

**Operationalizing the Social Gaze:
Doing Race in Affirmative Action Practices in Brazil**

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List of abbreviations and figures

- CEBRASPE** *Centro Brasileiro de Pesquisa em Avaliação e Seleção e de Promoção de Eventos* – Brazilian Center for Research in Evaluation and Selection and Promotion of Events

- IBGE** *Instituto Brasileiro de Geografia e Estatística* – Brazilian Institute of Geography and Statistics

- IPEA** *Instituto de Pesquisa Econômica Aplicada* – Institute of Applied Economic Research

- MPF** *Ministério Público Federal* – Public Prosecutor’s Office

- SEPPIR** *Secretaria de Políticas de Promoção da Igualdade Racial* – Secretariat for Policies Promoting Racial Equality

- STF** *Supremo Tribunal Federal* – Federal Supreme Court

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1. Tracing race as an administrative category of difference: on the praxiography of a labyrinth

During a stay in Brazil in the summer of 2015, I came across an article in the mainstream newspaper *O Globo* entitled “*Nem tão misturados assim*” – “Not so mixed after all” (Baima 2015).¹ The article reported on a genetic study according to which the popular idea of Brazil as a nation with a high degree of ‘mixture’ between people of African, European and indigenous descent could not be confirmed from a biological point of view. The text quoted the study’s director stating that the Brazilian population would be “mixed, but not as much as we always imagined” (ibid.). At that time, I did not yet think concretely about a possible dissertation topic, but simply spent a few weeks in Brazil in order to get back in touch with the country in which I had lived for one year in 2008/09, studying at the State University of Rio de Janeiro (*Universidade do Estado do Rio de Janeiro*, UERJ). It had been at this university – which in 2003 had been one of the first universities in Brazil to introduce quotas for Afro-Brazilian students – that I had first learned about the Brazilian affirmative action policies. The demand for such policies – as a form of redress for historical injustice – had been increasingly articulated by the Brazilian *movimento negro* (Black movement) before, during, and after the United Nations’ Third World Conference Against Racism that took place in Durban in 2001, and from the mid-2000s many universities across the country adopted such measures.² In 2012, quota policies became enshrined at the national level when a law mandated that all federal universities reserve 50 per cent of their places for students from public schools, of which, depending on the state, a certain proportion was to be reserved for *pretos* (blacks), *pardos* (browns) and *indígenas* (indigenous persons) – census categories whose complexity I will discuss in this chapter. In 2014, this regulation was complemented by another law stipulating that 20 per cent of advertised positions in selection processes for the public service must be reserved for *negros* (Blacks) – an umbrella category which, as I will discuss in more

¹ All translations into English are mine (unless indicated otherwise).

² For an overview over these developments, see, e.g., Htun (2004), Martins, Medeiros, and Nascimento (2004), Silvério and Moehlecke (2010), Telles and Paixão (2013).

detail in Chapter 2, Brazilian statisticians understand as comprising the two census categories of *preto* and *pardo*.³ Nowadays, large sections of the Black movement as well as many social scientists working on race and racism in Brazil describe the implementation of affirmative action in Brazil as one of the most important antiracist achievements of recent decades (cf., e.g., Freitas et al. 2020; Heringer and Carreira 2022a; Ikawa 2017).⁴

The introduction of quota policies at Brazilian universities at the time had led to a heated social debate, projecting “the issue of race and racism to a level never before seen in modern Brazilian history” (Telles and Paixão 2013, 11) – and the notion that Brazilian society was highly mixed (but maybe “not so mixed after all”?) had played a prominent role in this debate. The just-quoted newspaper article of 2015 therefore stuck in my mind and stayed with me over the following months as I began to think about writing a dissertation on the Brazilian affirmative action policies. The question that interested me in this context – namely, who was considered a legitimate candidate for race-based quota policies in a country where the ideology of a foundational *mestiçagem* (‘racial mixture’) was so dominant – would acquire a whole new explosiveness in August 2016. At that time, the Brazilian Ministry of Planning issued a directive to apply to all selection processes in the federal public service. The

³ Just like *preto*, the term *negro* translates as ‘Black’ into English. While *preto* designates more strictly the color as such, *negro* represents a broader and more politicized category. As described by Paulina Alberto (2011, 22), in the 19th and early 20th century, the term *negro* “was considered a particularly derogatory term for people of African descent.” From the early 20th century onwards, Black intellectuals and activists increasingly used the term in order to refer to themselves – and in doing so reclaimed it “as an emblem of racial unity” (ibid.). Nowadays, the term is broadly used within social sciences as well as in statistical data (see also Section 2.4.1). Furthermore, there is a trend among younger Black people in Brazil today to reclaim the term *preto* over *negro* to differentiate themselves from the aggregated expanded meaning of *negro* that includes *pardos* (cf. H. Martins and Cruz 2020). For a more detailed account of the changing meanings of both *preto* and *negro* since the 19th century, see Guimarães (2012a). In this thesis, in order to distinguish the two terms, I use the lowercase ‘black’ for *preto* and the uppercase ‘Black’ for *negro* when I translate them into English. (I will keep the original spelling when quoting other English texts.) However, since this can easily be confused, I use the Portuguese terms especially in contexts where a distinction is important and relevant.

In line with this approach, I also capitalize the term ‘White’ when referring to the racialized category to distinguish it from the color ‘per se.’ Like many other authors, by capitalizing both Black and White, I aim to emphasize that these terms are “sociopolitical categories with specific histories and local meanings” rather than designations of skin color as such (Abel 2022, no page).

⁴ The term ‘affirmative action’ was first used in the 1960s in the United States, when President John F. Kennedy signed a regulation obliging government contractors to “take affirmative action to ensure that applicants are employed, and employees are treated [fairly] during employment, without regard to their race, creed, color, or national origin” (quoted in T. H. Anderson 2004, 60). In Brazil, ‘quota policies’ is a common synonym; in other national contexts it is also known as ‘positive discrimination.’ Even though some authors emphasize that quotas are just one example of affirmative action, in this thesis I use the terms ‘quotas’/ ‘quota policies’ and ‘affirmative action’ interchangeably.

document with the technical title *Orientação Normativa No. 3* (Normative Guideline No. 3) mandated the appointment of commissions that should, in the presence of the candidate, “consider only the phenotypic aspects” of the respective person in order to verify the “veracity” of his or her self-declaration as *negro/a* (Ministério do Planejamento, Desenvolvimento e Gestão 2016a, 54). This guideline thus officially established commissions similar to those that already had existed at some Brazilian universities in the 2000s, often pejoratively referred to as ‘racial tribunals.’

Right around the time this guideline was published, I was back in Brazil – this time conducting exploratory field research for my dissertation. On the day after the publication of the guideline in question, the editorial of one of the biggest Brazilian newspapers, the *Folha de São Paulo*, was dedicated to the topic. The article described the new guideline as “a sinister document” and criticized that it would “stipulate the creation of veritable racial committees,” calling the newly established commissions “Blackness inspectors [*fiscais de negritude*]” (Folha de S.Paulo 2016). Referring to the frequent accusation that non-Black persons would apply for the quota places, the editorial stated:

Yes, there can be, and occasionally is, bad faith in self-definition of color, particularly when the bonus in view – a job in the public service or a place at a university that is free of cost – is rewarding. But there is no known objective way to draw the boundary between skin colors. (Ibid.)

Arguing that one could hardly imagine “a more embarrassing, if not humiliating, situation” than the evaluation of a candidate’s phenotypic appearance by such a commission, the authors of the article were convinced that the introduction of this control mechanism would not only dissuade those who considered applying for a quota position “with dishonest intent,” but also “*pretos* and *pardos* who are unwilling to undergo this ordeal” (ibid.). They therefore went on to demand:

Pure self-declaration, devoid of such an inquiry into race, constitutes the only way to use racial criteria in the selection of public officials or university students, if that is unavoidable. All the difficulties would be circumvented, however, with the use of socioeconomic quotas [...]. They would automatically benefit *pretos* and *pardos*, since those tend to be poorer, and would be based only on measurable data, without recourse to dubious subjective judgments. (Ibid.)

Several anthropologists and other social scientists to whom I spoke during this first research stay raised similar points of criticism and were highly skeptical about the introduction of quasi-state institutions that were “to decide if a candidate who claims to be *negro* really is *negro*,” as a newspaper article on the new guideline put it (Machado da Costa 2016). This critique found its institutional expression in an open letter published in September 2016, in which the Brazilian Anthropological Association (*Associação Brasileira de Antropologia*, ABA) strongly positioned itself against the policy guideline that had introduced the so-called verification commissions. Stating that “when it comes to human beings, ‘race’ is a category devoid of any meaning,” the ABA held that the persistence of this category could “only be justified as an element of self-worth and the quest for rights, thus gaining a socio-historical dimension beyond any physical/ biological determination” (ABA 2016, 2). This endeavor, the ABA argued, was undermined by the policy guideline’s emphasis on physical characteristics as the defining criterion for identifying legitimate quota beneficiaries. The ABA therefore considered the assessment by phenotype “a flagrant backlash [...], giving space for the reissuing of theses and practices that reify the existence of races” (ibid.), and demanded that candidates’ self-declaration, “free of suspicions and threats, should be the main and guiding criterion” (ibid., 3).

Proponents of the verification commissions, in turn, assessed the matter quite differently. Their concern was less with the difficulty of drawing objective boundaries or with the potentially embarrassing assessment situation. Instead, they argued that the affirmative action policies had created a situation in which, for the first time in Brazilian history, it could be an advantage to be Black – and that the previous regulation, under which a self-declaration as *negro/a* had been sufficient to apply for a quota place, had opened the door to what they considered fraud (cf., e.g., T. Oliveira 2016). Antiracist activists and groups therefore had advocated for the introduction of verification commissions at the latest since 2014 (cf. Conselho Nacional do Ministério Público 2015a; 2015b). Without such commissions, proponents argued, the affirmative action policies would lose their credibility and would become completely meaningless, as they would no longer reach their target group. Referring to the fact that the Black movement itself had defended the self-declaration for a long time,

Frei David – head of the antiracist NGO *Educafro* and one of the most prominent proponents of control mechanisms – stated:

Years ago, we were united in supporting the self-declaration. There are many Black people who are ashamed to assume their Blackness, so it would be a good instrument to wake them up [so we thought; S.L.]. But we noticed that smart White people woke up before. (Quoted in Machado da Costa, Saldaña, and Maia 2016)

He expressed the conviction that the newly created commissions would certainly be “the subject of much controversy,” but that this would be positive: in his view, the introduction of verification commissions represented a “special moment” in Brazilian history, as it could finally lead to “discussing an element of national identity that has never been discussed before” (quoted in Verdélio 2016). With regard to the common argument that due to the high degree of miscegenation in Brazil, it would not be possible to tell who is Black and who is not, Djamila Ribeiro – one of the best-known Black feminist philosophers in Brazil and at the time assistant secretary of the Secretariat of Human Rights and Citizenship of São Paulo – declared:

In a country where every 23 minutes a young *negro* is murdered, people know who is *negro*. When it comes to keeping all in their place [*manter os lugares*], these doubts don’t exist. They only arise when we try to create effective policies to combat racism. (Quoted in T. Oliveira 2016)

This brief summary of arguments against and in favor of verification commissions already indicates that their implementation reignited the heated debate that had developed with the introduction of affirmative action policies in the early 2000s. The question that lies at the heart of this debate – namely, how or whether racism can be addressed without reifying race as a category of difference – speaks to key concerns of both critical anthropology and antiracist debates that are concerned with the risk of essentialization, on the one hand, and the need to address racist discrimination, on the other. I therefore soon decided to focus my research on these newly established and highly controversial classification practices that would later come to be called hetero-identification commissions.⁵ Since my research started right at the

⁵ Over the course of my research, a gradual change regarding the naming of these commissions took place. When I started my research, the term ‘verification commission’ (*banca de verificação*) was common. In official and

time when these commissions were introduced, I could observe the “process of stabilization of an institutional device in permanent dispute,” as Tatiane Muniz (2021, 189) has put it. Aiming at a praxiographic analysis of the “labyrinth” (ibid., 158) resulting from this process, I wanted to examine how race as a category of difference was enacted within these commissions – that is, what race was “made to be” in this particular practice (M’charek 2013, 421; cf. also Martin, Spink, and Pereira 2018; Knecht 2012). Drawing on the insight that race “is neither fact nor fiction, but rather a matter of doing” (M’charek 2005, 161), I wanted to study the doing of race in a specific local context – in the hope that such an approach could ultimately also contribute to an undoing of this category of classification (cf. also Plümecke and Schramm 2022).

What made this specific local context labyrinthine was, first, the fact that race is, as Donna Haraway (1997, 213) has put it, “the kind of category about which no one is neutral, no one unscathed, no one sure of their ground.” In the attempt to grasp this troubled object, both my interlocutors and I as ethnographer therefore regularly lost our footing, went astray, or got stuck in dead ends. Second, it had to do with the fact that, as Muniz argues in reference to Sheila Jasanoff (2004), “apparently separate fields of knowledge or professional practices are articulated in the coproduction of race,” with each of these fields mobilizing “different mediations around racial classifications” (Muniz 2021, 158). As a result, those who implemented these “scientific-political-bureaucratic” (ibid.) practices had to permanently readjust their own course of action. It is due to this ‘hyphenated’ character, as well as the fact

institutional documents, the commissions usually were labeled as ‘*comissões de verificação da autodeclaração*,’ i.e. ‘commissions to verify the [candidate’s] self-declaration.’ Later, the term ‘hetero-identification’ – which also had appeared in the 2012 ruling of the Brazilian Supreme Court on the constitutionality of university quotas (cf. Supremo Tribunal Federal 2012, 83f) – began to prevail. As some of my interlocutors explained it, the term ‘verification’ was replaced in order to make clear that the commissions would not deprive somebody of the right to self-declaration – which, after all, had been a central demand of Black and indigenous social movements for a long time. The term ‘hetero-identification’ instead was supposed to emphasize the character of an external evaluation – i.e., to draw attention to the idea that the commissions would focus on how someone was seen *by others* instead of by themselves. This change also was reflected in the wording of a policy guideline published in April 2018 that replaced the just-mentioned *Orientação Normativa No. 3*. The new guideline entitled *Portaria Normativa No. 4* – of which I will write more in Chapter 3 – does not contain the word ‘verification’ (or similar) and instead only speaks of the “procedure of hetero-identification complementary to the self-declaration of *negro* candidates” (Ministério do Planejamento, Desenvolvimento e Gestão 2018, 43). In this thesis, I use both terms interchangeably. I usually use the term ‘hetero-identification commission’ since this is the one that is used nowadays in institutional documents as well as in informal formats, such as YouTube videos for quota candidates. However, since the term ‘verification commission’ was prevalent during most of my fieldwork – and is still in use as a synonym today (though less so in official documents) – I sometimes use it as well.

that its protagonists had to follow so many tracks and traces in their highly complex and politically charged endeavor to operationalize race as an administrative category, that I refer to my field of inquiry as a labyrinth. Let me sketch this labyrinth and a few of its key elements in some more detail before turning to my research questions and a description of my research field.

1.1 “Afroconvenience” in the “pigmentocracy”: situating the debate on hetero-identification commissions

The fear that people might apply unrightfully as quota candidates has accompanied the Brazilian affirmative action policies ever since they were introduced at universities. Early on, groups of the *movimento negro* denounced that non-Black persons would make illegitimate use of these policies and that control mechanisms therefore would be necessary. As early as 2003, Edward Telles, one of the best known sociologists working on race and racism in Latin America, wrote of the risk of “racial opportunism” (Telles 2003, 289) in the context of quota policies and argued that “[d]arkening’ one’s identification in order to benefit from affirmative action” would be “a clear alternative for many Brazilians” (ibid., 290). Referring to the fact that president Fernando Henrique Cardoso once claimed to have “one foot in the kitchen” – a common phrase to indicate Black ancestry⁶ – in order to gain Black voters, Telles stated: “If even the president tries to benefit from such racial opportunity, why not so many ordinary Brazilians who normally consider themselves White?” (ibid.)

The central and most important background to this discussion is the aforementioned idea that Brazilian society is characterized by a high degree of *miscigenação* (miscegenation) – a key element of the national ideology of *mestiçagem* (racial mixture), according to which the Brazilian population emerged from a harmonious ‘mixing’ of Europeans, Africans and

⁶ The expression “to have one foot in the kitchen” refers to the offspring of Black female slaves who often worked in the kitchen and whose resulting presence inside the slave owners’ house “facilitated harassment and rape by the masters” (S. Ribeiro 2016). Since the expression trivializes the sexual violence involved, it has been criticized as sexist and racist (cf. ibid.).

indigenous people.⁷ This idea turns the country into a particularly “significant site of cognition” (W. Anderson 2012, 231; cf. Souza and Santos 2014) to study questions of race and policies based on this category. It therefore forms the foundation of the labyrinth that I explore in this thesis, and already played a central role in the debate on affirmative action in the mid-2000s, which I will present in more detail in Chapter 2. One key point raised by the critics in this context was the argument that a clear demarcation between Black and White – and thus a definition of those who were entitled to the quota vacancies – would not be possible in a country of *mestiços*. The proponents, in turn, criticized the underlying romanticized image of Brazil as a ‘racial democracy.’ They argued that despite the supposed fluidity of racial boundaries in Brazil, there was racism against those who were considered *negros* and that it was not at all difficult to identify who belonged to this group. They therefore also defended the bipolar division between *brancos* and *negros* promoted by the quotas, which others viewed as an expression of an adaptation to US-American ideas of race (cf., e.g., Cicalo 2012, 91).⁸

⁷ Some authors distinguish between the two terms *mestiçagem* (as referring to cultural as well as biological forms of mixing) and *miscigenação*, which is borrowed from the US term ‘miscegenation,’ as referring to racial mixing in a more restricted biological sense (cf. Daflon 2014). However, there are many authors who do not make this distinction, and I also came across several texts in which *mestiçagem* was translated into English as ‘miscegenation,’ indicating that both terms are sometimes understood as synonyms. In my material (interview transcripts, field notes, legal documents, etc.), the term *miscigenação* appears more than twice as often as the term *mestiçagem*. In terms of content, however, I had the impression that my interlocutors used the two terms interchangeably and associated both with a notion of biological-genetic mixture more than with an idea of cultural proximity and mingling. In this thesis, I use the Portuguese term ‘*mestiçagem*’ when referring to the “myth of the three races” (Da Matta 1993) – that is, to the representation of Brazil as a highly mixed and, so the argument goes, *therefore* non-racist society (for a critical discussion of this narrative, cf., e.g., Munanga 1999; Schwarcz 2012). Similar national ideologies can be found in other Latin American countries under the name of *mestizaje* (cf., e.g., de la Cadena 2001; Wade 2004). I use the term ‘miscegenation’ when speaking of the racial mixture that supposedly resulted from this historical process. In contrast to *mestiçagem*, I thus do not understand miscegenation as a ‘mere’ ideological narrative, but rather grant it a certain materiality. However, I understand this as a *relational* materiality – that is, as something that is brought into being via (scientific, discursive, legal, etc.) practices rather than as representation of something true out there. This is in line with my theoretical approach towards race, which I will describe in Section 1.3.

⁸ As Rodrigues (2021, 139) points out, there is “a long theoretical discussion regarding the problems of the dualism of these categories” – with one of them being “the erasure of indigenous people.” This invisibilization of indigeneity occurs frequently in the context of the debate about quota policies and is reflected in this thesis as well. While the Brazilian university quotas address *pretos*, *pardos* and *indígenas* (see Chapter 2.2), the civil service quotas – on which this thesis focuses – only address *negros*. I therefore treat indigeneity in this thesis only marginally and only insofar as the issue arises in the context of the commissions’ practices – for example, when Blackness is defined in distinction to indigeneity or when it comes to the question of whether ‘indigenous-looking’ candidates should be accepted as *cotistas* (see Chapter 4.1.2).

Against this backdrop, those whom the Brazilian census registers as *pardos* – a Portuguese term whose common translation into English as ‘brown’ does not sufficiently reflect the ambiguity of its meaning – found themselves in a particularly complex position.⁹ Meant to capture ‘mixed-race’ individuals, this category has had a checkered history in the Brazilian census. In 1872, when the census first contained a question on color, *pardo* was meant to capture persons of Black and White ancestry – with the other three categories being *branco* (white), *preto* (black), and *caboclo* (persons of indigenous and White ancestry). In 1890, the term *pardo* “was substituted by *mestiço*, in 1940 it was used to code the answers left in blank, and in 1950 it became a category for self-identification together with *branco*, *preto* and *amarelo* (yellow)” (Powell and Silva 2018, 89). In 1991, the category *indígena* (indigenous) became part of the national census.¹⁰ Before the introduction of this new category, indigenous persons had also been registered as *pardos* (cf. Nobles 2000, 121). As Lilia Schwarcz (2012, 97f) points out, the category *pardo* thus “is more like a wildcard: everything that doesn’t fit elsewhere fits here.” This wildcard category, however, makes up the second largest group of Brazil’s population, as the census surveys of the past decades show (see Figure 1).

⁹ Among the meanings listed for the term *pardo* by the online dictionary Priberam (n.d.) are: “1. Of an ill-defined color, between yellowish, brownish, and grayish (e.g., brown cat; brown paper). 2. Intermediate in color between black and grayish white (e.g., brown sky) = DARK.” It was probably due to this ‘ill-defined’ character that many of my interlocutors described disliking the term *pardo* and not being able to identify with it beyond a mere administrative category. Many also expressed that for them the term was something with which to characterize things (typically: brown paper envelopes) and not persons.

¹⁰ Since then, the question – which previously had been formulated “What is your color?” – became rephrased as “What is your race or color?” As Melissa Nobles (2000, 121) explains, the term ‘race’ was meant to apply only to the new category *indígena*, “but this qualification was not spelled out explicitly either in the census enumerator manual or on the schedule itself.” For a detailed discussion of the color/race question in the Brazilian census, see, e.g., Guimarães (2012b), Nobles (2000), Loveman (2009), Loveman, Muniz, and Bailey (2012).

Category	1980	1991	2000	2010
<i>branco</i>	54.2	52.0	53.7	47.7
<i>pardo</i>	38.8	42.0	38.5	43.1
<i>preto</i>	5.9	5.0	6.2	7.6
<i>amarelo</i>	0.7	0.4	0.5	1.1
<i>indígena</i>	--	0.3	0.4	0.4
missing	0.4	0.3	0.7	0.1
TOTAL	100	100	100	100

Figure 1: Percentage distribution of responses to the question on color/race in the Brazilian census, 1980 – 2010.¹¹ (Source: Brazilian Institute of Geography and Statistics)

By reproducing these figures, I do not mean to take the respective categories for granted, as if they would capture pre-existing and clearly definable groups. Rather, I want to show that those who are enacted as *pardos* in Brazil represent a fairly large group. The question of whether they belong to the target group of affirmative action – which I will discuss in detail in Chapter 2 – is therefore anything but marginal. Rather, this question points to a long-standing and complex debate about national identity, in the course of which *pardos* were sometimes constructed as genuine representatives of a Brazilian meta-race, and sometimes as part of the *negro* category – that is, as belonging to those who are racialized as Black and suffer from racism in Brazil.¹² Due to this complex positioning, sociologist and Black movement activist Eduardo de Oliveira e Oliveira (1974) has called the *pardo* (or, in his words, the “*mulato*”¹³) the main “epistemological obstacle” in understanding the Brazilian racial formation. As Luiz Augusto Campos (2013, 82) notes, rather than “transcending this epistemological obstacle,” the Brazilian affirmative action policies “transposed it into politics” by defining *pardos* as well as *pretos* as part of their target group – and hetero-identification commissions are the site par excellence where this obstacle materializes. After all, these commissions are supposed to

¹¹ Due in part to the Covid-19 pandemic, the census scheduled for 2020 did not take place until 2022, and the results had not yet been published at the time this thesis was completed.

¹² For further discussions of the *pardo* category, see, e.g., Daflon (2017), Silva and Leão (2012), E. A. Reis (2002).

¹³ While the term *mulato* was common at the time this text was written, Black activists nowadays consider it racist since it derives from the term ‘mule.’ The feminine form *mulata* in particular has come to be criticized for hypersexualizing and exoticizing the women designated by it (cf. L. R. da Silva 2018).

identify those who are racialized as *negros* in Brazil, and the question of whether all *pardos* meet this condition has led to fierce debates, in the course of which persons who declared themselves as such or were classified as such by others were accused of illegitimately applying for a quota vacancy.

Parts of the Brazilian Black movement, in particular, raised the accusation that “non-Whites who are not so Black either [*não-brancos-nem-tão-negros*]” would take advantage of the opportunity to apply for a quota vacancy, labeling such candidates “afrobeiges” or “afroconvenients” (L. Duarte 2015b; Rodrigues 2021; 2020b). As per the demand of social movements and other proponents of control mechanisms, access to the scarce resources provided by affirmative action should be granted only to those “who have never been able to disguise their Blackness,” and not to those who had the ability to pass as Whites in daily life (L. Duarte 2015b). Underlying this reasoning is the argument that the closer a person is associated with Blackness – that is, the lower their White “passability” (ibid.) –, the more this person suffers from racist discrimination in the Brazilian “pigmentocracy” (cf. Telles and PERLA 2014). On the continuum that characterizes this pigmentocracy (cf. ibid., 31), *pardos* find themselves somewhere in the middle – and accordingly are caught between two stools when it comes to deciding whether they should be entitled to anti-discrimination measures like quotas. While their not-quite-White origin had long served to justify their inclusion into the *negro* category, it now became an argument with which some *pardos* were denied this affiliation (cf. also Chapter 2.4.1).

The discussion whether all *pardos* should be entitled to affirmative action is closely related to the debate on colorism – a term that is not new but has seen a resurgence in antiracist and Black movements of different countries in recent years (cf., e.g., L. Oliveira 2020; Reece 2021; F. Rios 2019).¹⁴ In Brazil, this debate revolves around the question to what extent dark-skinned and light-skinned *negros* are affected differently by racism. While some criticize that distinguishing between these two groups “contribute[s] to fragmentation and dispute among *negros* in a way that weakens their unity” (Muniz 2021, 187), others argue that such a

¹⁴ Alessandra Devulsky, author of a book on colorism (2021), identified “the first modern use of the concept in the 1960s in France, in reference to the social hierarchization between different types of African immigrants, since the lighter ones, coming for example from Algeria, had an easier time getting jobs than the darker ones” (Schreiber 2017).

distinction is necessary to capture the gradations of discrimination that characterize Brazilian racism, where greater proximity to Whiteness has always been associated with higher social standing. This proximity and its related privileges are always relative. Still, they have existential effects and can impinge on matters of life and death in a social order in which, as sociologist Jaime Alves (2018, 12) points out, “blacks are not-quite-humans and not-quite-citizens.” In the “racially restrictive regime of Brazilian citizenship” (ibid., 18), greater proximity to Blackness thus puts a person at greater risk of becoming a victim of police terror and other forms of state violence.¹⁵ For Alves, therefore, the famous fact that Brazilians use a whole range of racial categories is by no means evidence of the existence of a racial democracy. Instead, he argues,

[e]xpressions such as *café-com-leite*, *moreno*, *cor-de-burro-quando-foge*¹⁶, and so on all suggest that rather than engaging in false consciousness, dark-skinned Brazilians know the cost of being black and thus try desperately to detach themselves from it. (Ibid., 20)

Against this background, it becomes better understandable how politically charged the hetero-identification commissions’ work is. Being faced with the question of whether a candidate is ‘sufficiently’ affected by the cost of being Black, they are directly confronted with the difficulty of where and how to draw the line between those who suffer more and those who suffer less from this pigmentocratic racism.

The analysis that racism in Brazil is pigmentocratic and creates different levels of social suffering also underlies the approach of defining phenotype as the main criterion for whether someone is eligible as a quota candidate. This approach – along with the idea of identifying ‘race fraudsters’ via a verification commission – already sparked major debates when the University of Brasília introduced such a mechanism in 2004 (Maio and Santos 2005). The fact

¹⁵ On the massive police killings that mainly affect poor *negros*, see, e.g., Ercole (2020), Romero (2022). Against this background, many activists and social scientists speak of a “genocide” being perpetrated against Brazil’s Black population (cf., e.g., Nascimento 2016; D. A. de Oliveira 2020; Vergne, Vilhena, Zamora, and Rosa 2015).

¹⁶ Translation: “coffee-with-milk, dark, the-color-of-a-donkey-when-it-runs-away.” These are three of the 136 terms that were collected in a famous open-ended survey in which Brazilians were asked to racially identify themselves (IBGE 1976). Critics of a bipolar Black/White classification often refer to this study to argue that it would not capture the lived reality of the Brazilian population. Others, in contrast, point out that despite the enormous variety, only seven terms accounted for 95 per cent of the responses (cf. Osório 2003, 25) – thus indicating that racial classification is not as fluid and diverse as suggested by the critics.

that a commission would decide whether a candidate was *negro/a* by evaluating “physical characteristics such as skin color, hair texture, and nose shape” (ibid., 183) at the time caused an outcry among social scientists. Many anthropologists in particular saw parallels to race theories and related practices of the 19th century. The use of physiognomic features as supposedly objective and scientific elements to define who was *negro* in Brazil represented, in their eyes, a return to essentialist and biologicistic notions of race that were thought to be obsolete (cf. several contributions in Steil 2006). Proponents, in turn – among them also many anthropologists – argued that racist discrimination in Brazil would primarily draw on a person’s physical appearance and not, as for example in the United States with their oft-cited ‘one drop rule,’ on ancestry, and that hetero-identification commissions therefore should work with the phenotype as the main criterion. They thus were less concerned with reviving essentialist notions of race, but rather with taking into account how racism in Brazil operated – namely, by acknowledging that in Brazilian social life, “the more negroid traits you have, the more negatively exposed you are to racism” (L. Duarte 2015b). To identify those affected by this form of pigmentocratic racism, the commissions would not (need to) resort to racial measurement practices of the past – as the ‘racial tribunal’ charge suggested – but would merely have to look at candidates “with the eyes of society,” proponents argued. One of the key persons in establishing hetero-identification procedures at the University of Brasília, Dione Moura, used this formulation already in 2004 (quoted in Maio and Santos 2005, 196), and today’s public service commissions regularly draw on this idea of a ‘social gaze’ that supposedly knows quite well who is *negro* and who is not.

As I will show throughout this thesis, the idea of a social gaze – that is, the idea that committee members can look at the candidates ‘with the eyes of society’ – serves several functions. First, it is supposed to de-dramatize and normalize the work of hetero-identification – i.e., the racial classification of others – by presenting it as a mundane activity that happens all the time in everyday interactions among Brazilian citizens. Second, it frames these classifications as something that takes place via “a given set of racial attributes” (ibid.) – that is, via a number of specific bodily features. These racial attributes, however, are not presented as supra-temporal, general characteristics of a ‘Black race,’ but as specific and highly context-dependent markers by which someone is currently classified as *negro* in Brazil. In doing so,

those who promote the image of a social gaze try to reduce the problematic association of the commissions' work with racial measurement practices of the past, and instead try to put forward an understanding of racialization as a process that occurs in the eye of the beholder. Overall, the image of a social gaze can thus be seen as an attempt to tame the tensions and contradictions inherent in these commissions – in particular, the risk of reinforcing essentialist ideas of race as a collection of measurable physical traits.

As Marcos Chor Maio and Ricardo Ventura Santos (*ibid.*) have pointed out, those who implemented verification mechanisms at the University of Brasília in the mid-2000s aimed at an operationalization of this social gaze – an endeavor deemed impossible by these authors.¹⁷ With the introduction of similar mechanisms for the civil service twelve years later, this task arose again and on a much larger and more formalized scale. It is precisely this operationalization process that I examine in this thesis. This process is of course an impossible undertaking insofar as a commission consisting of a few people cannot have a unified gaze “representative of the national society” (Maio and Santos 2005, 196). Thus, I do not proceed from the notion that there is a single social gaze with which all Brazilians racially classify others and which these commissions could reproduce. Rather, I am interested in exploring the role that the idea of the ‘eyes of society’ played in the implementation of hetero-identification commissions – that is, what function this idea played in the commissions’ practices and how it was mobilized by different actors. At the same time, I took the idea of a social gaze seriously as an emic category. Therefore, my aim was to gain an ethnographically grounded understanding of the workings of this specific gaze inside the commissions and to explore how it was translated into administrative practices. What I call the social gaze thus oscillates between an emic category used by my interlocutors and an analytical lens with which I look at the labyrinth under investigation. With this in mind, let me now turn to my research questions and a description of my research field.

¹⁷ For an analysis of this operationalization process at Brazilian universities, cf. Daflon, Silva, and Giraut (2022).

1.2 Research field and research questions

As I already mentioned above, my research started right at the time when hetero-identification commissions became a mandatory part of the selection processes for the Brazilian federal public service. While such commissions already had existed at some universities in the past, this decision had nationwide effects and represented a new level of formalization for the highly contested practice. The few universities that had applied hetero-identification procedures in the past had done so at the initiative of individual faculty and student groups and had abandoned them after 2012, when the university quota law defined an applicant's self-declaration as *negro/a* as the sole criterion for applying for a quota vacancy. The 2016 policy guideline published by the Ministry of Planning, in contrast, applied to all selection processes for the federal public service and thus introduced "state practices that aim to identify the rightful beneficiaries of affirmative action policies" throughout the country (Calvo-González and Santos 2018, 247).¹⁸ I therefore initially put my research focus on the control mechanisms for access to affirmative action in the public service. However, in the course of my research, I realized that those who regulated verification commissions in this realm often referenced the experience that universities had already gained with such procedures. At universities, in turn – where verification commissions were increasingly (re)introduced during the course of my research –, those who were responsible for implementation strongly referred to the policy guideline of the public service and modeled their own regulations on this example. Given that there were thus no substantial differences between these two spheres regarding the modes as well as the difficulties of hetero-identification, I also regularly refer to debates and experiences at universities throughout this thesis, even though my main research focus was on verification commissions in the public service.

A general problem regarding my access to this field was the fact that in Brazil, selection processes for the public service (*concursos públicos*) are highly formalized and judicialized.¹⁹

¹⁸ The 2016 policy guideline applies only to federal institutions, whereas some states or municipalities have their own regulations. For reasons of space and time, I left out these local regulations.

¹⁹ In general, the Brazilian *concurso público* system consists of competitive entrance examinations with a fixed number of open positions. Applicants – whose number can reach one million in some nationwide selection processes – are ranked according to their grades, and the top rankers are selected. While its proponents see the

Due to this, the institutions organizing entrance examinations for the civil service (*organizadoras de concursos*) would often act very secretly, as several interlocutors told me during my preliminary field research. Furthermore, these entities are typically private, for-profit companies that are merely contracted by a state organ to carry out a particular selection process – and therefore might be even less accessible than public institutions, I was told. Fortunately, in August 2016, I nevertheless managed to make contact with the department responsible for hetero-identification procedures in one such company: the CEBRASPE²⁰, located in Brasília. As an institution responsible for numerous selection processes throughout the country, including such prestigious ones as the process for selection into the diplomatic service, CEBRASPE is one of the best-known companies organizing entrance exams for the civil service (cf., e.g., Magalhães 2022). In the past, it had also been responsible for the admission tests at the University of Brasília and in this context had already gained experience with hetero-identification procedures. As several interlocutors told me during my preliminary fieldwork, CEBRASPE could definitely be considered as the institution with the greatest experience in the organization of quota-based selection procedures. Despite their doubts that I would succeed, they therefore recommended that I try to contact this institution to see if I could do research there.

While my attempts to contact CEBRASPE directly were unsuccessful, a former employee of the Secretariat for Policies Promoting Racial Equality (SEPPIR), whom I had met for an interview, put me in contact with the department responsible for hetero-identification procedures inside CEBRASPE. On August 19, 2016, I met for the first time with the coordinator of this department, Luiz Mário Couto, whose importance for my research I cannot overestimate.²¹

anonymized exams, with their strong focus on comparability and objectivity, as an egalitarian method for selecting suitable applicants without the risk of influence peddling or bias, critics describe the *concurso público* system as “a machine of social injustice,” since it would favor those “who have the time and money to pay for good preparatory courses” (Fontainha 2015; cf. also Fontainha et al. 2014).

²⁰ The acronym stands for *Centro Brasileiro de Pesquisa em Avaliação e Seleção e de Promoção de Eventos* (Brazilian Center for Research in Evaluation and Selection and Promotion of Events). Formerly, CEBRASPE was called CESPE (*Centro de Seleção e de Promoção de Eventos*), and it sometimes still goes by that name.

²¹ In this thesis, I use the real names of those interlocutors who agreed to my doing so, and only anonymize those who asked me to do so, or with whom I did not maintain sufficient contact throughout my writing process to be able to ask for permission. I chose to use the real names of my interviewees whenever possible because I see my research as part of a broader conversation on this topic. As my colleague Tatiane Muniz once put it, the debate about hetero-identification commissions is “the talk of this decade” in Brazilian academia as well as in antiracist social movements – and many of my interlocutors are very active and publicly visible participants in it. I therefore

Luiz Mário – a trained engineer whom I estimated to be in his early 60s when we first met – showed great interest in my research from our first conversation. Quite contrary to what I had expected after hearing so much about the secretive and closed nature of institutions like CEBRASPE, he was very open to my request to ethnographically explore the practices of CEBRASPE’s hetero-identification commissions, and offered his assistance in this regard. Upon my return to Germany, I thus began to plan my research with CEBRASPE as its central starting point. Luiz Mário supported this endeavor from Brazil by contacting the director of CEBRASPE and helping me to obtain a comprehensive research permit from him. Besides allowing me to observe verification commissions, this permit included the promise to introduce me to members of relevant governmental institutions, to point out other Brazilian institutions that deal with the issue of racial quotas in public selection processes, as well as to present me to members of verification commissions and to quota applicants that had been through the process of assessment. In this way, CEBRASPE – thanks to the great support and collaboration of Luiz Mário – became my focal site for the examination of hetero-identification practices.

One of the reasons why Luiz Mário supported and embraced my research project so wholeheartedly from the beginning was probably his hope to benefit from it in a very applied sense. Having worked at CEBRASPE for ten years, he described this company as a “pioneer” regarding the application of hetero-identification procedures and was quite content that they had what he called a “well-trained, experienced team” that had already conducted verification procedures even before the recent publication of the new policy guideline (Field notes; August 19, 2016). However – perhaps because of his background in the natural sciences –, he also repeatedly complained that it would be so difficult to make these procedures more “objective.” He therefore had a great interest in “optimizing” the hetero-identification mechanisms – and maybe hoped to get suggestions in this direction from my research. At least this was the (unsurprising) impression I gained over time, and it gave me quite the headache every now and then. After all, the aim of my research was not to propose ‘better’ racial assessment procedures. Still, I tried to continuously discuss my findings and impressions with Luiz Mário and other CEBRASPE staff to ensure at least some reciprocity, and framed such an

felt it was important to make their knowledge production on this topic visible. I have marked the names of anonymized individuals with an asterisk (*) upon first use.

exchange as a para-site: a “bounded space of orchestrated interaction that is both within the activities of a particular fieldwork project and markedly outside or alongside it” (Deeb and Marcus 2011, 52). However, the aim of such an exchange, namely “to find sources of knowledge production with reflexive subjects who are epistemic partners in this endeavor” (ibid., 64; cf. also Hoag 2011), proved very difficult to fulfill. For, as I repeatedly had to acknowledge, my approach of analyzing the commissions as sites where race as a category of difference was enacted in very specific ways, was very far from Luiz Mário’s ideas, who seemed to hope that with me as an intermediary, he would finally find out how the commissions ‘really’ took their decisions. Even though Luiz Mário and his colleagues coordinated the hetero-identification procedures from the institutional side, the commissions as such were not composed by CEBRASPE staff, but by university lecturers and other persons working on topics like race, racism, and Afro-Brazilian culture. Luiz Mário thus never participated in the commission meetings and found unsatisfactory the description he kept hearing from commission members that they would decide on a candidate by taking into account the “*conjunto*” – that is, the “whole ensemble” of features that would make someone be read as *negro* in Brazil.²² What the commissions therefore still lacked, in his eyes, were clear criteria that could be communicated to the outside world to make the process more transparent and “objective.”²³ In one of the meetings we had, he expressed the hope that I could provide him with such a list of criteria – which, he suggested, I could generate through a “linguistic” analysis of the dialogues within the commissions that would help me extract their “essence” (Field notes; November 8, 2017). He seemed unaware that it had been precisely such lists of ‘objective’ criteria that had led the Brazilian Anthropological Association (ABA), among others, to sharply attack the newly created hetero-identification commissions and to criticize them as ‘racial tribunals.’ And even though I tried to explain why, against this background, my research goal was pretty much the opposite of what he was asking me to do, I was not sure I succeeded. Fortunately, this did not lead Luiz Mário to want to end our

²² For a detailed discussion of the idea of the *conjunto*, see Section 4.1.2.

²³ In Chapter 3, I discuss the notion of objectivity in more detail.

collaboration. Nevertheless, this exchange showed me particularly clearly how incompatible our perspectives on the hetero-identification commissions were.²⁴

So, what characterized my perspective on the practices of hetero-identification commissions, and what did I want to explore in the course of my research? To start with, my approach towards the topic differed from an understanding of race as a social construct that has no biological basis – illustrated in the saying “race is a fiction, racism a fact” – that has been the central premise of critical race studies over recent decades and that also resonated in the ABA statement cited above. As I will explain in more detail in the next section, I instead drew on praxiographic approaches inspired by Science and Technology Studies (STS) that go beyond the binary of race as fact *or* fiction (M’charek 2013) and focus on material-semiotic practices through which knowledge objects like race are “gaining in reality” (Latour, quoted in Hartigan 2008, 166; cf. also Schramm 2014a). This research strand understands race not as something that is relevant *per se*, but rather focuses on the question of how race is enacted in the assemblage of heterogeneous actors (cf. Hirschauer 2014). Based on this perspective, I wanted to study the *doing* of race in a specific local context. I hoped that in this way, I would be able to go beyond an understanding of “race and, especially, racialized bodies [as] mere sociocultural and linguistic constructions” (Hinton, Mehrabi, and Barla 2015, 7), but also critically examine the common-sense notion of obvious racial markers that can be located in the body, as it was expressed in the commissions’ approach of defining phenotypic traits as the sole criterion for their decision-making. I thus approached the Brazilian hetero-identification commissions with the overall question of *how race as a category of difference was enacted in the course of these very specific classification practices as well as in the administrative and legal practices surrounding them*. As my research progressed, I became increasingly aware of the central role that activist discourses played in the negotiation processes that accompanied the implementation of hetero-identification commissions, and thus paid closer attention to this aspect as well.

²⁴ For more on the question of whether my research approach might have provided useful insights for the hetero-identification practitioners whose practices I examined, see Section 1.3.

Throughout my research, I was particularly interested in the workings of what I have termed the social gaze, which, as described above, is assumed to structure Brazilians' perception of race and with which commission members are supposed to look at candidates (cf. Maio and Santos 2005). I wanted to understand how this social gaze was operationalized within the commissions and how it was translated into administrative regulations. To this end, I explored how evidence for the commissions' decisions was produced and what counted as evidence in the eyes of different actors. Instead of asking whether candidates were classified 'correctly' in these procedures, I sought to examine precisely how their faces and bodies were "made to enact the relation between the individual and the population, the individual and the type" (M'charek and Schramm 2020, 324): On which grounds did the commissions take their decisions? What counted as evidence? What indicators were employed and how were they determined? Which guidelines and theories shaped the decision-making? Which contradictions appeared in this process? How did commission members define cases of doubt and how did they propose to handle these? By asking these questions, I thus did not frame the commissions' decisions as representations of something true 'out there.' Instead, I analyzed them – as described above – as sites in which specific versions of race and the *cotista* (quota candidate) were 'gaining in reality.' Aiming at a thick description based on close ethnographic observations, I examined these questions in hetero-identification commissions, but also in governmental institutions that tried to formalize these procedures and in legal cases in which candidates appealed against their rejection by a commission. Since such cases often met with widespread media coverage and the controversies surrounding these commissions were much aired in the media, press reports also represented an important source for my research.

Not least, I also spoke to candidates who had been evaluated by hetero-identification commissions. In order to learn more about how they tried to inhabit the very specific *cotista* category, I focused on questions such as the following: How did they experience the hetero-identification procedure? Did they prepare in any way for this procedure? What did they assume were reasons why the commission decided for or against their acceptance as *cotista*? How did they react in the case of a rejection? What were their motives for applying for a quota

position? More generally, I was interested to learn about their expectations and hopes with regard to the selection process as a whole and the prospect of working in the public service.

Since not only CEBRASPE but also other institutions relevant to my research – in particular government agencies – are located in Brasília, the Brazilian capital became the geographic focus of my research. After visiting several places during my month-long preliminary fieldwork in August 2016, I returned to Brasília in 2017 for a five-month stay. During this time, I focused on the observation of verification commissions at CEBRASPE and on the ways in which such commissions were regulated and discussed within those state institutions that had the primary responsibility for the coordination and evaluation of the Brazilian affirmative action policies: the Secretariat for Policies Promoting Racial Equality (SEPPIR), the Ministry of Planning and the Public Prosecutor’s Office (*Ministério Público*).²⁵ The activities of an interministerial working group that was supposed to develop “definite rules” for the verification of quota candidates (Portal Brasil 2016) were also particularly relevant for me during this time.²⁶ My third and last research visit, with a duration of three months, took place in 2018 and was spread over three different locations. While I again spent some time in Brasília to maintain the contacts I had made the previous year, I also stayed in São Paulo and made a short trip to Porto Alegre in the south of the country. In Porto Alegre, I was interested in learning more about the conflicts that had occurred around hetero-identification practices at the Federal University of Rio Grande do Sul, which had made national headlines (cf., e.g., *O Globo* 2017; Melo 2017; Dias 2018b). In São Paulo, my main interest was to get some insights into the activities of the NGO *Educafro*, one of the crucial actors of the *movimento negro* lobbying for the introduction of verification commissions. Furthermore, I met a few persons who had been involved in the hetero-identification procedures of another well-known organization like CEBRASPE – without, however, ultimately gaining real access to this institution. In terms of content, this final fieldwork period focused more on the perspectives

²⁵ Whereas the SEPPIR is charged with the coordination and evaluation of the affirmative action policies, the *Ministério Público*, which in Brazil functions as Public Prosecutor’s Office, is involved in the affirmative action policies via its responsibility to monitor legal and legislative processes. The Ministry of Planning, in turn, bears the main responsibility for the guideline published in August 2016 that established verification commissions for selection processes in the public service.

²⁶ See Chapter 3.

of activist groups and on the experiences of candidates who had been assessed by hetero-identification commissions.

All in all, I thus spent three research periods in Brazil totaling nine months between 2016 and 2018. Because of this time frame, I was only able to observe from a distance a drastic change regarding the larger context of my research field that occurred in late 2018: namely, the election of Jair Bolsonaro – a right-wing extremist with clearly fascist political views – to the presidency. To be sure, there had already been a political shift to the right in Brazil in the years before Bolsonaro’s victory – with the preliminary culmination being the removal of President Dilma Rousseff from office in August 2016, considered an institutional coup d’état by many observers. During the time of my research, Brazil thus was governed by Rousseff’s successor, the right-wing politician Michel Temer, whom many of my interlocutors criticized harshly for his neoliberal austerity policies. Still, the election of Jair Bolsonaro – an ex-military man who openly incited against *negros*, queer persons, indigenous people, and journalists, among others – represented “a serious political rupture” (Felinto, Sosaba, and Alli 2018) whose consequences for my research field I will discuss in the conclusion. After all, the affirmative action policies – of which the hetero-identification commissions under study in this thesis are a small, but important element – represented a key target of Bolsonaro who, in his election campaign, had declared that he would aim for a reduction of quota policies: “for God’s sake, let’s stop this division in Brazil” (quoted in Antunes 2018). Although ultimately, the Brazilian quota measures were not abolished under Bolsonaro (who was very narrowly voted out of office in late 2022), the overall situation for the contexts in which these policies are applied deteriorated significantly during his tenure, as I will argue in the conclusion. I followed these changes as best I could from afar by closely following a broad variety of news channels and staying in touch with some of my key interlocutors. Nevertheless, I only mention them in passing throughout this dissertation, since my on-site research had already been completed by that time.

1.3 Studying the doing of race to contribute to its undoing: on my theoretical approach towards a contested object

As described above, the protagonists of the Brazilian hetero-identification commissions argue that one could (more or less simply) see if someone was a legitimate quota applicant if one looked at that person 'with the eyes of society.' On the one hand, by emphasizing that the commissions 'read' the candidates' appearance in the same way in which someone would be racialized in Brazilian society, the notion of a social gaze tries to get away from an understanding of pre-given, readily racialized bodies and instead emphasizes the socially constructed character of race. On the other hand, by defining the phenotype as the main criterion for the social gaze, those who defend this approach draw on an understanding of race as a physical reality and quasi-objective condition. The notion of a social gaze is thus characterized by "concomitant uses of race as both a social construction and a biological/physical reality" (Calvo-González and Santos 2018, 248), – and has at its core a tension that has accompanied the academic as well as activist debates around race for decades. In the attempt to overcome the juxtaposition of understanding race as either biological fact or social fiction, scholars who work with material-semiotic and topological approaches have argued that "race is neither fact nor fiction, but rather a matter of doing" (M'charek 2005, 161). According to them, "racializations can only be grasped [...] as a practice that is specific to a particular place and time" (Plümecke and Schramm 2022, 196). Such a focus on the *doing* of race, they argue, "can ultimately also lead to the dissolution of racializations" – that is, to the *undoing* of race (ibid.). In the following, I will sketch these theoretical approaches and explain why I approached my field through this lens.

In the discussion on race in both physical and social anthropology, the end of World War II is widely regarded as a turning point (Little 2012; Müller-Wille 2014). The UNESCO Statements on Race in 1950/51 were one particularly prominent arena in which the related debates took place. A few years after the Holocaust, scientists were eager to delegitimize the concept of race underlying eugenics and social Darwinism (Hazard Jr. 2011). At the same time, "a belief in the biology of race, nonetheless, persisted for many" (Fullwiley 2008, 696). This tension

resulted in two UNESCO statements with quite differing core messages. While the first statement of 1950 framed race as a social construction rather than a fact, the second statement of 1951 described it as a biological reality (ibid.). As Jenny Reardon (2005, 24) has noted, the two statements thus did not represent an ending point, but rather “ushered in an era of old and new debates about the use of race as an analytic category in science.” In the aftermath of these statements, social scientists as well as biologists struggled in subsequent decades with an understanding of race as essence *or* illusion. While social scientists focused on analyzing race as a social construction without any biological base (cf., e.g., Back and Solomos 2000; Gates 1986), biologists tried to escape from the burden of racial typology by reorienting their research through concepts such as ‘population’ or ‘cline’ – a process described by some historians of science as the “retreat of scientific racism” (Barkan 1992; cf. also Stepan 1982; Stocking 1968). However, there have been important objections against the interpretation that the postwar period was marked by a demise of race. Arguing that race had not disappeared but rather had been “buried alive” (Duster 2003), scholars analyzed how the concept kept reappearing especially in the life sciences (Plümecke 2013; Reardon 2005). They showed that the attempts to present race as “a residue of outdated essentialist and hierarchical thinking” (Müller-Wille 2014, 597) must be understood as attempts to draw a line between ideology and ‘real’ science – and thus as comprehensive boundary work aimed at maintaining a distinction that is anything but clear-cut (Reardon 2005, 18ff).

