

ARTICLE

Structural racism and quotas in legal careers: the decolonial perspective

AMANDA CAROLINO SANTOS ¹

FATIMA BAYMA DE OLIVEIRA ²

GUSTAVO GUIMARÃES MARCHISOTTI ³

ANA CELANO ⁴

¹ PROCURADORIA GERAL DO ESTADO, RIO DE JANEIRO – RJ, BRAZIL

² FUNDAÇÃO GETULIO VARGAS (FGV EBAPE) / ESCOLA DE ADMINISTRAÇÃO PÚBLICA E DE EMPRESAS, RIO DE JANEIRO – RJ, BRAZIL

³ INSTITUTO INFNET, RIO DE JANEIRO – RJ, BRAZIL

⁴ INSTITUTO BRASILEIRO DE MERCADO DE CAPITAIS (IBMEC), RIO DE JANEIRO – RJ, BRAZIL

Abstract

This study investigates the effects of the implementation of racial quotas on the representation of black people in the legal sector, based on structural racism as a slave-holding practice of racial discrimination. A qualitative methodology was adopted, with semi-structured interviews and documental analysis of public notices and results of public tenders, with a prediction of racial quotas for legal careers in the state of Rio de Janeiro in the last ten years. Eleven holders of leadership positions in legal careers were selected – prosecutor, judge, attorney, and defender – self-declared black. Based on the interviewees’ perception, an analysis was made of applying the quota policy in public tenders for legal careers. The results point to evidence of failures in the implementation of this policy, both based on legal provisions and document analysis, and on the respondents’ perceptions. It is concluded that the simple prediction of vacancies was not enough to increase bureaucratic racial diversity and structural racism is one of the impediments to the success of the quota policy.

Keywords: Structural Racism. Diversity. Quotas in public competitive hiring. Decolonialism.

Racismo estrutural e cotas nas carreiras jurídicas: a perspectiva decolonial

Resumo

O objetivo do estudo foi investigar os efeitos da implementação das cotas raciais na representatividade de negros no setor jurídico, tendo por base o racismo estrutural como prática escravocrata de discriminação racial. Para tanto, adotou-se uma abordagem qualitativa, com a realização de entrevistas semiestruturadas e análise documental dos editais e resultados dos concursos públicos com previsão de cotas raciais para as carreiras jurídicas do estado do Rio de Janeiro nos últimos dez anos. Foram selecionados 11 ocupantes de posições de liderança nas carreiras jurídicas – promotor, juiz, procurador e defensor – autodeclarados negros. Baseando-se na percepção dos entrevistados, realizou-se uma análise da aplicação da política de cotas nos concursos públicos para as carreiras jurídicas. Os resultados apontam evidências de falhas na implementação dessa política, tanto com base nos dispositivos legais e na análise documental, quanto na percepção dos respondentes. Conclui-se que a simples previsão de reserva de vagas não foi suficiente para aumentar a diversidade racial burocrática e que o racismo estrutural é um dos impedimentos para o sucesso da política de cotas.

Palavras-chave: Racismo Estrutural. Diversidade. Cotas nos concursos públicos. Decolonialismo.

Racismo estructural y cuotas en las carreras jurídicas: la perspectiva decolonial

Resumen

El objetivo del estudio fue investigar los efectos de la implementación de cuotas raciales en la representación de los negros en el sector legal, a partir del racismo estructural como práctica esclavista de discriminación racial. Se adoptó una metodología cualitativa, con entrevistas semiestruturadas y análisis documental de avisos públicos y resultados de concursos públicos que prevén cuotas raciales para carreras de derecho en el estado de Río de Janeiro en los últimos diez años. Se seleccionaron once titulares de cargos directivos en carreras jurídicas – fiscal, juez, procurador fiscal y defensor – autodeclarados negros. Con base en la percepción de los entrevistados, se realizó un análisis de la aplicación de la política de cuotas en las licitaciones públicas de las carreras de derecho. Los resultados indican evidencias de fallas en la implementación de esta política, tanto con base en disposiciones legales y análisis de documentos, como en la percepción de los encuestados. Se concluye que la simple previsión de reserva de vacantes no fue suficiente para aumentar la diversidad racial burocrática y que el racismo estructural es uno de los impedimentos para el éxito de la política de cuotas.

Palabras clave: Racismo estructural. Diversidad. Cuotas en licitaciones públicas. Decolonialismo.

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INTRODUCTION

According to Petruccelli and Saboia (2018), Black and Pardo people are 56.1% of the Brazilian population and 64.1% of the mass of unemployed workers. The underutilization of their workforce, discrepancies in average income, salary differences, and the gap in the occupation of management and leadership positions are examples of how the Black and Brazilian Pardo¹ population is underrepresented in important spheres of Brazilian society.

