



**10.639/03 ACT: CRITICAL INTERCULTURAL EDUCATION AND  
(RE)CONSTITUTION OF AFRICAN-DIASPORIC IDENTITIES <sup>14</sup>**

**A LEI 10.639/03: EDUCAÇÃO INTERCULTURAL CRÍTICA E  
A (RE)CONSTITUIÇÃO DE IDENTIDADES AFRO-DIASPÓRICAS**

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**Recebido:** 21/fev/2020

**Aceite:** 24/mar/2020

**DOI:** <https://doi.org/10.29327/2.1373.2.1-5>

**ABSTRACT:** This article aims to present some contributions of 10639/03 Act, which establishes educational rules for the teaching of history and culture of Africa and Africans, and their dialogues for an intercultural education. Thus, while the main didactic-methodological axis of this law proposed the critical intercultural education, which prioritizes the valuation of cultural-diasporic cultural identity, uses a resistance to bleaching and excludes these identities in the educational setting.

**KEYWORDS:** 10369/03 Act; Intercultural Education; African-Diasporic Identities.

<sup>14</sup> This article is the result of studies developed during the first term of the research named as “Por uma pretagogia no livro didático de língua portuguesa e inglesa: uma análise da (não) aplicação da lei 10639/03” under the supervision of Professor Gasperim Ramalho de Souza during the “Programa Institucional de Iniciação Científica Voluntária” (PIVIC) of the Federal University of Lavras (UFLA), 2016.

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**RESUMO:** Este artigo tem como objetivo apresentar algumas contribuições da lei 10639/03 que estabelece diretrizes educacionais para o ensino de História e Cultura da África e dos africanos, e seus diálogos para uma educação intercultural crítica. Dessa forma, enquanto principal eixo didático-metodológico dessa lei propomos a educação intercultural crítica, a qual prioriza a valorização da identidade cultural afro-diaspórica visando uma resistência ao branqueamento e apagamento dessas identidades no cenário educacional.

**PALAVRAS-CHAVE:** Lei 10369/03; Educação Intercultural; Identidades Afro-Diaspóricas.

## INTRODUCTION

In Brazil, it is clear that towards Black African legacy, there is still some resistance to the adoption of pedagogical practices that recognize value and promote actions in favor of the contributions of African culture and knowledge to the construction of content in the classroom, such as for epistemological aspects. With this, it will be necessary to overcome a “generalized tendency to consider whatever knowledge related to Africa, more as an object of research or as a possible contribution to research” (CASTRO, 2005, p.15). The persistence of this fact tends, even more, to a Eurocentric stance both in academic environment and in society, or that elucidates an emerging need for anti-racist practices that aim at a decolonized education in which African voices find more spaces to echo and be heard.

Still, according to the latest studies done by the United Nations (UN, 2013), and the Institute of Enlarged Economic Research (IPEA, 2019), Atlas of Violence, it is possible to figure out how racism in Brazil emerges and it is sustained from the order in which three distinct but interconnected and interdependent instances are maintained: the symbolic, the systemic and the ideological (MOORE, 2007). Racism, in this way, is structuring in Brazilian society at the same time as it is institutionalized, which not only subjugates its majority population of afro descendants (MOORE, 2007) as it also sentences these subjects to a state of genocide and continued marginalization: in the rates of murdered blacks, in Brazil, are expressively among those who are the biggest victims, still, is that



part of the population that has the lowest schooling rate, lowest wages, highest unemployment rate, lowest access to health care, dies earlier and has the lowest participation in the Gross Domestic Product. They also make up the part most represented in prisons, those who occupy less government positions, in addition, young blacks are the majority in cases of suicide in Brazil.

This perspective addresses, even more, the paths of teaching and students in Brazil, since, under this bias, education starts to be shaped, omitting historical facts; not studying the African matrix in the world, as well as neglecting its ancient history, and its scientific productions; stereotyping black experiences; and insisting on the romanticized teaching of the enslavement of Africans on the continent and in the Diaspora. In view of this impasse, it is necessary to ensure that Afro-Brazilian and African History and Culture is told free of any stereotypes and omissions, in order to promote an emancipator education which recognizes theme of black people whereas it embraces diversity in constitution of the nation, and the contributions of different nationalities in the structuring of its population. In this sense, in 2003, 10,639 / 03 Act was introduced, which alters the law of guidelines and bases, adding the obligation to teach African and Afro-Brazilian culture and history in education for ethnic-racial relations.