Today, critical race theorists still regularly invoke biological claims about the non-existence of human races to support their argument that race is nothing but an ideology.²⁷ Other scholars, who in principle share a willingness to question essentialist notions of race, criticize that such an understanding of race as social construction is built on two interrelated problematic assumptions. Firstly, it rehabilitates the natural sciences in their claim to truth and objectivity and supports the assumption that there is a clear boundary between science and politics. To attribute the biological concept of race to the past thus makes the old scientific racism appear as a distorted pseudoscience that supposedly has nothing to do with the serious natural sciences of today, and thereby ignores the complex ways in which scientific and political

²⁷ Jenny Reardon (2005, 23) cites Kwame Anthony Appiah (1990), Barbara Fields (1990), Henry Louis Gates (1986), and Evelyn B. Higginbotham (1992) as exemplary representatives of this line of reasoning.

practices interrelate (Schramm 2014a; cf. Lipphardt 2008). Secondly, the notion that race does not exist biologically but is a social construct is built on an idea of 'society' and 'nature' as two clearly separable spheres, and therefore on the assumption that there are 'natural' bodies 'out there' – an assumption that has been thoroughly debunked over the last few decades by feminist scholarship (Butler 1993) and STS (Haraway 1991a; Latour 1993; Mol 2002).

Scholars who draw on these approaches have argued that an understanding of race as either essence or illusion is not sufficient to comprehend why the concept is still so persistent, why it 'sticks' so well. Emphasizing "that there is nothing essentially there in nature or the DNA to be captured in one final form" (M'charek 2005, 15), they use the notion of enactment in order to draw attention to the (co-)production of objects between nature and culture, science and the social order (Jasanoff 2004). A particularly prominent reference point for this research strand is Annemarie Mol's study *The Body Multiple* (2002). Analyzing the doing of a specific disease (atherosclerosis) in a Dutch hospital, she argues that "objects come into being – and disappear – with the practices in which they are manipulated" (ibid., 5). According to her, objects – in her case: diseases – are neither "entities waiting out there to be represented" nor "are they the constructions shaped by the subject-knowers" (ibid., 32). Rather, they are "multiple" – that is, they emerge in different versions that are (more or less precariously) coordinated and stabilized in the course of different practices. Anthropologists drawing on Mol's praxiographic analysis have argued that an understanding of *relational* objects, which only become relevant through concrete practices that produce, stabilize and maintain them, also helps to gain a more complex view of race (M'charek 2013; Schramm 2014a; 2020; Muniz 2021).

In Brazil, the field of anthropology of science and technology is relatively young and was only institutionally established during the 2010s (cf. Rohden and Monteiro 2019). Perhaps this is one of the reasons why praxiographic approaches towards race have received little attention in Brazil so far. As Fabiola Rohden and Marko Monteiro note in their overview of the anthropology of science and technology in Brazil, with few exceptions, a discussion on race "is still barely present" in this field (2019, 12; cf. also Minella 2013). Among the few exceptions are the studies on genetics and race by Elena Calvo-González (2009; 2014), Tatiane Muniz's analyses of how race materializes in the professional practices and narratives of health

workers in Porto Alegre (2021; 2022), and Rosana Castro Silva's (2018) dissertation on political economies of disease and health in pharmaceutical experimentation, which treats race as one relevant aspect in the field of drug testing.²⁸ Outside of the specific subfield of the anthropology of science and technology, there is also very little reference to praxiographic and STS-inspired approaches to race in Brazil. Most of this reference occurs in anthropological research on health and genetics, such as the works by Sahra Gibbon, Ricardo Ventura Santos, and Peter Wade and colleagues (cf., e.g., Gibbon, Santos, and Sans 2011; Kent et al. 2015; R. V. Santos, da Silva, and Gibbon 2015; R. V. Santos and Maio 2004; Wade, Beltrán, Restrepo, and Santos 2014). Some of these works represented important starting points for my own thinking about processes of racialization in the context of affirmative action – for example, the article by Michael Kent and Peter Wade (2015) and the one by Kent, Santos, and Wade (2014), which focus on the debates that took place during the 2000s about the genetic profile of the Brazilian population. These authors describe how, in the course of these debates, the view began to prevail among activists of the Brazilian Black movement that phenotypic traits, rather than genetic markers, were the decisive factor in determining who could be considered *negro* in Brazil (see Chapter 2). Since this view became widely accepted, reference to genetics was rare in the context of the hetero-identification commissions I studied, so that the question of how race is being (un)done in this realm only played a minor role in my own research.

One of the first anthropological publications to address the hetero-identification commissions established in 2016 in the public service stems from two of the just-mentioned authors, namely Elena Calvo-González and Ricardo Ventura Santos. Drawing on Amade M'charek's analysis of race beyond fact or fiction, they examine how miscegenation has come to be problematized in Black social movements and in this context analyze how the attempt to define objective criteria for the identification of quota candidates "resulted in examples of clear biological criteria for racial classification which surreptitiously resurfaced" (Calvo-González and Santos 2018, 252). Another anthropological analysis of hetero-identification practices that borrows from material-semiotic theories is the already mentioned ethnography by Muniz (2021). Even though the focus of her study was not on these practices, she

²⁸ Another indicator of the slowly growing interest in postcolonial and feminist STS approaches in Brazil are two interviews that Brazilian junior scholars conducted with Annemarie Mol (Martin, Spink, and Pereira 2018) and Amade M'charek (L. C. Duarte and Besen 2017).

nevertheless dedicated one chapter of her dissertation to this topic since many of the health professionals to whom she spoke throughout her research described the hetero-identification commissions in their hospital as “one of the most concrete and institutionalized situations in which they needed to deal with race” (ibid., 151).

Other recent anthropological and sociological accounts of these commissions choose different theoretical points of reference. In a 2018 paper, Antonio Sérgio Guimarães, a well-known Brazilian sociologist working on race and racism, analyzes the phenotype-based recreation of racial boundaries occurring in the course of the implementation of such commissions as representing a significant change in the Brazilian racial formation. As a result of this change, he hypothesizes, the country might witness a return to “the old racial ideology that certain people become White and stop being Black, depending on the misfortunes of genetics” (Guimarães 2018, 35). Gabriela Bacelar Rodrigues’ master thesis in anthropology ethnographically examines hetero-identification commissions at the Federal University of Bahia with a focus on the political dilemmas faced by ‘*negros de pele clara*’ (light-skinned Blacks), that is, on “how the dynamics of self-declaration and hetero-identification are being elaborated by and for self-declared Black individuals with light skin in Salvador” (2021, 13). She discusses these dynamics against the backdrop of accusations of fraud and/or ‘afroconvenience’ and positions herself critically in relation to recent debates about colorism in which, she argues, light-skinned *negros* would be rather encouraged “to assume their privilege than to reflect on their racialization process” (Rodrigues 2020b, 13; cf. also 2021, 72ff; Bacelar 2020a).

Many of the publications that make up the slowly growing body of literature on hetero-identification commissions consist of case studies and reflections on the experiences at specific universities. As representatives of this format, I will cite two dossiers here: one in the journal of the Brazilian Association of Black Researchers (*Associação Brasileira de Pesquisadores/as Negros/as*, ABPN), edited by Eugenia Portela Marques (2019), the other in the journal *REPECULT*, edited by Adilson Pereira dos Santos and Lígia dos Santos Ferreira (2020). The articles of both dossiers give rich insights into the protagonist role that the *Centers for Afro-Brazilian Studies* (*Núcleos de Estudos Afro-brasileiros*, NEABs) had in the implementation of verification procedures, point out the political and legal challenges that

this implementation often faced, and generally consider the introduction of hetero-identification commissions as an important step to ensure the effectiveness of quota policies. In doing so, however, many of these texts seem to take for granted the categories that are being enacted in these procedures as well as the accusation of ‘racial fraud’ with which their proponents justify the need for such commissions.

This is what I have tried to avoid by drawing on the material-semiotic approaches outlined above. In line with the insight that “saying ‘socially constructed’ is not enough” (Hartigan 2006), I found the argument convincing that a practice-oriented, ‘denaturalizing’ approach could help to open up the ‘black box’ of the hetero-identification commissions in which race was constantly re-produced.²⁹ As Duana Fullwiley (2008, 698) has noted with reference to Jenny Reardon (2005) and Troy Duster (2006), “social scientists studying genetics and race have urged their colleagues to ‘go to the very sites’ of scientific production and ‘document how [racial] categories are being constructed’ anew.” Accordingly, I interpreted the Brazilian hetero-identification commissions – including the bureaucratic and legal attempts to regulate these practices – as sites of *administrative* enactment of race, and wanted to explore how this category of difference was produced therein. Just like other critical scholars in this field, I hoped that the approach not to ask what race *is*, but instead to focus on where and how it is *done* (M’charek and van Oorschot 2020, 239) could help to grasp its ongoing and troubling presence (cf. Schramm 2014b). My choice of a theoretical approach that understands race as a relational, practice-dependent object was driven by the hope that a focus on how such categories of difference are *made* could also contribute to ideas about “how they may be unmade” (M’charek and van Oorschot 2020, 237) – together with the forms of discrimination that build upon them. By choosing this theoretical focus, I thus sought to contribute to a knowledge production that is antiracist through unpacking the concept of race, while at the same time taking into account its tenacity.

Now, when my research process is coming to an end and I have to put on paper how I approached my field with this practice-oriented approach, I am still convinced of its political

²⁹ On Bruno Latour’s (1987) black box metaphor and its place in the vocabulary of Science and Technology Studies, see Jacobs, Cairns, and Strebel (2007).

and theoretical fruitfulness. Over the course of my research, I nevertheless sometimes struggled with the question of whether a focus on the relationality and practice-dependency of race was helpful for those ‘on the ground,’ i.e. for my key interlocutors. Could they benefit in any way from my approach to trace in detail “the choreographies of interaction through which the *cotista* comes into being in these bureaucratic practices,” as I had formulated it in a paper based on my first research stay (Lempp 2019a, 3)? Was my hope justified that this could “contribute to a discussion about whether the specific forms of in- and exclusion that [these practices] produce are politically desirable or not” (ibid.)? Or would the protagonists of these commissions interpret my approach as an undermining of their attempt to operationalize a public policy that several generations of activists had fought hard for and that inevitably involved problematic oversimplifications? Would they perceive the argument that there are no readily racialized bodies out there as tantamount to saying that *negros* (i.e., rightful recipients of the Brazilian affirmative action policies) do not exist? After all – as I will describe in Chapter 2 –, the question of whether a clearly definable group of ‘Blacks’ existed whom such a policy could be directed at had been at the heart of the debate about the legitimacy of affirmative action – and it had not least been (White) anthropologists who had challenged this idea.

One particularly prominent critic had been the anthropologist Peter Fry who, in a 2009 article, criticized that the proponents of the quota policies “appear to believe that Brazil is ontologically made up of blacks and whites” and that “[f]rom there on the step to essentialization is a short one” (Fry 2009b, 198). The opponents (including himself) doubted what they called the “truth of the black activists,” according to which Brazilian society would be clearly divided into *negros* and *brancos*. Instead, they were convinced that “the majority of Brazilians go about their everyday lives utilizing a highly complex set of ‘racial’ taxonomies” (ibid.). Furthermore, since the opponents saw “no positive future for ‘racial consciousness,’” they advocated against an even temporary use of racial categories for public policies and instead demanded “the destruction of the very concept of race” (ibid.).

I would argue, however, that to focus on the enacted and relational character of race is not the same as denying (or affirming) the existence of racialized groups in the sense of making a statement about the ontological (non-)existence of race. Rather, the authors who draw on this

approach advocate the idea that “[i]f practices are foregrounded there is no longer a single passive object in the middle, waiting to be seen from the point of view of seemingly endless series of perspectives” (Mol 2002, 5). By focusing on the *doing* of race, I thus wanted to call attention to Mol’s analysis according to which there is not one ontological truth “given in the order of things, but that, instead, *ontologies* are brought into being” (ibid., 6; emphasis in the original). Arguing that different practices bring different worlds into being, this approach then shifts the focus to the question: “Which worlds are brought into being by means of which practices and which are not?” (Netz 2015, 7) Mol shows that different practices produce different versions of objects so that, as a consequence, “there are *options* between the various versions of an object” and invites us to “ask *where* such options might be situated and *what* was at stake when a decision between alternative performances was made” (Mol 1999, 74; emphasis in the original; cf. also Law 2015, 13).

It is in this spirit that I decided to use this theoretical approach in my analysis of the Brazilian hetero-identification commissions. Drawing on the argument that as practices vary, so do objects, I wanted to show that neither race nor, by inference, the racialized figure of the *cotista* is a given. Rather, both are “made real in practice” (Law 2008, 147) within the verification commissions. With this argument, I am not making a statement about the (non-)existence of race or the *cotista*. By analyzing both as something that “depends on everything and everyone that is active while it is being practiced” (Mol 2002, 32), I instead aim to draw attention to the fact that they could also be enacted differently. Like my colleague Sabine Netz in her research on age assessment of young refugees in Germany, I thus did not frame the hetero-identification practices that I studied as mere representations of something true out there, but instead understood them as the “enactment of a configuration, producing a new world” (Netz 2015, 7). As John Law has made clear, this approach is different from framing race, age or any other category of difference as a ‘social construction.’ Arguing that “there is no stable prime-mover, social or individual, to construct anything, no builder, no puppeteer,” Law and other STS scholars suggest to focus on complex webs of relations, in which human and non-human actors “assemble and together enact a set of practices that make a more or less precarious reality” (Law 2008, 151).

Accordingly, the Brazilian hetero-identification commissions can be seen as knots within such a complex web of relations – and my aim was to examine ethnographically and in great detail how race as a category of difference materialized in there. As I have argued together with three colleagues in another text, such ethnographic attention to detail “can improve and sharpen critique: if things only exist in relations, then these relations or the knots in these webs of relations can be changed” (Netz, Lempp, Krause, and Schramm 2019, 646). Accordingly, an analysis that understands race, the body or the *cotista* as multiple and historically contingent can show that these objects could also be enacted differently – that is, that other worlds are possible and that “it might be otherwise” (Schramm 2017, 471; cf. also Hughes 1970). In a way, my research thus aims to contribute to a discussion about the “ontological politics” of the verification commissions – with the term *politics* underlining the “active mode, this process of shaping, and the fact that its character is both open and contested” (Mol 1999, 75). Based on this framing, it is then possible to formulate further questions – for example: Via what relations is the *cotista* being stabilized? What actors are involved in this enactment? What inclusions and exclusions does this specific enactment produce? It is in this sense that I hope that my interlocutors will be able to benefit from my research as such a fine-grained analysis – which highlights “the processual and relational, not the substantial character of race” (Balkenhol and Schramm 2019, 589) – might add something to their own reflections regarding the implementation and political effects of the hetero-identification practices.

It is, however, important to keep in mind that the enactment of objects is hard work. Therefore, neither we as scholars nor the verification commissions as actors on the ground can “just dream new realities up” (Law 2015, 13). After all, these commissions are far from being the most ‘powerful’ (in the sense of most connected) knots in the web of relations surrounding the highly contested and messy object of race. Instead, they are a very precarious attempt to safeguard a public policy that grants marginalized groups access to important resources – and the ways in which race is done in there is not least a reflection of how race is done outside of these commissions. Accordingly, neither race nor the *cotista* emerge exclusively (or even predominantly) within or through these practices. Rather, the hetero-identification commissions are only one (extremely small) site among many in which this

category of difference is enacted – and the ways in which they enact race is a reflection of how racism works and of how race is done more generally in Brazil. My approach thus originated from the same motivation as that of Muniz:

Thinking race, phenotype, and categories of racial classification, especially the liminal category ‘pardo’ (always referred to as problematic by commission members) in terms of a relational materialism [...] has nothing to do with an attempt to relativize race and the effects of racialization processes. Rather, it is an analytical attempt to understand the subtleties that allow race to be elusive [*esvanecida*]; that its materiality or claims to its ontological existence are denied, even though it *still* (or precisely because of this elusiveness) remains so ubiquitous in social life. (2021, 199; emphasis in the original)

This insight also has consequences for the mode of critique that I have tried to adopt within this thesis. On the one hand, I frame the commissions as practices that do race – and thus as practices that tend to stabilize and reify a category of difference that historically has been used to justify extremely brutal forms of segregation and violence. At the same time, however, I do not want to deny the reality of racialization and the related discrimination that the affirmative action policies try to address. Furthermore, I want to take into account the fact that the protagonists of these practices did their work from a relatively marginalized position and tried to protect a policy that has increasingly come under attack from right-wing actors – even more so since Jair Bolsonaro assumed the presidency in Brazil in 2018. Thus, even though their practices definitely contain problematic aspects, my overall assessment would be that the protagonists of these commissions act out of good reasons within a highly contested context, characterized by what João Vargas (2004) has called “the dialectic of white supremacy in Brazil”: the tension between a hyperconsciousness of race on the one hand and its negation on the other. With this argument and this approach, I want to distance myself not least from those (mostly White-positioned) anthropologists who suggested that the quotas – and the verification commissions as a particularly controversial aspect of these policies – would racialize Brazilian society. Of course, these commissions are an “apparatus of bodily production” (Haraway 1988, 591; cf. also Barla 2019) in the sense that they produce the *cotista*, a very specific subject position that is highly racialized. It is therefore appropriate to analyze and criticize whether and how their practices tend to naturalize and fix race. However, for all the criticism of these tendencies toward naturalization and essentialization, it should

not be denied that (something called) race “plays a central role in determining Brazilian social relations, hierarchies, and distribution of power and resources” (Vargas 2004, 444). Otherwise, one easily falls into the trap of neglecting that much of the injustices and inequalities that characterize contemporary Brazilian society “are racialized – that is, anti-black in nature, modes of expression, and results” (ibid., 461).

Not least, the doing of race that I studied has been promoted mainly by activists and intellectuals who want to make sure that the affirmative action policies reach their goals – and not, for example, by politicians and bureaucrats who wanted to implement a racist and segregating policy, as in the case of apartheid South Africa (with which critics of the Brazilian commissions often compared these practices). This practice does not take place with the aim to discriminate and segregate, but rather with the aim to defend a policy that makes a small contribution to reducing a historically grown, immense inequality in the access to citizenship resources. All in all, I hope that my thesis will serve as a kind of solidarity-based critique: pointing to essentializing and problematic tendencies within these commissions while at the same time being partial in the sense of acknowledging the existence of structural racism and supporting the overall aim of protecting a highly contested public policy. With this in mind, the next subsection will sketch out the methods used as well as the positionality with which I approached my field.

1.4 (Un-)Learning to see race? Some reflections on my methods and positionality

In the previous section, I have described that the way in which I approached my field was marked by a tension. On the one hand, I drew on an analysis of race as relational object that is enacted in practices. In doing so, I wanted to draw attention to the fact that it could also be enacted differently (or not at all). On the other hand, I did not want to ignore the very real effects of race as a category of difference and wanted to take into account that the Brazilian hetero-identification commissions were being operationalized mainly by persons who themselves were affected by racism – an experience that I did not share. In this section, I will discuss how I approached my field in light of this tension, which relates to what M’charek

(2013, 424) has described as the main challenge in studying race: namely, “to denaturalize without dematerializing it, and to simultaneously attend to materiality without fixing race.”

In the attempt to face this challenge, I approached my field symmetrically (cf. Law 2004, 101ff) – that is, I tried to understand what was going on in the hetero-identification practices’ own terms and logics (cf. also Netz 2015, 9). I thus attempted to learn how the different actors carried out and described the assessment practices and tried to sideline my own experiences and techniques of ‘seeing race.’ Not least, this meant to “denaturalize [...] the practice of *seeing* as an assumed unmediated operation” (M’charek and Schramm 2020, 322; emphasis in the original). This was particularly important in light of the fact that the doing of race within the hetero-identification commissions was a mainly visual process in which commission members were supposed to look at the candidates ‘with the eyes of society.’ As described above, this notion runs the risk of suggesting that there are readily racialized bodies out there that the commissions merely need to capture correctly. In contrast, a relational, practice-oriented approach – which frames race as something that “does not materialize in the body, but rather in relations established between a variety of entities, including bodies” (M’charek 2013, 434) – calls into question the widespread notion of race as something that is immediately visually evident. Accordingly, in this understanding, vision “is not about an objective ‘re-presentation’ of a pre-given reality, a ‘god eye view,’ but is always a partial, situated, and a ‘technologically’ mediated practice,” as Plájás, M’charek, and van Baar (2019, 590) remind us with reference to Haraway (1991b). In the case of the Brazilian hetero-identification commissions, this technological mediation takes place, among other things, via the spatial arrangement within the commissions, the forms to be filled out, the policy guidelines that formalize the commissions’ work, the sociological theories that inform the commissions’ decisions, etc. I explored the commissions as a mode of “making populations visible” (Plájás, M’charek, and van Baar 2019, 590) via specific technologies of vision – and, as Haraway (1988, 587) has pointed out: “Technologies are skilled practices.” My aim thus consisted in acquiring – or at least understanding – the ‘skilled gaze’ that the commission members already had.³⁰

³⁰ For more on the idea of a skilled gaze, see Chapter 4.

To this end, I applied a number of methodological strategies inspired by grounded theory and situational analysis (cf. A. Clarke 2005). One of them was to do participant observation in workshops for members of verification commissions. By participating in such workshops at four different institutions, I gained insights into various approaches to introducing prospective commission members to this particular ‘technology of vision.’ Furthermore, I visited two public seminars in person and assisted several others online in which practitioners, administrative officials, university representatives, legal experts, social scientists, and employees of companies organizing selection processes for the public service discussed strategies for the implementation and standardization of hetero-identification procedures. I complemented this participant observation by a detailed analysis of governmental guidelines, institutional documents and protocols as well as legal cases concerning the hetero-identification procedures in a range of institutions.

My most important methodological strategy, however, consisted in the silent observation of thirteen hetero-identification commissions that took place in the context of four different selection processes for the public service. CEBRASPE – the company that, as described above, formed one of my main sites of research – organized three of these selection processes, which took place in the Northeastern cities of Salvador and Fortaleza and in the Brazilian capital Brasília between August and December 2017. The number of evaluated candidates in these three selection processes differed significantly between 25 and 600. Accordingly, the verification procedures took between half a day with only one commission evaluating and two days with several commissions working in parallel. The fourth selection process was a very small municipal one in São Paulo in which I happened to observe the hetero-identification procedure quite spontaneously. I complemented these live observations with the sighting of selected video recordings of the assessment of approximately thirty candidates in three different selection processes organized by CEBRASPE that had taken place in the states of Pernambuco, Paraná and the Federal District. Furthermore, I could assist one in-person meeting in which a hetero-identification commission assessed video recordings of those candidates who had appealed against their rejection in a selection process.

In addition to my silent observations of and informal conversations with these commissions, I conducted fourteen semi-structured interviews with commission members from various

institutions. Usually, these persons were either researchers working on questions of race and racism, activists of the Black movement or employees of the public administration that had to do with the implementation of anti-discrimination policies. For them, the participation in a hetero-identification commission represented a sporadic sideline activity to which they usually were invited via existing academic and personal networks.³¹ Other important interlocutors were five representatives of the above-mentioned Secretariat for Policies Promoting Racial Equality (SEPPIR), the Ministry of Planning, and the *Ministério Público*. Furthermore, I conducted interviews with four representatives of the Foreign Ministry, which had been one of the first governmental institutions to introduce affirmative action measures. Other institutional interviewees included administrative staff from three different universities and from two municipal authorities about their experiences with the implementation of verification procedures. Most of my interlocutors in these institutions already had participated in hetero-identification commissions, so that their experiences with this work also fed into our conversations.

Particularly in the early stage of my research process, I also interviewed a range of social scientists – twenty-one in total – who had been doing research on affirmative action, race, and racism in Brazil. The aim of these conversations was to gain broader insights into my research field and to learn about their perspectives onto the recently introduced hetero-identification practices. The juridical evaluation of these practices was at the core of my interviews with six legal experts. As the call for the introduction of verification practices came not least from activist groups of the Black movement, I furthermore interviewed six members of such NGOs and initiatives in different parts of the country (Brasília, São Paulo and Porto Alegre). All in all, the number of interviews that I conducted over the course of my research amounted to eighty-two.³²

This also included seventeen interviews, conducted during my third research stay in 2018, with candidates that had been evaluated by hetero-identification commissions. Of these candidates, ten had been accepted and seven had been rejected by the respective

³¹ For a more detailed discussion of the composition of these commissions, see Section 3.2.2 and Chapter 4.

³² See also the list in the appendix of this thesis.

commission.³³ During my first two research stays in 2016 and 2017, I had been in much closer contact with those regulating the verification practices as well as with members of such commissions – i.e., with the classifying side. This was due, among other things, to the fact that my research focus was much more on the administrative-bureaucratic regulation and production of human difference than on the individual understanding of, or identification with, the respective categories. However, the candidates of course participate in the doing of race within these commissions. Without a ‘candidate-body,’ the enactment of the *cotista* is not possible (cf. Mol 2002, 24). My interviews with candidates – whom I got to know via journal articles that reported of supposed cases of fraud as well as via personal contacts – focused less on the technology of vision as such, but rather on how those that were made visible by it tried to navigate this specific gaze and what consequences the acceptance or rejection by a commission had for them.

Throughout the entire research period – that is, not only during my on-site stays – I kept a digital field diary in which I noted observations and reflections regarding personal interactions, interview situations, and the like. For the coding of my research material – interview transcripts, field notes, legal and institutional documents, social media posts, and workshop material – I used the data analysis software MaxQDA.

Just like any researcher, I did of course not apply these methodological strategies from a neutral position from which I had some kind of ‘meta-perspective.’ As Haraway (1988, 582) has taught us, “that view of infinite vision is an illusion, a god trick.” Instead, my attempts to explore the technology of vision applied by the hetero-identification commissions and to

³³ It is very difficult to find out anything about the average distribution of outcomes in hetero-identification procedures. During a public event I attended in 2017, a CEBRASPE representative gave the following numbers: Of the approximately 36,000 candidates CEBRASPE summoned to hetero-identification proceedings since such commissions had become mandatory, 45.17 per cent were considered *negros* and 5.46 per cent were rejected the *cotista* status. Approximately 47 per cent were absent – that is, they did not appear before the commission and were thus excluded from the selection process. The audience in the room commented on the high number of no-shows with laughter: many seemed to see this as evidence that these were persons who had declared themselves to be *negros* without actually fulfilling this condition. During the same event, the representative of another institution reported that in their past selection processes, the number of candidates that were accepted as *cotistas* ranged from 65 to 82 per cent, the number of rejected candidates ranged from 13 to 25 per cent, and the number of candidates who did not appear before the commission ranged from 5 to 13 per cent (Field notes; September 14, 2017).

understand this ‘skilled practice’ were strongly informed by the ways in which I myself had learned to see (something called) race over the course of my lifetime. In my case, this learning process had taken place mainly in Germany. I suppose that this aspect helped me to ask different questions and perceive other aspects than someone who has lived in Brazil all their life. For example, I was less familiar with the clothing styles or hairdos that many of my interlocutors clearly associated with certain racialized and/or classed positions. Maybe this made it easier for me to keep an agnostic distance regarding the question of whether candidates were classified ‘correctly’ in these practices – and thus to focus on the *doing* (and potential undoing) of race that I aimed to address in my research. At the same time, it would have been naïve to deny the reality and ‘stickiness’ of race as a category of difference – which meant to recognize that I was unambiguously seen as White in the Brazilian as well as the German context. My positionality within my research field thus was characterized by a tension similar to the one I described at the beginning of this section. On the one hand, I aimed to denaturalize race as a category of difference – and therefore would not argue that my knowledge production has been shaped by my (racialized, gendered, classed, etc.) position in an essentialist way. At the same time, I did not want to dematerialize this category of difference, but take into account its very real effects – and would therefore find it politically, and thus also theoretically, problematic to claim that my speaker position was supposedly unaffected by these aspects.

In the case of my specific research field, I would argue that three aspects of my positionality were particularly relevant: being nationalized as German, being racialized as White and being trained as an anthropologist.³⁴ Given that many of those who advocated for and pushed the implementation of verification practices positioned themselves as *negros*, my racialized position differed from that of many of my key interlocutors. Together with my being German, I therefore had the status of both a national and a “racial outsider” (Abel 2022, 23) in much of

³⁴ Another key aspect – namely, having a middle-class economic background – was less relevant, since many of my interlocutors in the field shared this positionality. Although there were certainly differences in terms of material security between my Brazilian interlocutors and me as a citizen of a rich country from the Global North, these differences did not matter so much since my research took place predominantly in academic and institutional contexts of Brazilian metropolises. Economically and socio-culturally, my Brazilian counterparts were therefore much more similar to me than would have been the case if I had conducted research in rural poor areas of Brazil, for example.

my research field. This outsider status interacted in important ways with my status as an anthropologist. After all, Brazilian anthropology was deeply enmeshed in the debate on hetero-identification commissions, and as mentioned earlier, some of the most prominent critics of affirmative action policies in general and of verification practices in particular had been anthropologists who were considered White in the Brazilian context. Thus, being a non-Brazilian (albeit White-positioned) anthropologist probably facilitated my access to the field: I assume that otherwise, many protagonists of the hetero-identification commissions would have met me with much more reluctance.

Being a *German* anthropologist, the fact that I was researching racial classification practices often received special attention. After all, the comparison with racist theories and practices from Nazi Germany is one of the main ‘specters’ haunting the field of hetero-identification. Against this background, I had the impression that many of my interlocutors assumed that I would be particularly skeptical of verification commissions and of the general idea of racially classifying a state’s citizens. They therefore either supposed that I would share their critical attitude toward these commissions or felt that they needed to explain particularly well why they defended these practices. And indeed, the fact that I came from a “categorisation-averse context” (J. K. Aikins 2016) surely influenced my way of thinking about the Brazilian verification practices and was one of the reasons why I became interested in this topic. After all, the question of whether and how historically marginalized groups should be statistically recorded had been increasingly discussed in Germany in recent years, with the administration’s decades-long reluctance to collect such data gradually changing. In this context, especially self-organizations of people affected by racism demanded that so-called (in)equality data should be collected, and I found their argument convincing that this kind of data would be a “key prerequisite for political and legal remedies as well as civil society mobilization” (ibid., 4).³⁵ My perspective on and interest in the Brazilian hetero-identification commissions was shaped not least by these debates – and thus by the question of how to “enable strategic,

³⁵ A particularly prominent result of these debates was the “Afrozensus” (M. A. Aikins et al. 2021), a survey conducted by Black self-organizations – that is, by the affected community itself and not as a top-down state practice – of the “life realities, experiences of discrimination and perspectives of Black, African, Afrodiasporic people in Germany” (EOTO n.d.).

political subjectivations for racialised groups in ways that avoid re-essentialisation” (J. K. Aikins 2016, 8; cf. also Liebscher, Naguib, Plümecke, and Remus 2012; Supik 2014).

Being a *White* anthropologist who was interested in these issues had different implications in different parts of my field. In some research contexts – especially the more official and institutionalized ones in which being White represented the norm –, my Whiteness may have had the effect that I was seen as a ‘neutral’ observer. Given the highly politicized and contested nature of the hetero-identification commissions and the fact that Black social movements had strongly advocated for their implementation, a Black-positioned anthropologist would likely have been ascribed quite automatically the role of being in favor of these commissions and of conducting ‘politically motivated’ research. This dynamic is of course an expression of deeply rooted structural racism, as a result of which Whiteness as the invisibilized norm is equated with neutrality and objectivity, while Black researchers are quickly deemed biased.

In other research contexts, my status as a White anthropologist researching a mechanism aimed at identifying *negros* caused irritation among some of my Black-positioned interlocutors. While many of them were very open and explicitly welcomed the fact that a White-positioned person was doing research on this topic, I was met with suspicion by a few Black-positioned protagonists who had advocated the introduction of verification commissions. They seemed irritated by my strong interest in ‘their’ politics and, echoing an important concept in current antiracist and feminist debates not only in Brazil, urged me to reflect on my *lugar de fala* – that is, my speaking position (cf. D. Ribeiro 2017). They feared being seen as mere study objects and material suppliers and were therefore reluctant to talk to me. And indeed: as a White, Western anthropologist doing research in a country of the Global South I had in some ways a fairly ‘classic’ (and rightly much criticized) position. In an attempt to deal with this situation responsibly, I explicitly framed my research not as a research on ‘what it means to be Black’ or anything similar. After all, I did not want to make Brazilian *negros* my object of study, as it has a long tradition especially in anthropological

research.³⁶ Rather, I focused on the actual bureaucratic processes of turning race into a public policy category – that is, on the administrative attempts to operationalize this specific category of difference. As I will show throughout the thesis, Black-positioned individuals played a very prominent role in these processes. Thus, large parts of my interlocutors in the field were *negros*. However, they did not become the subject of my research in their quasi-essential capacity as *negros*, but in their capacity as actors who pushed this process forward – not only, but also because of their own experience of racism.

While I did not share this experience of racism, another aspect of my positionality helped me to solidarize and empathize with the resulting marginalization – namely, my being gendered as a woman. On the one hand, this aspect did not seem all too relevant throughout my research since many of my interlocutors shared this positionality and since gender aspects did not play a central role within the hetero-identification practices. On the other hand, however, it had some importance for myself since an exchange about similarities and differences between racist and sexist discrimination could create a common ground with my interlocutors, especially since my being White sometimes made me feel like an intruder and insecure about the legitimacy of my interest in this research topic. Reference to my own experiences as a (albeit White and in many other ways privileged) woman sometimes helped me explain my interest in the dilemma of wanting to make a category of difference obsolete, but also having to emphasize it while it is still so powerful.

In this context, I sometimes had to think of the famous lines by the Afro-American poet and activist Pat Parker (1978, 68): “The first thing you do is to forget that I’m Black. Second, you must never forget that I’m Black.” It is in this spirit that I have tried to approach my field: by taking into account my own situatedness as well as that of my interlocutors without, however, ascribing an essential, supra-temporal quality to the corresponding categories.

³⁶ In this regard, Alberto Ramos (1995, 215) has coined the term “*negro-tema*,” by which he meant that social scientists still often treat *negros* as “‘a thing to be examined, looked at, seen, either as a mummified being, or as a curious being,’ but not as subjects endowed with reflective and transforming capacity, that is, as ‘*negro-vida*,’ that which ‘does not allow itself to be immobilized’” (quoted in G. H. L. Nunes and Santos 2019, 641).

1.5 Overview of the chapters

This introduction is followed by four chapters and a conclusion. Chapter 2 analyzes different attempts to define the target group of affirmative action since this is a key question regarding the operationalization of the social gaze. To this end, I first outline the narrative of Brazil as a highly mixed and harmonious ‘racial democracy,’ which is a central point of reference for these attempts and underlies the entire labyrinth that this thesis aims to trace. Afterwards, I briefly sketch how, against this backdrop, affirmative action policies were introduced from the early 2000s onwards and I discuss the different target group definitions at universities and in the public service – with the former using a mix of class- and race-based criteria and the latter being race-based only. Next, this chapter traces the heated debate that developed in the wake of the introduction of these policies particularly within Brazilian anthropology, and which revolved in large part around the question of whether a clearly definable group of *negros* exists to whom these measures could be directed. Subsequently, this chapter analyzes some of the key attempts to define who is *negro* in Brazil. In line with how I described my research interest above, this analysis does not aim to identify the ‘most correct’ attempt. Rather, by pointing out that discursive, legal-bureaucratic, activist, and scientific practices produce different versions of Blackness, it lays the ground for my subsequent analysis of how specific versions of the *cotista* are enacted within the hetero-identification commissions.

Before turning to these concrete assessment practices, Chapter 3 analyzes the attempts of an interministerial working group to translate the social gaze into administrative standards. Set up by the Brazilian Planning Ministry at the end of 2016, this group had the task to specify the hetero-identification procedures and to elaborate suggestions for a more detailed guideline that would replace the one that had been published in August 2016. Drawing on my participant observation of public events organized by this working group, its protocols and final report, and my interviews with some of its members, I first analyze the fact that some of its protagonists described themselves as ‘lone fighters’ who were quite marginalized within their own institutions as indicative of the way in which the issue of anti-discrimination was (not) addressed by the Brazilian state. Subsequently, I examine how the working group tried to operationalize the social gaze and how, in that process, it struggled with the dilemma of establishing hetero-identification procedures that would be legally accepted, while at the

same time trying to avoid associations with objective criteria in the sense of numerical indicators as they were used in scientific racism. I argue that the meandering resulting from this struggle must be analyzed as a key aspect of any attempt to turn race into an administrative category of difference.

Chapter 4 analyzes how the 'bureaucratic ritual' established by the interministerial working group played out in the concrete assessment practices. Building on my close observation of the hetero-identification of approximately 200 quota candidates and on my interviews and informal conversations with commission members, I trace in detail how the *cotista* comes into being in these classification practices. To this end, I systematize different registers upon which commission members draw in this process – and thus trace a complex entanglement of practices, knowledges, and regulations that come into play in the administrative making of the *cotista*. In the course of this analysis, I point out that there is a tension between the idea of a supposedly universal social gaze according to which 'everybody' knows who is *negro* in Brazil, and the idea of a skilled gaze according to which the hetero-identification work is something extremely difficult and challenging one has to learn. I therefore conclude the chapter by examining a workshop situation in which future commission members were supposed to acquire and train this specific skilled social gaze.

In order to deepen the understanding of how the *cotista* and race as a category of difference are done in the specific context under study in this thesis, Chapter 5 zooms into three 'borderline' cases – that is, cases of candidates whose classification as *cotista* was a matter of controversy. In the attempt to complicate the notion of fraud – an accusation that is regularly raised against candidates who were rejected by verification commissions –, this chapter examines on which basis some candidates are 'sorted out' (cf. Bowker and Star 2000) from the target group of affirmative action respectively claimed their belonging to this group. On the one hand, this chapter thus traces experiences of 'torque' (cf. *ibid.*) that this classification system causes for those who do not fit neatly into the respective categories, and sheds light on the exclusions that the hetero-identification system produces. On the other hand, it makes clear that the debate about such cases takes place against the backdrop of a centuries-long history of slavery and social exclusion, during which (proximity to) Whiteness came to be associated with privilege and power. It therefore brings these cases in conversation with the

issue of colorism, which has been hotly debated in the Brazilian Black movement over the past decade. The tension that is at the heart of this debate – namely, whether lighter-skinned *negros* should be encouraged to embrace their Blackness or rather be urged to reflect on their privileges – is what makes the hetero-identification procedure ‘torquing’ for cases like the ones I discuss in this chapter. I therefore conclude the chapter by reflecting on what is at stake in the debate on borderline cases and by pointing to the risk of building walls instead of bridges (cf. F. Rios 2018).

In the conclusion, I first reflect on a major change that occurred in my research field during my writing process: namely, the election of right-wing extremist Jair Bolsonaro as president of Brazil. Analyzing the open rejection of quota policies as a key element of Bolsonarismo, I sketch the larger context in which the Brazilian affirmative action policies have been situated in recent years – and which will therefore provide the backdrop for the reconstruction that will have to follow Bolsonaro’s recent ouster. Subsequently, I summarize the key arguments of my thesis and reflect on the mode of anthropological critique that I have tried to adopt in it. By taking seriously and examining in great detail what the 2016 statement of the Brazilian Anthropological Association called the “‘guesswork’ [*achismos*] of occasional authorities” (ABA 2016, 2), I wanted to provide with my thesis a more nuanced criticism of the hetero-identification commission and the related knowledge production. This is what I see as the main contribution of my fine-grained, praxiographic analysis of the labyrinth surrounding these highly contested classification practices.

2. Addressing racism in the ‘racial democracy’: who is the target group of affirmative action?

In September 2019, several Brazilian news sites published articles about a student who had applied to a university for one of the vacancies reserved for *negros* and who had been rejected by a commission that deemed her “[too] light to be Black.” The student declared herself to be *parda*, thus classifying herself as belonging to a huge residual census category addressing people of ‘mixed’ descent (see Section 1.1). One of the articles describes that the student had “thick, brownish lips, a broad nose, brown skin – all the phenotypical features required by the call for applications” and that she therefore “didn’t even think about applying outside of the quota system” (Cáceres 2019). Furthermore, the article quotes the student as saying that one of the commission members justified her rejection as a quota candidate by arguing that she would “lean toward White,” whereas the university would prefer *pardo* candidates who were “leaning toward Black [*puxados para o negro*]” (ibid.).

This case – which is just one among hundreds of similar cases at universities and in selection processes for the public service in Brazil – is typical of the Brazilian debate about the legitimate target group of affirmative action, which I will focus on in this chapter. This debate is repeatedly sparked by alleged cases of fraud – i.e., cases in which individuals are accused of having unrightfully applied for a quota vacancy. As described in the introduction, such cases were the reason why so-called hetero-identification commissions were introduced into the Brazilian public service in 2016 and increasingly at public universities in subsequent years. Like in the case just mentioned, those who were rejected by these commissions usually were defined or self-defined as *pardos*. This has to do with the fact that the federal law which established affirmative action policies for the Brazilian public service defines ‘*negros*’ as their legitimate target group and specifies this term as “those who self-declare as *pretos* or *pardos* upon registration for the public competition” (Brasil 2014, 3). As I will describe in more detail in Section 2.4.1, the aggregation of these two categories under the umbrella term *negro* nowadays is quite common in official Brazilian statistics and was advocated by the Brazilian Black movement for a long time. By encouraging *pardos* to identify themselves as *negros*, they

wanted to raise their ‘racial consciousness’ in order to counteract the ideologies of ‘racial democracy’ and of Whitening via ‘mixture’ (cf. Powell and Silva 2018). However, in the context of affirmative action, the aggregation of these two categories was increasingly seen as a problem by those who feared that people would make ‘illegitimate’ use of the affirmative action policies. After all, as many of my research interlocutors stated, these policies introduced the novelty that, for the first time in Brazilian history, it could be an advantage to be Black. Through affirmative action, it thus became more attractive to claim a *negro* subjectivity – and the fact that *pardos* counted as part of this category significantly increased the number of those who could compete for two highly contested resources: free education and public service employment. Given that affirmative action measures were intended to provide historically marginalized groups with better access to these resources, the question once again arose as to whether all *pardos* belonged to such a group. As Marques Travae – creator and main author of the blog *Black Brazil Today* – notes in a 2021 blog post, the question of whether *pardos* should count as part of the Black population of Brazil is an old one and, in his view, needs to be decided by the Brazilian *movimento negro* at some point. For, as he states: “You cannot claim that all *pardos* are *negros* when it is time to claim Brazil has the largest black population outside of [Africa], but then label them [sic] as white or not ‘black enough’ in other instances” (Travae 2021). Thus, the debate about the legitimate target group of affirmative action is at the same time a debate about the constituency of the Brazilian Black population, and therefore politically highly contested.

This debate resonated in the statements of many of my interlocutors. Given that the *pardo* category is meant to encompass all those with ‘mixed’ descent, several of my interlocutors stated that in Brazil, almost everybody could be considered *pardo*. Through such statements, they referred to the narrative of Brazil as a highly ‘mixed’ country in order to explain why, in their view, not every *pardo* was entitled to affirmative action. Others, however, clearly rejected this notion. For them, it was an important achievement of the Black movement to define *pretos* as well as *pardos* as part of the Black population in Brazil. Either way, many protagonists in the debate described “the problem of the *pardo*” as the central difficulty in how to define the target group of affirmative action (cf. also Muniz 2021, 184). In this chapter, I do not want to reproduce this understanding, as this would mean to take this category of

difference for granted. Rather, I aim to analyze the entire attempt to define the target group of the quota policies – and thus also the question to what extent *pardos* belong to this group – as part of the enactment of race in a specific context. In the case of Brazil, this context is strongly marked by the ideology of *mestiçagem*, and thus by the idea that due to the high degree of ‘racial mixture’ it would be impossible to tell who is Black – and therefore entitled to affirmative action – and who is not. With constant reference to this narrative, the attempts to define the legitimate target group of affirmative action therefore revolve around the “difficult task of defining who is *negro* in Brazil” (Munanga 2004b).³⁷

In seeking to answer this question, the respective actors enact different kinds of Blackness, as I will show in Section 2.4. However, before doing so, I will give a short overview of the narrative of Brazil as a highly mixed and harmonious ‘racial democracy,’ since this is a central element of these enactments (Section 2.1). Subsequently, in Section 2.2, I will briefly sketch the history of affirmative action in Brazil and will discuss the different target group definitions at universities and in the public service. Section 2.3 will then outline the “culture war” (Bailey and Peria 2010) which followed the introduction of affirmative action policies in the beginning of the 2000s, since this ‘war’ addressed some of the core dilemmas of race-based affirmative action – including the question of who belongs to their legitimate target group. As the public discourse around affirmative action in general – as well as around the hetero-identification commissions in particular – thus revolves very closely around the question of who can count as *negro* in Brazil, Section 2.4 will systematize some of the key attempts to answer this question. However, I do not do so in order to identify the most ‘correct’ answer. Rather, I aim to substantiate the claim made by critical scholars studying the (un-)doing of difference (cf. Hirschauer 2014) that categories such as Blackness are not given, but rather are laboriously and precariously enacted (see also Section 1.3). Building on this analysis, the last section of this chapter (2.5) will then discuss why the very restricted enactment of Blackness as phenotype has become dominant in the attempt to address racism in the Brazilian “pigmentocracy” (Telles and PERLA 2014) – and in what ways this represented a move away from an understanding of Blackness as a political category.

³⁷ For an overview of how Blackness has been conceptualized in the anthropological research on race and racism in Brazil, see Audebert, Jardim, Joseph, and Pinho (2022).

2.1 The narrative of a Brazilian racial democracy: “unaccomplished potential” or “instrument of domination”?

As I just mentioned, the debate about the legitimate target group of affirmative action is closely linked to the narrative of a foundational *mestiçagem* (see footnote 7 in the introduction), according to which the Brazilian population developed out of a harmonious ‘mixing’ of Europeans, Africans and indigenous people. A central origin of this narrative lies in the Hispanist movement of the early 20th century, within which Latin American intellectuals sought “to identify the specificity of Iberian civilization” (Guimarães 2013, 8). One particularly prominent representative of this movement was Gilberto Freyre – a Brazilian sociologist and writer who, between the 1930s and 1950s, promoted the idea of a “Portuguese (and therefore Brazilian) racial exceptionalism” (W. Anderson, Roque, and Santos 2019, 1). According to this idea – also coined as *lusotropicalism* –, the Portuguese had been “more inclined to racially intermix with peoples of the tropics” and therefore had been “a softer, more benign colonizing nation” than other European powers (Arenas 2005, 8).³⁸ For Freyre, one of the reasons for this was the repetition of a “process of cultural and racial miscegenation,” which the Portuguese supposedly had undergone with Arabs and Jews in their motherland, and which then took place again in colonial Brazil between Portuguese settlers, enslaved Africans and indigenous populations (M. V. de Almeida 2008, 4f). As a result, Brazil would have developed into a “convivial mixed-race society” characterized by a high degree of social and cultural proximity between colonizers and colonized (W. Anderson, Roque, and Santos 2019, 1). In his main study, *Casa-Grande & Senzala (The Masters and the Slaves)*, published in 1933, Freyre painted this image not least in contrast to the US context, as he “implicitly juxtaposed American racial segregation and Lusophone racial mixing” (ibid.) – a comparison that is often drawn to this day.

³⁸ The idea of a Portuguese exceptionalism particularly gained importance under the Salazar dictatorship ruling Portugal from 1926 onwards. Aiming at the reestablishment of a Portuguese global power, the authoritarian regime attributed great significance to the remaining colonies, especially in Africa, and created an image of Portugal as a “multiracial and multi-continental nation” (M. V. de Almeida 2008, 7). Miguel Vale de Almeida (2002, 37) notes that at that time, Brazil already was a projection of the fantasy that the Portuguese were the better colonizers, with the Portuguese regime describing the Brazilian case a role model for the allegedly humanistic and multicultural colonization in Africa.

Historians, sociologists and antiracist intellectuals alike have thoroughly criticized the idea of a Brazilian racial democracy for ignoring and/or romanticizing a violent colonial history.³⁹ Yet this myth, until today, forms the basis of the powerful ideology of *mestiçagem* according to which Brazil is a “meeting point” that underwent “a process of genetic mixing that is unprecedented in the entire history of humanity” and that generated the “*homo brasiliis*” (S. Pena 2002, v; cf. also R. V. Santos, Kent, and Neto 2014). As Sérgio Costa (2007, 145) explains, in Freyre’s day, advocates of this narrative wanted to shape the image of a culturally and biologically ‘mixed’ nation in which racial divisions would no longer be of importance. Fundamentally, they intended to draft an alternative to the powerful race theories of the beginning of the 20th century that advised against any ‘racial interbreeding.’ Accordingly, what was new about the approach of Freyre (and other intellectuals and scientists of his time, cf. R. V. Santos, Kent, and Neto 2014) was the positive interpretation of *mestiçagem*, which until then had been considered a source of degeneration and an obstacle to Brazil’s development. Furthermore, after World War II, miscegenation was seen as “an alternative to ethnic and racial exclusions that had triggered the Jewish holocaust and had been a source of violent conflicts in the United States during the Jim Crow era and in South African apartheid during the 1950s and 1960s” (G. M. Silva and Saldivar 2018, 427). However, even though the notion of a racial democracy had progressive aspects, it nevertheless was based on the idea of inherent characteristics that different fixed and clearly definable population groups would contribute to the ‘mestizo Brazilian race.’ Thus, the emphasis on miscegenation might have “an unaccomplished potential that can become a political project for the future” (M. V. de Almeida 2004, 79), but it remains ambiguous due to its underlying essentialist assumptions. Furthermore, for many advocates of miscegenation, the ‘mixing’ also pointed the way to the *embranquecimento* (Whitening) of the Brazilian population – i.e., to a “process of the elimination of blackness and indigenosity from the national body politic in favour of whiter types of mestizos” (Wade 2004, 357).

Not least, the narrative of a harmonious racial democracy could turn into a “dangerous ideology” to the extent that the utopia of such a mestizo-democratic Brazil was being presented as an already existing reality (Armbruster 2000). This is what happened under the

³⁹ For a detailed chronology of the coining of the term ‘racial democracy,’ see Guimarães (2005).

Brazilian military dictatorship, which ruled the country from 1964 until 1985. Proclaiming Brazil to be a unitary ‘mestizo nation,’ the regime pursued a policy of forced integration vis-à-vis historically marginalized population groups and “characterized criticism of racial democracy as ‘acts of subversion’” (Nobles 2000, 111). In line with this reasoning, the question “What is your color?” – which had been part of the national census since 1872 (see also Section 1.1) – was removed from the 1970 census survey (ibid.).⁴⁰ In the 1980s census, the question was reincluded due to respective demands and political pressure by social scientists and parts of the Black movement (cf. Nobles 2000, 116), but also thanks to the engagement of officials from the institute responsible for the census, the IBGE⁴¹ (cf. Powell and Silva 2018, 98–102). It is quite telling that Gilberto Freyre himself opposed the reintroduction of the color question into the national census, arguing that “Brazilians were simply Brazilians” (cited in Nobles 2000, 117). By this time, however, the idea of a unified ‘mestizo nation’ expressed in Freyre’s statement had increasingly come under attack. The reinclusion of the color question into the census was only one expression of a more general move towards a critical evaluation of “ideologies of racial mixture [...] as myths that conceal (and thus support) the reproduction of racial inequalities” (G. M. Silva and Saldivar 2018, 427). In the course of the redemocratization process – which started in the late 1970s –, organizations like the newly founded “Unified Black Movement” (*Movimento Negro Unificado*, MNU) strongly criticized the idea of a “full symbolic integration of Blacks into the national identity” (S. Costa 2007, 168) as expressed in the image of a ‘miscegenated rainbow nation.’ For them, the myth of a racial democracy represented “not only a manipulation of reality, but also an instrument of domination that keeps Blacks from recognizing their social subordination” (ibid.).

