

# Black's educational law and formal education in Brazil

Os negros na legislação educacional e educação formal no Brasil

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## Abstract

This article is the result of seeking to investigate and understand the process of implementation of educational laws that act on black lives in the formal education process. It shows the gap between the proclaimed and planned and the reality. Thus, we understand that the laws studied here represent a movement of tension towards the curriculum and the school democratization, because it allows that less visible and valued populations in this institution and in their social practices are recognized in their stories, express themselves, actively participate in the constant construction and reconstruction of school routine.

**Keywords:** Educational legislation. School. History. Black.

## Resumo

O presente artigo busca compreender o processo de implementação das legislações educacionais que atuam nas vidas de negros no processo de educação formal. Neste delinea-se a defasagem entre o apregoado e o planejado e a realidade. Dessa forma, entendemos que as legislações aqui estudadas representam um movimento de tensionamento rumo à democratização do currículo e da própria escola, pois possibilita que populações menos visíveis e valorizadas nessa instituição e em suas práticas sociais sejam reconhecidas em suas histórias, tomem voz, participem ativamente da constante construção e reconstrução do cotidiano escolar.

**Palavras-chave:** Legislação educacional. Escola. História. Negros.

## Introduction

In this article, we will discuss the legislation for introducing black population into formal educational system. Such historical course will help us contextualizing law's appearance because of a campaign's process for equality of rights in Education field.

For that, it is required, before all, to define a starting point. We opted for retaking such educational trajectory by starting from the last decades of slaveholding period, although the usual starting point to talk about black's schooling in Brazil is since 1888.

That option is owed to the fact of the existence of some evidences of teaching practices turned to slavered people and to freed black's insertion into formal educational system in first years of Empire. Such evidences would explain the existence, yet in first years of Republic, of active black intellectuals in claim process for social changes, above all the ones related to black population's access to instruction (CRUZ, 2005; SANTANA; MORAES, 2009; SISS, 2003).

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It is important to highlight, still, that the major amount of productions found, on which the present text is based, especially those which concerns to epochs before the 1980's decade, refers to events and experiences in the cities of São Paulo and Rio de Janeiro, as alerted by Domingues (2007) and Siss (2003). Recognized Brazilian's dimensions and diversity, we cannot automatically generalize this narrative, therefore, to the entire country. It allows us, although that, to explain some important routes threshed by Brazil over it's history in which concerns to insertion of black population into formal educational system.

### **Insertion of black population into formal educational system**

The 1824's Imperial Constitution prescribed free primary education to all citizens. This determination ruled out slaveries, from the very start, from access to official instruction institutions, but enabled freed black population to go into them (GARCIA, 2007; SILVA; ARAÚJO, 2005). According to Veiga (2008), school was, then, understood as a mean to civilize groups seemed by the elite as obstacles to Brazilian's social cohesion: "[...] strong race does not destroy the weak one by weapons, it crushes them by civilization" (CUNHA, [1902], p. 47).

The scholar education intentions in that epoch – to homogenize, to civilize, to unify, to adapt moral and cultural characteristics from the population to desired standard (SISS, 2003) reveal to which public it was designated: poor, crossbreed and black people, "[...] with racial prejudice being disguised underneath classist prejudice, with which it tends to coincide (NOGUEIRA, 2007, p. 14). Children from reach white families were educated, especially by private resources, usually with private teacher and homeschooling. About that epoch, a historian asserts, in book published for the first time in French, in Rio de Janeiro, in 1889: "Children from middling wealthy social classes don't go to school because their parents have some color prejudice or because they fear, and they are right to, for their sons and daughters morality [...]" (ALMEIDA, 2000, p. 90).

In October 15, 1827, the first national law about public instruction was published. It would be effective until 1946. However, it did not mention, in any part, black's scholar education (SAVIANI, 1999). For about ten years after 1824's Constitution promulgation, no new legislation presented relevant determinations to comprehend black population schooling issue.

In August 1834, by means of a Additional Act which changed Constitutional Carta, the Provincial Assembles were designated as competent to legislature elementary instruction (CURY, 2002; SAVIANI, 1999). Thereby, some provinces stipulated, from 1835, means to supervise schools, students and teachers operation, and also stipulated the attendance obligatoriness and mechanisms of punishment to the families which breaches such determination. That legal characteristics are strong indicators of which part of the population the school intended to reach in its civilizing mission – the poor part, composed by a meaningful number of freed blacks.