That said, the purpose of this article is to analyze how 10.639 / 03 Act corroborates the (re) constitution of identities in the African Diaspora, and the promotion of ideas of belonging. Thus, a bibliographic review was made about the theme on screen: the reflections developed in this work, of a qualitative character, come from the studies of Act 10639/03 in line with the ideas of Rocha (2007), referring to Anti-racist Education; Nobles (2009) and Nascimento (2002; 2017), on the (re) constitution of African identities and experiences on the continent and in the Diaspora; in Fleuri (1999) and Hall (1959), with regard to a critical intercultural teaching perspective; and in Moore (2007) and Munanga (2007), about the phenomenon of racism; among others. The readings carried out made it possible for us to deepen our view on Act 10369/03, increasing its pedagogical potential for valuing the centrality of African and Afro-Diaspora productions and experiences.



## 1 10.639/03 ACT: FOR A RESCUE OF AFRICAN HISTORY AND CULTURE IN BRAZILIAN EDUCATION

The school is one of the spaces for the knowledge and identities construction, since it is one of the places where students recognize each other and constitute themselves as subjects. Therefore, the right to quality education needs to be seen as essential by all citizens, regardless of race, identity, gender, sexual condition, creed or class. However, although prescribed by law, it can be seen from “recent statistics, theoretical productions and academic research”, that the racism present in Brazilian society” is also reflected in the education systems "(ROCHA, 2007, p. 10), in which this reflection is felt both in the sphere of access and permanence, as well in the curriculum composition. This factor, therefore, affects the quality of education sought.

Although Brazil is formed from diverse cultures, such as those of the original peoples, Africans and Europeans, in the educational apparatus, as in all social dynamics, these three forces are not valued and recognized in the same way. This occurs at the expense of cultural identities that are "aspects of our identities that arise from our 'belonging' to ethnic, racial, linguistic, religious and, above all, national cultures" (HALL, 2006, p.9), due to colonization through its hygienist / genocidal project, a movement to erase and marginalize traditional peoples and their deeds, to the detriment of white citizens. This Eurocentric vision and conduct not only misrepresents a serious and emancipator construction of education, but it shies away and destitute identities and paths for social, cultural and financial ascension: where there is no possibility of echoing and narrating black African stories, there is no possibility of constituting memory and political positions linked to the experiences of the continent and in diaspora. ( NASCIMENTO, 2002).

By making male and female students, black or not, know only a single epistemological path, in the case focused on the amalgam of European experiences, the system moves in favor of the project of annihilation of identities, memories, culture and the humanity of the African descendant in Brazil.



In this sense, dispense with glimpsing and building new references, as well as analyzing a school reality identifying each component of daily educational practice (pedagogical action by teachers, daily school culture, curriculum, school relations, didactic material resources and pedagogical rituals) characteristics that are fundamental for a construction of a pedagogy of diversity corroborating for the construction of an anti-racist education (ROCHA, 2007, p. 10)

Thus, a law was necessary, which would guarantee that such contributions were considered effective, in order to contribute to the construction of a democratic education for an equitable and engaged society. 10.639 / 03 Act established the obligation to teach Afro-Brazilian and African History and Culture<sup>5</sup>, in all educational instances from basic to higher education, from the perspective of blacks in Brazil and Africa:

Art. 26-A. In basic and high schools, both official and private, teaching about Afro-Brazilian History and Culture is mandatory.

§ 1 The syllabus referred to in the caput of this article will include the study of the History of Africa and Africans, the struggle of blacks in Brazil, black Brazilian culture and blacks in the formation of national society, rescuing the contribution of black people in the social, economic and political areas relevant to the history of Brazil.

§ 2 The contents referring to Afro-Brazilian History and Culture will be taught within the entire school curriculum, especially in the areas of Artistic Education and Brazilian Literature and History.

