Policy discourses and multi-scalar interactions in curriculum development: Institutionalizing and translating ethnicity/race issues in Brazilian education
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Implementation of Law 10.639 in the Political Arena: from Institutionalization to Remobilization

Introduction
Like the last chapter, this chapter also concentrates on the issue of what discourses and multi-scalar interactions explain the uneven policy change process with regard to ethnicity/race and education (sub-question A). However, here specific interest goes to understanding, firstly, what arenas, actors and, events have (had) an effect on the process of institutionalization of Law 10.639 and the Curriculum Directives 003/2004 (empirical question a2). Secondly, attention goes to how different actors interpret and maintain or contest (the constitution of) this agenda and its institutionalization (empirical question a3). Accordingly, turning to the post-approval/regulation period of Law 10.639, this chapter analyzes the discourses of actors involved with the institutionalization and implementation of Law 10.639.

The 1988 Federal Constitution and the 1996 Education Act define the roles of several actors and institutions linked to the Brazilian education system in the provision, regulation, and evaluation of education in the country (see Appendix I for an explanation of the Brazilian education system). Moreover, as was shown in Chapter 4, Resolution 01 specifies the different tasks and responsibilities of the various political entities at different scales of Brazilian politics regarding the implementation of Law 10.639. Using these legal documents, this chapter reports on the institutionalization of Law 10.639 at the Brazilian national government level, Rio de Janeiro state level, and Niterói municipal level. The discussion is based on data (interviews and documents) gathered from actors from the official political arena acting within the Ministry of Education, Rio de Janeiro State Secretary of Education and Niterói Municipal Secretary of Education. Furthermore, actors linked to the civil society arena, operating at both the national and Rio de Janeiro state and municipal levels, were also interviewed.

The post-approval/regulation period of Law 10.639 is divided in two phases, a phase of institutionalization and network strengthening, and a phase of revitalization of networks and remobilization. In the beginning of the phase of institutionalization and network strengthening (the fourth phase in the entire process), government institutions from the official political arena played an important role in the production of knowledge and educational material at national level, as well as in its dissemination, especially through the forums created in various states and municipalities. However, as will be shown, the activities developed by actors from the civil society arena – within the civil society arena but also within the official political arena and the pedagogical arena – were the main motor behind the institutionalization of the law. Many of the initiatives emerging independent of the state also focused on the production and dissemination of knowledge and educational material, with a strong focus on developing (in-service) teacher training initiatives.

However, as dissatisfaction regarding the role of the state in the institutionalization and implementation emerged, in the phase of network revitalization and remobilization (the fifth phase in the entire process) within the Black Movement mobilization once again intensified. Figure 5.1 below indicates the two phases and the significant events that directly or indirectly marked the process of agenda-setting with regard to the institutionalization/implementation of Law 10.639.
The process and context in which these events took place will be the focus of the discussion of this chapter.

**Figure 5.1** Timeline Phases 4 and 5 (out of five) in the agenda-setting process and implementation of Law 10.639

<table>
<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Start Phase 4</strong> 2003 until 2005 and 2008 until present</td>
<td>Institutional/ network strengthening.</td>
</tr>
<tr>
<td>March 2003</td>
<td>Creation Special Secretary for the Promotion of Racial Equality (SEPPIR)</td>
</tr>
<tr>
<td>July 2003</td>
<td>Creation ‘National Technical Commission for Diversity and topics related to Education for Afro-Brazilians’ (CADARA)</td>
</tr>
<tr>
<td>July 2004</td>
<td>Creation Secretary for continuing Education, Alphabetization and Diversity (SECAD)</td>
</tr>
<tr>
<td>September 2004 - November 2005</td>
<td>Realization 21 ‘Education and ethnic-racial diversity’ state forums</td>
</tr>
<tr>
<td>2005 onwards</td>
<td>Support to (creation of) diversity divisions in state and municipal secretaries of education</td>
</tr>
<tr>
<td>November 16th, 2005</td>
<td>‘Zumbi + 10’ March</td>
</tr>
<tr>
<td>2005</td>
<td>Inclusion question race/color identity pupils in National School Census</td>
</tr>
<tr>
<td>2005 and 2006</td>
<td>UNIAFRO program I and II Government supports Centers of Afro-Brazilian Studies (NEABs)</td>
</tr>
<tr>
<td><strong>Start Phase 5</strong> 2007 until present</td>
<td>Revitalization of networks and re-mobilization</td>
</tr>
<tr>
<td>November 2007 - November 2008</td>
<td>Elaboration document ‘Contributions for the implementation of law 10.639’ by CS Movers</td>
</tr>
<tr>
<td>February 2008 onwards</td>
<td>(re)articulation/ institutionalisation ‘Education and ethnic-racial diversity’ state forums</td>
</tr>
<tr>
<td>March 2008</td>
<td>Enactment law 11.645</td>
</tr>
<tr>
<td>November 2008 - May 2009</td>
<td>Construction of Plan for Implementation by MEC</td>
</tr>
<tr>
<td>2008-2010</td>
<td>UNIAFRO III</td>
</tr>
</tbody>
</table>

The timeline figure above shows how – in the two phases indicated in the figure – the events happened mostly within institutions linked to the official political arena. However, especially in Phase 5, the civil society arena and the pedagogical arena (at the level of teacher training initiatives) also played a role. Due to the dynamics between these arenas, Phases 4 and 5 partly overlap in time. For example, the (re)articulation/institutionalization of the “Education and Ethnic-Racial Diversity” state forums that took place in February 2008 should be understood as belonging to Phase 4 (institutional network strengthening).Accordingly, also in Phases 4 and 5 the multi-scalar character of the agenda-setting and implementation process becomes apparent, as it is observed how different sub-arenas and actors were involved with these developments at different scales, sometimes simultaneously. A dynamic interaction between and mobility of actors also exists within the arenas. A good example are the multiple roles played by several Black Movement actors, acting at the same time in political/bureaucratic institutions, academic spheres, and social movement organizations.
5.1 Phase 4: Institutionalization and Network Strengthening, Knowledge/Material Production and Dissemination

The previous chapter described the gradual successes of the Brazilian Black Movement regarding the revision of existing content and inclusion of new content in school curricula. This chapter provides evidence for the fact that the claim was not accomplished by the “simple” approval and regulation of Law 10.639. As one Black Movement-linked scholar explains:

*It [the advice written by the National Education Council] was made public in 2004, and later the resolution and directives. Then a huge struggle started… a very divided struggle, where you [activists] tried to set up teacher-training programs in several faculties that met the profile... [in the faculties] where you have black activists, uh... or a professor that was linked to the Black Movement. (A9:34)*

After approval and regulation of the law at national level, the focus shifted to material development, knowledge production, and dissemination. In this period, entities and individuals within the civil society arena were mobilized in the development of teaching material and (in-service) training programs. Several of these actors (most of them linked to the Black Movement) operated simultaneously within the civil society arena and within institutions in the official political arena, such as state and municipal secretariats. This development should be seen as an outcome of the changing relationship between the state and civil society discussed in the previous chapter. In the case of the Brazilian Black Movement it relates to the increased recognition of both the agenda and expertise of members of the Black Movement beginning in the 1990’s.

The 2004 Resolution 01 has been seen not to specify the exact role national government-associated institutions should play with regard to the implementation of Law 10.639. However, when considering the role and responsibilities of institutions linked to the official political arena at the national level, the entire legal framework of the Brazilian education system should be taken into account, including the 1996 Education Act and the 1988 Federal Constitution. Parts of this legal framework relevant to understanding the role of different actors regarding the implementation of Law 10.639 will be discussed in the next section.

5.1.1 The Official Political Arena at National Level

The 1988 Federal Constitution (Brasil, 1988) and the 1996 Education Act (Articles 9-11) (Brasil, 1996) define the federal union as the party responsible for the development of National Curriculum Directives, and for the provision of financial and technical assistance to states, the Federal District, and municipalities. Moreover, the union is responsible for coordinating information processes, evaluating education, defining general norms for graduation and post-graduation, developing information and evaluation systems, and writing the National Education Plan (the latter also in collaboration with states, the Federal District, and municipalities). Within the decentralized Brazilian education system, the federal government also holds final responsibility for guaranteeing equal educational opportunities and a minimum level of quality of education at all levels. All these responsibilities are in one way or another related to the implementation of policies like Law 10.639. Entities operating within national government, such as the Ministry of Education (MEC) and the National Education Council (CNE), are the institutions that have the end responsibility of coordinating national education policies and executing the normative, redistributive, and supplementary function in relation to the other entities (Sari, 2009: 34).
Accordingly, the intention of this study was to conduct interviews with actors linked to several bodies of national government, such as the two mentioned above. However, during fieldwork in Brasilia, when trying to schedule interviews with officials from the Ministry of Education and the National Education Council, it was difficult to obtain information on whom I could contact for an interview on the issue of ethnic/racial diversity in education. People seemed not even to know what I was talking about when I referred to Law 10.639, Resolution 01, and the Curriculum Directives. Sometimes persons stated this openly, while at other times I inferred unfamiliarity from the response I got to my questions. However, whenever I referred to my interests in more general terms such as “diversity and ethnic/race relations in education,” I was advised to contact people at a certain MEC secretariat, the Secretariat for Continuing Education, Alphabetization and Diversity (SECAD). SECAD is an MEC secretariat created in 2004 for the purpose of developing and coordinating transversal and inter-sectorial policies envisioning an “inclusive development of the education system.” Focus is specifically on the valuing of differences and diversity, promotion of inclusive education, human rights, and environmental and social sustainability.\(^{148}\)

One actor working at SECAD at the time (A14:111) warned me about the difficulty I would encounter when trying to speak to members of other bodies linked to MEC, such as the National Education Council. She pointed out that many actors within the ministry would advise me to contact SECAD and to try and find the few black employees within the ministry with (possible) ties to the Black Movement, like herself. Expressing her annoyance, she argued that this could be considered proof of the lack of commitment concerning ethnicity/race issues within MEC and associated bodies such as the National Education Council.

*It works like this, for example when you approach the council [the National Education Council]: “This is for the black guy, the only black person within the council. It is not a problem of the council, but Wilson Matos’s problem” [a black member of the National Education Council] You see “This is not our problem, its SECAD’s problem. The council doesn’t have anything to do with it.” How can this be? (A14:111-118)*

Confirming the observation of this actor, SECAD was indeed my first entry-point to the Ministry of Education. Before discussing data I managed to gather within MEC in other departments than SECAD, the discussion will focus on the role of this specific department in implementing Law 10.639. Since this department was recognized by many as the actor at national government level concerned with implementation of Law 10.639, the question arises: What, exactly, did this actor do concerning the implementation of the law?

**The Coordinating Role of SECAD: Fragile and Temporary Structures**

Actions in the fourth phase, with regard to knowledge construction, material development, and dissemination, involved the (co)publication of several studies, and the collaboration in and (financial) support of a few teacher-training initiatives.

In 2004-2006 SECAD coordinated the publication of the *Educação e Diversidade Étnico-Racial* (Education and Ethnic-Racial Diversity) series. Moreover, SECAD, together with UNESCO, coordinated and edited the *Coleção Educação Para Todos* (Education For All Collection), publications desiring to promote the implementation of work with regard to affirmative actions and race issues.

in general and, in some cases, the implementation of Law 10.639 in particular (A8:38; A14).149 These publications were mainly written by (mostly Black Movement-associated) scholars and activists linked to different entities belonging to the Brazilian Black Movement.

Moreover, the coordinating role of SECAD in organizing diverse seminars around the country that subsequently led to the formation of “Education and Ethnic-Racial Diversity” forums at state and municipal level should be mentioned (A8:038). From September 2004 to November 2005 local and national actors participated in such forums in sixteen different states.150 Most participating actors were linked to SECAD/MEC, state and municipal secretariats of education, NGOs (many of them Black Movement-linked), Undime (the national body of municipal education managers), and Consede (the national council of education managers). The rationale behind the forums was the creation of autonomous arenas in which ideas and initiatives with regard to ethnicity/race and education in general, and the implementation of Law 10.639 in particular, could be exchanged between government-associated institutions, and civil society actors and organizations.

One actor, working at SECAD at the time, explains how the forum-related mobilization at state and municipal level strengthened the theme’s presence in the state secretariats of education around the country, and facilitated the dialogue between these and MEC/SECAD (A8:11-16). The actor stated:

_We located and selected people working with gender, race, ethnicity, with indigenous issues, with the issue of rural education. And through these persons we established a dialogue and strengthened the theme within the secretariats of education. This was fundamental. These persons were also strengthened by this dialogue with the Ministry of Education. They acquired new knowledge based on MEC’s actions, the production of materials, the forums. [...] At the same time, we from MEC, we at least had someone to talk to, someone to send material, to request information from, someone to divulge actions of the Ministry of Education to.”_ (A8:78-84)

As to training programs, in 2006 a pilot of the training program _Gênero e Diversidade na Escola_ (Gender and Diversity in the School) was launched. In the design of this training program SECAD/MEC collaborated with the Special Secretariat for the Promotion of Racial Equality Policies (SEPPIR), the Special Secretariat for Women’s Policies (SPM), the Secretariat of Distance Education (SEED/MEC), the Latin-American Centre for Sexuality and Human Rights at Rio de Janeiro State University (CLAM/IMS/UERJ), and the British Council. A total of 1200 education professionals151 from six different municipalities participated in the pilot project (Cavalleiro, 2008: 68).152 153

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149 See Appendix V for an overview of the titles. My analysis has shown that from a total of 33 publications existing in February 2011, 15 include the thematic of race/ethnicity issues as (one of the) main topic(s), being six of these more focused on Afro-Brazilian issues, six on indigenous issues and three containing both themes or more general discussions on diversity.

150 These forums were held in the states of Goiás, Mato Grosso do Sul, Minas Gerais, Rio de Janeiro, São Paulo, Paraná, Rio Grande do Sul, Santa Catarina, Alagoas, Amapá, Amazonas, Pará, Rondônia, Tocantins, Bahia, Maranhão, and Piauí (see also Rosa, 2012).

151 In addition to teachers, the school education managers and pedagogical coordinators also participated in the program.