In line with the move away from the image of a unified mestizo nation, the new constitution that was elaborated after the end of the military dictatorship marked a turning point in how the Brazilian state addressed the situation of historically marginalized groups. Taking into

⁴⁰ Brenna Marea Powell and Graziella Moraes Silva, however, describe that analysts working at the IBGE at the time “attributed the decision [to remove the color question from the census] to debates over the concept’s scientific validity” and “maintained that political intervention was not responsible for the exclusion” (2018, 97). According to the authors, there is “no conclusive evidence that the 1970 exclusion followed directly from regime intervention” (ibid.).

⁴¹ The *Instituto Brasileiro de Geografia e Estatística* (Brazilian Institute of Geography and Statistics, IBGE) is the agency responsible for the official collection of statistical and geographic information in Brazil. Among other things, the institution conducts the national census survey.

account the “processes of (re-)ethnicization” that had taken place since the beginning of the 1980s particularly among Black and indigenous groups in Brazil, the so-called ‘Citizen Constitution’ no longer pursued an assimilationist approach, but instead promoted a “‘difference-sensitive’ or rather difference-producing politics of recognition” (ibid., 157f). One important result was the fact that indigenous and *quilombola* communities were enabled to assert land rights based on their group belonging (cf. ibid.).⁴² By “providing a basis for social policies specially directed at ameliorating the social standing of excluded groups” (Moreira 2016, 489), the 1988 Constitution furthermore paved the way for affirmative action measures. These measures, however, differed significantly from the just-mentioned policies providing modest provisions for minority groups considered ‘culturally different’ (i.e., indigenous groups and *quilombolas*). While these policies were a typical expression of what Donna Lee Van Cott (2000, 282) has called “multicultural constitutionalism,” the affirmative action policies were governed by a logic of “social justice, in the terms of an egalitarian liberalism” – based on the understanding that *pretos* and *pardos* “do not constitute cultural groups per se, but racially discriminated groups” (Júnior and Campos 2016b, 287). Accordingly, Black social movements that had started to advocate for the implementation of affirmative action from the mid-1990s did not rely on an emphasis of ‘cultural difference’ in their campaigning. Rather, they scandalized the inequalities they still faced, even though the Brazilian state – just like many other Latin American countries – “largely treated blacks in legal terms as ordinary citizens, presumed fully assimilated into the *mestizo* nation” (Paschel 2018, 8). Thus, when Black Brazilian activists traveled to Durban, South Africa, in August 2001 as part of one of the largest delegations to the United Nations’ Third World Conference Against Racism, they did so “equipped with official statistics on racial inequality and discrimination in their country” (ibid., 1). Indeed, they successfully pressured the government of then-president Fernando Henrique Cardoso to implement “unparalleled race-based affirmative action policies with the goal of proactively addressing racial inequality and discrimination” (ibid., 2) – and in doing so

⁴² *Quilombos* are the settlements of descendants of escaped slaves (*quilombolas*), known as maroons in other parts of the Americas. The fact that the 1988 Constitution made identification as indigenous or *quilombola* more attractive resulted in a complex process that Costa (2007, 158) calls the “construction of a quilombo ethnicity,” in the course of which “the term quilombo became a controversial concept over which anthropologists, authorities, parliamentarians and representatives of social movements fight.” For a detailed discussion of the related processes, see, e.g., Escallón (2019), French (2009).

“overcame significant ideological and material odds to ultimately transform citizenship regimes previously based on homogeneity and formal colorblindness” (ibid., 3).

2.2 Combining race and class – or not: different target group definitions at universities and in the public service

From the early 2000s, an ever-growing number of public universities throughout the country adopted quota policies.⁴³ However, while “the movement for affirmative action [had] emerged, to a large extent, as part of a push for an explicit recognition of racism as a problem in Brazilian society and for race-conscious policies to address them” (Schwartzman and Paiva 2016, 3), most universities used a combination of different criteria to define the target group of their quota policies (cf. ibid., 6ff). In particular, class became relevant, with many universities making public school attendance – as a proxy criterion for low income – a prerequisite for admission as a quota candidate. Luisa Schwartzmann and Angela Paiva (2016) mention several reasons for the move to define quota candidates through a combination of race- and class-based criteria. For one thing, a reframing of the quota policies as addressing not only racism but also class-based exclusion helped forge alliances with students from poor neighborhoods as well as with politicians who were engaged in class-based rhetoric (ibid., 3). Furthermore, many of the university staff interviewed by Schwartzmann and Paiva reported that the idea of introducing affirmative action for Blacks was met with much more resistance than that of introducing such measures for graduates of public schools, indigenous students, or disabled persons (ibid., 15). According to them, within the university councils there was “a general understanding that, unless racial quotas were introduced in combination with additional ‘social’ criteria [...], they would not be approved by the councils” (ibid.). Arguing that “class-based ideas of social inclusion have long been accepted in arguments for justice in Brazil,” Schwartzmann and Paiva conclude that “the subordination of race to class provided a

⁴³ For a list of the more than 120 institutions of higher education that implemented quota policies between 2002 and 2012, see J. J. de Carvalho (2016, 56ff).

compromise solution that was acceptable within the context of the higher education administration” (ibid., 2).

The question of how race and class correlate in the Brazilian racial formation has been of interest to social scientists for decades and cannot be addressed in detail here (for a few examples, see Fontaine 1985; F. Rios, Gato, and Sotero 2016; Skidmore 1983; Winant 1992). Many of these studies have shown that the two categories are closely intertwined – with one key indicator being the massive police violence inside *favelas*, whose residents are predominantly *pardos* and *pretos* (cf., e.g., Mitchell and Wood 1999; Vargas 2018).⁴⁴ Roberto Martins, president of the Institute for Applied Economic Research (IPEA), once summarized the analysis of a strong correlation between race and class as follows: “poverty in this country has a color, and that color is black” (quoted in Penha-Lopes 2004, 2014). The way in which the university quotas were operationalized thus mirrored this widely shared analysis. At the same time, scholars have argued that racist discrimination also operates independently of class – contrary to what the “simplistic adage that ‘money whitens’” suggests (Pinho 2009, 44; cf. Schwartzman 2007). In line with this argument, some of those who had pushed for the implementation of race-based affirmative action, argued that “by mixing racial and socioeconomic criteria in the allocation of quota places the politicians had betrayed the black cause” (Lehmann 2018, 5). Similarly, Tianna Paschel (2018, 217) criticizes that by “making public school enrollment the primary requirement for admission under quotas, and race the secondary one, these policies arguably obscured the very real ways in which race might operate independently from class in Brazilian society.” After all, in the way the quota policies at universities came to be designed, “the small number of blacks that find themselves in Brazil’s middle class, and who send their children to private school, would not qualify for university admission under quotas” (ibid.).

In fact, this is the way the 2012 law – which established quotas at all federal universities and unified the different regulations that had previously existed at different universities – defined

⁴⁴ In her analysis of the occupations of Rio de Janeiro’s economically dispossessed neighborhoods by police and military forces, Denise Ferreira da Silva therefore has aptly coined the inhabitants of these areas as “no-bodies” (2009) – that is, as persons who are considered “killable (and unsacrificeable) object[s]” (Alves 2018, 8).

the target group of these policies.⁴⁵ Since then, federal universities must reserve 50 per cent of their vacancies for students from public schools. Of these 50 per cent, half of the vacancies have to be reserved for students whose per capita family income does not exceed 1.5 minimum wages. Furthermore, of these 50 per cent, as many vacancies must be reserved for *pretos*, *pardos*, *indígenas*, and disabled persons as is equivalent to the proportion of these categories in the census of the respective state (Brasil 2012; for a visualization, see Tenente and Cruz 2022).

Although, as noted, some Black activists criticized this combination of class- and race-based criteria, the general assessment is that the quotas thus conceived were generally quite successful in providing access to universities for previously barely represented groups. As numerous studies have shown, the number of students in Brazilian universities from public schools – with many of them being *pretos*, *pardos* and *indígenas* – has increased significantly since 2003, democratizing institutions that were “historically characterized by white elitism and restricted access” (Heringer and Carreira 2022b, 7).⁴⁶ Many observers therefore consider the 2012 Quotas Act an important milestone “of enormous relevance in a violently racist country, which lived with more than 350 years of slavery and with more than a century of neglect and invisibilization of the Afro-Brazilian population” (ibid.). In line with this assessment, many social scientists to whom I spoke in the course of my research commented that, thanks to affirmative action, the student body at public universities had become significantly more “diverse” and less elitist over the past two decades (cf. Lehmann 2018, 2). In particular, I recall a conversation I had in October 2017 with Joaze Bernardino Costa – a sociologist at the University of Brasília and an expert on affirmative action – about how Brazilian universities had changed through the quota policies. In a clear allusion to the slogan

⁴⁵ As Rosana Heringer and Denise Carreira (2022b, 8) note, it was a long road from the initial introduction of quotas at individual universities in 2003 to the passage of Law No. 12.711 in 2012, and during that time there was “no shortage of major clashes in the media and in different political and legal arenas.” As the most important milestones on this path, the authors name the cycle of public hearings in 2010 and the ‘ADPF 186’ trial in 2012 by the Federal Supreme Court. In the course of that trial, the Supreme Court declared university quotas constitutional – thus paving the way for the approval of the university quota law. On the public hearings, see also Jesus and Gomes (2014).

⁴⁶ For some analyses on the impact of affirmative action at Brazilian universities, see, e.g., the articles of the dossier “Cotas 2022” on the platform *Nexo Políticas Públicas* (Consórcio de Acompanhamento das Ações Afirmativas 2022).

of the Black Lives Matter Movement “I can’t breathe,”⁴⁷ he stated that the universities had become places where “we can breathe” – summarizing quite vividly a sentiment that many of my Black-positioned interlocutors expressed (Field notes; October 10, 2017).

In 2014, a second federal quota law was passed, establishing quotas in the public service. This time, however, these measures were only race-based, with the law defining that 20 per cent of advertised positions in selection processes for the public service had to be reserved for *negros* (Brasil 2014). The fact that the target group for the public service quotas was defined only by race and not, as in the case of universities, by a combination of race and class, was attributed by some of my key interlocutors to the social actors who had pushed these quotas. In a WhatsApp exchange in January 2023, Antônio Teixeira – a social scientist and important interlocutor of mine about whom I will write more in the next chapter – described to me that this change from one law to the other resulted from “the consolidated perception [among Black intellectuals and activists] that race and class in Brazil are closely related, but not to be confused [*se relacionam intimamente, mas não se confundem*].” This perception, Antônio argued, had grown from numerous studies, which showed “that class ascension does not isolate Black bodies from racism and its effects – on the contrary, as they cross social boundaries, these bodies are heavily exposed to discriminatory practices.” Furthermore, Antônio pointed out, the number of *negros* with higher education was so small “that a class filter in public selection processes would further reduce the chances of Black bodies entering public service, even via quotas.” While traditional left-wing groups and parties would have “viewed race as secondary and even subordinate to class,” significant parts of the Black movement “undertook intellectual and political efforts to make visible the irreducibility of the racial question in the class debate,” Antônio stated. In his view, the shift towards a purely race-based definition of the civil service quota target group represented one result of these efforts. Many others of my interlocutors also welcomed this shift – and in doing so rejected

⁴⁷ As described in the Wikipedia article on this slogan, the phrase “I can’t breathe” “originates from the last words of Eric Garner, an unarmed man who was killed in 2014 after being put in a chokehold by a New York City Police Officer,” and is “now used in widespread protest against police brutality and racial inequality in the United States” (Wikipedia 2023).

the interpretation of Brazil as a non-racist society “where race would have no importance, but rather class” (R. R. Rios 2018, 240).

Besides these differences in the definition of the respective target groups, another key difference between university quotas and civil service quotas is that the latter have not provoked nearly as strong a public debate. In the academic production on affirmative action, too, much more attention was (and continues to be) paid to quotas at universities than to those in the public sector.⁴⁸ Perhaps this is due to the fact that all the central controversies had already been fought out when the university quotas were introduced. In 2014, the issue was no longer as explosive; people had become accustomed to such measures, or at least had found their position on them. This had been completely different in the early 2000s when quota policies were first introduced, as I will show in the next section.

2.3 The “culture war” over affirmative action

The affirmative action measures that started to be introduced in Brazilian universities from the beginning of the 2000s soon led to “an explosion of debates in the country regarding race” (Calvo-González and Santos 2018, 247). At the center of these debates was the question of who belonged to the legitimate target group of affirmative action in a country as strongly characterized by ‘mixture’ as Brazil. After all, one of the main arguments of those who criticized the introduction of race-based affirmative action was “the assertion that, given the notorious lack of rigidity in racial classifications in Brazil and the nation’s considerable levels of racial miscegenation, it would be impossible to distinguish who were the most deservingly black beneficiaries of such policies” (S. A. dos Santos 2006, 31). The postcolonial narrative of a foundational *mestiçagem* outlined above thus played a central role in the debate following the introduction of affirmative action which turned into a “culture war in Brazilian academia” (Bailey and Peria 2010). With the central question being whether Brazilian society was characterized by flexible (multi-)racial categories or rather was made up of distinct groups of

⁴⁸ A non-representative but illustrative indicator of the lower interest in Brazil’s public service quotas is the fact that a Google search for “cotas serviço público” returns approximately 4,310,000 results, while a search for “cotas universidades” returns 17,500,000 results – more than four times as many.

negros and *brancos* (cf. also Telles and Bailey 2006), this ‘culture war’ revolved around the question of whether affirmative action *produced* or rather *recognized* the respective differences. The former view prevailed among critics (e.g., Fry 2009a) who argued that affirmative action would undermine the flexible racial categories deemed characteristic of Brazil. In their view, such policies reinforced the tendency toward bipolarization between ‘Black’ and ‘White’ and thus *produced* a difference that had not existed before – or at least had not been enforced and legitimated by public institutions.⁴⁹ In contrast, proponents of the policies argued that this stance would ignore the enormous inequalities between Blacks and Whites in Brazil and the widespread racism against Blacks in all areas of social life (S. A. dos Santos 2006, 42; cf. Munanga 2001). They welcomed the measures as a *recognition* of persisting racist inequalities and as a clear turning away from the problematic ideology of a racial democracy (Htun 2004; S. da S. Martins, Medeiros, and Nascimento 2004). Therefore, the discussants disagreed not only as to whether the affirmative action policies were an appropriate answer to the deeply engrained structural racism in Brazil or whether they instead produced “dangerous divisions” – as suggested by the title of a book edited by various prominent anthropologists criticizing the quotas (Fry et al. 2007b). Rather, they already disagreed on the basic assumption that a clearly definable group of ‘Blacks’ existed to whom such a policy could be directed.

At its core, what was at stake in this debate was the question of how to address the inequalities resulting from the interdependent histories of colonialism, slavery, and racialization in Brazil. Voices that relativized these inequalities and the underlying racism admittedly played a central role in this debate⁵⁰ – and have become even louder and more powerful during the presidency of Jair Bolsonaro, who described the quotas as an unnecessary “division” of the Brazilian society and questioned the existence of a historical debt towards

⁴⁹ It is worth mentioning that the vehemence with which anthropologist Peter Fry criticized the Brazilian quota policies was due in no small part to his experience studying racial segregation in southern Africa. That experience had made him “admire Brazil’s ability to keep race off the statute book” (Fry 2009a, 189) – an ability which he now saw in jeopardy.

⁵⁰ For a particularly prominent example, see Kamel (2006). For a broader analysis of how anti-quota arguments were pushed by major media outlets such as *O Globo* and *Folha de São Paulo*, see Campos, Júnior, and Daflon (2013), Júnior and Campos (2013).

the Afro-Brazilian population (cf. Lempp 2019b).⁵¹ However, there were also important voices that clearly recognized “the existence of rampant and pervasive racial discrimination” (S. A. dos Santos 2006, 31) and nevertheless positioned themselves against the quota policies. Among these voices were the editors of the just-cited book who criticized that the introduction of race-based laws would result in “the division of society into official races, that is, into racial groups catalogued by the State” (Fry et al. 2007a, 21). According to their view, such a “racialized society” (ibid.) posed a threat to the crucial democratic principle of universal and equal rights for all citizens. They further criticized race-based policies for promoting a restoration of the concept of human races, which, they feared could fuel racial antagonism and even hate (ibid., 20). Arguing that “poverty in Brazil comes in all colors,” the critics were convinced that “it is differences in income [...] and not in color, that limit access to higher education” (Anti-quota Manifesto 2008, 3).⁵² In contrast to this, the proponents of the quota policies strongly criticized the reference to the “supposed universalism of the Republican state” for neglecting what they considered a centuries-long history of slavery and systematic genocide (Pro-quota Manifesto 2006, 5). They were not concerned with the issue that “in Brazil, we do not know who exactly is ‘negro’ and who is ‘non-negro’” raised by the critics (Anti-quota Manifesto 2008, 13). Instead, they described Brazil as “a country of whites, *negros*, and Indigenous governed by a state with a long and continuing racist legacy” (Bailey and Peria 2010, 596). They accused those critics who were concerned that the introduction of race-based laws could lead to racist schisms and violence with “deceiving us as if this poison did not yet exist in Brazilian society and only now is being introduced by the quota system” (Pro-quota Manifesto 2008, 54). In their view, this approach resulted in consigning to an

⁵¹ For a more detailed discussion of the Bolsonaro administration’s impact on Brazil’s affirmative action policies, see Chapter 6.

⁵² In reaction to the introduction of race-based affirmative action policies, “two well-defined clusters of professors in Brazil’s universities authored several dueling manifestos” in favor of and against such policies (Bailey and Peria 2010, 592). In June 2006, opponents published a letter addressed to the Brazilian Congress entitled “Everyone Has Equal Rights in the Democratic Republic,” which I cite here as “Anti-quota Manifesto 2006.” This letter came to be known as the “manifesto of the white elite,” since its 114 signatories were mostly White-positioned professors at elite universities, journalists at leading newspapers, and well-off artists (Paschel 2018, 212). In reaction to this letter, supporters of the quota policies published their “Manifesto in Favor of the Quotas Law and the Racial Equality Statute” (Pro-quota Manifesto 2006). In 2008, these documents were followed by two further manifestos: “One-Hundred and Thirteen Antiracist Citizens against Racial Laws” (Anti-quota Manifesto 2008), and “120 Years of Struggle for Racial Equality in Brazil: a Manifesto for the Justice and Constitutionality of Quotas” (Pro-quota Manifesto 2008).

uncertain future the day when Blacks and indigenous people would have “equitable access to education, to the wealth, goods and services accumulated by the Brazilian State” (Pro-quota Manifesto 2006, 8).

What was at stake in this debate, then, was the question of access to resources and rights in terms of full citizenship and how this could or should be linked to the category of race. For the critics, bringing race into the realm of law resulted in the destruction of the very principle of citizenship (Anti-quota Manifesto 2008, 8). In their view, the principle of political and legal equality of citizens was at risk if the Brazilian state would “begin to define people’s rights based on the shade of their skin, on their ‘race’” (Anti-quota Manifesto 2006, 1). For the proponents, however, the idea that “everyone has equal rights in the Democratic Republic” – as stated by the title of the 2006 manifesto criticizing the quotas – was “not an empty principle, but a goal to be achieved” (Pro-quota Manifesto 2006, 8). Therefore, for them, to reject the quota policies meant to be “complicit in the perpetuation of our racism and our genocide” (ibid., 9).

This fierce dispute thus echoed the central paradox of citizenship which affirmative action is supposed to address: “the promise of equality and the practice of inequality” (Krause and Schramm 2011, 125). While the “modern idea of citizenship” theoretically guarantees equal treatment of all citizens in a state (L. R. C. de Oliveira 2013, 132), this ideal usually is not fulfilled for certain groups that are marginalized due to specific historical and economic reasons. In the case of Brazil – which historically has been characterized by a form of national citizenship that is “universally inclusive in membership [but] massively inegalitarian in the distribution of rights and resources” (Holston 2011, 340) –, Afro-Brazilians are among those who have been most affected by the resulting inequalities (cf., e.g., Pinheiro et al. 2008). Opinions differed sharply on the question of whether these inequalities should be addressed via policies that temporarily codified a preferential (i.e., unequal) treatment. For the critics of affirmative action, such an approach represented a violation of the constitutional principle of equality. The proponents, in turn, defended the admissibility of a differentiated treatment (L. R. C. de Oliveira 2013, 132). In order to bolster their argument, the latter group regularly referred to the legal scholar and intellectual Rui Barbosa who, in the early 20th century, had coined “a maxim about justice and equality that has become a mantra for Brazilian law

students ever since: ‘Justice consists in treating the equal equally and the unequal unequally according to the measure of their inequality’” (Holston 2011, 339; cf. Barbosa 1922, 26). A similar argument was made by the highly prominent legal expert Joaquim Barbosa Gomes, who argued in 2003 that the structural inequalities existing in Brazilian society would require a “‘dynamic,’ ‘militant’ notion of equality, in which the concrete inequalities existing in society are necessarily weighed up and assessed, so that unequal situations are treated in dissimilar ways” (Gomes 2003, 49). Proponents of affirmative action measures thus argued that the ‘dissimilar’ treatment resulting from these policies was legitimate, as it would help to outweigh historically grown inequalities. Critics of the policies, in turn, argued that the famous dictum by Rui Barbosa on treating unequals unequally would apply to fields such as progressive taxation, but should not be used in order to legitimate policies that would create a “racial schism” and would lead to the “naturalization of races” (Anti-quota Manifesto 2008). This fear speaks not least to the key paradox of affirmative action policies, one of whose core characteristics is to violate “rules of equality before the law, in order to correct severe structural inequalities” (Bader 1998, 442). On the one hand, such policies aim at addressing a specific kind of discrimination and its structural effects – and thus at reducing the social and economic impact of the respective category. On the other hand, they need criteria on which to operate and as a result tend to reify the very category they seek to eliminate. Proponents of the Brazilian affirmative action policies, who were aware of the problematics of this reification particularly in the case of race, argued that such an approach nevertheless was necessary as long as the “practice of inequality” (Krause and Schramm 2011, 125) persisted. The critics, however, feared that instead of being of a temporary nature only, such measures would have permanent racializing effects. They argued that a “massive investment in quality public education would rapidly change the overall colour of Brazil’s public university students without ever having to invoke ‘race’ to do so,” and complained:

It is increasingly difficult to maintain what we understand to be a radical long-term antiracist posture which involves head on collision with the short term goals of the black activists and their allies, who are committed to the social mobility of Brazil’s darker citizens through the celebration of racial identities and who attribute to us critics the basest of motives. (Fry 2009a, 201)

For the critics of race-based affirmative action, the boundary-work involved in the attempts to define the legitimate target group of affirmative action thus represented an essentialist “celebration of racial identities” and a problematic production or reinforcement of distinctions that previously maybe had not been irrelevant, but at least had not been enshrined in law. In their eyes, such an approach would ultimately destroy the principle of universal citizenship. The proponents, in turn, argued that this principle had never been a reality for all Brazilians. They departed from the assumption of existing differences and inequalities and were less concerned with the risk of essentialization – which they pointed out already occurred through lived experiences of racism – than with granting full citizenship to historically marginalized groups (whose existence and identifiability they presupposed). Both sides agreed on the long-term goal – invoked by one of the anti-quota manifestos – of a country in which people ‘will not be judged by the color of their skin, but by the content of their character,’ as Martin Luther King once famously put it. However, they profoundly disagreed with regard to how this aim could be achieved.

At the latest in 2012, when the Brazilian Supreme Court (*Supremo Tribunal Federal*, STF) decided that racial quotas at public universities were constitutional, this heated debate gradually subsided – with the Supreme Court’s decision putting those who had opposed the introduction of race-based public policies on the defensive.⁵³ Their view that quotas would destroy the principle of equal treatment of all citizens had not prevailed. Instead, the STF agreed with Vice Attorney General Deborah Duprat’s assessment that affirmative action policies, “instead of attacking the principle of equality, achieve material equality” (cited in *Supremo Tribunal Federal* 2012, 17). In 2017, the STF confirmed this view when it also declared the quota policies introduced into the public service in 2014 to be constitutional.⁵⁴

Of the intellectuals who supported the anti-quota manifestos at the time, a few nevertheless continue to oppose what they call “racial laws” and reaffirm their view that these laws would lead to “racialism and violence on the campuses” (Maggie 2019). Some – such as Peter Fry or Ricardo Ventura Santos – seem to have chosen to no longer comment publicly on the issue

⁵³ For an overview of the key arguments presented in this STF decision (known as ‘ADPF 186’), see Bublitz (2017).

⁵⁴ For a discussion of this STF decision (known as ‘ADC 41’), see, e.g., Nascimento da Silva (2017). For a comparative analysis of the two STF decisions on quotas, see Andrade (2018).

and have shifted the focus of their academic work to other topics. A few intellectuals once opposing the policies nowadays clearly position themselves in favor of affirmative action – most notably Lilia Schwarcz, professor of anthropology at the University of São Paulo and a very well-known public intellectual (cf., e.g., Pereira 2022). In the conversations I had with social scientists during my research, several of them shared the impression that the quota proponents had won the debate outlined above. According to them, many quota opponents would now acknowledge that their main fear, according to which such policies would ‘divide’ Brazilian society (or at least the universities), had not come true. Over the past years, some social scientists have tried to substantiate this aspect via quantitative analyses and have concluded that concerns that these policies would lead to ‘racial conflicts’ at universities turned out to be “clearly wrong” (Júnior and Campos 2016a, 265; cf. also S. A. Santos and Freitas 2021).

2.4 Different kinds of Blackness: on the attempts to define who is *negro* in Brazil

When the Brazilian Supreme Court in 2012 declared quotas at universities to be constitutional, it did not answer the question of who is Black in Brazil, which lies at the heart of the debate about the legitimate target group of affirmative action. In the academic ‘culture war’ outlined in the previous section, opponents of affirmative action had tried to keep an agnostic distance to this question, depicting Brazil as a country characterized by a “fusion of races” in which the attempt to identify legitimate quota candidates would institutionalize racialized boundaries which formerly had been flexible and malleable (Bailey and Peria 2010, 595). In contrast, proponents held an image of Brazil as “a nation of racial groups in conflict” (ibid., 596) that, in their eyes, could consequently be identified without much difficulty. These fundamentally different assumptions were also reflected in other attempts to tackle “the difficult task of defining who is *negro* in Brazil” (Munanga 2004b) – a question that was not new for Brazilian society, but which became ever more pressing now that this racialized status formed the basis for access to certain rights and resources.

I do not aim to answer this question in my thesis. However, it is fundamental to the hetero-identification commissions whose practices as well as administrative and legal regulation I examine here. In the present section, I will therefore try to systematize some of the key attempts to answer this question as they were formulated between the early 2000s and the end of the 2010s by different actors from fields as diverse as genomics, statistics, administration, and social movements. In doing so, I do not aim to identify the most ‘correct’ answer. After all, one of the main contributions from social sciences is the understanding that Blackness means different things and can look different in different places or contexts (cf., e.g., Abel 2018). Furthermore, praxiographic anthropological approaches have shown that there are no a priori racialized bodies out there that could be captured in order to identify the rightful recipients of race-based affirmative action. Instead, race – and thus also Blackness as a racialized status – is enacted “in practices consisting of individuals, technologies, language and theories among others” (M’charek 2005, 15). In this section, I will therefore examine different versions of Blackness that were produced within discursive, legal-bureaucratic, activist, and scientific practices surrounding the affirmative action policies in general and the hetero-identification commissions in particular: Blackness as a statistical category and self-declared status (2.4.1), Blackness as something that is either caused or inhibited by miscegenation (2.4.2), and Blackness as phenotype (2.4.3). While all these versions come into play in the realm of the verification commissions, the enactment of Blackness as phenotype has become particularly dominant. In the final section of this chapter, I will discuss why this was the case and the ways in which, in the course of this process, an understanding of Blackness as a political category tended to become obscured.

2.4.1 Blackness as statistical category and self-declared status

The first – and somewhat most ‘basic’ – enactment of Blackness that can be found in the debate about the legitimate target group of affirmative action is an understanding of Blackness as a self-declared and rather formal status. According to this understanding, someone is Black (*negro*) when they declared themselves as either *preto* or *pardo* – two of the official census categories in Brazil – in the application process. This understanding was formulated in different quota laws, which usually defined the self-declaration as *preto* or

pardo as the basic criterion for someone becoming a quota candidate.⁵⁵ Several other Brazilian laws – most prominently the Racial Equality Statute – enact Blackness in the same way (cf. Powell and Silva 2018, 111). However, this enactment is anything but simple or uncontroversial. Instead, it is the result of a complex history of statistical measurement, survey research, and political-strategic decisions. The main issue in this regard is the fact that the Brazilian statistics authority IBGE – and, as a result, many social scientists as well – started to aggregate the two census categories *preto* and *pardo* under the umbrella category *negro* from the 1980s onwards. This approach was, at the time, unconventional given that “the term *negro* was associated with black activism, and was not widely used by mainstream academics” (ibid., 103). This aggregation had to do with the finding that the two population groups presented very similar socioeconomic indicators, indicating that class did override the racialized distinction between *pardos* and *pretos*. Survey data thus showed that “a binary concept of race, white vs. non-white, did reflect a powerful socio-economic reality” (ibid., 102) – regardless of the fact that “only a tiny percentage of Brazilians spontaneously self-identified as *negro*, despite the consciousness-raising efforts by activists” (ibid., 103).⁵⁶

As I already shortly mentioned in the introduction to this chapter, large parts of the Brazilian Black movement advocated the aggregation of *pardos* and *pretos* as *negros* for a long time. Besides the just-described similarity in statistical indicators, this approach also had strategic reasons. While the number of those who declared themselves *pretos* in the census declined steadily over the course of the 20th century – from 14.6 per cent in 1940 to 5.0 per cent in 1991 –, the number of those who declared themselves *pardos* grew continuously – from 21.2 per cent in 1940 to 42.0 per cent in 1991 (cf. Nobles 2000, 105; see also Section 1.1). By aggregating these two categories under the collective term *negro*, the group of those who could be described as the Black population of Brazil became significantly bigger. Between the 1980s and 2000s, Black movement activists therefore had demanded to change the census categories by replacing the two categories *preto* and *pardo* with the single category *negro*.

⁵⁵ For a detailed analysis of how the target population of affirmative action is defined in various municipal and state regulations, see Ferreira (2018, 67ff).

⁵⁶ In today’s hetero-identification practices, the fact that very few persons spontaneously describe themselves as *negros* becomes relevant in reverse: those whom the commission members perceive as ‘authentically’ speaking of themselves as *negros* – instead of ‘relativizing’ this with terms such as *pardo*, *moreno* or the like – tend to be accepted more easily as *cotistas*. For a more detailed discussion of this aspect, see Chapter 4.1.3.

From the beginning of the 2000s onwards, however, they were “quietly withdrawing” this demand because research had shown that the number of those who chose the *negro* category in open-ended survey questions was well below the 40 to 50 per cent of the population who declared themselves *preto* or *pardo* in the census (Powell and Silva 2018, 110). It thus became clear that the retroactive combination of *pretos* and *pardos* under the category *negros* “would generate a far larger constituency than leaving it up to individuals to self-identify as *negro*” (ibid.).

In the context of affirmative action – in which the status of Blackness could grant access to “scarce societal resources” (Bader 1998, 442) –, the aim to build a larger constituency became increasingly ambivalent among the Brazilian Black movement. While some hoped that the newly created policies might provide another incentive for people to recognize their Blackness, others feared that people who had not previously considered themselves Black would now claim that status only to gain access to the respective resources. In this context, the question of whether all *pardos* should be considered *negros* came to the fore again. For example, some protagonists started to distinguish between ‘dark,’ ‘medium’ and ‘light’ *pardos*, emphasizing that the affirmative action policies should address these groups in descending order – an approach which some of my interlocutors criticized sharply for undermining the solidarity among all *negros* and for resembling a colonialist logic of ‘divide and rule.’ Others described the “*pardo negro*” (“Black *pardo*”) to be the only *pardo* eligible for affirmative action – arguing that the category *pardo* would encompass persons of any ‘mixed’ descent, whereas the quota policy would address only “the *negro* and the *pardo* who is a descendent of *negros*” (as stated by a hetero-identification commission member quoted in Muniz 2021, 173).

In any case, Black activists increasingly distanced themselves from the central role of the self-declaration as a tool of empowerment and consciousness-raising and instead started to focus on the possibility of ‘false’ self-declarations. Because of this shift and the increasing number of fraud allegations, the enactment of Blackness as a self-declared status via the statistical categories *preto* and *pardo* increasingly fell behind. It continues to be central insofar as a self-

declaration as *negro/negra* still is the mandatory requirement for applying for a quota place.⁵⁷ However, with the introduction of hetero-identification commissions, other enactments of Blackness have become more dominant.

2.4.2 Miscegenation: cause of or obstacle to Blackness?

In the attempt to identify the legitimate target group of affirmative action, all the attention is usually placed on how to define Blackness. Whiteness – as the apparent antithesis to Blackness – remains unquestioned and taken for granted. As I will show in this subsection, this is partly linked to the ways in which some actors draw on the topic of miscegenation.

Referring to the above-described idea of Brazilian society as highly ‘mixed,’ candidates who considered themselves *pardos* and were rejected by a hetero-identification commission often mentioned their miscegenated origin in order to underscore their claim to a quota vacancy. In doing so, they enacted Blackness as being caused by miscegenation and thus promoted the idea of an underlying ‘pure’ Whiteness which would be ‘contaminated’ by Black (or indigenous) traits.⁵⁸ In this understanding, ‘mixedness’ is contrasted with ‘Whiteness’ and affirmative action is represented as basically addressing all non-Whites. For example, several rejected candidates described to me that they had applied for a quota place because they did not consider themselves White: “I’m definitely not White – so I guess I’m *pardo*, and this means that I can apply for the quota.” Similarly, in 2019, quota applicants at a university protested against their rejection by displaying a white banner with the question “Am I of this color?” (see the photo in Gazeta do Povo 2019). They thus drew on the widespread narrative that ‘nobody is White in Brazil’ analyzed by communication scientist Liv Sovik. In her book entitled *Aqui ninguém é branco* (“Here nobody is white”), Sovik argues that individuals in Brazil use various strategies to deny that they are *that* white: ‘true’ racial Whiteness is seen as belonging only to, for example, European immigrants in the South of Brazil or to Whites in the US (Sovik 2009). However, this is not how Whiteness usually ‘works’ in Brazil. As Patricia de Santana Pinho (2009) shows, Whiteness is not imagined or enacted as ‘pure’ in Brazil: the

⁵⁷ For a more detailed discussion on the ambivalent role of this self-declaration, see Section 3.2.1.

⁵⁸ This is in line with Abel’s observation that Brazilian DNA test-takers tended to identify particular physical traits as either ‘Indian’ or ‘Black,’ but rarely as ‘White’ (cf. Abel 2022).

myth of a racial democracy and the related ideologies of ‘mixture’ have contributed to an ambivalent “celebration of *mestiço* types” that coexists with the “hypervaluing of whiteness” (ibid., 49).⁵⁹ On the one hand, the ideology of *mestiçagem* thus led to the belief that “being ‘too white’ challenges one’s Brazilianness” (Pinho 2009, 46). At the same time, the construction of ‘Brazilianness’ as ‘mixedness’ led to “degrees of whiteness” due to which “some ‘types of mixture’ are clearly preferred to the detriment of others” (ibid., 40). As a result of this complex racial formation, some *pardos* do indeed suffer racist discrimination, depending on their ‘degree’ of Whiteness or their perceived proximity to Blackness. This is reflected in the following quotation by sociologist Rafael Osório:

What matters [...] is the load of traits in individuals of what is imagined, in each place, to be the appearance of the *negro*. *Pardos* have fewer traits, but these exist, for otherwise they would not be *pardos*, but Whites; and it is the presence of these traits that will turn them into potential victims of discrimination. [...] That is, it is because of their black share [*parcela preta*] that *pardos* are discriminated against. (Osório 2003, 23f)

By describing that *pardos* “have fewer traits, but these exist, for otherwise they would not be *pardos*, but Whites,” Osório presents here also a notion of Blackness as being caused by miscegenation, while Whiteness is presented as the total absence of ‘other’ traces. The category *pardo* is therefore sustained by the margins – i.e., by those who are presumably unambiguously White or Black. Yet in practice, White, Black, and *pardo* are relative positions rather than defined groups.

The above-mentioned candidates who argued that they were not ‘completely White’ drew on this ambivalence – and in doing so denied the White-passing privileges that they probably had. Because of this, many Black and antiracist activists criticized the approach of candidates (and their advocates⁶⁰) who promoted an understanding of Blackness as being marked by any degree of miscegenation. They feared that such an approach could offer too many back doors for those whom they call “afroconvenients” – persons who enjoy White “passability” but who

⁵⁹ For an overview of the academic production on Whiteness in Brazil see, e.g., Cardoso (2011), Schucman (2012), Silva, Leão, and Grillo (2020).

⁶⁰ One particularly active advocate in this regard was Max Kolbe, a legal expert based in Brasília. He has defended many rejected quota candidates and has argued that due to the historical process of miscegenation, “with the exception of the *negro* of black color [*negro de cor preta*], we are all brown-colored Blacks [*negros de cor parda*] in Brazil” (quoted in Pacheco 2017).

nevertheless declare themselves *negros* in the context of affirmative action (L. Duarte 2015b). They criticized such a broad interpretation of Blackness, arguing that it would diminish the capacity of affirmative action policies to effectively grant marginalized persons better access to privileged social spaces. As Calvo-González and Santos (2018, 249) show, this understanding – according to which ‘mixedness’ represents a possible indicator for non-Blackness and thus for a rejection as quota candidate – tends to consider miscegenation as a problem due to the fact that it historically represented an attempt to “annihilate Blackness.” In the context of the hetero-identification commissions, this understanding is expressed in cases such as the one mentioned at the beginning of this chapter, in which a student was rejected as a quota candidate with the argument that she would “lean toward White,” whereas the university would prefer *pardo* candidates who were “leaning toward Black” (Cáceres 2019).

In order to bolster this approach, the protagonists of the hetero-identification commissions often referred to the work of Oracy Nogueira, a Brazilian sociologist who, in the 1950s, coined the concept of ‘race prejudice of mark’ (*preconceito racial de marca*), which he distinguished from the ‘race prejudice of origin’ (*preconceito racial de origem*) (Nogueira 2007). Contrasting Brazil and the United States, Nogueira claimed that racial discrimination in Brazil would draw on physical appearance (‘mark’), while it would draw on descent (‘origin’) in the US (Nogueira 2008, xii). Referring to this contrast, many of my interlocutors criticized the fact that those who enacted Blackness as being marked by miscegenation often invoked their Black parents or grandparents to justify their *cotista* status. While this would make someone be seen as Black in the United States (due to the oft-cited ‘one drop rule’), this would not be the case in Brazil, they argued. They considered that when a person ‘needed’ to refer to their (miscegenated/more-than-White) ‘origin,’ it was as a sign of them not being (sufficiently) affected by the ‘prejudice of mark.’ While the former group thus enacts Blackness as being marked by miscegenation, the latter enacts Blackness as being *sufficiently* marked by *Black* miscegenation. It is due to these competing enactments that persons who are considered *pardos* represent the typical “borderline cases” (Bowker and Star 2000, 28) whose classification is a matter of controversy in the context of the hetero-identification commissions (see Chapter 5).

The approach of rejecting an enactment of Blackness via origin/descent is also reflected in a discursive shift that took place within activist circles in Brazil over the last decades. As described by Sarah Abel (2018, 14), in the 1970s, members of Brazilian Black organizations attempted to popularize the term *afrodescendente*, “in an analogy with the North American term ‘Afro-American,’ which had come to replace ‘Negro’ as the accepted collective identity label for American Blacks.” The activists hoped that the concept of descent would make “the category available to Brazilians who might otherwise be identified as White or *pardo*” (ibid., 15), thus aiming to enlarge the Black constituency in Brazil. However, most groups within the Black movement soon began to distance themselves from the term *afrodescendente* and to promote the term *negro* again. As one of my interlocutors described it to me, the term “did not work in Brazil” because of the high degree of miscegenation due to which “everybody” could be considered afro-descendent (Field notes; August 17, 2016). Or, as Nelson Inocência da Silva, one of my key interlocutors about whom I will write more in Chapter 4, often stated: “every *negro* is afro-descendent, but not every afro-descendent is *negro*.”

The emphasis on ‘mark’ instead of ‘origin’ was consolidated within the Black movement in the course of debates about genetic studies that were published in the early 2000s. One particularly prominent project, “Molecular Portrait of Brazil” by geneticist Sérgio Pena (S. Pena et al. 2000), argued that “around 87% of Brazil’s population could be considered *afrodescendente*” (Abel 2018, 16). One key argument made by Pena in his studies was the assertion that the Brazilian population “is so mixed that there is only a weak correlation between genetic ancestry and skin color” (Kent, Santos, and Wade 2014, 737; cf. also Kent et al. 2015). The results of Pena’s studies were hotly debated – particularly with regard to their implications for the recently introduced affirmative action policies (Kent and Wade 2015; R. V. Santos and Maio 2004). While opponents of affirmative action saw the results as “scientific evidence of the difficulties of using racial categories in an inherently mixed – or *mestiço* – country,” activists of the Black movement generally dismissed their relevance, arguing that “racial identity and discrimination are based on phenotypic appearance rather than ancestry” in Brazil (Kent, Santos, and Wade 2014, 737). In a way, they agreed with Pena’s position according to whom “genetic ancestry data could not help define who was Black in Brazil” (Abel 2018, 16; cf. also S. Pena and Bortolini 2004). However, in contrast to Pena and other critics

of affirmative action, for them this did not mean that the whole endeavor of race-based policies was problematic and doomed to fail.

It is not least due to these debates that an enactment of Blackness via genetics and ancestry is nowadays widely dismissed within the hetero-identification commissions. Even though – as this subsection has shown – some actors continue to enact Blackness by referring to miscegenation, they usually do not draw on genetic evidence for this purpose. This approach is also expressed in the following statement by Flávio Carlos Nogueira, member of the antiracist NGO *Educafro*: “what discriminates, what humiliates, what hurts, what keeps our people out of spaces of circulation, what forms an opinion of you – it’s phenotype, not genotype” (quoted in Abel 2018, 17). It is due to this reasoning that an enactment of Blackness as phenotype has become particularly dominant, as I will show in the following subsection.

2.4.3 Blackness as phenotype

Due to the just-described understanding that phenotype instead of genotype generated discrimination in Brazil, activists as well as administrative officials increasingly enacted Blackness via phenotypical features in their attempts to operationalize Blackness as a racialized status that would grant access to certain resources. This enactment was codified in the policy guideline that introduced the verification commissions in 2016, and defined that these commissions should “only consider the phenotypic aspects” of the respective person in order to check the “veracity” of their self-declaration as *negro/a* (Ministério do Planejamento, Desenvolvimento e Gestão 2016a, 54). Two years later, this was confirmed by another policy guideline (*Portaria Normativa No. 4*) which stated that the hetero-identification commissions “will use exclusively the phenotypic criterion to assess the condition declared by the candidate” (Ministério do Planejamento, Desenvolvimento e Gestão 2018, 43).⁶¹

⁶¹ An important legal backing for this enactment were the two decisions of the Brazilian Supreme Court (STF) which had confirmed the constitutionality of affirmative action policies at universities (in 2012) as well as in the public service (in 2017). While Calvo-González and Santos (2018, 252) interpret that only the 2017 decision explicitly allowed the use of hetero-identification mechanisms, several of my interlocutors interpreted that already the STF decision of 2012 had done so. For this interpretation, they usually referred to the final vote of the main rapporteur Ricardo Lewandowski in which he discussed the possibility of a ‘hetero-identification.’ Lewandowski, in turn, referred in his vote to a study of the legal expert Daniela Ikawa (2008) according to whom verification commissions were admissible as long as several conditions would be fulfilled – among them that the

This enactment was based on the above-described sociological analysis according to which racist discrimination in Brazil would mainly draw on physical appearance ('mark'). Furthermore, it resonated with a common-sense idea of 'obvious' racial markers that could be located in the body. However, this understanding led some institutions to create tables with physical criteria, which the hetero-identification commissions were to use for the evaluation of quota candidates. These tables were fiercely criticized for being "too closely related to how scientific racism classified subjects" (Calvo-González and Santos 2018, 252; cf. also Guimarães 2018). One particularly prominent example of such a table was published by an educational institute in preparation for an upcoming selection process in 2016 (see Figure 2) and rapidly withdrawn after a public outcry (cf. G1 PA 2016).

classification took place only after the candidate had self-identified as *negro/a* and that the assessment would be based on phenotype instead of descent (cf. Lewandowski 2012, 38f).

Anexo IV – Padrões Avaliativos

Padrões Avaliados								
Item	Fenótipo	Descrição do Negro	Compatível			Não Compatível		
			A1	A2	A3	A1	A2	A3
1	Pele	1.1. Melanoderma – Cor Preta						
		1.2. Feoderma- cor parda						
		1.3. Leucoderma - cor Branca						
2	Nariz	2.1. Curto/largo/chato (platirrinos)						
3	Boca/dentes	3.1. Lábios grossos						
		3.2. Dentes muitos alvos e oblíquos						
		3.3. Mucosas roxas						
4	Maxilar (Prognatismo)	4.1. Prognatismo saliente a acentuado						
5	Crânio	5.1. Crânio dolicocefálico < 74,9 (largo 4/5 do comp)						
6	Face	6.1. Testa estreita e comprida nas fontes						
7	Cabelo	7.1. Crespos ou encarapinhados						
8	Barba	8.1. Barba pouco abundante						
9	Arcos Zigomáticos	9.1. Proeminentes ou salientes						

1. No quesito cor de pele serão válidos os seguintes procedimentos:

a) Caso a compatibilidade de cor PRETA ou PARDA ocorra na avaliação dos 3 membros, todos os outros critérios são desconsiderados acatando a autodeclaração do candidato.

b) Caso a compatibilidade de cor BRANCA ocorra na avaliação dos 3 membros, passa-se a avaliar os demais critérios constantes nos itens 2 a 9. A autodeclaração será acatada se atender o mínimo de 62,5% dos demais critérios de compatibilidade.

2. Cada item compatível de 2 a 9 equivale a 12,5% da pontuação na tabela.

Figure 2: Form with “evaluation standards” of the Instituto Federal de Educação, Ciência e Tecnologia do Pará for a selection process in 2016

The form contained a number of physical criteria – among them skin color, shape of nose and lips, hair texture, protruding upper jaw (“prognathism”), elongated skull (“dolichocephaly”) and prominent zygomatic bones – supposed to be relevant for the “description of the *negro*.” According to the instruction, the skin color criterion should take precedence over the other criteria: if all the commission members classified the candidate’s skin color as brown or black, the person’s self-declaration as *negro* should be accepted. If at least one of the three commission members rated the candidate’s skin color as white, the criteria listed in items 2 through 9 should be taken into consideration. With each of these criteria weighing 12.5 per cent, a person should be accepted as quota candidate if he or she scored at least 62.5 per cent

– i.e., if he or she was considered sufficiently compatible with the “description of the *negro*” even though his or her skin color had been considered white.

With its medical-scientific language, its numerical indicators and its quantitative approach, this table represented a particularly extreme example in terms of its reminiscence to classification procedures from the era of scientific racism. Other charts that I came across during my fieldwork did not work with a comparable degree of quantification or such clear numerical indicators. Still, the underlying reasoning – according to which Black persons were characterized by a number of stereotypical phenotypical features that could be identified more or less objectively – was the same and contributed to the often-made accusation that the hetero-identification commissions would represent ‘race tribunals.’

The enactment of Blackness as phenotype was constantly faced with the accusation that it meant applying criteria and categories that were common in physical anthropology and race science of the 19th century. In order to counter this accusation, those who formalized the verification procedures tried to distance the commissions’ work from the application of objective criteria (as I will show in more detail in Chapter 3). They justified the focus on the phenotype with the argument that this would be the basis for “the social recognition of an individual as *negro*” in Brazil (Brasil 2018, 33f) and argued that instead of applying numerical indicators or lists with physical features, the commissions would apply a social gaze that took into account how racism in Brazil worked. Olívia* – a SEPPIR employee who was very active in formalizing and promoting hetero-identification procedures – explained this to me as follows:

Will racism, as a social phenomenon, identify in that individual marks that cannot be modified or hidden, for example skin color, face shape, lips, to practice racism? [...] That person, with those traits that he presents, is he socially read as *negro*? [...] So this is basically the work of the commission, without creating any kind of table, like, ‘very thick lips: 10 points, very curly hair: 30 points.’ That doesn’t exist in practice. (Interview; October 3, 2017)

Emphasizing an understanding of racism as a social phenomenon, Olívia implicitly seemed to argue against an idea of race as something biological or essential – as it was expressed in the chart shown in Figure 2 –, even though she spoke of “marks that cannot be modified or hidden.” Arguing that the “traits that he presents” would make someone be “socially read as *negro*,” Olívia pointed out that in order to decide whom they accepted as *cotista*, the

commission members tried to evaluate who was seen as *negro/a* in Brazil. In doing so, she put forward an understanding of racialization as a process that occurs in the eye of the beholder – which, as she pointed out, is different from an approach that treats race as a collection of measurable physical traits located in the body of the person that is being looked at. Still, the approach defended by her (and other administrative and activist campaigners trying to formalize the hetero-identification commissions) cannot completely escape the problematic idea of a “truth from the body” (Fassin and d’Halluin 2005) that the commissions are supposed to ‘reveal.’ They tried to tame this tendency by emphasizing that specific bodily characteristics ‘only’ became relevant insofar as they were the ones that would make someone be read as Black in “the eyes of [Brazilian] society” (Maio and Santos 2005).

In the attempt to define via phenotypical features who is *negro* in Brazil, the respective actors were thus faced with a dilemma: on the one hand, there were sociological analyses as well as common-sense experiences according to which racist discrimination in Brazil was practiced on the basis of physical characteristics. On the other hand, scientists as well as activists had thoroughly criticized and debunked an understanding of race as a biological concept that could be definitively located somewhere in the body. The enactment of Blackness as phenotype thus resulted in an ambivalent “search for the materiality of race as something inscribed in the body” while, at the same time, understanding this materiality as something that is “evidenced in a relational way, informed by historical processes of production of meaning about the phenotype, classification and social hierarchization, and by other material and symbolic artifacts than just the bodies of the subjects” (Muniz 2021, 154). In my analysis of the concrete assessment practices in Chapter 4, it will become clearer which ‘other material and symbolic artifacts’ could come into play in the enactment of the *cotista*. With regard to the administrative operationalization, an emphasis on Blackness as phenotype ‘as such’ nevertheless prevailed. In the following section, I will discuss some of the reasons why this was the case – and in what ways this represents a shift away from an understanding of Blackness as a political category.