Such perspective presents two main routes, the first one concerns

the appreciation of African and Afro Brazilian History and culture, through History, Art History, Literature and Art Education courses, which are indispensable for the importance of African History and Culture in Brazil to be recognized. The other route consists of Education for ethnic racial relations, with the objective of stimulating the establishment of positive experiences to overcome racism (SILVA; SILVEIRA, 2013, p. 22)

According to Silva and Silveira,

this second objective requires that a critical reflection be promoted based on a Sociology of Brazilian Culture, touching on delicate and ambiguous subjects of Brazilian life, which concern all citizens, but in different ways.



Therefore, a critical conceptual discussion is necessary, because it is about selecting concepts for a discussion, but in a way that the social, cultural and political context of this discussion informs the concepts (SILVA; SILVEIRA, 2013, p. 22)

Among the challenges surrounding the implementation of the Law in question, the fact remains that the constructions that support Brazilian racism have not yet been overcome, such as the myth of racial democracy (FREYRE, 1933), for example. This occurrence fuels the marginalization of ethnic-racial issues and the discussion of the existence or not of racism, prejudice, and discrimination based on color, on the phenotype (NASCIMENTO, 2002; 2017).

Ré (2013, p. 41), in “Cadernos - Desafios Implementação da Lei 10.698 / 03”, also points out the following obstacles to be overcome by educators for the development of education for ethnic-racial relations: together with “the lack of content foreseen in the laws, in the initial training curricula of teachers (as)”, there is also the “still insufficient investment in the continuing education of educators, and the small availability of books and teaching materials on the subject in schools”.

Although some situations may compromise the performance of educators in compliance with 10.639 / 03 Act, it is important that they are not exempt from the responsibility of building an interdisciplinary and critical pedagogy (based on social justice), challenging themselves to break with limitations and allowing them to education for ethnic racial relations is a reality in all disciplines and their guidelines. In this sense, it is necessary that not only teachers, but also educational institutions, reverse “this adverse situation by weaving new proposals, facing the dehumanizing situations that black children, adolescents, young people and adults are exposed to in the environment” training (ROCHA, 2007, p. 14).

Reversing this situation is to rethink teaching practices, which must work with the contributions of Afro-Brazilian and African culture and history in a respectful and true way, committed to denouncing the various forms of oppression, whether in the didactic material, in the classroom, in the information conveyed, or in the school routine (ROCHA, 2007). For this reason, rethinking practices is rethinking the approach: one of the perspectives that



help such a study is the perspective of Intercultural Education, which is even more justified in Brazil due to its multifunctional character linked to the fact that diverse cultural groups consolidated and consolidate the color, shape and form in the lands that were once colonized. One of the greatest contributions of 10639/03 Act is the legitimization of a critical intercultural education that does not erase Afro-Diaspora identities and that does not minimize the racism inflicted on these individuals.

## **2 (RE) CONSTITUTION OF IDENTITIES THROUGH CRITICAL INTERCULTURAL EDUCATION**

According to Hall (HALL, 1976), the study of culture has the greatest objective of obtaining cultural self-knowledge, which, according to him, is a way of resolving intercultural conflicts and developing human potential. In this sense, as stated, the magnitude and clear need for critical Intercultural study is justified, above all, in Brazil due to the history of that country's formation, which was consolidated from different cultural groups; but that, due to Euro centrism / racism, it maintains a continuous process of marginalization, violation, erasure and silencing of bodies, experiences, practices and black epistemologies to the detriment of European ones (NASCIMENTO, 2017).

This fact elucidates the survival of racism in Brazilian society, and briefly delving into this topic, according to Moore (2007, p. 22), one can understand racism as a phenomenon constituted “in the history of conflicts between peoples arising from phenotypic differences , consisting of “ a dynamic determined by history and not by ideology ”(MUNANGA, apud. MOORE, 2007, p. 16). In this perspective, racism “clearly appears as the most violent and comprehensive form of consciousness, as it implies a will and intention to exterminate the Total Other.”, That is, aiming at the extermination of the other in its physical, symbolic, cultural totality, spiritual and structural (MOORE, 2007, p. 244). According to the social scientist,

since its inception, in Antiquity, racism has always been a social and cultural reality based exclusively on the phenotype, before being a political and economic phenomenon based on biology. The phenotype is an objective, real element that does not lend itself to denial or confusion. It is



he, not genes, that shapes the ghosts that nourish the social imagination; which serves as a demarcation line between racial groups and as a point of reference around which 'racial' discrimination is organized (MOORE, 2007, p. 22)

