the National Council of the Public Ministry, No. 41, August 9, 2016 – emphasis added).

The intent of the mixed system is to highlight phenotypic characteristics as a defining element of effective racial discrimination. However, the ruling of ADPF 186 refers to a “differentiated selection methodology”, which can perfectly take into account ethnic-racial or socioeconomic criteria, in the same way that the combination of self-identification with hetero-identification could be adopted by universities as long as they “never fail to respect personal dignity of the candidates”.

In 2017, UFF adopted the recommendations of the Federal Public Ministry<sup>18</sup>. In the first semester, the Dean of Undergraduate Studies (PROGRAD) issued Service



Instruction No. 01/2017, of February 2, 2017, which established the following criteria for the establishment of benchmarking committees:

Art. 3 - The process of measuring the self-declaration of color/ethnicity will be guided by the phenotypic criterion and will consist of four steps, namely:

I - Analysis of the Self-declaration documents duly filled in and signed by the candidates, containing an updated color photo, on a white background and dimensions 5 cm by 7 cm.

II - Issuance of an analysis report, containing a list of SUITABLE and NOT SUITABLE candidates to continue in the selection process.

III - Interview with candidates considered NOT SUITABLE to continue in the selection process.

IV - Issuance of a final report, containing a list of SUITABLE and NOT SUITABLE candidates to continue the selection process.

*§ 1º - The schedule of steps provided for will be included in the Notice and/or Official Notice, and the candidate must observe and comply with it, under penalty of elimination from the selection process and loss of the vacancy.*

*§ 2º - At the time of the interview, a form will be given to the candidate to be filled in by the candidate, containing personal identification items and questions, such as: I – Have you ever suffered prejudice?; II – Why do you consider yourself black, brown or indigenous?; III – Do you have something to add in relation to the completed documents?*

*§ 3º - At the time of the interview, the candidate may present to the panel, an original and a copy to be attached to the interview form, one of the following public documents that corroborate the veracity of the self-declaration:*

- a) Military enlistment registration;
- b) birth/marriage certificate (full content in which the color appears);
- c) registration of the public areas security and penitentiary system (including bulletins of occurrence and police investigations);
- d) general register of employees and unemployed – Caged;
- e) civil identification records – RG (SP, DF, etc.);
- f) adoption form for the childhood and adolescence courts.

*§ 4º - The interview may be recorded, and the images will only be used for the purposes set out in the Notice, with the confidentiality of the same being preserved.*

*§ 5º - The candidate with a final opinion NOT SUITABLE will lose the right to continue the selection process, the right to enroll or have their enrollment canceled*

18 | It is necessary to clarify that the authors did not participate in this process, nor in the definition of these criteria..

The procedures adopted resulted in a voluminous set of resources to the Teaching, Research and Extension Council (CEPex) of the UFF. In common, the cases presented the difficulty of meeting the demands of candidates who declared themselves "brown" who had been considered unsuitable by the "Assessment Committee of the Self-Declaration of Color/Ethnicity". The discussion within CEPex resulted in the creation of the Affirmative Actions, Diversity and Equity Advisory (AFiDE/UFF). In

2018, after some meetings between AFiDE and PROGRAD, the Service Instruction, no. 02/2018, was issued, with the following changes:

Article 3 - the phenotypic criterion was replaced by the identity criterion;

Paragraph §2 of item IV was reformulated, as we can see:

I – Why do you declare yourself black, brown or indigenous?;

II - Have you ever been a beneficiary of any affirmative action policy? Which one?;

III- Have you ever suffered any type of ethnic-racial discrimination?;

IV – Do you have something to add?" (Service Instruction - PROGRAD, 2018, p. 2).

The changes, negotiated internally with students, professors and technicians, were aimed at favoring the candidates' understanding of the criteria to which they were submitted. It was considered that the identity criterion is more comprehensive, because in addition to including the phenotypic element, understood here as the appearance/skin color, it assumes that the classification/denomination of color/race works, in the Brazilian system, despite the historical policy of miscegenation imposed on the black population, which valued whitening (Schwarcz, 1993). In reaction to this process, the black movements have contemporaneously valued the appearance/skin color – dark skin – as the focus of positive discrimination policies (Almeida, 2015), this debate has resulted in the creation of another identity conflict. Having their racial identity questioned and/or denied, students feel insecure about their own identity, pejoratively called the "afrobege".<sup>19</sup>