153 From 2008 onwards the course was included in the program of the _Universidade Aberta do Brasil_ (UAB) (the Brazilian Open University). Coordinated by MEC, it was given at various public universities (SEPPIR:
Besides the publications, the forums, and the aforementioned teacher training initiative, SECAD/MEC also played a role in financially or logistically supporting projects of a number of NGOs and research groups working on knowledge and material production and dissemination. Most of these initiatives were financed by the government through the UNIAFRO program (A9:36-38). This was the case, for example, in the support given to research and training activities of the so-called Nucleus of Afro-Brazilian Studies (NEAB) operating within some universities in the years 2005, 2006, and 2008. Through the UNIAFRO program, SECAD/MEC also financially supported the teacher-training program *Educaadores pela diversidade* (Educators for Diversity) in 2004 and 2005, and the in-service training program *Educação Africanidades Brasil* (Education Africanity Brazil) in 2006 (Brasil, 2008a; Brasil, 2008c:17).

Apart from the UNIAFRO program, in 2005 MEC/SECAD also supported the *Cor da Cultura* (the Color of Culture) in-service teacher training program, developed by the Roberto Marinho Foundation, by distributing the program training material through its state and municipal secretariats of education.

In sum, while SECAD/MEC took some action regarding knowledge and material production and dissemination, in a majority of cases the institution only played a role in financially contributing, or logistically supporting, initiatives initiated within the civil society arena, and the pedagogical arena.

Keeping in mind that the federal union is the principal party responsible for the definition of general graduation and post-graduation norms and the development of information and evaluation systems at the level of higher education (Brasil, 1988, 1996), it is striking that no structural state efforts can be found in this period concerning the reformulation of higher education programs and pre-service and in-service teacher training courses. As has been stated earlier, according to Resolution 01 higher education institutions providing pre-service and in-service teacher training are in charge of the translation of the legal instruments in the curricula at state and municipal levels. However, at the time structural financial and organizational support was lacking for these tasks, and for evaluating how national government-linked entities were carrying these out.

Moreover, of the few initiatives that emerged from 2003 onward, many stagnated after 2006 (A8:37-46; A9; A22). The year 2007 was a year in which no Education and Ethnic-Racial Diversity state forums were held, the UNIAFRO program was frozen, and no new bibliographic productions were published by MEC/SECAD that included the theme of ethnicity/race issues as (one of the) main topic(s). In the view of some actors this indicates that the ethnicity/race and education policies that emerged in the first period of the Lula government (2003-2006) remained government policies dependent on actors and commissions created especially by the new government, instead of...
state policies structurally integrated in its various institutions (A22).

However, in 2008 there was some renewed activity, such as diversity forums being reorganized, a number of new publications,\(^{159}\) the launch of the third edition of the UNIAFRO program, and some (teacher) training activities.\(^{160}\)

Employees and former employees of MEC/SECAD and other entities at work within the official political arena in 2004-2006 (A8; A9; A10; 61) argue that the stagnation of most activities and programs in 2006-2008 was due to the fact that at the time the Ministry of Education did not include work regarding the dissemination and implementation of Law 10.639 in its budget. The activities relating to knowledge production, content definition, and dissemination realized in 2004-2006, such as the promotion of studies and publication of books mentioned above, were financed with excess funds from the “Diversity in the University” program\(^{161}\) (A8:37-46). When that program ended in 2006 (and the funds thus became available, of which 27 BRL million came from the Inter-American Development Bank), most of the material, knowledge, and research production work in SECAD was frozen as well (see also Almeida, 2008: 79). Some even argue that without the money from the “Diversity in the University” program SECAD would never even have been created, as there was no separate budget for the activities of the secretariat (see also Almeida, 2008: 79-80). The revision of the internal structure of SECAD in 2007, and the stagnation of activities and programs, and changes in the distribution of tasks and responsibilities (between SECAD and the other five secretariats within MEC\(^{162}\) regarding the implementation of Law 10.639 in particular, should according to some therefore be understood as related to the end of the “Diversity in the University” program in 2007 (Almeida, 2008: 83-84).

Besides the lack of financial resources for specific activities and the related fragile institutional structure of the secretariat, many actors questioned or criticized the working model MEC adopted with the creation of SECAD. A lack of integration of the work related to ethnicity/race issues across the entire ministry was perceived.

In 2003 a National Technical Commission for Diversity and Issues Related to Education for Afro-Brazilians (CADARA) was created. One of the objectives of this commission was to support and strengthen implementation of public policies related to the ethnic/racial theme within MEC (Brasil, 2008a). In 2004, the “Chamber for Diversity in Education” was also created, made up of delegates from every secretariat within MEC. The objective of this chamber was to “institutionalize mechanisms for the adequate integration of the actions tasked to the different entities within MEC and linked entities” (Cavalleiro, 2008:23). However, none of the actors I spoke with referred to a possible role these institutions had to play in the interaction between SECAD and MEC, and the institutionalization of Law 10.639 within the structure of MEC as a whole. In fact, actors referred to structural problems within MEC which were responsible for work on implementing Law 10.639 (A14; A8; A9) stagnating. They also questioned the rationale behind the creation of SECAD, and the relationship of this secretariat with the other five secretariats within MEC in this regard. In order to understand these criticisms, the rationale behind the creation of SECAD and objectives formulated for it will be discussed.

\(^{159}\) The document “Balanço da ação do Governo Federal para a implementação da Lei 10.639/03” (Brasil, 2008a) indicates that in 2008 five publications saw the light. However, one of the actors, working at SECAD at the time, explains that two of these publications, part of the Coleção Educação Para Todos series, had already been produced and financed by SECAD/MEC in 2006 (A8:48). Therefore I count only three publications in 2008.

\(^{160}\) In 2008, for example, the Gênero e Diversidade na Escola course was relaunched (see section 5.1.1).

\(^{161}\) See Chapter 5.

\(^{162}\) See Appendix I on the Brazilian education system.
**SECAD: Strengthening or Marginalizing Minority Issues?**

Ricardo Henriques, head of SECAD from its inception until August 2007, defined the goals and means of the secretariat as follows:

> [the goal is] to contribute to the acceleration of historical time, reducing inequalities in higher speed than the speed in which the normal system advances, make that those who are in disadvantaged positions [in society] develop faster than those that are in good positions. Make that everybody improves, but those in disadvantaged positions more [...] To make this come true, the essential thing to do was to bring together [in SECAD] all those sectors that, due to the fact that this is considered a non-priority issues on the [different department] agendas, were dispersed and fragmented. (Almeida, 2008: 81, author’s italics)

An 18-year veteran of MEC, who worked since its beginning for the Coordination Office on Diversity in SECAD’s Department of Diversity and Citizenship, experienced the birth of the secretariat. Reflecting on the rationale behind the creation of SECAD she stated:

> The administration used to say that Brazilian society has some debts to the country, to the population of this country. The debt to the indigenous population, to the black population, and to illiterate. [...] The concern with human rights, the concern with the environment... [...] SECAD was given the task of joining all these segments of the population that have a problem, or all those things that have a problem in this country. (A14:14)

The two accounts illustrate that a conscious choice was made when bringing together all the inequality/minority issues to be dealt with by a single secretariat. Issues such as racial inequality were already recognized at the time to be “non-priority issues” within the education system in general, and within the different departments of MEC in particular. Before the creation of SECAD, there was no special commission or department within government that worked specifically on policies or programs regarding racial inequality and the disadvantaged situation of Afro-Brazilians in education (A14:8). Instead of investing in the integration and strengthening of work regarding these issues in the different departments, the decision was made to “migrate” them to a new secretariat. Since SECAD works with issues closely related to interest of diverse social movements, such as, for example, the Brazilian Black Movement, the indigenous movement, and those of women, rural workers, and environmentalists, one objective of the secretariat was to encourage close interaction with organized civil society (A14:12, see also Almeida, 2008: 85). Accordingly, it should come as no surprise that responsibilities regarding Law 10.639 were also passed on to SECAD.

At the time I was conducting fieldwork, responsibilities with regard to the implementation of Law 10.639 lay mainly with one SECAD department. Until December 2008, this was a special division called “General Coordination of Diversity and Education Inclusion” (CGDIE), that was

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163 Looking for further information about the organization of and developments in the secretariat in June 2011, I found out that the secretariat had been restructured, and also had changed its name. The reason for the restructuring seems to be the closure of the MEC Secretariat of Inclusive Education (Seesp). Actions and programs related to inclusive education became part of the responsibilities of SECAD, therefore adding “inclusion” (Inclusão) to its name, now becoming the “Secretariat of Continuing Education, Literacy, Diversity and Inclusion,” or SECADI (for clarity, in this book I will keep referring to SECAD, as this was the name of the secretariat at the time I conducted fieldwork). At the time of writing (2011), the organizational structure of SECAD comprised four divisions: 1) the division of policies for rural education and diversity; 2) the division of policies for literacy, youth and adult education, 3) the division of policies for human rights and citizenship, and 4) the division of policies for education for people with special needs (or “special education”) (Brasil 2011:4).

164 At the end of 2008 (the period in which I conducted fieldwork in the institution), the responsible department’s name had changed to “Department of Education for Diversity” (Dedi). However, no changes with regard to attributed tasks were mentioned on the MEC website.
part of the Department of Education for Diversity and Citizenship (DEDC). At the time the objectives of this department were defined to be:

[to] plan, orient and accompany the formulation and implementation of education policies, taking into account the diversities of ethnic-racial groups like indigenous groups, the Afro-Brazilian population in urban and rural areas and, in this case specifically, the communities in the quilombo165 areas. In this sense DEDC dedicates special attention to the education of Afro-Brazilians, as like to other matters linked to anti-racism in Brazil, thereby contemplating the implementation of Law 10.639. These objectives are part of the tasks of the General Coordination of Diversity and Education Inclusion. (Henriques, 2005: 7)

When looking at the way the main responsibilities of SECAD are currently formulated166 the fact is striking that no explicit reference is made to tasks regarding (the implementation of) Law 10.639, or to statements referring to the focus of that law (such as Afro-Brazilians, Africa, and race relations and/or racism in education). However, reference is made to the promotion of “the formulation and implementation of public policies that objectify the valuing of differences and diversity.” (Brasil, 2011: 27).

Coming back to the critique of the working model MEC adopted by creating SECAD, some actors argue that the work regarding implementation of Law 10.639 should not be part of a secretariat like SECAD at all. The importance of integrating the issue and involving all five secretariats within MEC in the work regarding the implementation of Law 10.639 is emphasized by some (A8, A9, A14:44). For example, one of the former SECAD civil servants stated: “Crucial for the implementation of the law is investigation of the ways in which MEC is in fact trying to establish a dialogue with and between the other education secretariats in its structure. Because if it only stays at the level of the coordination [SECAD], if it [MEC] does not succeed to insert it [implement Law 10.639] in the other secretariats, you in fact won’t have implementation of the law” (A8:104).

Many actors confirm that this integration does not exist. Since the creation of SECAD, the other five MEC secretariats now immediately pass on issues concerning racial inequality or the Afro-Brazilian population to SECAD. One actor who also worked at SECAD in 2004-2006 frames it in this way: “The fact is that there is a situation in which you try to implement the law. However, this implementation doesn’t gain space within the government institution self. [...] There is no internal directive within the Ministry of Education that states ‘Let’s create these spaces for implementation of the law.’” (A9:36). One actor argues that this model of non-integration of race issues within the whole institution is part of a conscious strategy of the power holders. Characterizing SECAD as “an appendix without a link,” he states: “Now we are waiting for the power holders to struggle for the implementation of this law, while it is only the

165 quilombos are settlements in Brazil founded by people of African origin. Most of the inhabitants of quilombos (called quilombolas) are (descendants of) people who escaped from contexts in which they were enslaved.

166 The five main responsibilities of SECAD are currently defined as: “I. plan, orient and co-ordinate, in articulation with the education systems, the implementation of policies for literacy, education of youth and adults, rural education, school education for the indigenous population, education in quilombo areas, human rights education, environmental education and education for people with special needs; II. promote, in collaboration with the education systems, the formulation and implementation of public policies that objectify the valuing of differences and diversity, the promotion of inclusive education, of human rights and sustainable development; III. implement activities of technical and financial collaboration between the Union, the States, Municipalities, Federal District, and national and international institutions, in work regarding literacy and education for youngsters and adults, in rural areas, education for the indigenous population, education in quilombo areas, human rights education, environmental education and education for people with special needs, and IV. co-ordinate activities regarding continuing education, literacy, diversity, human rights, inclusive education and environmental education, though the articulation with governmental and non-governmental institutions, objectifying the carrying out of public policies between sectors” (Brasil, 2011: 27).
Black Movement fighting for this cause. That is why the appendix is the way it is, because this in fact is a way to say “Let it go, we go on the way we do, and we just don’t worry about that” (A10:53).

Referring to a conscious strategy, the creation of SECAD is even explained by some actors as motivated by the objective of demobilizing the Black Movement and other social movements. One scholar and Black Movement activist, himself an ex-SECAD civil servant, states for example: “I understand it more or less like this: it is logical that it was an advance [the creation and existence of SECAD] and it still is an advance, but it is also a demobilizing factor in the sense that it starts to set this agenda [on the combat of racial inequality] and tries to transform the campaign agenda in programs, programs without continuity. As such, this process is very complex” (A9:36).