The report “Inequality Kills” published by the Oxford Committee for Famine Relief (Ahmed et al., 2022), showed that hunger and misery exploded in Brazil during the pandemic. In December 2020, food insecurity reached 55% of the Brazilian population; among these, 10.7% of Black households were affected by hunger, compared to 7.5% of White households. According to the research, these distortions directly affect the historical legacies of racism, including slavery and colonialism. The data on the COVID-19 pandemic in 2020 reveals the vulnerability of the Black population – the most affected by the consequences of the disease – expanding the debate on racial issues in the country, which Machado (2021) highlights as one of the pandemic’s main legacies.

Social indicators worsened during the pandemic, and Black unemployment increased the deficit of Black participation in the labor market, especially in the positions of power in corporations and government (Instituto Brasileiro de Geografia e Estatística [IBGE], 2021). This lack of representation in positions of power has caused a lack of legitimacy and effectiveness of policies for this population, fostering academic debates that focus on developing institutional innovations to complement the representative system (Gaspardo & Ferreira, 2017).

In this context, institutional innovations, such as affirmative policies (racial quotas, for example), imply (or should imply) management strategies encompassing the relational commitment between the environment and its various subjects. At this point, the decolonial perspective becomes indispensable for formulating and implementing legitimate affirmative policies of historical reparation (Bernardino-Costa & Borges, 2021).

The improvement of mechanisms of racial subalternity – incorporated into the country by the intellectual elite that imported Euro-American racial theories from the mid-19th century (Barbosa, 2016) – can be identified when observing the structural racism, the current tormentor of Brazil’s Black population. Within the aspects of decolonialism, breaking the hegemony of knowledge and universalism, the epistemological and methodological starting point of this research restricted the scope of the study to Black government employees to investigate structural racism based on their experiences (instead of an objectivist perspective), paying particular attention to the local nature of their experiences (Guevara, 2020).

This study analyzed whether the implementation of the affirmative policy based on racial quota in competitive hiring for the careers of district attorney, judge, public defender, and public prosecutor in the Brazilian state of Rio de Janeiro had the expected effect, i.e., an increase in Black representation in these legal careers; and/or if the affirmative policy encounters implementation difficulties due to the effects of structural/institutional racism that perpetuate the discriminatory practices of slavery. Themes such as slavery, including the residues of such practice and its contemporary form, and racism have been neglected in management studies (Araújo & Carneiro, 2020). This happened to the extent that the “other” (non-Euro-American) was suppressed from the possibility of producing quality knowledge, which limited the scientific, valid, and universalizable production to that of the White-European-male-heterosexual scholar (Jammulamadaka, Faria, Jack, & Ruggunan, 2021).

Thus, a decolonial perspective is adopted to problematize the structural racism and affirmative policies based on racial quotas, contributing to the debate about the jettisoning of the Black population from positions of power and the barriers that racism imposes in overcoming distortions caused by historical subjugation. According to Almeida (2019, 2021), when we recognize that racism manifests in all spaces as a historical project of political domination and power, we understand that all racism is structural.

¹ N.T. From now on, Black and Brazilian Pardo (characteristic mixed-race, an ethnic and skin color category) will be named “Black,” unless the discussion requires differentiating the two categories.

DECOLONIAL PERSPECTIVES IN BUREAUCRATIC DIVERSITY

From colonialism to transmodernity

Throughout history, decoloniality studies have developed a narrative of an academic-political project to contextualize the coloniality of power, being, and knowledge in light of the narratives of existence and the re-existence of the Afro-diasporic, African, indigenous, and third-world populations (Bernardino-Costa, Torres, & Grosfoguel, 2018). European hegemony, with the myth of the “discovery” of America, had significant impacts on the creation of the concept of civilization and non-civilization, strengthened in the 17th and 18th centuries by the Enlightenment. Eurocentric colonialism encouraged in management studies a perspective of the White European man endowed with genuine superiority, through which an economic, political, racial, and ethical hierarchy was imposed on the entire global population (Carvalho, Ipiranga, & Faria, 2017).

The general idea that these subjects have reason and superior knowledge refers to the denial of other people’s knowledge and humanity (Couto, Honorato, & E. R. Silva, 2019) and the concept of totality – central to Dussel’s work (2005), which includes the notion of center-periphery domination. According to Guevara (2020), it is the concept of coloniality, i.e., when the ideas and thoughts of the colonizer continue to be hegemonic, and the colonized use them uncritically even with the end of the colonization processes.

Contrary to this hegemonic epistemology, the strengthening of decolonialism has reduced the mechanisms of subordination of knowledge in management and organization studies (MOS) largely due to the radicalization of modernity and neoliberal global capitalism (Abdalla & Faria, 2017). Scientific production has been deconstructing the geopolitical asymmetry of knowledge based on the local experiences of the colonized or their descendants when considering the specific characteristics of societies that contradict Eurocentric epistemological universalism (Guevara, 2020).

African and Afro-diasporic knowledge fit the decolonial perspectives. They are evidenced by the forced diaspora of enslavement of Black people and their dependents, who created, from this circumstance, a new culture (Bernardino-Costa et al., 2018). Therefore, when authentic decolonial and Afro-diasporic studies discuss racism as a continuation of slave practices in critical management studies, an opportunity is opened for debate on aspects of peripheral culture historically oppressed by imperial culture.