2.5 On the move away from an understanding of Blackness as political category

This chapter has shown that during the introduction of affirmative action policies fundamental changes occurred regarding the question of who constitutes the Black population in Brazil – that is, the group of those who are racialized as *negros* in Brazil and should therefore be entitled to claim the benefits of these policies. The Brazilian Black movement historically aimed to underline that *negros* represented the majority of the population, and thus suggested to include *pardos* in that category. With the introduction of quota policies, the focus shifted to supporting *pretos*, who are numerically in the minority, to make sure that they would gain access to the resources granted by these measures. This also entailed changes to the interpretation of miscegenation as a key element of Brazilian society. Historically, many organizations and individuals within the Black movement had interpreted racial mixture as an elite strategy with the aim of Whitening Brazilian society (cf., e.g., Rodrigues 2021, 16; Wade 2004, 357). Emphasizing that *pardos* belonged to the *negro* group had been intended to counteract this attempt to erase Blackness from the national body. However, with Blackness becoming an access criterion for a public policy, this reasoning changed fundamentally. Activist groups in support of affirmative action no longer saw mixedness as an argument for claiming someone's belonging to the *negro* constituency, but instead as a mainstream feature of Brazilian society.

These changes were key for the shift towards a strong focus on phenotypic elements and on *pardos* as a 'problem' for the hetero-identification procedures, which I will discuss in further detail in Chapter 5. One of the effects of this focus was the creation of *pardo* subcategories – suggesting that 'dark' *pardos* should be prioritized over 'medium' and 'light' *pardos*. This approach is prominently defended by the NGO *Educafro* (cf., e.g., Verdélio 2016), but also appears in some legal documents (cf., e.g., MPF 2017). In the documentary "Autodeclarado"⁶² (Maurício Costa 2021), which treats the complexity of the hetero-identification procedures in a vivid and multi-faceted way, social scientist Antônio Teixeira states that this approach tends

⁶² The English title of this documentary is "Dear Brown People." Its YouTube channel has a series of subtitled short film excerpts introducing several of the interviewees – among them a number of persons I also interviewed during my research: <https://www.youtube.com/channel/UCDouAqNWgrOmCf6omrDU2rw>.

to “bring exclusion into focus, when we should really be discussing inclusion.” Similarly, in the same documentary, sociologist Paulo Neves warns of the danger of creating new discriminations against groups that are already discriminated against and specifically mentions “light *pardos*” as one of these groups. After all, the Brazilian Black movement acted out of good reasons when it decided in the 1980s to define both *pretos* and *pardos* as part of the Black population in Brazil – in particular the observation that both groups presented very similar socioeconomic indicators. As described by Flávia Rios, the famous Black Brazilian anthropologist and activist Lélia Gonzalez at the time justified this move by stating that the *movimento negro* “was not an epidermal movement, but a political movement” (F. Rios 2019; cf. also Y. C. L. Pena 2020, 235f). This awareness – together with the analysis that race and class are highly interlinked in the Brazilian racial formation – tends to become obscured in recent discussions on the legitimate target group of affirmative action.

This is not to say that there are no strong grounds for the focus on appearance. The two principal ones are the analysis of Brazilian sociologist Oracy Nogueira according to whom racism in Brazil refers to ‘mark’ instead of ‘origin’ (see Section 2.4.2), and the argument that the closer someone is associated with Blackness, the more discrimination he or she suffers in Brazil’s “pigmentocracy” (Telles and PERLA 2014). Still, the strategy of narrowing down Blackness to physical features “runs counter to the historical efforts of Brazilian Black movements to build a collective identity based on broader, subjective conceptions of ‘afro’ culture and heritage,” as Abel (2021, 309) writes with reference to Guimarães (2018). In this sense, some activists as well as social scientists have argued that those who defend the creation of *pardo* subcategories incorporate “the grammar of the oppressor” and, by distinguishing between dark-skinned and light-skinned *negros*, “contribute to fragmentation and dispute among *negros* in a way that weakens their unity” (Muniz 2021, 187). They argue that rather than focusing on determining exactly where to draw the line between these two groups and on pinpointing what it means to be Black, social movements should work towards classification practices that contribute to overcoming essentialist notions and that allow for “a politics of ambiguity and multiplicity” (Bowker and Star 2000, 305).

However, a tolerance for ambiguity and multiplicity is not among the strengths of administrative-bureaucratic institutions and legal procedures – at least not where their self-

image and self-presentation to the outside world are concerned (cf., e.g., Hoag 2011). This might be one of the main reasons why an enactment of Blackness as phenotype became so dominant within the realm of hetero-identification. As bureaucratic actors tasked with identifying the legitimate recipients of a public policy, the commissions needed as clear and objective an indicator as possible on which to base their decisions – and the “apparently ‘natural fact’ of phenotypical variation” (Wade 2010, 14) seemed to fulfill this demand better than ‘softer’ criteria such as candidates’ accounts of experiences of racism. The strong focus on the phenotype with its ascribed stability is thus strongly linked to a bureaucratic logic, which requires seemingly unambiguous indicators and measurable outcomes (cf., e.g., Best 2012). Even though the protagonists in the field were eager to avoid an understanding of Blackness as a collection of physical traits, their approach reinforced biologicistic and essentialist conceptions of race and tended to neglect the understanding of Blackness as a political category.

Furthermore, the strong focus on the phenotype is the expression of an understanding of difference as something given, prevalent in many ‘diversity’-oriented policy approaches (cf., e.g., Burbules 1997; Schramm 2014b, 54). This becomes apparent, for example, in the way the already-mentioned SEPPIR representative Olívia framed the hetero-identification commissions. Stating that “executing a public policy requires results,” she described that the commissions served “to guarantee the indicator of the law” and to make sure that the affirmative action measures produced the desired result – namely, “to increase the representativity of the [Black] population.” She explained that in order to decide whether someone contributed to this result, a candidate who had declared himself *negro* had to be assessed under the perspective of whether “those phenotypic traits presented by that candidate increase the representativeness [of the Black population in the public service]” (Interview; October 3, 2017). In this line of reasoning, a ‘more colorful’ staff is the indicator to be achieved – and a ‘Black phenotype’ becomes the tool with which to measure the result.

The fact that such a technical approach became dominant was partially engendered by the fact that the Brazilian affirmative action policies continue to be highly contested and legally challenged. As a result, the protagonists of the hetero-identification commissions had a strong interest in producing decisions that would be considered objective and legally watertight. As

the next chapter will show, this interest was critical to the way in which an interministerial working group tried to formalize the hetero-identification procedures.

3. Translating the social gaze into administrative standards: a new problem with a complicated legacy

The previous chapter has made it clear that the hetero-identification commissions created by the 2016 guideline were supposed to answer a politically extremely charged question. This question has a long history linked to the “complex legacy of racial science,” due to which a phenotypical assessment is anything but an innocent endeavor (M’charek and Schramm 2020, 324). At the same time, the question of who can officially be recognized as *negro* is quite new for the Brazilian state and only arose in this condensed form with the introduction of affirmative action, as Antônio Teixeira Lima Junior – an interlocutor of mine to whom I will refer several times in this chapter – pointed out in my interview with him:

Until then, to discuss who is and who is not Black in Brazil was something that made no sense, at least from a political, practical point of view. From a theoretical point of view, there was research [on the topic]; the IBGE had been doing surveys, trying to evaluate its classification system of color and race since the 1970s. But this was confined to a debate between specialists and people linked to the Black movement. It only started to attract public attention through [the introduction of] affirmative action, through which it became a relevant question to discuss who is Black and who is not. (Interview; October 4, 2017)

According to Antônio – a social scientist who at the time of our interview worked in a major public research institution –, affirmative action posed a completely new problem to bureaucratic and institutional settings in Brazil. Before the introduction of these policies, Antônio argued, the question of whether someone is *negro* or not was not relevant in what he called the political, practical realm and, by extension, in administrative and bureaucratic procedures. At the time, it literally “made no sense,” Antônio stated – i.e., it was not even known or existent in this realm.⁶³ In a publication discussing the institutional reactions towards perceived quota fraud, Antônio attributed this to the fact that the affirmative action

⁶³ The Brazilian state of course had not been ‘race-blind’ before the introduction of affirmative action. However, unlike in other settler colonies, racist segregations (and the question of who belongs to which racial category) never have been enshrined in law in Brazil as they were, for example, via the anti-miscegenation laws in South Africa or the Jim Crow laws in the United States. Cf. Chapter 2 for a historical discussion of this aspect.

laws for the first time in Brazilian history granted “the Black population the condition of a subject of rights” (Lima Junior 2019, iv). By linking the category *negro* to the access to a citizenship right, affirmative action thus institutionalized a fundamental novelty in Brazil. As a result, the question of whether someone is *negro* or not – which until then had been meaningless from the institutional point of view – became “one of the most relevant issues in the operationalization of policies to promote racial equality” (ibid.).

The hetero-identification commissions were one particularly controversial attempt to achieve such an operationalization. They were harshly criticized by legal experts (Machado da Costa, Saldaña, and Maia 2016), anthropologists (ABA 2016; Maggie 2016), and journalists from different political camps (Folha de S.Paulo 2016; Leite 2016) who accused the mechanism of being a “racial tribunal” and demanded that self-declaration should remain the only criterion for the selection of quota candidates. In addition, their introduction led to a number of subsequent problems: rejected candidates filed legal suits criticizing the lack of transparent criteria on which the commissions based their decisions; and the institutions carrying out selection processes were unsure about how exactly these commissions should work. For example, I heard of institutions that – in the first hetero-identification procedures they organized – evaluated five or ten candidates at a time. This was criticized by candidates as well as by advocates, who argued that such an approach violated personal rights and data protection. Another example was an institution that conducted the verification proceedings in a room with a glass wall in order to provide them with more transparency. This allowed observers to watch from outside what was happening inside without hearing the spoken word. This practice was later abolished to protect candidates’ privacy. Furthermore, as described in Chapter 2, some institutions created charts with physical features according to which they would assess a candidate, motivated by the will to work as objectively and transparently as possible (cf. Calvo-González and Santos 2018) and to comply with the requirement of using the phenotype as the main criterion. This again led to fierce public criticism and to indignation even among supporters of the commissions.

These developments formed the background for the activities of a working group set up by the Brazilian Planning Ministry at the end of 2016, whose attempts to regulate the hetero-identification commissions will be the focus of this chapter. Consisting of representatives of

the Planning Ministry, the Secretariat for Policies to Promote Racial Equality (SEPPIR), a major public research institute⁶⁴, and an institution that regularly organized selection processes for the public service⁶⁵, the group had the task to specify the procedures of the verification commissions and to elaborate suggestions for a more detailed guideline that would replace the *Orientação Normativa No. 3* (cf. Ministério do Planejamento, Desenvolvimento e Gestão 2016b). By trying to respond to the bureaucratic and legal need for clearer instructions resulting from the developments outlined above, this working group was faced with the extremely complex and historically charged ‘new problem’ of creating administrative mechanisms with which to decide whether someone should be officially recognized as *negro*. In what follows, I will trace the group’s discussions and its attempts to find solutions for this question, which is fraught with historical and political pitfalls. Drawing on the working group’s protocols⁶⁶ and final report (Brasil 2018) as well as on my interviews with some of its members, I will examine how the group tried to ‘contain’ the issue by developing certain standard procedures – what Muniz (2021, 180) calls a “bureaucratic ritual.” They engaged with this work while seeking to avoid connotations with objective criteria that are highly problematized with regard to racial classification. At the same time, however, the group had to endow the verification mechanisms with a certain ‘aura’ of objectivity in order to provide these practices with more legal security. After all, the institutional need to introduce and formalize hetero-identification procedures resulted mainly from the fear that the growing number of accusations of fraud as well as legal cases questioning the legitimacy of public selection processes would result in “popular distrust of the credibility of this policy and great

⁶⁴ *Instituto de Pesquisa Econômica Aplicada* (Institute of Applied Economic Research, IPEA). The IPEA is a public foundation linked to the Ministry of Economy. With its research activities being focused on public policies, the institute provides technical and institutional support to the Brazilian government.

⁶⁵ *Escola de Administração Fazendária* (School of Finance Administration, ESAF). The ESAF was an institution linked to the Brazilian Finance Ministry that used to be responsible for the training and education of public servants as well as for the organization of selection processes for the Brazilian Tax and Customs Administration. It ceased to exist on January 1, 2019, when the immense building complex in the Southeast of Brasília was given to the Brazilian military in order to house the *Escola Superior de Guerra* (Superior War School) (cf. Valente 2020).

⁶⁶ I could access these protocols via a so-called SIC request (*Serviço de Informação ao Cidadão* – Citizen Information Service). This service is available for every natural or legal person and is regulated by the Access to Information Act (*Lei de Acesso à Informação*, LAI) which is supposed to ensure the right of access to information produced or stored by public entities.

legal insecurity” (Brasil 2018, 5). Throughout this chapter, it will become clear that the attempts resulting from this complex situation were necessarily full of contradictions.

3.1 Lone fighters flying the flag for the “racial agenda”

My first personal encounter with the “Interministerial Working Group on Racial Quotas” took place in mid-September 2017 during an event entitled “Juridical Seminar on the Quota Politics in the Public Service – Advances and Challenges” (cf. Notícias Seppir 2017). Consisting of a two-day program with roundtables and talks on topics such as “Positive discrimination and administrative law,” “The beneficiary of affirmative action,” and “The judicialization of the quota policies,” the seminar represented the public highlight of the working group’s activities. For the group, which had been working since February 2017, the seminar offered the possibility to discuss with legal experts, social scientists, and members of civil society some of the core questions that had emerged during its debates. From the protocols of the working group, I later learned that one of its members in particular – Roseli Faria – had strongly advocated for elaborating the hetero-identification mechanisms as transparently and democratically as possible through dialogue and exchange with administrative officials, legal experts, academia, social movements, and civil society. I guess it was not least due to this fact that Roseli – a small energetic woman with chin-length curly hair and an open face – reacted with delight when I presented myself to her during the seminar: “Oh, so you are the researcher from Germany working on the verification commissions! How great to finally meet you!” I was pleased to hear that the coordinator of the working group, whom I had contacted via e-mail when I was still in Germany, had told the group about my interest in their activities. From what I later heard, the group members were initially surprised, but also happy about the fact that their work already aroused scientific interest – even outside of Brazil. Several group members received me quite openly when I appeared at the public seminar – but Roseli’s welcome was particularly warm. Due to her openness towards my research and our mutual sympathy, she would become one of the most important persons for my research over the course of the following months. She regularly pointed out relevant interlocutors to me, shared information about interesting events or publications, and always was extremely helpful and reliable when

I had a question or needed advice. From time to time, we met for a drink and chatted away Sunday afternoons discussing the political developments in Brazil and Germany.

As I would soon discover, Roseli was one of the most important members – if not the key figure – of the interministerial working group that consisted of sixteen persons in total.⁶⁷ For one thing, this was due to the fact that she had been centrally involved in the implementation of hetero-identification mechanisms since 2015, when the Planning Ministry – where she had worked at that time – was the first federal governmental institution to install a verification commission in one of its selection processes, thanks to Roseli’s engagement. In the course of this work, she had familiarized herself with hetero-identification experiences in other institutions as well as with the possibilities to regulate such procedures administratively and legally. Furthermore, she had already held workshops for future members of verification commissions and had participated in the first verification procedures that had taken place on the federal level. Thus, she had acquired a lot of specific knowledge about a topic that was not given much importance within the ministerial bureaucracy as such, but had been put on the agenda due to the engagement of a few committed individuals.⁶⁸ The above-mentioned social scientist Antônio Teixeira – who was also an important member of the interministerial working group – related this central role of a few individuals to a generalized disregard within the state apparatus for policies addressing racial inequality. Due to the resulting “low institutional adherence” to the “racial agenda,” Antônio stated, the SEPPIR – whose political influence as well as financial resources had been increasingly curtailed in the preceding years – was the only institution on the federal level that continuously paid attention to this topic.⁶⁹ Apart from

⁶⁷ Of the sixteen members listed in the group’s final report (Brasil 2018, 1), usually between eight and ten were present at the meetings. Invited guests – for example, legal experts and representatives of institutions organizing selection processes – participated in some of the twenty-nine meetings the group held between February and October 2017 (cf. Ministério do Planejamento, Desenvolvimento e Gestão 2017).

⁶⁸ Part of this commitment was their attention to debates and impulses from civil society and social movements. An example of such an impulse regarding the need for verification mechanisms was a public audience with ministry officials, social scientists and members of antiracist NGOs at the National Council of the *Ministério Público* in November 2015 (cf. Conselho Nacional do Ministério Público 2015a; 2015b).

⁶⁹ The establishment of the SEPPIR (*Secretaria de Políticas de Promoção da Igualdade Racial* – Secretariat for Policies to Promote Racial Equality) in 2003 at the time was hailed as a milestone and political success for the Black movement. At the latest since the end of the Worker’s Party governments in 2016, it increasingly lost political influence. Between 2015 and 2022, it was part of the Ministry of Women, Family and Human Rights and had a subordinate institutional status. However, in 2023, under the newly elected Lula government, SEPPIR was transformed into a ministry, and journalist Anielle Franco was appointed Minister of Racial Equality. For an overview of SEPPIR’s activities in the years 2003–2016, see K. R. da C. Santos and Souza (2016).

this administrative body, Antônio argued, “we have what some researchers used to call ‘the politics of charisma,’ that is, the racial agenda reaches other spaces of the state when you have someone who is sensitive to it and who does not let it die or disappear” (Interview; October 4, 2017). Roseli clearly was one of the persons to whom Antônio related when he spoke to me about this central role of ‘charismatic’ individuals flying the flag for the “racial agenda” within governmental institutions other than the SEPPIR. Accordingly, without her and a few other people who took up the issue inside the Planning Ministry and the *Ministério Público*, the process of implementing hetero-identification commissions probably would have developed quite differently. I was able to get an impression of this one week after the seminar, when Roseli invited me to a lecture that she and two of her colleagues would give in the master’s program in human rights at the University of Brasília on their practical experience with institutionalizing anti-discrimination policies.

On a Thursday evening in late September 2017, I am sitting in a small seminar room of the University of Brasília. The concrete gray room is crowded with chairs which are about to be occupied by the arriving students, who take their seats as they chat along. After the professor who usually teaches the class has presented the three guest speakers, Roseli takes the floor. Speaking without notes, she opens her talk by describing her frequent experience of being the only Black woman – first in her economy course at an elite university in São Paulo, later in her work as a trainee at General Electrics. Before she started to work at the Planning Ministry in 2010, she therefore prepared herself for this situation again – “as a Black woman, I surely would bear the ‘minority stamp’ in there and would have to be able to speak up for this topic.” When we had met an hour before today’s talk, she told me how this intense engagement had made her revise some of her basic political assumptions: “Even though I always had to deal with racism – as a Black woman you can’t avoid doing so –, I did not use to think of racism as the biggest problem in Brazil. But nowadays I do.” When she became involved in the organization of an upcoming selection process for new civil servants in her ministry in 2015, she therefore soon called attention to the fact that there had been reports about cases of fraud in recent public selection processes. Being aware of this development, Roseli started to research possible mechanisms to prevent such cases, consulted experts, and made a

corresponding proposal for the upcoming selection process to her superiors – who accepted it, to Roseli’s great surprise.

Throughout her talk, I gain the impression that the whole process of implementing verification commissions in the selection process of the Planning Ministry depended strongly on Roseli’s individual commitment. She later confirms this impression by describing her engagement as a very “personal thing” of her and two other colleagues, stating that “the construction of this was nothing institutional, it was a coincidence.” Among other things, she blames this on the fact that “the bureaucracy of the Planning Ministry – and of the Esplanada⁷⁰ in general – is very conservative and never really understood the sense of the affirmative action law.” According to her, “the bureaucratic apparatus therefore only reacted to stimuli such as commands of the Ministério Público⁷¹” instead of taking action in the face of reports about growing numbers of ‘illegitimate’ quota applications.

When Roseli starts to speak about her concrete experiences with the hetero-identification commissions she helped to implement at the Planning Ministry, an animated conversation evolves between her and the students. Everybody has a story to share about his or her family background and how they feel about the possibility of “the state deciding who I am.” Roseli listens carefully and discusses patiently and respectfully why she thinks that the commissions are necessary, how they should work, which pitfalls emerge, and how they tried to solve them in the commissions in which she participated. From the vivid way she talks, one can feel that

⁷⁰ The *Esplanada dos Ministérios* is part of a central avenue (*Eixo Monumental*) in Brasília along which many federal ministries are located. In the way it is used here, the term refers not only geographically to this specific avenue, but also to the federal ministerial bureaucracy in general.

⁷¹ The *Ministério Público* is the Brazilian Public Prosecutor’s Office. It operates independently from the three branches of government (executive, legislature, and judiciary) and therefore sometimes is referred to as the fourth branch. A specific feature of the Brazilian Prosecutor’s Office is the fact that it is also responsible for the defense of collective and fundamental rights. The 1988 Constitution strengthened the position of the *Ministério Público* and also gave it the task of protecting minority rights (cf. Moreira 2016, 488). It is due to this responsibility that, as noted by Moreira (ibid.), “Black movements and federal public prosecutors have worked closely to improve the social standing of Afro-Brazilians.” In line with this, Roseli once explained to me that “what really forced the government to advance” with respect to the introduction of hetero-identification mechanisms was a legal suit of the federal *Ministério Público* against the Ministry of Planning. Published in January 2016, this public civil action (*ação civil pública*, ACP) obliged the ministry to suspend an ongoing selection process that did not contain a verification procedure, as there had been several denunciations of fraud. More importantly, it imposed the requirement to establish a directive that would prescribe a hetero-identification mechanism for all selection processes on the national level (cf. Brasil 2018, 6; Ministério Público Federal and Defensoria Pública da União 2016). With the latter demand, the ACP sparked the process that would culminate in the publication of the *Orientação Normativa No. 3* in August 2016.

to her, all this is more than just part of her job – rather, it is her mission and a matter of the heart to bring the Brazilian public service closer to a space marked by what she calls representativity.

The feeling of being ‘lone fighters’ who are marginalized inside their own institutions – and even more so within the wider governmental apparatus – that Roseli expressed in her talk was shared by several other members of the working group. This was partly due to the political shift towards the right in Brazil, which had taken place over the past years. This shift reached a preliminary culmination in August 2016 when the right-wing politician Michel Temer replaced President Dilma Rousseff from the Worker’s Party in a questionable impeachment process.⁷² As a result, there had been many changes in the ministry staff, as Roseli and the man she called her “most important ally,” Eduardo Gomor, told me when they gave me a ride home after their lecture at the University of Brasília. Eduardo was a White-positioned political scientist who had worked in the Planning Ministry as well as in the SEPPIR over the past years. He knew of several progressive and left-leaning civil servants who either were transferred to less influential positions or left the administration by themselves. Like Roseli, Eduardo decided to stay: “Some of the ‘good guys’ have to stay in there and try to rescue what can be rescued...” (Field notes; September 21, 2017) Among the things that he and Roseli wanted to rescue were the affirmative action policies that always had been criticized by neoliberal and right-wing politicians, but had lost even more support with this change of government. At the time of our conversation, it was hard to imagine that about one year later, Jair Bolsonaro would win the presidential elections – an event that would lead to a massive aggravation of state disregard for human rights in general and anti-discrimination policies in particular (cf. Lempp 2019b). Although Roseli and Eduardo spoke of the possibility of Bolsonaro becoming president, they described it as a highly improbable horror scenario that they preferred not to think about at all.⁷³

⁷² For an overview of the events leading to the impeachment as well as an evaluation of its impacts on the human rights situation in Brazil, see Chalhoub et al. (2017).

⁷³ In the conclusion, I discuss in more detail the implications of the Bolsonaro government for my field.

Roseli saw the interministerial working group as a central location to carry out this rescue work, as she perceived the hetero-identification commissions as a crucial mechanism “to ensure the efficiency of the [affirmative action] law” (Interview; September 27, 2017). The aim to protect the affirmative action policies via the implementation of hetero-identification mechanisms was shared by the majority of her fellow group members, which she described as one reason why this working group functioned quite well and ran ‘smoothly.’ She contrasted this with her experience in a previous working group inside the Planning Ministry that, in the first half of 2016, also had been supposed to develop guidelines for verification commissions. As she described it, this working group had consisted of “a lot of people who love to put in their two cents [*dar pitacos*] without understanding anything of the subject” and who “at every moment were trying to overthrow the [quota] policy as they discredited the quotas in general” (Interview; September 27, 2017). In contrast to this, she described the interministerial working group as consisting of experts who were well versed in the subject and who agreed that the affirmative action policies were useful and necessary. This description matches my impression that there were no fundamental conflicts in the working group, that it was staffed with persons who were highly committed to the cause of affirmative action, and that many of its members had ample experience with the implementation of such policies. Nevertheless, Roseli’s interpretation of the group members as ‘experts’ is telling. After all, the verification commissions – and thus the working group as well – were under constant attack and publicly criticized by proponents as well as opponents of the affirmative action policies. Roseli’s emphasis on the ‘expert’ status of the working group might have been motivated by the wish to defend it against these critics. Furthermore, her ‘expert’ framing also fit with the working group’s goal of providing more legal security for the hetero-identification commissions: if they were deemed to have been developed by knowledgeable and competent persons, these assessment practices would become less open to legal challenge.⁷⁴

Besides the fact that the working group members belonged to a similar community of practice, there was another commonality that I perceived, at least among those members of the working group with whom I had closer contact. In line with their own perception of being lone

⁷⁴ The question of who has the ‘right’ knowledge to decide on such a complex issue as the racial classification of others is a regular issue in the context of the hetero-identification commissions and will also be treated in Section 3.2.2.

fighters, they positioned themselves quite critically not only towards the current government, but to the Brazilian state in general. This became especially clear to me in my exchange with Antônio Teixeira who was one of the few researchers in the working group, which was mainly composed of administrative staff. Antônio had caught my attention during one of the lunch breaks at the juridical seminar organized by the working group in September 2017, as he was giving a kind of spontaneous lecture to the persons sitting at his table. The concise and politically elaborated way in which this young man, sporting a chin beard and long curly hair tied in a plait, talked about the topics of the seminar, emphasizing the complexity and quasi-unsolvability of the problems in question, seemed to differ significantly from the more technical discourse of most of the speakers during the event. This impression was confirmed when I met Antônio a few weeks later for an interview in his office at the IPEA⁷⁵, a major public research institution where he worked in the Gender and Race Department. During the interview, Antônio commented on the bigger context of the affirmative action policies by formulating a fundamental criticism of the way in which the Brazilian state did (not) address issues of race and racism. On the one hand, Antônio argued, the Brazilian order would indeed contain an “integrative perspective” – at least since the new Constitution of 1988 – resulting, among other things, in the affirmative action policies. On the other hand, this perspective would coexist with a “politics of extermination” reflected in indicators on violence comparable to a country at war. However, the resulting high rates of detention and mortality affecting the Black population in particular would not be “sufficient for us to declare crisis,” but would be seen as “part of the normal functioning of what we call democracy in Brazil.” Against this background, Antônio described it as a fact that Brazilian public policies as well as the governmental institutions in general – for which the IPEA is doing groundwork – did not have a focus on the questions of racial inequality his small department was researching. Similar to Roseli, he also described himself as quite isolated within his institution:

It’s me and one other colleague who work in the racial field [*área racial*], nobody else. [...] [Inside the IPEA,] we have very few communicating links with other areas. Few people are interested in the racial debate outside [of our department]. (Interview; October 4, 2017)

⁷⁵ See footnote 64.

At the same time, this marginalization and relative isolation also gave him some freedom to critically research and write on certain topics, as he described to me more than two years later when we had a WhatsApp conversation about one of his papers that had been recently published as part of an IPEA series. In this publication, Antônio describes the affirmative action policies as “one of the few political responses of the Brazilian state to the barbarism that it itself has engendered for centuries on end” (Lima Junior 2019, xxvi). Given the fact that the IPEA is closely linked to the government, I was a bit surprised to read several such ‘radical’ statements in an official publication of this institution. Moreover, I noticed that the text positioned itself very clearly in favor of affirmative action and wondered how far this represented an institutional or individual perspective. In reaction to a message of mine in which I shared these thoughts, Antônio responded:

Yes, your impressions are right on point. In practice, the fact that it is a field with little prestige also gives researchers a little more freedom to write. I used these loopholes a lot to explore what I was allowed as a researcher. Ultimately, [the paper] reflects my position as an author more than any institutional perspective. (WhatsApp message by Antônio; April 21, 2020)

Antônio’s observation – regretted and criticized by him – that there was little institutional attention for antiracist issues and policies, at the same time provided him with a certain freedom that enabled him to publish quite critical texts from within a quasi-state institution.

In stark contrast to this publication by Antônio, the final report of the interministerial working group – which forms the main basis for my analysis of how the group tried to formalize the hetero-identification procedures – represents a rather technical and descriptive document. After a first introducing chapter, which presents the legal framework as well as the aim, composition, and timetable of the working group, the second chapter summarizes the history and legal landmarks of affirmative action by referring to international and national law as well as antecedents and analogous policies adopted on other administrative levels. The third and main chapter contains the detailed set of instructions for the procedures of the hetero-identification commissions. These formed the basis for the policy guideline that the working group was supposed to elaborate and that, in April 2018, would replace the previous guideline

regulating the hetero-identification commissions.⁷⁶ The report as such ends with some final considerations as well as a short list of bibliographical references. It is complemented by a 30-page annex consisting of a conference report by Antônio Teixeira Lima Junior on the juridical seminar that the group organized in September 2017, summarizing the content of each panel (cf. Brasil 2018).

The matter-of-fact way in which the working group presented its results in this report might partly be due to its institutional-bureaucratic context requiring a ‘neutral’ and ‘objective’ description.⁷⁷ However, given the controversial character of the topic in question, it is likely that this framing was also partly the result of a strategic decision by the members of the working group – who, as outlined above, perceived themselves as lone fighters facing strong political headwinds. In light of this, they may have explicitly aimed at producing a final document that would come across as being as factual and impersonal as possible, presenting the hetero-identification commissions as a perfectly normal thing that just needed some administrative regulation, like many other elements of public selection processes.

⁷⁶ The *Orientação Normativa No. 3* from August 2016 had been quite short and contained only four articles, basically determining that verification commissions must be established, that these commissions should use the candidate’s phenotype as the only criterion and that their members should be diverse in terms of “gender, color and, preferably, place of birth” (Ministério do Planejamento, Desenvolvimento e Gestão 2016a, 54). The new guideline of April 2018 – entitled *Portaria Normativa No. 4* (Normative Decree No. 4) – was much more detailed, containing eighteen articles with a number of specifications regarding the hetero-identification procedures (cf. Ministério do Planejamento, Desenvolvimento e Gestão 2018). The 2018 guideline thus represents the condensed result of the working group’s efforts to translate the idea of a social gaze into administrative standards, which I analyze in this chapter. I will therefore briefly mention its key elements here, which already gives an idea of some of the topics that will appear throughout this chapter. In what follows, however, I will focus on the group’s report and on my interviews with its members, as these provide more nuanced and complex insights into the working group’s efforts and discussions during the development process than the final product itself.

Just like the 2016 guideline, the 2018 decree defines the phenotype as the sole criterion that must be evaluated in the presence of the candidate by a ‘diversely’ composed commission. Furthermore, the 2018 directive establishes that the hetero-identification commissions have to consist of five persons that take their decisions by majority vote. (The previous guideline had not provided any specifications in this regard, so that each institution could set these parameters individually.) Unlike the previous guideline, the 2018 directive only speaks of *negros* as the legitimate recipients of affirmative action and does not mention the categories *pardo* and *preto* – an aspect that several of my interlocutors welcomed since, in their view, this made clearer to whom the quotas were directed. Another aspect of the new guideline that was more controversial among my interlocutors was the stipulation that rejected applicants would be excluded from the entire selection process (rather than being transferred to the general pool of applicants) “notwithstanding claims of good faith” (ibid., 43). The two latter points are also raised by Dias (2018a) in his detailed discussion of the new guideline, which he considers to be “the greatest procedural and conceptual advance created for the implementation of racial quotas” so far (ibid., 173).

⁷⁷ Regarding the (self-)representation of bureaucracies as “objectivity machines,” cf. Hoag (2011, 81ff).

Accordingly, the report does not treat some of the core controversial aspects of the commissions – such as the question of how to define its target group (see Chapter 2) – and presents the instructions for the hetero-identification procedures in the style of a straightforward how-to manual.

Throughout the next section – in which I will take a closer look at this ‘manual’ –, it will become clear that things were not as straightforward. Instead, a number of tensions appear in the working group’s attempts to find solutions for the ‘new problem’ posed to the Brazilian state on how to identify those who can officially count as *negros*. As I will show, the working group tried to tame the complex issue at hand by defining its work as establishing standard procedures, but without providing any objective criteria. This attempt results in the contradictory meandering that I try to capture in this chapter (as well as throughout the entire thesis) and that must be analyzed as a characteristic feature of administrative attempts to handle this “complex and messy object” (Law and Singleton 2005, 331) called race. Even though John Law and Vicky Singleton’s research dealt with a different research object, their concluding statement that we “cannot expect to be able to tell a consistent tale” (ibid., 350) when researching such objects certainly applies to my field of inquiry as well.

3.2 Establishing “standard procedures” – but no “objective criteria”

In line with my impression that the working group presented the instructions for the hetero-identification procedures in the style of a straightforward how-to manual, its final report described the “standardization” of the verification procedures as the main purpose of the group (Brasil 2018, 36). It thus aimed to achieve “the isonomy of the process” (ibid.) – i.e., uniformity in the sense that all federal selection processes throughout the country would apply the same forms of hetero-identification.⁷⁸ The fact that the report names the hope to “reduce the possibilities of judicialisation of selection processes” (ibid.) as a key motivation for this approach hints to a central aspect of the group’s work: the goal of establishing hetero-identification procedures that would be legally accepted and that would thereby give more

⁷⁸ For a detailed discussion of the legal principle of isonomy in the context of affirmative action, see Evandro C. P. Duarte (2007).

legal security to public selection processes as such. After all, the field of public selection processes in Brazil was already highly judicialized. This is not least due to the fact that the Brazilian Constitution defines ‘impersonality’ (*impessoalidade*) – i.e. ‘objectivity’ and ‘neutrality’ – as a core feature of the public administration, and by extension as a key feature of the selection processes for public servants. In this context, candidates sue the respective institutions for all kinds of procedural irregularities, with such lawsuits sometimes interrupting the entire selection process. In light of this, there was a strong institutional interest to ensure that the hetero-identification commissions would produce legally valid results – and the working group tried to contribute to this by establishing “standard procedures.”

The aim to make the commissions’ decisions more legally watertight – together with the idea “that imprecise criteria have no room in public selection processes where transparency and impersonality are central values” (Calvo-González and Santos 2018, 252) – fostered a process of standardization via supposedly objective criteria. On the one hand, the phenotype with its seeming stability and givenness seemed to fulfill this requirement very well, so that the working group, just like the earlier guideline, defined “the phenotype presented by the candidate in front of the commission” as the only criterion on which a commission should base its decision (Brasil 2018, 49). On the other hand, as described in Chapter 2, this approach had led individual institutions to use tables with physical criteria that were fiercely criticized for being “too closely related to how scientific racism classified subjects” (Calvo-González and Santos 2018, 252). The working group was thus faced with the dilemma of developing hetero-identification procedures that on the one hand would meet administrative and legal demands for objectivity and standardization, but on the other hand would also work without employing the methods that had been strongly problematized with regard to racial classification. Roseli therefore clearly distinguished the idea of aligning the commissions’ methods from the definition of ‘objective criteria’:

Those who know a bit about this topic know that we will not define objective criteria. This is neither possible nor desirable. Our negotiation [in the working group] was to design procedures for the commissions. (Interview; September 27, 2017; emphasis in the spoken word)

With this statement, Roseli underlined the status of herself and the other working group members as ‘experts’ who were well aware of the problematic associations of the

commissions' work with racial measurement practices of the past. Accordingly, the working group's focus on the alignment and standardization of the commissions' procedures always went hand in hand with the emphasis that the commissions would not apply the supposedly objective numerical measures or color charts associated with such practices. By stating that a definition of objective criteria would not only be undesirable, but also impossible, Roseli furthermore distanced herself from an understanding of race as something fixed and biological that would be located in the body. This is in line with Calvo-González and Santos' observation that "[m]ost of the activists and intellectuals who argued for the establishing of mechanisms to curb fraudulent self-descriptions would never claim that race is a biological reality," but would instead understand race as "a socially constructed phenomenon located in the reading of an individual's external phenotype" (2018, 252). Due to this understanding, the working group justified their focus on the phenotype with the argument that this would be the basis for "the social recognition of an individual as *negro*" in Brazil (Brasil 2018, 33f). However, in line with Roseli's statement, it refrained from defining the physical features that would make up this specific phenotype.

On the one hand, the group thus distanced itself from the idea "that there is a certain, measurable and objective way to assess whether an individual can be considered non-white or not," of which charts and tables with physical criteria were an extreme expression (Calvo-González and Santos 2018, 252). On the other hand, it defined the phenotype of the candidate as the only criterion for the commissions' decisions and presented this criterion as a quasi-objective "truth from the body" (Fassin and d'Halluin 2005). This becomes apparent in a statement Roseli made when we talked about the fact that even though the working group did discuss alternative verification mechanisms such as an essay written by the candidate or a questionnaire, it rapidly concluded that a commission evaluating a candidate's phenotype would be the best mechanism – on which Roseli commented approvingly:

Although this is a more controversial instrument, because you have a third party deciding about someone's self-declaration, I think it is a more objective instrument. Because you can ask a person: 'Write an essay about your experience of being Black,' but she may have memorized that. [If the candidate has to answer a questionnaire:] the answers will be trained. (Interview; September 27, 2017)

In the working group's view, it was thus the body alone – visually evaluated by a commission – that could prove someone's status as *negro*. Written statements by the candidates were not considered reliable enough, i.e., they were not seen as providing a sufficient degree of objectivity and, as a result, legal security. However, the group argued that in order to capture this 'truth from the body,' the commission members would not need to draw on numerical indicators or similar supposedly objective criteria. Rather, they should focus on "the social fact of being *negro*" (Brasil 2018, 50), that is, on the question of who would be recognized as *negro* within Brazilian society. In its attempts to operationalize this social gaze, the working group thus underlined that it would not produce 'objective criteria' in the sense of numerical indicators, but would instead establish 'standard procedures' – suggesting that if one would follow these 'well-reasoned,' standardized procedures, this would produce reliable results that would contain a sufficient degree of objectivity and therefore should be legally accepted. So what did these 'standard procedures' developed by the interministerial working group look like? In its report, the group defined three main elements: first, the self-declaration by the candidate as a first and indispensable step to start the hetero-identification work; second, a commission that was composed 'diversely' and whose members were 'knowledgeable' in the field of (anti)racism; third, the use of the phenotype as the main and only criterion for the commissions' decisions. The following subsections will trace these three aspects, together with the tensions and ambivalences that accompanied them.

3.2.1 On the ambivalent role of the self-declaration

The idea that a candidate's self-declaration as *negro* was not sufficient and could come under scrutiny had still been strongly criticized when the verification commissions were introduced (cf., e.g., ABA 2016). However, it was already a given basic assumption for the interministerial working group when it started its work in 2017. Nevertheless, the group defined it as a prerequisite that the candidates would have to define themselves as *negros* in the first place in order to apply for a quota vacancy. Referring to the legal expert Daniela Ikawa (2008, 129f), the group argued that this would be important "in order to avoid external identification aiming at negative discrimination as well as to strengthen the recognition of difference" (cited in Brasil 2018, 30). At the same time, the group stated that in the case of affirmative action –

where the recognition of someone's racial identity formed the basis for the access to a right – the confirmation of this identification could not be “left to the interested party alone” (ibid.). The group therefore described it as the federal executive's “duty of office to ensure that the beneficiary of the reserved vacancy is a person socially understood as *negro*” (ibid.).

To bolster this argument, the group referred to the law that had introduced quotas for the public service. Even though this law defined that those candidates who declared themselves *preto* or *pardo* could apply for quota vacancies, it also contained a passage mentioning that “[i]n the event of a false declaration, the candidate will be eliminated from the selection process” (Brasil 2014, article 2). Drawing on this latter passage, the working group argued that the law implicitly authorized hetero-identification mechanisms (Brasil 2018, 4). Given the possibility of a false declaration, the group argued, the public administration would even be “obliged to create mechanisms to prevent it, under penalty of administrative improbity” (ibid., 31). According to the working group's reasoning, it would therefore be downright unlawful *not* to verify whether candidates legitimately applied as *cotistas*:

[A]llowing non-Black persons to occupy the vacancies reserved by the [affirmative action] law would violate the principle of legality. In addition, it would be morally reprehensible for persons who are not beneficiaries of the reserved vacancies to assume a function in the public service whose performance must be characterized by probity and integrity. (Ibid., 32)

With this argumentation, the group raised fundamental points to underscore the permissibility – or even the necessity – of verifying the candidates' self-declarations in public selection processes.

A different attempt to argue for this permissibility became apparent in a statement by a philosopher of law who was not part of the working group, but who had counseled a major institution in São Paulo on the functioning of its hetero-identification mechanisms. Speaking of the process in which he and other experts on racial inequality and antiracism discussed this question, he described their decision to frame the commissions' doing merely as a confirmation of the statement that the candidate made:

Because the process is not one of self-declaration. The process is one of declaration. The person declares, and this declaration has to be validated by

the verification commission. If it were self-declaration, the candidate's declaration alone would be sufficient. (Interview; July 31, 2018)

Thus, in this group, they tried to solve the contradiction between the demand for a candidate's self-declaration on the one hand and the requirement to verify this self-declaration on the other by defining the candidate's statement as a mere declaration – a distinction that is not found in the documents and debates of the interministerial working group.

The vehemence and sophistry with which those who regulated the hetero-identification commissions tried to circumvent the contradiction that the commissions were externally evaluating a *self*-declaration is due not least to the strong legal entrenchment of this instrument. After all, as critics of these commissions often pointed out, the racial self-declaration was a crucial right, legally fixed by Brazil's Racial Equality Statute as well as by international conventions.⁷⁹ Importantly, this right also had been a central demand of Black and indigenous social movements for a long time. In the context of affirmative action, this right came into tension with the administrative will to verify someone's eligibility for access to these public policies. The fact that the interministerial working group defined the candidate's self-declaration as the first and indispensable step to becoming a *cotista* can be seen as a concession to the central role of this legally protected instrument – and therefore as a contribution to the legal security of the commissions' work. However, the group did not consider a candidate's self-declaration as a sufficient 'proof' for his or her being *negro/negra*. In the end, the self-declaration rather fulfilled the function of being a "juridical formalism," as Roseli once described it to me (Interview; September 27, 2017). The candidate's self-declaration merely sets in motion the 'machinery' of verification. Without it, however, the machinery cannot work: according to the standard procedures established by the working group, the commission may only start its evaluation after the candidate self-declared him- or herself as *negro/negra*.

⁷⁹ With regard to international conventions, reference was mostly made to the "Indigenous and Tribal Peoples Convention" by the International Labor Organization (often abbreviated as "ILO 169") which established self-identification as the fundamental criterion to identify indigenous or tribal groups.

3.2.2 Defining criteria for the composition of the commissions

I always say: 'We are not going to give courses.' Because 'course' implies an accumulated and objective, tested knowledge, which I think we will never have on this subject. [...] I think there will never be a manual for the commissions. (Interview Roseli; September 27, 2017; emphasis in the spoken word)

This is a statement Roseli made while she was speaking on the necessity of a social debate around who could legitimately be seen as a quota candidate. Pointing out how much this issue was in flux, she distinguished workshops for commission members – which she considered very important – from the transmission of objective, fixed knowledge and emphasized the necessity for continuous discussions and common reflections among members of hetero-identification commissions. In contrast, during her talk at the University of Brasília, she jokingly described the working group's task as to develop "a kind of cake recipe" which the commissions in all selection processes in the country would have to follow.

The discrepancy between the image of an easy-to-follow recipe and the statement that "there will never be a manual for the commissions" hints at a tension that appeared in the entire discourse around the hetero-identification commissions and which, consequently, also arose in the working group's attempts to establish 'standard procedures' for these commissions. On the one hand, it was often emphasized that the decision whether someone was *negro* would be quite simple – after all, this would be something one knew from early childhood, as several of my interlocutors commented to me. On the other hand, the protagonists emphasized how difficult the commissions' decisions often were, and that there were all kinds of "complicated cases" where one was in doubt. In the early days of the debate around verification commissions, scientists – especially anthropologists – were sometimes attributed the role of "race experts" who would be particularly well suited to work in a commission (cf. Maio and Santos 2005, 202). In contrast to this, many actors emphasized even then that it was instead a matter of simply looking at the candidates "with the eyes of society" (ibid.) – and that therefore no special prior knowledge would be required to decide whether someone was Black or not.

The question of what one must know in order to work in a commission has always played a central role in the debate around the hetero-identification procedures: Is it a knowledge that

'everybody' has anyway? Or is it something that one must learn? If so, what does one have to learn in order to have this knowledge? Are *negros* better suited for the work or is it important to have a 'mixed' commission? In short: who has "the capacity to 'read' the [candidate's] face in a 'proper' manner"? (M'charek and Schramm 2020, 323f) In its attempts to objectify the commissions' results and to provide them with legal backing, the working group tried to approach this aspect primarily via two strategies, which I will focus on in this subsection: first, by emphasizing the importance of competence and expertise of the commission members; second, by underlining the necessity of a 'diversely' composed commission.

Regarding the first aspect, the working group was once more faced with a dilemma. On the one hand, if the decision whether someone was *negro* or not would be framed as something simple that happened all the time in everyday interactions, this could help to reduce the problematic association of the commission members' work with that of racial "classifiers" (Ebersohn 2011). On the other hand, given the fact that the commissions regulated the access to the public service – a highly formalized and juridified field –, the working group sought to regulate them in a way that would give them an aura of objectivity and transparency. If their members could rightly be considered competent and knowledgeable, this would make their decisions more objective and thus more difficult to challenge legally.

In general terms, the working group focused more on the latter approach and tended to frame the commission work as something tricky and delicate that could not be performed by just anyone. The group's final report therefore demanded that in the selection of commission members, preference should be given to persons "who already have had some contact or experience with the issue of racial equality and the fight against racism" (Brasil 2018, 42). The report does not further specify in which disciplines or fields of study one should have acquired this knowledge. However, by naming "racial equality" and "the fight against racism" as central themes, it by no means characterizes the commission members as (scientific) 'race experts.' Rather, the wording seems to refer to the 'classic' profile of many commission members who most often were social scientists and/or antiracist activists. This shows that the working group considered their kind of knowledge as appropriate and necessary in order to recognize a 'legitimate' quota candidate.

While the expertise of social scientists usually was accepted as an appropriate qualification for working in a verification commission, there was controversy over whether some (Black) antiracist activists had too limited an understanding of who the legitimate recipients of affirmative action were. In Roseli's view, the image of the commissions as being composed mainly of 'angry Black activists' aiming to exclude all those whom they perceived as not being 'Black enough' was propagated mainly by critics of the hetero-identification procedures:

Those who are against [the commissions] keep talking like this: 'the Black movement wants to remove the *pardo*' – but my experience is exactly the opposite. The persons from the Black movement tend to open up, because they see being *negro* as something positive, [...] and they want the Brazilian to recognize himself as such. (Interview; September 27, 2017)

In contrast to this, Deborah Silva Santos – another important interlocutor of mine who had coordinated many verification procedures for public selection processes – related stories of Black activists who were against the acceptance of candidates with a middle-class background, arguing that these would be "taking away the place of another Black person that is poor" (Interview; September 21, 2017). They thus did not see someone as 'Black enough' if they were not 'poor enough.' Arguing that this was not the point and that only the physical appearance of a candidate should be relevant, Deborah had decided not to include these activists anymore in the commissions that she coordinated.

It was probably due to the possibility of such incongruencies – of which I will write more in Chapter 4 – that the group's report emphasized that commission members should attend a preparatory workshop in order to ensure the "effectiveness" of their verification work (Brasil 2018, 44). These workshops, the report explains, could cover content-related topics such as racial inequality and affirmative action, but should also address formal aspects and/or contain simulations of the concrete hetero-identification procedure.⁸⁰ Aiming at an "alignment" (ibid.) of the commission members' knowledge, such workshops could prevent overly 'divergent'

⁸⁰ According to the report, the SEPPIR should provide some material concerning the concrete content of such workshops. In an e-mail communication in October 2020, I learnt from a former SEPPIR employee that his superior "at the time was very resistant to the subject." For this reason, he and his colleagues never elaborated an official guideline, but gave "all the support" they could when an institution asked for support regarding the organization of workshops for commission members. This hints again to the role of a few 'lone fighters' who tried to counter the institutional reluctance towards the affirmative action policies by pushing the issue within their means.

views – for example, the idea that someone should be rejected because they had attended a private school. Furthermore, the emphasis on the need for such an alignment is – again – an expression of the attempt to make the commissions’ procedures legally waterproof by ensuring “the isonomy of the process” (ibid.). If all commission members had the same kind of knowledge, this would not only standardize the results, but also help “to mitigate the occurrence of possible judicializations,” the working group hoped (ibid.). Not least, the fact that even persons who already had broad knowledge regarding racism and inequality still were obliged to participate in workshops that would prepare them for the verification work shows that the understanding of who is *negro* and who is not is less stable and universal as the talk of a ‘social gaze’ suggests.

The idea that a ‘diverse’ commission would be particularly well suited to apply this social gaze had been around for quite some time. The above-mentioned legal expert Daniela Ikawa had formulated this principle already in 2008 as a condition for the admissibility of hetero-identification commissions, and the Federal Supreme Court had confirmed it in its 2012 ruling. Furthermore, the guideline published by the Planning Ministry in 2016 – which the interministerial working group was supposed to specify – also contained this requirement. The group’s final report merely confirmed this already established standard when it stated that the commissions should be composed diversely in terms of gender, race, and regional origin (*naturalidade*) (cf. Brasil 2018, 43). This standard, however, played a crucial role regarding the production of objectivity and legal security for the commissions’ decisions. After all, it happened regularly that a commission’s decision was appealed against with the argument that the commission had consisted only of dark-skinned Blacks – who supposedly had not been able to empathize with the ways in which light-skinned Blacks also suffered from racism. Therefore, the fact that the working group defined that a commission had to be composed diversely most probably represented an attempt to prevent such criticism.

The requirement that a commission should be composed diversely with regard to gender, race, and regional origin was also formulated by many of my interlocutors. For example, one respondent described *negros* as particularly well suited to work in the commissions “because they know from their own experience how racism in Brazil works,” but also because they had

“no interest in excluding other *negros*” and hence would know how to draw the line between *cotistas* and non-*cotistas* (Field notes; October 10, 2017). Furthermore, many commission members considered the presence of women to be very important. As one member put it, women would be “more careful about details” and therefore able to tell, for example, whether a woman’s hair had been artificially straightened (Interview; October 19, 2017) – an aspect that could be helpful in deciding whether a person should be accepted as *cotista* (see also Section 4.1.2). These statements suggest that the gaze exercised by the commissions is seen as specifically racialized and gendered.