The adoption of the phenotypic criterion represents another obstacle when considering the case of indigenous peoples. Although the process of miscegenation has also resulted in conflicts involving the broader society (Cardoso de Oliveira, 1964), self-identification occurs by belonging to an ethnic group (Souza Lima, 2007), so the identity differences are not revealed by the phenotypic appearance:

*It must be very clear that indigenous scholars are young people who can be phenotypically very similar to the regional inhabitants they live with. They reach the point where, as mentioned before, they are even invisible as members of ethnically differentiated collectivities for their professors and for the university structure in which they are inserted" (Souza Lima, 2007).*

The impossibility of a general race or ethnicity classification is not unique to Brazil. Due to the diversity of ethnic-racial configurations, no international organization proposes a single model. When it comes to "ethnicity" the suggestion is to follow the local categories of the country's official statistical body (Osório, 2004). In Brazil, the criteria varied over time, but today people choose to ask people's color or race. The dual option reveals that there are two models valid: the appearance and

<sup>19</sup> | See <https://www.geledes.org.br/as-nao-brancas-identidade-racial-e-colorismo-no-brasil/>, accessed on April 18, 2020.

e Rosiane Rodrigues de Almeida | “What do I write here, teacher?” Notes of racial classification meanings (self and hetero) in affirmative action policies.

the origin. For this reason, AFiDE incorporated the identity criteria for the hetero-identification procedures.

#### THE NEXT STEP: THE STRUCTURE ADOPTED IN HETEROIDENTIFICATION COMMITTEES 2018.1

The Affirmative Actions Advisory (AFiDE) of UFF, in an internal debate on the subject, understood that the role of the committees formed by students, professors and administrative technicians is to enforce what is provided for in the SISU:

For those students who declare themselves BLACK, BROWN OR INDIGENOUS<sup>20</sup>, it is necessary to present at the time of registration, along with the other documents, a statement that proves their color (SISU, 2018).

These committees are responsible for validating the enrollment of candidates selected by SISU, but the university is not the institution responsible for selecting the candidate, but the Ministry of Education, which manages SISU. It is AFiDE's understanding that the nomenclature of benchmarking committees is inadequate. Although it meets the recommendation of the Federal Public Ministry<sup>21</sup> in regards to the recommended mixed criterion, the sense of measurement is linked to that of “measuring” something or something. Such a perspective is incompatible with international human rights principles, as well as contrary to anthropological theories on identity processes, according to which it is impossible to assess (measure) an identity.

In this sense, we chose to designate two boards (screening and interview) to carry out the work in the admission process (Table 1), with the priority being a process of welcoming new students and no longer a selection<sup>22</sup> “Test”.

<sup>20</sup> | Indigenous candidates just need to make the administrative presentation registry of Indigenous Birth (RANI) or supporting document issued by indigenous authority.

<sup>21</sup> | “Considering, however, that self-declaration is not an absolute criterion for defining an individual's ethnic-racial belonging, and, especially in the case of the quota policy, be complemented by heteronomous mechanisms of authenticity verification of the declared information, having the STF, in the judgment of ADPF 186, pronounced specifically about the legitimacy of the system mixed racial identification” (Ministry Recommendation Public, No. 41/2016).

<sup>22</sup> | If this step is institutionalized as a test will be taking place in a situation of students “pre-shareholders” or “aspiring shareholders”, creating a place of liminality when it should promote inclusion processes.

**TABLE 1: PROCEDURES ADOPTED BY THE PANELS (2018.1)**

<b>Panel 1-Screening</b>	<b>Panel 2-Interview</b>
Welcome the candidate after he has waited at the waiting room;	Filming the candidate's file before entering the event to ensure the footage identification and avoid embarrassment;
Analyze supporting documentation provided;	Reassure the candidate as soon as he entered the room to reduce the tension of the interview;
Check the validity of the documentation delivered, according to documentation standards, such as self-declaration with a photo properly completed and signed. Check the other documents attached, which were not mandatory;	Explain the purpose of the filming and what questions would be made;
Ask the candidate to return to the waiting room and wait for the result;	If the candidate was a minor, the legal guardian would be called in to accompany the footage;
After the candidate left, the board deliberated about the documentation;	Once the filming was completed, the candidate was sent to the waiting room to wait for the result;
It was enough that one of the three members of the board understood that the candidate met the criteria, signed as accepted and stamped the quota category specific form, which the same fit	After the candidate left, the Panel deliberated on the arguments presented to clarify doubts about the self-declaration;
In case there was any doubt, on the part of the members of the board, as to any question, the candidate was referred to the second stand. Note that if only a member of the board explained that he did not understand, the candidate met the according to the guidelines, the candidate received the deferral. That's because what governed all the stalls was the principle of innocence. So, this eliminates any possibility of negotiation, for candidate approval	Afterwards, the result was taken to the waiting room and informed to the candidate. If it was granted, the next steps were explained. In case of rejection, it was explained how to perform the resource.

e Rosiane Rodrigues de Almeida | "What do I write here, teacher?" Notes of racial classification meanings (self and hetero) in affirmative action policies.