Vidal (2003) indicates that, through XIX century, scholar education turned to be a progressively way to make the State power structures' stronger, to break up with popular domestic spaces, seemed as undesirable values' propagators, disconnected from the patriarchy which ruled the social relations: "[...] turn the school away from domestic space, implied also turn it away from political and cultural traditions

based in which the domestic space was organized and shown" (p. 51).

The imperial school, turned to teaching appropriate behaviors, combative to popular cultures, under an Eurocentric model of instruction and desirable society, which aimed at cultural homogenization and at a national citizenship's invention, was seen as the progress' condition of Brazil. It reached only a small part of population, it was centralized in some localities of huge Brazilian territory, it faced inspection difficulties and precarious conditions to its teacher acting and training. Although all that, it was that which has guaranteed the access of many freed blacks to school; without promoting, however, actions turned to the creation of objective material conditions of that population's permanency on the institution.

The difficulties for frequency and success of black children at scholar institution were of two types: poverty and social and racial discrimination. In first case, Barros (2005) explains that it included the lack of resources to the acquisition of items such lunch, clothes and suitable scholar materials, the dispersion of population in the extensive Brazil's territory, associated with transport and locomotion's difficulties, the constant request of families' attendance at school, which was not enabled by their job's circumstances, and even the need of children themselves to work for maintaining families' survival, which did not enable them to have an stability in studies and, for many times, a proper attendance at scholar institutions.

Such absences of children and families, as well as the fact of the students did not accomplish, at home, the scholar tasks requested by the teachers, and even the kind of clothes the children used to wear, were frequently interpreted by teachers and supervisors as an indifference of children' parents and sponsors for their daughters and sons schooling. They would not be conscious of instruction's importance in their lives. (BARROS, 2005).

That notes lead us to the second reason for black children to remain at school: the prejudice, related to social belonging of that children as well as to their racial belonging.

That prejudice appears, for example, in Imperial primary school's teachers report, studied by Barros (2005), in which consuetudes and behaviors of the poor African-original students were rejected, classified as vagrancy, addiction, lack of neatness, profligacy, among other words, and were seemed as inappropriate to scholar environment, as they had the potential to malevolently influence the action of the children of the such designated good families.

In some moments of the development of public instruction, in several provinces, it was officially denied the access of black population to the scholar institutions. The primary instruction's reform of Rio de Janeiro in 1837, for example, prohibited the attendance to school of those who suffered contagious diseases, from slavers and from African black people, even if they are free and freed. We can add to this reality the fact that poor and black population was majority only at primary schools; in higher levels of instruction, it is indicated the predominance of white people from that epoch elites (FONSECA, 2008; PILETTI, 1996; SISS, 2003).

In what concerns to slavers, it is possible to mention some instruction practices which happened during Empire. Although public education was denied to them, there were no obstructions to their frequency in private instruction establishments. There are, so, some reports, as indicated by Barros (2005), Garcia (2007), Silva e Araújo (2005) e Veiga (2008), from schools which received slavers and from

masters hiring for the instruction in farms, where they received a kind of instruction turned to their job's development.

Silva e Araújo (2005) set up important factors in the achievement of instruction by slavered blacks: the existence of slavered population's organized groups with the goal of avoiding the seclusion imposed by masters, in which they used to preserve cultural and religious' practices, were alphabetized and learned to number; the instruction provided by priests which, although many times objectified the Africans acculturation for new Christians' breeding (PILETTI, 1996; SILVA; ARAÚJO, 2005; SOUZA, 2005), allowed the literacy of some slavers; and the informal learning, by means of the observation of classes given by missy-girls at the farms (SILVA; ARAÚJO, 2005).