Thus, “racism confers, *ipso facto*, exclusive advantages and privileges according to the position it occupies in the hierarchy of a racialized order”, segregating and elevating certain groups (white), in front of others (blacks and indigenous people, for example) ( MOORE, 2007, p.255). Racism, according to Moore (2007, p. 248), would hardly be sustained without three dynamics that are in the genesis of its phenomenon, which are intertwined, and that even distinct, are interconnected and interdependent. The first instance, according to the author, is the symbolic processing “whereby a collectivity, converted into a dominant group, segregates a group conscience for a rejection of a specifically phenotypic otherness, in order to exercise permanent group domination over the latter”. (MOORE, 2007, p. 247)

The second instance is the “organization of society in a systemic order, according to a specifically phenotypic criterion, to exercise a monopolistic management of global resources, in order to exclude the dominated and subordinated group” (MOORE, 2007, p. 248). The last of the three dynamics, on the other hand, consists of

elaboration of normative intellectual structures (ideologies), specifically aimed at: first, regulating the relations between dominated and dominant; second, inculcating a permanent feeling of defeat in the subordinate segment; and third, to create a narcissistic conviction of unquestionable permanent superiority and invulnerability in the dominant sector (MOORE, 2007, p. 248).

In this context, the educational system, according to Nascimento (2017, p. 113), “works as a control device in this discrimination structure”. According to the author, in this system, “at all levels of Brazilian education - primary, secondary, university - the list of subjects taught (...), constitutes a ritual of the formality and ostentation of the rooms in Europe” (NASCIMENTO, 2017 , p. 133). Little is said about the contributions of African and indigenous peoples to the formation of society, and neither are there any use of these experiences, epistemological processes in educational practices.





In view of this, an intercultural approach to pedagogical practices is essential, especially in view of the historical Brazilian slavery and the permanence of racism as structural and institutional in its society, along with the feeling of inferiority vis-à-vis Europe and the United States. Such an approach appears as a means of ensuring the valuing of all groups and the development of new pedagogical practices. Thus, according to Fleuri, “intercultural education, in the context of social struggles against the growing processes of social exclusion inherent in economic globalization, proposes the development of strategies that promote the construction of particular identities and the recognition of differences” (FLEURI, 1999, p. 277)

Intercultural education is based on the emergence of mutual enrichment. Enrichment caused by the conflict, which is seen as educational due to its differences. This conflict is the result of the interaction of cultural groups, which, therefore, in the context of intercultural education, must be valued: recognizing the meanings and cultural identities of each group in the face of generating cultural growth in social and pedagogical practices. Even when the National Curriculum Parameters for Fundamental Education chose, in Brazil, Cultural Plurality (Brazil, 1997) as one of the transversal curricular themes, there are still difficulties in the construction and elaboration of pedagogical works at the heart of intercultural relations. This situation also demonstrates how the three dynamics of racism are strong and active in society's relations, in which, according to Fleuri (1999), very little has been discussed about an educational proposal that effectively considers the cultural complexity of Brazil.

It is expected that educators who work with intercultural teaching, have another posture in the classroom and a different look for the student, and even for the textbook. This educator needs to maintain a critical position, develop methods and techniques of pedagogical development in order to legitimize the cultures of origin of each individual. To be critical in this respect is to reaffirm the commitment to social issues, as it is necessary to develop with each student the ability to analyze, reflect and question each teaching-learning process and social impacts. Thus, working critically on the proposed issues



collaborates for the political formation of the student, for the (re) structuring of social life and for the promotion of anti-racist education.

The formation of Brazilian society took place in a violent manner, causing the removal of certain cultural identities. Fleuri (1999) points out that intercultural education in Brazil must, therefore, problematize the images hitherto constructed, fostering educational mechanisms and practices that help the self-awareness of marginalized subjects, and encourage social movements.

