



Fall 2012

The Law of Social Quotas: An Examination of Brazil's Efforts for Greater Diversity in the Classroom

Benjamin Williams

Follow this and additional works at: <https://engagedscholarship.csuohio.edu/inthebalance>

 Part of the [Comparative and Foreign Law Commons](#), and the [Education Law Commons](#)

[How does access to this work benefit you? Let us know!](#)

Recommended Citation

Williams, Benjamin, "The Law of Social Quotas: An Examination of Brazil's Efforts for Greater Diversity in the Classroom" (2012). *In the Balance*. 26.

<https://engagedscholarship.csuohio.edu/inthebalance/26>

This Monthly Feature is brought to you for free and open access by the Journals at EngagedScholarship@CSU. It has been accepted for inclusion in In the Balance by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.

The Law of Social Quotas: An Examination of Brazil's Efforts for Greater Diversity in the Classroom

November 23, 2012

By: [Benjamin Williams](#), Associate, The Global Business Law Review

On October 10, 2012, the U.S. Supreme Court heard oral arguments in *Fisher v. Texas*.^[1] The case is the latest of a series of affirmative action cases in which the court is faced with the issue of whether universities that are attempting to increase the number of minorities in their student bodies have gone too far and violated the equal protection clause of the U.S. Constitution.^[2]

A sharp contrast^[3] can be seen a mere four thousand miles away where Brazilian president, Dilma Rousseff, on August 29, 2012 signed a historic bill known as “Lei de Cotas Sociais” (Law of Social Quotas) into law.^[4] The new law requires public universities to reserve half of their admission spots for Brazilian public school students.^[5] In addition, the law requires that fifty percent of those spots be reserved for Brazilians of African, mixed African, and Indigenous ancestry in numbers proportional to their relative populations at large within each state.^[6]

According to education minister Aloizio Mercadante the law seeks to create “an opportunity for the best students from the public school system to have better access to federal universities”.^[7] Recent studies show that more than half of Brazil's population is black or of mixed race, however, only 2.2 percent of Brazilians of African descent currently have access to universities.^[8] The minister in charge of Brazil's Secretariat for Policies to Promote Racial Equality, Luiza Bairros, indicated that the new law is expected to increase the number of Brazilians of African descent admitted to public universities from 8,700 to 56,000.^[9]

While the racial quotas will be discontinued in 10 years,^[10] in the interim they will have profound social and economic effects^[11] on not only Brazil but the rest of the world.

^[1] Alan B. Morrison, *Affirmative Action in the Balance*, The National Law Journal (Nov. 5, 2012),

<http://www.law.com/jsp/nlj/PubArticlePrinterFriendlyNLJ.jsp?id=1202577090474> [hereinafter Morrison].

^[2] *Id.*

[3] *See generally* Regents of Univ. of California v. Bakke, 438 U.S. 265 (1978) (holding racial quotas unconstitutional).

[4] Simon Romero, *Brazil Enacts Affirmative Action Law for Universities*, N.Y. TIMES (Aug. 30, 2012), http://www.nytimes.com/2012/08/31/world/americas/brazil-enacts-affirmative-action-law-for-universities.html?_r=0&pagewanted=print [hereinafter Romero].

[5] Tanya K. Hernandez, *Fisher v. Texas: A View of Affirmative Action from Brazil*, New America Media (Oct. 12, 2012), http://news.newamericamedia.org/news/view_article.html?article_id=aa580a64a39d4c49ed8ea36538f7c67e.

[6] *Id.*

[7] *Brazil Enacts University Quota Law*, channelnewsasia.com (August 30, 2012), http://www.channelnewsasia.com/stories/afp_world/view/1222963/1/.html.

[8] Romero, *supra* note 4.

[9] Romero, *supra* note 4.

[10] *Brazil Approves Affirmative Action Law for Universities*, BBC News (Aug. 8, 2012), <http://www.bbc.co.uk/news/world-latin-america-19188610>.

[11] *See generally* Ricardo Jefferson, *Lei de Cotas Sociais: New Affirmative Action Reform Enacted in Brazil*, The Law Office of Ricardo Jefferson (Sept. 10, 9:32 PM), <http://www.rjeffersonesq.com/blog/?p=25>.