### **Black people access to primary scholar knowledge**

Only in 1850 decade, as described by Garcia (2007), Santana and Moraes (2009) and Silva and Araújo (2005), a new legislation respecting blacks education has arisen: in February 17, 1854, the Decree nr. 1.331 approved the regulation standards of primary and secondary instruction, known, in reference to the Minister of Empire at that time, as Couto Ferraz' reforms. The Decree converted into free the primary and secondary schools of the Court, and turned the first of them obligatory to the ones with age over seven years old, but established that slavers would not be accepted in the country public schools, in any instruction level<sup>3</sup>.

The political discussions and actions related to Free Venter Law began in the final years of 1860 decade and proceeded until 1879, in which year the first children born under its effective would complete the age of eight years old and in which, therefore, the masters would have to take the decision of handing or not handing in them to the State. Discourses emphasized the need of a moral and religious education, besides occupational instruction (BARROS, 2005; FONSECA, 2008; GONÇALVES; SILVA, 2000).

The creation of philanthropic or industrial associations such as orphanage communities and asylum refugees was encouraged, per the pass-through of appropriations and lands to some of them, which would take on the child's education, with the explicit intention of opposing the backwardness and the bad inclinations seen in slavered population. That would be done by taking them away from the models of education given in everyday and in private places, and start to educate them in institutions under the cultural standards of elite as model of society (FONSECA, 2002; SANTANA; MORAES, 2009).

According to the Rural Minister Report's of 1885 data, cited by Fonseca (2002), from the 403.827 children in such conditions, until the year of 1885, only hundred thirteen had been given to the State. It was more useful to the masters to maintain the child under their guardianship, using their work for free, with the excuse of compensation for the spends with their nurture (GONÇALVES; SILVA, 2000).

In 1878, a Decree allowed the registration of freed blacks with age over fourteen years old in the nightly classes (DOMINGUES, 2007; SANTANA; MORAES, 2009). In the next year, with the Primary and Secondary Instruction's Reform

3 Art. 69. Will not be accepted to registration, nor attend to school: § 1º The boys with contagious disease; § 2º The ones not vaccinated; § 3º The slavers.

Art. 85. Will not be accepted to registration, nor attend to High School, individuals in conditions of Art. 69.

Leôncio Carvalho – designation given in reference to the Minister who advocated the adoption of adults education, nightlight classes and attendance permission to school for slavers – compulsory instruction was established, from seven to fourteen years old, and the veto which prohibited the slavers' attendance in public school was put down.

Some slavered people began to attend professional schools and, thenceforth, to get ready to promote other blacks' literacy in informal places, which turned to be, according to Gonçalves and Silva (2000), one way more for the access of blacks to primary scholar knowledge before slavery was legally extinct.

Rivadavia Correia's reform – called like this in mention to the Justice and Internal Minister in that time -, in 1911, implanted the accomplishment of admission exams and the fees' payment in schools, which precluded the access of huge portions of population into official instruction institutions (GARCIA, 2007). The school was, at that time, with little exceptions, a privilege of elites. "For the public school to renounce being destitute, it was necessary that also its clientele was another – child from "good origination" families" (VEIGA, 2008, p. 514).

In such historical context, black intellectuals began, from 1889, their militancy for black population rights, in which the education would always appear as a priority and central claim. The first groups from Brazilian Blacks Movement appeared, even without a bigger ideological and political project. They were known, at that time, as color men associative movement (DOMINGUES, 2007).

### **Black Movement and claims for educational legislation**

The Black Movement beginners in Brazil used to assemble into associations like sports' clubs, charity institutions, literacy societies, civic centers, newspapers, political organizations. They mixed educational initiatives with those turned to social, legal, medical assistance, besides election campaigns, newspapers' publication. They operated, in educative discipline, by trials of awarding Black population about the necessity of education and social mobilization. They developed cultural activities, and searched for filling the gaps let by Public Power by creating their own schools, focused in Basic Instruction, essentially in literacy (SANTOS, 2005). Those not official scholar institutions used to be opened for a few years and than closed their doors because of wherewithal's lack. As a result of that dynamics of repeated opening and closing schools maintained by the associations, schooling of many blacks was interrupted and recovered several times and, therefore, it was only possible in a fragmented way (DOMINGUES, 2009).

In the black institutions' activities registers from that period, there was, especially since 1920's, the enthusiasm for blacks' education, seen as a way to overcome their supposed inferiority. That approach coincided with a period of decrease in European migration to Brazil and the sequent admission of black workers in industry (SISS, 2003).