Emphasizing the important role of managers within MEC, one actor explains that one of the ways that the conscious strategy (of non-acting) of government is expressed is in the lack of initiative and responsibility on the part of MEC in developing policies together with state and municipal secretariats (A8:74). She argues that the main role of MEC, as the “articulator of the education system,” is to engage in this dialogue with the state and municipal secretariats. She emphasizes that actors within MEC are very conscious of the fact that the secretariats and the management teams in the state and municipal secretariats do not have sufficient knowledge to operationalize initiatives like Law 10.639 (A8:74). Although many secretariats at present have a team member that deals with the issue (often a black person, linked to or supportive of the Black Movement), the fact is – something which has been also confirmed by the fieldwork conducted in Rio de Janeiro – that these “diversity coordinators” in most cases do not have enough financial and human resources for the effective enactment and implementation of these policies (A8:60). Therefore this actor concludes:

*It is a form of administration, it was a choice, a choice made by managers at the Ministry of Education. In the same way they concentrated the actions in SECAD, they could have chosen as well for a division, for really spreading the theme in all the programs, in all the actions. But this interest wasn’t there. This desire wasn’t there. I believe there was no ingenuousness involved. I believe this is a conscious, planned decision, organized in the sense of “Let’s leave this theme for SECAD and then the ministry will have done its job. Then MEC will be prepared for working [with the theme] in education. SECAD will take care of diversity.” As if diversity in education can be isolated! That’s impossible!* (A8:108)

Two actors, at the time of fieldwork still working at SECAD/MEC, argued that during Lula’s second term (2007-2010) the collaboration on this topic between SECAD and the other five MEC secretariats improved. They argue that SECAD members from then on succeeded in better explaining the rationale behind the law, specifically that it is not meant to be a law for only one segment in society (the Afro-Brazilian population), but for everyone (e.g., A14:99). Actors who had left SECAD in the meantime (some of them already quoted above), however, refer to the continuing existence within MEC of strong resistance and conscious strategies of not giving legitimacy to the issue of Law 10.639. Such resistance is most often expressed in indirect ways. One example mentioned by some of the Black Movement-linked actors is the transformation of Law 10.639 into Law 11.645 in March 2008 – a process in which MEC was involved, together with other institutions from the official political arena at national level. The enactment of Law 11.645 was an answer to a demand by the indigenous movement to also include teaching on indigenous history and culture in the national primary and secondary education curricula. Law 11.645 makes a small revision to the text of Law 10.639 (which, as discussed earlier, was in itself already an amendment to Article 26-A of Law 9.394, the 1996 Education Act), adding reference to indigenous history and
culture in the law. Not censuring the legitimacy of the indigenous movements demand per se, Black Movement-linked actors criticize the fact that the process of transformation of one law into another allowed the emergence of fresh bureaucratic procedures and bottlenecks (e.g., A1:8-28).\footnote{In fact, as will be seen later in this chapter, the enactment of Law 11.645 did not mean that Law 10.639 was substituted by Law 11.645 in political discourses. This could be explained by the fact that the new law was enacted in the period when the remobilization process regarding the implementation of Law 10.639 had already started.} Therefore, these actors identify the enactment of Law 10.645 as part of the strategy of power holders, who enjoyed the opportunity to again slow down the implementation process. As one actor stated: “It is strategic. It is a way to complicate matters without looking for direct confrontation” (A1:19).

The still widespread resistance to race-based education policies such as Law 10.639 was confirmed. The same actor quoted above argued: “If MEC does not do it [take initiative regarding the implementation of Law 10.639], it won’t be the state and municipal secretariats of education, the managers, most of whom are resistant to and against this law, against the implementation of the law. In this way, if you don’t in fact have the Ministry of Education promoting the work, it [implementation] won’t happen” (A8:58-60). A condition for promotion, however, is the integration of work regarding Law 10.639 in the overall structure of MEC, as put by the same actor: “[…] it is a fact that if MEC doesn’t manage to absorb it, it won’t be able to make the secretariats [state and municipal secretariats of education] absorb it. Because in this way it will show that it is incapable of working within the very same structure that is its own domain in the first place […]. How then will it manage to do that in the secretariats, where it in fact does not have the power to interfere?” (A8:104). Among actors supportive of Law 10.639, the idea is widely shared that the role of MEC should be one of promoting dialogue.

This situation made all the Black Movement-linked actors who were especially invited to work in SECAD after its creation (A8; A9; A10) decide to step out of the official political arena and once again concentrate on activities related to framing the issue, both within the civil society arena and the pedagogical arena.

\subsection*{5.1.2 The Official Political Arena at State and Municipal Levels}

The previous section discussed the (failing) role of institutions linked to the official political arena at national level. Special focus was on MEC and its secretariat SECAD, and on the coordinating responsibilities of these institutions regarding institutionalization and supervision of the implementation of Law 10.639 and the Curriculum Directives. In this section, data collected in the official political arena at Rio de Janeiro state and Niterói municipal level are discussed. The focus now turns to the role played by institutions within the official political arena at these regional and local scales in the implementation of Law 10.639 and related instruments.

Chapter 4 clarified that Resolution 01 specifies the responsibilities of the different actors in the Brazilian education system regarding the implementation of Law 10.639. Building on the responsibilities as defined in the 1988 Federal Constitution and the 1996 Education Act where state and municipal governments are given first responsibility for the provision of primary education,\footnote{See Chapter 1 and Appendix I for a more extensive discussion on the Brazilian education system and the different responsibilities of the three scales of governance.} it emphasizes the responsibility of state and municipal institutions regarding twelve issues. Reference is made to responsibility for the regulation of the Curriculum Directives at the local level, and for supervision, provision of material and financial conditions, stimulating research and exchange of experience, examining discrimination, editing of books, dissemination of the Directives, and reporting back results to national government (see Table 5.1 below).
Table 5.1 Responsibilities of the state and municipal education systems regarding implementation of Law 10.639 – main issues

<table>
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<tr>
<th>Responsbility</th>
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<tr>
<td>Regulate curriculum directives at local level</td>
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<tr>
<td>Support/supervise education institutions and teachers in their tasks</td>
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<tr>
<td>Provide material &amp; financial conditions for schools, teachers, and pupils</td>
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<tr>
<td>Stimulate research</td>
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<tr>
<td>Exchange experiences between schools</td>
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<tr>
<td>Establish communication channels with other groups that provide teacher training and research on the issue</td>
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<tr>
<td>Define measures that guarantee Afro-Brazilian pupils’ right to quality education</td>
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<tr>
<td>Examine/take providence with regard to discrimination</td>
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<tr>
<td>Create education context that recognizes, values, and respects diversity</td>
</tr>
<tr>
<td>Orient/supervise the development and editing of books and other teaching material</td>
</tr>
<tr>
<td>Promote dissemination of curriculum directives in periodical activities at schools</td>
</tr>
<tr>
<td>Communicate results obtained during periodical activities at schools to MEC/SECAD and CNE</td>
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</table>

Resolution 01 clearly builds on the responsibility of the states and municipalities regarding the exact definition of curriculum content of basic education at local level. Based on this legislation, local governments are responsible for legislating concurrently and supplementary to nationally defined legislation and plans on matters related to their own educational systems in their own areas of jurisdiction. Federal legislation (like the constitution and the 1996 Education Act, including amendments such as Law 10.639 made to the latter) must always be respected. Moreover, state and municipal education councils are also responsible for the supervision of the implementation of the national and local legislation.

Besides being responsible for maintaining and organizing their own education system, according to the same legal documents states are also responsible for the provision of secondary education, and for the evaluation and supervision of higher education courses and institutions in the state system. The above is relevant when considering enactments concerning Law 10.639, as within higher education institutions future teachers are trained, and this is also where in-service teachers can follow specialization or post-graduation courses. Moreover, local governments are responsible for teachers’ salaries and the definition of teacher career structures.

As was discussed in Chapter 4, due to political developments in the 1980’s, local governments in Brazil increasingly started to play a role in policy innovation. This was also the case regarding combatting racial inequality in – and promotion of equality through – education. In some regions of the country, actors and arenas linked to the state and municipal official political arenas started to play a positive role concerning agenda-setting on race in education. Consequently, even before the federal government formulated national and regional policies in this area, various states and municipalities introduced measures with contents similar to Law 10.639. Rio de Janeiro state and Niterói municipality are not mentioned here.169 Fieldwork realized in the official political arenas at both state and municipality level made clear that – although in the recent past some

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169 In 1990, the municipality of Rio de Janeiro instead was mentioned as one of the four local governments introducing measures to eliminate gender, racial, and social stereotyping in education, banning the use of textbooks and other materials that spread prejudice and racial discrimination.
remobilization processes had taken place – at the time of the fieldwork dealing with the implementation of Law 10.639, this was not yet integrally institutionalized.

The data collected during fieldwork conducted in the political districts in late 2008 and in 2009 brought to light that few of the responsibilities have been realized which are referred to in the resolution, the 1988 Federal Constitution, and the 1996 Education Act regarding the implementation of Law 10.639 specifically, and policy implementation in general. The development of the National Curriculum Directives, nor the regulation of Law 10.639 at local level was conducted at either Rio de Janeiro state level or Niterói municipal level. Moreover, fieldwork in the Rio de Janeiro State Secretariat of Education, the State Education Council, and the Niterói Municipal Secretariat of Education confirmed the unfamiliarity of many actors with race issues in education in general, and Law 10.639 in particular. Especially the higher level actors in, for example, the State Secretariat of Education and the State Education Council appeared to know little or nothing about the existence and contents of the law, nor anything about the history behind it.

Data collected at state and municipal level yield a similar picture to the one that emerged at national level: Law 10.639 was not institutionalized and work regarding its implementation was not integrated in the institutions. At national level, within the ministry of education, SECAD was the only department dealing with race issues in education in general, and Law 10.639 in particular. At state (Rio de Janeiro) and municipal (Niterói) levels too, for information on these issues I was directed to the special departments, commissions, and divisions that deal with diversity and ethnicity/race issues. Consequently, it was not surprising that actors working within SECAD confirmed that they never received any updates on a resolution or regulation made by Rio de Janeiro state or Niterói municipality – an obligation of these bodies, as stated in Resolution 01 (A15:39).

At the Rio de Janeiro State Secretariat of Education I interviewed the undersecretary of education, three members of the technical team, the general secretary of the State Education Council, and the head of the school inspection. In Niterói municipality I spoke with a member of the technical team of the Municipal Secretariat of Education. The following sections focus on the views two actors have – one from the Diversity Coordination Office within the Rio de Janeiro State Secretariat of Education, and the other a member of Education and Ethnic-Racial Diversity unit of the Niterói Municipal Secretariat of Education – on the implementation and enactment concerning Law 10.639 in their institutions.

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170 In 2005, in response to a request by the Public Ministry, the State Council of Rio de Janeiro state (CEE) drafted an advice regarding Law 10.639, Advice CEE no. 158/2005(N). However, careful reading of this document shows that it does not regulate the law in the sense of translating it to the local context. This is stated in the concluding paragraph: “Independent of the regulation, and while there is no specific material edited for each system, the teaching about the Afro-Brazilian History and Culture is obliged in all schools for primary and secondary, public and private education in the state of Rio de Janeiro (Art. 26-A from Lei Nº 10.639 de 09/01/03). The implementation should be developed through contents, competences, attitudes and values, to be established by the education institutions and its teachers, in the form of curricular components in Art Education, Literature and History of Brazil (Art. 3 from the Resolution)” (PARECER CEE Nº 158 /2005 (N), Estado do Rio de Janeiro, 2005: 3). The general secretary of the State Education Council confirmed during an interview that at the time the council was approached by the Public Ministry a discussion arose in the council, adding: “But it was not considered necessary to modify the way in which the law was drawn up at national level” (A20).

171 Actors working in the Niterói Municipal Secretariat of Education also confirmed that the Niterói Municipal Council did not draft a regulation for Law 10.639 until December 2009 (A21:129-133).

172 This was not particularly referring Rio de Janeiro state and municipality, but a general observation.
Institutionalization in the Rio de Janeiro State Secretariat of Education & Niterói Municipal Secretariat of Education

In 2006, an advisory commission on ethnic/racial diversity was set up within the Rio de Janeiro State Secretariat of Education. At the time of the interview the commission consisted of one individual (A18), a black woman and Black Movement activist, who at the moment of the interview had worked for the secretariat for ten years. In her present position this actor could dedicate her work exclusively to ethnicity/race issues in education, in particular the implementation of Law 10.639 and education in quilombo communities. However, she described how, being on her own, she was limited in the way she could work effectively with the 1650 schools in the state of Rio de Janeiro on ethnicity/race issues in education in general, and on the implementation of Law 10.639 in particular. Therefore, in 2007 she created a committee consisting of teachers – of whom many were black individuals linked to local Black Movement initiatives – from different state schools in the thirty different regional districts within the state. This committee helped her in communicating with the schools (A18:19-20). She emphasized the importance of partnerships with university centers (mainly Nucleus of Afro-Brazilian Studies [NEABs]) and NGOs for the execution of the work of the commission.

With regard to the implementation of Law 10.639, actors confirmed that there were still schools in the state of Rio de Janeiro that remained unaware of the law (A18:18). One of the main problems related to the implementation of the law was that practical teaching material for the schools did not arrive at the secretariat until 2006 (A18:16). At the time of the interview, schools were still waiting for new textbooks that dealt with the contents of Law 10.639 (A18:69,149).

According to the aforementioned commissioner the focus of her work on the implementation of Law 10.639 concerned establishing dialogue and promoting the exchange of experiences between the secretariat and schools, and between the schools themselves (A18:18). She also confirmed she was involved in the re-articulation and formalization of the state forum on ethnic/racial diversity (A18:19-20). In addition, by conducting a survey in 2008, she started to map the work effectively being carried out in the state schools related to Law 10.639 (A18:108-124). The interview demonstrated, however, that there were still many other ideas and plans that were not yet realized, due to a lack of human resources and institutional support from inside and outside the secretariat.

In the Niterói Municipal Secretariat of Education, an Education and Ethnic-Racial Diversity Division was created in December 2008. At the time of fieldwork, five actors from within the municipality were officially associated with this division. In practice, however, only one actor (A21)

173 I mention this here as she herself stated that in the interview she talked in terms of “we,” such as in “When I talk like that, using the word ‘we,’ I refer both to my experience as activist and black woman and as education professional” (A18:10).

174 The interview was held in September 2009.

175 Before the creation of the advisory commission, the same actor worked for the Differentiated Schools Coordination Office in which the focus, besides on ethnic/racial diversity and schools in quilombo communities, also went to education in indigenous communities and in prisons. I was informed by the undersecretary that future restructuring of his department would re-establish this format, bringing together “different issues that have to do with diversity... not only regarding race, but [...] we will also cover issues regarding diversity and rural education, quilombolas [education in quilombo communities] and other forms of education for minorities, also the indigenous population” (A17:9).

176 Accounts of other actors also confirmed the non-implementation. For example, one actor working within SECAD/MEC explained that she never received any communication from one department associated with one of the education systems in Brazil concerning Article 8 of Resolution 01 (see above) (A15:39).

177 Other accounts, also from actors in the schools, made me understand that before that time there was one actor, a black women and Black Movement activist (retired some years before my fieldwork started) who executed similar work – however as far as I understood her function was never made official through the creation of an NEAB or similar entity.
had her other duties within the secretariat reduced in order to effectively be able to execute related tasks. The main focus of the divisions work at the time of the interview was implementing Law 10.639. For its execution there was a direct relationship with the 103 municipal schools. At municipal level in Niterói there was no other department working with the schools on implementation of the law. Work concentrated on the incidental organization of small-scale teacher-training events, the development and dissemination of teaching material, and on supervision, support, and stimulation of – positive – practices (A21:75,89,95,125). In these activities the division developed various partnerships with NGOs and university centers (A21:55). This collaboration is also one of the points included in Resolution 01, accordingly the municipality actors affirmed it to be essential, as within the secretariat sufficient knowledge and expertise on the issue was lacking. Moreover, it was also said to be a necessity due to financial restrictions within the institution regarding working on this issue.