Some issues should be highlighted, such as the reception of candidates by the committees' members, since the candidates showed a lot of nervousness and tension, as they understood that they would be taking one more "test". Another sensitive issue was the filming, a requirement legal framework for evaluation by the appeal committee<sup>23</sup> (art. 10 of Normative Ordinance No. 4/2018).

The advisory body understood that it was not necessary to submit all candidates to be filmed in the interviews if their objective was to settle possible appeals in cases involving brown people. There was no reason to submit black candidates to filming, as it would reinforce a symbolic violence and an embarrassment that these students suffer in their daily lives, due to racial prejudice existing in Brazilian society. Another reason was the cost of filming for the university, as since there is no such service at PROGRAD, it is necessary to hire professionals to do it<sup>24</sup>.

The activities of the examination board were generally followed by meetings during which they discussed how people perceived and evaluated the progress of the work, with the aim of producing a critical reflection on what it meant for the university to carry out this task. A summary of our notes is shown in table 2.

**TABLE 2: SYNTHESIS OF DISCUSSIONS ON THE BOARDS FUNCTIONING (HETEROIDENTIFICATION COMMITTEES) OF 2018.1**

Positive point of view	Negative point of view
The notice formulation did not have a dialogue with the social movements.	The notice formulation did not have a dialogue with the social movements.
The participation of collectives and exchanges of experiences among board members	The decentralized boards realization in others municipalities, due to the difficulty of having representatives of the unit due to the vacation period.
The turnover of professors, students and administrative technicians in the composition of the boards	Not all Panel members have a theoretical basis on the ethnic-racial issue
Diversity of training areas for the components of the verification boards	The short time for the mobilization of teachers, students and servers to participate in the process during academic vacations.
The resource board is distinct from the admission boards.	The filming realization, because the resource commission had difficulties in manipulating the images to locate candidates.

<sup>23</sup> | The appeal committee was composed of people who did not participated in the admission processes. They had access to the documents of the candidates and to the appeal, written in his own hand by the candidate. Resource analysis is a process that also deserves be discussed, but it will be for another opportunity.

<sup>24</sup> | At a time of cutting financial resources in the universities, it is worth noting that to serve all university this process had a cost of approximately BRL 300,000.00, including travel expenses and daily rates for newsstand members. Here they are also included commissions related to other actions affirmative of the university.

## THE COMMITTEE COMPOSITION

When it comes to building a public policy, it must be remembered that one thing is what is imagined, another is what is done and how it is executed. Ordinance 04/2018 created a series of requirements for the realization of these commissions:

*§ 1º The heteroidentification committee will be constituted by citizens:*

I - of unblemished reputation;

II - residents in Brazil;

III - who have participated in a workshop on the theme of promoting racial equality and combating racism based on content provided by the body responsible for promotion of ethnic equality provided for in § 1 of art. 49 of Law No. 12,288, of July 20, 2010;

and IV - preferably experienced in the theme of promoting racial equality and confronting racism.

*§ 2º The heteroidentification committee will be composed of five members and their alternates.*

*§ 3º In case of impediment or suspicion, pursuant to articles 18 to 21 of Law No. 9,784, of 29th of January 1999, the member of the heteroidentification committee will be replaced by an alternate.*

*§ 4º The composition of the heteroidentification committee must meet the criterion of diversity, ensuring that its members are distributed by gender, color and, preferably, birthplace.*

Without going into the merits of the discussion about what an “unblemished reputation” means, as far as we can identify, no federal university in Rio de Janeiro carried out the commissions in this format. At UFF, since the first commission formed, we have sought to respect the principle of parity – students, technical-administrative staff and teachers – in the composition of the commissions. It turns out that as these processes usually occur during holiday periods, it becomes almost impossible to ensure that all the criteria listed are met. In addition, the university is present in nine municipalities, which profoundly complicates the logistics of decentralized enrollment.