It was also contemporary to the recapture of pedagogic optimism in the Brazilian educational thought, by the belief in education as a mean to achieve progress and to overcome economic delay (SISS, 2003). That view appeared under the influence of New School ideas, which obtained a big representatively in Brazil. It brought to the country the impulse to teachers and other specialists from education champ's professionalization, as well as important methodological innovations (NUNES,



1992), by proposing the recognition of children as a non fragmented human being and the democratic experience on human relations inside the scholar institution, although in few events such practices were aligned to a questioning of social inequalities (HILSDORF, 2006; SISS, 2003).

That new view from intellectuals in Education field, however, did not approach the topic of blacks schooling itself. Analysis from that epoch about national educational scenario, sample those realized during the three Education's National Conferences occurred in Curitiba, Belo Horizonte and São Paulo, by the Brazilian Association of Education, which did not inspect none question about black population (SISS, 2003).

The professional instruction from São Paulo, which schools were created by Decree 7.556 from 1909, had the goal to form an internal market of qualified manpower by the instruction of workers' sons and daughters. Whence, it allowed the schooling of some blacks, whose success in intellectual field was an important resistance flag and a base for social claims of black groups (GARCIA, 2007), which became capable to disseminate their idea and to get political visibility by means of public showings of awareness, protest, union and social integration (SILVA; ARAÚJO, 2005). Silva and Araújo (2005, p. 74) mention Cunha Júnior's thoughts to explain that "[...] such educational practices did not contemplate and valorize just the ethnic and cultural diversity from black students as turned that diversity into mobilization and political action of resistance and intervention".

In 1930's decade the first black organizations with more deliberate political claims appeared (DOMINGUES, 2007). Between them, the Brazilian Black Front (1931-1937) gets a highlight, because it had the biggest degree of organization and achieved the highest number of supporters (DOMINGUES, 2007; SISS, 2003).

That institution had the goal of promoting political education, understood as cultural and moral formation, and also covering the instruction or literacy, aiming to overcome blacks' socioeconomic retardation (RODRIGUES, 2003) and to promote the participation of such population in political scenario and the discussion of themes of their interest. As explained by Araújo (2007) and Domingues (2007), newspapers published by Black militancy claimed parents to register children at schools, associating the low schooling of black population problem also to the demobilization of population itself.

Based on that ideas, 1934's Constitution made scholar education obligatory without determine that it be realized by official scholar institutions (CURY, 2002; FERRARO, 2008), and with no content specifically related to blacks' schooling.

Black Movement had a political position and mobilized respect to questions of national interest, claims from other organized groups in the campaign for rights in the educational field (CURY, 2002; DIAS, 2005). It took on, therefore, as Gonçalves and Silva (2000) and Krauss and Rosa (2010) show, State's role, trying to make up its shortcoming in promoting scholar education of the population.

In the beginning of Republican phase, the instruction of blacks was realized mainly by schools created by the black associations themselves. Public classes given by religious institutions and by orphanages, private schools and quilombos' schools also contributed to that access to scholar content. There was, also, the attendance of black students to the instruction's public network, although, because of the absence of statistics related to such belonging, it is not possible to say the quantity of them

(ARAÚJO, 2007).

Since the foundation of New State, in 1937, an organ become to centralize decisions and actions from educational department. Education and Health Minister, with a bureaucratic-administrative apparatus from educational department composed by Councils, Commissions and Institutes, searched for "homogenize scholar contents, methods, times and spaces" (VIDAL, 2003, p. 60), with the goal of promoting, by scholar education, values regarding to family, religion, work and fatherland, which would give support to the political regime implanted then (HILSDORF, 2006).

School was seen, according to Duarte (2000), as a space where the shaping of a standardized, orderly, disciplined citizen would be done; such citizen would contribute for the regeneration and sanitation of families and their consuetude, considered inappropriate to social cohesion, to the obedience to a central department, to national safety, and to fatherland's fortification. In those ideas, there was no space to actions specifically turned to any racial group, because they were considered secessionist and antinationalist.