In order to architect the relation between different cultures, an intentional educational project is needed. Intercultural education allows the interaction, not only of cultures, but of the subjects, who do it (every day). It also changes the horizon, reallocating the student, making it possible for the student to leave his comfort zone, his status quo, promoting a deep and complex experience.

Therefore, it is emphasized the importance of 10.639 / 03 Act to be built together with intercultural, and or anti-racist teaching, because in this approach, “the culture of the other” is not reduced to an object of study, it is seen rather, as a group's own way of seeing and interacting with reality, awareness expands to realize that culture is a concrete demonstration of practices and traditions from a specific ethnical group who needs to be understood and respected. For this reason, intercultural education requires changes in the way of educating, as it becomes essential in combating the stigmas caused by homogenization and marginalization, which according to Fleuri (2001) it is the very dilution of identities and the erasure of cultures declared to be inferior.

Finally, thinking about an intercultural and anti-racist education proposal is important; especially to help build the autonomy of marginalized groups. It is extremely important that such changes aim at mutual respect between different identity groups and develop in a way that contributes to growth and never to the loss of identity. In the next section, we will seek to elucidate how the application of 10.639 / 03 Act corroborates the (re) constitution of identities in the African Diaspora, fostering ideas of belonging, from the perspective of Nobles (2009).



### 3 IN TRANSATLANTIC ROUTE: MEMORIES, IDENTITIES AND EPISTEMOLOGIES

A part of African history is affected by an event called Diaspora that defines the forced displacement of large population masses originating across the globe, as labor to be annihilated. This process, in turn, categorizes what Marimba Ani (1994) conceptualized as *Maafa*<sup>18</sup>: the African holocaust, the great disaster, the greatest crime ever committed in history and by humanity. We refer as *afrodiasporic* the whole African population displaced in time and space and who in the diasporas have reflected on their histories and realities, experiences, spiritual, socio-economic, cultural and political processes, in which even when they are immersed in different spaces, they still remain Africans (NASCIMENTO, 2002).

In this perspective, Nobles (2009, p. 277), when examining the African people across the Diaspora, detailed that, collectively, we need to “go back and reconstruct what we have forgotten”. In emphasizing this, Nobles points to the fact that, collectively, we forget or, more precisely, the oppressor tried to empty black African minds of the meaning of being African, and therefore of being human. By making silence to black voices, the West changes ancestral perceptions those are fundamental to the constitution of the identities of black people. This intentional forgetfulness is the continuity of the colonization process and the realization of the three dynamics of racism discussed here (NOBLES, 2009).

By these means, once forgotten, or forced to forget, the true epistemological foundations that build the meaning of being and becoming human, it is perceived that, at that moment, the whole form of construction of the black in Diaspora starts to happen from of, or aiming at, Eurocentric experiences, experiences and identities. It is in this web that Nobles (2009, p. 284) points out the permanent state of derailment and de-Africanization that blacks find themselves, given that “the path of African development in terms of

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<sup>18</sup> According to Marimba Ani (1994), the term *Maafa* refers to the European era of the slave trade and its respective effect on African peoples and their descendants, in which more than 100 million people lost their lives and were then assaulted systematic and continuous through institutionalized anti-Africanism. In summary, *Maafa* defines the great suffering of African peoples at the hands of Europeans and their descendants.



socialization, family life, education, ways of knowing the God, standards of government, deep philosophical thinking”, such as “scientific and technical inventions were unraveled by invasion and foreign domination”. The derailment metaphor is important, given that when there is derailment, the train continues to move, however off the tracks; the cultural derangement of the African people is difficult to detect because life and experience keep going on.

The experience of human movement (or progress) continues, and people find it difficult to see that they are outside their developmental path. The lived experience, or the experience of the living, does not allow realizing that being on the path, following their own development trajectory, would provide them with a more meaningful life experience (NOBLES, 2009, p. 284)

This process destitutes cultural identities, but in contrast to this colonial logic, by bringing black African history and culture to the forefront, linked to the curricular disciplines, 10639/03 Act itself echoes the voices that were once silenced and muzzled. These, once echoed, are in themselves the fertilization of African and Diasporas’ narratives in body and energy and in their children; which at that moment can, again, constitute and enjoy black humanity

representing otherness and greatness. Thus, making valid the Nobles (2009) postulations about the construction of the emancipations of black people in Diaspora and on the continent, which according to the author is always collective and is only possible if it is reconstructed in the sense of what it is to be African, or that is, from the world-views and cosmologies of African and Afro-Brazilian cultures (NOBLES, 2009).