The creation of both units at Rio de Janeiro state and Niterói municipality and the developments within these are a sign of some kind of institutionalization of the issue at state and municipal levels. However, both the advisory commission within Rio de Janeiro State Secretariat and the diversity division in the Niterói Municipal Secretariat encountered similar problems to the ones SECAD had at national government level. Like the national secretariat, these two bodies were also given a wide variety of responsibilities and diversity issues to deal with (A21:17). In addition, actors in both institutions indicated a lack of human and financial resources to execute their plans (A21:17,39,99,121), and the need to struggle within their institutions to keep the issue on the agenda (A18:10; A21:47,121). In that sense, it became clear that in the official political arena at state and municipal levels too, working with race issues in education in general, and the implementation of Law 10.639 in particular, was no priority issue (A21:175).

Consequently, the interviews held with actors in Rio de Janeiro state and Niterói municipality made clear that initiatives in the state and municipality regarding the implementation of Law 10.639 are still small-scale and not structural. Even the undersecretary of the Rio de Janeiro State Secretariat of Education confirmed that the law was not being complied with “completely” (A17:74). He admitted a lack of more structural change within educational institutions:

*What I know that exists are those isolated small-scale initiatives, like “Ooh! They approved the law […] so let’s organize teacher training. Let’s…” Then they get together 200 teachers in a region and give them training, then they get together 200 in another [region]. But then the teacher returns to school and the curriculum is still the same. Of course he can change the planning for his class, but the curriculum was not discussed with the pedagogical team, with the secretariat [the State Secretariat of Education].* (A17:77)

Both the actor in the Rio de Janeiro state advisory commission and the one in the Niterói municipal diversity division encountered difficulties in the implementation, and observed insecurity among actors at school level on how to work with the law (A18:71; A21:71-73). However, they defined their strategies and the role of their institutions in this regard in completely different ways. These distinct understandings and strategies indicate the lack of alignment and dialogue between the institutions linked to the different scales of government, a fact that in itself seems to be related to the low degree of institutionalization of the entities themselves. However, both at state and

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178 One actor explains how, to her view, there are different degrees of institutionalization. She explains for example that a coordination office is a more powerful department than a special division or unit (A21: 111). However, she could not explain me the status of a coordination office.
municipal levels, a rise in initiatives connected to the implementation of Law 10.639 was mentioned, specifically the emergence of a certain network of people, most of them involved in teacher training, research, and development of teaching material (e.g., A18:73). In addition, the education and ethnic-racial diversity state forums, the main communication channel between (different actors at) state and municipal levels, began to be brought back to life in 2008 (A18:19-20; A21:127), coordinated by the State Secretariat of Education.179

Parallel to this revitalization, the existence of Law 10.639 and the legal instruments that followed (the Curriculum Directives, Resolution 01, and later the Plan for Implementation, the latter to be discussed in Phase 5), were observed to have helped strengthen the agenda concerning Law 10.639 at both state and municipal levels. Actors in both the state commission and the municipal diversity division describe how they use the legislation as a tool to strengthen their practices. For example, the Niterói division coordinator explains how in communicating actions towards implementation of Law 10.639 she makes reference to the existing legislation concerning Law 10.639:

> Whatever I do, I base my actions on the legislation. Because if not... sometimes the persons are not... some even think I am inventing something, that is something some people also use by ways of resisting: “But how did you came up with this? Aren’t you exaggerating?” Then I say “No, it is in this and that law, in the plan, you want to see it?” I always put it that way. “Those goals are defined in the plan.” (A21:45, see also A21:47)

The last quote is an example of how the legislation helped to institutionalize the issue – even though still on a very small scale. The legislation facilitated the creation and formal recognition of spaces and organizations within the official political arena that work on the issue, such as the commission and diversity division referred to above. Now officially recognized bodies, at least they have some space, time, and budget guaranteed. This also resulted in more formalized partnerships with external actors such as university centers and NGOs being able to be established (A21:121,124-125).

**New Appendixes, Remaining Structures**

In contrast to the actors linked to the special divisions at state and municipal levels, and to SECAD, higher-level actors in all three official political spheres did not know much or anything about the existence, the contents, and/or the history behind Law 10.639. All higher-level actors I spoke with in MEC, the State Secretariat of Education, and the State Education Council180 could not inform me about what specific actions these institutes took regarding ethnicity/race issues in general, and the implementation of the law in particular (A17:50,77).181 These actors were not able to update me on the issue of whether and how schools in their district worked with the law. Actors working at SECAD confirmed my impression, referring to their own experiences in working together with representatives from MEC, the National Education Council, and the state and municipal

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179 However, actors affirm that even after having been re-articulated in 2008, problems of continuity exist due to low participation rates, and lack of active engagement of institutions linked to the official political arena (A21:105-107,109).

180 In MEC I interviewed a special advisor working in the minister of education’s cabinet. In the State Secretariat of Education I spoke with the undersecretary of education and the general secretary of the State Education Council.

181 At municipal level in Niterói I did not manage to speak to a higher-level actor; however, the account of the member of the Ethnic-Racial Diversity Division made it clear that it was the only department in the secretariat working on the law. She explained to me as well that in reply to her request to regulate the law at municipal level, the Municipal Education Council asked her to provide the department with the documents that explained the legislation (A21:129), a fact that illustrates the general unfamiliarity with the law.
secretariats of education. One actor, for example, stated regarding the National Education Council, and the state and municipal education councils around the country: “I will tell you something, if it [Resolution 01 and the Curriculum Directives] at least were read, that would already be fantastic! But what I perceive in meetings is that those people do not even know that the Curriculum Directives exist!” (A14:89). It is interesting to note that all higher-level actors did describe their own institutions as involved with the issue. However, analyzing the accounts shows that definition of this engagement is based on a non-consideration or lack of understanding of the rationale behind the policy initiatives. This is illustrated, for example, by the account of a high-positioned advisor working in the Ministry of Education. Analysis of the discourse of this actor – who gives a picture of a ministry actively engaged with ethnicity/race issues – shows how the rationales behind the MEC agenda on ethnicity/race are rather different than the rationale behind policies such as Law 10.639, as described in legal documents and by actors engaged in its formulation and implementation. During the interview, the MEC advisor explained that because there was strong resistance to race-based (education) policies within the government of president Cardozo, at the time the professional team within MEC was opposed to it too. With the change of government in 2003, and the general defense of race-based policies in the political discourse of the PT, the attitude of the professional team of MEC also changed. When I asked the advisor what this change of government discourse meant for his work within MEC he stated: “I am very flexible in this. I am not radical, nor am I someone that would defend something ‘tooth and nail,’ you know. During the former administration I represented… I argued against [race-based education policies] with the arguments of opponents And today I can speak in favor with the arguments of someone in favor, although making some observations too.” (A16:25).

Analysis of the above cited interview, and triangulation of the statements with other data gathered, confirms the fact that diversity issues in general, and issues related to Law 10.639 in particular, were not integrated at all within MEC at the time of fieldwork. In fact, the account of this powerful actor illustrates how race-based policies in general, and the rationale and proposal of Law 10.639 as made explicit in the Curriculum Directives, are still strongly contested within this institution.

Defending the idea that the Lula government at the time was “completely in favor” of race-based education policies in general, and Law 10.639 in particular, the MEC advisor stated that there was no resistance within MEC to such policies. He did, however, enjoy the opportunity to express his support for more criticism of the introduction of race-based education policies. Regarding Law 10.639 he stated:

*I believe that it should be something more critical. For example, there shouldn’t be exclusivity for Afro-Brazilians because we also have had very important contributions from the others, haven’t we? Contributions from other ethnicities in the formation of Brazil. They are as relevant, even if they have been small […] For example, the Japanese that came to Brazil from 1908 on […] In this sense, I believe that the indigenous people, the blacks, they are in the roots of the white. […] But as to the cultural contribution, this is important in the North and in the South from the Japanese, in the South from the Italians and the German, the Chinese in São Paulo, of the Dutch, there are several… many Brazilians with blue eyes in the northeast of*

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182 The same observation I had when I started the interview with the general secretary of the State Education Council. After I introduced my topic, he asked me “permission” and I saw how he took five minutes to Google “Law 10.639.”
183 When asked which actors within MEC specifically dealt with the issue of Law 10.639, unsurprisingly this actor also pointed to SECAD. When asked about the collaboration between SECAD and other secretariats within MEC on these issues, the special advisor argued that first there was strong resistance to working with “diversity” in the other secretariats, but from 2007 on this changed, due to improved communication between the different departments at that time.
São Luiz, Olinda, Recife, and Salvador. The presence of the Dutch in Brazil, even if it was small… the Nassau period left a fantastic collection. And after Nassau the Jews came and… [...] Therefore, this history of people going to and fro, I believe this is all very important. (A16:131-137)

Analysis of statements like the one above reveals a non-critical cultural interpretation of the contents of Law 10.639. The essence of the law is described here as the “valuing of cultural contributions,” while the social and political meaning of the law, and the social phenomenon of racial inequality to which the law is a response, are not taken into account at all. The account of this actor does not include reference to or a consideration of race relations, or inequality between the different ethnic/racial groups that marked Brazilian history and still make up Brazilian society – aspects that are very clearly discussed in the Directives, the document explaining the rationale of Law 10.639. Besides not reflecting on this rationale, this actor also does not engage with it.

The non-critical interpretation was strengthened later on in the interview, when the actor referred to conflicts and negotiations between MEC representatives and Black Movement activists in the late 1990’s, when discussions on ways to counteract racial inequality in education intensified. Talking about his experiences in these negotiations, he referred to the “rationality” of the actors within MEC, and implicitly contrasted this with the attitudes and ideas of Black Movement members and black intellectuals. He stated:

So the clashes were very much like this: we from MEC would defend a rationality with regard to the introduction and a development in different stages and something with compensatory policies being sufficient to make up for the deficiencies in basic education, and they [members of the Brazilian Black Movement] would want it to be quotas, and that we should open [...] that we should appoint black professors and so forth and so on... This, I believe, reverses the roles, and makes not a very good thing, you know. (A16: 139-140)

Leaving aside the different policy proposals put forward in this quote, this actor contrasts the “rationality” of the MEC actors with the “will” of Black Movement members, not recognizing the frame used by the Black Movement as also being a “rational” construction, albeit one stemming from a different perspective. This can be considered a clear example of the non-integration of Law 10.639 (and similar race-based education policy proposals) within high institutional spheres of MEC. The statements made by this actor clearly reflect a non-receptiveness to the Black Movement’s demand with regard to this law. Confirming the argument regarding the barriers in institutions to incorporating race issues (Soares, 2009), this account clearly shows a non-willingness to reflect on, and even resistance to, the revision of the representations of the Brazilian society through Law 10.639.

184 This, for example, also happened when he referred to a number of confrontations between MEC civil servants and members of the Black Movement in the late 1990’s, when discussions on ways to counteract racial inequality in education intensified. On one occasion, when the discussion was about contents of education, members of the Black Movement argued against use of the concept “universal science” by MEC representatives, as, to their view, the concept represented no inclusion of “black thought” (o pensamento negro) and “knowledge of the Africans” (A16:91). In the interview, the MEC special advisor explicitly defended the answer expressed by his colleague at the time, that the knowledge of African ancestry is worth studying from a cultural perspective, but not from a scientific perspective. Citing this colleague, he defended the idea that knowledge originating from African societies, passed from generation to generation through oral history, can be considered “wisdom.” [It may be] “enough to reproduce a culture of good people,” but is not entitled to be considered “science, like written knowledge from the West is.” The special advisor finally argued that if knowledge based on “universal science” is not taught, people will not really “civilize,” but will stay “primitive” (A16:91); apparently this was his idea of a distinction between “wisdom” and “science.”
The account reflected on here is an illustration of how, as confirmed by actors formerly or presently associated with SECAD, race issues in general, and work with regard to Law 10.639 in particular, are still not integrated and are highly contested in MEC. Analysis of the programs and actions directly related to the implementation of Law 10.639 which had been developed in the other five MEC secretariats (other than SECAD) in 2003-2008 confirmed that MEC did not take an active role in the process of implementing the law. Within the five secretariats, besides three small programs, only the Secretariat of Higher Education (SeSu) was involved in a major program, the UNIAFRO program executed jointly with SECAD.

Not surprisingly, when I asked the same MEC advisor to reflect on the implementation of Law 10.639 at school level, an understanding of a generally passive role of MEC regarding the implementation of Law 10.639 becomes clear:

C: *This [implementation in the schools] happens gradually, because the schools should be motivated, [...] engagement with this differentiated education is up to the schools, the states, and the municipalities. Of course, the policy of the ministry is to open up as much as possible. [...] Which means that states saying, “Oh, we want to train teachers, we want material,” in those cases MEC is completely in favor. We do not impose it on everyone, also because we can’t reach everyone. There are two hundred thousand schools! There are fifty-five million pupils in the Brazilian schools! The numbers in Brazil are absurd! [...] Therefore it is based on motivation, on interest. [...] Researcher: So what is the exact role of MEC, for example, with regard to this law [Law 10.639]? C: *It is about offering, being available, and helping those that ask for it, those that want engage. It is not about imposing. Although the measure is obligatory, it is based on motivation, on interest. And [the role of MEC is] offering the related resources, books, publications, and teacher training. But there isn’t a broad systematized program for this yet, it is still very early days.* (A16:147-164)

This quote illustrates how, nearly six years after the enactment of Law 10.639, influential actors within MEC do not consider it part of the role of the ministry to stimulate other institutions, such as the schools, states, and municipalities, to work with Law 10.639. It therefore comes as no surprise that when asked what actors within MEC specifically dealt with the issue of Law 10.639, this actor pointed to SECAD as well.

A similar resistant discourse was heard at Rio de Janeiro state level. A high-positioned actor within Rio de Janeiro State Education Council (A20), for example, recognizing the fact that the council’s job is to work with education legislation, stated with regard to Law 10.639: “They should not make all those nice laws [...] Nobody will improve society through laws” (A20185). When the interview with this actor is further analyzed, a general resistance to the use of the concept race and the discussion on racial inequality in education can be perceived. For instance, when asked what the council did with regard to ethnicity/race issues in education, he stated: “There has been no account of racism in the schools.” Later on he argued: “I believe the problem is not about race [...] I see it more as a socioeconomic problem. [...] Race does not matter; it is just about quality of life.” When later in the interview he was asked about his opinion concerning Law 10.639, he stated he was not in favor of the law. Instead of directly formulating critique regarding the contents of the law, he expressed the opinion that “teaching on general culture is missing for the students.”