Another action from Varga's dictatorship would influence the access of blacks to official instruction: the Law-decree nr. 37, from December second, 1937, while solving political parties and prohibiting the creation of new ones, has inhibit a large part of associative activities which had any political feature, as the ones from Black Movement.

It was only at the end of New State that black social movements started to retake their operation. Keeping the education as a priority on their claims, they restarted to offer Basic Education schools, which would continue being the principal focus of acting, but they also began worrying, although in an embryonic manner, with the charge for provision of free scholar education by the State, as well as with the access of blacks to Superior Instruction and with the permanency of them in the instruction institutions, in all educational levels. The first Afro-Brazilian Universities were idealized on those social movements.

Tens of black institutions were born in that context of politic rights' recovery and of construction of a new Constitutional Letter, and two of them featured. The first of them was the Colored Men's Union, founded in 1943 in Porto Alegre, and opening at least ten branch offices in the interior and in many Brazilian States, and achieving a high number of affiliates, around two hundred and eight thousand people (DOMINGUES, 2007). The organization operated, between other activities, in literacy initiatives and in the creation of a school, but mainly by claims that, while the public instruction was not free, the black students should be accepted in superior instruction institutions, including the military ones, as State's borders (DOMINGUES, 2007).

Another representative group of that period was the Experimental Black's Theatre, created in Rio de Janeiro in 1944 by the militant and intellectual Abdias do Nascimento. That collective used to maintain a theatre group, a research center and a museum, and to realize publications, conferences and congresses (DOMINGUES, 2007). Its action had the goal to public promote the values of black culture and to oppose the racial prejudice ridden under the masks of racial democracy (SISS, 2003), and that was the perspective, as showed by Domingues (2007), in which such group proposed an anti-discrimination legislation to the country, denounced scholar institutions which did not accept black students, opened the denounces

to racial prejudice in child and didactic books, and emphasized the critics to the Eurocentric orientation of curriculum.

In 1945 the Manifest in Defense of Democracy was launched. It was a text including claims from black movements for the new Constitution, which was in formulation and which would be enacted the next year, seeking for explicitness of the multiracial character of Brazilian society, although it still did not suggest that such explicitness was done in the instruction (GONÇALVES; SILVA, 2000; SISS, 2003). However, that proposal had no parliamentary support, and so was not covered by the Constitutional Letter of 1946, because it was understood that such claims would hurt the biggest sense of democracy when claiming rights specifically turned to black population (GONÇALVES; SILVA, 2000). Those proposals yet had the politic content of defense to the right to specificity in relation to hegemonic interests, which had emerged because of the recognition of the violence against ethnic groups committed in Second World War, and also the one of redress of social inequality historically generated between black and white portions of Brazilian population, which later, still under controversies, would brief the affirmative actions' politics for blacks in Education and in other fields, but which, in such epoch, contradicted the beliefs of racial democracy.

Based on such findings, black organized groups started to claim to the Public Power for the inclusion of Africa and Africans' History, of the blacks' combats in Brazil and their participation in the shaping of Brazilian society and culture in scholar programs. Those proposals appeared, already in 1950, in the declaration resultant from the pleadings of I Congress of Brazilian Blacks, promoted by Experimental Black Theatre, in Rio de Janeiro (SANTOS, 2005; SISS, 2003).

A small advance occurred in 1961, when the National Education Guidelines and Basis Law referred to racial prejudice, convicting "any unequal treatment by reasons of philosophic, politic or religious conviction, as well as any race and class prejudice". In the National Education Guidelines and Basis Laws that followed, in the years of 1968 and 1971, that redaction was maintained and there were no new references to racial issue (DIAS, 2005; KRAUSS; ROSA, 2010).

With the beginning of Military Dictatorship in 1964, there was a big ebb and dislocation of social movements and of racial theme in public discussions, which could be interpreted as incitement to hate and to racial discrimination. They had not disappeared, but started conducting fragmented initiatives, with no perspective of coping the actual politic system (DOMINGUES, 2007; HILSDORF, 2006; SANTOS, 2005). Only at the end of 1970's decade, they realized a political shift, getting up in an unified shape, at the same period of ascension of popular, students, syndical, identities e minorities campaigns, as feminist and gay groups, and expanding with the politic re-democratization (DOMINGUES, 2007; GARCIA, 2007).