While many of my interlocutors emphasized that a commission member’s gender and race could influence their “capacity to ‘read’ the [candidate’s] face in a ‘proper’ manner” (M’charek and Schramm 2020, 323f), this aspect was not openly discussed in the final report. Maybe the idea that *negros* or women would be quasi-essentially better equipped to do the hetero-identification work would have been difficult to sustain within the legal-administrative apparatus to which the working group’s final report was addressed. In contrast, this did not seem to apply to the idea that someone’s regional origin influenced their capacity to identify a legitimate *cotista*, which the document discusses in some detail. The question of a committee member’s regional origin implied two different requirements. On the one hand, this aspect refers to the regional origin inside Brazil, as the group’s final report states that there would be “various phenotypic predominances observed in different regions and states of the country” (Brasil 2018, 43) – i.e., that the racial classification of a person could differ significantly throughout Brazil. In accordance with this reasoning, many of my interlocutors emphasized how important it was that at least one commission member came from the region in which the selection process took place. On the other hand, the aspect of diverse regional origins inside the commissions referred only to an origin within Brazil. The working group’s report does not explicitly require the commission members to be Brazilian citizens – however, it states the following:

[T]he participation of foreigners with little time of residence in the country can be problematic, since ethnic classification varies between countries, even within the Latin American continent, which can cause significant differences with other components of the commission regarding the identification of certain candidates. (Ibid., 42)

In short, the social gaze with which the commissions are supposed to look at the candidates is represented as something one only acquires if one is born in Brazil or at least has lived in the country for many years. In accordance with this reasoning, several of my interlocutors talked about how important it was to have lived in Brazil for a long time in order to work in a commission. One of Roseli's colleagues, for example, told me about a Colombian woman with whom the collaboration inside the commission was always complicated, as her evaluation usually differed from that of all other members – a fact that he attributed to her bringing along “a social interpretation that is from her country of origin” (Interview; October 5, 2017).

In its attempt to operationalize the idea of a social gaze, the working group thus took into account that there is no such thing as “the brute fact of phenotypic variation” (Wade 2010, 13). In order to nevertheless recognize a ‘legitimate’ *cotista*, a commission therefore had to be equipped with the ‘right’ (albeit very loosely defined) and ‘aligned’ knowledge and had to be composed of members who were diverse with regard to gender, race and regional origin – according to the working group's reasoning. A knowledgeable and diverse commission was seen as producing results that were sufficiently objective in the sense of providing legal security.

3.2.3 Seeing the “phenotypical ensemble” – not the “isolated features”

Once a candidate has declared himself *negro* – thereby fulfilling the ‘juridical formalism’ – and a ‘diverse’ commission is formed and equipped with sufficient and ‘aligned’ knowledge, the actual hetero-identification work can begin. This work can only be carried out efficiently if the candidate is physically present before the commission, the working group emphasized (Brasil 2018, 45). Given the fact that the working group defined “the phenotype presented at the time of the procedure” (ibid., 33) as the central criterion on which the commissions should base their decisions, this subsection will trace its role for the ‘standard procedures’ that the group aimed to establish. How did the working group conceive the phenotype, and how did it argue for its centrality? What was the phenotype's role in the operationalization and objectification of the social gaze?

A first hint to answer these questions comes from the way in which the working group discussed the interview the commissions usually had with the candidates, where they posed a few short questions regarding their self-declaration as *negros*. As Roseli described it to me, it would not really be necessary to have this kind of conversation inside the commission:

The person could appear in front of us and we would judge [without posing any questions]. But this is extremely embarrassing. That's Lombroso⁸¹, that reminds us [of these historical practices]... [...] The problem that arises [with the questions] is that it is not the candidate's identity that I am verifying, I am verifying the phenotype. [...] It's even interesting, it's a wonderful ethnographic work to listen to [the candidates]. But when it's time to make the decision, forget what you heard and decide if you see that person as Black or not, if you see that person as a beneficiary of the quota policy or not. (Interview; September 27, 2017)

Roseli thus described the interview as a way to distinguish the hetero-identification commissions from problematic historical measurement practices. Beyond that, however, she did not attribute any function to the questions, stating that it would be necessary to “forget what you heard” in order to decide whether someone could be seen as *negro* and therefore could become a *cotista*. Even more, the interview would lead to confusion, as the candidate's answers would tell the commission members something about the “identity” of this person – an aspect that, according to her, should by no means guide the commissions' decisions. Any questions posed to the candidates therefore would “end up being merely rhetorical and should not in any way guide the analysis of the commission's components,” as the group's final report stated (Brasil 2018, 47). In the group's reasoning, the visual register dominated over other forms of assessment, and content-related statements by the candidates were considered irrelevant for the decision. The questions posed to the candidates were merely intended to make the situation less unpleasant for the candidate, as Olívia, the already mentioned SEPPIR representative, explained:

The answers that the candidate will give to the questions are not taken into consideration. Especially because the questions are not of an evaluative nature. ‘Ah, I answered correctly, so I will be considered Black’ – that's not

⁸¹ Cesare Lombroso (1835–1909) was an Italian criminologist and physician who developed a theory of anthropological criminology according to which a criminal could be identified by certain physical characteristics. His theory quickly came under criticism – among other things because of “the underlying eugenic and racist program and its social implications” (Heinemann 2014, 183).

it. [The idea of] the questions and the interview format is to make that moment less invasive for the candidate. (Interview; October 3, 2017)

As a result, becoming a *cotista* is not something one achieves by giving a correct or convincing answer – at least not in the administrative reasoning that I am focusing on in this chapter.⁸² Instead, one has to present oneself in front of a commission that is entrusted with the task “to express as reliably as possible how a particular candidate is considered in terms of race or color” (Brasil 2018, 37f). In order to fulfill this task, the commissions are supposed to take into account “only the phenotypic aspects of the candidate,” as the Planning Ministry guideline from 2016 had already defined it (Ministério do Planejamento, Desenvolvimento e Gestão 2016a, 54).

The interministerial working group confirmed this focus, establishing the phenotype as the central criterion for the commissions’ decisions with the argument – described as an “undeniable observation” (*constatação incontornável*) – that this would be the basis for “the social recognition of an individual as *negro*” in Brazil (Brasil 2018, 33f). Drawing on this basic assumption, the group’s final report distinguishes the phenotype from and argues against the application of three other criteria which would be “commonly suggested as desirable” for the hetero-identification commissions: “1) biometric measurements; 2) the investigation of anthropological, cultural and/or biographical antecedents that denote the candidate’s belonging to the Black race; and 3) Black ancestry (genotype)” (ibid., 34). None of these three elements, in an isolated manner, would bring about acts of racism, the report argues. To illustrate this point, the report suggests “the absurd exercise to think of an act of racism committed in function of any of these perceptions in isolation: the measurements of the nose or lips, in millimeters; the appreciation of cultural elements associated with Blackness [...]; or the genotype of the subject” (ibid., 35). Instead, racist discrimination in Brazil would happen only due to the phenotype:

The phenotype of an individual is the fact that generates discrimination [...]. In job interviews, in violent police approaches, in preferential treatment regarding affective relationships, in none of these moments are considered isolated craniological measures or a supposed ‘Black affiliation,’ nor the

⁸² In the concrete commission practices, the answers given by the candidates could indeed have an influence on the commissions’ decisions. This aspect will be further elaborated on in Chapter 4.

genealogical tree or an examination of genetic ancestry to verify if the person is Black or not. It is on the basis of the whole phenotypic ensemble [*conjunto fenotípico*] that the Black person is discriminated against.⁸³ (Ibid.)

The working group seemingly understands the evaluation of the phenotype as something that is, on the one hand, more holistic and all-embracing than the assessment of isolated physical features. It therefore argues that an evaluation via biometric measurements would not only establish “an unreal link between racial perception and numerical measures at the limit of arbitrariness,” but would also result in “a process of fragmentation of the subject, from being taken in its existential totality to being reduced to a nose, a skull, lips, a skin tone, etc.” (ibid., 34). On the other hand, the working group describes the phenotype as something superficial that is directly accessible when it argues that “[t]he racial perception [...] is usually triggered by the simple visualization of the subject, without any deeper interaction that leads to the knowledge of his experience, mentality and conditions of existence and ancestry” (ibid.). The latter would be the case, the report argues, if the commissions would consider the second and third criterion mentioned above (cultural belonging or Black ancestry).

An interesting double argumentation is happening here. First, the working group argues that the (racist) social gaze in Brazil would function via the phenotype and that the hetero-identification commissions therefore also should work with this criterion. Secondly, by describing the evaluation via phenotype as a way to consider the candidates in their “existential totality,” the group tries to frame the commissions’ work as something that is holistic and simple at the same time. I analyze the latter move as an attempt to defend the commissions against the frequent accusation of being ‘race tribunals’ and, more generally, as an attempt to differentiate the commissions’ work from historical racial measurement practices in which “faces were disaggregated into different components” (M’charek and Schramm 2020, 323). Whereas the focus on phenotype is often used as an argument to defame the commissions as racial tribunals, the working group instead describes the evaluation via the “phenotypic ensemble” as just the opposite of measuring individual body parts or interrogating the candidates on their affiliation with ‘Black culture’ or their family

⁸³ The idea that the commissions should evaluate the “*conjunto*,” i.e. the “whole ensemble” of features that make someone be read as *negro* also appears prominently in the hetero-identification practices themselves – see Chapter 4.1.2.

background. With the evaluation via phenotype being described as a “simple visualization of the subject,” the commissions’ work is supposed to become something less conflictual, something that happens all the time in everyday interactions. By considering the “phenotypic ensemble,” the report argues, the commissions capture the whole individual without excessively intruding into his or her privacy and life history – as would be the case in a race tribunal where people would have to reveal their genealogical tree or would have to prove their cultural belonging to the Black community.

The fact that this attempt to discursively redefine the commissions’ work is contradicted by the constant reference to specific (isolated) physical features by commission members on the ground – as will be shown in Chapter 4 – is part of the tensions inherent to the administrative effort of making race manageable. While ‘objectivity’ is a central notion used by some protagonists to try to tame these tensions, others criticize this approach as apolitical, as I will show in the following section.

3.3 “Within the legal world, no objectivity is incontestable”

As I have shown throughout the preceding section, the interministerial working group approached its task to formalize the hetero-identification practices by establishing certain ‘standard procedures’ that would provide the commissions with a sufficient degree of objectivity and, thus, legal security. To provide argumentative support for this approach, the group regularly compared the hetero-identification procedure to other stages of a public selection process such as an oral exam. These stages would also work with criteria deemed to be objective – such as clarity or coherence – and nevertheless would be characterized by a certain degree of subjectivity, with a strongly diverging grading by two different examiners for the same test being a possible and (legally) acceptable result (Brasil 2018, 44). In my interview with Antônio Teixeira, he also referred to this comparison with an oral exam and to the possibility that a candidate might be approved by one examiner and dismissed by another. For him, however, the important aspect was that despite the possibility of such highly diverging decisions, “no one questions the oral exam as a method or as a criterion for entering the public service” – quite in contrast to the commissions, which were facing constant criticism

(Interview; October 4, 2017). Antônio therefore interpreted the high degree of objectivity demanded of the commissions as well as the accusation that their decisions would be too subjective as the expression of a generalized distrust against the affirmative action policies as such. In other, politically less-contested areas, decision-making procedures that were characterized by a comparable degree of subjectivity would be readily accepted.

Roger Raupp Rios was a judge at the Regional Federal Court in Porto Alegre and an expert in anti-discrimination law who was present at various public events that I visited during my field research stays. He made comparable and particularly succinct comments regarding this aspect at the juridical seminar organized by the interministerial working group in September 2017. Arguing that the affirmative action policies in general and the verification commissions in particular would attack the structural racism deeply engrained within Brazilian society, Rios stated: “When any system is confronted – as it is now the case with Brazilian racism – it will react by posing us the wrong question: ‘You don’t have a scientific criterion! You are not objective!’” (Field notes; September 13, 2017) He therefore demanded not to get stuck in the “false dilemma of objectivity versus subjectivity or even scientific versus non-scientific criteria.” By buying into this logic, one would “flee from a political-normative, antiracist perspective” which he considered the only reasonable approach towards the question of who the legitimate recipients of affirmative action were. He elaborated this as follows:

When we speak of skin color, we do not speak of physics – racism has nothing to do with physics and light waves. The question is not about measuring how much light a certain type of skin reflects in order to define a color from the physical point of view. Our question is sociopolitical [and not ‘scientific’] because racism is a sociopolitical phenomenon. (Field notes; September 13, 2017)

Those regulating the hetero-identification procedures therefore should not be concerned with the “typical” objectivity of the so-called hard sciences – which he noted weren’t so objective after all –, as this would mean to fall into the trap of a technicist-scientist argumentation evading the political and social dimension of the question at hand. Arguing further that race would be “no biological phenomenon, but instead is contextual,” Rios explained that the commissions’ decisions would be just as objective as other “social or cultural evaluations” – in the sense that they were taking their decisions “within the cultural context in which race

exists.” In other areas of law that would not conflict with the interests of the “ruling class,” such an approach would be legal common sense: by way of example, Rios referred to the field of commercial law, where “no one would ever think of describing the idea of ‘good faith’ as subjective and therefore invalid” (Field notes; September 13, 2017).

I was pleased but also surprised when I heard Rios make these statements. His emphasis that racism had “nothing to do with physics and light waves” and that the question of who were the legitimate beneficiaries of affirmative action had to be resolved in the political arena stood in stark contrast to several other legal experts with a more positivistic approach who seemed to suppose that the question at hand could be resolved, if not by “measuring how much light a certain type of skin reflects,” then at least via clear and objective criteria. I therefore assumed that Rios – who as a matter of course referred to decolonial theorists and cited critical concepts such as Sandra Harding’s “strong objectivity” (1993) in order to bolster his arguments for a political-normative, antiracist approach within the verification commissions – surely represented an exception within the very conservative local judiciary. As I found out later while reading the novel *Marrom e amarelo* – in which the protagonist participates in a governmental commission that has the task to regulate the hetero-identification procedures –, Rios’ exceptional point of view had even made it into a literary work. In the novel, writer Paulo Scott (2019, 38) has the protagonist cite an unnamed “federal judge from Porto Alegre” (identified in the epilogue as Roger Raupp Rios) with the following words: “Within the legal world, no objectivity is incontestable [...] The subjective reading has to be verifiable [*aferível*], if it is verifiable it is valid.” In reaction to these words, summarizing the aspects that Rios elaborated on during the 2017 juridical seminar, one of the other commission members in the novel states that “a guy with such clarity is an exception [within the legal sphere].” After all, there would be “a lot of judges and a lot of prosecutors who don’t accept the quotas” and the legal sphere as such would be characterized by a general denial of the racist Brazilian reality (ibid., 40).

As I mentioned regularly throughout this chapter, those who sought to secure the Brazilian quota policies via the implementation of hetero-identification mechanisms struggled with this fact. The ambivalent and meandering ways in which the interministerial working group tried to formalize the verification procedures that I have traced in this chapter therefore

represented, on the one hand, an expression of their attempt to provide legal security for these practices in the face of a conservative legal mainstream. On the other hand – given how problematic the use of objective criteria in relation to racial classification is –, the group tried to pay attention to critical legal experts like Rios who questioned the whole idea of objectivity and emphasized the social character of the hetero-identification procedures. This balancing act inevitably led to contradictions and tensions that are characteristic of any attempt to grasp the ‘slippery’ (cf. Schramm 2014b, 52) object of race.

The fact that the attempt analyzed here has such a complex relation to the issue of objectivity and at the same time is closely linked to the legal field is no coincidence. After all, the field of law is characterized by a “specific claim to objectivity” similar to that of the natural sciences (Liebscher 2021, 40). Rios’ statement according to which “in the legal world, no objectivity is incontestable” therefore is anything but a majority opinion in this field. As Doris Liebscher points out with reference to Nancy Levit (1999), the “dominant legal opinion” is accustomed to presenting its own assumptions as universally valid – with the consequence that “experiences of marginalized subjects such as women or Black people [...] are considered not generalizable and not true” (Liebscher 2021, 41). Now, the efforts to formalize the hetero-identification mechanisms examined in this chapter were not a direct expression of the “experiences of marginalized subjects.” However, as I have shown in Section 3.1, the attempt to institutionally secure the affirmative action policies with the help of verification mechanisms certainly was the affair of a few ‘lone fighters’ who perceived themselves as quite isolated within their respective institutions. Furthermore, the affirmative action policies are meant to support marginalized subjects by granting them access to highly contested resources, and therefore represent an attack on deeply entrenched structures of privilege.

It is maybe due to this structural marginalization of both the recipients of affirmative action as well as of those who formalized the hetero-identification procedures that the latter needed to refer to such a supposedly stable criterion as the phenotype for their endeavor. As the understanding that racism is a real problem in Brazil – and that affirmative action can be a necessary and useful instrument against it – is neither broadly anchored in society as a whole nor in the legal sphere as such, the working group had to resort to this seemingly fixed and ‘tangible’ criterion in order to operationalize the idea of a social gaze. It hoped that if this

criterion was checked by means of the 'standard procedures' elaborated above, this would provide the commissions – and, as a consequence, the affirmative action policies as a whole – with greater stability and legal security. That the focus on the phenotype entails a problematic tendency towards an essentialization and biologization of race is one of the central contradictions that accompanies this approach.

As I have shown throughout this chapter, the attempts to formalize the hetero-identification procedures – and the attempt to tame the slippery object of race – are full of such contradictions. This is the reason why, as described above, we “cannot expect to be able to tell a consistent tale” about this field (Law and Singleton 2005, 350). While the present chapter traced the meandering ways in which administrative actors try to make this “group of contradictory forces” (DuBois 2014, 67) called race manageable, the next chapter will examine how the resulting operationalization played out in the hetero-identification practices themselves.

4. Between social gaze and skilled gaze: the making of the *cotista*⁸⁴

The previous chapter traced the establishment of a “bureaucratic ritual” (Muniz 2021, 180) that would, on the one hand, meet the demand for objective, legally watertight procedures and, on the other hand, mitigate the resemblance of the commissions’ work to racial measurement practices of the past. The present chapter will take a closer look at how this bureaucratic ritual played out in practice, that is, within the concrete assessment work of the hetero-identification commissions. Drawing on an understanding of race as a relational and practice-dependent object, I analyze how the racialized figure of the *cotista*, the quota candidate, is enacted in the assessment practices of Brazilian hetero-identification commissions. By examining in detail how the *cotista* comes into being in these classification practices, I aim to open up the ‘black boxes’ in which this specific doing of race takes place. As described in the introduction, I hope that such an approach can contribute to a de-essentialization of race as something that “does not materialize in the body, but rather in relations established between a variety of entities, including bodies” (M’charek 2013, 434). Similar to Irene van Oorschot and Amade M’charek’s (2022, 410) analysis of the enactment of racial differences in forensic and legal practices of identification, this chapter will thus trace a complex entanglement of various practices, objects, documents, knowledges, and regulations upon which the different actors draw in the administrative making of the *cotista*. In their case study, Oorschot and M’charek analyze the multiple ways through which the ‘Turkishness’ of an unknown suspect came to be enacted, and examine how specific *collectives* are defined and delineated. In contrast, my analysis focuses on how *individuals* are categorized as belonging to a certain collective – namely, the target group of affirmative action (whose delineation is highly contested, as described in Chapter 2). I thus examine how exactly the candidates’ bodies are “made to enact the relation between the individual and the population, the individual and the type” (M’charek and Schramm 2020, 324) in this particular ‘technology of vision’ (cf. M’charek 2020; Haraway 1988).

⁸⁴ Parts of this chapter already were published in Lempp (2019a).

For this analysis, I draw on my observations of hetero-identification commissions at CEBRASPE, and on my interviews with commission members from various institutions as well as with candidates who had been assessed in a whole range of selection processes (for more details, see Sections 1.2 and 1.4). Section 4.1 will start with a vignette in which I describe the assessment procedure of a candidate – i.e., the making of a *cotista*. In what follows, I will then describe a number of registers upon which the commission members draw in this process. As I already described, the commissions are supposed to look at the candidates “with the eyes of society” (Maio and Santos 2005) – and commission members regularly draw on this idea of a social gaze, which supposedly knows quite well who is Black and who is not. However, there is a tension between the idea of a generalized social gaze, which supposedly gives everybody access to knowledge on who is *negro* in Brazil, and the emphasis on a skilled gaze one has to learn and train in order to be able to decide who is entitled to a quota place. Section 4.2 will discuss this tension and will examine how, in the logic of the commissions, the social gaze acquired in everyday life is transformed into a skilled gaze.

4.1 Enacting the *cotista*...

It is a Thursday morning in mid-September 2017 in Brazil’s capital Brasília. Today’s hetero-identification procedure is a relatively small one – only 25 candidates have been summoned. Inside the commission’s room, the three members are sitting in a semicircle, accompanied by a camera operator, who will record the interview, and by me as an observer. At one side of the room, in front of a whiteboard, there is a chair on which the candidate will be asked to sit down. Due to the air-conditioning, the room is freezing cold, while it is a hot and sunny day outside. One of the people that coordinates the processes outside the room opens the door. She sends in the first candidate and hands an envelope to Deborah, the commission member who receives the candidate at the door. Deborah – a Black-positioned university lecturer in museology with long-standing experience in hetero-identification work – asks the candidate to leave his belongings nearby the door and to take a seat on the chair. He is holding a sheet with his name and registration number, which he received outside. From the envelope, Deborah distributes a form to each commission member and hands an SD card to the camera operator,

who puts it into the camera and prepares for recording. She asks the candidate to say his name and registration number into the camera when the operator gives him a sign, and to state whether he agrees with the video recording. When the camera operator gives the thumbs up, the candidate holds the sheet with his name and number in front of his chest and follows Deborah's instructions, even though he seems a bit hesitant and insecure about whether he is allowed to turn the sheet so that he can read the long registration number properly. Deborah thanks the candidate, tells him to put down the sheet and poses the first question: "Marcelo, do you confirm your self-declaration as negro?" The candidate answers with a simple "Yes, I do." After a moment, one of the other commission members, Nelson – a Black-positioned university lecturer in visual arts who has advised CEBRASPE on its hetero-identification procedures for many years –, asks Marcelo how he justifies this self-declaration. The candidate hesitates for an instant and then declares that he sees himself as mestizo, due to his father being afro-indigenous and his mother being White. Furthermore, he remembers being called "cafezinho" (little coffee) or "feijão" (bean) in school. Deborah and Nelson nod, while Alejandra, the third commission member – a White-positioned legal expert teaching human rights at the University of Brasília –, already starts to fill out her form. "Thanks, that's it," Deborah says, and escorts the candidate to the door. After closing the door, Deborah sighs and asks the two others: "Well, what do you guys think?" While Alejandra is quite sure that she will accept the candidate, Nelson is undecided: "At least he was honest when he said that his father was afro-indigenous. And that little bit of hair also helps..." Deborah agrees with this argument, and so they all decide to accept the candidate. They tick the box with the label "cotista" on their forms and sign them. Together with the camera's SD card, they put the forms back into the envelope, return it to the coordinating person outside the room and tell her that she can bring in the next candidate. The entire process takes no longer than three or four minutes.

What happens in this scene, which describes one of the innumerable assessment situations I observed during my research? How has Marcelo been categorized as *cotista* in the course of this short interaction? This section draws on the notion of enactment (cf. Mol 2002), which emphasizes how "objects [...] emerge in practices consisting of individuals, technologies,

language and theories among others” (M’charek 2005, 15). The aim of this section is to analyze how a specific version of the *cotista* comes into being in the assessment practices of Brazilian hetero-identification commissions. Similar to Kristine Krause’s (2019, 291) analysis of how a positioning as disabled person becomes “articulated in different registers and modes of ordering,” I argue that the enactment of the *cotista* takes place through (at least) six different registers, namely: via the formal setting reminiscent of an exam situation or even a legal interrogation (4.1.1), via the candidate’s body (4.1.2), via the candidate’s narrative (4.1.3), via comparison with other potential candidates (4.1.4), via consensus (4.1.5), and via official documents and family photos (4.1.6). These registers – which overlap and are not applied separately in practice – inform the making of the *cotista*.

Commission members as well as candidates participate in this process. The candidates are not just passive figures awaiting their assessment – instead, they also mobilize some of these registers to sustain their claim to become a *cotista*. Still, the commission members are the ones that ultimately grant the official recognition as *cotista*. The making of the *cotista* thus depends primarily on the ways in which they draw on these registers. My analysis in this chapter will therefore focus more on the ‘classifiers’ – mostly academics and/or activists of the Black movement (see also Section 3.2.2) – than on the ‘classified,’ even though it will also take into account the latter’s role in this process and will touch upon the ways in which they described the hetero-identification procedure.

4.1.1 ...via the formal setting

As the opening vignette shows, the assessment situation somewhat resembled a legal interrogation – the candidate was sitting before of the commission, holding a sheet with his name in front of his chest, and was being filmed by a camera operator. This formal and legalistic setting is a crucial element of how the commissions’ decisions are stabilized. I therefore analyze it as the first register through which the enactment of the *cotista* takes place.

As I learned from my conversations with commission members, the hetero-identification procedures had not always been organized in this way. Particularly in reaction to innumerable

legal appeals that questioned the rejection of candidates by verification commissions, the procedure changed over the years in order to provide commissions' decisions with a higher degree of legal security. For example, an individual evaluation in a separate room became the standard procedure (as opposed to group assessments, which had sometimes been conducted in the early days). In addition, commission members were required to keep all information about candidates confidential. Camera recording also became common only after a while. For the institutions organizing selection processes, the camera recording serves the purpose of documenting the commissions' work and to make the procedure more transparent and verifiable in court. Many candidates I spoke with described the camera recording as crucial in making the hetero-identification situation seem official and exam-like. Nowadays, the filming of the assessment procedure is mandated by the policy guideline of 2018 (on which I wrote more in Chapter 3). The 2018 guideline also states that a candidate will be excluded from the selection process if he or she does not consent to being recorded on camera (cf. Ministério do Planejamento, Desenvolvimento e Gestão 2018, 43). As a result, the camera recording has become part of the 'bureaucratic ritual' in which the *cotista* is enacted.⁸⁵

This ritual – which, as should be recalled here, only became an official part of the selection processes for the public service in 2016 – has become increasingly standardized and formalized over the years. While the early commissions were largely left to their own devices and did a lot of improvising, there are now more comprehensive guidelines and orientations. In addition to the just-mentioned policy guideline, practitioners have produced handouts (cf., e.g., ABPN and GT 21/ANPED 2018; COPENE 2018) as well as detailed reflections on hetero-identification methods and procedures (Dias and Junior 2018). These publications reflect what many of my interlocutors described as an intense “learning process” that has occurred in the hetero-identification commissions over the past years.

One important element of this learning process concerned the questions posed to the candidates within the commissions. When verification commissions were first introduced at universities, they sometimes asked candidates whether they ever experienced racist

⁸⁵ The camera recording is used in case of an appeal – i.e., the second assessment of a candidate is based on the recording of the initial commission and not on a face-to-face encounter. This aspect is criticized, e.g., by Dias (2018a).

discrimination, or whether they had been politically active in the Black movement. Arguing that experiences of discrimination or antiracist engagement were no criterion for someone's acceptance as *cotista*, some candidates' lawyers legally challenged such questions. The resulting 'state of the art' regarding the questions posed to the candidates is formulated in one of the contributions to a book by Gleidson Martins Dias and Paulo Tavares Junior (2018), in which a public prosecutor from the State of Bahia states the following:

Questions regarding factors that are not directly related to the candidate's phenotype are invalid for checking the veracity of [someone's] racial self-declaration. Thus, questions related to religion, personal relationships with Black people or even participation in Black social movements bear no relation to the objective criteria to be observed by the verification commissions. (Vaz 2018, 59)

Due to this reasoning, commissions nowadays usually limit themselves to asking one or two more generic questions – with the first one concerning the candidate's self-declaration as *negro/a* and the second one inviting him or her to justify this decision, as described in the opening vignette of this chapter.

The making of the *cotista* can now be characterized by the following elements: candidates are evaluated individually in a separate room with the assessment being recorded on camera. Candidates are posed only one or two questions that focus on the aspect of their self-declaration as *negro/a*. Furthermore, it is often emphasized that all candidates must be asked the same questions in order to achieve the 'isonomy of the process' (which was highly valued by the working group analyzed in the previous chapter). These elements were, however, not mandated as such by the policy guideline regulating the hetero-identification procedures. Rather, the *Portaria Normativa No. 4* of April 2018 defined more general principles – such as respect for human dignity, the “guaranteed standardization and equal treatment” of all candidates in a selection process, and that “the candidate's self-declaration will prevail in case of reasonable doubt” (Ministério do Planejamento, Desenvolvimento e Gestão 2018, 43). Apart from that, the guideline mainly specified things like the number of commission members, their voting mode (by majority), the number of candidates to be invited (relative to the number of vacancies reserved for *cotistas*), the stage within the selection process at which the hetero-identification procedure should take place, etc. (see also footnote 76). The

concrete organization of the assessment procedure was thus the result of the learning process mentioned above. Characterized by the attempt to “meet an ideal of objectivity expected by institutional bureaucracy and the law” (Muniz 2021, 198), this process resulted in the formal and pretty uniform setting that was similar in all of the commissions I observed. Meant to de-personalize and standardize the verification procedure, it served to produce an administrative classification that would be legally accepted.

4.1.2 ...via the candidate’s body

The social scientist Antônio Teixeira once described to me that the commissions’ task was not “a matter of peremptorily stating who is or who is not [*negro*], but of ascertaining who is the subject prone to discrimination that has to enter these privileged social places” – i.e., the public service with its representative function and stable employment situation. To this end, Antônio argued, the commissions had to identify those “whose phenotype, whose existence in appearance, at the limit of their own skin, submits them to numerous constraints in social life” (Interview; October 4, 2017). This statement summarizes quite well the reasoning on which the commissions based their decisions. After all, there was ample evidence that persons with a certain appearance were submitted to “numerous constraints in social life,” and the affirmative action measures were intended to mitigate some of these constraints. Statements like the one by commission member Nelson who noted, “that little bit of hair helps,” were common in the commissions that I observed. Most often, commission members referred to hair texture, skin color, or facial features like shape of nose and lips in order to argue for or against the acceptance of a candidate as *cotista*. Candidates also regularly referred to (some of) their physical markers when they were asked to justify why they had declared themselves Black. The candidate’s body was routinely made relevant in the making of the *cotista* and was “the starting point in the search for the truth about race” (Muniz 2021, 200).

As should have become clear from the previous chapters, commission members as well as candidates within the assessment situation mobilized bodily markers since this is what racist discrimination primarily (albeit not exclusively) draws upon. However, what makes these mobilizations so complex is that there are no readily racialized bodies ‘out there’ and that there is no such thing as a directly accessible “truth from the body” (Fassin and d’Halluin

2005). Rather, bodies “only become distinct and significant when they are put in relation to certain norms and standards” – which themselves are “historically and politically situated” (Netz, Lempp, Krause, and Schramm 2019, 637). Drawing on this insight, the present subsection traces some of the ways in which commission members as well as candidates mobilized bodily markers within the hetero-identification commissions, how they were put “in relation to certain norms and standards,” and how, in this process, the racialized figure of the *cotista* came about.

Given the fact that the official regulations as well as the specific guidelines for each hetero-identification procedure defined the phenotype as the key decision criterion for the commissions, candidates as well as commission members paid particular attention to this aspect. However, the question of what constituted a ‘*cotista* phenotype’ was not as straightforward as the official instructions and guidelines suggested. On the one hand, there was a broad consensus – alluding to a stereotype of ‘the *negro*,’ also expressed in the infrequent use of the term ‘negroid’ – that dark skin color, kinky hair texture, and a broad shape of nose and lips were the phenotypical characteristics that would characterize a Black person. While arguing against someone’s acceptance as *cotista*, commission members therefore regularly referred to a candidate’s light skin, straight hair, or fine facial features. On the other hand, such features did not necessarily represent reasons for doubt. For example, commission members occasionally commented that there were also parts of Africa where people had narrow noses and fine facial features, arguing that even some ‘non-miscegenated’ *negros* could have such markers and that these were not an argument per se against someone’s acceptance as *cotista*. A slender nose thus could raise doubts about a candidate’s claim, but not necessarily.

Similarly, straight hair could take on a whole range of meanings. If commission members considered a candidate’s hair to be artificially straightened, this could even help to identify someone as *cotista*, since straightening one’s hair is a common practice among Black Brazilian women.⁸⁶ If commission members considered a candidate’s hair to be naturally straight, this

⁸⁶ The politics of hair in Brazil – linked to issues of authenticity and resistance to White ideals of beauty – cannot be discussed in detail here. For some analyses of this complex topic, see, e.g., Caldwell (2003), Pinho (2006), Tarlo (2019).

could indicate either White or indigenous ancestry. While the former could raise doubts about someone's *cotista* status, this was less clear in the latter case, since the question of whether 'indigenous-looking' candidates should be accepted as *cotistas* was highly contested within the commissions. While all my interlocutors agreed that indigenous persons were also severely discriminated against and suffered the consequences of colonialism and slavery, some nevertheless argued that the public service quotas were an achievement of the Black movement that should therefore primarily benefit *negros*, and that indigenous persons should not be accepted as *cotistas*. As the opening vignette of this section shows, some commission members considered indigeneity as something that could impede, or at least put into question, a candidate's recognition as *cotista*. Many others, however, criticized this approach as divisive and saw no reason to exclude indigenous persons from a policy meant to mitigate the effects of structural racism. Even though the quota law for the public service defines only *negros* as the target group of this policy, these committee members tended to accept as *cotistas* persons whom they considered to be indigenous rather than Black – and (naturally) straight hair could be one indicator for such an assessment.

Beyond the consensual – but, as I have just shown, nonetheless ambiguous – features of skin color, hair texture, and facial features, both candidates and commission members sometimes mobilized physical criteria that also alluded to a stereotypical image of 'the *negro*,' but that others considered excessive or extreme. For example, in a commission I observed one candidate argued that she had "very pink gums" when she was asked to justify her self-declaration as *negra* – something the commission members mockingly commented on after she had left the room. In another commission dedicated to evaluating the appeals of rejected candidates based on the video recordings of the initial commission, one of the members regularly commented on the color contrast of a candidate's palm or nail bed in order to argue for someone's acceptance as *cotista*. The other commission members opposed this reasoning: they argued that such small details would not be noticed in everyday interaction and that they could only be perceived here because of the close-up video shot.

The question of what counted as a legitimate part of the phenotype was thus a matter of controversy. This controversy of course had to do with the frequent criticism that the commissions would apply criteria that were common in 19th century physical anthropology

and race science. The commissions' focus on specific physical characteristics clearly resembled the "process of fragmentation and clustering" (M'charek and Schramm 2020, 324) that had characterized these scientific approaches. Against this background and in an effort to avoid such connotations, many of my interlocutors preferred to describe the hetero-identification work as capturing *o conjunto* (the whole ensemble) of features that would make someone be seen as *negro*. Olívia – the SEPPIR employee who participated in the working group analyzed in Chapter 3 – explained this to me as follows:

We do not make a classification of the kind to put the candidate before the committee and say: 'Look, you have very thick lips, so you're *negro*,' 'Ah, you have a very wide nose, so you're *negro*.' I will give my example here. I am a *negra* woman with dark skin – pitch-dark [*retinta*], this is the term that is used here – and I do not have very distinctive negroid traces, like thick lips, broad nose. No. But I have a Black skin [*pele negra*], so that if someone looks at me, he cannot say that I'm not *negra*. So this is the social reading: to understand that ensemble [*conjunto*] presented by that candidate, which makes him be socially read as *negro*. (Interview; October 3, 2017)

With this framing, Olívia thus tried to differentiate the social gaze from an overly detailed, 'surgical' gaze that would take into account a person's isolated features. Despite such efforts to frame the commissions' work as a holistic consideration of the whole bodily 'ensemble,' commission members nevertheless frequently referred to specific physical features of a candidate when arguing for or against someone's acceptance as *cotista*. Those who opposed the mobilization of bodily features they considered 'extreme' argued that the commissions should focus only on the most frequent 'anchors' for racist discrimination – i.e., those physical characteristics that were generally considered as the basis for being discriminated against as *negro* in Brazil.

Aware of the significance attributed to particular features, some candidates applied a number of strategies to emphasize them. For example, one candidate – who was accepted as *cotista* in a number of selection processes – told me that on the day of her first assessment she wore a white blouse to increase the contrast with her skin color. In addition, she had put a lot of effort into making her hair look beautiful and wore it loose since she considered it "an important expression of my being Black" (Interview; November 9, 2018). She was thus concerned that her body 'as such' might not 'speak' enough, and therefore tried to accentuate

those body features that she hoped would support her claim to become a *cotista*. There were, however, also many candidates who told me that they had not made any special effort on the day of their assessment and had dressed and done their hair as they always did.

Commission members, in turn, were convinced that many candidates prepared their bodies for the day of the assessment. They regularly expressed the suspicion that candidates had tanned so that their skin looked darker than usual. In several commissions that I observed, members speculated whether a male candidate wore his hair short-shaved because otherwise one would see that he had straight hair. In the case of a candidate with rather long and curly hair, commission members suspected that he had grown his hair out specifically to pass as a *cotista* – especially since they did not find his other physical features particularly convincing. In the case of a female candidate with long, wavy hair, one commission member expressed the conviction that the woman did “not normally wear her hair like that” and was only doing so that day to bolster her claim to become a *cotista*. Similar assumptions were made regarding the applicants’ clothing. In the case of a candidate who wore a long-sleeved shirt which he had fully buttoned up, there was speculation about whether he wanted to show as little skin as possible so as to offer little surface for doubt. In another case, commission members commented on the very short pants and belly T-shirt of a female candidate. They saw these clothes as somewhat inappropriate for an interview situation for the public service and assumed that the candidate wore them in order to show as much skin as possible to support her claim to become a *cotista*. Other examples of which I was told included a candidate who wore a T-shirt of the famous *bloco-afro* band *Olodum* or of a candidate who, while sitting in the waiting room, read a book about *orixás*, the spirits of the Afro-Brazilian religion *candomblé*. The commission members who told me about these candidates considered these persons to be borderline cases who were trying to compensate for their ‘ambiguous’ appearance by referring to cultural traditions that were associated with Blackness – something ‘real’ *negros* would not (need to) do. Furthermore, several commission members told me about candidates who appeared before the commission “poorly dressed” and whom they did not consider *negros*, whereas *negro* candidates usually would be dressed impeccably. They seemed to have the impression that the latter took the hetero-identification situation

seriously and dressed appropriately for a job interview, whereas the former ‘dressed up’ as *negros* by wearing clothes that were associated with poverty.

As becomes clear from these examples, the commission members’ attitude toward the candidates was riddled with suspicions of fraud. Commission members usually told me stories such as these in an anecdotal manner, laughingly commenting on what they saw as the clumsy attempts of doubtful cases to claim a *cotista* status. The fact that someone was wearing his hair differently than usual or was wearing an *Olodum* T-shirt for them was not per se an argument against recognizing him or her as *cotista*. However, this could fuel their doubts if they already considered that person’s body to be ‘ambiguous.’ They thus seemed to adhere to the idea of a bodily essence that was the ‘anchor’ for racist discrimination – and that candidates with little experience of racism tried to conceal this by (de)emphasizing some of their physical features. Furthermore, they assumed that a well-trained commission would be able to recognize a ‘true’ *cotista* independently of such strategies. In their comments, commission members insinuated that some candidates were masking their ‘truth from the body’ – and presented their own decision-making as taking into account nothing but this truth.

What constituted this truth was, however, very flexible and context-dependent. This is reflected in the above-described reference to the *conjunto* – which in a way resembles the ethnographic claim to be able to describe social reality densely, that is, as a singular situation that takes place within a complex web of meanings.⁸⁷ Just as Clifford Geertz conceptualized the “thick description” as the one that “sorts winks from twitches and real winks from mimicked ones” (1973, 16), the person who recognizes the *conjunto* knows whether, for example, straight hair is naturally straight or artificially straightened and how this should be interpreted in terms of classifying a person as *cotista*. The gaze that is able to grasp the *conjunto* is, in a sense, a qualitative-emic one, which differs from schematic tables in that those who possess it (think they) know when to pay attention to certain bodily features or other things such as hairstyle or clothing, and when not to.

⁸⁷ I thank Jan Hutta for bringing this interpretation to my attention.

4.1.3 ...via the candidate's narrative

Even though both the official guidelines and most commission members defined phenotypical aspects as the main criterion for deciding whether to accept someone as *cotista*, commission members posed one or two questions to candidates within the assessment situation. I analyze the ways in which commission members referred to the candidates' answers to these questions as the third register through which the *cotista* came about.

The question of whether the verbal interaction with the candidates should play any role in the decision-making was highly contested. For example, almost all of my interlocutors strongly rejected the idea of a silent evaluation, as it was introduced in September 2017 at the Federal University of Rio Grande do Sul (cf. O Globo 2017). According to them, the questions posed by the commissions were crucial to avoid the candidate's embarrassment and to reduce the problematic association with racial measuring practices of the past. At the same time, many commission members emphasized that the interview as it occurred inside the commissions would only serve to create a "normal social situation" and that the candidates' answers would not have any influence on the commissions' decisions – similar to the argumentation employed by the interministerial working group analyzed in Chapter 3.

In practice, it happened regularly that commission members referred to what a candidate had said when they were discussing whether to accept that person as *cotista*. For example, the impression described in the opening vignette that someone "at least was honest" when stating that his father was afro-indigenous could generate sympathy for the candidate – even though this did not necessarily mean that a commission would accept that person.

One crucial element that could raise doubts was when a candidate responded to the question of whether he confirmed his self-declaration as *negro* with the answer "yes, as *pardo*." Many commission members saw this as a possible sign that he did "not really" see himself as *negro* – a category which, as described in Chapter 2, usually is understood as being composed of the two census categories *preto* (black) and *pardo* (brown). Roseli – one of my key interlocutors about whom I wrote more in Chapter 3 – explained this as follows:

[In such cases,] we perceive that the person resents to declare herself *negra* or to be seen as *negra*. Because this is something negative in society, right? [...] Deep down, nobody in Brazil wants to be *negro*. So we realize that there

comes the contradiction when a person will say: 'No, I am *parda*.' And this even makes you calmer, because you would dismiss her anyway, but then you're more relaxed and you tell yourself: 'Not even her identity I am offending, because she really does not seem to see herself as *negra*.' (Interview; September 27, 2017)

Just like many others of my interlocutors, Roseli assumed that only those who 'really' saw themselves as *negros* would use the term easily. Those who tried to avoid it were suspected of attempting to benefit in an inadmissible way from the 'first time ever' advantage that being *negro* had become due to the affirmative action policies. For many commission members, the fact that someone would try to separate the term *parda* from the term *negro* raised doubts about that candidate's sense of belonging: a person's reluctance to describe herself as *negra* was seen as an indicator that she neither identified nor was treated as such outside of the commission setting.

In this context, it is important to mention that the term *negro* still is more commonly used in activist and politically interested circles – even though it has become much more popular than it was in the 1980s, when the Brazilian statistics authority IBGE started to use it as an umbrella category for the two census categories *preto* and *parda*. In recent decades, antiracist groups actively promoted the term *negro* as a self-description for Afro-Brazilians and criticized the use of 'intermediate' terms such as *moreno*, *mestiço* or *parda* for alluding to and supporting the idea of *mesticagem* (cf. Abel 2020, 205). Because of this history, self-identification as *negro* can be analyzed as an expression of "racial literacy" (Twine 2004). This 'racial literacy,' however, has much to do with access to education and activist discourses and therefore is more likely to be found in the middle and upper classes. In line with this, Verônica Toste Daflon, Graziella Moraes Silva, and Camille Giraut (2022, 120) point out that "poor 'pardos' are generally the most uncertain about their classification and the most likely to suffer the effects of racism without associating their experiences with racial discrimination." The fact that people who have access to more politicized understandings of identity might use the term *negro* more spontaneously and seemingly 'authentically' within the commissions leads them to have better chances to be accepted as *cotistas*, producing a bias which tends to exclude persons from lower classes.

The way candidates themselves referred to their class origins was another key aspect of how the candidates' statements came into play in the making of the *cotista*. In one of the commissions I observed, a candidate emphasized that he came from a poor background – something many candidates reported when asked to justify their self-declaration as *negro/a*. After he had left the room, one of the commission members critically commented that the candidate – whom he did not consider a *cotista* – “seemed to equate *negro* with poor” (Field notes; September 14, 2017). In the case of an ‘ambiguous’ appearance, it could thus be disadvantageous for candidates to refer to the close correlation between class and race (which social scientists as well as commission members often described as a key element of the Brazilian racial formation, while at the same time emphasizing the irreducibility of race to class). Such statements ran the risk of being seen as expressions of prejudice or as something that ‘real’ *negros* would not need to emphasize. Another such example was a candidate who stated that he already had done “typically Black jobs” (“*já fiz trabalho tipicamente negro*”). In the discussion on his case, one of the commission members mockingly commented: “I am a university lecturer which is a typically White job – does that turn me into a White person?” Another commission member stated: “If a *negro* would say something like that, we’d just think he was nuts.” In this case, however, the statement confirmed the commission members in their opinion to deny the candidate the *cotista* status. (Field notes; September 14, 2017)

While some candidates referred to their lower class origins to sustain their claim to become a *cotista*, others referred to their upper-class origins in order to do so – arguing, for example, that they had been the only Black students in their private school and had suffered from racist discrimination in this majority-White environment. Commission members regularly emphasized that the quotas were “about race, not about class” and that an upper-class origin should not be used as an argument against the acceptance of someone as *cotista*. Even though they therefore usually accepted candidates who spoke of their experience of being the only Black person in a private school (as long as they found their physical appearance convincing enough), they sometimes mentioned that a candidate who suffered from racist discrimination only in elite social spaces would maybe not be seen as *negro* within society ‘as such.’

The making of the *cotista* thus was characterized by a complex interplay of a candidate’s narrative and appearance and the commission members’ discussion of this interplay.

Explaining that a candidate's statement could be especially helpful when it referred to "a characteristic that may not be so visible," Roseli reported of a case in which the candidate's statement coalesced in a complex way with the visual observation:

There was this case of a young woman who, in the middle of the answer, said: 'Ah, but my mother is a *quilombola*⁸⁸,' and she seemed to me... she did not seem White to me, but she seemed like a person who was not a beneficiary of the [affirmative action] policy. When she said that, I took a closer look, and when she turned her face, I noticed a characteristic that is common to Black people, which is what I have here... (*she points to her chin and the lower part of her face*) of being more salient, it's voluminous. And then, at the time of the deliberation, I started to defend her, because I had seen something that the others at that moment had not focused. (Interview; September 27, 2017)

In her decision whether to accept the candidate as *cotista*, Roseli drew on a physical characteristic of the candidate. However, she only 'discovered' this characteristic due to the candidate's statement about her *quilombola* ancestry, which made Roseli take a closer look. Hence, she did not accept the candidate as *cotista* because of her *quilombola* ancestry, but because this information turned her phenotypical aspects more convincing. With Mol, this episode can be analyzed as a moment of cooperation (2002, 21f): the candidate's narrative and body together bring about the *cotista* – something that the candidate's body alone had not been able to do.

As this subsection has shown, even though commission members always emphasized the irrelevance of the candidates' statements, a candidate's narrative could in fact support or undermine the making of the *cotista*. With this, I am not suggesting that there is a 'truth from the body' or a stable body 'out there' that would be 'polluted' by the candidates' utterances. Neither is it my aim to naturalize or to ascribe a specific credibility to these statements. Rather, I see the candidates' narratives as well as the ways in which commission members referred to them as one of the "elements that conferred substance or materiality to the category of race" (Muniz 2021, 157) and through which the *cotista* came into being in these bureaucratic practices.

⁸⁸ In colonial times, *quilombo* was the term for a settlement of escaped black slaves (*quilombolas*) in Brazil. Their descendants nowadays are recognized as traditional communities. Cf. also footnote 42.

4.1.4 ...via comparison with other potential candidates

In the commissions that I observed as well as in my interviews with commission members, the racial classification of a candidate regularly was seen as dependent on the person's regional origin or the region in which the selection process took place. Furthermore, a person's similarity with certain celebrities or with other candidates who already had been approved over the course of the day was regularly commented on when the commissions discussed whether to accept a candidate. Candidates themselves also often sustained their claim to become a *cotista* by underlining their similarity with public figures or with other candidates whom a hetero-identification commission had accepted. I therefore analyze the way in which the different actors compared the candidates to certain samples as the fourth register through which the making of the *cotista* took place.

Candidates as well as commission members regularly referred to an applicant's regional origin or to the location of the future workplace in order to argue for his or her acceptance as *cotista*. In a commission that took place in Brasília, a candidate whose classification was subject to some debate emphasized that he had always been excluded and discriminated against in his hometown Porto Alegre (located in the South of Brazil, which is strongly influenced by European immigration and therefore considered as very White in the Brazilian national context). In the same commission, one of the members commented on a candidate, whom they did not accept in the end, that "in the Central West region [where Brasília is located], there are many people who look like him" (Field notes; September 14, 2017). Bahia – which is generally seen as the state with the strongest Afro-Brazilian influence – and the South of Brazil usually were named as the primary contrasting regions where the racial classification of a candidate could be different. While a very 'light' candidate could be *negro* and become a *cotista* in Southern Brazil, he would not fall into this category in Bahia.

While on the one hand it was repeatedly emphasized that it was important to consider the regional context, on the other hand it could be legally problematic if commissions justified the rejection of candidates on this basis. For example, in a commission setting that I observed in Fortaleza (located in the northeastern state of Ceará), individual commission members wrote on their forms that the rejected candidates did not exhibit the "phenotype typical of Ceará" of a *negro*. Two experienced employees of the company that had organized the selection

process commented on this in indignation and surprise: according to them, this argumentation was of course legally inadmissible – after all, the rejection of a candidate had to apply to all of Brazil and not just to one state (Field notes; December 8, 2017). The wording just quoted thus would provide rejected candidates with a target for legally questioning the commission’s decision. It seemed that while a *regional* comparison could be used in the concrete decision-making, only a *national* comparison was admissible for the formal justification of this decision.

In line with this, many commission members emphasized that there was indeed an average, ‘common sense’ understanding of who is *negro* throughout Brazil, which they tried to apply in the commissions. Being well aware of the fact that this could result in the exclusion of people who would be classified as Black in other national contexts, a commission member once commented to me on a candidate whom they had rejected: “For you as a German, it must be very strange that someone like him is not seen as Black.” (Field notes; October 7, 2017) Similarly, commission members regularly remarked that someone who was considered White in Brazil was not necessarily considered as such in Europe or the United States – and that this did not, however, give a person the right to claim a *cotista* status in Brazil.

To apply the register of comparison thus meant to relate an individual to an (imagined) sample. This sample could consist of the entire Brazilian population (when commissions tried to apply a nationwide understanding of who is *negro*) or of the population of a specific Brazilian region. The sample could also be taken from certain social spaces: Regularly, commission members described that they compared the candidates with those persons that one would expect to work at a public authority. Contrasting the public service with spaces like “a popular shopping or a bus station,” Roseli sought to explain that the affirmative action law aimed to “turn the public administration into such a mixed place.” In the workshops she gave, she therefore instructed future commission members to consider which candidates they would be more likely to meet at a bus terminal than in a ministry. Roseli thus advised commission members that, in order to decide whom to accept as *cotista*, they should try to compare the candidates’ bodies with those one usually would find in (White-dominated) “spaces of power” – with the intent to make these spaces more similar to “a mixed place” (Interview; September 27, 2017).

This subsection has shown that the comparison of an individual with a sample is one crucial tool for the making of the *cotista*. This is in line with the above-quoted analysis according to which bodies “only become distinct and significant when they are put in relation to certain norms and standards” (Netz, Lempp, Krause, and Schramm 2019, 637) – which themselves are the products of complex historical, cultural and economic developments. Furthermore, this comparative dimension brings into play a number of contingencies that become part of the interpretive work of the commission. Similar to what I described in Section 4.1.2 with regard to the ‘reading’ of the *conjunto*, commission members need to know which samples to compare a candidate to, and have to be able to interpret these samples. As such, this register is another important indicator for the relational character of race.

