



THE 10.639/03 LAW AND THE DIFFICULTIES OF ITS EFFECTIVE IMPLEMENTATION

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ABSTRACT

Despite the twenty-one years since the enactment of Law 10,649/03 and the significant advances in the debate about racial guidelines in Brazil, it is still possible to identify some forms of resistance to its full implementation. The non-application of the law has become an obstacle for the debates held about Afro-Brazilian history and culture in the academy to also occur in the scope of basic education. Thus configuring the anti-racist struggle in the country as a disservice. The guiding question in this work was: In this context, the purpose of this work is to discuss the importance of teaching African History in the school context, as well as the enactment of Law 10.639/03 and its application in the current scenario. For this purpose, bibliographic research was used based on scientific publications in the area of History and Education. The main indications were that, in addition to specific actions carried out by teachers, an action that is aware of their social responsibility requires the engagement of all those involved in the formative processes of basic education in the country.

Keywords: Law 10.639/03, difficulties, full implementation, basic education.

INTRODUCTION

Law 10.639/03 is a strategic tool aimed at rescuing the contribution of Afro-History and Culture to the formation of Brazil in the context of basic education. In general, the Law seeks to link the insertion of African History and the fight against racism in school curricula. Proper knowledge of this History breaks stereotypes and becomes an ally in the fight against racial discrimination inside and outside the classroom. The Law rescues the contribution of black people in the social, economic and political areas, providing class debates that lead to changes in the conception of what comes from Africa. In this sense, I resort to the contribution of Santos (2000) when

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he states: “We wish to integrate Brazilian society so that, in the near future, being black in Brazil is also being fully basic in Brazil”.

With the implementation of the law, it falls on education to promote the repair of the African memory that was denied to past generations. It can be seen at this point that the teaching of African History contributes to eradicating discrimination, promoting equity of content with regard to the founding ethnic groups of the nation. By showing positive black references, which present in their respective trajectories acts of bravery, heroism and conquests, in addition to merely showing the “other side of the coin”, it also enables students to think positively about the history of their ancestors and, consequently, about of themselves. Enabling the construction of a healthy self-esteem and free of traumas and conflicts resulting from racism. Thus breaking with the erasure of the identity of subaltern groups, among other ideologies forged with the aim of weakening critical thinking.

As the student begins to identify with his History, he strengthens his constitution as a social subject, not condoning any form of discrimination against black people, Africa and its culture.

Making students learn the History of Brazil and the World without disregarding all the contribution of African peoples is important because, in the face of a racist society, where people tend not to admit racism or think they live in a "racial democracy" , students may have the chance to understand the current situation in the country with regard to the positions occupied by blacks. Through the proper application of Law 10.639/03, students can build the critical sense necessary to perceive the racism that permeates the collective unconscious, thus overcoming the difficulties that are imposed on them.

This article is divided into three chapters; the first presents the importance of studying the History of Africa; In the second, Law 10.639/03 is approached in its historical context; and in the third, the role of the teacher for the success of law enforcement is discussed.



THE IMPORTANCE OF STUDYING THE HISTORY OF AFRICA

Several contemporary authors observe the importance of the study of Africa in the process of building a historical conscience. Scholars also defend that Africa is the cradle of humanity, so one cannot do without the History of Africa to understand the current situation of a country like Brazil. According to Souza (2007) the importance of studying the History of Africa is to value the Afro-Brazilian culture to understand Brazil and the world. Like him, Pinho (2012) assures us that the importance of studying the History of Africa is to break prejudices about everything that comes from Africa and black people. In this way, we understand that, just as it is important to study the History of America or Europe, it is equally important to study the History of Africa. On the importance of Law 10.639/03 R. S. Borges says:

What is at stake in Laws 10.639/03 and 11.645 is the search for recognition and adoption of an educational system that exercises alterity. Welcoming the other, in their fullness and complexity, as a condition for embracing myself, without reducing them to stereotyped categories, has been the renewed challenge of global politics. (BORGES, 2015, p. 750).