The starting point to that new phase of Black Movement in Brazil was the institution, in 1978, of the Unified Black Movement. That organization started searching the solution to racism via politic participation, by access to power, acting by the marks of a differentialist conception, in other words, by promoting rights' equality allied to differences' respect and appreciation. It tried to combine the black's combat with those from all the other oppressed groups in society, in the sense of countercharge of actual social order (DOMINGUES, 2007; RODRIGUES, 2003). One of its fight flags, since its first actions, was the inclusion of black theme



on scholar curriculum, as well as the combat to stereotyped and prejudicial manner in which the History of black population was taught at schools and didactic books (DOMINGUES, 2007; RODRIGUES, 2003).

In the 1980's years, some proposals for curriculum reforms raised, by initiative of Black Movement. One example of them is the one prepared by Sociology Department of Afro-Brazilian Cultural Center, from Bahia's Federal University. It proposed, as showed by Domingues (2007), that the first, second and third degrees instruction would consider the discipline Interethnic Pedagogy, including studies about African and Afro-Brazilian culture, literature, poetry, dance, music and dramaturgy, and the History of blacks under three focuses: the slavered African in Brazil, the freed black and the contemporaneous Africans and afro descents.

In 1986, in the National Convention "The Black and the Constituent", a proposal to the new Federal Constitution was prepared, synthesizing the discussions yet made in several Regional Meetings in a draft I which it is suggested, as Santos and Machado (2008) point, that the Letter would affirm education as a mean to combat racism and discrimination and to establish the respect and the appreciation of diversity, as well as that it instituted the mandatory of the instruction of black population's History in Brazil, as a way to rescue ethnic and racial identity and to build a new multiracial and multicultural society (SANTOS, 2005; SANTOS; MACHADO, 2008).

The proposal made by Black Movement was not incorporated to Federal Constitution, under the justification that private issues should be approached in specific complementary legislation (SANTOS; MACHADO, 2008). In its text, the Letter brought three innovations which would be important to enlarge Black Movement's combats in educational field: it recognized the Youth and Adults Education as a right for those who had not have access to schooling in the age considered appropriate (CURY, 2002); it classified racism as unbailable and imprescriptible crime; and, it recognized the diversity of Brazilian's composition, indicating the need that scholar curriculum would reflect the Brazilian racial plurality (RODRIGUES, 2003).

One of the marks of that new view was the propagation of results obtained on the National Research by Residence's Sample, realized by Geography and Statistics Brazilian Institute in 1987, when that research began to include racial classification on its criteria (SISS, 2003). Those results evidenced many inequalities between black and white groups from Brazilian population, among which, those related to educational issues: a higher index of scholar illiteracy, exclusion, abandonment and reproof was found among black students than among the white ones (CAVALLEIRO, 2000).

In the debates for formulation of the new National Education Guideline and Basis' Law, enacted in 1996, another time no specific treatment to racial issue was accepted. The proposals of Senator Benedita da Silva, focused on the reformulation of Brazil's History instruction, including the mandatory of the black populations' History study, were denied under the justification that, with the creation of a national common basis to Education, it would not be necessary to institute an exclusive space for the theme (RODRIGUES, 2003).

That claim for specific rights to black population as a manner to compensate a social disadvantage historically produced by mechanisms of domination, started

being a persistent claim on combats of such period, especially from the years 1990 on, and it got stronger on the debates about affirmative actions. Increasingly, Black Movement turned to claims and actions for blacks' access to Superior Instruction, by the Pre entrance Exam Courses for Blacks and Neediest (PEREIRA, 2005), by the creation of black Universities and by the establishment of racial quotas in public and private institutions of Superior Instruction.

In November 20, 1995, Black Movement realized Zumbi dos Palmares Marching Against Racism, for Citizenship and Life, with the presence of nearly ten mil participants, in Brasília. In that opportunity, by a document given to the president at that time, Fernando Henrique Cardoso, the combat to racial discrimination on instruction, the revision of didactic books and of instructions programs by considering racial issue, and the permanent formation of teachers in that same direction, were claimed (DIAS, 2005; SANTOS, 2005; SANTOS; MACHADO, 2008).