It should be noted that a significant number of professors refused to participate in the process for not agreeing with the procedure, especially those who have research related to identity issues, or because they positioned themselves against the existence of quota policies in universities. The committee organization ended up going through a network of personal relationships, which was activated on the basis of “please break this branch”, which has nothing to do with such guidelines from the MPOG.

## WHAT DO THE CANDIDATES SAY?

As much as the team’s effort to reduce the embarrassment and turn the act into a stage of enrollment and not a “racial court”<sup>25</sup>, in which candidates felt intimidated

<sup>25</sup> | The expression was first used by Folha de São Paulo, in an editorial about the quotas to from the case of UNB, on 04/11/2004. The debate on the commissions the expression was used again, now with one more sense. There are those who claim that they are strategies of the “university bureaucracy” to prevent admission of the black students.

by the institution, the candidates' reactions were similar to those who go through a trial, such as: "I'm afraid they won't like me"; "do you know if this stand is cruel or quiet?"; or even, "did I answer everything correctly? I'm scared, since no one is in their minds".

The decision to change the form, which was previously a model in which the candidate only put his name, marked his ethnic-racial identification among the black, brown or indigenous options and indicated that he was aware of all legal punishments if he was committing a fraud, to a model in which the candidate should, in addition to checking his option, speak more freely about his identity, resulted in another challenge. Most students did not bring the completed document and wrote on the spot, which always resulted in interaction with the various people who make up the university's enrollment teams. It was not uncommon for candidates to ask what they should write their own self-declaration. There were more than a few who asked "but what do I write, teacher (a)?" If the logic were not that of reception, these students would be considered eliminated from the selection process.

Among the candidates considered black, answers to the question included: "I don't know what to write here? Can't you see from my photo?". Several candidates wrote in the body of the self-declaration: "see my photo"; "the obviousness of skin color"; "I was born this way"; "I'm black (o)". We present below some transcripts of self-declarations of successful candidates, which were added from situations experienced during the Panel performance:

Students hetero identified as black, due to their skin color, but who presented themselves as brown:

Black  Brown  Indigenous

*"I declare that I am brown, whose origin comes from a brown father and mother, as well as paternal and maternal grandparents also browns" (Candidate for the Administration course).*

Black  Brown  Indigenous

*"Because my skin color is brown and I come from an all black family." (Candidate for the Science Economic course).*

In these situations, it was common to see some members of the Panel uncomfortable with the self-declaration, as they did not recognize themselves "correctly". In some of these cases we were able to talk, and it was found that some candidates put "brown" because they already had a document with this classification and were afraid to make a "false" statement. This controversy reveals how complex this process is in the face of a tradition of systematic suspicion of the State towards society (Kant de Lima, 2016).

Students who declared themselves according to the IBGE classification:

Black  Brown  Indigenous

*"I belong to a social group classified as black by the IBGE, being also the daughter of a black thus inheriting their color. (Candidate for the Administration course).*

Black  Brown  Indigenous

*"By the definition given by the Brazilian Institute of Geography and Statistics (IBGE) where brown is defined as one who has varied racial ancestry. Subdivided into mulatto, caboclo and cafuzo. In case specific in box in the mulatto subdivision (son of white with black people), where my father XXX is black and my mother XXX is white. In the issue of phenotype, I have the skin tone characteristic of a mulatto". (Candidate for the Civil Engineering course<sup>26</sup>).*

Students who understood identity as a social and political process:

Black  Brown  Indigenous

*"Thank God black of soul, spirit and body. With black features, with black and black aspects. Black in the foot, in the hand, in the arms, in the whole body. My hair is black, my mouth is big, my nose is black man. 'Black, Black, I am!'" (Candidate for the Philosophy course)<sup>27</sup>*

Black  Brown  Indigenous

*"I always saw myself as black because when I looked at my family, I only saw black people and because I had in me phenotypes such as a wide nose, large forehead and curly hair. But I think I just had a real notion of what it meant when a professor said that I would not reach high positions because I was black. My maternal great-grandmother died at the age of 106 and, although she was already 'born free', she lived very close to slavery. Her parents were slaves and her skin was very dark. There are several reasons that make me declare myself black, but I want, in closing, to score two of them: The color of my skin does not give me privileges. When looking at myself in the mirror I can't see anything other than a black woman". (Candidate to the course of Civil Engineering).*