4.1.5 ...via consensus

From the previous descriptions of the hetero-identification practice, it has already become clear that there often was controversy within the commissions as to whether a candidate should be accepted as *cotista* or not. I therefore analyze the attempts to reach a consensus in this regard as the fifth register through which the making of the *cotista* took place.

Formally speaking, the commissions were not required to reach their decisions by consensus. In the commissions of CEBRASPE, it was sufficient for a candidate to become a *cotista* if one of the three commission members voted in favor of him or her.⁸⁹ Just like many others of my interlocutors, Deborah Silva Santos and Nelson Fernando Inocência da Silva – two university lecturers who usually coordinated the hetero-identification procedures within this company and who already appeared in the opening vignette of this section – nevertheless considered that a unanimous decision was desirable. They justified this by stating that the more uniform a vote, the more legally secure it would be, and therefore generally instructed commission members to take their decisions by consensus whenever possible. In the commissions coordinated by Deborah and Nelson, it was normal for their members to discuss at length when they had doubts as to whether they should accept someone as *cotista*, until they finally

⁸⁹ Later on, CEBRASPE changed its process to reflect the procedure required by the policy guideline of April 2018, which defined that a hetero-identification commission had to consist of five persons and that the commission made its decisions by majority vote (see also footnote 76).

reached a common opinion.⁹⁰ In the preparatory meeting for a selection process in Salvador, Nelson had explicitly encouraged the commission members to do so: “Feel free to take your time with your decision. Maybe someone has seen racial markers that someone else has not – a conversation about this can be helpful.” (Field notes; October 6, 2017) In this process, the making of the *cotista* was not something clear and ‘obvious,’ but something about which a consensus had to be laboriously established. Nelson went on to state that this process would necessarily be marked by subjectivity, and explained:

That’s why there is a three-person panel. There are three points of view, but they are close. Why are they close? Because you understand what racism is, you know how it operates. (Field notes; October 6, 2017)

In line with the idea outlined in Chapter 3.2.2 according to which commission members would need a certain knowledge in order to do the hetero-identification work, Nelson thus framed the commissions as producing reliable results because they consisted of several persons whose gaze was ‘aligned’ due to a similar expertise.

Even with this alignment, discussions within the commissions sometimes were tense. It regularly happened that one person within the commission tended to draw stricter lines than the other two, and argued against the acceptance of candidates whom the others considered as *cotistas*. In some cases in which it was not possible to reach a consensus, the person with the dissenting opinion refused to recognize the candidate as *cotista*. As mentioned above, this did not result in the person not becoming a *cotista*, since one vote in favor was sufficient for this. As a CEBRASPE staff member explained to me, this procedure had been chosen since it left “room for doubt,” so that only those candidates whom the commissions clearly did not consider as *negros* would be rejected (Field notes; August 27, 2016).

Other institutions used different procedures, up until the policy guideline of April 2018 unified the voting procedure for all selection processes on the federal level. For example, at the time of my research, the hetero-identification commissions in the selection processes for the Ministry of Foreign Affairs consisted of eight persons who took their decisions by majority

⁹⁰ In contrast, in a selection process I observed in which another person coordinated the hetero-identification procedures, commission members mainly took their decisions individually and without further discussion, which likely resulted in less consensual votes.

vote. In a legal case in which the *Ministério Público Federal* (MPF) questioned the acceptance of a number of candidates as *cotistas* in a selection process of this ministry, both the MPF and the defendants used the number of votes against or in favor of a candidate as an argument to sustain their respective claims. While the MPF used the fact that a candidate had not been accepted unanimously by the commission as an argument to challenge her *cotista* status (cf. MPF 2017, 13), a rejected candidate, in turn, argued that one commission member had voted in her favor and that she therefore should be accepted as *cotista* (cf. MPF 2018, 47ff).

The making of the *cotista* thus is much more stable – i.e., legally secure and less easily challengeable – if it takes place via consensus. For this reason, the companies organizing selection processes for the public service had a vested interest in ensuring that hetero-identification commissions would use this register for their decision-making.

4.1.6 ...via official documents and family photos

In some of the commissions I observed as well as in many cases reported in the press, candidates tried to sustain their claim to become a *cotista* by presenting official documents which classified them as *pardos* – and thus as belonging to one of the two categories that make up the *negro* category – or photos of family members. Usually, they did not provide this kind of evidence during the assessment situation as such. Instead, candidates submitted it in their legal appeals seeking to reverse their rejection as *cotista*. In all the cases of which I know, such documents were invoked in order to sustain a classification as *pardo*, not as *preto* – that is, by persons who represented “borderline cases” (Bowker and Star 2000, 28) within the hetero-identification system. Commission members usually did not accept this kind of evidence, arguing that the phenotype presented by the candidate on the day of the assessment should count as the only criterion. Photos of relatives were rejected with the argument (already outlined in Chapter 2.4.2) that racist discrimination in Brazil would draw on an individual’s physical appearance, not on the fact that he or she had Black ancestors. While the previous subsections analyzed registers that both candidates and commission members utilized in the making of the *cotista*, this last subsection will analyze a register that some candidates tried to use, but which the hetero-identification commissions mostly rejected.

The most common documents that candidates provided or cited in order to support their claim of becoming a *cotista* were birth certificates or incidence reports (*boletins de ocorrência*) which are issued by the police if someone files a complaint – that is, documents in which a public authority had classified them as *pardos*. Some male candidates also declared that they had been classified as *pardos* when they registered for military service. In rare cases, candidates presented dermatological certificates identifying them as *pardos* (for one particularly prominent example, see L. Carvalho 2016). Besides such official or medical documents, it was common for candidates to present photos of relatives in order to show that their parents or grandparents were *negros*.

The interministerial working group that regulated the hetero-identification procedures for the federal public service (see Chapter 3) declared all these kinds of evidence to be inadmissible, stating in its final report:

Anthropological reports, photos of relatives, dermatological or medical reports of any kind, any documents, even if issued by the public administration, will not be accepted in the selection process and should not be received by the public administration under any circumstances. (Brasil 2018, 35)

The group justified this by arguing that even in the case of documents issued by the public administration, it could “not be guaranteed that the hetero-identification carried out by another organ or entity has followed the details of the procedure described in this report” (ibid., 36) – i.e., of the ‘bureaucratic ritual’ the group aimed to establish. In line with this reasoning, the policy guideline of April 2018 resulting from the working group’s efforts plainly stated: “Any previous records or documents eventually presented [attesting to the candidate’s being *negro*] will not be considered” (Ministério do Planejamento, Desenvolvimento e Gestão 2018, 43).

In practice, many commissions followed this principle. A candidate who had been rejected as *cotista* at a university commented on this to me with astonishment and indignation:

In my appeal I sent fifteen documents, photos and everything I had related to my family, photos of me as a child, with my father, my mother – and their ruling [*parecer*] was completely empty: ‘In view of the foregoing, we deem it necessary to reject the appeal.’ And then the dean signed, and that was it. For me, it was a very cold answer... (Interview; July 24, 2018)

In fact, there often was a stark contrast between the amount of documentary evidence submitted by candidates in their appeals and the attention given to this material by the commissions. In a commission that evaluated the appeals of rejected candidates based on the video recording of the initial assessment, I observed that its members did not even look at the documents and written statements provided by the candidates, focusing solely on their visual impression of the person.

While the approach of disregarding any official documents seemed to be quite widespread in the realm of the public service, this did not apply to all the hetero-identification commissions at universities. As Silva, Daflon, and Giraut (2023, 7) point out, eleven out of the thirty-five institutions of higher education they analyzed explicitly mentioned official documents as a possible additional criterion – besides the phenotype – for the acceptance as *cotista* (even though this number had decreased as many universities adapted their procedure to correspond with the policy guideline of April 2018). The fact that some universities admitted official documents was probably the result of legal disputes. After all, candidates who had been rejected by a hetero-identification commission often filed lawsuits in the course of which they presented official documents to challenge this decision. This hints to an important aspect of how and where the *cotista* became enacted via official documents. While candidates regularly mobilized such documents – especially in their appeals where judges quite often accepted this kind of evidence –, most commissions tried to keep this criterion out of their decision-making. This can be analyzed as an attempt to ‘purify’ the making of the *cotista* – that is, as an attempt to reduce the already extremely high degree of complexity by leaving aside factors that might ‘pollute’ and further complicate this process. However, as Silva, Daflon, and Giraut show, this ‘brushing aside’ was complicated by the fact that official documents such as birth certificates represented a racial classification that had been issued by a state agency. Accordingly, one commission member they interviewed stated:

In some places in the Northeast, the skin color of the person is written on the [birth] document. And then, if *preto* or *pardo* is written on the document, there’s no way to deny [admission], you’re already in. Because, as we [Federal University] are part of the state, we cannot contradict the state. (Quoted in *ibid.*, 12.)

Since the hetero-identification process was an official phase of the admission process to a public institution (university or civil service), the commissions fulfilled a quasi-governmental role or, as this interviewee put it, were “part of the state.” If the commissions’ classificatory decisions contradicted those of other public bodies, this led to incongruities and, importantly, made a commission’s decision legally contestable. For this reason, the question of whether and how official documents should play a role in the making of the *cotista* was particularly contested.

The protagonists of the hetero-identification commissions tried to circumvent this difficulty by defining the decisions of a commission as being valid only for the respective selection process and were eager to emphasize that a commission’s decision did not represent a generally valid ‘race certificate.’ Accordingly, Nelson once explained to me that “the quota is only for the access [to the university or the public service]; once you have entered, you are a normal student or public servant, so there is no *cotista* label” (Interview; October 17, 2017). In line with this, the policy guideline of April 2018 expressly precluded the use of decisions of prior hetero-identification commissions as evidence of someone’s *cotista* status. Still, both candidates and their lawyers often invoked the acceptance as *cotista* by a previous commission to support a person’s claim to this status. Given that contradictory decisions of two different commissions were difficult to justify in court and undermined the credibility of the commissions’ decisions, commission members as well as companies organizing selection procedures were eager to avoid such cases. The attempt not to portray the commissions’ decisions as quasi-governmental race certifications, as well as the attempt to ban official documents from the making of the *cotista*, were thus only partially successful.

4.2 Transforming the social gaze into a skilled gaze

While the official guidelines and regulations instruct the hetero-identification commissions to consider only the phenotypic aspects of a candidate, the previous section has shown that the enactment of the *cotista* involves many more registers. As Muniz (2021, 201) rightly notes, the phenotype is “only the entrance and exit door, a surface phenomenon, a ‘black box’ by which one tries to stabilize and resolve all the inconsistencies and arbitrariness inherent in any

racial classification procedure.” Another such ‘black box’ is the idea of the eyes of society with which commission members are supposed to look at the candidates. By framing this very specific technology of vision – as a result of which the *cotista* comes about – as the application of a generalized social gaze, the protagonists of the hetero-identification commissions described the task to identify who was Black in Brazil as something simple and unambiguous that would happen all the time in everyday interaction. Drawing on an idea of “race as common sense” (Posel 2001), they emphasized the ordinary character of hetero-identification in order to counteract an image of the commission members as (scientific) ‘race experts.’ At the same time, many actors framed the identification of those who could rightfully claim a quota vacancy as an extremely difficult and challenging task (cf. also Chapter 3.2.2). This emphasis on a skilled gaze one must acquire and train in order to recognize a legitimate quota candidate was present among legal experts, but also resonated in press reports that wondered how the commissions might fulfill this complicated task. Furthermore, this notion was expressed by commission members who often underlined that they, too, had to learn how to do this work and who emphasized the importance of having some kind of training in advance. For example, one of my interlocutors explained that he had not participated in a hetero-identification commission for six or seven months and therefore would need a ‘refreshment’ to prepare for the next time, thereby suggesting that one could unlearn how to distinguish *cotistas* from non-*cotistas* (Interview; October 5, 2017).

By describing the commissions’ work as being based on a generalized social gaze while at the same time presenting it as the application of a skilled gaze, the protagonists of the hetero-identification procedures framed the making of the *cotista* as a commonplace evaluation that was, however, carried out by people who were particularly qualified for it. After all, so the argument went, the kind of gaze they exerted was a political and critically racialized one – one that had been trained to understand social inequalities as the results of racist structures and ideologies.⁹¹ So how did the training of this specific gaze take place? How was the social gaze acquired in everyday life transformed into a skilled gaze that was able to enact the *cotista*? The main site for this endeavor were workshops for commission members – sometimes held

⁹¹ In this sense, the commissions’ work was informed by what Daflon, Silva, and Giraut (2022, 116) call a “militant gaze.”

prior to a hetero-identification session, sometimes conducted independently of such an occasion –, which I observed in various institutions. Although they varied significantly in length and detail, these workshops usually consisted of a more general part dealing with racism in Brazil and the history of affirmative action, and a specific part on the concrete hetero-identification procedure that often contained simulations of a commission meeting. I will now describe a workshop situation that illustrates quite well how the idea of a social gaze was mobilized in one such event and how the instructors of this workshop conceptualized the skilled gaze that the participants were supposed to acquire.

On a Thursday evening (German time) in October 2021, I am participating in an online workshop that is mandatory for all those who will form the hetero-identification commissions in the upcoming selection process of a major Brazilian financial institute. Roseli has invited me to join the event that takes place via Zoom, partly because of the Covid-19 pandemic, but also because the approximately 80 participants come from all parts of Brazil.⁹² The previous day, the workshop instructors – social scientists and practitioners with work experience in hetero-identification commissions, Roseli being one of them – had given a short and condensed overview of the Brazilian colonial history and of the history of slavery in Brazil and had critically discussed the politics of Whitening and the myth of a racial democracy.⁹³ Furthermore, they had introduced the participants to different dimensions of racism, addressed aspects such as racial profiling and indirect discrimination, and emphasized that racism should always be understood as a structural and intersectional rather than an individual problem. Today, the workshop revolves more specifically around the origins, objectives, and legal foundations of the Brazilian affirmative action policies – and is now heading towards its most concrete (and most hotly debated) part: namely, the question of who is the subject of these policies.

⁹² At the beginning of the workshop, Roseli had shown a few slides regarding the profile of the participants, indicating that one third of the participants were male and two thirds were female, and that about one third each identified themselves as *pardo*, *preto* or *branco*. The vast majority had indicated that their knowledge of racial issues [“*conhecimento da temática racial*”] was high (32 per cent) or medium (53 per cent), while 15 per cent rated their own level of knowledge as low. 34 per cent of the participants had already participated in commissions, 66 per cent had no such experience. As I learned from Roseli, the participants had been contacted by the local coordinators of the institution that organized the selection process; according to her, the majority were teachers or university lecturers.

⁹³ See Chapter 2.

In order to discuss this aspect, the workshop organizers have prepared a number of slides with photographs. First, they show two slides with photos of persons that would be “commonly recognized as Black” as well as one slide with persons that would be “commonly recognized as White” – a classification that is not questioned by any of the participants. These three slides with seemingly unambiguous examples are followed by slides with more ‘complicated’ cases – among them photos of two Brazilian actresses (Cláudia Ohana and Patrícia França) who already played Black movie characters but who, in Roseli’s view, would probably be rejected in a hetero-identification commission. Another such example is the actress Juliana Paes, of whom Roseli states that she would probably not accept her as quota candidate – an assessment with which several participants disagree in the Zoom chat. As a next step, the workshop organizers show a number of slides in order to illustrate what they see as “pitfalls” for the hetero-identification work. With photos of the US-American actress Angelina Jolie and the Brazilian football star David Luiz, they aim to demonstrate that “isolated traces” – voluminous lips in the case of Jolie and curly hair in the case of Luiz – would not always be “the determining factor.” With photos of Rachel Dolezal – a US-American former college instructor whose self-identification as Black became the subject of public controversy in June 2015⁹⁴ – and Emma Hallberg – a social media influencer who was accused of “Blackfishing”⁹⁵ –, they point out that “adopted aesthetics can Blacken (enegrecer)” a person’s appearance.

Finally, the workshop instructors simulate a commission meeting by showing the participants four slides, each depicting four persons. The participants have one minute to decide which of

⁹⁴ For some analyses of this case, see Brubaker (2018), Krings and Banerjee (2021), Roth (2018), Tuvel (2017). Based on her research among Black-White couples in Rio de Janeiro, sociologist Chinyere Osuji (2019) discusses the case of Rachel Dolezal in comparison to the Brazilian context. Describing many of her White female interlocutors in Brazil as “*negras frustradas*” – that is, as women who did not identify with other Whites and “wanted to be *negros* but were not” (ibid., 38) –, she argues that “[i]f Dolezal had lived in Brazil, its flexible colorline would have allowed her more breathing room. She would have been just another *negra frustrada*” (ibid., 41). While Osuji points out that none of her White interlocutors “shared any efforts to take advantage of benefits designated for Afro-Brazilians,” she mentions that in the context of affirmative action, there were indeed growing numbers of “Whites who conveniently adopt a *negro* identity to take advantage of these policies” (ibid., 39). Accordingly, some articles on the topic of hetero-identification refer to Rachel Dolezal as a typical example of ‘afroconvenience’ (cf., e.g., L. Duarte 2015a; 2017). Apart from these few texts, the Dolezal case came up extremely rarely in the course of my research – the workshop described here was one of the few situations in which it was mentioned.

⁹⁵ For two opinion pieces on this case, see Dabiri (2018), Virk and McGregor (2018). For a discussion of the term ‘Blackfishing’ (mostly used in the US context) in comparison to the Brazilian term ‘afroconvenience,’ see Rodrigues (2021, 149ff).

the four people pictured they would accept as quota candidates. The workshop organizers emphasize that there is neither the one “correct” answer nor a “checklist.” Rather, they describe it as the commissions’ task to develop a collective reflection and to “converge” the different understandings about whom to accept as quota candidates. To this end, they provide the participants with the following guiding questions and recommend that they use these to facilitate a decision: “Will this candidate promote racial diversity in the public administration? Is this phenotype rare in spaces of prestige and power? Is this candidate potentially discriminated against because of his or her racial physical characteristics?” All in all, the workshop organizers summarize the commissions’ task as to “simulate how society sees that person.” This, however, would mean to “focus on the absence of certain people in spaces of power rather than looking at someone’s nose, hair, or similar isolated features.”

After this workshop, I went through my notes and had a look at the photos again. A reverse image search via Google revealed what I already had assumed: all the people depicted in the commission simulation were more or less well-known Brazilian celebrities – actors, politicians and businesspersons – of whom I had recognized only a small minority. Thus, while most of the people pictured were ‘blank faces’ to me, they were probably known to most of the other participants: they held political or aesthetic opinions about them, could locate them in a region of Brazil as well as in a certain social position, maybe knew whether these persons defined themselves as *negros/as*, possibly knew something about their family background, etc. As I knew from my observations of verification commissions – and as I have shown in the preceding section –, these were some of the key aspects that *could* influence the decision about whether someone was accepted as a legitimate quota candidate, even though it was always emphasized that *actually* ‘the phenotype alone’ should be the deciding factor. How might these aspects have influenced the participants’ attempts to “simulate how society sees that person” – i.e., their reading of the potential candidates’ phenotype –, and how had the absence of this knowledge fed into my attempts to do so? Was the way in which they viewed the potential candidates more ‘aligned’ and ‘in tune’ due to a similar visual socialization via media consumption and everyday experience that differed from mine?

This situation showed quite clearly that already the social gaze was specifically trained. Maybe this aspect struck me as particularly palpable in this workshop because I had accompanied it from Germany and after a longer period without on-site research in Brazil – and I had fallen out of practice in recognizing the specific *cotista* version that the commissions I had observed used to enact. For, as Barbara Pentimalli and Vanessa Rémerly (2020) point out in reference to Anna Grimshaw (2001):

[T]he learning process of the expert's gaze also involves the fieldworker himself. At first, he/she can't see anything and then increasingly gains access to both the professional vision of epistemic objects and the meaning of practices, but only at the cost of a transformation of his/her own 'techniques of the body.'

In my case, this learning process had not started from scratch. Rather, as described in Section 1.4, I had already learned to see (something called) race throughout my life. This, in turn, was heavily informed by the “sedimented histories” (M'charek 2020, 370) of colonialism and scientific racism, in the course of which specific physical markers came to be endowed with meaning. Still, I remember that when I first started observing hetero-identification commissions, I often was unsure whether a commission would accept a candidate when he or she entered the room. Over time, this changed, and I soon had an opinion at first glance on whether a commission would consider a candidate to be a *cotista*. Even though I was not always correct in my assessment, I had to some extent become part of that “community of practice” (Lave and Wenger 1991) into which the participants of the just-described workshop would be introduced.

To this end, their already trained social/ized gaze was to be further shaped and transformed into a specific *skilled* gaze. The way in which this was done depended of course very much on what the respective workshop instructors considered to be the ‘typical profile’ of a *cotista* – a question that, as I have shown throughout this thesis, was highly contested and complex. Accordingly, acquiring the respective skilled gaze required a lot of reflection, exchange, and training. In the just-described workshop, the instructors therefore first familiarized the participants with discussions on historical and structural aspects of racism and introduced them to some of the key elements of how social scientists have conceptualized racism in Brazil. This introduction helped to contextualize the hetero-identification work and to counter the

accusation that the commissions were racial tribunals. Building on these foundations, the workshop instructors presented the participants with photos of what they saw as ‘uncontroversial cases,’ invited them to reflect on ‘complicated cases,’ and made them ‘converge’ their different views on who should be accepted as a quota candidate, thereby establishing the socially shared knowledge as a common starting point. Ultimately, the workshop and the concomitant ‘attunement’ of the gaze revolved around the political enactment of the *cotista*. This involved discussing and determining which ‘complicated cases’ ran counter to the political goals of affirmative action, such as those that were accused of ‘Blackfishing,’ and which were compatible with those goals, namely those who were regularly subjected to racist discrimination.

In the process of acquiring a professional gaze, Sylvie Grosjean (2014, 146) writes, “the challenge for the novice is to develop the ability to see phenomena or significant events, but also to discuss, interpret what is seen, and understand why it is important to look at this event rather than another” (quoted in Pentimalli and Rémy 2020). What made this challenge particularly complicated in the case of the hetero-identification workshops was the fact that the participants were, on the one hand, encouraged to sharpen their view and to direct their attention to specific physical markers – for example, when the workshop instructors pointed out that isolated traces would not always be “the determining factor.” On the other hand, the participants were told that their task was to “focus on the absence of certain people in spaces of power rather than on someone’s nose, hair, or similar isolated features.” With this approach, the workshop instructors tried to put the emphasis on issues of power and inequality rather than on a “search for the somatic truth of race” (Muniz 2021, 151). The participants were thus asked to “develop the ability to see certain phenomena” and at the same time to understand why it was important *not* to look at these phenomena in an isolated manner. In this sense, the skilled gaze is the one that understands the *conjunto* – that is, the ‘whole ensemble’ of physical features that make someone be read as *negro* in Brazil – but at the same time is aware of its problematic association with racial measurement practices of the past and therefore avoids reinforcing that connotation. Having a skilled gaze, then, does not simply involve applying checklists with racialized characteristics, but rather reaching a level of reflection on who is or is not *negro* that one does not ‘normally’ have. In this process,

those who acquire a skilled gaze also learn to apply the overlapping registers analyzed in Section 4.1. With these registers and the appropriately trained gaze, the protagonists of the commissions try to meet the demands of multiple addressees: legal actors demanding ‘objective’ decisions, social movements aiming to benefit those who are most affected from racism in Brazil, and institutions that are interested in clear and legally watertight selection procedures.

This chapter has shown that the *cotista* status – that is, the subject position that comes about in the practices resulting from these contradictory demands – is “not something one is or has, but something one becomes in different ways” (Krause 2019, 291). My analysis of the making of the *cotista* has shown that this practice of differentiation in the interest of achieving greater equality only works through a paradoxical combination of body-based categorizing on the one hand and holistic, context-sensitive interpreting on the other. For political reasons, the holistic aspect is permanently foregrounded over the physiognomic one, while for objectivity reasons the latter actually has to provide the basis of the commissions’ decisions. The enactment of the *cotista* is characterized by a superimposition of these partly contradictory logics. This superimposition in a way reflects and takes into account the complexity of race. However, it undermines the claim of the commission protagonists to produce ‘solid’ (in the sense of legally watertight) decisions.

The next chapter will follow up on this analysis by taking a closer look at some borderline cases – that is, at candidates who do not fit neatly with the *cotista* version that results from this paradoxical enactment.

5. Being in limbo: of truthfulness, evidence, and (corpo-)reality in some borderline cases

In the previous chapter, I have analyzed how the *cotista* is enacted within the hetero-identification commissions and have traced some of the reasons for this mode of enactment. Just like any system of ordering, the classification resulting from this mode “provides surfaces of resistances [...], blocks against certain agendas, and smooth roads for others” (Bowker and Star 2000, 324). As a next step, I therefore want to take a closer look at some cases in which the hetero-identification system provided “surfaces of resistances” – that is, at candidates who were rejected by a hetero-identification commission and subsequently appealed this decision. After all, it is precisely in such “borderline cases” (ibid., 28), whose classification is a matter of controversy, that the different actors need to spell out more than usual why someone should gain the *cotista* status or not. Such cases are thus particularly well-suited to bring into view the contradictory aspects of this particular classification system and to examine how it handles ambiguity. The question of ambiguity (in)tolerance, in turn, points to a tension that pervades the entire endeavor of hetero-identification. On the one hand, the hetero-identification procedures, like any classification system, are meant to “systematically reduce ambiguity and uncertainty” (ibid., 105). On the other hand, there are “powerful ethical argument[s] against simple-minded, pure-type categories and for the positive value of ambiguity and complexity when applying racial categories to human beings” (ibid., 218). The question of how borderline cases are handled within the hetero-identification context is therefore crucial for a moral and political evaluation of this classification system. While such an evaluation was not the main focus of my research, I nevertheless had to face this aspect given the politically charged character of my research field and the highly controversial debate on alleged cases of fraud unfolding in media outlets (cf., e.g., Ágape 2021; L. Carvalho 2016), social movements (Diário Causa Operária 2020; Dolce 2017), universities (Augusto 2017; Mori 2020), and the legal sphere (Amparo 2018; Broeto and Faria 2021).

With their multi-layered claims to truthfulness and authenticity, borderline cases present objects of inquiry in which the “messiness” of race (Law and Singleton 2005, 331) comes to

the fore particularly clearly. As such, they are key for improving our understanding of how this category of difference is enacted in the specific context under study, the hetero-identification commissions. The present chapter therefore asks which kinds of evidence different actors mobilize in order to claim or deny someone's *cotista* status. On which basis are some candidates either being 'sorted out' (cf. Bowker and Star 2000) from the target group of affirmative action, or claim their belonging to this group? For whom does the hetero-identification system provide 'surfaces of resistances,' and what are the consequences of being classified as (non-)cotista? To explore these questions, this chapter will look at those who inhabit the border zones of the classification system underlying the Brazilian hetero-identification commissions. As I already discussed at various points in this thesis, the typical inhabitants of these specific border zones are those who are classified or classify themselves as *pardos* – a huge residual category meant to address people of 'mixed' descent. Given the ambivalent evaluations of 'mixedness' in Brazil – as a mainstream feature of Brazilian society, as a key element of the main national ideology, but also as a possible indicator of Blackness – the social positioning of *pardos* is extremely complex. While some argue that "there is no *pardo*," basically defending an idea of Brazilian society composed of *negros* and *brancos* and criticizing the romanticizing allusion to *mestiçagem* and the idea of a racial democracy, others describe Brazilian society as predominantly consisting of *pardos*. Others, in turn, reject the appropriation of the *pardo* category by the Black movement and advocate a *pardo-mestiço* identity.⁹⁶ With regard to affirmative action, some see *pardos* as legitimate part of the (Black/*negro*) target group while others emphasize their "passability" (Rodrigues 2021, 64), i.e., their ability to pass as White.

Not least, this controversy intersects in many ways with the heated debate on the concept of colorism. While this term is not new in the Brazilian Black movement, it became known to a wider audience in recent years through social media influencers who discussed the issue (cf. Schreiber 2017). Arguing that "the mixing between racial-ethnic groups [...] has not created a

⁹⁶ This position is held by the *Movimento Pardo-Mestiço*, a group based in the Amazonian metropolis of Manaus that contests the subsumption of *pardos* under the category of *negros* (cf. Véran 2010). At the Federal Supreme Court's public hearing on the constitutionality of university quotas in 2010, a representative of this group criticized these policies as "eliminating mestizo identity" (Movimento Pardo-Mestiço Brasileiro 2018, 57). In a rather nationalistic tone, he argued that racial quotas would "divide the Brazilian people and the Brazilian nation" (ibid.).

harmonious coexistence, but a social hierarchization,” they advocated “that lighter-skinned afro-descendants should become aware of both the prejudice they suffer and the privileges they have compared to darker-skinned afro-descendants” (ibid.). This raises the (unresolvable) question of where to draw the line between these two groups, which haunts the entire debate on hetero-identification commissions.

The candidates whose stories I will discuss in this chapter are confronted with exactly this tension. By framing these candidates as borderline cases, I do not want to present them as “accidents or exceptions,” as this would reaffirm a problematic idea of purity according to which there are clearly demarcated and fixed racial(ized) boundaries which ‘usually’ are not transgressed (Bowker and Star 2000, 300). Rather, they represent “troubled outsider[s]” (ibid.) only insofar as they do not conform to the specific classification system used within the hetero-identification commissions. This system does not have such existential consequences as the apartheid system in South Africa to which Geoffrey Bowker and Susan Leigh Star refer in their work. After all, in the South African case, racial (re)classification could result in the prohibition of a marriage defined as ‘interracial’ or in the separation of families – and thus disrupted biographies much more than a non-admission as *cotista* does.⁹⁷ Still, the experience of not being accepted within the hetero-identification system also can result in “many ironies and much individual suffering” (ibid., 219), as I will show on the following pages.

In doing so, I do not aim to act as a judging authority or pretend to have a meta-perspective that could identify the ‘real’ *cotistas*. Instead, I draw attention to the fact that “[i]n the process of making people and categories converge, there can be tremendous torque of individual biographies” (ibid., 225). With the concept of *torque*, Bowker and Star describe “the twisting that occurs when a formal classification system is mismatched with an individual’s biographical trajectory” (ibid., 223). The technical origin of the metaphor points to the fact that this process is a forceful one in the course of which the multiplicity and heterogeneity that characterizes each individual tends to be lost from sight (cf. ibid., 300f; cf. also Helmreich 2003). This becomes obvious in cases such as the ones that I will discuss below. By highlighting this aspect, I aim to complicate the notion of fraud – an accusation that is regularly raised

⁹⁷ Critics of the Brazilian hetero-identification commissions nevertheless often compare both contexts (e.g., Capriglione 2016). For a criticism of this comparison, see Sants (2016), J. J. de Carvalho (2020).

against candidates that were rejected by hetero-identification commissions –, which often seems to be taken for granted within discussions about the hetero-identification procedures (cf., e.g., J. J. de Carvalho 2020; Conselho Nacional do Ministério Público 2015a; Cruz 2016). For one thing, this notion suggests that there would be clear-cut, unambiguously assignable racial groups – an assumption that has long been disproven (and that those who easily use the term ‘fraud’ would not defend either). What is more: in line with my take on race as a material-semiotic object that gains reality through a whole range of (scientific, discursive, bureaucratic, etc.) practices, I would argue that ‘racial fraud’ must be analyzed as something that is not simply ‘out there’ and clearly identifiable in the bodies of some candidates. Rather, this label becomes attributed in a complex process in which elements such as bodily traits, photographs, narratives, or clothes come into play and are interpreted in different manners by various actors. Cases of alleged fraud are thus particularly well-suited to examine how racial difference is “made and unmade in practice” (Balkenhol and Schramm 2019, 589).

Another aspect of the debate about fraud is the fact that this juridical term implies malice and intent – which in my view does not apply to many of the accused candidates. Rather, they declare themselves as *pardos* for a variety of reasons, ranging from the perception of being different from their ‘clearly White’ classmates, to a lack of “racial literacy” (Twine 2004) in the sense of familiarity with political-activist debates, or the fact of having been labeled as *pardo* in other official contexts (such as birth certificates or military ID cards). Often the decision seems to be based simply on the firm conviction of not being White, and accordingly assigning oneself to the ‘mixed’ category *pardo*. This is not to deny that there may be cases of individuals who understood themselves to be White, were treated as such by others all their lives, and merely declare themselves as *pardos* when applying for a university place or a job in the public service without having have any biographical or personal reason to do so. However, I would argue that such cases of deception are much rarer than the frequent and normalized talk of fraud suggests. While writing this chapter, I therefore regularly had to think of a statement made by Antônio Teixeira, who had stated in my interview with him that, in his opinion, cases of fraud in the strict sense of the word were the exception. Even though there would be “anecdotal cases of people who get artificial tanning, who do blackface and such,” these cases would not “account for the majority.” He therefore expressed the fear that the hetero-

identification commissions – created “out of the eagerness to protect the [affirmative action] policy” – would become “a legal instrument that remedies in excess – so you kill the patient with too much medicine” (Interview; October 4, 2017).

It is in a similar spirit that I have written this chapter – which therefore was the most challenging one for me. After all, the conviction that there were growing numbers of fraud had been the main reason for the implementation of hetero-identification commissions. By complicating the notion of fraud and by questioning its readily given character, I thus risk undermining the narratives and practices of some of my key interlocutors – namely those who have invested a great deal of work over the past years in establishing this practice and making it legally secure. As I am aware that they did so “out of the eagerness to protect the affirmative action policy” – and from a fairly marginalized position –, I do not want to discredit the hetero-identification procedures as a whole and do not want to deny that some control mechanism regarding the access to this public policy might be necessary. Instead, I want to draw attention to some of the problematic effects of the strong focus on ‘phenotypic elements’ and on *pardos* as a ‘problem’ that pervades the realm of the hetero-identification commissions.

It is against this complex background that I will now turn towards the analysis of three borderline cases. One of these candidates applied for the Brazilian Foreign Ministry – an institution that is regarded as very elitist and White-dominated and whose selection processes are highly competitive as well as highly judicialized. The two others applied as teachers within a municipal selection process in São Paulo and were accused of fraud by an important group of the Black movement, the São Paulo-based NGO *Educafro*. All three candidates whose stories I will tell in this chapter were considered ambiguous cases by the respective hetero-identification commission – with two of them ultimately being accepted as *cotistas* and one of them being rejected this status. Their cases – which I trace based on press reports, legal documents, and personal interviews with the three candidates as well as with *Educafro* actors – offer a variety of insights into how the candidates themselves justified their *cotista* status, on what basis activist groups denied them this status, and which arguments legal actors used for or against their acceptance as *cotistas*. They thus provide important answers to this thesis’ research question – namely, how the racialized *cotista* status or, more generally, race as a category of difference is enacted within the Brazilian hetero-identification procedures, how

the idea of a social gaze is operationalized in this context, and which contradictions and frictions emerge in this process.

5.1 On being considered non-Black ‘for the purposes of the law’: the case of Verônica

At various points in my research, the Brazilian Ministry of Foreign Affairs – also broadly known by the name *Itamaraty*⁹⁸ – came into my focus. In 2016, it was the locus of widely discussed cases of supposed fraud when forty-seven candidates that had applied as *cotistas* for the prestigious diplomatic program were eliminated from the respective selection process – a decision against which twenty-five of them later appealed successfully (cf., e.g., K. Almeida 2016; Metrópolis 2016). In 2017, I met several *Itamaraty* representatives for interviews – among them persons who had participated in the hetero-identification commissions evaluating these controversial cases in the previous year. Furthermore, I interviewed two prosecutors working at the *Ministério Público Federal* (Public Prosecutor’s Office, MPF)⁹⁹ that had authored suits against the *Itamaraty* and other institutions in order to prevent the nomination and inauguration of candidates who, according to these prosecutors, were “non-*negros*” and therefore “improperly enrolled as competitors for the vacancies reserved for *negros*” (MPF 2015, 2). Towards the end of 2017, the MPF filed another suit against the *Itamaraty*, arguing that the Foreign Ministry had accepted six candidates as *cotistas* in its ongoing selection process that would “not do justice to the racial quota policy” (MPF 2017, 3). In 2018, when I interviewed a number of candidates that had been evaluated by hetero-identification commissions in different institutions, I also interviewed two of the candidates charged by the MPF in this suit – just like two other candidates that had successfully applied as *cotistas* in selection processes of the *Itamaraty*.

The debate on quota candidates and allegations of fraud was particularly heated in the case of the *Itamaraty* for several reasons. First, the Ministry of Foreign Affairs is widely regarded

⁹⁸ The name *Itamaraty* refers to the Itamaraty Palace, which houses the Ministry of Foreign Affairs.

⁹⁹ For an explication of the institutional role of the *Ministério Público*, see footnote 71.

as a very elitist institution with mainly White staff. At the same time, it has the role of representing Brazil on the international stage – with the “persistent lack of black diplomats” (Cicalo 2014, 27) contradicting the famous narrative of Brazil as a racial democracy. Second, the selection process for the diplomatic service is considered as being particularly prestigious and competitive, which is why candidates often spend several years preparing for the application process and invest a lot of money in the preparation. This aspect, in turn, was referred to by several of my interlocutors to argue that a career at the *Itamaraty* would be hardly attainable for *negros* anyway – and that the majority of those who were accepted as *cotistas* at the *Itamaraty* therefore would be *pardos* or *negros claros* (‘light Blacks’). Access to this institution thus was strongly facilitated by an elevated position in the Brazilian class hierarchy, which itself is highly racialized. Given this complex background, stakes are very high on all sides when it comes to the question of who will be admitted to this institution as a legitimate quota candidate – a question that in the end is often fought out in court.¹⁰⁰

One such legal case was that of Verônica Couto Tavares, which I learned about from the press.¹⁰¹ In 2018, an article in the Brazilian edition of *The Intercept* (Militão 2018) reported of her and another young woman who had applied as *cotistas* for the diplomatic service in 2017. Both were rejected by the *Itamaraty*’s hetero-identification commission, but appealed against this decision and subsequently were accepted by a second commission – composed of three persons instead of eight like the first one. However, as the article described it, the NGO *Educafro* – about which I will write more in the next section – criticized this result and took the case to the *Ministério Público Federal*, which then filed a suit against the decision of the second commission. The responsible court decided that a third commission, composed in the same way as the first commission – five *Itamaraty* representatives and three representatives of other institutions –, should evaluate the accused candidates once more. When this commission decided, in March 2018, that the candidates would have “no visible phenotype of a Black person” (quoted in *ibid.*), they were excluded from the selection process. Their renewed appeal against this decision was still pending when I met Verônica for an interview in September 2018. It would remain pending until June 2022, when the two candidates

¹⁰⁰ Ultimately, these are often purely administrative processes that are settled via correspondence between the parties involved and not court hearings in the strict sense.

¹⁰¹ Verônica expressly agreed that I publish her real name in this thesis.

reached an agreement with the *Itamaraty*, were finally accepted as *cotistas*, and entered the institution five years after their initial rejection (Militão 2022b). So, what happened in between, and on what basis was Verônica sorted out of the target group of affirmative action – and then sorted in again?

5.1.1 “Did I imagine all this, am I really an opportunist...?”

Let me begin by giving an account of how Verônica described to me her reasons to apply for a quota vacancy and of how she experienced the hetero-identification procedure as well as the allegations of fraud.¹⁰² Via the journalist who had written the article on her case, I got in contact with Verônica and met her for an interview in a café in the south of Brasília in early September 2018. As we were about the same age, we quickly got into conversation – not least because she also had studied Anthropology for some time before later switching to Public Relations, the field in which she was working nowadays. However, as she told me, her dream of an international career had not really become true in this field, which was one of the reasons why she had gone through a professional crisis some years ago. Out of this crisis, she had sought coaching, which helped her develop the idea of applying for the annual selection process for the diplomatic service. Over the following years, she studied hard and invested a lot of money in her preparation – “it was a real family mobilization,” with her husband and her mother supporting her financially. When she first participated in the selection process, she chose not to apply as *cotista*. Due to seeing herself as “very much on the threshold [between Black and White],” she feared that someone could instrumentalize her admission as *cotista* in order to argue that the quota policy as such was “a distortion” and “not valid.” As she considered the affirmative action measures very important and precious, she did not want to take this risk. However, when she only narrowly missed the grade target, she was harshly criticized by some of her lecturers as well as by colleagues who found it “absurd” that she had not applied for a quota vacancy (which she would have acquired with this grade) and who accused her of “denying” her “representativeness.” In the following year, she therefore decided to apply for a quota vacancy – and subsequently again was harshly criticized, this time

¹⁰² All quotes from Verônica in this section are from my interview with her on September 4, 2018.

for “defrauding” the quota system. She described the ensuing attacks against her and a few other candidates as extremely painful and unsettling:

Being fraudsters was the least of the accusations we faced. We were very exposed, and I felt really really bad. [...] You have no idea of the humiliation that I went through... It was a total and complete deconstruction of my history, you know? Of my... of the way I see myself. So you start to question yourself: ‘Guys, did I imagine all this, am I really an opportunist...?’

For her, the accusations of fraud – raised by the NGO *Educafro* and through social media channels like Facebook – did not fit with her frequent experience of being teased as a child because of her appearance or being asked, while walking with her White mother, if she was the domestic servant’s child, whereas the kinship with her Black father never was doubted. As she recounted, she only really had started to make sense of these experiences when she entered the University of Brasília (UnB) at the beginning of the 2000s and, being one of the student representatives in the university council, became involved in the discussion on the implementation of quotas:

So I always knew that I was kind of different. But only later did I begin to understand everything that I had gone through: that I was never the person who was invited for a date or to dance at parties, that I was always only the friend [and not the girlfriend]. The penny dropped for me when we started to debate the quota policies [at the UnB]. So you see how important they were.

The debate on university quotas was crucial for her to gain the self-esteem she had lacked as a youth due to the impression that others saw her body as “something that is not beautiful, something that is bad, not well-seen and not desirable.” In contrast to this, she perceived the debate around quotas at the UnB to be very inclusive, with no one questioning her (increasing) identification as *negra*. For her, the quota policy therefore was “an inclusive policy, of coming out of the closet, of having pride in one’s Blackness, of self-declaration and self-affirmation” – and thus literally “a policy of affirmation and not of ‘Let me see if you are Black or not.’” The latter is the way in which she perceived the hetero-identification commissions at the *Itamaraty*:

I felt very attacked [*agredida*] in the whole situation. You’re being recorded, filmed, with a bunch of people measuring your nose, your mouth, the

texture of your hair...¹⁰³ 'Let me see if this really is your color...' You know?
It's very invasive.

She remembers that a woman who was part of the commission addressed her, stating: "I know it is a very uncomfortable process." Verônica described that she kept quiet, but that she felt like saying: "No, you have no idea. You have never been asked why you think you are a woman or to prove that you are a woman. Because for me it is as obvious as that, you know?" Due to this impression, today's hetero-identification commissions reminded her too much of a racial tribunal: "Whose ruler is this? Whose negrometer is this?" She therefore wondered whether the best way would be to stay with the self-declaration – even though, as she stated, "there are of course people who cheat." In a document justifying her appeal against the commission's decision, which she gave to me after our interview, she summarized her position of being "on the threshold" or "in limbo" as follows:

I have never been white or 'Caucasian' enough to not be pejoratively called 'Bombрил'¹⁰⁴ or 'dirty' in school, nor to not have my hair and style questioned at work, but on the other hand, I have not been considered *negra* enough by the commission to do justice to a measure of racial reparation for which I fought and of which I am the subject.

Verônica's account, in which she herself vacillates between indecision and unambiguity, makes her borderline status within the hetero-identification context very tangible. On the one hand, she describes herself as being "very much on the threshold" ("*eu sou muito limiar*") and speaks of her doubts as to whether she should apply for a quota vacancy. On the other hand, she (just like many other candidates I spoke with or read about) emphasizes that she "always" felt different and that the fraud allegations felt like "a total and complete deconstruction" of her history – thus underscoring a lifetime and clear identification as Black.

My aim here is not to decide which of these descriptions is more accurate. Nor do I want to accuse Verônica of making false or contradictory statements by emphasizing the vacillating character of her narrative. Rather, my point is that the whole hetero-identification system –

¹⁰³ This formulation is a hyperbole and not a description of what actually happened within the commission.

¹⁰⁴ *Bombрил* is the well-known brand name of a steel wool sponge. Here, the term stands for a racist reference to hair texture, as which it has long been problematized and criticized.

just like most classification systems – aims to assign each person as clearly as possible to one of the two eligible categories (*cotista* or non-*cotista*). As a result, ambiguity becomes a problem – so that candidates try to create unambiguity by emphasizing, for example, that they “always” felt different. If someone describes – as Verônica does – that she only began to identify clearly as *negra* in the course of her politicization at university, members of hetero-identification commissions often see this as an indicator that the racist experiences this person had throughout her life could not have been that bad. An ambiguous narrative may therefore cast doubt as to whether a person should be accepted as *cotista*.¹⁰⁵

The issue of (un)ambiguity also plays a key role in the debate on colorism, which I already mentioned briefly in the introduction to this chapter. After all, this debate is about the in-between status of ‘light-skinned *negros*’ and about the question of whether they unambiguously can claim a Black subjectivity. This question was spelled out very clearly in a Facebook post I came across during my field research – which I quote here as representative of many similar posts on social media – addressing “light-skinned Blacks [*negros de pele clara*], mestizos, ex-*pardos* and all those people who, until recently, didn’t even know they could be Black.” Characterizing them as “people who were raised as ‘White boy with bad hair’” and who “are loaded with passability and obviously in a position of (historical) privilege,” the author of the post – who counts himself among this group – goes on to state:

[M]aking peace with your past, your history, your body doesn’t mean that you will now become the new ‘light’ star of the Black movement, compete for quotas with black people [*pretos*]¹⁰⁶ for whom they are actually destined, forget your privileges and think that the blows you got because of your hair compare to the violent experience of racism lived by people for whom being Black [*negre*]¹⁰⁷ was never an ‘option’ or ‘discovery.’¹⁰⁸

Brazilian social media is full of discussions around the issues raised in this post (for other examples cf., e.g., Rodrigues 2021). Just like the author of the just-cited post, many Black activists in this context argue that light-skinned *negros* sometimes pass for White and

¹⁰⁵ For a more detailed discussion of this aspect, see Chapter 4.1.3.

¹⁰⁶ *Pretes* is a spelling version of *pretos/as*, meant to include all genders.

¹⁰⁷ *Negre* is a spelling version of *negros/as*, meant to include all genders.

¹⁰⁸ Public Facebook post by Alexandre Bortolini on September 4, 2017; <https://www.facebook.com/alexandre.bortolini.3/posts/1457365151013095>; last access on February 2, 2023.

therefore enjoy certain privileges that dark-skinned *negros* do not have – and thus criticize them when they claim eligibility for becoming *cotistas* (cf., e.g., L. Duarte 2015b). Others, in contrast, argue that the supposed privileges of light-skinned *negros* are merely relative and that they too are severely affected by discrimination – a position that is articulated, for example, by the two well-known influencers Winnie Bueno and Spartakus Santiago in the already mentioned documentary “Autodeclarado” (Maurício Costa 2021).

The issue of colorism is anything but agreed upon among the different actors that make up Brazil’s Black movement – and is a core element of the controversies surrounding individuals like Verônica, who represent borderline cases within the hetero-identification context. After all, (non-)passability is a key aspect of everyday racism in Brazil and has been studied as such by various scholars. One prominent example is Carl Degler’s analysis of a “mulatto escape hatch,” arguing that in Brazil there is greater social mobility for ‘mixed-race’ individuals than for persons who are seen as clearly Black (Degler 1971; cf. also Winant 1992). In this sense, some argue that the latter group suffers more from Brazil’s structural racism than the former – for whom it might be “an ‘option’ or ‘discovery’” to see themselves as *negros*. At the same time, there are innumerable studies showing that *pardos* and *pretos* are very similar in terms of socioeconomic indicators such as income or schooling, but also in terms of mortality rates – a fact that is an important argument for granting both these groups access to affirmative action.

The complexity and ambivalence of these issues are reflected in Verônica’s case. They also resonate in a statement by Isabela*, one of the *Itamaraty* representatives that had been part of the hetero-identification commission for Verônica’s selection process. In my interview with her, Isabela spoke of a case that could well have been Verônica’s:

I remember one candidate who had been an activist at the UnB. When I saw her, I saw an extremely light *parda* [*parda claríssima*] who even had light eyes, but who was absolutely conscious of the racial issue. But I did not see the *negro* [in her]. So what do I do? (*Pause and questioning glance*) We decided to dismiss her. (Interview; August 20, 2018)

Arguing that the commission had “respected her construction of identity,” but that the main criterion for the phenotype would be the skin color, Isabela stated that she “could not include

her [*enquadra-la*] and benefit her within this public policy,” adding: “But it’s questionable, isn’t it?”

The *Ministério Público Federal* held a different opinion in this regard and did not consider the initial commission’s rejection of Verônica as *cotista* to be questionable. In December 2017, it therefore opened a legal case in which it argued against the second commission evaluating the appeals of rejected candidates, which had accepted Verônica and five other candidates as *cotistas*. Arguing that the accused candidates would have no “phenotypic traits proper to Black people,” the MPF alleged that the commission evaluating the appeals had not used phenotype and skin color as the principal criteria but instead seemed to have taken into account other criteria – “in particular the lengthy pleadings” submitted by the candidates (MPF 2017, 13ff). In these pleadings, the bill of indictment states, the accused candidates would argue on the basis of their Black ancestors, the fact that they would not consider themselves “European-White [*branco europeu*],”¹⁰⁹ or their socioeconomic situation – thus neglecting that all these aspects “cannot override the appearance (phenotypic characteristics) of the candidate” legally defined as the main criterion (*ibid.*, 19). Drawing on personal interviews with each of the accused candidates, the photos that were taken within the commission, the appeals presented by the candidates as well as on “other public and available information,” the prosecutor authoring the indictment reached the conclusion that the accused candidates could not be considered Black “for the purposes of Law 12.990/2014” (*ibid.*, 19f; emphasis added).

In the following subsection, I will analyze how the MPF prosecutor established and underpinned this assessment with the resulting classification of Verônica as non-Black ‘for the purposes of Law No. 12.990/2014’ – and how this was contested by the lawyer defending Verônica.¹¹⁰

¹⁰⁹ The term “European-White [*europeu branco*]” is not a direct citation from one of the candidates’ appeals. Rather, I assume that the prosecutor who authored the suit used this term – which is not common in everyday language – in order to underline that she found the candidates’ descriptions of not considering themselves White implausible for the Brazilian context. I.e., the term is supposed to make clear that while the individuals indeed might be read as non-White in Europe, this would not necessarily apply to the Brazilian context.

¹¹⁰ Verônica gave me the respective document and agreed with my using it in this thesis. In the following, I will quote it as “Defense.”

5.1.2 “Not at all different from the physical characteristics of the average Brazilian”

The MPF prosecutor opened her indictment against Verônica and the other candidates with a section objecting to some procedural aspects of the hetero-identification process. In particular, she criticized that the criteria and the decision-making procedure of the second commission – which had accepted the six defendants as *cotistas* – had been very non-transparent. The prosecutor considered it inadmissible that the decisions of the first commission – which consisted of eight persons and had worked “with previously established criteria, giving due priority to phenotypic traits, especially skin color” – had been overturned by a commission with only three members who decided without using publicly communicated criteria and without unanimity (MPF 2017, 13). It could thus be possible, the MPF prosecutor argued, that the vote of a single commission member in favor of someone’s acceptance as *cotista* had invalidated the decision reached in consensus by the eight members of the initial commission. She concluded that as a result of this, “the defendant candidates, without phenotypic traits proper to Black people, had their self-declarations unduly confirmed” and that their appointment would “thwart the quota policy” (*ibid.*).