The preference for authenticity should be the starting point for intercultural dialogue (Dussel, 2016) that reaches the expansion of being and knowing through a democracy that needs to be reconceptualized in a transmodern way to decolonize from its liberal western form (Grosfoguel, 2008). This emancipation of subordinated and historically denied classes and groups involves the construction of a new form of relationship between cultures (Guevara, 2020) – which Dussel (2016) calls transmodernity.

Transmodernity encompasses asymmetrical universal cultures and rich pluriversity, resulting from an authentic intercultural dialogue (Dussel, 2016). However, there is no way to approach a cultural intersection without mentioning diversity. It is worth noting that a decolonial praxis involves the concept of diversity. At this point, people management and its provision process are the gateways for organizations and public administration. Thus, public policies, selection processes, and competitive hiring become mechanisms that impact the hegemonic composition of whiteness or the diversity/representativeness of the bureaucratic body of these organizations, with diversity as an urgent topic that has gained prominence in academia (Alves & Galeão-Silva, 2004).

Diversity and racism in Brazilian organizations

The issue of diversity in organizations has been increasingly addressed in Brazil and worldwide (Ferreira, Sadoyama, Correia, & Gomes, 2015). According to Nkomo, Bell, Roberts, Joshi, and Thatcher (2019), this is a critical moment for reflection on this theme as we experience a dichotomic social and political context. On the one hand, many advances have been made regarding equality and inclusion. On the other, we live in a world of radical and discriminatory ideologies, where hate speech persists in the work environment (Foucault, 2014), justifying the deprivation of rights and acts of violence, even covertly, within organizations (Bakhtin & Volochinov, 2006).

Between the 16th and 19th centuries, Brazil was responsible for importing around 4 million African slaves, making it the country that most imported this workforce. This is equivalent to more than a third of the entire slave trade in the world (IBGE, 2000). Nowadays, Black people in Brazil are the majority in public higher education institutions (50,3% in 2018) (Petruccelli & Saboia, 2018), considered high-quality institutions in the country's educational system. However, this superiority is not reflected in the labor market, especially in leadership positions, for example, professionals operating the legal system.

The dehumanization of the Black population and the idea of White supremacy as a condition of progress boosted the first racist theories to justify White Europeans' intellectual, physical, and moral superiority (Barbosa, 2016; Maringoni, 2011). According to Mbembe (2018, p. 13), "[...] any historical account of the rise of modern terror needs to address slavery, which could be considered one of the first instances of biopolitical experimentation."

The impacts of eugenics policies and the mitigation of racism in Brazil – observed in Gilberto Freyre's myth of racial democracy in his work "*Casa Grande & Senzala*" (Freire, 2019) – prevented the country from recognizing racial discrimination against Black people and, consequently, prevented the development of social inclusion policies. The Brazilian government, whose economic and social foundations were grounded on the dehumanization of Black people through slavery, only recognized racism in the country in 1995 through the declaration of then-President Fernando Henrique Cardoso. Such recognition resulted from the constant struggle of social movements, especially Black social movements, who fought for their rights even before the elaboration of the Brazilian Federal Constitution enacted in 1988 (Amorim & Castilho, 2018; Rubin, Oliveira, & Nichol森, 2020).

According to Alves and Galeão-Silva (2004), since 1995, the Brazilian government has shown interest in combating discrimination in the labor market. However, the historical context of subjugation implies that affirmative policies should not only aim to increase the participation of Black people, it is necessary to review the power relations built throughout history. For real change, these policies must be a decolonial, anti-racist, and counter-hegemonic project (Bernardino-Costa & Borges, 2021). However, regarding the issues and impacts of structural racism in the workplace, McCluney, Schmitz, Hicken, and Sonnega (2018) reinforce that race powerfully shapes occupational opportunities through structural racism, initially with policies and later with practices woven, in fact, in the institutions of the labor market.

The Ethos Institute (2016) studied 500 companies with the highest revenue in Brazil and observed that Black people occupied 57% to 58% of the positions in trainee and internship programs, whereas they were only 6.3% and 4.7% in management and executive positions, respectively. In public administration, 55.3% of civil servants in local governments are Black; at the federal level, the participation of this population drops to 14.6% (T. D. Silva & Lopez, 2021). Inequality is even more significant when analyzing the occupation of Black people in certain higher-paying positions. As for the average monthly income, Black people make BRL 1,608.00, White people make BRL 2,796.00, and regarding underutilized workers, Black people make up 29% and White people 19% (T. D. Silva & Lopez, 2021).

It is noteworthy that these structural and institutional differences in occupational classification imply exposure to a series of adverse psychosocial risks at work (Ruiter, DeCoster, Jacobs, & Lichstein, 2011). Lower-ranked jobs are subject to greater stress and add to other life stressors that can disproportionately impact Black people – for example, neighborhood quality and family demands (Hicken et al., 2012). This whole set results in more acute health problems for Black workers, indicating that systematic inequality in the workplace can be an important mechanism that links racial inequalities to racism and health.