Black  Brown  Indigenous

*"As an individual who witnesses, in the environments where he lives, social inequality linked to skin color of people, I identify myself as a component of this group by ethnic origin, social context and search for effective representation of culture and rights. My belonging comes, primarily, from the miscegenation inherent to the brown: daughter of a white mother and a brown father (whose skin color is darker than the mine), I am a descendant of a predominantly black and brown paternal family, including, of slave ancestors. Added to this are other characteristic aspects, such as curly hair, thicker lips etc. Also, the recognition of belonging to the social environment where I live (and have always lived), since it is mostly composed of black people, causing identification ties to be established. So, as someone from the periphery, I see myself with others of the same ethnicity sharing many social difficulties, the result of the historical marginalization of blacks and browns. Thus, my belonging is also found in the daily quest to overcome*

<sup>26</sup> | All names mentioned were deleted to maintain the anonymity of students.

<sup>27</sup> | The candidate asked that his self-declaration be released because he is proud of his identity. He chose to keep his identity hidden, as the others will not be presented.



e Rosiane Rodrigues de Almeida | “What do I write here, teacher?” Notes of racial classification meanings (self and hetero) in affirmative action policies.

*ethnic-social adversities, such as cultural valuation and the attempt to make my presence, a black component, more constant in order to increase representation, and to do higher education.” (Candidate to the Medicine Course).*

In the latter case, it is interesting to note that the ‘black’ category used in these narratives is contemporarily updated in its political meanings, in line with the segments of the Black Social Movement to classify non-whites. Unlike the “brown” category, which suffered a kind of semantic cleavage and still refers to racial theories of the nineteenth century. The political category ‘black’, although not consensual, refers to the non-white population without considering the melanodermic kaleidoscope, symptomatic of the eugenic whitening processes (Schwarcz, 1993; 2012) that are widespread in the country. The “black” category, although invented by the West (Appiah, 1997), has been re-signified over time. If in the slave period the black category was synonymous with ‘slave’ – historiography demonstrates that Europeans differentiated the ‘black of the land’ indigenous peoples from the ‘black’ Africans – and that this classification had significant effects on colonial mentalities, since

*Since the notions of “whites” and “blacks” were used to generically name the colonizers, considered superior, and the colonized, Africans were led to struggle against a double servitude, economic and psychological. Marked by the pigmentation of his skin, transformed into a commodity among others, and destined for forced labor, the African came to symbolize, in the conscience of his rulers, an imaginary and deceptively inferior racial essence: that of black people. This process of false identification devalued the history of African peoples in the minds of many, demoting it to an ethno-history, in whose appreciation of historical and cultural realities it could not be otherwise falsified (M’Bow, 2010: XXII).*

It is possible to see that, despite the efforts of research in Social Sciences to emphasize the political character of this classification, since:

*the category “black” is no longer used within sociological theory to indicate an essential condition resulting from biology. However, writers of great importance in the formation of Brazilian social thought have used this category to describe the historical inadequacies and aptitudes of the Brazilian people (Seyferth, 1989 and 1991 and Azevedo, 1987). In sociological discourse one often finds the idea that, as a result of the slavery suffered, Brazilian blacks have developed certain capacities and incapacities that act as second nature. In this regard, Azevedo (1987) shows that not even the sociologists who revealed Brazilian racism escaped the idea that “blacks” constitute a social category ill adapted to society” (Suarez, 1992: 4).*

Students who appropriated legislation or the legal format in their arguments:

e Rosiane Rodrigues de Almeida | "What do I write here, teacher?" Notes of racial classification meanings (self and hetero) in affirmative action policies.

Black  Brown  Indigenous

*"Afro-descendant, as my family is entirely made up of black people. Furthermore, I have physical characteristics that prove my belonging to this group. Consequently, I become responsible for the veracity of this information, in accordance with law n. 12,990. Furthermore, I do part of the black population of Brazil that at all times is discriminated only by characteristics ethnic-racial". (Candidate for the Medicine course).*

Black  Brown  Indigenous

*"I declare for all purposes that I am black, the son of a white father and a black mother, great-grandson, maternal, of a people who were enslaved. From this perspective, I felt the need to also declare my ethnic-racial belonging. Therefore, it is worth reiterating that I am black. I am aware that if falsehood is detected, I will be subject to legal penalties under the current legislation". (Candidate for the Social Work course).*

Students who sought their arguments in social theories:

Black  Brown  Indigenous

*"I recognize myself that way and I have phenotypes that prove it. But more than that, SOUZA (1983<sup>28</sup>) in says that to be black in Brazil is to become black. It is to take possession of this awareness and create a new awareness that reassure respect for differences and reaffirm a dignity that is alien to any type of exploitation'. I've always been aware of the color of my skin and I loved it, but I feel like I've become black, in its fullness, when I went through the capillary transition and from there, I created a new consciousness. I realized that some 'opinions' that made me feel bad were just marks of such racism rooted and veiled in Brazil. With this new awareness, I learned to fight constantly. 'In a racist society, it is not enough to be racist, you have to be anti-racist". (Candidate for the Law course).*

**28** | There is no complete reference in the text, but the quotation makes it possible to identify that it refers to SOUZA, Neusa Santos. *Becoming black: the vicissitudes of the identity of the Brazilian black in social rise*. Rio de Janeiro: Graal Editions, 1983.

Depending on the origin place:

Black  Brown  Indigenous

*"Descendants of indigenous people located on farm xxxx, the latest knowledge is about xxxx, indigenous adopted by a religious family as a child and later baptized, married to an native of Itaboraí, having as a son my great-grandfather, xxx, a man from the forest with characteristics, totally native, and named after the religious man who took care of her father. In another part of the family, I have my grandmother xxxx, born in Belém and also descendants of indigenous people's natives of Pará, which also adds evidence of indigenous traits inherited by me and all my family, especially my mother, who is easily noticeable both in photographs<sup>29</sup> and in person. Therefore, I recognize myself as a legitimate descendant." (Candidate for the History course).*

**29** | The use of photographs to identify candidates for quotas was controversial when it was used by UNB. See Valente (2006).

Black  Brown  Indigenous

*"I was born to a riverside father and a black mother; since I was little I was identified as*

e Rosiane Rodrigues de Almeida | “What do I write here, teacher?” Notes of racial classification meanings (self and hetero) in affirmative action policies.

*black, both by my family members and by the community in which I grew up (Jurunas neighborhood, periphery of city of Belém do Pará); both in identifying with the culture and ancestry of the Black people, as well as in the everyday discrimination against people of color in this country I still experience. I also emphasize my continuous struggle on behalf of the black population in the country to which I am dedicated, mainly because I feel the oppression that surrounds us every day due to our the skin.” (Candidate of Cinema and Audiovisual course).*

An interesting fact in relation to candidates who declared an indigenous ancestry is that almost no one marked this option among UFF candidates, preferring to indicate brown and report this “origin” in the text, regardless of nationality, as there were cases of Bolivians children and Peruvians who triggered that identity option.

### THE CHALLENGE OF “BEING BROWN”

Since 2017, the debate on the issue of “fraud” has been institutionalized in universities, with public hearings, seminars and mobilizations on the issue. Although the mobilization of black collectives is prior to this date, the Recommendation of the Ministry became an imposition since, according to the Transparency Portal:

Recommendations are documents issued by MPF members to public bodies, so that they comply with certain constitutional or legal provisions. The recommendations they are issued to provide guidance on the need to observe the rules and aim at the adoption of practical measures to resolve issues by the competent body. *Adoption of the recommendation by its recipient can prevent it from being sued in court* (<http://www.transparencia.mpf.mp.br/conteudo/tividade-fim/recomendacoes-expedidas>, accessed on March 12, 2018 – emphasis added).

An important point about the alleged “frauds” is that there were few cases classified as such. In the universe of enrollments throughout the national territory, 595 cases were investigated in 21 universities (data released by the Federal Government).<sup>30</sup>

Due to the performance in newsstands, we chose to classify them in two ways, based on the perception of those who participated in the process. What is understood as “bad faith” corresponds to the cases of people considered “white” phenotypically, with diacritical marks of middle class, who aspired to benefit from affirmative action, sometimes using subterfuges such as tanning, artificial or natural, as well as using permanent Afro hair. However, these stratagems were detected due to other characteristics other than skin color and these candidates were considered unfit.