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185 As before starting I sensed in the interviewee a strong resistance to collaborate in the research, I was afraid he would withdraw completely if I asked him whether I could record the interview. Therefore I decided not to record the conversation and noted key quotes. Consequently no indications of transcription line numbers accompany quotes from this interview.
Another example of a resistant account comes from a high-positioned actor in the Rio de Janeiro State Secretariat of Education. This account shows how this actor also expresses his critique regarding race-based education policies in an indirect way. After my reference to data presented by the government-linked IBGE that show the disadvantaged position of Afro-Brazilian pupils in the education system, he stated:

You know numbers can tell any story when they are tortured sufficiently, don’t you? [...] You could state the following “Oh, if black kids drop out more and if they are repeating more, it means they are discriminated by the system.” That is one interpretation. I do not think that is the right interpretation here in Brazil. In the United States, I believe students are directly discriminated. Here I don’t know. I don’t have enough data... I did not have access to detailed studies that proved “Oh… the black pupil repeats more grades or drops out at a younger age from the system because he is discriminated.” I do not know. Another hypothesis could be that on average the black pupil drops out earlier compared to white students, because on average black families have a lower socioeconomic status [...] and are more exposed to, for example, deprivation, child labor, adolescent labor. That is a hypothesis as well, but I can’t prove it. I don’t know whether it’s true. (A17:112)

It is worth noting that this actor, although already at an advanced stage in his career, was unfamiliar with research that investigates the processes and causes behind educational inequalities present in the country in general, and in the state in question in particular. This in itself illustrates the fact that the secretariat until then did not gather – or at least did not systematically analyze – any data on this issue. It also shows that apparently not much communication exists with colleagues in the secretariat working with the issue. Even while admitting this lack of knowledge, the high-positioned actor in the Rio de Janeiro State Secretariat of Education tended to defend the notion that racism does not exist in Brazilian education.

In sum, the last accounts are illustrative of how many actors, especially in the higher spheres of the official political arena, are (still) unfamiliar with (or consciously distance themselves from) the frame used by the Brazilian Black Movement in which race is not used as a biological concept but rather as a social construct – a construct that created racialized structures in society. More openness in looking at the issues from this perspective would perhaps help to understand the fact that, as this last actor said himself, “on average, black families have a lower socioeconomic status [...] and are more exposed to, for example, deprivation, child labor, adolescent labor,” precisely as a consequence of this structure.

In the interviews with the high-positioned actors from the official political arena, the unfamiliarity with the law and the non-critical cultural interpretation of it was often accompanied by a lack of knowledge and/or neglect of the issue of racism in Brazil in general, and in education in particular. Many of the actors did not know or failed to recognize the existence of racial inequalities in education. Some higher-level actors (A20, A17) were for instance unfamiliar with the fact that the yearly school census conducted since 2005 also collects information on ethnicity/race, in order to map racial/ethnic inequality in education. For example, when one of these high-positioned actors was asked what the Secretariat of Education did with data that show the disadvantaged position of Afro-Brazilian pupils in the education system, he expressed unfamiliarity with research indicating racial inequality and racism in education, stating: “I have not had access to that kind of study yet” (A17:112).

These observations are confirmed by the member of the Municipal Ethnic/Racial Diversity Division in Niterói who explained that data regarding racial inequality in education also exists at

186 In addition to the existence of the numerous academic publications and the Advice from the National Education Council in the first place, studies published by entities linked to the national government like the IBGE and PNUD, but also written by other numerous scholars, should also be remembered here.
municipal level, but are simply not used: “We have to carry out legislation. As such, to do so we need to know the [local] education system. And we have the information [from the school census] processed, but until present the data were never used! [...] Here in the CPD [the department in the Niterói Secretariat of Education that deals with education statistics] [...] the data were never analyzed! We have access to several studies that show the situation at national level, but we do not have the Niterói profile!” (A21:5-11, see also 129-133).

As such, ignorance of the issue should be understood to be a consequence of a combination of conscious choices and strategies of actors within institutions. It remains important, however, to understand the actions of these actors within the institutional and societal context in which racism is still strongly embedded in ideologies, discourses, everyday practices, and structures.

The resistant attitude I encountered in accounts at all levels of politics reflects the generally accepted idea that Brazil is a racial democracy, a country where nobody is black or white, but all people are a product of harmonious racial relations. In this interpretation, inequalities in Brazil in general, and in education in particular, are not explained by racism, but are considered as having a socioeconomic basis. In this discourse, several actors, to scaffold their arguments, compare the reality in Brazil to the reality in the United States of America. Some actors openly express the idea that race-based education policies and “black identity” are (invalid) imports from that country, passed on through the media (e.g., A20, A17). As already discussed in Chapter 4 the idea that race-based (education) policies are the fruit of copying or importing an agenda developed in the United States is a longstanding one in Brazil, and still strongly influences Brazilian social thinking.

Besides the encountered reproduction of the idea of Brazil as a racial democracy, analysis of the interviews shows that ignoring or non-understanding of how racism works in education, and non-recognition of the existence of the problem in schools, was often accompanied by a superficial understanding of the concept of equality. The idea that there are no differences was defended, or that these at least should not be discussed like this, in order to avoid conflict. The head of the school inspection at Rio the Janeiro State Secretariat stated for example: “You know what I believe we should bring [to the schools]? Co-existence, equality, that the different is not different. The difference is not in the physical aspect of color, the difference is in character. I believe it is this we should bring to the schools.” (A19:213). This quote is one example of how many actors in the official political arena do not recognize the existence of a problem that needs policy intervention; some even argue that race-based policies like Law 10.639 would create conflict.

However, in the view of those campaigning for the implementation of Law 10.639, in contemporary Brazil this kind of statement represents non-recognition of the existence of a problem, as well as non-recognition of the sociohistoric context of Brazilian society in general, and of education in particular. This non-recognition of or failure to understand the frame behind Law 10.639 led several of the actors in the official political arena to refer to “the danger of a reverse situation,” in which, through policies designed along a “black bias” (A16:140), blacks would come to oppress whites in Brazilian society. When reflecting on the change in discourse on race-based policies in the official political arena in the last decades, the MEC advisor stated, for example, that “there is this other side, you know, the side of those that want to stay with this exclusive thing for blacks” (A16:17).

In the view of the actors involved in the campaign for and formulation of Law 10.639 and related legislation, these kinds of statements again show that these actors do not read the legislation. While Law 10.639 does not explicitly refer to different populations, actors in favor emphasize that the law supplements already existing legislation, such as the constitution and the 1996 Education Act, where reference is indeed made to other ethnic/cultural groups in Brazilian society, such as the indigenous communities.
Some actors refer to this resistance to the institutionalization of Law 10.639 in the official political arena as institutional racism. One SECAD representative stated:

In fact what is behind all this is an institutional racism that exists within Brazilian institutions. It is this cultural and biological, racist creation of Brazilian society that prevents people from being interested in the issue. We saw this confirmed in our work together with people from the state and municipal secretariats of education. They were involved with the issue but had such little knowledge on the whole legal issue... Why? (A15:39)

Institutional racism is considered one of the two forms in which racism is expressed, the other being individual racism. The concept refers to systematic discriminating practices promoted or indirectly supported by the state (Borges, Medeiros & d’Adesky, 2002 in Gomes, 2005: 53). The systematic failure – as part of this type of racism – of a (state-linked) organization to provide appropriate and professional services in sectors such as education to people belonging to a certain social, cultural, color, or ethnic group could be seen to be one of the basic reasons for it still being considered legitimate to not take up the responsibilities regarding institutionalization and implementation of Law 10.639. In fact, as the data discussed above illustrate, in many institutions linked to the official political arena, legitimacy for creating space and (financial) conditions to work with the issue is still lacking. As this chapter has shown, actors emphasized the lack of effort of state institutions to create the conditions for knowledge production and dissemination regarding Law 10.639. Reference was made to the fact that the Ministry of Education did not want to give much “public visibility” to race-based education policies (A9:86). With regard to projects being developed related to Law 10.639 in that period one actor stated: “It is not made public, it is not given the central position it should have and receive. It is as if the ministry is always playing with this perspective of identification, that this is a problem in Brazilian education, but that it should not become public because that might provoke resistance in public opinion, in the press, in the Rede Globo.”

It is precisely with regard to this legitimation that most actors that support Law 10.639 initiative emphasize the importance of the central role of national government in general, and MEC in particular. For example, one actor stated:

The theme becomes legitimate when the Ministry of Education starts to become involved in a solid way. Because, racism – we all know – is very strong in society. We know that there is a huge resistance in several sectors of social work. In education racism is so strong. And there is the resistance of managers as well. As such, if the ministry doesn’t take responsibility for its activities, its statements, we won’t have the law implemented. (A8:78-84)

Accordingly, it is argued that central government should play a stronger role and ensure that racism comes to be seen as an issue that involves the entire society, not only as an issue that blacks have to deal with.

The dominant non-consideration or non-understanding of the rationale behind Law 10.639 has a dialectical relation to the role played by actors in the official political arena (including the lower-positioned ones) regarding implementation processes. The result of the non-critical cultural interpretation of higher-level actors is that no institutional space is created to work on the issue.

187 Rede Globo is at present the most powerful media organization in Brazil, supported by influential political, economic, and intellectual groups (see Costa, 2006). During the last decades Globo has widely disseminated criticism of race-based public (education) policies through its media vehicles.
The commissions and divisions working on the issues, remain departments with relatively little power, and without the financial and human resources to really make a difference.

Moreover, the lack of space within the different institutional structures for working on the issue also mean that there is a lack of coordination and dialogue between the entities linked to the different levels of government. This lack of communication was, among other things, reflected in the different interpretations of the essence of the law, and different conceptions of the role of public actors, such as state and municipal secretariats, with regard to institutionalization and implementation of Law 10.639.

**Frustrating “External Factors”**

Regarding the allocation of responsibilities toward the implementation of Law 10.639 by higher-positioned actors in the official political arena, the findings illustrate that many actors do not consider themselves or their department responsible. Many of them point instead to the role of regional coordination offices or coordinators (at state level) and actors in the school (especially pedagogical coordinators/coordination teams and teachers) and the school community (pupils, parents) in a broader sense (e.g., A18:18; A17:85-87,99; A19:97). It is interesting, however, that when reflecting on the issue of why Law 10.639 is still being implemented on such a small scale, many actors refer to the poor working conditions of teachers as a factor negatively influencing the implementation of education policies in general, and Law 10.639 in particular. Several actors referred to the heavy workload, lack of time, busy schedules, and the fact that many teachers work in two or more schools, as factors that frustrated implementation. For example, the high-positioned actor in Rio de Janeiro State Secretariat of Education said the following:

> It is very difficult for teachers. I believe good working conditions are fundamental to good work [...] if you take a teacher for example, and you break his day into three different contract situations [e.g., when a teacher works on three different schools], [...] it is very difficult for this professional to do a good job. He has no time to stay at the school, to meet colleagues to talk about the pedagogical problems [...] as such it becomes a kind of mass education. He gives his forty-minute class, gets out of the classroom and leaves. Sometimes he even goes directly to the other school to teach there, and it goes on like that. [...] I believe this is one of the biggest problems in Brazilian education, the logistics and these labor conditions of teachers with their employer, which is the state or the municipality. I believe this frustrates a lot of things... the implementation of the Law regarding the history of Africa [Law 10.639], but also any other pedagogic policy you want to implement. (A17:72, see also A21:21,23; A17:56-60,64; A18:76-77)

Besides the need for improving the working conditions of teachers, the need for more structural reforms within the education system was also mentioned. The same actor from Rio de Janeiro State Secretariat of Education argued: “It is not only about contracting teachers fulltime, it is necessary to change the way the school itself functions. And this is very difficult to do, because the system functions this way. For example, there is a lack of [school] buildings to offer a whole day school program. [...] As such, it should be a long-term policy, in order to change the entire school system” (A17:64).

Actors at all three scales of politics point to the discontinuity of projects and programs developed by the national, state, and municipal secretariats and institutions. The high-positioned actor from the Rio de Janeiro State Secretariat of Education himself admits that it is a “total chaos” in this regard and argues, referring to the need of long-term transformations, that “it is very difficult to operationalize things” (A17:62). At the secretariat, many actors argue that this discontinuity has to do with the fact that political pressure (“party politics,” “party issues,” “political influence,” see, e.g., A17, A18, A21) leads to secretariats changing their management teams frequently, while these are teams
deciding on the introduction, freezing, or continuation of policies and programs. The high-positioned actor from the state secretariat explained that especially the state secretariat of Rio de Janeiro has a history of “disrespect.” As a result “very frequently, because of some political pressure, or political powers joining forces, the secretariat [of education] changes its management team again” (A17:54). This point is confirmed by other actors operating in the state apparatus who also refer to the tensions between the policies and projects of the state governor, who often represents a different political party than the mayor (see, e.g., A18:177).

At municipal level, the same discontinuity in projects is observed. The member of the Education and Ethnic Diversity Division stated:

> Politics is like that [...], however education is about projects that take longer than the period of one administration. The results of education [projects] do not appear from one day to another. Here we have elections every four years. And there can be a re-election or not. It is about whoever is elected not wanting to continue [the projects started in the former administration], because it would carry the stamp of the former government. (A21:117)

In sum, evidences was not found of efforts to more profoundly improve the situation, both regarding the working conditions of teachers and interaction between the different institutions and entities at the distinct levels of politics. Instead, during fieldwork several examples were found of how the institutions looked for short-term solutions. For example, one actor (A18) informed me that the state secretariat had started a project to provide laptops to all teachers working at state schools. This actor herself considered this a measure that would help to (partly) overcome the problems related to the teachers’ general work conditions. Likewise, it would also contribute to the implementation of Law 10.639. Expressing the idea that now the teachers would have the time to easily access the free bibliographic material offered by MEC on-line, she stated: “As such, now when I go to these meetings, now I can tell the teacher where he can look for it [information and material concerning Law 10.639]. Now he cannot say anymore ‘I do not know. I do not have time,’ because he has his notebook” (A18:79-81).