Racial quotas in competitive hiring for positions in government

The administration and management field is failing to find adequate solutions for the main challenges and deprivations faced by populations in general. In this context, the affirmative policy based on quotas in public service seems to go through hardships because of the field's resistance to recognizing its complicity in the expansionism of capitalism and the universalization of impoverishment and inequality mechanisms that finance this economic system (Abdalla & Faria, 2017).

According to Abdalla and Faria (2017, p. 2, our translation), "[...] the asymmetric division between worldviews and the corresponding dynamics have been extremely favorable for the advancement of the global capitalist class or elite, and dramatically oppressive for a growing population on a global scale." Thus, society needs to assume the full racial agenda, including the influence that racism exerts on the (inadequate) implementation of affirmative policies of historical reparation by developing a praxis of awareness about racial discrimination in the country (Gonzalez, 2019).

In Brazil, affirmative policies are seen as “benefits” to Black people, and they are reduced to the strategy of setting quotas to offer distinguished treatment for a group victim of discrimination (Camargo & Costa, 2018). Because there is confusion between racial and social inequality in the country, Law nº 12,711 of 2012 (Lei nº 12.711, de 29 de agosto de 2012), enacted on August 29, 2012, first set quotas for students from public schools – different from public higher education institutions, public schools are regarded as offering lower-quality education compared to private schools – and, from this quota, a share for Black students.

Concerning quotas in competitive hiring for federal employment – enacted two years later by Law nº 12,990, of 2014 (Lei nº 12.990, de 9 de junho de 2014) – 20% of the vacancies were designated to candidates based on race, regardless of social status. This decision was a victory for social movements, especially the Black movement, which operates with a strategy at different levels and areas (Gonzalez, 2019). In the state of Rio de Janeiro, quotas in competitive hiring were implemented in 2011, based on article 1 of Law nº 6,067 of 2011 (Lei nº 6.067, de 25 de outubro de 2011), designating 20% of vacancies for Black and Indigenous populations. When analyzing the ten years of the policy implementation, it is possible to argue that legislative and operational failures are associated with structural racism to minimize the effects of the Black representation in public administration’s spaces of power (Santos, 2022).

METHODOLOGY

Systematic literature review

The systematic literature review (Lopes & Fracolli, 2008; Tranfield, Denyer, & Smart, 2003; Treinta, Farias, Sant’Anna, & Rabelo, 2014) focused on the Scopus and Web of Science databases. The articles of the last ten years were filtered by the research themes: decolonial theory, structural racism, Black people in the job market, competitive hiring for public service, and quotas. In addition, complementary articles obtained through the Google Scholar and SciELO search services were added to the theoretical framework.

Field research

Qualitative research was carried out (J. W. Creswell & J. D. Creswell, 2021) through documentary analysis, examining eight competitive hiring notices published between 2011 – the year quotas were implemented – and 2021. The career positions analyzed were judge, district attorney, public defender, and public prosecutor in the state of Rio de Janeiro. The results were analyzed, and semi-structured interviews were conducted to increase understanding of the phenomenon (Geiger, 2009). The analysis of documentary data sought to identify the number of candidates approved by the quota system in this period, comparing this group with the total of approved candidates.

Interviewees were selected based on accessibility and reached using the snowball technique (Parker, Scott, & Geddes, 2019). They were professionals who self-declared Black – 6 men and 5 women – and occupied the highest positions within the hierarchy of their institutions, as shown in Box 1.

Box 1
Interviewee profile

Interviewee	Gender	Year of birth	Position	Self-declared	Interview date	Duration
I1	F	1982	Public Defender	Black	Nov 05, 21	0:23h
I2	M	1985	District Attorney	Black	Nov 08, 21	0:42h
I3	M	1980	Public Prosecutor	Black	Nov 09, 21	0:54
I4	F	1981	District Attorney	Black	Oct 21, 21	0:53h
I5	F	1967	Public Prosecutor	Black	Nov 06, 21	1:03h
I6	M	1960	Judge	Black	Dec 01, 21	1:07h
I7	M	1976	Public prosecutor	Pardo	Oct 31, 21	1:03h
I8	F	1979	District Attorney	Pardo	Oct 29, 21	1:09h
I9	M	1983	Public Defender	Pardo	Oct 29, 21	0:41h
I10	F	1978	Public Defender	Black	Nov 16, 21	1:36h
I11	M	1988	District Attorney	Black	Oct 31, 21	3:00h

Source: Elaborated by the authors.

The script was based on the theoretical framework, the experience of the authors with the theme, and the form applied in the “1º Censo Étnico-racial da Defensoria Pública do estado do Rio de Janeiro” (first ethnic-racial census of the Public Defender’s Office of the state of Rio de Janeiro) (Pacheco et al., 2021). The interviews were carried out through the Zoom app in the second semester of 2021, recorded in audio and video, with prior verbal authorization from the participants to use only the audio, protecting their identities. Subsequently, these audios were transcribed, and the data categorized through content analysis (Mozzato & Grzybovski, 2011).