The cases that were designated as “difficulty in self-declaration” are those resulting from the confrontation of self-representation. Those people who are not ‘black’ - or not seeing themselves as such - nor being ‘white’, they find themselves in a kind of racial limbo of the “browns” and, because they have never reflected on their

30 | See: <https://educacao.estadao.com.br/noticias/general,13-of-the-federals-has-denounced-on-racial-quota-government-want-visual-evaluation,70002147782>. Access January 20, 2018.

ethnic-racial belonging, do not feel comfortable at the time of self-declaration and nor do they see themselves ‘fitting’ in any of the proposed classifications. These were the people who asked the teachers present how they should declare themselves. This racial limbo that generates doubt both in those who declare themselves, and in the mind of enrolment member classifying, is not always perceived with a “doubt true”, by the candidate, but as an attempt to circumvent the bench and get the long-awaited vacancy. We understand that what is called “difficulty of self-declaration” is the result of the historical discrepancy that we have in our system of ethnic-racial classification and also by recent discussions in Brazil about affirmative action policies, which requires outside academic debates with society so that we can improve not only the analyses, but also the mechanisms of inclusion of populations that were systematically excluded from the opportunities that hegemonic groups have. We emphasize that the idea of a “mixed racial identification system” proposed by the Federal Public Ministry brings new difficulties to this scenario by introducing inequalities in the treatment of “browns”, in opposition to the idea present in the Racial Equality Statute, which is to “overcome existing ethnic inequalities” (art 47) and the “valuing of ethnic equality” (art. 3). T

During the 2018.1 enrollment process, the Panels were formed in a heterogeneous manner, respecting a gender balance, as far as possible. However, we have had cases where the panel members stated “I only approve of those who are black like me or more black than me”, while another said “I have a lot of doubts if he is really not brown, as he does not have phenotypic characteristics, it is visibly mestizo of color”. We bring these phrases to exemplify how complex the hetero-identification process is, as subjective as self-classification.

Our understanding is that it is not up to the university to carry out “racial courts” or to reproduce repressive practices to which black and indigenous populations have historically been subjected. This perception of ours on the issue of browns is in line with the understanding of the Brazilian Association of Anthropology - ABA, which, in 2016<sup>31</sup>, issued a letter of repudiation on the recommendations of the Federal Public Ministry:

*(...) the issue of color or race is deeply intertwined with individual and collective constructions of an identity character that go far beyond the physical characteristics and, therefore, the external assessment that any commission may come to measure. In the current scenario of confronting racial inequalities in Brazil, our position is that self-declaration, free from suspicion and threats, should be the main and guiding criterion (ABA, 2016).*

Unfortunately, this debate is necessary considering that the MPF and the MPOG made official mechanisms for identifying candidates for quotas – photography and self-declaration – as a resource for university enrollment. In this sense, the criticism made in 2004, for the case of UNB, remains current, as it constitutes an

31 | See: <https://educacao.estadao.com.br/noticias/general,13-of-the-federals-has-denounced-on-racial-quota-government-want-visual-evaluation,70002147782>. Access January 20, 2018.

e Rosiane Rodrigues de Almeida | “What do I write here, teacher?” Notes of racial classification meanings (self and hetero) in affirmative action policies.

embarrassment “to the individual right of free self-identification, subjecting those to whom it seeks to benefit, to authoritarian criteria, under penalty of opening the way for new modes of exception that threaten the free expression of people” (Valente, 2016: 86-87), disregarding all the conceptual production of Social Sciences, we resume a discussion on 19th century themes – eugenics, miscegenation, descent.

Since the classic text by Oracy Nogueira, “Brand racial prejudice and origin racial prejudice” (1954), the relational dimension of discussions on racial relations in the country is presented, dismantling the myth of miscegenation and racial democracy, instituted by Casa Grande & Senzala (Freyre, 1933).

It must be considered, however, that part of students from high school still arrive at university believing in the ‘myth of the three races’ (Da Matta, 1981) and in the ‘myth of Racial Democracy’ (Guimarães, 2001), because they are still taught this content in schools. Many will only have access to the more politicized debates of the black movements when they enter the university, others will not even be affected by this debate.

It is necessary to consider that identity policies in Brazil, despite following in step with those proposed from the redemocratization of Latin America, present a substantial difference because they are dissociated, in the common sense, from policies to confront racial inequalities. For Guimarães (2004), this happened because the focus of identity policies here had racial inequality (which Nogueira classified as “brand racism”) as key to the development of these policies. Guimarães analyzes and indicates that identity policies have two distinct and complementary strands: one that works to guarantee the cultural diversity of blacks and indigenous peoples, with the intention of preserving and enhancing their practices; another is the confrontation of racial discrimination (phenotypic) perpetrated against individuals. Not distinguishing these processes can directly affect the process of universalization of rights. The author also points out that, in the 1980s, “racial democracy” became the main ideological weapon of black people to expand their participation in Brazilian society. It is also necessary to remember that it was the debate for the 1988 Constitution that, by making visible the debates on racism and racial inequality, brought identity politics to the space public, legitimizing the struggle for the defense of quilombola and indigenous territories.