It became clear that a majority of actors did not consider their department to be (directly) responsible for the improvement of teachers’ working conditions, nor for the implementation of education policies in general, and implementation of Law 10.639 in particular. One actor working in SECAD explained the passive role of these state-linked actors, in doing so referring to the fact that no communication existed between the different institutions and actors in the education system. Regarding the state and municipal councils she argued: “I believe we have several problems there. We have a very distant National Education Council, [...] very distant from the state councils. They should work together more closely. They should communicate more. At the same time the state councils are very removed from what happens in schools on a day-to-day basis” (A14:64). The same actor, referring to the councils’ lack of accomplishment regarding Law 10.639, criticizes the way the councils at both national and state level were constituted. Arguing that the councilors in the national, state, and municipal councils are often very distant from the daily reality of education she argued:

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188 These dynamics seem not only to play a part in the local secretariats of education. When referring, for example, to the role played by Undime (the national organization of municipal education managers) as a powerful and strategic actor in relation to regulation and implementation of education policies, a Black Movement activist and scholar explained that this organization also suffers from internal political rupture at national scale, as the national representation is very much influenced by “party interest” (A9:96-97).
I believe it is like this: [...] in the beginning of the last century still… they were constituted like this, of “people with notable intelligence and experience.” I always questioned that [...] in the sense that the shoemaker there on the street also may have notable intelligence and experience in what he does, and he may have a lot of knowledge about the school, because he has a son that studies at the public school in the periphery etc. I see that now the councils are constituted by an elite. I am not questioning the elite, the elite in the sense of being intellectual. I am not against. I believe they should be there. But it is a fact that they are very distant from the day-to-day life of the major part of the education system. (A14:70)

This actor’s account touches on two core issues of this last section. Firstly, the lack of communication between the institutions at different scales of politics, and, secondly, the fact that the higher-positioned actors within these institutions are often represented by an elite that does not (want to) consider issues affecting “minorities in power.”

Several of the actors I spoke with in the official political arena at state and municipal levels, but also Black Movement and NGO-linked actors in favor of implementation of Law 10.639, stated that in the end an improvement of the situation of the education system in general, and regarding implementation of Law 10.639 in particular, will depend on actions taken at national government level (see, e.g., A12:354). Reference was made particularly to the coordination of certain actions and the pressure that institutes linked to national government should put on state and municipal institutions. Moreover, the need for national government to play a stronger role in evaluating courses in higher education institutions was mentioned. In addition, regarding the implementation of Law 10.639, the need to monitor and divulge data on racial inequality in education and the dissemination of teaching material was brought up, as was the fact that national government, specifically MEC, had not done enough to speed up the process of the development and dissemination of textbooks and other teaching material (A18:69,149; A21:15). Although academic texts have been published (and are available online through open access) and some teaching material has been created and disseminated, new teaching manuals and teaching material including the contents proposed by Law 10.639 still had not been published when fieldwork was being conducted in 2009 (A18:69,149). One actor from the municipal secretariat in Niterói stated: “They created the policy, with the legislation they created the resolutions. But on the other hand they are unable to arrange the other things, like bringing pressure with regard to [...] the issue of collecting data, of the didactic books [textbooks] [...] and the accompaniment of the schools as well.” (A21:15)

The next sections will discuss the roles played by actors within the civil society arena and the pedagogical arena regarding the institutionalization of the law. In addition to a number of actions that were logistically or financially supported by the official political arena, many initiatives emerged independent of the state that also focused on the production and dissemination of knowledge and educational material. As highlighted in the next section, a strong focus was on developing (in-service) teacher-training initiatives.

5.1.3 The Civil Society Arena and the Pedagogical Arena: Dissemination and Diversification of Actions Towards Implementation

In the sections above some examples were given of developments and projects in the civil society arena and the pedagogical arena related to the institutionalization and implementation of Law 10.639 that were (financially or at the organization level) supported by the official political arena. It was also highlighted how in some periods the official political arena and the civil society arena collaborated, for example in producing publications and organizing related forums. Here the role of the official political arena was mostly limited to financing and contracting civil society arena actors
(also operating in the pedagogical arena) to (temporarily) work within the official political arena institutions on certain projects. In Phase 4 (and, as we will see in the next section, also in Phase 5), different institutions and organizations linked to the civil society arena and the pedagogical arena also acted independently in projects not linked to, or structurally financed by, government bodies. Special mention needs to be made of teacher unions, advocacy organizations, national and international NGOs, and research groups involved in the production and dissemination of knowledge and teaching material.

Distinct positions were taken up by these civil society actors, and various strategies and relations with the official political arena were used in the production and dissemination of knowledge. Chapter 4 already highlighted the process of NGO-ization of the Black Movement since the mid 1990’s. Indeed, in the first place this involved NGOs but other national non-profit organizations and foundations were also identified as important actors with regard to the production of knowledge and material, and dissemination concerning Law 10.639. Many of these organizations are Black Movement-linked or have actors allied to the movement in their team. Moreover, these actors are often also linked to the pedagogical arena, working on academic research in the field of education and ethnic/racial relations.

In the initiatives regarding the production and dissemination of knowledge and educational material, research groups played an important role. Groups, such as the NEABs mentioned earlier, in fact have been the main actors regarding the insertion of the issue within higher education institutions. These NEABs did this, for example, through academic activities such as coming up with and developing new subjects, and organizing seminars. Furthermore, the NEABs also played a role in the close dialogue with the community outside higher education institutions, such as, for instance, the Black Movement. In 2005, fourteen research groups were identified that were registered with the National Council of Technological and Scientific Development (Conselho Nacional de Desenvolvimento Científico e Tecnológico, CNPq) platform as dealing with issues related to “Afro-Brazilians and education” and/or “education and race,” while nine research groups identified themselves as dealing with “Afro-Brazilian studies” (Brasil, 2006: 129). Most of these groups are linked to public state and federal universities, but also exist in a number of private universities.

These NEABs, all with their own history, have in common that they were created based on the perception that the (education) departments they are linked to were not addressing ethnic/racial inequalities in education strongly enough, nor preparing teachers to counteract these inequalities and work with initiatives like Law 10.639. Some examples are the Nucleus for Afro-Brazilian Studies at the Rio de Janeiro State University (NEAB/UERJ), the Policies of Color program at the same university, and the Nucleus for Afro-Brazilian Studies at the Fluminense University in Niterói. Besides playing a role in the insertion of the theme in the universities, interviews with actors in the aforementioned organizations revealed the important role they play concerning offering support to and stimulating the permanent presence and social/political organization of black students within these institutions. Fieldwork also revealed, however, how some of these groups struggled for recognition, in order to be financially and organizationally able to develop and continue their activities (A22, A33). As mentioned earlier, in 2005, 2006, and 2008, some of these NEABs received financial support from government. The coordinator of one of these NEABs at the State University of Rio de Janeiro affirmed, however, that these finances were insufficient to

189 Nucleo de Estudos Afro Brasileiros UERJ: http://www.neab.uerj.br/
190 Programa Politicas da Cor: http://www.politicasdacor.net/
191 Programa de Educação sobre o Negro na Sociedade Brasileira (Penesb): http://www.uff.br/penesb/
meet the demand from the local community of students, teachers, and Black Movement actors with regard to the development and dissemination of material, and the organization of training (A22). 192

Examples of other actors acting in the state of Rio de Janeiro in this phase concerning the production and dissemination of material and knowledge are the Centre for the Development of Marginalized Populations, 193 the Institute for Racial and Environmental Advocacy, 194 the Afro-Brazilian Research and Training Institute, 195 the Center for Studies of Labor Relations and Inequality, 196 the journal Irohin, 197 the aforementioned Roberto Marinho Foundation, 198 and the Ford Foundation. 199 Worth highlighting is the fact that, besides occasional financial support from the state for specific actions such as the publication of material, some of these organizations occasionally receive funds from private companies, such as the national oil company Petrobras. 200 However, it must be emphasized that the strongest effort was made by volunteers supportive of Law 10.639. In addition, in the actions realized by these entities, individuals often participate operating more independently from these organizations. Among these are activists/scholars from the pedagogical arena, who besides (occasionally) participating in collective action, also operate on a more individual level by, for example, publishing and disseminating studies reporting on the state of the art concerning ethnic/racial inequality in education, race-based education policies, and the implementation of Law 10.639.

Another type of actor acting independently from – although often in line with – national government is the international NGO (INGO). Here, UNESCO and UNICEF 201 should be mentioned. These organizations also acted mainly in the field of research and material production – often hiring Black Movement-linked scholars/activists as consultants in the process. Moreover, at times they played a role in financing and facilitating dialogue between different actors from the civil society arena, and between actors from the Brazilian Black Movement and MEC, concerning the implementation of Law 10.639. In part and often indirectly this was done through providing members of their staff or hiring a consultant for jobs in specific projects in other organizations or institutions. In the case of UNESCO this happened when developing an advice report for the implementation of Law 10.639 in 2007, which will be discussed in Phase 5. While in Phase 4 and at the beginning of Phase 5 entities such as UNESCO and UNICEF also did play a small role in establishing internal dialogue within the Ministry of Education, it was perceived that this role was, like in Phases 1 to 3 discussed in Chapter 4, quite a moderate one.

The teacher unions were also active in this phase. Besides being involved in debating the issue of racial inequality and how it related to other forms of inequality such as class and gender, the activities of actors linked to the union mostly had to do with advocacy and training at the school

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192 This actor reported on long waiting lists and a run on enrollments when a new training course is opened. Moreover she said that the 10 percent of the budget received from the state intended for 6-month to 10-month scholarships for black students is not enough to assist all the students that need the support for their stay and succeed in their higher education career.

193 Centro de articulacao de populacoes marginalizadas (CEAP) is located in Rio de Janeiro. See: http://www.portalceap.org.br/

194 Instituto de Advocacia Racial e Ambiental is located in Rio de Janeiro. See: IARA: http://www.iara.org.br/

195 Instituto de Pesquisas e Estudos Afro Brasileiros (IPEAFRO) is located in Rio de Janeiro. See: http://www.ipeafro.org.br/home/br

196 Ceert, see: http://www.ceert.org.br/

197 Irohin is located in Brasilia. See: www.irohin.org.br

198 Fundacao Roberto Marinho is located in Rio de Janeiro. See: http://www.frm.org.br/

199 Fundacao Ford is located in Rio de Janeiro. See: http://www.fordfoundation.org/regions/brazil/pt-br

200 The Roberto Marinho Foundation (Fundacao Roberto Marinho) is, in turn, directly linked Globo, while the Ford Foundation is, as the name suggests, directly linked to the Ford Motor Company.

level. Interestingly, like in the official political arena, the issue did not seem to be structurally integrated in the unions. For example, in both the Rio de Janeiro state teachers union (SEPE) and the Rio de Janeiro private school teachers union (Sinpro) only their special “diversity commission” dealt with the issue. In the case of Sinpro this consisted of a single person (a black female scholar and Black Movement activist), and in the case of SEPE it was made up of two persons (a black woman and an indigenous woman). In this regard, one of these actors stated:

[H]ere [from within the union] we are trying to work on creating of awareness. But this has been very difficult. I say “We are trying to work,” because I speak for the union. But in fact it is only me putting the issue on the agenda. Today the group has grown a bit, but... I have worked with the issue since 2002, 2003 [...] But now with the new management team the Gender and Ethnicity Commission was created. And since it deals with the black population, they gave to me the task of leading this commission. But I contested this proposal. I said “You will not give me this task! As it is a commission serving the entire union, you can give it to a single member. We all have the responsibility!” This created a lot of confusion. People thought I was undoing things. But this was their problem. I was not undoing anything. If the commission is for the union, why would you give it to me? The same thing happened with the Law 10.639. The director of the union came with a print-out of the law in her hands and when she saw a black teacher she said “Here, this is for you…” [...] In sum, when dealing with ethnicity the focus is always on the black population; when dealing with gender, the focus is on women. [...] You see what distortion! [...] Everybody needs to deal with the issue, in fact especially the white man. [...] Accordingly, I now see it as the task of the commission to show that things are not the way they think they are. (A13:96-120)

This section highlighted the fact that in Phase 4, various (groups of) actors realized diverse forms of action, such as organizing teacher training, producing teaching and information material, and advocacy at diverse levels of politics – thereby trying to fill the gap left by national and local authorities, and linked institutions such as the federal and state universities. Hence, as the last quote also shows, the activities realized by these entities were not structural, and depended greatly on the individual engagement with, approach to, and understanding of the issue. Moreover, in the civil society arena and the pedagogical arena it was found that the activities related to ethnicity/race and education in general, and Law 10.639 in particular, often occurred in special (often understaffed and work-overloaded) institutional “appendixes.”

In addition, in the processes and actions occurring in these arenas, negotiation on meanings and frames and different ideas on best strategies were also seen to exist. There was discussion, for example, on if and how to combine the struggles of diverse “minority groups,” such as Afro-Brazilians and indigenous groups, in the campaign for implementation, and how to integrate discussions on socioeconomic inequality, gender inequality, and ethnic/racial inequality. There was also disagreement on whether it was valid to take legal action against schools for not working with Law 10.639, an approach used by one of the advocacy organizations. Accordingly, it again became apparent that the movement in favor is characterized by a multiplicity of forms of action, as it is composed of many participants linked to entities of different natures, acting in different forms of institutionalization, operating in different ways. Accordingly, reflecting the diversity within civil society in general, and also within the Brazilian Black Movement in particular, the main common objective of implementing Law 10.639 was tackled through diverse strategies and foci of action.

Besides the lack of a coordinating role by the different scales of government, a certain lack of coherence within the civil society arena could be understood as also being one of the factors playing part in the disintegration and discontinuity of collective activities in 2006-2008, such as, for example, the diversity forums mentioned in the beginning of this section.
With regard to the dominant perception of the essential role of the state and the need for institutionalization of ethnicity/race issues within MEC, in 2007 remobilization and renewed promotion within the civil society arena started. I identify this new mobilization as one element in Phase 5 in which the focus is on the revitalization of networks and mobilization itself. This phase will be discussed in the next section.