Finally, data triangulation was used (Flick, 2009) a) to confirm the conclusions drawn from interviews based on other interviews and b) to cross-analyze different data collection methods. As for the cross-analysis, we conducted a systemic examination of the data collected in the interviews observing other data obtained from competitive hiring notices, literature, reports, and secondary data, which resulted in the emergence of new and more profound dimensions (Azevedo, Oliveira, Gonzales, & Abdalla, 2013).

ANALYSIS AND DISCUSSION OF RESULTS

Failures in the implementation of quotas in competitive hiring in the judicial system of Rio de Janeiro

The research focused on competitive hiring processes held between 2011 and 2021 in the investigated institutions, as shown in Box 2. In this period, the number of candidates approved in positions reserved by the quota system was practically nil or very small, even more so when considering that 53% of Rio de Janeiro’s population is Black, according to data from the Health Department of the State of Rio de Janeiro (2020). The Public Defender’s Office of the State of Rio de Janeiro (DPERJ) was the only institution that showed an advance. However, it did not reach the goal of 20% of positions filled by Black candidates, as provided in the legislation. In addition, in several cases, the performance of the few successful Black candidates was high, and they would be approved regardless of the quota system.

Box 2**Percentage of candidates approved in positions reserved by the quota system in the institutions between 2011/2021**

Institution	Competitive hiring notices using the quota system	Number of positions offered in the public notice	Number of candidates approved in positions not reserved by the quota system	Number of candidates approved in positions reserved by the quota system	Number of candidates approved in positions reserved by the quota system according to the legislation	Percentage of candidates approved in positions reserved by the quota system vs. total candidates approved
TJRJ	2	66*	17	1	0	0%
MPRJ	1	43	47	1	0	0%
DPERJ	3	101	134	22**	22	16.42%
PGERJ	2	17***	61	3	2	3.28%

* 50 positions refer to the last competitive hiring process, which was still ongoing at the time of the research.

** The DPERJ approved candidates in positions reserved by the quota system only after amending the competitive hiring notice.

*** Positions offered for immediate hiring in the public notice.

Source: Elaborated by the authors.

The analysis of the competitive hiring notices and the respective results (Box 2), demonstrated the influence of the interpretation of the quota law and the procedural issues in its application (such as the reduction of the minimum score and the removal of the so-called “barrier clause”) in the approval of Black people in these processes, as occurred in the case of DPERJ. In the notices that were limited to reproducing the legal provisions, the quotas only influenced the order in which the candidates were called, having no effect on the stages of the hiring process where rules are the same for all candidates regardless of the quota system.

The research could also observe the issue of the quota law’s expiration date. Article 5 of law 6067, enacted on October 25, 2011, established a term of ten years and stated the duty of monitoring the results of its application, with the elaboration of conclusive reports by the State Secretariat for Social Assistance and Human Rights (SEASDH). Thus, the term of the law expired in October 2021, and there was no follow-up or production of the expected reports. This lack of monitoring and data not only influenced procedural failures during the implementation of the policy but, associated with the absence or underreporting of racial data in the investigated institutions, makes it challenging to apply the policy, its monitoring, improvement, and results (Santos, 2022).

CONTENT ANALYSIS

Quotas: from formalism to the implementation of effective laws

The interviewees were asked if they believe there has been an increase in the number of Black people in public service due to the implementation of affirmative policies based on quotas in competitive hiring processes. It was possible to observe that all interviewees recognized the importance of quotas and supported the policy (except for interviewee I6). The interviewees stressed that affirmative policies alleviate the racial distortions created, maintained, and improved by the White elite to the detriment of Black people (Almeida, 2021; Barbosa, 2016). Comments that exemplify their support are “the university became much more diverse after the quotas” (I3) and “the quota was the first step to combat structural racism” (I7).

According to the interviewees, there were flaws and deficiencies in the legislation and in the implementation. They pointed out that reserving positions by law is not enough to promote the increase in the number of Black people in public administration careers. These flaws may indicate a difficulty in the administration/management field in finding efficient solutions to the diverse problems of transmodernity (Abdalla & Faria, 2017). The field is distant from the challenges and deprivations experienced by the general population, which makes it difficult to reach the final anti-racist and counter-hegemonic objective of a reparatory policy (Bernardino-Costa & Borges, 2021). In this sense, the interviewees reported that: “[...] this policy uncoupled from these many other variables that we talked about here is what ends up, in practice, making the quota policy ineffective, inefficient” (I11) or “we are making something useless, just for show” (I5).

The interviews revealed characteristics of formalism in Brazilian society – the distance between the text of the law and the practice, making several regulations ineffective and empty. This corroborates Ramos (1983), who mentioned one of the characteristics from peripheral countries as traces of external influences that culminated in the adherence to a formal repertoire of transplanted practices and institutions. This formalism corresponds to inauthenticity, to an alienated condition resulting from the imposition of external values that did not correspond to everyday customs, what Guevara (2020) called colonialism.