Another crucial moment about the effects of these policies, at the turn of the 20th to the 21st century, is related to the discussions on the implementation of racial quotas in public universities. In that period, the discussion about identity politics incorporated issues related to equality and privilege, in addition to the concept of racialization or reverse racism (Fry, 1996, 2006; Maggie, 2008). During this period, the debate on policies for blacks and indigenous people went beyond academic limits, becoming of public interest<sup>32</sup> (Daflon, Feres Júnior and Campos, 2013; Feres Júnior, Daflon and Campos, 2012; Santos, 2012; Souza Lima, 2018).

e Rosiane Rodrigues de Almeida | “What do I write here, teacher?” Notes of racial classification meanings (self and hetero) in affirmative action policies.

Today, with the policy of quotas for blacks and indigenous people being adopted by all public universities in the country – an achievement for the whole society – discussions turn to two fundamental and dear aspects for Anthropology: what is fraud, from the point of view of identity, and how to guarantee objective criteria of heteroidentification to the “browns”? How can the effects of a policy that produces a negative identity – “non-white” and “non-black” – result in exclusion from university education? We think it is relevant here to remember the impact the actions of support and qualified induction of indigenous students that Souza Lima (2015) tells us about, as part of a process of political struggle as a condition that directly affects the processes of redefinition of relations between indigenous peoples and the State. If the exclusion of brown (lighter-skinned) students can result in vacancies left over in public universities, why take them out of the selection process, if the legislation guarantees them this right?

32 | Any similarity to the Brazilian reality current does not seem to be a mere coincidence (Cesarino, 2019).

The confusion produced is institutionalized by administrative decisions and the development of new technologies to control black and indigenous populations is far from over. In this scenario, we fear that this controversy can be used as an argument to end affirmative action, especially in light of the political, economic and social setbacks we have experienced as we witness the rise of the fascist model of governance of the country. It is through this construction of binary worldview, which advocates the end of science, where there is no space for debates or reflections. A clear example of this, the advertisement for ENEM-2020, produced by the Ministry of Education, where no black person was represented<sup>33</sup>, is indicative of the degree of exclusion and dismantling to which the affirmative action policies are subject. Likewise, the adherence to the test date, at a time of pandemic, when it is known that students from lower classes do not have access to the internet or computers to continue with distance classes.

When should we be discussing actions that favour the permanence of students benefiting from the affirmative action public policy; analyzing the impact of different types of scholarships, aimed at permanence and research (Silva, 2019); the expansion of affirmative actions in graduate studies, which has a low adoption in the national context; we remain trapped in controversies that pit the State (Ministry of Public Affairs / Ministry of Planning) against the State (universities). In this arena that is already complex, due to the demands of social movements, there are also internal conflicts, since the “colorist” arguments “only ‘dark skinned’ blacks should benefit from quotas” do not represent a consensus within the black movements and have served to rank blacks, speaking about “privileges” when addressing black people of “little ink”, when we could discuss the expansion of mechanisms for guaranteeing rights. If the contexts of opportunities and discrimination are different for the lighter-skinned compared to the darker-skinned, it is a fact, one cannot forget that racism has never been applied equally in any society,

33 | See <https://vestibular.brasilecola.uol.com.br/enem/students-criticize-advertisement-do-mec-about-enem-2020/347762.html>, accessed on 05/04/2020.

and that is why it has not ceased to produce perverse effects.

Perhaps it was a case of remembering Pierre Bourdieu (1996),<sup>34</sup> who said that when it comes to the State, we never doubt too much, and conclude by asking if we are not looking for “fraud” in the wrong place? Could it be that the problem is not in the terms of the Quotas Law, which does not make it clear what racial policy is intended, instead to assume that whoever accesses the quota system is to blame for the failures of this policy? Guimarães (2006) warns us about the great expectation regarding the effects of affirmative policies to “solve” social or racial inequalities. Even though they are not revolutionary policies, it reminds us of how much impact they can have on the construction of a certain balance of forces in confronting monopoly policies, introduced by the big house, opening a perspective of construction of new postcolonial interactions.

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35 | Translation provided as subtitle of documentary (Netflix).

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