In this sense, we understand that the study of the History of Africa must be applied in the educational context, more precisely in the classroom. Studying the History of Africa overcomes prejudices, broadens the understanding of oneself and the culture that surrounds us, always showing that Africa is not a continent without History, rather it is a diverse and rich continent in several instances. Evidently the application can also be used to fight against racism and the depreciation of everything that is of African origin.

Unfortunately, for generations, the teaching of History classes in Brazil had as a theoretical basis textbooks written from a Eurocentric perspective where, sometimes, the African continent appeared as an inhospitable place, inhabited by “exotic” people, who had little or nothing to do with it. teach to the rest of the world, because they are “a people without history”, due to some traditional peoples of the African continent not primarily using written documents, but in many cases orally.



This devaluation of the study of Africa in the teaching of History in Brazil has perpetuated a stereotyped view. Therefore, only through education can there be changes in this scenario. Nobody is born prejudiced, but the perpetuation of racism takes place from an interaction with a society that is riddled with prejudices, which have not been confronted by an adequate teaching of Afro-History and Culture. About this Kabenguelé Munanga says:

[...] the memory that is instilled in him is not that of his people; the story they teach you is another; African ancestors are replaced by fair-haired, blue-eyed Gauls and Franks; the books studied speak to him of a totally alien world, of snow and winter that he has never seen, of the history and geography of metropolises; the master and the school represent a very different universe from the one that has always surrounded it (MUNANGA, 1988, p. 23).

Therefore, it is important to understand that without an equal exposure of the history of all ethnic groups, young people of African descent will grow up without understanding the complexity of society and will not feel contemplated in their physical characteristics, religion or customs that refer to a past of participation of African people. In this sense, we verified the importance of studying the History of Africa as a fundamental step towards the change in the racist scenario that is engendered in a veiled way in the country.

A HISTORICAL CONTEXTUALIZATION OF LAW 10.639/03

The origin of the framework that resulted in the enactment of Law 10.639/03 dates back to the past struggles of the Black Movement since the 1930s throughout the country. So that today there could be a law with a proposal to give visibility to the History of Africa, which for generations did not receive due attention on the part of educational policy, it took years of struggle by the militancy of social movements. There is no doubt that for decades there has been a lack of interest on the part of government officials so that the contributions of blacks, in the various instances of society, reach school subjects.

An emblematic fact that may exemplify the lack of appreciation for the trajectory of black people in Brazil occurred at the beginning of the republican



period when the then Minister of Finance Rui Barbosa burned the documents referring to the period of slavery. About this Laurentino Gomes writes:

Another controversial measure by Rui Barbosa was the decree that determined the burning of all records of the slave trade. The official justification was to eliminate from the archives – and, therefore, from national memory – the traces of a chapter that he considered shameful for Brazilians. In reality, the objective was to make it impossible to compensate the damages that slave owners could eventually claim in court. For historical research, it was an irreparable loss, forever deprived of precious documents on slavery. (GOMES, 2013, p. 336).

In recent years, governments of different ideological backgrounds in Brazil have implemented successive public policies to combat the problem of racial discrimination, including Law 10,639/03. Promulgated at the beginning of the first term of President Luis Inácio Lula da Silva, this law aimed to make possible the inclusion of the History of Africa as mandatory in all public and private schools across the country. For Bernardo (2017), Law 10.639/03 is a translation of what the 1988 constitution says when it states that education is a social right and joins other public policies implemented by several governments intending to promote racial equality

To this end, Law 10.639/03 would make it possible to reconfigure the curricula presented so far, since it is not about the inclusion of a specific discipline, but an epistemic change that proposes to consider the relevance of Afro-Brazilian History and Culture. Evidently, the application can be used to elaborate responses to the new demands required by young black people who enter the educational context formerly attended in greater numbers by whites, enabling the breaking of prejudices.