5.2 Phase 5: Revitalization of Networks and Mobilization: No More Excuses?

In November 2007 a workshop was organized in Brasília with the objective of evaluating and stimulating the implementation process of Law 10.639. While the initiative for this remobilization came from the civil society arena, the initiative was politically supported by UNESCO and financially supported by SECAD/MEC (A4:25-30). Forty actors from the civil society arena, the official political arena, and the pedagogical arena linked to different organizations and institutions participated. Besides the Brazilian Black Movement and associated NGOs, academics and coordinators from several NEABs around the country, and from the official political arena representatives from SECAD, the Secretariat of Higher Education (SESU), the Secretariat of Primary Education (SEB), the Special Secretariat for the Promotion of Racial Equality Policies (SEPPIR), as well as consultants from UNESCO (in this case also one invited scholar and Black Movement activist, A9:042), participated. Unsurprisingly, the main conclusion drawn during the workshop was that the work related to implementation of Law 10.639 was characterized by discontinuity. It was argued that, due to the lack of support from the education systems, the majority of the experiences taking place were restricted to isolated actions of individual professionals. A scholar and Black Movement activist, at the time consultant for UNESCO and responsible for the coordination of the diagnosis process, stated: “The diagnosis confirmed [...] that implementation is extremely segmented. There are no financial resources. It happens there where there are activists who are well positioned in the institutional spheres, in one of the spheres of power. [for example,] well institutionalized university professors heading a strong nucleus [NEAB] with space of maneuver in management spheres. But there is no such thing as a systematic implementation.” (A9:046)

Based on the outcome of this meeting, the participants decided that the next necessary step was to set the Brazilian government in motion (A4:30). The idea was to work on a proposal for a national plan for implementation of the national Curriculum Directives for education in race and ethnic relations and for teaching Afro-Brazilian and African history and culture. One month later, an elected committee met the minister of education202 and a document developed during the workshop was presented. In response, the minister called for the creation of an inter-ministerial working group for the development of an advisory report regarding the creation of a national plan for the implementation of the law (A15:22). As described in the government decree that constituted the working group (Brasil, 2008b), the task this group was given was to “develop aims, propose strategies and define national indicators for the implementation and accompaniment of Law 9.496/1996 [the 1996 Education Act], modified in its Articles 26A and 79B by Law 10.639/2003.” (Brasil, 2008b:1). In its second article, the decree establishes that the assignment of the working group is to “develop a document for the National Plan for the Implementation and Accompaniment of Law 9.496/1996 modified in its Articles 26A and 79B by Law 10.639/2003” (Brasil, 2008b:1).

202 At the time this was Mr. Fernando Haddad.
The working group consisted of representatives from the official political arena and civil society arena. Among these, representatives from UNESCO and MEC/SECAD had a coordinating role. In 2008, the working group held several meetings and developed a draft document which was distributed to the network of participating actors (mostly activists and scholars linked to the Brazilian Black Movement), and discussed during six regional meetings across the country organized between April and July 2008. The objective of these meetings was to debate, analyze and provide funding for the formulation of the goals and strategies together with other actors (Brasil, 2008c: 6).

Some issues were highlighted or discussed more in depth, but participants confirm that the draft document was hardly adapted. The issue of (teacher) training was one of the most hotly debated issues. Based on the final draft, the advice of the working group was published in the document “Contributions for the Implementation of Law 10.639” (Brasil, 2008c) that came out in November 2008. In this document, six pivotal issues were defined: 1) strengthening the legal framework, 2) training policies for managers and professionals in education, 3) policies on teaching material, 4) democratic management and mechanisms of social participation, 5) institutional conditions (financing, sensibilization and communication, research, teams and collaborative administration), and 6) evaluation and monitoring (see Box 5.1 for a summary of the issues). The central role of MEC in the coordination of different actors was also affirmed (Brasil 2008c: 14). And, as the document was directed at MEC, regarding each theme the main actions and actors to be involved by MEC were defined.

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203 From SECAD; SESU; SEB; the secretariat of professional and vocational education (SETEC); the Special Secretariat for the Promotion of Racial Equality Policies (SEPPIR); the National Technical Commission on Diversity for Issues Related to Education for Afro-Brazilians (Cadara); the secretariat of Human Rights (SEDH); National Institute of Studies and Research in Education Anísio Teixeira (Inep); The National Education Council (CNE); the National Council of State Secretariats of Education (Consed); and the National Union of Municipality Education Managers (Undime) (A4; Brasil, 2008c: 6).

204 The Brazilian Association of Black Researchers (ABPN); The National Association of Research in Education (ANPed); Ação Educativa; the Center of the Study of Work relations and Inequality (Ceert); and the Education and Professionalization for Racial and Gender Equality program (Ceafro/UFBA) (A4; Brasil, 2008c: 6).

205 A total of 720 professionals participated in these meetings, including (besides representatives from the Ministry of Education and members of the working group) managers in the education sector; teachers at primary and higher education levels; representatives of the Brazilian Black Movement; representatives of municipal and state education councils; and representatives from the National Union of Municipal Managers of Education (Undime) (A4:32; Brasil, 2008c: 7).
<table>
<thead>
<tr>
<th>Box 5.1</th>
<th>Summary of the six central issues in the document “Contributions for the Implementation of Law 10.639” (Brasil, 2008c)</th>
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<tbody>
<tr>
<td>1)</td>
<td>Strengthening of the legal framework (Brasil 2008c: 28):</td>
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<td>Two demands must be mentioned. In the first place that the contents of the Curriculum Directives and the goals formulated in the advice document should be taken into account in the revision of the National Education Plan 2001-2011 (Plano Nacional de Educação, PNE), and in the construction of the future National Education Plan 2012-2022. In the second place the necessity of regulating Law 10.639 in the different federal unities. These two demands reflect the point of view that Law 10.639 on its own is not enough: the legal framework needs to be further developed.</td>
</tr>
<tr>
<td>2)</td>
<td>Training policies for managers and professionals in education (Brasil 2008c: 29):</td>
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<td></td>
<td>The need is formulated for MEC to create in-service training programs based on the Curriculum Directives, and to include the proposed contents in the national system of pre-service teacher training as well. The inclusion of these contents should be among the ministry criteria for authorizing, recognizing, and renewing licenses of courses in higher education. In addition, the need is indicated to include the criteria mentioned in the Curriculum Directives in the cycle of the national system of evaluation of higher education (Sinaes).</td>
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<td>3)</td>
<td>Policies on teaching material (Brasil 2008c: 32):</td>
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<td>It is observed that “there exist didactic [teaching] materials in schools that continue to associate blacks with negative perceptions […] [while] whites are still presented as the natural human condition” (Brasil 2008c: 32). Based on this observation and referring to the “National Textbook Program,” three goals are formulated that refer to the need to evaluate existing teaching material and finance the production of new material by teachers, educators, (black) social movements, and NGOs, among others. One objective is that teaching material reflects the regional diversity in knowledge production and social dynamics, valorizes local/regional (artistic, cultural and religious) specificities, and counteracts stereotypes and racial or gender prejudices.</td>
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<td>4)</td>
<td>Democratic management and mechanisms of social participation and control (Brasil 2008c: 35):</td>
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<td></td>
<td>Reference is made to the need to improve the mechanisms, state of being, and processes of social control and participation. The need is expressed to invest in a set of institutions that may effectively act from the perspective of evaluation and monitoring. In this respect, the importance of creating a National Forum on Education and Ethnic-Racial Diversity and institutionalizing already existing state and municipal forums for social control and creation of policies is emphasized, as is the creation of a National Commission and the development of the national, state, municipal, and district education councils to accompany the implementation of the Curriculum Directives. The participative construction of state and municipal plans for education is also proposed to be given incentives, and mechanisms of transparency to be improved.</td>
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<td>5)</td>
<td>Evaluation and monitoring (Brasil 2008c: 38):</td>
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<td></td>
<td>Based on the observation that the several initiatives developed by SECAD should be extended and consolidated (also within other departments) in MEC, here the need to create an information system permitting the monitoring and evaluation of the implementation of the law by the Union, the states, and the municipalities is expressed. One goal formulated is to define qualitative and quantitative “racial equality indicators” that would make standard evaluation possible, also of programs related to the Education Development Program (PDE). Of central importance is considered that data collected through already existing systematic evaluations, such as Prova Brasil, Provinha Brasil, Enem and Enade, are evaluated, and that data collected through censuses (such as the yearly school census) are systematized in order to get a picture of dropout, repeating, and liquid registration rates along race/color lines.</td>
</tr>
<tr>
<td>6)</td>
<td>Institutional conditions (Brasil, 2008c: 41):</td>
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<td></td>
<td>Reference is made to the weak institutionalization and lack of conditions for systematic consolidation in education policies of existing experiences, and points to the need for the provision of more financial resources, better mobilization, better communication about the existence of the law, and more human resources and research.</td>
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(Source: Brasil, 2008c)
After the advice document (Brasil, 2008c) had been presented to the minister of education on National Black Consciousness Day in November 2008, the minister gave delegates from the different MEC secretariats and the Special Secretariat for the Promotion of Racial Equality Policies (SEPPIR) the task of developing a definitive “National Plan for the Implementation of the National Curriculum Directives for the Education on Ethnic-Racial Relations and for the Teaching of African and Afro-Brazilian History and Culture” (further referred to as “Plan” and Brasil 2009) (A15:10;A15:8,83). A first draft of this Plan was under development from December 2008 to May 2009.

One month after this first draft of the Plan came out, one of the actors who coordinated the SECAD participation in this process explained how the advisory report written by the special working group (Brasil, 2008c) was used in this process:

These are very important contributions, but it is a very general document [the advice document, Brasil 2008c]. What we need is a document that really induces the development of policies and practices, a document with a more pedagogical character. [Concerning matters] like: What should be done in preschool education? What should be done in primary education? What should be done in secondary education? [...] This plan will be directed at different actors. We will have, for example, different recommendations for the state and municipal secretariats of education, for the state and municipal education councils [...], for the Public Ministry, for MEC as well, for the state forums. (A15:12,14)

The same actor explained that this redefinition in practical terms is necessary, based on the observation that the state and municipal actors were still not accomplishing their tasks and often justified this by claiming not to know how to implement the law. She argued that this lack of knowledge betrayed a lack of interest in the issue, which in her view is the result of deeply ingrained institutional racism present in Brazil (A15:39). She argued that with the Plan “there will be no excuse” for not working with the law (A15:35,37).

The final draft of the Plan, that came out five months after the interview, confirms these ideas, formulating its goals as:

The institutionalization of the implementation of Education in Ethnic-Racial relations, maximizing thereby the performance of different actors through the understanding and accomplishment of Laws 10.639/2003 and 11.645/2008, of the Resolution CNE/CP 01/2004 and the DVICE CNE/CP 03/2004. The Plan does not add anything to the already existing legislation, considering it clear and explicit in its orientations. (Brasil, 2009: 11)

The point that “the Plan does not add anything to the already existing legislation,” is confirmed by the fact that of the 104 pages, most pages are filled by repeating elements from Resolution 01 and the

206 However, in this process, of all the MEC secretariats, SECAD also seemed to have played the most crucial role, being the main author of the final document as well.
Curriculum Directives, leaving only 35 pages for “defining in practical terms” (A15:39) what the former documents have already stated.

The plan contains a brief description of the developments and state of art regarding the theme of ethnic racial diversity on the different levels of education. As in the advice document, the actions regarding the implementation of Law 10.639 undertaken by MEC and the specific role of this institution in this process are discussed, although much more briefly here than in the advice document. Subsequently, the duties and roles of various state-linked and non-governmental actors are discussed, thereby referring to the Education Act from 1996, Resolution 01 and the Curriculum Directives. It is noteworthy, however, that while the advice document mainly focuses on the role of the federal government in general, and MEC in particular, in this document this specific focus is no longer present. The Plan also discusses the role and responsibilities of the state governments, the municipal governments, the education councils, education institutions on various levels, the Nucleus of Afro-Brazilian Studies (NEABs), and the Diversity Forums.

Also remarkable is the repeated reference to Law 11.645/2008 in Plan. This represents a clear choice of the authors of the Plan as it was not included as such in the advice document (Brasil, 2008c). The latter only makes one reference to Law 11.645/2008, arguing that “similar efforts should be made in the future with regard to Law 11.645/2008” (Brasil 2008c: 13, author’s italics). In the Plan, the included reference to Law 11.645 is explained. It is argued that although Law 11.645 has not been regulated by the National Education Council yet, the advice approved in 2004 by the National Education Council does cover the indigenous issue in several sections, especially where it refers to “other forms of diversity, “ and “the need to include the theme of indigenous populations” (Brasil, 2009: 12). Accordingly, it can be understood that including reference to Law 11.645/2008 in the Plan was strategic in the sense that it makes it explicit that there is no need to wait for bureaucratic steps to be taken regarding Law 11.645/2008, in order to start implementing Law 10.639. This argument seems to be a response to the resistance regarding Law 11.645/2008 of actors linked to the Black Movement, specifically the fear that the bureaucratic process involving this new law could obstruct the implementation process of Law 10.639.

The Plan finalizes by summarizing the goals regarding the implementation of Law 10.639, and the main actors responsible for these. In addition, three different periods (short, medium, and longer term) are indicated in which the tasks should be accomplished, with the aim of finalizing the complete implementation process in 2015.

Real Transformation or Roundabout?
Some actors I interviewed were sarcastic regarding the whole process of drawing up the advice report and the Plan, and more specifically regarding the priorities given to the development of both documents by MEC. For example, in an interview one Black Movement activist, when I referred to the Plan, cynically stated: “Ooooh… Don’t be too enthusiastic about plans! We are specialists in plans that are not put into practice. [...] I believe that the implementation of the law in the end really depends on black activism, and on sensible non-black people also taking some initiative. But in general it depends on activism. This process of implementation will take very long, it is about power struggles. As [Edward] Said says: It is an essential struggle” (A10:149).

The actors critical of the development of the Plan expressed the idea that the outcome of this process, the Plan itself, is simply one more document in which time, energy, and public funds have been invested. In their view, these resources should have been used for other priorities regarding the law, especially within government institutions like MEC. Another actor, who had also worked for SECAD/MEC before, agreed to the fact confirmed in the Plan, that one of the tasks of
MEC is the “communication and liaising with the state and municipal secretariats of education” (A8:74). However, she critically added that the role of MEC should be one of offering accompaniment, supervision and also financial support to the state and municipal institutions and to the schools. She stated:

I believe the Plan brings together a series of possible and desirable actions regarding the implementation of the law. However MEC has known about these since 2004. Those actions were already pointed out during the forums in 2004 and 2005 [...]. Therefore the focus should not be on the planning or preparation of actions, it should go to implementation, execution! As such, to me it seems quite pointless that MEC freezes its activities for two years in order to construct a plan. Because they could have been implementing without this plan. The plan is much more a facade, much more propaganda and publicizing than real policymaking. [...] MEC also knows that the secretariats, the management teams of the state and municipal secretariats of education, do not know how to operationalize this law. Therefore, in addition to offering financial support, MEC should have a team within its structure that confers, that indicates ways and possibilities to these managers at state and municipal level. [...] These things, essential to the implementation of Law 10.639, MEC did not do. In this sense the Plan is of little value. (A8:72-74).