Subsequently, the indictment discusses each of the six accused candidates individually. As in the case of the other defendants, the section on Verônica starts with a reproduction of the photograph taken by the *Itamaraty* during the hetero-identification procedure, showing the candidate’s head and upper body against a grey background. The photo of Verônica is followed by the plain statement: “One can clearly see that the candidate has white skin, she only has kinky hair [*apenas possui cabelo crespo*].” (MPF 2017, 35) Describing that in her appeal against the commission’s decision Verônica herself “centers her arguments on the appearance of her hair,” the bill of indictment continues:

It is known, however, that for the purposes of applying Law No. 12.990/2014, **skin color** should be the preponderant criterion to be analyzed for the candidate to be considered *negro*. Other phenotypic characteristics can be evaluated in addition [*conjuntamente*] when there is reasonable doubt about the candidate’s skin color, which does not apply to the present case. (*Ibid.*; emphasis in the original)

The question of whether this reasoning was permissible or not was one of the key disagreements between the MPF prosecutor and the lawyer defending Verônica – with both

parties arguing that the physical markers they described as crucial were the ones that would make someone be seen and discriminated against as *negro/a* within Brazil. The MPF prosecutor argued that the candidate's skin color would be the "prominent phenotypic trait to verify the veracity of the self-declaration" (ibid., 21) – and that in this respect Verônica could not count as Black. In order to bolster this view, the prosecutor referred to a large-scale study conducted by the Brazilian statistics authority IBGE in 2008 in which 55 per cent of the respondents said they defined race by skin color, while only 13 per cent defined it by family origin and 15.4 per cent by physical characteristics (ibid., 57). Furthermore, the indictment cites the publication of a well-known IBGE researcher in which he describes skin color to be "the most important mark considered in concrete situations for the definition of [racial] belonging" (Osório 2003, 23; cited in MPF 2017, 59). Not least, the MPF prosecutor points out that the Federal Supreme Court, in its two leading decisions regarding affirmative action¹¹¹, defined "the phenotype, especially the candidates' skin color" as the criterion to be used regarding "the framing [*enquadramento*] of candidates as Black persons for the purposes of racial quotas" (MPF 2018, 8; emphasis in the original).

Verônica's lawyer, for her part, argued that the phenotype could not be "assessed in a one-dimensional way" and that it would be necessary to consider "the whole ensemble [*conjunto*] that establishes the racial identity [and] that goes beyond the graduation of the skin tone" (Defense 2018, 15). Accordingly, the lawyer centered her argument on other physical features, stating that Verônica's Blackness "manifests itself explicitly and very well marked in the texture of her hair, in the broad features of her nose and the features of her mouth, in her facial and bodily structure, etc." (ibid., 4). Just like the MPF, she also backed her argument by referring to the IBGE, stating that the statistics authority, in its surveys, would relate primarily to the self-identification of the interviewee "who identifies his race by answering a questionnaire" containing "physical, social, cultural, and hereditary characteristics" (ibid., 7).¹¹² As the bodily characteristics listed in this questionnaire include skin color and

¹¹¹ The STF decisions to which the author refers here are the ones known as 'ADPF 186' and 'ADC 41' (see footnotes 45, 53, and 54).

¹¹² The question of how the IBGE itself racially classified people was a crucial point of reference in the debate about the hetero-identification procedures. Just like Verônica's lawyer, many people argued that the IBGE would primarily refer to the self-classification of the interviewees – thus defending that the commissions should also rely on a candidate's self-declaration. In contrast to this, others emphasized that the IBGE would use auto- as

physical features like hair, mouth, and nose, the lawyer concludes that the MPF's approach to focus "exclusively on the color of the defendants' skin is totally mistaken and distorted" (ibid., 7). Stating that Law No. 12.990/2014 "adamantly establishes the adoption of the color and race criterion used by the IBGE," the lawyer even describes the MPF's understanding as unlawful, demanding that other criteria besides the candidates' skin color are taken into account (ibid.).

In these passages, the complexity and ambivalence of race as phenotype comes to the fore. First, there is the MPF prosecutor who emphasizes skin color as a central marker based on which someone would be read as *negro* – thereby using a very common and widespread proxy for determining someone's racial belonging. This approach is in line with the attempt of some sociologists to quantify the racialized stratifications found in Latin American "pigmentocracies" via a color palette (Telles and PERLA 2014). Verônica's lawyer, for her part, highlights the idea that other racialized markers besides skin color are also important for the racial classification of a person. By underlining that it is a "*conjunto*" – a "whole ensemble" of physical characteristics – that would make someone be read as *negro*, she refers to a concept that is also regularly mobilized by members of hetero-identification commissions.¹¹³ As described in Chapter 2, this idea has not least been promoted by actors in the Brazilian Black movement over the past decades in the attempt to enlarge their constituency and to counteract the ideology of Whitening via 'mixture.'

Despite these disagreements as to which racialized markers would be central for classifying a person as *negro/a*, both the MPF prosecutor and Verônica's lawyer operated with an understanding of race and Blackness as a bodily essence that could be quasi-objectively measured and captured. Even though both would surely distance themselves from a chart with physical characteristics such as the one I mentioned in Chapter 2, their take on race

well as hetero-identification in its surveys. To this end, they often cited an IBGE publication by Rafael Osório in which he counters the "widespread idea that racial identification in IBGE surveys is done exclusively by self-attribution" and explains that the institution "simultaneously uses the methods of self-attribution and hetero-attribution" (Osório 2003, 8). I mention this aspect only in a footnote, as my point here is not to decide which of these two versions is correct. Rather, I want to show how both sides invoke the IBGE as an official and 'neutral' institution to argue for or against the admissibility of racial hetero-identification as opposed to self-declaration.

¹¹³ For a more detailed discussion of this aspect, see Chapters 3 and 4.

nonetheless mobilized similar stereotypes and resembled the “fragmentation of countable, measurable, and comparable features” (Schramm 2020, 347) that characterized the ‘race science’ of the 19th century. However, they both do so with the argument that the respective physical features would be the ones that make someone be socially read as *negro/a* in Brazil, echoing the idea that what matters is how someone appears in the ‘eyes of Brazilian society.’ Describing all the accused candidates as having light skin, the MPF prosecutor stated that it would be hard to imagine that they “could, in social interaction, *considering the usual behavior of Brazilian society*, be targets of prejudice and racial discrimination because of the color of their skin” (MPF 2017, 21; emphasis added). Verônica’s lawyer, in turn, described the candidate as presenting “phenotypic markings and elements of Blackness” that would be “visible and worthy of explicit and repetitive notes *on the part of society*” – thus arguing that Verônica’s physical features would be sufficient for her to suffer anti-Black resentment in Brazilian society (Defense 2018, 4; emphasis added).

What underlies all this is the issue of ‘passability’ mentioned above, which is closely linked to the complex history of miscegenation and Whitening in Brazil – that is, the question of whether (some) *pardos* pass as Whites in daily life and consequently do not suffer from racism, meaning that they should be denied access to quota vacancies. The MPF prosecutor answered this question in the affirmative, arguing that Verônica and the other accused candidates would be “light *pardos* who are not at all different from the physical characteristics of the average Brazilian” (MPF 2017, 21). In doing so, she mobilized the widely held view that the majority of the Brazilian population – that is, the ‘average Brazilian’ – would be highly ‘mixed’ due to the historical process of miscegenation, thus arguing that ‘mixedness’ was not per se a justification for becoming a *cotista*. In a similar vein, Frei David – head of the antiracist NGO *Educafro* – had stated that in his view, 80 per cent of the six accused candidates would be light *pardos*, whereas black and brown *pardos* should come first with regard to quota vacancies (Barrocal 2018). According to him, the selection process in which Verônica and the other accused candidates participated had been the third one in a row in which the vacancies reserved for *negros* at the *Itamaraty* had been “occupied by ‘white *pardos*’” (quoted in *ibid.*). In contrast, Verônica’s lawyer demanded that the commissions as well as the legal experts

assessing their decisions “should not evaluate the hue of one’s Blackness, but only if it exists,” and continued:

The existence of Blackness is an objective fact, while the assessment of its intensity is absolutely subjective and contestable, since prejudice does not question the intensity of Blackness before it reveals itself. In the specific case of the defendant, due to her being *parda*, she has less pigmentation of the skin, but all the other phenotypic elements are very well marked on her features. Visibly, the defendant has Black phenotypic elements [...], and precisely because of this visible manifestation of Blackness, the defendant has suffered prejudice and racial discrimination. This is about Blackness, about being Black, about a conscious and enforced Black identity. (Defense 2018, 18f)

The opposing views of the two legal parties regarding the ‘existence of Blackness’ in Verônica make the complex debate on colorism and *pardo* subcategories very palpable. The main issue on which they disagreed in this regard – namely, whether light-skinned *pardos* could legitimately claim a *cotista* status – was closely linked to the question of what purpose the affirmative action measures should serve. On the one hand, there was Verônica’s lawyer, who argued that Verônica’s “Black phenotypic elements” had made her suffer from racism in the past and who rejected a colorist distinction between light-skinned and dark-skinned *negros*. For her, it was clear that “the public policy of racial quotas has a (self-)affirmative nature” and that therefore, it would make “no sense to use a method that tends to deny such roots” (ibid., 17). In her view, the approach to refuse lighter-skinned Blacks the *cotista* status would result in “a Whitening that prevents Black people from perceiving their Blackness,” which would contradict the intention of the quota law (ibid., 18). On the other hand, there was the MPF prosecutor, arguing that the aim of the quota policies was to “bring greater racial diversity to public institutions” in order to “repair, minimally, the country’s historical deficit with the dark-skinned Black population that for so many years has suffered from prejudice in the most diverse areas of their daily lives” (MPF 2017, 23). This aim, however, would not be fulfilled if “light *pardos*” would occupy the quota vacancies – “even though they may bear an isolated characteristic common to dark *pardos*” (ibid.). Arguing that “*negros* are the recipients of racial quotas and one cannot understand as *negro* anyone who does not bear all the characteristics of a White person” (ibid., 19), the MPF prosecutor justified the urgency of her request not to

accept candidates like Verônica as *cotistas* with the fact that the quota law for the public service will expire in 2024:

In this short period in which the quota policy is in force, one cannot adopt an interpretation that extends the scope of quotas to include non-Black persons who declare themselves *pardas* simply because they do not have the typical phenotype of Whitest, extremely light-skinned persons, causing unequivocal prejudice to the real beneficiaries of the measure, the *negros*. (Ibid., 20)

The MPF prosecutor thus argued that due to the short period of validity of the law, the borders regarding its beneficiaries (which, as I show throughout this thesis, are highly contested and anything but given) should be drawn in a 'strict' way. Otherwise, one would "guarantee an undue privilege to a group of people who are not exposed to racial discrimination and, at the same time, keep *negros* away from the most competitive public positions" (ibid.). The prosecutor therefore criticized that according to Verônica's account, the quotas would address "any person who presents only one negroid phenotypic characteristic" (MPF 2018, 58). For her, to adopt this understanding would "make the quota policy meaningless [*esvaziar a política de cotas*]" since it would result in the acceptance of persons "who do nothing to alter the racial diversity in the public service" (ibid.).

These quotations show quite well what is at stake in the disputes about borderline cases – namely, the question of who should be given access to anti-discrimination policies in a country whose population is considered very 'mixed.' The answer to this question depends in no small part on what one considers to be the main goal of the affirmative action measures: Is the goal to support a minority of (dark-skinned) *negros*? Is it to encourage all Blacks (in the sense of *pardos* and *pretos*) to recognize themselves as such and thereby enlarge the group of people who consider themselves as *negros*? Is the focus to mitigate the present effects of racism – and therefore, to recognize as *cotistas* especially those who are seen as *negros* today? Or is the goal to redress historical injustices – potentially benefiting those whose ancestors were affected by racism and slavery, but who are perhaps not themselves discriminated against in contemporary Brazil? All these arguments appear in the debate on the Brazilian affirmative action policies, and there is no clear consensus on which approach should apply. However, the way in which the hetero-identification procedures – as the mechanisms regulating the access

to these policies – are designed and put into practice tends to privilege the understanding that the quotas should address those who suffer from racism *today*.

As a result, candidates like Verônica – about whom the commissions are in doubt as to whether they are ‘sufficiently’ affected by racism in contemporary Brazil – find themselves in a state of limbo. For Verônica, this state of uncertainty came to an end five years after the MPF had filed a suit against her and five other candidates. The MPF’s assessment that she could not be considered Black ‘for the purposes of Law No. 12.990/2014’ had preliminarily prevailed, but was overturned when Verônica was reclassified as *cotista* by another commission – a process I will briefly summarize in the next subsection.

5.1.3 Sorted back in

In July 2022, I contacted Verônica via WhatsApp to ask her if she would agree to my using her real name in my thesis. She promptly answered in the affirmative – and also informed me that she and the other candidate on whom the 2018 article had reported had recently been offered an agreement by the Foreign Ministry, after which they had been evaluated and accepted as *cotistas* by another commission. Five years after their classification as non-Black ‘for the purposes of Law No. 12.990/2014,’ they had finally been admitted to the famous institution and were now starting their diplomatic career.

Via a brief internet search, I discovered several articles reporting on these two women, who were by now relatively well-known borderline cases (Militão 2022a; 2022b; 2021). As I learned from these articles, the *Itamaraty* had offered the two candidates the chance to be reevaluated by the hetero-identification commission that was evaluating the *cotista* candidates of the then-current selection process. In exchange for the possibility of this reassessment, the two candidates agreed to withdraw all pending lawsuits and to waive their right to demand payment of their salaries for the period 2018 to 2022 (Militão 2022a). In the case of an approval by the commission, they would become diplomats; in the case of a rejection, they would also lose their right to appeal. On June 17, 2022, the commission convened, and granted both candidates the *cotista* status. The article reporting on the approval quotes Verônica’s colleague Rebeca Mello as saying, “I am happy that justice is being

done,” and Verônica as stating that “there can be no more questioning in relation to our Blackness” (Militão 2022b).

On the Facebook channel of the news portal that published the article, there were nevertheless several comments questioning that the two women were *negras* – as well as a number of comments supporting their admission. The question of whether Verônica and her colleague could be considered Black thus remains controversial. However, with the final approval by the *Itamaraty*’s hetero-identification commission, Verônica had officially attained the *cotista* status – and had landed a job that, with a starting salary of 17,000 R\$ (more than 3,000 US\$) per month, ranks among the best-paid in Brazil’s public service.

After having been sorted out from the target group of affirmative action – with the argument that she would be “not at all different from [...] the average Brazilian” –, Verônica had now been sorted back in. Since I did not talk to the *Itamaraty* commission that eventually accepted Verônica nor had access to its documents or reports, I can only speculate about its reasons. However, it seemed to consider Verônica ‘different enough’ from the profile of the average civil servant, which the affirmative action policies are supposed to make more ‘diverse.’ As this chapter has shown, Verônica’s lawyer and the MPF prosecutor answered the question of what counts as an indicator of being ‘different enough’ in disparate ways. What did not differ, however, was the strong focus on a candidate’s phenotypic characteristics – the effects of which will also play a key role in my discussion of the next two borderline cases.

5.2 On being denied the *cotista* status by parts of the Black movement: the cases of Moacir and Chirilly

As described in Chapter 2.4, the strong focus of the hetero-identification commissions on the candidate’s phenotype – which became very clear in the preceding discussion of Verônica’s case – was in large part the result of debates in the *movimento negro*. In reaction to genetic studies which had argued that “around 87% of Brazil’s population could be considered *afrodescendente*” (Abel 2018, 16), parts of the Black movement put forward the argument that “what discriminates, what humiliates, what hurts, what keeps our people out of spaces

of circulation, what forms an opinion of you – it’s phenotype, not genotype” (quoted in *ibid.*, 17). One particularly outspoken and important group in this context was the São Paulo-based NGO *Educafro* with its prominent leader, Friar David Santos (generally known as “Frei David”).¹¹⁴ The name of the NGO stands for “Education and Citizenship for Afrodescendants and Poor People” (*Educação e Cidadania de Afrodescendentes e Carentes*), as the association provides educational services for Black and poor youth. Offering preparatory classes as well as scholarships for school graduates aiming to apply to a university, *Educafro* has “the mission to promote the inclusion of the Black population (in particular) and the poor (in general) in public and private universities” (*Educafro n.d.*). Founded in 1987 and influenced by Liberation Theology, the NGO nowadays has regional branches in several Brazilian states. Aiming not only at the transmission of knowledge, but also at raising political consciousness among its participants, the NGO is broadly known and recognized as an important space of Black self-empowerment (Brooks 2012; cf. also L. dos Santos 2019; R. E. dos Santos 2010). Besides its educational offers, *Educafro* engages in political debates around questions of antiracism and access to education. In this context, the NGO – and its leader Frei David in particular – had been one of the most prominent civil-society actors who demanded the introduction of affirmative action at universities. Since then, it has regularly denounced cases of alleged fraud and advocated for the implementation of hetero-identification procedures. Due to this highly visible public engagement, I visited several *Educafro* events and interviewed Frei David as well as a few senior *Educafro* members during my research stay in 2018. However, the NGO had already been part of my research field before these personal encounters, as its name appeared in almost every newspaper article I read on the topic.

One such article – citing Frei David with a statement supporting the creation of hetero-identification commissions – was published in June 2017 in the *Folha de São Paulo*, the second largest Brazilian newspaper. Reporting that the recently introduced hetero-identification procedure had resulted in the exclusion of 138 quota candidates within a municipal selection process, the article focused on two of these candidates, Chirilly Araújo and Moacir Marques de Lima Júnior (Saldaña 2017).¹¹⁵ Both had applied to become teachers at municipal schools

¹¹⁴ *Educafro* is headed by a friar since the NGO is maintained by the Franciscan Solidarity Service (*Serviço Franciscano de Solidariedade*, SEFRAS).

¹¹⁵ Both Chirilly and Moacir gave me the permission to use their real names in this thesis.

– Chirilly for Physical Education, Moacir for History and Sociology. What made this article particularly relevant for my research was the fact that it triggered a public attack on Chirilly by *Educafro*, in which the NGO accused the candidate of fraud by drawing on the photos that had illustrated the article. I contacted both candidates via Facebook and met them for individual interviews in São Paulo in August 2018. As I would learn through these interviews, the two – just like many others of the rejected candidates of this selection process – had appealed the decision of the first hetero-identification commission and therefore had been evaluated by a second commission. Through this second evaluation, Moacir successfully gained the *cotista* status and Chirilly was again rejected. However, despite this difference in outcome, both were very similar in that they felt deeply harmed by the way *Educafro* had acted towards them throughout the process and criticized the NGO for having too narrow an understanding of who could be considered *negro* in Brazil. Their cases are therefore very well-suited to revisit the debate about passability, privilege, and colorism briefly outlined above.

In what follows, I will describe the ways in which Moacir and Chirilly experienced the hetero-identification procedure as ‘torquing’ in the sense of Bowker and Star (2000). While Bowker and Star “argue that there is no experience of torque for those in power” (Helmreich 2003, 225), it is important to keep in mind that this position of power refers only to the specific classification system under study – in this case the hetero-identification system – and not to the social standing of a group as such. After all, being *negro* in Brazil is by no means linked to a position of power. Accordingly, those whose acceptance as *cotistas* is not contested within the hetero-identification context – that is, those for whom this specific classification system provides “smooth roads” (Bowker and Star 2000, 324) – structurally occupy a marginalized rather than a powerful position. In contrast, those whose acceptance as *cotista* is subject to debate – that is, those for whom the hetero-identification procedure provides “surfaces of resistances” (ibid.) and experiences of torque – are considered to be closer to Whiteness and the related privileges by the commission members who attempt to mirror ‘the eyes of society.’ I am aware that this argument runs the risk of presenting the social gaze as something unambiguous and uniform and the rejection of individuals like Moacir and Chirilly as *cotistas* as per se justified. Furthermore, by making this argument, I do not want to relativize and minimize the torquing and painful experiences that the procedure resulting from this

reasoning has for those who are considered borderline cases. Still, I find it important to point out that the debate about such cases does not happen in a vacuum. Rather – as *Educafro* rightly made clear in an open letter in support of hetero-identification commissions (Educafro 2017) –, it takes place against the backdrop of a centuries-long history of slavery and social exclusion, during which (proximity to) Whiteness came to be associated with privilege and power. With this in mind, I will now turn to the stories of Moacir and Chirilly before discussing, in the final section, the quasi-irresolvable tension between the political-theoretical demands for tolerance of ambiguity on the one hand and the administrative need for categorical boundary-drawing on the other.

5.2.1 Moacir: “I never imagined that I would encounter such a restricted understanding of who is *negro* within the Black movement”

For our interview, Moacir and I met in the café of a big bookstore located within a large shopping mall in the center of São Paulo.¹¹⁶ Describing himself as “mestizo” who, however, would “never be treated like a White person in Brazil,” he recounted how he had once entered a similar bookstore together with a White friend from university. While his friend – who studied Molecular Sciences – went to the area with expensive scientific books without anyone bothering him, a security guard followed Moacir all the time. “There was even a moment when I said to him: ‘Look, I have money to buy books here.’ So this doesn’t happen with [my friend]. This happens to me.”

Moacir had studied History and Sociology at the University of São Paulo (USP), Brazil’s most prestigious university. The fact that he was able to study at this university was mainly thanks to his mother, Moacir explained: single, illiterate and Black, she had done everything to give him a good education. When we met in 2018, he was 44 years old, had worked as a teacher for many years and was now studying International Relations, again at the USP. As Moacir recounted, some colleagues had jokingly cited the fact that he graduated from this university as the reason for his rejection by the hetero-identification commission: “We told you that you weren’t Black. Do you know why? You study at the USP. *Negros* don’t study at the USP.”

¹¹⁶ All quotes from Moacir in this section are from my interview with him on August 5, 2018.

Furthermore, they referred to the fact that he was dealing with stocks as an argument that he “cannot be Black.” Even though they spoke in jest, Moacir felt hurt by their comments and by the fact that they had such stereotypical ideas of Blacks being “poor and without education.” After all, he strongly identified as *negro* – and the fact that the hetero-identification commission had rejected him made him feel like “a liar”:

I became a pariah. I felt like I have no identity anymore. So this was problematic for me. The question of whether or not I would get the job was the least important thing for me.

Until his youth, Moacir’s mother had raised him “to be White” – for example by making him comb his kinky hair and by emphasizing how much he resembled his deceased White father. At the age of fourteen, however, he changed to a private school – attended mainly by White students – and started to perceive that he “really was very different.” As he described it to me, he accepted himself over the following years – and understood himself as Black (“*me entendi como negro*”) when he entered university at the age of 24. This identification grew even stronger through his studies at the USP, with three sociology professors – who are among the best-known researchers on questions of race and racism in Brazil – being particularly important for him: Antônio Sérgio Guimarães, Márcia Lima, and Kabengele Munanga.¹¹⁷ They sparked his interest in these issues, and during his master’s studies, he conducted several projects on affirmative action. The rejection by the hetero-identification commission therefore felt “really crazy” for him: “I make a project [on affirmative action] that has everything to do with my life history, and then someone comes along and says that I am not Black.”

What particularly disappointed and angered him, however, was the role that parts of the Black movement – especially *Educafro* – played in the debate around hetero-identification procedures in general and around his selection process in particular. As he described it to me, the experience of being “too dark to be White and too White to be Black” had not been entirely new to him. However, he had not expected to be confronted with such an understanding by groups of the Black movement whose history “was built on making mixed-

¹¹⁷ For a few key works of these authors, cf., e.g., Guimarães (1999; 2002; 2021), Munanga (1999; 2004a; 2019), Lima, Hasenbalg, and Silva (1999), Lima (2012), F. Rios and Lima (2020).

race persons [*peessoas mestiças*] recognize themselves as Black.” The fact that large parts of the Black movement supported the introduction of hetero-identification commissions represented for him a rupture with this history and an expression of the rise of colorism, according to which darker-skinned *negros* suffer more prejudice than lighter-skinned ones. In the “tough conversations” he had with *Educafro* members after having been rejected by the hetero-identification commission, he gained the impression that their approach to these commissions was strongly inspired by such a colorist understanding. This also became clear in my interview with Frei David, in which he described his view on the quota target group as follows:

First, there is the *preto*. There is no discussion on the *preto*. *Preto* is *preto* and that’s it. The whole problem is with the *pardos*. The commissions in which I believe [= as I defend them; S.L.] are convinced that you have three kinds of *pardos*: the black *pardo*, the brown *pardo*, and the white *pardo*. So the commissions are trained to give full support to the black *pardo*, give full support to the brown *pardo*, and not allow the white *pardo* to take advantage.¹¹⁸ Because the white *pardo* never gets beaten by the police. The white *pardo* is never discriminated against when it comes to looking for a job. The white *pardo* is the one who has the right, given to him by everybody, to move around wherever he wants, within the blessings of whatever ethnic group he wants. He has double privilege. The white *pardo* has more privilege than the *branco* and the *negro* combined. (Interview; August 14, 2018)

For one thing, this statement resonates with the reasoning mentioned above, according to which greater proximity to Whiteness historically has become linked to more privileges and thus less discrimination. However, Frei David even ascribes ‘white *pardos*’ a doubly privileged status, arguing that they could sometimes pass for Black and sometimes pass for White. This illustrates quite well the in-between status that (some) *pardos* have within the hetero-identification system. Since they “do not fit neatly into [the] binary classifications” (Schramm and Beaudevin 2019, 279) of *negro* and *branco*, they are presented as ‘monstrous’ – a status that has been conceptualized and theorized by sociologist Susan Leigh Star in her seminal piece “Power, Technology and the Phenomenology of Conventions: On Being Allergic to

¹¹⁸ On another occasion, Frei David had stated that neither ‘brown’ nor ‘white *pardos*’ would be discriminated against and had defended that only *pretos* and ‘black *pardos*’ should have access to quota vacancies (cf. Verdélio 2016).

Onions” (1990). In this piece, she develops a “theory of multiple membership” (ibid., 26) that “questions the self-evident status of standardizations, and asks about the possibilities and limitations of alternative, more accommodating forms of classification” (Schramm and Beaudevin 2019, 280). While Star shows “that heterogeneity and multiplicity cannot be resolved by more splinterings or compartmentalizations” (ibid.), this seems to be the path chosen by actors like *Educafro* who try to tame the complexity of belonging by creating *pardo* subcategories.

What makes this approach problematic to other actors grappling with these questions is that it contradicts the text of the affirmative action laws and is not consensual – or transparently negotiated – within the Black movement as a whole. After all, rather than excluding (some) *pardos* from the Black constituency – and in a sense labeling them as ‘monsters’ who do not belong anywhere –, the Black movement long advocated the approach to include all *pardos* as part of the group of *negros* (see Chapter 2). This was also the approach defended by Moacir, in whose view the idea that quotas should mainly address dark-skinned *negros* would “crack the [Black] movement once and for all [*racha de vez o movimento*].” In contrast to the understanding advocated by *Educafro* and many other actors within the realm of hetero-identification to whom I spoke throughout my research, Moacir held that discrimination against lighter-skinned *negros* might be different, but just as real as discrimination against darker-skinned *negros*. Furthermore, he described Blackness for him as “not simply a question of skin [color],” but instead “a question of identity” and of “committing oneself to the fight [against racism].” Part of this commitment, for him, was the way in which he covered the history of Africa in his classes, where he represented Black persons not only as slaves – as it often would be the case in Brazilian history education –, but instead as “empire builders and disseminators of knowledge.” In an appeal document that he gave to me after our interview, he therefore described himself not only as Black, but also as “an activist for the cause of the Black population.”

In the end, the second hetero-identification commission accepted him as *cotista*. Nevertheless, he described the entire process as “very traumatic and embarrassing” and stated that it created “a big emotional wound which still is in the healing process” – even though he already would be a lot calmer today:

I recognize myself, and my friends recognize me as a Black person. This, for me, is what is important today. If a bureaucratic organ, a commission is going to say that I am Black or not, this doesn't interest me anymore. My identity is pacified.

If the whole hetero-identification process already had been upsetting for him, this had been even more so for Chirilly, Moacir stated. After all, *Educafro* had publicly accused her of fraud – which was followed by aggressive comments to her via Facebook – so that she had suffered much more public exposure than Moacir. When I met Chirilly a few days after my interview with Moacir, she confirmed his description. She stated that for her the whole experience only would be “100 per cent resolved” once she had the chance to personally meet Frei David. She was still perplexed by the fact that he had publicly accused her of fraud “without seeing me [in real life], without looking me in the eye” (Interview; August 11, 2018). So, what had happened?

5.2.2 Chirilly: “Obviously, the turban was a bit tendentious – but it was the idea of the photographer”

On June 26, 2017, a photo of Chirilly accompanied the above-mentioned article reporting on the municipal hetero-identification procedure (cf. Saldaña 2017). In the following days, this newspaper photograph – together with photos from Chirilly's Facebook account – played a prominent role in allegations of fraud raised by *Educafro* against Chirilly. What was in this photo? How and why did it trigger such a harsh reaction? To discuss this, I will first describe this photo (accessible in the online version of the newspaper article) and two other images with which *Educafro* contrasted the newspaper photo to support the fraud allegation.

The main photo of the newspaper article – which *Educafro* then referred to in its public allegation of fraud –, showed the head and torso of Chirilly, a young woman in her early 30s. On the photo, she seems to be sitting in a kind of simple backyard – in the background, one can see a rough, gray stone wall, in the foreground of the picture are the large green leaves of a plant. She wears long earrings and a top with black and white check pattern. Around her head, she has wrapped a brown and white jagged scarf. Her gaze is directed at a photograph in her hand showing an elderly, dark-skinned man – we learn from the caption that this is her

father. The article describes that Chirilly declared herself *parda* when she applied for the selection process, but that she was rejected because the commission “considered her not to be *negra*” (ibid.). According to the article, Chirilly was particularly critical of the form of assessment, in which several candidates were evaluated at the same time: “I felt [as if I was] in the line of slaves to be sold, as if at any moment they were going to ask me to show my teeth” (quoted in ibid.). Stating that Chirilly reports being a victim of racist insults during her childhood, the article quotes her as follows: “It took me a lifetime to assert myself as *negra* and now I feel like my identity has been stolen. What about all the racist situations I’ve been going through?” (Ibid.)

A few days after the publication of this article, *Educafro* published on its website a document signed by Frei David. Declaring his solidarity with the municipal hetero-identification commission, Frei David referred in this document to Chirilly’s case and the just-described photo by stating that “the use of a turban” would be among the best-known “fraud models” (Educafro 2017, 1). Pointing to Chirilly’s Facebook account, he formulated the following rhetorical question: “In all the time she has been on Facebook, how many times has she posted pictures with a turban?” (Ibid.) Arguing that “[t]ruthful persons put their truths in their Facebook [account],” he contrasted the newspaper photos with two of her “real” Facebook photos (ibid.). These were portraits of Chirilly – one showing her in a beach setting with bikini, sunglasses, and straight blond hair, the other showing her face and curly light hair. On both photos, Chirilly’s skin appeared significantly lighter than on the newspaper photos. For Frei David, it was clear that “in order to confuse public opinion, she called the *Folha de São Paulo*, ‘dressed up as a Black woman’ wearing a turban, afro clothes, makeup, and took a picture of herself in the shade” (ibid.). In his view, Chirilly’s case reinforced “the evidence that White, ill-intentioned people are imagining that the [hetero-identification] commissions are only ‘pro forma’ and are trying to circumvent this serious and dedicated, anti-fraud work” (ibid., 3).

The question of how ‘truthful’ these photos were gained another layer of complexity when I met Chirilly for an interview in a public park on the Southern periphery of São Paulo in August 2018. Right at the beginning of our meeting, she started to talk about the photos that had caused the *Educafro* campaign against her, telling me her account of how they had come about:

Obviously, the turban was a bit tendentious, but it was the idea of the photographer [from the newspaper]. He asked if I had any afro adornments. I said, 'I have a *berimbau*¹¹⁹, I have a *capoeira abadá*¹²⁰, I have whatever you want.' – 'Do you have anything for your hair?' – 'I have a turban, everything.' – 'Shall we put it on?' – 'Yes, let's do it.' And this is what caused the whole confusion [*rebu*]. (Interview; August 11, 2018)

Regarding the Facebook photos Frei David had used, Chirilly told me that she had applied a technical filter in both of them. The beach photo on which she appeared to be blond and light-skinned, she explained, had been taken during an island vacation in which she had spent one week under the blazing sun and therefore in fact had been much more tanned than she usually was. She therefore found it particularly ironic that Frei David had used this photo in order to accuse her of fraud.

Chirilly's story about the photos that had caused such a harsh public attack against her illustrate very well how complex the question of fraud and truthfulness in the context of the hetero-identification procedures is. Was Frei David's accusation that Chirilly had "dressed up as a Black woman" for the newspaper photographs even true in a way? After all, she had reacted to the photographer's suggestion to put on "afro adornments." Maybe the photographer had found her physical appearance without such adornments not convincing enough and therefore had asked her to put on elements that would sustain the claim that the rejection by the hetero-identification commission had been inappropriate. However, the idea to put on such adornments had not seemed far-fetched to Chirilly at all, since she strongly identified with cultural practices said to be Afro-Brazilian. As she told me, practicing afro dance and capoeira had been an important part of her process as a teenager to accept and recognize herself as *negra* – a process that had been frowned upon by parts of her family, in which she had also endured racist slurs since childhood. Accordingly, she may have not felt 'dressed up' in these photos – even though she stated that "the turban was a bit tendentious."

My point here is not to decide whether or which of these pictures were a 'truthful' representation of Chirilly. Rather, I am interested in how both sides mobilized these photos as supposed evidence in order to claim or deny Chirilly's status as *cotista*, and in what ways

¹¹⁹ A musical bow that is used in the Afro-Brazilian martial art capoeira.

¹²⁰ The pants worn by practitioners of the Afro-Brazilian martial art capoeira.

elements beyond her body played a role in the accusation that she was illegitimately claiming a *cotista* status. After all, these images make very clear that race is not only a matter of the physical body but also of other elements – such as cultural ‘props’ – that inform the social gaze. In that way, Chirilly can be read as White when her hair is blond and straight (no matter whether it is a wig or special hairdo or ‘natural’) or as Black through an attire like the turban. The accusation of fraud thus seems to rely on a truth that resides not only in the body but also in everyday demeanor and habitus.

What is seen as illegitimate demeanor and thus counts as fraud is, however, extremely context-dependent. For example, in apartheid South Africa, the photos of Chirilly on which she appeared to be light-skinned and blond could have counted as the ones in which someone was illegitimately claiming to be White, whereas the photo with the turban could have been considered the one that revealed the ‘truth’ – that is, that a person ‘in fact’ was not White. In the contemporary German context, in turn, a turban might indicate Arabness or Muslimness rather than Blackness. In the Brazilian hetero-identification context – characterized by the suspicion that “non-Whites who are not so Black [*não-brancos-nem-tão-negros*]” (L. Duarte 2015b) would take advantage of the opportunity to apply for quota vacancies –, the use of a turban by someone who was seen as borderline case could come to be considered an illegitimate appropriation of a garment indicating Blackness. Thus, the *Educafro* members were convinced that the newspaper photograph of Chirilly indicated fraud and tended to see her Facebook photos as ‘authentic’ self-representations.

Besides the turban, there were further elements in Chirilly’s newspaper photo that played a role in enacting her Blackness. For one thing, the setting with the humble backyard and the large plant evoked ideas of simplicity, rurality, and perhaps poverty. Together with her clothes, the long earrings, and the headwear, the image mobilized a number of classic stereotypes that have come to be associated with Blackness. Furthermore, the article mentioned that Chirilly was a dancer at a samba school – that is, that she practiced a cultural tradition that originated among Afro-Brazilian communities –, as if this would support her claim to become a *cotista*. Importantly, the picture underscored Chirilly’s claim to a *cotista* status by referencing her (Black) father via the photograph she was holding and thus mobilized ancestry, whose relevance for this status was quite contested in the debate about ‘legitimate’ quota applicants.

All these elements showcased contextual evidence that went far beyond Chirilly's body 'as such.' This is in line with the analysis that racialized difference is not simply "to be located right there, in the body and its biology" (M'charek 2020, 373), but is being produced within a complex web of relations – of which physical features are as much a part as aspects like names, clothing styles, or places (such as a humble backyard). Thus, as M'charek (ibid., 371) has formulated it:

[T]he face does not come by itself. It is accompanied by many attributes, such as clothing and hairdos. Facial forms, skin tone, or hair color do not by themselves make racial types. These bodily features are connected to a range of cultural items that together help to produce a racial type. [...] Race cannot be reduced to the body or parts of it but comes about as a relation between the body (its surface) and various other entities.

In Chirilly's case, however, these 'other entities' – otherwise often considered legitimate aspects of a Black self-representation – were perceived as exaggerated or unconvincing by the *Educafro* activists. For them, it was clear that the way she presented herself on these photos turned her into a "White, ill-intentioned" person who was trying to "defraud" the quota system (Educafro 2017, 3). For Chirilly, in turn, the newspaper article – which probably would not have gained as much attention without the photos – represented an attempt to support her appeal against her rejection as *cotista*. After all, although she described the use of the turban as somewhat "tendentious," she did not consider her claim to become a *cotista* illegitimate at all.

Just like many others of the rejected candidates of this selection process, Chirilly therefore appealed the decision of the first hetero-identification commission and was evaluated by a second commission. This commission again denied her the *cotista* status – possibly, as Chirilly suspected in my interview with her, this was at least in part due to the public attention her case had received through the newspaper article and the *Educafro* campaign. As a result of her rejection as *cotista*, she was placed on the general candidate list. Via this list, she ultimately still got a teaching position at a school in Southern São Paulo, which was where she worked when I met her for our interview in August 2018. The rejection by the hetero-identification commission had not prevented her from realizing her dream and becoming a teacher, but merely postponed this step.

Educafro, in turn, considered Chirilly's case to be one of many in which people attempted to gain unlawful access to a public policy. Such attempts would exist in all government policies, the NGO argued in the letter with which it made Chirilly's case public (ibid., 1). However, *Educafro* held that it would be very strange that large parts of the press positioned themselves against monitoring mechanisms, of all things, "when the beneficiary is the Black population" (ibid.). Describing cases like that of Chirilly as a way of practicing corruption, the NGO called for the press and society as a whole to "applaud the work of the anti-fraud commissions with the same enthusiasm with which they applaud the work of most prosecutors [fighting corruption]" (ibid., 3). The NGO thus had the impression that large segments of the press would be critical of the hetero-identification commissions, and saw the article on Chirilly's case – which it considered tendentious, especially in its imagery – as further evidence of this.

Indeed, as described by Chirilly, the newspaper photo was clearly staged and worked with somewhat stereotypical elements to portray Chirilly as a legitimate quota candidate. Nevertheless, it is not without a certain irony that *Educafro* contrasted this photo with images from Chirilly's Facebook account and presented the latter as if they contained an unmediated truth. After all, images in social media are also clearly staged – often not least with the aim of approximating a White ideal of beauty that permeates Brazilian society due to a long history of racism and colonialism. The idea voiced by *Educafro* that "[t]ruthful persons put their truths in their Facebook [account]" (ibid., 1) thus reflects a demand for unambiguity that does not do justice to the complexity of self-representation, especially on social media.

As mentioned, my goal throughout this chapter was not to decide which allegation of fraud was legitimate and which was not. Rather, I wanted to highlight the torquing processes to which people who are considered borderline cases are subjected within the hetero-identification system. On the one hand, they are called upon to understand themselves as *negros* (for example in the context of social movements and political or scholarly engagement with racism in Brazil) in order to "confront a centuries-old and powerful discourse of the state, [namely] that of racial democracy" (Rodrigues 2020a, 11). On the other hand, they are accused of illegitimately appropriating this position when applying for a quota vacancy.

As this chapter has shown, the demand that not all those who are meant to be captured by the category *pardo* should be understood as part of the target group of affirmative action leads to many contradictions and ironies. Another such irony is the fact that Chirilly had been invited to participate in *Educafro* activities many years ago. This implies that she indeed fit the profile of the NGO that, as described above, seeks to “promote the inclusion of the Black population (in particular) and the poor (in general) in public and private universities” (Educafro n.d.). However, in the course of a purely visual and phenotypical reasoning, this no longer seemed to be the case. Thus, in the course of the hetero-identification procedures, a narrowing of the understanding of Blackness takes place, which can lead to the exclusion of people who are otherwise seen and addressed as part of the Black constituency. The question of what exclusions this system produces leads us back to the discussion on what classification practices could look like that do justice to “a politics of ambiguity and multiplicity” (Bowker and Star 2000, 305).

5.3 “Build bridges, not walls”: what is at stake in the debate about colorism and borderline cases?

The cases outlined in this chapter make the idea that affirmative action is ultimately about degrees of discrimination very palpable. While the measurability of the related inequality remains an illusion, the hetero-identification commissions, in their attempt to mirror the ‘eyes of society,’ nevertheless try to evaluate whether someone is ‘sufficiently’ affected by anti-Black racism to gain access to a quota vacancy. Like every classification system, the hetero-identification system that is based on this reasoning produces exclusions, whose political and moral dimensions become particularly clear when it comes to candidates who are considered borderline cases. After all, as sociologist Flávia Rios (2019) makes clear, pigmentocratic societies like the Brazilian one “tend to give small advantages to lighter-skinned Black people,” while at the same time, “they do not necessarily allow this segment [of society] to rid itself of racism.” The question of whether those whom the famous Black intellectual Sueli Carneiro (2004) called “*negros de pele clara*” (light-skinned *negros*) should have access to affirmative action thus condenses a whole complex of ideologically charged issues related to the

evaluation of *mestiçagem*. This is also what makes the debate about colorism that has been going on in recent years in the Brazilian Black movement so complicated (cf., e.g., Bacelar 2020a; 2020b; L. Duarte 2018; L. Oliveira 2020). The tension that lies at the heart of this debate is the insight that the further someone is “from the White ideal [...], the less social, economic and even affective opportunities they have” – while, however, “it is also true that being a light-skinned *negro* is not exactly a privilege, since the chromatic differences within the Black community do not shield anyone from racism” (F. Rios 2018; quoted in 2019). This tension materializes in cases like those of Verônica, Moacir, and Chirilly, and is what causes the torquing experiences I have traced in this chapter.

As described above by Moacir, historically, the focus of the Brazilian Black movement for a long time has been on “making mixed-race persons [*pessoas mestiças*] recognize themselves as Black.” The just-cited Sueli Carneiro, for example, therefore openly defended “an inclusive Black identity, which is able to overcome the Whitening processes to which the Black population has been (and still is) submitted” (F. Rios 2019). Accordingly, Carneiro argued:

[T]he strengthening of racial identity in Brazil should take into account the chromatic multiplicity and the different ways of being *negro*, rather than confining or essentializing a certain racial profile, not least because such racial confinement ultimately means to get caught [*enredar-se*] in the logic of racism. (Ibid.)

In the context of the debate on ‘quota fraud’ and the subsequent introduction of hetero-identification procedures, however, this focus changed dramatically – with the strong emphasis on a candidate’s phenotype indeed running the risk of “confining or essentializing a certain racial profile.” As a result, those who are positioned between the dichotomies of *branco* and *negro*, and who had otherwise been encouraged to ‘embrace their Blackness,’ are now no longer seen so clearly as part of the Black constituency. Instead, they are asked – as my key interlocutor Roseli Faria once formulated it during a public event in September 2017 – to reflect on “whether you really want to claim this right that you know your Black brother, *negro* with all the markers of Blackness, will also be competing for” (Field notes; September 21, 2017).

Various Brazilian social scientists have pointed out that these paradigmatic shifts in the way Blackness is framed risk problematizing ‘racial mixture’ as such (Calvo-González and Santos

2018; Guimarães 2018; F. Rios 2018). In line with this, Rios warns that “discarding *mestiçagem* can never be a blind praise of racial purity, but should rather be a game of mirrors in which the diversities and multiple ways of being *negro* serve to build bridges, not walls” (2018, 14f; quoted in 2019). The hetero-identification commissions I observed often tried to build such bridges – for example, by emphasizing that a candidate’s self-declaration as *negro* should be the decisive criterion in cases of doubt. However, it is nevertheless undeniable that a narrowing down of what it means to be Black – and thus, an emphasis on ‘building walls’ – takes place in the course of these procedures, as this thesis has shown. This narrowing – which Guimarães (2018, 33) calls “the recreation of racial boundaries based on phenotypes” – leads to the exclusion of “any identity claims based solely on political, ideological, cultural, or genetically detectable conformity” (ibid., 35).

To some extent, this narrowing can be explained by the fact that, in the framework of affirmative action, what used to be a disadvantage – namely, being (racialized as) *negro* – was transformed into an advantage that granted access to scarce resources. While one of the aims of the Black movement historically had been to make more Afro-Brazilians define themselves as Black – that is, to ‘build a bridge’ by defining *negros* as the sum of *pardos* and *pretos* (cf. F. Rios 2018) –, this line of reasoning changed fundamentally with the introduction of quota policies, and the focus shifted toward ‘building walls.’ However, I would argue that another key reason for this narrowing lies in the fact that the hetero-identification commissions represent administrative institutions that are supposed to produce objective and legally watertight decisions. As I have analyzed in detail in Chapter 3, it was precisely this demand for objectivity and impersonality that led to making the phenotype, with its supposed stability and unambiguity, the decisive criterion.

The narrow focus on Blackness as bodily marks of discrimination thus represents an effect of the administrative doing of race. What gets lost in this way of operationalizing the ‘eyes of society’ is that tackling racism is not simply about getting more people to identify as Black based on physical traits, or for temporary or pragmatic reasons; it is an ideological and epistemic struggle about trying to find ways to build society differently.¹²¹ Furthermore, this

¹²¹ I thank Sarah Abel for the exchange on this issue.

mode of operationalization runs counter to what Star (1990, 26) demands in her “theory of multiple membership” – namely, “to leave room for more fluid arrangements and to start from what she calls the ‘Zero Point,’ that is, a point ‘between dichotomies’” (Schramm and Beaudevin 2019, 280). This chapter’s analysis of borderline cases who inhabit exactly this “space of tension” (ibid., 281) makes it clear that the Brazilian hetero-identification procedures leave little room for such ‘fluid arrangements’ and tend rather to reinforce dichotomies. At the same time, however, an overly broad interpretation of the target group of affirmative action can lead to a situation where the policy loses its power to effect change – namely, if it were to include the (supposed) majority population itself. After all, if – as is sometimes argued in the debate – a majority of the statistically just under 50 per cent *brancos* can be considered *pardos*, about 90 per cent of the Brazilian population would be entitled to quotas. Thus, affirmative action inevitably involves the building of ‘walls’ – and the question of how to implement such measures in ways that are not unnecessarily and excessively divisive is anything but easy to answer.

What I have tried to do in this chapter – and in this thesis as a whole –, is “to acknowledge and demonstrate the power of classificatory practices by paying close attention to how they are brought about as well as to the multifarious and often arbitrary work they perform” (ibid., 285). This multifariousness and arbitrariness, which become particularly palpable in borderline cases like the ones I analyzed here, are an integral part of all classification practices. As Katharina Schramm and Claire Beaudevin (ibid., 281) make clear, the task for anthropologists who study such practices therefore is:

[...] to accept the discomfort that classifications cause: they are at once tools and obstacles, opening and closing off opportunities. Starting from this location of discomfort allows for a mode of critique that demonstrates that the social, epistemic, and economic relations shaped by classificatory practices are not necessarily static nor fixed, but dynamic and thus open to change.

My detailed, praxiographic analysis of the Brazilian hetero-identification practices was thus intended to show, on the one hand, how actors try to fix the corresponding categories, which can be ‘tools’ as well as ‘obstacles.’ At the same time, by highlighting the *doing* of these categories, I wanted to make clear that they can also be *undone* again – an aspect that tends

to become obfuscated in the everyday business of classification. With this focus, I wanted to encourage the actors involved to not focus on making “racial borderlands and ambiguity impossible,” as was the case for the South African nationalists analyzed by Bowker and Star (2000, 222). In the following concluding chapter, I will discuss why this concern has become all the more important in a Brazil that has been profoundly shaped by Bolsonarismo, and will reflect in more detail on the mode of critique that I have attempted to apply in this thesis.

6. Conclusion: anti-discrimination policies in times of Bolsonarismo

At the end of October 2022, as my writing process was drawing to a close, Brazil held one of the most polarized presidential elections in the country's history. Two men who could not have been more different faced each other in the runoff – Jair Bolsonaro, a far-right ex-member of the military, and Luiz Inácio Lula da Silva, a social-democratic ex-unionist. Many polling institutes had predicted that Lula da Silva – who already governed Brazil from 2003 to 2011 – might win an absolute majority in the first round. However, he failed to do so – and the runoff between him and the incumbent president turned into an extremely close neck-and-neck race, which Lula won in the end with 50.9 per cent of the vote, while Bolsonaro received 49.1 per cent – the closest result in a Brazilian presidential election since 1989 (cf. S. Clarke 2022).

On the evening of the election, Roseli Faria posted on her Facebook profile: “We won!!! Tomorrow begins the reconstruction. Today, let's celebrate!” In the weeks and months leading up to the election, she had been very active in campaigning for Lula – and even had run as a candidate for the Senate herself (albeit unsuccessfully). Her candidacy as deputy for the Federal District, in which the capital Brasília is located, was under the banner of the PSOL (*Partido Socialismo e Liberdade* – Socialism and Liberty Party), a left-wing breakaway from Lula's Worker's Party (*Partido dos Trabalhadores*, PT).¹²² While the PSOL had nominated its own presidential candidate in 2018, it supported Lula da Silva's candidacy in 2022. In her campaign – which I observed from Germany via her WhatsApp and Instagram channels –, Roseli prioritized the fight against secretive budgeting, against racism and for better public services. Her candidacy, in which she emphasized her professional experience as an economist and public servant and regularly mentioned her participation in the implementation of quota policies in the public service, was supported by the initiative *Quilombo nos Parlamentos* (Quilombo in the Parliaments). This project of the *Coalizão Negra por Direitos* (Black Coalition

¹²² The PSOL was founded in 2004 by former PT members who accused the Lula government of being too neoliberal and of forming alliances with right-wing politicians. Since then, it has become an important player on the Brazilian left with deep roots in social movements. For an overview of the pluralistic, multi-tendency character of the PSOL, see Botz (2014).

for Rights) – an alliance of about 200 organizations and collectives – supported more than 120 candidacies of persons linked to the Black movement that were running for positions in the National Congress and Legislative Assemblies throughout the country. In a video posted on the Instagram channel of the alliance one of its coordinators, Sheila de Carvalho, explained that the aim of the initiative was not just to get more Black candidates into the parliaments, but candidates “who have a history of struggles, who are committed to an agenda of rights that is supported [*pautada*] by the Black movement” (Coalizão Negra Por Direitos 2022). Throughout its campaign, the coalition made it clear that this agenda – characterized by the fight against racism and for equal rights – had suffered severe setbacks in the years under Bolsonaro’s government. The alliance therefore positioned itself clearly in favor of Lula da Silva. In the just-cited video Sueli Carneiro, one of the best-known Black feminist intellectuals in Brazil, emphasized that the first mission after a victory of Lula would be “to reestablish that low-intensity democracy under which we have always lived” – this would be “the essential prerequisite for us to be able to get back into the game” (ibid.). She thus made clear that even a return to a low-intensity democracy already would be a step forward compared to the situation under Bolsonaro – and that a victory of Lula was no panacea, but merely the precondition for even being able to think about progressive political projects again. Appropriately, Carneiro posted on her Twitter account the day after the runoff: “Finally, we have come out of the nightmare. We can start dreaming again.”