The interviewees highlighted the lack of monitoring, which means that managers cannot properly assess the implementation of the policy, its evolution, whether it reached its goals, and the problems that may compromise its effectiveness (Santos, 2022). As one of the interviewees pointed out, “The ‘quota’ needs to be improved” (I8). Another interviewee associated this lack of monitoring with the underrepresentation of Black people in the institution, which, together with White homogeneity, prevents the creation of rights and strengthens, albeit covertly, hate speech (Bakhtin & Volochinov, 2006; Foucault, 2014): “The composition of the Public Defender’s Office, which is mostly White and [...] against quotas” (I9).

The criticisms highlighted by the interviewees also extend to what Alves and Galeão-Silva (2004) pointed out about the policy’s objective of historical reparation not only to increase the number of Black people but to review the power relations that formed throughout history. From the participants’ perspective, other measures need to be provided, especially regarding the racial literacy of White and Black people, so that the racial issue is a concern for all (Gonzalez, 2019). According to I10: “I will not be surprised if *cotistas* (candidates approved for positions reserved in affirmative policies based on quotas) do not have an Afrocentric racial literacy. We don’t have critical racial theory in academia, we don’t have it here in Brazil, and without critical theory, you can’t understand the machine; racism is a very sophisticated system of power, a very sophisticated technology.”

Structural racism in institutions

Regarding perceptions about the presence of racial discrimination in institutions and how much this is a consequence of structural racism (Almeida, 2019), the interviewees recognized the presence of institutional and/or structural racism in their institutions but rejected the existence of individual racism. Their perceptions limited to the corporate space – the focus of the research – showed racism reflected in the entire social construction. Almeida (2019) confirms this when classifying all racism as structural, as it is created and strengthened in historical processes – based on the peculiarities of each social and political formation – with the public power as support to organize society through a systemic process of discrimination.

Structural racism is materialized in political, economic, and legal inequalities, being much more harmful than individual racism and discriminatory due to the phenotypic characteristics of Black people. Thus, the interviewees refer to the distortions of representation in the spaces of power (Almeida, 2021; Souza, 2017), in the legal environment, and throughout society, as reported by the interviewees: “So, structural racism, I understand as rooted in the very institutions that create the structure of society. **It is when a person sees a Black person on the street and crosses the road**” (I1, emphasis added).

Racism is not calling someone a monkey; institutional racism is, for me, for example, family court, a **Black woman** with 5 children comes in asking for DNA or food, the first violence they suffer is from a member of the public defender’s office asking if she is aware of contraceptive methods (I10, emphasis added).

Another important discussion about the perception of racism involves the concept of colorism, which, without showing the simplicity that the term supposes, goes beyond skin color issues in Brazil (Souza, 2017). Colorism is interpreted based on the ideology of miscegenation and is seen as one of the perverse legacies of colonialism. The differentiation between lighter-skinned (*mestizo*) and dark-skinned (*retinto*) Black people still appears in patriarchal society due to capitalist advancement and the need for more people in production. The use of machines imposed a subjugation of the *retinto* to mechanical crafts or even to the permanence of the exclusionary conditions of slavery and valued the *mestizo*, intermediate, and bourgeois, who started to have more qualified crafts and higher cultural capital (Souza, 2017).

Together with the valorization of the more qualified mestizo, the disclosure of the economic and social characteristics of being Black (but not so Black), could be perceived from the interviewees statements, who highlighted individual qualifications to clearly justify their success to move away from fixed images, Black stereotypes, and to resemble White people, historically associated with success and social ascension. In this case, Carneiro (2020, p. 93) explains that it is the construction of identity through the other (or by getting closer to the other) – with whom one wishes to resemble. It can also be through the distance and subalternization of the other – the one from whom we are different, and therefore, we qualify negatively. As reported by the interviewees: “I have a very different trajectory from the Black person who reaches an elite position in Brazil. I had a life in which I never lacked anything” (I5); “I have always studied in somewhat elite public schools. Black people, in general, have a harder life than mine. I had a very comfortable life” (I3); “Maybe I haven’t suffered this [racism] so much because of my parents’ social status and such, but I know it exists, that’s very clear to me” (I2).

This exaltation of individual qualifications seeking proximity to the characteristics of whiteness deepens intraracial fissures (within the same race), divides and weakens, and is the result of a plan intentionally engineered by White people – the arbitrary designation of shades of Black skin or, colorism (Carneiro, 2020). Faced with this imposition, Black people seek to highlight their differences to distance themselves from the common, poor, uncultured Black person, who will never occupy the space that a socially ascended Black person occupies. This subcategorization of Black people, which was not developed for other groups such as White and Jewish people, highlights the ideology of “divide and conquer” insofar as it imposes a greater degree of racism on Black people than racism directed toward Black people with lighter skin and less Negroid features (as the Brazilian Pardos) and more accepted by the oppressive White elite.