It is true that, like Resolution 01 (see Chapter 4), the Plan still has no indicators or goals regarding financial investment to be made by national government for the implementation of Law 10.639. The role of MEC concerning accompaniment, dialogue, and “indicating ways and possibilities” is included in an indirect manner in the goals that refer to the creation of programs that train education managers about the issue covered by the law (Brasil, 2009: 63-64). In addition, the role MEC should play in supervision is indicated in just one goal. However, at the time of my fieldwork in SECAD in December 2008, mechanisms for supervision, monitoring, and evaluation still had to be developed. The same actor cited above explained that at that moment SECAD and other MEC departments were still in the process of developing an “electronic monitoring system.” She explained: “We are thinking about an on-line monitoring system. We want to develop an information system [...] then actors, there in the field [in the schools] can fill in the instrument for us [...] and send it to us so we can monitor how things are going” (A15:44-46). However, the interview clarified that the monitoring system was not – as usually is the case in evaluation processes and also as was proposed in the advice report (see p. 27) – based on indicators already defined. The actor confirmed: “The indicators will be defined based on the development of the evaluation system” (A15:52).

This interview made me understand that regarding the implementation of Law 10.639 in different state and non-state institutions, a more “technical” monitoring – indicating whether or not the goals and tasks as defined in the Plan were accomplished – was being proposed. However, the necessity of a more “qualitative” monitoring at school level was mentioned as well – that is, not just considering whether to implement, but also how to do so. The SECAD representative recognized that this was a point that needed more elaboration:
Exactly, within the schools we would have several indicators... actually it will be the context in which there will be the most indicators. For example, just to mention some... ahh... [Questions such as] How is the curriculum constructed regarding the implementation of the Afro-Brazilian and African history and culture? How does the theme appear in the Political Pedagogic Project of the school? How many teachers were trained on the issue in this school? [...] [What about] the quantity of available didactic teaching material in the library of the school? [...] We have so many indicators for this because, for example, when it is about teacher training we already have several indicators. These go from the duration of the course to the institution that provided it [...] If it does not help just to know whether the teacher was trained, we need to know what projects the teacher develops based on this training [...] how the teacher integrates this in the planning of his lessons.”

While understanding that this type of analysis will be essential in order to really know whether and how implementation is happening, the data I collected at the school level has shown how difficult and time-consuming a process this is. Accordingly, the question arises whether it is possible to realize qualitative evaluation through an on-line/distance system. Follow-up research will need to provide insight into the outcomes of the monitoring instrument developed by MEC and into its functionality. Investigation into the way local actors could play a role in monitoring implementation is also needed.

During fieldwork and interviews with different actors in the official political arena, the civil society arena, and the pedagogical arena (the latter to be discussed in the next chapter), I observed that many different and conflicting ideas still exist regarding the essence and objectives of Law 10.639. The range of different ideas are expressed in references like “Ah! That law for the blacks!,” or “The law on the history of Africa,” to much more profound and elaborate explanations of the meaning and objectives of the law. One example is a statement from an actor who claimed that the objective of the law is to create “a pluralist education that escapes European dominance.” Regarding this objective, the actor stated:

What changes with a legislation that finally affirms blacks? Black citizens that were not even seen in the past? Tthat do not have history? Because the past was seen from the perspective of whites, from the European descendants. The intention of the law is to start considering them as historical beings. [...] The idea behind it is to humanize these people in the sense of giving them the chance of history! That is the objective! A very profound meaning! It is no detail [...] It has a profound radical meaning! (A10:8)

In Chapter 4 the observation was already made that powerful actors are often not receptive to civil society demands, especially not those that propose to revise the rules of the game. As the politicization of race implies a reflection on and revision of representations of the society as a whole (Soares, 2009), in fact it should come as no surprise that the “profound radical meaning” referred to by the actor above is not shared by many of these actors in power.

5.3 Concluding

The main question discussed in this chapter was: What discourses and multi-scalar interactions explain the uneven policy change process with regard to ethnicity/race and education? (sub-question A). However, other than in Chapter 4, focus in this chapter went specifically to the phase of institutionalization of Law 10.639 in institutions linked to the official political arena. Therefore, specific interest went to understanding what arenas, actors, and events have (had) an effect on the

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207 This is a point that I will illustrate by discussing the research findings at school level in Chapter 6.
process of institutionalization of Law 10.639 and the Curriculum Directives 003/2004? (empirical question a2). Secondly, attention went to how different actors within these institutions interpret, and maintain or contest, (the constitution of) this agenda and its institutionalization (empirical question a3).

Chapter 4 showed how, with the approval and regulation of Law 10.639, the discourse of the Brazilian Black Movement was partly included in the official political arena. Officially, from then on legislation prescribed what each institution linked to the official political arena at both national, state, and municipal scale had to do regarding implementation. Logically, after this phase, focus went to actual implementation of the legislation. However, besides small-scale work realized in separate departments within institutions related to the official political arena through individuals linked to or supportive of the Brazilian Black Movement, this chapter has shown that by early 2009 these roles had not been accomplished at the levels of national government, Rio de Janeiro state, and Niterói municipality.

The discussion in this chapter concerning the variety of contexts, actors, intentions, (conflicting) interests, disputes, and clashes that influence the institutionalization process illustrates the complexity and controversial nature of the process of policymaking and enactment in education. From the three arenas that were expected to play a role in the agenda-setting process on ethnicity/race issues in education in Brazil, in this chapter the official political arena and the civil society arena were identified as the two arenas that played the strongest role in the phase of institutionalization, network strengthening, and knowledge/material production and dissemination (Phase 4). In the network revitalization and mobilization phase (Phase 5) the central arena was, once again, the civil society arena. The focus of actions, the different arenas and their relations in these two phases and, the most important actors are visualized in Figure 5.2.
Figure 5.2 Arenas, actors, and events influencing the process of the institutionalization of Law 10.639 and the Curriculum Directives 003/2004
In the legal documents that regulate Law 10.639, especially the institutions with executive power were referred to as responsible for taking initiative in putting the legislation into practice. At national government level, SECAD and at a later stage the Special Secretariat for the Promotion of Racial Equality Policies (SEPPIR), were found to be the actors that undertook some action regarding institutionalization and implementation of Law 10639. It was highlighted how in some periods actors in the official political arena invited actors from the civil society arena (mainly Black Movement-linked scholars) to operate within its institutions, for example to work on a specific project, sit on a commission, or produce a publication. At Rio de Janeiro state and Niterói municipality levels, the role of special commissions and divisions was highlighted. In this sense the role of actors operating from within the official political arena was more prominent in the phases discussed in this chapter compared to the earlier phases discussed in Chapter 4. However, it was also found that the room for maneuver these actors had within the big institutions in the official political arena, such as the ministry of education or the local secretariats of education, was limited. Actors operated mainly from islands created within the institutions (see yellow squares in the official political arena in Figure 5.2 above, indicating 1. commissions created within state and municipal education secretariats, and 2. SECAD at national level). A lack of communication both within and between the institutions with regard to the institutionalization and implementation of Law 10.639 was observed.

In addition, this chapter highlighted the diverse roles played by actors linked to organizations and entities in the civil society arena. Here too the Brazilian Black Movement was the most prominent actor. Examples were given of developments and projects in the civil society arena that were (financially or at organization level) supported by the official political arena (NEABs and the Diversity Forums were given as example). However, various institutions and organizations from the civil society arena also acted independently in projects not linked to or structurally financed by government bodies. Mention was made of research bodies, individual scholars, teachers unions, advocacy organizations, and national and international NGOs. The discussion highlighted the distinct positions taken by these entities, and various strategies of argumentation, negotiation, pressure, and cooptation used by its actors. It was argued that in the phase of revitalization of networks and mobilization (Phase 5) the role of the civil society arena became an even more central one, as actors within this arena started to reorganize a campaign that focused on charging actors and institutions linked to the official political arena with carrying out their duties regarding implementation of the law. A few INGOs and some private companies were identified as supporting actions undertaken by the civil society arena, thereby filling the gap left by the state, albeit partially, and often merely financially or organizationally.

This chapter illustrated that, as institutional dynamics and environments in the official political arena remain unchanged, huge political challenges still exist regarding the implementation and institutionalization of Law 10.639 in the official political arena. Some of these challenges relate to the lack of coordination and communication between political players at the different scales of politics. It was shown how the dynamics of blaming others meant that only very few actors operating in the official political arena considered his or her institution or body accountable for taking essential steps towards implementation of Law 10.639, or for actions related to it. This was observed between scales of politics (e.g., between national government and local government), but also within institutions such as, for example, the Ministry of Education. While different actors at different scales of politics should in fact play a role in order for policies such as Law 10.639 to realize their transformative potential, it was found that the current dynamic results in the situation
where in the end the teacher is often held responsible for implementation. It was found that there was no integration and coordination of work at the various levels of government, nor regular financing of initiatives. Likewise, no government body took up the responsibility for inspection in relation to implementation of Law 10.639 at the school level. It was shown how institutionalization in the official political arena in many cases depends on the motivation of individual actors (mostly Black Movement associated) working in special departments within national, state, or municipal education secretariats and councils. Hence, initiation and coordination of structural public initiatives in relation to implementation of the law by institutions linked to the official political arena were lacking.

From the official political arena at national government level, responsibilities were allocated to one specific division (SECAD) and to lower levels of government. At the state and municipal government levels the task of implementation was assigned to understaffed units within the secretariats of education and to the schools, more specifically to the teachers. At the same time several other actors were operating in and around the official political institutions at local level and in the schools. Some did so campaigning for a stronger role of the political institutions, while others focused on supporting and strengthening implementation at school level through training, material elaboration, and dissemination.

Besides the political challenges, pedagogical challenges were identified. These challenges had much to do with the content of Law 10.639 and how the law can or should be translated into pedagogical contents and practices. Discourses from actors linked to the official political arena at national government level on the one hand and from civil society actors on the other showed that very divergent ideas existed on what is relevant knowledge in the case of Law 10.639. Here the discussion touches on issues that return at several stages of policymaking and implementation, namely, what knowledge is and should be recognized? Whose knowledge is this and who defines it? Leaving the discussion on these challenges at the school level for the next chapter, in this chapter the different ideas regarding the contents of the law and the validity of certain meanings and perspectives in the official political arena came to the fore.

It was found that in the official political arena there was no very open process of negotiation of meaning within the institutions. Hence, challenges were identified concerning the way the legal instrument is interpreted. The frame behind Law 10.639 is at the level of contents of education, and relates to the recognition dimension of justice, instead of only to the redistributive dimension. Consequently, the legal instrument was not considered a threat by many. Many high-positioned actors in the official political arena interpreted Law 10.639 in superficial and open ways, not involving a commitment to specifically combat racial inequalities in education and in Brazilian society. Open contestations and challenges (like those that exists in relation to the quota policies) were seldom perceived. However, several accounts reflect the prevailing understanding of Brazil as a racial democracy, and the idea of formal equality of opportunities. Based on these ideas, a superficial discussion on “differences” was promoted, while reflection on inequality was avoided. Accordingly, it was found that resistance was mainly seen in the neglect of (the importance of) the issue; simply the fact that no priority and visibility was given to it. Discursive selective processes meant that the policy texts formulated from Phase 1 to Phase 3 were not integrated in the official political institutions. Moreover, Law 10.639 was referred to by many actors (in particular high-positioned actors in the official political arena) as an “issue for blacks.” This discourse was also seen outside the official political arena, for example in negotiations going on within and between different civil society actors such as, for example, the teachers unions and some Black Movement-
linked actors. It was argued that this could be explained by unfamiliarity with the frame that lies at the basis of the law, that aims to include the entire Brazilian society and all individuals in a broad process of change towards a more equal and inclusive society, in a racial sense too. Hence, data discussed in this chapter show that a more profound discussion on the culture and history of Brazil, its race relations, and its racist structures, is still seen as touching on a delicate subject — and therefore is often avoided. Some actors who argue against race-based policies like Law 10.639 state that these policies will not solve the problem, and eventually will even aggravate them. The fear is expressed that through race-based or focused policies different ethnic/racial groups will be set against each other, worsening (racial) relations. It was seen how well-positioned actors defend the idea that the socioeconomic inequalities that structure educational opportunities lead to societal inequality. The frequency in which this kind of statement was heard again confirms the still strong presence of the myth of racial democracy in Brazil. Statements expressed by resistant actors such as the high-positioned ministry official confirmed a cultural interpretation of the contents of Law 10.639, and non-recognition of the importance of educational contents related to race relations and racial inequality.

The pedagogical challenge is clearly connected to the political challenge referred to above. Recognizing that all this should not simply be understood as ingenuousness on the part of power holders, it is argued that it is part of a conscious strategy. In fact, it is a clear example of how discursive selectivity (Hay 2002a, 2002b) works. In the words of one of the Black Movement-linked actors: How society and its history is presented and discussed is a powerful tool for power holders. Institutional racism — understood to be the systematic failure of a (state-linked) organization to provide appropriate and professional services (e.g., in education) to people belonging to a certain social, cultural, color, or ethnic group (Gomes, 2005: 53) — was also mentioned as possibly being involved in these dynamics.

In sum, this chapter shows that institutionalization and implementation of Law 10.639 typically happened without integral institutional support or integral open resistance. The political processes of institutionalization were frustrated and obstructed by bureaucratic processes. Although the poor working conditions teachers have to deal with are broadly recognized, in the end many actors in the official political arena held actors in the school responsible for implementation of the law. In the next chapter, the discussion focuses on implementation of Law 10.639 at the school level. The question is raised how the new policy discourse is received and recontextualized there, and what conditions contribute to its effective implementation. The contextual factors that affect implementation in the schools are discussed. Attention thereby goes to how actors in schools acknowledge and translate the content of the law and the related directive. The discussion will show that the school too is a site of struggle and negotiation of meaning. There the legal instruments are also acknowledged by different actors in distinct ways. Based on the intention to start exploring the diverse factors in the process of recontextualization of Law 10.639 and the directives, light is shed on the issue of how personal background influences the way actors in schools work with ethnicity/race.