THE TEACHER'S ROLE IN LAW APPLICATION

Law 10.639/03, to be applied in public and private schools across the country, is a mechanism for the political and cultural dissemination of the black presence in Brazil and in the world, showing that the trajectory of blacks is not limited to slavery. Therefore, it is important to understand that for the proper application of this Law, it was necessary for teachers to undergo continuous training in order to be properly inserted in the teaching-learning



process that the law required. In addition, it was also necessary for schools to make resources available for the formulation of educational projects in which students were participants in the construction of knowledge.

From this structure, properly prepared teachers, able to recognize the errors contained in textbooks, would be of great value. Most of these books lack references to black people and the History of Africa is nothing more than an appendix to history, when it comes to the slave trade and colonization processes. Hence, raising debates in class and making Law 10.639/03 in force, at least in terms of problematizing the subject in their classes, contributes to the Law not falling into oblivion. Onofre (2014) states that it is necessary to invest in teacher training, as this is the only way to make the Law work properly.

On the other hand, inserting the student in the knowledge construction process is the most appropriate method, since everyone has a point of view, albeit a wrong one, about the history of Africa. In this context, all of them, but especially black students, have already noticed racism at some point in their lives. The challenge is to make these students assume this awareness as participants in this process. As Onofre argues:

The biggest challenge is to assume ourselves as protagonists of the society in which we live. Stop mentioning the problems, as if we were not part of the solutions. So the biggest challenge for our school is this, we will stop being racist when we assume what we are [...]. So the great challenge of the school is to encourage in the teacher the desire to study the Law. To see the Barro Preto community, to see its student as something alive, which is not what is programmed in books or on television. He is a living being who brings to the school every culture he is part of. He will never sit still. He's not going to be a revolutionary anti-racist, and he's not even going to be the racist that everybody points to [...] So that's our challenge. It is to stop indignation without annunciation. Only be outraged if you are able to advertise. If you are not capable, you are a hypocrite. So it's an end to hypocrisy. And that's slow [...] (ONOFRE, 2014, p.147)

However, despite the progress that the implementation of law 10,639/03 meant, its applicability revealed a picture that was very different from what was expected. One of the reasons for the ineffectiveness of its application can be pointed out as a kind of “boycott” by students and teachers.



However, it is essential to think that teachers are responsible for perpetuating this scenario. If there is the possibility of building new realities from the freedom of thinking, then a new scenario where students turn to the interest of teaching African History also permeates the hands of teachers. Being constituent members of the school, they are also directly responsible for the continuity of this disqualifying reality of what is black or African. According to gomes,

More than new pedagogical activities, the discussion about Africa and black people in the Brazilian context should promote debate, discussion, reflection and change of attitude. Carrying out interdisciplinary work projects, encouraging more collective practices and theoretically and methodologically reinforcing the fight against racism and racial discrimination at school are objectives and should be the result of the implementation of the law and guidelines (GOMES, 2008, 67)

Given the above, it is necessary that teachers assume their social responsibility and contribute with their part in the process, which is that of "facilitating learning". Students, in turn, despite religious convictions, should not shy away from understanding this History, which is a fundamental part of a study committed to the critical emancipation of the subject at any level. In this way, there needs to be greater supervision by the competent authorities so that the Law achieves its objectives and Brazil is a country that advances in the fight against racial discrimination.

CONCLUSION

Law 10.639/03 emerged as innovative ideas for education and especially for teaching history. However, as can be seen, in most Brazilian schools the Law has not been properly applied, due to several factors that permeate the lack of awareness about the importance of studying Afro-Brazilian History and Culture on the part of teachers and students. . Even today, in the 21st century, everything that comes from Africa is "demonized" or "inferiorized" as if it were matters that were alien to the context of Brazilian society.

It can be said that, although there are some initiatives by teachers, individually, to promote class debates about the History and contribution of



African peoples, in most schools we still do not see the effective application of the law. It is still necessary to engage all those who make up the education mechanism so that the teaching of the History of Africa and its importance in the perception of themselves and the world as citizens is, in fact, instituted.

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