The influence of the ideology of colorism is noted in the interviews: “Colorism, pigmentation, the hair itself, greatly influence the degree of racism” (I9); “I identify myself as Pardo, but I am always in doubt, but I also don’t want to say I’m Black, because otherwise I have more difficulty” (I8). This reflection involves the impact of this subcategorization on the Black population that, without racial literacy, is co-opted by whiteness, which seeks to whiten that Black person who has ascended socially, softening their phenotypic characteristics with phrases such as “you are not Black, you are brunette” or “but your nose is thin” or, more subtly between the lines of speech, “you are exotic.”

Several times, I had to prove that I am a district attorney. There have been more situations after I let my hair curl again. I straightened my hair as soon as I started working in this job, right? And today, I perfectly understand that I did that as a form of whitening to be accepted and to be seen as a person who could occupy that place because that’s the idea; that place is not a possibility for Black people (I4).

This subtle perversity of racism, which oppresses and paralyzes Black people, is the result of a sub-human condition that colonialism imposed for years and naturalizes the mechanisms of discrimination in a structured way. In this context, decoloniality and Afro-diasporic studies are fundamental tools to produce knowledge based on the stories lived by Black people, generating a *quilombo* (or a community organized by enslaved people that escaped from farms in Brazil) that welcomes, unifies, and strengthens the Black population (Bernardino-Costa et al., 2018).

Unveiling structural racism from a decolonial perspective

The interviewees were asked about the influence of structural racism on Black representation among government employees. Their responses highlighted traces of colonialism and racial theories adopted in Brazil in the mid-19th century, in racial domination that attributes a condition of inferiority to whom it reaches (Guevara, 2020). One of the interviewees, for example, reported: “[...] the judge... you could see in her face that she could not position me in the same position as my White friend” (I8). Another interviewee mentions that “[...] in one event, the housekeeper gave a glass cup to all the district attorneys; she gave me a plastic cup” (I4). I2 recalled an episode of racial discrimination inside the Rio de Janeiro courthouse: “I am a district attorney, I went to use the private elevator of authorities in the courtroom, and the judge asked the elevator operator what I was doing there” (I2).

Presenting one of the aspects of the geopolitics of knowledge – the valorization of Eurocentric knowledge to the detriment of the knowledge of “others” (Carvalho et al., 2017) – some participants associated the success (or failure) of internal policies (in particular the affirmative policy based on quotas) with the faithful reproduction (or not) of US policies. There are also traces

of colonialism, which Nelson Rodrigues (1993, pp. 61-62) called the “mongrel complex,” in the words of some interviewees. “[...] this is why for my classes I first see what is happening in the United States” (I7) or “Creating a differentiated average, as the United States did, has a more immediate effect” (I3).

Another point refers to the lethality of racism as a consequence of necropolitics based on terror (Almeida, 2021). According to Almeida (2021, p. 6, as quoted in Mbembe, 2018), “[...] it was in the colonial experience that the synthesis between ‘massacre and bureaucracy’ was originally established, which led to the creation of government policies based on the selection of races.” Some participants, especially those working in criminal law, highlighted the governmental practices of necropolitics regarding the extermination of Black people.

We see a very clear difference in the behavior of the judge for similar situations [...]. I’ve had a situation in which a Black person with a small amount of drugs was sent to prison [...] ten minutes later, again, drugs, only this time a White person, [...] I asked for prison due to the seriousness of the case concerning the large amount of drugs, and the judge did not send him to prison (I2).

Likewise, other interviewees highlighted the perception of a more intense presence of racism in the Brazilian prison system. “I’ve seen cases, like this, of the trial of two boys, who committed a crime together, right, TOGETHER! (sic) the White person is acquitted, and the Black person is condemned” (I4) or “70/80% of adolescents in foster care are Black” (I8).

Interviewees reported that, in the White hegemony that makes up the body of institutions, there is not enough experience to see situations of racism. The lack of diversity implies the absence of collective will to generate reparatory rights. There is even an effort to maintain White hegemony in the spaces of power, which can manifest hatred, even if disguised (Bakhtin & Volochinov, 2006; Foucault, 2014). The absence of a decolonial view of racial agendas can be evidenced in the speech of some interviewees: “[...] you will talk to people that the racial focus needs to be adopted in all issues and people think this is nonsense because they do not see it as a problem” (I8), and “[...] I think that careers, they have to be oxygenated, have a diversification, a greater diversity, I have no doubt about that, that this will change a lot the way of seeing the situation” (I11).

Still in the decolonial context of racism, one of the reports clearly reflects the impacts of the economic-political system of racist colonialism perpetuated throughout history by necropolitical principles of extermination of Black and Indigenous people (Almeida, 2021; Mbembe, 2018): “Edson Lopes Cardoso often says that ‘no matter how progressive a government has been, none has given up or will give up Indigenous blood and Black blood as a guarantee for democracy stability.’ And that’s it” (I10).