Thus, insofar as it elucidates how problematic the erasure of stories is, the importance of an anti-racist education for the resumption of consciousness of black men and women in contemporary society is more understood. In this direction, once again, 10.639 / 03 Act, linked to intercultural practices, enables, and reaffirms, the processes for the (re) construction of African and Afro Diaspora’s identities, deprived in Brazil. It makes it possible, above all, to the extent that by making use of the subjectivities of each culture as



an educational mechanism, it allows black men and women to (re) build their identities along the ancestral experiences of their peoples.

The Law is, therefore, one of the possibilities for the identification of identities, highlighting black experiences as epistemological mechanisms for education and social struggles. Attacking the history of a people, altering it or silencing it was one of the ways that the colonist used as a way to intensify the process of domination of Africans and Indians. Not telling the story, in African and Afro-Brazilian relations, is, in this sense, misrepresenting the importance of ancestry / spirituality in the construction of humanity, societies and African cultural identities.

According to Nobles (2009), the European has always feared the spiritual power of the African, as reflected in the quilombos and in the practices of candomblé. Recognizing that the meaning of what it means to be African (a conscious and knowable living spirit) feeds freely and continues in its world-views and cosmologies, this practice and presence are established as a powerful counterpoint to the socialization of racism; hence the insistence on erasing black history and culture in schools. Once aware of their histories and cultural aspects, the more difficult it becomes to sustain racism (NASCIMENTO, 2002). In this perspective, black African ancestry, like their stories, attributes to human beings a condition of power, exemplifying, once again, the reason for the erasure of these epistemologies (NOBLES, 2009; NASCIMENTO, 2002; 2017).

According to Nascimento (2017, p. 133), “conscience is memory and future”, so when there is no reference to African or black people, there is no possibility of constituting identities. 10.639 / 03 Act demonstrates that, together with the importance of black references in the educational system, it is necessary that such presence contributes to the feeling of belonging, and not withdrawal. An anti-racist education is based on reliable mentions of African experiences, since, once misrepresented, there is an opposite movement: some practices feed the self-rejection of the student and the black student, who, because they are conditioned to a sense of identity alienation black, may seek to assimilate to the maximum with white individuals and cultures, such as their values, aesthetics and notions of sociability (NASCIMENTO, 2017).



10.639 / 03 Act is the possibility of updating what Nobles (2009, p. 277) drew for the Diaspora and the continent: “although the attack on the Africans' sense of being was dreadful, the white did not manage to destroy the African inside us”. Therefore, in this article, we sought to encourage possible reflections on the importance of the Law analyzed here. In this sense, it is inferred, finally, that in order to alter the perception, or belief, that colonization established in the imaginary sense of blacks, the struggle for the enforcement of the Law discussed here is fundamental, as a counterpoint to the colonial project.

#### **4 CONCLUSION**

10.639 / 03 Act, by focusing on the experiences of African peoples as an epistemological tool for education, in addition to the colonization process, allows the construction of a critical intercultural awareness, linked to studies and scholars regarding the collaboration of history and culture the formation of different societies. Its effectiveness ensures that black peoples, such as their histories, narratives and scientific devices, can play a role in a previously distorted and whitened space. In this perspective, intercultural education is a crucial tool in that it cultivates the construction of a critical relationship, of recognition of cultural differences, for the promotion of social identities, seeking solidarity and interaction between them.

In short, developing an anti-racist education, based on confronting any and all violent actions, is necessary to foster new possibilities for the construction of identities, as well as for the recognition, appreciation and emancipation of the black population in the process of social construction. Thus, for this law to be successful, pedagogical practices in schools, in addition to denouncing all forms of oppression based on race, gender identity, sexual conditions, class relations and religious options, must bring to the center discussions of multiple narrative content, from different peoples with their contributions. This contributes to the fact that the school space is no longer a storehouse for the maintenance of racism, to become, in fact, an environment for discussion, valorization and racial emancipation.



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