In the same year, the Brazilian Human Development Report showed that blacks were the majority in evasion, repetition, illiteracy indexes, and that they had disadvantages when compared to white people regarding admission in scholar institutions and progress and conclusion of studies (DOMINGUES, 2009).

As products from such explicitness of inequalities between whites and blacks in Education and of the combats of Black Movement, some important achievements occurred.

Didactic Book National Program did the revision of didactic books since 1993, trying to guarantee, beyond other criteria, that its contents would not reproduce discriminatory ideas about black population (SANTOS, 2005).

Another important achievement is that many Brazilian States and Cities started recommending the mandatory of black History and Culture's teaching in their Constitutions (SANTOS, 2005).

In November 20, 1995, a Presidential Decree created the Inter-ministerial Work Group for Appreciation of Black Population, which means the recognition, by Brazilian State, of the existence of racism in the country. Its goals were the discussion, preparation and implementation of politic projects for Afro-Brazilians appreciation. The Group was divided in sixteen theme areas, one of which was Education. Among the proposals specifically turned to such theme area, there were the intentionality of boosting the production of didactic-pedagogic material turned to the approach of racial relations in Child Education field and of boosting the production of didactic-pedagogic material which emphasized Afro-Brazilian history, culture and tradition, as well as to form teachers to lead with the theme of racial relations, including them on the curriculum of Basic Education (SISS, 2003).

In 1997 the National Curriculum Parameters for Fundamental Instruction I were approved and, in 1998, those related to Fundamental Instruction II. Critics to the Parameters, in which turns to racial equality issues, show that they dilute them, in the major time, in a Transversal Theme – not integrated to obligatory contents of the disciplines – Cultural Plurality, and that there are, in them, no systemic critics to dominant curriculum and its incompatibility with the idea of an instruction turned to the education of racial relations. Thus, it would recall the dominant concepts about knowledge and culture, without bringing to schedule the isonomic appreciation of the many different cultural expressions (PEREIRA, 2005).

In August and September 2001, Brazil joined the 1<sup>st</sup> World Conference against Racism, Racial Discrimination, Xenophobia, and the Related Modes of Intolerance, in Durban, South Africa. At the end of the event, a Declaration and an Action Platform were elaborated; in them, the belief in the linking between right to education and combat to racial discrimination was affirmed.

At last, in 2003, a change in National Education Guidelines and Basis Law is made by the Law 10.639/2003, which includes the mandatory of teaching Afro-Brazilian History and Culture in Fundamental and Medium levels of Brazilian instruction.

### Final Consideration

As explained along the investigation about the pats historically threshed by blacks in the field of formal education in Brazil, school has constitute itself, in our country, immerse in the process of State's power legitimation by institutions.

That process was always permeated by hierarchy social relations that, in here, have a strong racial character, because of the reality of more than three decades of black people's slavery and of its long social consequences.

That is how the school, sometimes reject or complicated the access od blacks, so the white and proprietor elites could use it as a mean of differentiation, and so, as a mean to maintain social structures; in other times it encouraged their presence in the institutions as a strategy to transfuse dominant's culture values, and thus legitimize itself.

That is why the Law 10.639/2003<sup>4</sup> represents the achievement of combat of black populations for their effective inclusion in scholar institution, a tensioning in curriculum and at school, which makes it possible to deconstruct the legitimation of discrimination by knowledge, a discourse which is elaborated in the ideological discourse itself, as a counter discourse.

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4 An important achievement related to the theme of that article is to point the perspective of art. 26-A from National Education Guidelines and Basis Law (LDB), modified by Law 10.639/2003, which make it mandatory to teach Afro-Brazilian and African History and Culture on public and private schools from Fundamental and Medium Instruction of the country. Art. 26-A from LDB (modified by Law 10.639/2003 and later by Law 11.645/08), The Resolution of Education National Council/Plenary Council (CNE/CP) 1/2004, which approved the National Curriculum Guidelines for Ethnic and Racial Relations Education and for Afro-Brazilian and African History and Culture Teaching, and the Feedback CNE/CP 03/2004, which founds the curricular guidelines, according to the Dossier "Ethnic and racial relations and pedagogic practices (SILVA; GOMES; ARAÚJO, 2013).

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