This process of exclusion, subalternity, sub-humanity, and death that structural racism causes to Black people acts as the modern and perfected *longa manus* of the Brazilian slavery period. We highlight two speeches that show that racism affects even Black people who broke with the logic of invisibility by occupying spaces of power, especially in legal careers: “racism makes us sick” (I4) and “being Black hurts” (I10).

The study was limited to the perspective of Black people with the intention of, from a decolonial perspective, listening to the history of the “other,” the Black person historically silenced by European and American colonialism. Thus, future studies must also be dedicated to exploring the opinion of White people about racism, analyzing the extent to which they understand that racism is not just a problem for Black people but the whole of society. Regarding quotas, future studies should analyze, more deeply and broadly, the implementation of this policy in other bodies and other states since, albeit timidly, it appears to be a relevant institute that triggers the accessibility of Black people to the spaces of power.

CONCLUSION

In this article, we investigated the effects of quotas on legal careers in Rio de Janeiro and the influence of structural racism on the body of these institutions. The findings indicated that the affirmative policy based on quotas did not produce the expected effects in increasing the bureaucratic representation of Black people due to how it was implemented. Reproducing the text of the racial quota law has not proved to increase the number of Black people in the investigated careers. Evidence also points to formalism in policy implementation and procedural and interpretative flaws of its legal provisions, which influence the percentage of Black people in these positions.

As for the decolonial perspectives on the structural racism present in the bureaucratic body, the interviews carried out presented significant contributions to the literature insofar as the participants: (i) recognize the presence and influence of structural racism in institutions in which work; (ii) reproduce, naturally, but not always intentionally, aspects of the subcategorization of colorism, which measures the intensity of the racism suffered according to skin tone or phenotypic characteristics; (iii) reveal the harmful effect of racism as an instrument of necropolitics, present, above all, in the criminal sphere, historically based on colonialism and its practices of oppression and death; and (iv) point out that White hegemony in the spaces of power impacts on diversity (or lack thereof), as it inhibits the more doomed and decolonial thinking, necessary to create, implement, and monitor, effectively and efficiently, historical reparation policies that overcome the sub-human effects of racist practices.

Thus, Afrocentric racial literacy is essential to formulate this relevant collective thought in the cultural intersection of transmodernity. It is necessary to return to Joaquim Nabuco (1999, pp. 20-21): “It is not enough to end slavery, it is necessary to destroy the work of slavery” and “[...] overcoming the widespread prejudice and making evident the debt of successive generations of Brazilians to the legacy of slavery that turned into discrimination is only part of the challenge.”

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Amanda Carolino Santos

ORCID: <https://orcid.org/0000-0002-7707-0707>

Master in public administration from the Brazilian School of Public and Business Administration of Fundação Getulio Vargas (FGV EBAPE); Procedural Advisor at the Attorney General's Office of the State of Rio de Janeiro. E-mail: amandacs2014@gmail.com

Fátima Bayma de Oliveira

ORCID: <https://orcid.org/0000-0001-5158-9546>

Ph.D. in education from the Federal University of Rio de Janeiro (UFRJ); Full Professor at the Brazilian School of Public and Business Administration of Fundação Getulio Vargas (FGV EBAPE). E-mail: fatima.oliveira@fgv.br

Gustavo Guimarães Marchisotti

ORCID: <https://orcid.org/0000-0002-7028-0015>

Ph.D. in sustainable management systems from the Fluminense Federal University (UFF); Professor at the INFNET Institute. E-mail: gmarchisotti@gmail.com

Ana Celano

ORCID: <https://orcid.org/0000-0002-4521-7399>

Ph.D. in administration from the Brazilian School of Public and Business Administration of Fundação Getulio Vargas (FGV EBAPE); Full Professor at IBMEC in Rio de Janeiro. E-mail: anacelano@gmail.com

AUTHOR'S CONTRIBUTION

Amanda Carolino Santos: Conceptualization (Lead); Data curation (Lead); Formal Analysis (Lead); Investigation (Lead); Methodology (Lead); Project administration (Equal); Supervision (Lead); Visualization (Equal); Writing- original draft (Lead); Writing- review & editing (Lead).

Fátima Bayma de Oliveira: Conceptualization (Lead); Data curation (Lead); Formal Analysis (Supporting); Investigation (Lead); Methodology (Lead); Project administration (Equal); Supervision (Equal); Visualization (Equal); Writing- original draft (Supporting); Writing- review & editing (Equal).

Gustavo Guimarães Marchisotti: Conceptualization (Lead); Data curation (Lead); Formal Analysis (Supporting); Investigation (Lead); Methodology (Lead); Project administration (Equal); Supervision (Equal); Visualization (Equal); Writing- original draft (Supporting); Writing- review & editing (Equal).

Ana Celano: Conceptualization (Supporting); Formal Analysis (Supporting); Investigation (Supporting); Methodology (Supporting); Project administration (Equal); Supervision (Equal); Visualization (Equal); Writing- original draft (Supporting); Writing- review & editing (Equal).