This nightmare had begun in October 2018, when Jair Bolsonaro – previously a relatively unknown backbencher in the Brazilian Congress – won the presidential elections. As I shortly mentioned in Chapter 3, the political situation in Brazil had already been characterized by a shift towards the right before this election. This shift started in 2013 with protests against Lula’s successor Dilma Rousseff – also a PT politician and Brazil’s first female president –, which evolved into a “neoconservative offensive” and “set the stage for the formation of a new ideological and activist Right in Brazil” (Fortes 2016, 218). This rightward turn preliminarily culminated in 2016 when right-wing politician Michel Temer replaced Dilma Rousseff after an impeachment process that many observers classified as a “parliamentary coup” (F. Santos and Guarnieri 2016). However, even against this backdrop, Bolsonaro’s 2018 election victory – oftentimes compared to that of Donald Trump in the US in 2016 – represented a “serious

political rupture,” as the journalists and sociologists Marilene Felinto, Danê Sosaba, and Sérgio Alli noted in an article with the telling title “Black bodies will fall in Brazil” (2018). After all, with his admiration for the military dictatorship that ruled Brazil between 1964 and 1985, his openly expressed contempt for Blacks, queers, indigenous and *quilombola* (maroon) communities, his misogyny, and his disregard for democracy and human rights, Bolsonaro’s political positions represented a clear brutalization and aggravation even compared to established right-wing parties and politicians (cf. also Taddei, Bulamah, and Schavelzon 2020). Many observers therefore had no doubt that Bolsonaro’s term would usher in an “era of bestiality” in which his fascist-inspired verbal attacks against racialized and LGBTQ people, left-wing supporters, feminists, intellectuals, and journalists would translate into deeds and concrete violence (F. de B. e Silva 2018).

Shortly before Bolsonaro’s victory, in September 2018, my third and last research stay in Brazil had come to an end. Due to personal circumstances and the Covid-19 pandemic, I have not returned to Brazil since. My on-site field research for this thesis therefore took place before Bolsonaro’s rise to power, while the writing process took place during his presidency and ended shortly after his defeat. Therefore, I could only follow “Bolsonarismo in action” (ibid.) from a distance and via digital means.¹²³ In this concluding chapter, I nevertheless want to reflect on what the Bolsonaro government meant for my research field. After all, the Brazilian affirmative action policies – of which the hetero-identification commissions that I studied are a small, but important and highly contested element – stand for many things that this government rejected. Accordingly, these policies and their protagonists were particularly threatened by Bolsonarismo – an ideological current that may have been voted out of office in 2022, but which has not disappeared. In the following section (6.1.), I will therefore discuss how affirmative action diametrically opposes several key elements of Bolsonarismo. However, for all the relief that quotas were not abolished under Bolsonaro – and despite the undeniable advances that these policies brought for historically marginalized groups –, one should not

¹²³ Rosana Pinheiro-Machado and Adriano de Feixo (2019, n.p.) define Bolsonarismo as “a political phenomenon that transcends the figure of Jair Bolsonaro himself, and [that] is characterized by an ultraconservative worldview that preaches the return to ‘traditional values’ and assumes a nationalist and ‘patriotic’ rhetoric, being deeply critical of everything that is minimally identified with the left and progressivism.” For further analyses of this phenomenon, see, e.g., Cunha (2019), Grillini and Corossacz (2021), D. A. Reis (2020).

lose sight of the fact that these policies nevertheless have the typical limitations of ‘diversity’-oriented policies – an aspect that I will briefly discuss in Section 6.2. Different from authors who dismiss these policies as neoliberal window-dressing, I argue that anthropologists should nevertheless trace the resulting practices in all their complexity. In Section 6.3, I show that this is what I have tried to do in this thesis. Given that anthropologists were among the most important critics of the hetero-identification commissions under study, I point out the ways in which I have offered a more nuanced critique – and in what ways my thesis contributes to the anthropological study of racial classification practices.

6.1 Equating rights with privileges: affirmative action as a key target of Bolsonarismo

After Jair Bolsonaro’s electoral victory in 2018, many observers agreed that the social policies introduced by the PT governments of Lula da Silva (2003–2010) and Dilma Rousseff (2011–2016) could be particularly at risk under the new government. These “unprecedented and effective social programs that benefited Black and other disenfranchised groups in Brazil” (Alves and Vargas 2018) included the basic income grant *Bolsa Família* and the housing program aimed at low-income Brazilians called *Minha Casa Minha Vida*. Furthermore, the PT administrations had given domestic employees (mostly *negras*) the same rights as other workers via a Constitutional Amendment Project (the so-called *PEC das domésticas*) and had passed a law that made the teaching of Afro-Brazilian and African history compulsory in basic education (Felinto, Sosaba, and Alli 2018). Particularly prominent and symbolic among the redistributive policies introduced by the PT were the affirmative action measures implemented at federal universities since the early 2000s and in the public service from 2014 onwards. As I described in detail in Chapter 2, the implementation of these policies had led to fierce public debates, projecting “the issue of race and racism to a level never before seen in modern Brazilian history” (Telles and Paixão 2013, 11), and had marked a clear break with the ideology of racial democracy. Furthermore, it also brought concrete material changes, as greater access to higher education opened up previously unattainable employment opportunities for Black and lower-class students (cf., e.g., Araujo and Lázaro 2016; Heringer

and Carreira 2022a). By challenging the traditional distribution of roles between “the masters and the slaves” – referenced in the title of Gilberto Freyre’s famous historical sociological account of Brazilian colonial society (1964) –, these policies had forced the Brazilian elites “to confront their place and role in the country’s extremely unequal social structure” (R. Nunes 2020, 12).

As literary scholar Oliver Precht (2018) analyzed in an essay published shortly after Bolsonaro’s election victory, it was against this background that Bolsonaro managed to foment “a longing for the supposedly better, old days, for a time of stability and order in which everyone knew their place in society.” This nostalgic narrative found more support among the majority-White middle and upper classes (cf., e.g., Moysés 2018). Accordingly, the electoral map of Brazil in 2018 clearly showed a divided country (just as it did in 2022) with the disproportionately Black and impoverished regions in the north and northeast voting for the PT, while the wealthier and whiter southern and southeastern regions voted for Bolsonaro (cf. Alves and Vargas 2018). Still, Bolsonarismo is not merely an elite phenomenon. Rather, it represents “a cross-class alliance around a few common identitarian and political reference points that have, until now, far outweighed the contradictions among the divergent interests that it brings together” (R. Nunes 2020, 5). Interestingly, the rejection of redistributive measures such as affirmative action policies is one of the key elements that holds this cross-class alliance together, as I will discuss in this section.

In the 2018 electoral campaigns, the question of whether the different presidential candidates would aim to maintain the quota policies had been a frequent touchstone in the evaluation of their respective programs. While most candidates defended affirmative action, which shows how normalized and institutionally entrenched this policy has become, Bolsonaro positioned himself against it, declaring that quotas would be “‘totally mistaken,’ the fruit of ‘self-pity’ [*coitadismo*] and responsible for reinforcing prejudice” (G1 2018). Stating that quotas would be “a way of dividing society,” he went on to say:

We shouldn’t have special classes, because of the color of our skin, because of our sexual orientation, because of our region, whatever. We are all equal before the law. We are one people. (Quoted in *ibid.*)

With this framing and his description of the affirmative action policies as unnecessary and divisive, Bolsonaro's rhetoric during his campaign already indicated that his term would bring a "clear return to the ideology propagated during the military dictatorship," according to which Brazil was a unified 'mestizo nation' in which racism or other inequalities did not exist (F. Rios 2022). And indeed, his time in office was marked by a series of "deliberate actions to prevent the advancement of measures against racism" – including the denial of land rights to *quilombola* and indigenous communities, security policies that targeted Black and marginalized youth in particular, and a discourse that portrayed racism as something imported from outside (ibid.). In line with this, representatives of Bolsonaro's party as well as other right-wing deputies introduced several bills in Congress during his tenure aimed at abolishing racial quotas. However, these bills were still pending by the end of his term (cf., e.g., Baptista 2022; Nobre 2022).

Although the existing affirmative action policies have not been abolished during Bolsonaro's time in government, the open rejection of quotas is a central element in the discourse of many of his supporters. For one thing, this can be analyzed as the expression of a "foundational fear and hatred of Black people," which, as the anthropologists Jaime Alves and João Vargas (2018) point out, is not a unique feature of Bolsonarismo, but rather "an original and organizing element of the Brazilian polity" as a whole. Drawing on this analysis, Antonio Bacelar da Silva and Erika Robb Larkins – also anthropologists – argue that the policies enacted by the PT administration "did improve the material conditions of Afro-Brazilians, but could not meaningfully challenge the underlying antiblackness" (2019, 4). According to them, "these policies only scratched the surface of inequality before generating harsh backlash" (ibid.), leading up to Bolsonaro's election as the culmination point of that backlash. As part of this backlash, Bolsonaro and the far right targeted the affirmative action policies as "racist lawmaking that favored some Brazilians over others" (ibid.).

It is this "capacity to establish equivalences between basic rights and elite privileges, and to present the former in terms of the latter" that political theorist Rodrigo Nunes (2020, 8) analyzes as a key element of Bolsonarismo – and of far-right populism everywhere in the world. By promoting "confusion between anxiety around the loss of *rights* and the fear of losing *privileges*," Nunes argues, the far right has managed "to gather the support of both

those sectors that have few material concerns but resent the advances made by some groups, and those that are haunted by falling standards and the prospect of no longer enjoying rights they once had” (ibid., 9; emphasis in the original). This move thus can explain, on the one hand, the cross-class character of Bolsonarismo and, on the other, the strong rejection and hate expressed by Bolsonaro’s supporters against the quota policies. For, as Nunes (ibid.) states:

When the loss of certain privileges (white, male, heteronormative etc.) is associated with the conquest of rights by others (affirmative action, for example), the desire to see the status quo restored finds a natural ally in the rejection of redistributive policies.

The rejection of quota policies thus condenses central elements of Bolsonarismo – a political movement that is characterized by a confluence of neoliberalism and neoconservatism. Let me elaborate on this argument in order to sketch the larger context in which the Brazilian affirmative action policies have been situated in recent years – and which provides the backdrop for the “reconstruction” work Roseli spoke of in her election night posting. The analysis by Nunes (2020) serves as a guiding thread, as it captures particularly succinctly the character of this fascist movement, which he describes (ibid., 11), referring to Theodor W. Adorno, as “the scar of a democracy that, to this day, has not lived up to its own concept.”¹²⁴

As I already shortly mentioned above, it is not sufficient to describe Bolsonaro’s rise as the reaction of a racist elite to the modest expansion of the rights of historically marginalized groups that took place in Brazil during the PT governments. Rather, Bolsonarismo has succeeded in appealing to very different segments of the population by converging such diverse elements as anti-intellectualism, entrepreneurialism, anticommunism, anticorruption discourse, and social conservatism “around a single figure, the ‘upstanding citizen’ (*cidadão de bem*)” (R. Nunes 2020, 8; cf. also Kalil 2018). Similar to the figure of the ‘concerned citizen’

¹²⁴ Bolsonarismo has been classified as fascist by a number of authors. Singer et al. (2020) list the following key elements to justify this classification: “the cult of violence and militarism; the belief that the salvation of the fatherland requires the elimination of internal enemies through permanent mobilization; the use of national identity through an immune and aggressive conception of the social body,” and the “obedience to the leader, perceived as an embodiment of the national will.” Cf. also Fogel and Richmond (2019), Resende (2021).

(*besorgter Bürger*) in Germany¹²⁵, this ‘upstanding citizen’ is constructed as the one who fights against a comprehensive process of moral decadence, the signs of which Bolsonaroistas, supporters of the party “Alternative for Germany” (AfD), or Trump fans identify in things as diverse as gender-sensitive education, a supposed ‘Islamization of the Occident,’ contemporary art, or social policies favoring historically marginalized groups. In the Brazilian case, the concept of the enemy against which these ‘upstanding citizens’ see themselves fighting is that of *mamata* (from *mamar*, ‘to suckle’) – a concept that can refer to a whole range of issues:

Meaning ‘easy life’ or ‘undue advantage’, *mamata* can apply to anything from perceived leniency with criminals to the exorbitant salaries of politicians and the judiciary; from labour rights to the supposedly charmed existence of artists and academics; from the job stability of civil servants to sexual freedom and the questioning of traditional gender roles; and from the misuse of public funds to affirmative action at universities. (R. Nunes 2020, 8)

It is here that Bolsonaroismo’s aforementioned capacity to equate fundamental rights with elite privileges comes into full play. By helping to misrepresent basic rights such as human or labor rights as privileges, the concept of *mamata* is central to what Nunes (ibid., 9) calls the “triadic structure of right populism” around the world: the approach of positing “not ‘the people’ versus ‘the elite’, but the people against an elite that unduly favours some other group.”

In the Brazilian case, this approach finds its expression, among other things, in a peculiar anti-corruption discourse that evolved in the course of the so-called ‘Operation Car Wash’ (*Operação Lava Jato*) – a criminal investigation that started in 2014 and uncovered a billion-dollar corruption scandal.¹²⁶ Even though this scandal involved members of all the established parties, right-wing actors and the mainstream media managed to promote the narrative that the Workers’ Party – which was in government at the time the scandal unfolded – was the main or even the only culprit. As Nunes (2020, 8) shows with reference to Friedrich von Hayek (1998, 97), this narrative “combined a Hayekian mistrust of social justice as ‘[amounting] simply to the protection of entrenched interests’ with the notion that the left’s universal

¹²⁵ For a critical account of this figure, see, e.g., Feustel, Grochol, Prüwer, and Reif (2018).

¹²⁶ For a comprehensive overview over this corruption scandal, see Watts (2017). For an analysis of the case in the context of Brazil’s political crisis, see Fontainha and Lima (2022).

modus operandi is to buy off interest groups such as minorities and artists in order to install corrupt totalitarian regimes.” In this context, both the PT and those groups that had benefitted from transformations occurred in the last decades were portrayed as living at the expense of others – a discursive framing that can help explain the odd consonance between *antipetismo* (anti-PT sentiment) and rejection of affirmative action and other redistributive measures. In this view, public policies such as *Bolsa Família* or racial quotas “foster laziness [and] clientelism, and make the citizen someone passive who parasitizes the state, and, on the other hand, are used electorally by the PT to secure the vote of the poorest and keep them under control” (Solano 2018, 17).

In contrast to what they see as the expression of a *mamata* mentality, Bolsonaro supporters defend a neoliberal individualism and entrepreneurialism, according to which everybody is the architect of their own fortune, analyzed by Nunes (2020, 9) as one of the key elements of “the moral grammar of the far right.” This individualistic grammar, Nunes (*ibid.*, 10) argues with reference to J. M. Silva (2013, 150), induces people “to interpret positive changes in their economic environment as their own achievement and structural demands as special pleading: ‘if they have to battle through life alone, then everyone else should too.’” This ideal of individual sovereignty easily tips over into punitivism, another key element of the far right. If persons are seen as having a *mamata* mentality and as eschewing personal responsibility – for example, because they are recipients of a welfare state policy –, they are looked down upon and considered “worthy of punishment” (R. Nunes 2020, 10). Although Bolsonaristas also accuse wealthy people – such as civil servants and politicians – of *mamata*, this “punitive animus is directed against those at the base of the social pyramid more than those at the top, whose transgressions can be shrugged off as part of their reward for having ‘made it’” (*ibid.*). What makes this individualistic, punitivistic worldview so dangerous, then, is that “[b]y locating the source of the problem in the misappropriation of resources by various others (countries, ethnicities, religions, cultures, genders, sexualities) and framing the distributive conflict as a war, it provides justification for going after the weak” (*ibid.*, 13).

Here we come full circle regarding the question of what holds Bolsonarismo’s cross-class alliance together, why all kinds of Bolsonaro’s supporters reject redistributive policies, and why this rejection can tell us something more general about the phenomenon of

Bolsonarismo. After all, as Alves and Vargas (2018) rightly point out, “Bolsonaro’s political bloc represents the intensification of the ways in which collective aversion of the most vulnerable – Black and nonblack – is expressed and condoned.” Accordingly, the contempt and hatred expressed against the quota policies and their beneficiaries in a way is contingent and may be mobilized just as well against other groups of society. This becomes particularly evident in the accusation of “*coitadismo*” – a difficult-to-translate term meaning self-pity or (self-)victimization – that Bolsonaro and his supporters regularly levy against all kinds of population groups. The broad application of this accusation is well-illustrated by a quote from Bolsonaro during his 2018 campaign, when he explained why he sees no need for government policies to combat bullying and prejudice: “When I was a kid, there was no such thing as bullying. The fat guy used to hit everybody, today the fat guy cries,” Bolsonaro stated – and continued:

You don’t have to have a policy for that. This [kind of policy] cannot continue to exist, it’s all *coitadismo* [in today’s Brazil]. Poor *negro*, poor woman, poor gay, poor Northeasterner, poor person from Piauí.¹²⁷ Everything in Brazil is *coitadismo*. Let’s put an end to this. (Quoted in G1 2018)

For one thing, Bolsonaro’s saying “The fat guy used to hit everybody, today the fat guy cries” points to an ideal of masculinity that advocates conflict resolution through violence and devalues the showing of weakness. Secondly, the broad range of groups that Bolsonaro accuses of *coitadismo* vividly demonstrates that the “group-focused enmity” (Zick et al. 2008) – that is, the “generalized devaluation of out-groups” (ibid., 364) – expressed by him and his supporters is polyvalent and can be directed as easily against Black people as against overweight persons, women, LGBTQ individuals, or the poor. Underlying this is a “generalized ideology of inequality that considers some social groups as unequal in value” (ibid., 365) and that has a historically proven capacity to turn into real violence against members of these groups. With the just-quoted statement, Bolsonaro thus not only opposed quotas and other policies to support historically marginalized groups, as many other conservative politicians regularly do. Rather, his quote is evidence of a comprehensive contempt and devaluation of all those who are discriminated against (based on markers of difference that are contingent

¹²⁷ Piauí is a state in Brazil’s Northeast stereotypically associated with poverty. For a historical reconstruction of the emergence of this stereotype, see Rabelo (2009).

yet socially made relevant). For him, denouncing discrimination is *coitadismo* and leftist identity politics; developing political measures against discrimination (however modest they may be) is divisive and directed against the unity of the Brazilian nation. Not least, by positioning himself clearly against public policies in support of disadvantaged groups, Bolsonaro defends the idea of the lean state and promotes an ideal of self-reliance that Nunes (2020, 10) analyzes as a key element of neoliberal discourse, for which “there are only individuals and (at best) their families, as someone famously put it.”

It is indeed in the sense of Margaret Thatcher’s (1987) dictum according to which “there is no such thing as society” that Bolsonarismo managed to undermine the idea of the social and to equate rights with privileges. In this way, it succeeded in portraying PT’s modest redistributive policies in general and affirmative action in particular as undue special treatment and illicit enrichment – and in doing so challenged the fragile and hard-won consensus that such measures are permissible and constitutional. Although quotas had not been uncontroversial before Bolsonaro’s tenure, they represented a *relatively* accepted public policy at the time. Those who had vehemently opposed quotas when they were first introduced had changed their position or at least given up their public opposition to them (see Chapter 2), and an expansion of quotas, for example at the post-graduate level, had seemed well within the realm of possibility.

Much of this consensus (which, as I said, was only *relatively* stable) has been shattered by four years of Bolsonaro’s government. While it is true that the quota laws for universities and the public service were not abolished during his tenure, the overall situation for the contexts in which these quotas are applied nevertheless deteriorated considerably. Given the anti-scientific attitude of Bolsonaro and many of his fellow campaigners, education and science in particular came under fire (cf. R. Oliveira 2019). Among other things, funding for public universities suffered severe cutbacks (cf., e.g., Miranda 2022), Bolsonaro threatened to cut funding for sociology and philosophy courses at universities (Basilio 2019), and one of his education ministers accused universities of promoting “cultural Marxism” (Estadão Conteúdo 2019).¹²⁸ Regarding the civil service, Bolsonaro regularly criticized the “bloated state

¹²⁸ For a critical discussion of the discourse on “cultural Marxism” and its role in right-wing extremism, see, e.g., Mirrlees (2018).

apparatus” and defended the privatization of public services and a “de-bureaucratization” (Porcella and Álvares 2022).

It is against this backdrop of anti-intellectualism, an anti-science stance, and hard-core neoliberalism that Roseli spoke of the necessity of a “reconstruction” on the night of Lula’s victory. It is clear, however, that with the metaphor of reconstruction, she did not only refer to affirmative action – even though the extension and expansion of these policies had been one of the key concerns in her own electoral campaign. Rather, the call for a reconstruction – also voiced by others celebrating Lula’s victory (cf., e.g., Amaral 2022) – points to the general swath of devastation left by the Bolsonaro government, both literally in the Amazon rainforest, and figuratively in areas such as public health or education. Even though Roseli’s own candidacy as a deputy had not been successful, she was to participate actively in this reconstruction effort as part of Lula’s transition team. As I learned via her Twitter account on November 10, 2022, Roseli would be part of the group working on women’s issues – along with Anielle Franco, sister of assassinated PSOL politician Marielle Franco, among others.¹²⁹ The group on human rights and the group on racial equality also included persons whom I had met throughout my research.¹³⁰

As a result of Lula’s win, some of those I described in Chapter 3 as lone fighters trying to defend the ‘racial agenda’ are now much closer to government action than they had been under Bolsonaro and his predecessor Michel Temer. Accordingly, they can push issues from a less marginalized position, although institutional politics is of course not the only arena via which social change happens. As far as my particular field of research is concerned, Lula’s victory therefore certainly gives hope that the Brazilian affirmative action policies will continue to exist.¹³¹ At the same time, it is clear that the reconstruction ahead will face many obstacles

¹²⁹ Marielle Franco was a Black, lesbian city councilor and an important figure in favela movements who was shot, together with her driver Anderson Gomes, on March 14, 2018, in downtown Rio de Janeiro. The crime, which at the time sparked protests around the world, has not been solved to this day. However, it is suspected that the perpetrators were linked to Rio’s illegal parapolice groups known as *milícias*. For an analysis of the ways in which Marielle Franco’s Black-feminist politics challenged the necropolitical governance of Rio de Janeiro, see Hutta (2022).

¹³⁰ For an overview of Lula’s entire transition team, see Brandino and Breda (2022).

¹³¹ The two quota laws (of 2012 and 2014 respectively) stipulate that both must be revised after ten years – i.e., in 2022 and 2024. This means that the laws do not expire but must be evaluated and might be adapted. For the university quota law, this deadline has already passed without any major changes being announced so far (cf. Tenente and Cruz 2022).

and that Lula's third term will be much more difficult and challenging than his first two. For one thing, the economic situation is completely different. Unlike in the early 2000s, Brazil cannot benefit from an economic upswing and resource boom, but rather finds itself in an economic crisis (cf., e.g., Burin 2022; BMZ 2023). Second, Lula has forged a very broad coalition in order to win the election and will therefore certainly have to make many concessions to center and right-wing parties. Moreover, Bolsonaro's party PL (*Partido Liberal* – Liberal Party) is still the strongest in Congress (cf. Folha de S.Paulo 2022) – one of many signs that Bolsonarismo is far from over.¹³² Nevertheless, it should not be underestimated that Lula's victory has at least reopened the windows of opportunity for progressive – antiracist, antisexist, anti-poverty and anti-climate change – policy approaches that had been almost completely closed under Bolsonaro. This also bodes well for the continued existence of affirmative action policies, of which the hetero-identification commissions I examined are one key aspect.

6.2 Affirmative action as neoliberal window-dressing? On the limitations of 'diversity'-oriented policies

By describing the improved prospects for Brazilian affirmative action as something positive, I am not suggesting that these policies are the ultimate tool or should be the end of the line in the fight against racism. Rather, I partly agree with the analysis – voiced particularly by social scientists who are informed by critical theory and/or Marxist theories – that such policies are the typical outcome of a “progressive neoliberalism” characterized by “a distinctive combination of views about distribution and recognition” (Fraser 2017). In this context, anti-discrimination policies such as affirmative action are criticized for being part of a liberal antiracism that “did not aim to abolish social hierarchy but to ‘diversify’ it” by “‘empowering’ ‘talented’ women, people of color, and sexual minorities to rise to the top” (ibid.). The charge,

¹³² This became particularly evident on January 8, 2023, when hundreds of Bolsonaro supporters stormed Brazil's Congress, Supreme Court and presidential palace. With this attack, which had been months in the making and was strongly reminiscent of the storming of the US Capitol by Trump supporters two years earlier, the rioters aimed to spur military leaders to launch a coup d'état and disrupt the democratic transition of power (cf. CBS News 2023; Nicas and Romero 2023; Picheta 2023).

then, is that while such policies produce a more diverse elite, they do nothing to address the capitalist status in which all people are subject to the “‘silent compulsion’ to sell their labor power” (Frings 2022, 8; cf. also Mendívil and Sarbo 2022). Affirmative action, so the argument goes, provides recognition of marginalized groups and identities without contributing to a genuine redistribution of wealth and resources between different classes.

The Brazilian case provides illustrative material for this accusation. This is particularly noticeable with regard to the idea of ‘representativeness,’ which pervades the entire discourse on affirmative action and was also regularly voiced by many of my interlocutors – that is, the argument that all social spaces in a country should reflect the composition of society with regard to aspects such as race, gender, sexual orientation, or disability. This line of reasoning, which aims at a proportional representation of all population groups in the labor market, has been criticized for being “a commitment to justice that has no argument with inequality as long as its beneficiaries are as racially and sexually diverse as its victims” (Michaels 2008; cf. also 2007). And indeed, in the course of my research, I came across statements and publications to which this criticism may apply. By way of example, I will cite an article discussing how the integration of *negros* into the federal public service might be improved by the quota law, co-authored by Roseli’s “most important ally,” Eduardo Gomor. Drawing on the statistical finding that “the participation of *pretos* and *pardos* is consistently lower among federal employees than among the total population” and that “*brancos* are more represented in the federal public service than in the population as a whole,” the authors view the quota law for the public service as a key mechanism for addressing this disparity (Estanislau, Gomor, and Naime 2015, 123). Among the figures with which they illustrate this argument is a chart that depicts the percentage of *negros* and *brancos* in certain occupational positions – including domestic servants, employers, employees without social security, employees with social security – showing that *negros* are less represented than *brancos* in all better-off positions (cf. *ibid.*, 118). Given such a graph, one may well wonder whether the authors would see no problem if *negros* and *brancos* were fairly represented in all these positions in proportion to their share of the population – notwithstanding the fact that, for example, employment without social security is very precarious.

One can thus rightfully argue that affirmative action policies aiming at ‘representativeness’ tend to merely cut the (small) cake differently, rather than working to organize the entire bakery differently, so that everyone is well-fed. Still, I would argue that it is problematic and too short-sighted to reject these policies outright or to simply dismiss their proponents, who argue “that fighting against racial and sexual inequality is at least a step in the direction of real equality,” as “neoliberals of the left,” as Walter Benn Michaels (2008) does. At least, I did not experience people like Roseli and Eduardo – and many others of my interlocutors – as if equal representation of *negros* and *brancos* in the public service was the ultimate goal of their political engagement. Rather, they seemed to perceive this as a strategic intermediate step, and one that was possible under the current political conditions and power relations – that is, as *one* step along the way that would have to be followed by many more steps. Of course, one can wonder whether this intermediate step does not in turn have problematic side effects, such as the solidifying and reifying of race as a category of difference rather than its overcoming. Indeed, as should have become clear in the course of this thesis, affirmative action policies in general and the hetero-identification commissions in particular are full of such frictions and contradictions. I would argue, however, that it is precisely the strength and task of an ethnographic analysis to stay with such complexities and to spell them out, rather than to simply brush them off as neoliberal window-dressing or as a relapse into the dark ages of scientific racism. This is what I have tried to do in this thesis with regard to the hetero-identification commissions, in which many of the tensions of affirmative action appear like under a burning glass. I will elaborate on this argument in the following final section.

6.3 On the contradictions of hetero-identification: some reflections on an anthropological mode of critique

The Brazilian debate on hetero-identification commissions is almost as old as the debate on affirmative action as a whole. Even though such commissions were formalized and officially implemented as part of civil service selection procedures only in 2016, there was already a fierce public controversy in 2005 when the University of Brasília introduced such a mechanism. Discomfort with these commissions – which were regularly defamed as the Brazilian version

of racial tribunals in apartheid South Africa or Nazi Germany – was particularly strong among anthropologists and led to heated debates among representatives of this discipline. In the eyes of critics, the commissions were “the logical consequence” of racial quotas in a country with such a high degree of miscegenation: according to them, “Brazilian racial boundaries were so porous that, in the absence of such commissions, affirmative action policies for *negros* would be made impossible by the free movement of individuals across color categories” (Guimarães 2018, 27). For them, the quota system therefore proved “clearly impossible to function without hurting fundamental human rights” (ibid.). Furthermore, the approach of defining the phenotype as the central and supposedly objective criterion for decision-making in these commissions was, in their view, “racist and trac[ing] back to an anthropology of races” of the 19th century (Lisboa 2020, 126).

One of the most critical responses again came from anthropologists in 2016, when hetero-identification commissions became an official part of selection processes for the public service. As I have described in more detail in the introduction to this thesis, this response came from the Brazilian Anthropological Association (ABA). In an open letter, the association argued that the newly introduced commissions would undermine the hard-won right to racial self-declaration and described the assessment by phenotype as “a flagrant backlash [...], giving space for the reissuing of theses and practices that reify the existence of races” (ABA 2016, 2). The dilemma that lies at the heart of the Brazilian hetero-identification practices, and to which these concerns speak, is the question of how to fight racism without reifying race as a category of difference. This question, which has troubled critical social scientists as well as antiracist movements for decades, also features in an interview with Amade M’charek published in the Brazilian journal *Horizontes Antropológicos*. Asked about the tension between race as a political tool for social movements and race as a taxonomy historically used to segregate and subjugate, M’charek argues that social scientists cannot “afford to say that ‘race’ belongs to the past” and rather “need to address it directly as analysts” (L. C. Duarte and Besen 2017, 388). At the same time, she considers it a “very wrong idea that we should organize and do politics under the umbrella of ‘race,’” and goes on to state:

We should fight and organize ourselves against racism – and not organize ourselves under the umbrella of ‘race.’ This is my perspective, and I think we

must refuse to be *racialized*. We should refuse to be locked/enclosed [*trancados/enquadrados*] into categories, and we need to think carefully and strategically about how to do that. [...] Even though racism is right in our faces, this doesn't mean that racial diversity is the main issue. Precisely because assuming a racial identity (by color, ethnicity, etc.) can end up reifying and naturalizing race as fixed [category]. (Ibid.; emphasis in the original)

These quotations mark the field of tension in which my research was situated. As someone who was coming from a “categorization-averse context” (J. K. Aikins 2016), I had a certain discomfort with the idea of quasi-state institutions assigning people to racial categories and could sympathize with the call to ‘refuse to be racialized.’ At the same time, I was aware that this discomfort and the openness to this call might not be shared by people who lived in a country like Brazil, where social movements had tried for decades to counteract the national ideology of *mestiçagem* and ‘racial democracy,’ according to which Brazilian society would be highly mixed and non-racist. In this context, the call to ‘embrace one’s Blackness’ and to define oneself as *negro* – that is, to assume a racial identity – could well be seen as a strategy of resistance against a dominant state narrative that tended to invisibilize racist discrimination. I therefore was intrigued by the pitfalls and complexities of the attempt to operationalize a policy that was meant to fight the effects of racism and at the same time ran the risk of essentializing and fixing race as a category of difference. Different from the ABA, who condemned this attempt outright and as a whole, I wanted to take a closer look at the concrete practices resulting from this attempt and examine in detail what race was “made to be” (M’charek 2013, 421) in these practices. That is, I was interested in how the different actors tried to handle this slippery object, the ways in which biologicistic notions of race surfaced within the hetero-identification commissions, and the extent to which the fear that these practices might re-actualize essentialist concepts of race may or may not have come true. Rather than dismissing, as the ABA had done, the hetero-identification procedures as “‘guesswork’ [*achismos*] of occasional authorities” (ABA 2016, 2), I wanted to take seriously the knowledge production of those who struggled to formalize these commissions – without losing sight of the fact that they might indeed tend to reinforce ideas and practices that reify race. After all, it is a well-known and indeed quasi-unresolvable paradox that affirmative action and similar anti-discrimination measures require criteria on which to operate – and, as a result, reify and perpetuate the very category they seek to eliminate. With reference to

Hannah Arendt (1960, 30), Vassilis Tsianos and Juliane Karakayali (2014) have described this paradox as follows:

On the one hand, the lines of division that racism creates in society become the constitutive starting point of policies against racism; on the other hand, racist discrimination can only be addressed if the criterion along which racist exclusion takes place is named. Hannah Arendt put it in the famous formula: 'that one can always defend oneself only as what one is attacked as.'

The struggle against a specific form of discrimination therefore is always accompanied by a certain (even if only strategic) essentialism. To 'defend oneself as what one is attacked as,' then, necessarily entails the *doing* of the respective category of difference, although this can be done with the long-term goal that this category is to be overcome and undone.

I would argue that those who promoted affirmative action policies in Brazil were well-aware of this "dialectics of affirming and overcoming difference" (Dyk 2019). It is true, however, that the hetero-identification commissions – as a specific element of these policies – tend to emphasize the affirmative pole of this dialectics, which carries the danger of (re)essentialization. They are thus particularly faced with what citizenship theorists have framed as the "dilemma of difference" (cf., e.g., Lister 1995; Minow 1990). As Iris Young (1989, 268) describes, especially "social movements seeking full inclusion and participation of oppressed and disadvantaged groups" are confronted with it:

On the one hand, they must continue to deny that there are any essential differences between men and women, whites and blacks, able-bodied and disabled people, which justify denying women, blacks, or disabled people the opportunity to do anything that others are free to do or to be included in any institution or position. On the other hand, they have found it necessary to affirm that there are often group-based differences between men and women, whites and blacks, able-bodied and disabled people that make application of a strict principle of equal treatment, especially in competition for positions, unfair because these differences put those groups at a disadvantage. (Ibid.)

In a way, the ABA seemed to take this dilemma into account when it stated that race "belongs to the realm of politics," arguing that "its persistence could only be justified as an element of self-worth and search for rights" (2016, 2). Still, the association described the hetero-identification commissions as one of those "medicines that threaten to kill the patient," and

considered them to be “implicitly express[ing] reactionary interests” (ibid., 1). While I could understand these concerns, I nevertheless felt that it was exactly the strength of an ethnographic approach to “stay with the trouble” (Haraway 2016) and to highlight the nuances, contingencies, and contradictions that characterize the attempt to operationalize race as an administrative category of difference, rather than dismissing the related practices as a whole. Against this backdrop, my aim in this research was to examine “the webs of heterogeneous material and social practices” (Law 2008, 151) that produce specific versions of race and of the racialized *cotista* figure within this very specific local context.

To this end, I traced the making of the *cotista* across a number of fields: in concrete assessment procedures of one institution (CEBRASPE), in state institutions that had the task to formalize the hetero-identification procedures (in particular an interministerial working group), in legal cases in which borderline candidates appealed their rejection as *cotistas*, and in workshops in which future commission members were trained. My detailed, praxiographic analysis of these contexts showed several things. For one thing, it made clear that the hetero-identification practices are characterized by a whole range of contradictions that arise from the demand for objectivity, on the one hand, and the wish to de-associate from racial measurement practices of the past, on the other. As we saw particularly in Chapter 3 in the analysis of the interministerial working group, the attempt to navigate these contradictory demands resulted in a constant vacillation. The involved actors tried to establish “standard procedures,” but were eager not to present these as “objective criteria.” On the one hand, they presented the work of the commissions as a simple and everyday activity that could be done by the proverbial man on the street while, at the same time, emphasizing the necessity of having this work done by knowledgeable experts whose gaze had been trained for this difficult task. They defined the phenotype as the main decisive criterion, which they presented as a quasi-objective “truth from the body” (Fassin and d’Halluin 2005) – but underlined that what counted was the “phenotypical ensemble” and not the “isolated features.” This meandering, I argue, must be analyzed as a characteristic feature of administrative attempts to make race manageable and to operationalize the idea of a social gaze – that is, of the labyrinth that the whole hetero-identification context represents.

Another key element of this endeavor is the demand for unambiguity, which results from the fact that the hetero-identification system – just like most classification systems – aims to assign each person as clearly as possible to a category (*cotista* or non-*cotista*). This demand is constantly thwarted by the “troubling slipperiness of race” (Schramm 2020, 350) as well as by theoretical and political calls to allow for ambiguity when it comes to racially classifying human beings. Chapter 5 analyzed how this tension materialized in three borderline cases whose classification as *cotista* was a matter of controversy, and traced the torquing effects it had on these candidates.

The concrete assessment practices through which the commissions enacted the *cotista* were the focus of Chapter 4, which showed that the making of the *cotista* takes place via a number of registers and that the application of these registers produces a specific *cotista* version. If the commissions would draw on other registers – for example, by taking into account genetic evidence of someone’s Black ancestry –, this would result in the enactment of other *cotista* versions. Thus, the *cotista* is multiple, depending on how – that is, via which registers and ‘methods’ – it is enacted. Accordingly, there is no natural, readily racialized *cotista* body out there. Rather, a specific *cotista* version comes about in a practice in which a lot of different things, theories, and actors are involved (cf. Netz 2015, 47): cameras (whose recordings can de-/stabilize a commission’s decision), forms (that have to be filled out correctly), commission members (with little, or a lot of experience), candidates’ bodies (that sometimes only ‘speak’ in cooperation with a narrative), samples (that can be regional or national, for example), and documents (which some actors accept as evidence and others do not). Together, all these elements form a complex web of relations in which “[d]isorder – or other orders – are only precariously kept at bay” (Law 2008, 145).

With this analysis, I draw on feminist studies of science and technology according to which different practices produce different versions of objects – and that, as a consequence, “there are *options* between the various versions of an object,” as Annemarie Mol, one of the key authors of this approach, formulates it (1999, 74; emphasis in the original). Mol thus invites us to “ask *where* such options might be situated and *what* was at stake when a decision between alternative performances was made” (ibid.; emphasis in the original; cf. also Law 2015, 13). With regard to my research field, this means asking why the hetero-identification

commissions enacted the *cotista* by drawing on these registers and not on others – and how to evaluate the *cotista* version resulting from this attempt to operationalize the ‘eyes of society.’

Drawing on the insights that I could gain over the course of my research, I would argue that the specific doing of race I examined in this thesis resulted from a complex mix of legal requirements, activist debates, and social science research. Legal requirements – such as ‘objectivity,’ ‘neutrality’ or ‘impersonality’ – informed the way the *cotista* was enacted in the interministerial working group analyzed in Chapter 3, but also came into play in several of the registers analyzed in Chapter 4. The ambivalent role of the candidate’s narrative for the enactment of the *cotista*, whose influence was denied by the interministerial working group but could indeed play a role in the concrete assessment practices, also had to do with legal considerations. After all, a silent evaluation was seen as reminiscent of racial measuring practices of the past and could make the procedure legally vulnerable. The approach to enact the *cotista* via the candidate’s body and to define the phenotype as the main decisive criterion, which played a key role in all the chapters, resulted from social science research. Oracy Nogueira’s analysis according to which racism in Brazil would draw on someone’s physical appearance (‘mark’) rather than on his or her ancestry (‘origin’), played a particularly prominent role in this regard, but also more recent research on the ‘pigmentocratic’ character of Brazilian racism (cf., e.g., Telles and PERLA 2014). Furthermore, the focus on the phenotype was a result of activist debates, with the discussions about the genetic make-up of Brazilian society at the beginning of the 2000s being one key reference point. As described in Chapter 2, Black social movements at that time had dismissed the relevance of genetic evidence and had argued that “racial identity and discrimination are based on phenotypic appearance rather than ancestry” in Brazil (Kent, Santos, and Wade 2014, 737). Chapter 2 traced how this position developed against the backdrop of the ideology of *mestiçagem*, and made clear that the operationalization of race via “the reliance on phenotype as the only legitimate criterion [...], along with the demand to more clearly police the boundaries between *preto* and *pardo*” represents a fundamental change in the way the Brazilian Black movement defined its constituency (G. M. Silva, Daflon, and Giraut 2023, 8).

In addition to these legal, sociological, and activist aspects, biologicistic ways of doing race also resonated in the enactment of the *cotista*. It would be surprising if this were not the case, given the long and complex history of this category of difference, whose positioning between science/nature and society/culture is highly contested and which Duster (2003) has described as having been “buried alive.” Accordingly, even though the protagonists of the hetero-identification commissions always emphasized that they understood race as a social construction and framed the commissions’ work as looking at candidates with the ‘eyes of society,’ biological criteria nevertheless “surreptitiously resurfaced” (Calvo-González and Santos 2018, 252) in their practices. This happened not only in some ‘extreme’ examples – such as in the formulation of tables with physical criteria for the “description of the *negro*” (see Chapter 2.4.3) – but also in the everyday business of hetero-identification, as I have shown particularly in Chapter 4.

As I have argued in more detail in Chapters 2.5 and 5.3, the protagonists of the hetero-identification commissions thus certainly run the risk of (re)attaching race to the body. Their approach indeed “might contribute to the naturalization of race and might fuel received ideas that race is surely to be located right there, in the body and its biology” (M’charek 2020, 373). However, it seems to me that many anthropologists who have commented on the Brazilian hetero-identification practices focused exclusively on the biologicistic and essentializing aspects of these commissions. In my view, in doing so, they disregarded not only the reasons for which the commissions’ protagonists chose the phenotype as the decisive criterion, but also the multifarious ways through which these actors tried to reduce the essentialist aspects of their work. One key aspect of these attempts was the framing of the assessment work as the application of a social gaze – that is, as an everyday activity in the course of which people take into account a whole variety of highly context-dependent markers. The notion of a social gaze describes racialization as a process that occurs in the eye of the beholder, rather than presenting race as a collection of measurable physical traits located in the body. Furthermore, this notion stands for a kind of *generalized* gaze (that is, of society ‘in all its complexity’) that is only partially internalized by the individual. It thus represents an abstract sum or ability that goes beyond the gaze that is exercised on a daily basis by individuals and representatives of official bodies – thus attempting to simultaneously incorporate and mitigate the contingencies

of individual habits of seeing. This is why the training of this gaze plays such a central role in the realm of hetero-identification.

Importantly, the critics seemed to neglect the fact that the key actors of these commissions were social scientists, antiracist activists, legal experts, and administrative officials who tried to counteract the state's negligence in fighting racism. The hetero-identification procedures thus did not represent an authoritarian top-down state practice, but rather the attempt of a few 'lone fighters,' who wanted to make sure that the affirmative action policies continued to reach those who suffered most from a centuries-long history of racism and slavery.

From this perspective, I see the outright rejection adopted by many (Brazilian) anthropologists as a somewhat problematic position and have tried to adopt a different mode of critique in this thesis. For one can of course criticize hetero-identification commissions for a number of problematic reifications and biologizations, in that they tend to reproduce the idea of a "truth from the body" (Fassin and d'Halluin 2005) and tend to naturalize race. However, one can also see and take seriously that the protagonists of these commissions are acting for good reasons and out of a relatively marginalized position, are quite aware of the problematic aspects of this practice, and work hard to reduce the association of their doing with racist measurement practices of the past. The practices that result from their attempts certainly entail a number of issues and produce partly problematic exclusions, as this thesis has shown. However, every public policy has to face the difficulty of 'where to draw the line' between those who are entitled to its benefits and those who are not. This necessarily results in the (over)simplification of complex social realities, which – as Antônio Teixeira formulated it – "always exceed our classifications and categorizations" (Interview; October 4, 2017).

Similar to what I have outlined above with regard to the neoliberal limitations of affirmative action, I would argue that rather than condemning the related administrative practices on this ground, anthropologists should "stay in the place of generative epistemic disconcertment" (Schramm and Beaudevin 2019, 281) and examine them in great detail. Such fine-grained analyses surely do not make things easier. Rather than "fantasizing complexity away," they "introduce, and thus *add on*, a further logic to those that are already there" (Mol 2002, 166; emphasis in the original). However, by pointing out "that there are multiple and other ways of doing categories of difference, bodies and citizenship" (Netz, Lempp, Krause, and Schramm

2019, 647) – emphasizing the multiplicity and historical contingency of such objects – they provide ample material for normative and political assessments of the practice in question. It is in this sense that I hope my thesis will contribute to the heated debate about the Brazilian hetero-identification commissions that has troubled social scientists, activists, bureaucrats, and lawyers alike in recent years.

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Appendix

List of semi-structured interviews¹³³

Adilson Moreira (legal expert); September 13, 2017; Brasília

Alejandra Pascual (commission member); October 14, 2017; Brasília

Aline Witt (candidate); September 9, 2018; Porto Alegre

Aretta Gomes (candidate); September 5, 2018; Brasília

Aristela Soares Brenner (candidate); July 24, 2018; Porto Alegre

Ana Carolina Roman (MPF); December 7, 2017; Brasília

Antônio Teixeira Lima Júnior (social scientist); October 4, 2017; Brasília

Benedicto Fonseca Filho (Foreign Ministry); December 6, 2017; Brasília

Carla Zanella Souza (activist); July 25, 2018; Porto Alegre

Carlos Adão (candidate); September 4, 2018; Brasília

Carmen Dora Ferreira (legal expert); August 15, 2018; São Paulo

Chirilly Araújo (candidate); August 11, 2018; São Paulo

Cilas Machado (activist); July 23, 2018; Porto Alegre

Clara Marinho (candidate); September 10, 2018; Brasília

Cláudio Vicente da Silva (commission member); September 11, 2018; Brasília

Dandara Araújo (candidate); September 13, 2018; Brasília

Deborah Silva Santos (commission member); September 21, 2017; Brasília

Dione Oliveira Moura (university representative); December 13, 2017; Brasília

Edilson Nabarro (university representative); July 23, 2018; Porto Alegre

Elisa Lucas (commission member); August 15, 2018; São Paulo

¹³³ Ordered by first name.

Felipe Fritz Braga (MPF); November 27, 2017; Brasília

Frei David Santos (head of *Educafro*); August 14, 2018; São Paulo

Gabriel Evangelista (candidate); September 11, 2018; Brasília

Gabriela (activist); August 27, 2018; Brasília

Gil (candidate); September 4, 2018; Brasília

Gilberto Amaro da Silva (commission member); October 2, 2017; Brasília

Gleudson Renato Martins Dias (legal expert); July 25, 2018; Porto Alegre

Guilherme Alves (candidate); September 4, 2018; Brasília

Iradj Enghari (commission member); October 16, 2017; Brasília

Isabela* (Foreign Ministry); August 20, 2018; Brasília

Ivair Augusto A. dos Santos (commission member); October 19, 2017; São Paulo

Joaze Bernardino Costa (social scientist); October 10, 2017; Brasília

José Carlos dos Anjos (social scientist); July 25, 2018; Porto Alegre

Juarez Tadeu de Paula Xavier (university representative); August 21, 2018; São Paulo

Júlio Romário da Silva (legal expert); September 29, 2017; Brasília

Laura (candidate); July 25, 2018; Porto Alegre

Lia Vainer Schucman (social psychologist); August 3, 2018; São Paulo

Luan Myque Figueira (candidate); July 25, 2018; Porto Alegre

Olívia* (SEPPIR); October 3, 2017; Brasília

Magali Neves (commission member); October 2, 2017; Brasília

Marcão (commission member); October 5, 2017; Brasília

Marcio Farias (commission member); August 10, 2018; São Paulo

Marise Ribeiro Nogueira (Foreign Ministry); October 18, 2017; Brasília

Max Kolbe (legal expert); September 13, 2018; Brasília

Mayra Lanza (city representative); July 12, 2018; São Paulo

Moacir Marques de Lima Junior (candidate); August 5, 2018; São Paulo

Nelson Inocêncio da Silva (commission member); October 17, 2017; Brasília

Paulo Henrique Macera (legal expert); September 13, 2017; Brasília

Rebeca Melo (candidate); September 9, 2018; Brasília

Roseli Faria (commission member); September 27, 2017, Brasília

Sebastião Fernando da Silva (commission member); October 2, 2017; Brasília

Sérgio Barreiros de Santana Azevedo (Foreign Ministry); November 13, 2017; Brasília

Sidnei Sousa Costa (SEPPIR); September 14, 2018; Brasília

Sílvia Souza (*Educafro* member & legal expert); October 20, 2017; São Paulo

Sílvio Almeida (legal expert); July 31, 2018; São Paulo

Sylvia Severo (city representative); July 26, 2018; Porto Alegre

Tauan Ribeiro (candidate); September 3, 2018; Brasília

Thaise Torres Monteiro (candidate); September 11, 2018; Brasília

Thiago Tobias (*Educafro* member & legal expert); December 8, 2017; Brasília

Verônica Couto Tavares (candidate); September 4, 2018; Brasília

Vilma Maria Santos Francisco (commission member); October 10, 2017; Brasília

List of conversations with social scientists during preliminary fieldwork¹³⁴

Andréa Lobo; August 17, 2016; Brasília

Carla Costa Teixeira; August 19, 2016; Brasília

Jamile Borges; August 10, 2016; Salvador

¹³⁴ Ordered by first name.

João Batista de Jesus Felix; August 6, 2016; João Pessoa

João Feres Júnior; August 25, 2016; Rio de Janeiro

Jocélio Teles dos Santos; August 10, 2016; Salvador

Joelma Rodrigues da Silva; August 17, 2016; Brasília

José Jorge de Carvalho; August 19, 2016; Brasília

Livio Sansone; August 9, 2016; Salvador

Luiz Augusto Campos; August 25, 2016; Rio de Janeiro

Marcos Chor Maio; August 31, 2016; Rio de Janeiro

Marjorie Chaves; August 17, 2016; Brasília

Osmundo Pinho; August 9, 2016; Salvador

Ricardo Ventura Santos; August 29, 2016; Rio de Janeiro

Rodrigo Ednilson de Jesus; August 23, 2016; Belo Horizonte

Rosana Heringer; September 1, 2016; Rio de Janeiro

Simon Schwartzmann; August 25, 2016; Rio de Janeiro

Thula de Oliveira Pires; August 30, 2016; Rio de Janeiro

Wanderson Flor do Nascimento; August 18, 2016; Brasília

Wivian Weller; August 17, 2016; Brasília

Yvonne Maggie; August 29, 2016; Rio de Janeiro

Affidavit

I hereby affirm in lieu of an oath that I have written this thesis without the unauthorized assistance of third parties and without the use of other than the indicated resources; the ideas taken directly or indirectly from outside sources are indicated as such. In addition, I assure that I have neither used nor will use in the future the help of commercial doctoral advisors or agents. The thesis has not been submitted in the same or similar form to any other examining authority in Germany or abroad and has not yet been published.

Sarah Lempp

Leipzig; March 7, 2024