

THE PATHS OPENED BY LAW 10.639/03 AND THE APPLICATION OF ANTI-RACIST EDUCATION IN LEGAL CURRICULA

OS CAMINHOS ABERTOS PELA LEI 10.639/03 E A APLICAÇÃO DA EDUCAÇÃO ANTIRRACISTA NOS CURRÍCULOS JURÍDICOS

LOS CAMINOS ABIERTOS POR LA LEY 10.639/03 Y LA APLICACIÓN DE LA EDUCACIÓN ANTIRRACISTA EN LOS PLANES DE ESTUDIOS JURÍDICOS



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ABSTRACT: Among the struggles for recognition faced by victims of racism, the legal field proves to be challenging. In addition to the obstacles in formulating and implementing laws in favor of formal equality, the conduct of legal professionals influences the effectiveness of these achievements, revealing a legal education indifferent to racial inequality. On the other hand, Law 10.639/03, by establishing the teaching of Afro-Brazilian history, paved the way for related measures and created an anti-racist curriculum. In this context, the present study aimed to analyze the implementation of anti-racist education in legal curricula using a hypothetical-deductive approach and bibliographic and documentary research techniques. Ultimately, it was found that implementing anti-racist curriculum guidelines also enabled the creation of anti-racist legal curricula.

KEYWORDS: Racism. Anti-racist Education. Legal Curricula.

RESUMO: *Dentre as lutas por reconhecimento travadas pelas vítimas do racismo, o campo jurídico se mostra desafiador. Além dos obstáculos na formulação e implementação de leis em prol da igualdade formal, a conduta dos profissionais do direito influencia a efetividade dessas conquistas, revelando uma formação jurídica indiferente à desigualdade racial. Por outro lado, a Lei 10.639/03, ao estabelecer o ensino da história afro-brasileira, abriu caminho para medidas correlatas e a criação de um programa curricular antirracista. Nesse contexto, o presente estudo teve como objetivo analisar a aplicação da educação antirracista nos currículos jurídicos, utilizando uma abordagem hipotético-dedutiva e técnicas de pesquisa bibliográfica e documental. Ao final, constatou-se que a implementação das diretrizes curriculares antirracistas também possibilitou a criação de currículos jurídicos antirracistas.*

PALAVRAS-CHAVE: *Racismo. Educação Antirracista. Currículos Jurídicos.*

RESUMEN: *Entre las luchas por el reconocimiento emprendidas por las víctimas del racismo, el ámbito jurídico resulta todo un reto. Como si los impasses en la formulación e implementación de leyes a favor de la igualdad formal no fueran suficientes, la conducta de los operadores jurídicos influye en la efectividad de tales logros, apuntando a una formación jurídica omisiva a la desigualdad racial. Por otro lado, la Ley 10.639/03, al institucionalizar la enseñanza de la historia afrobrasileña, abrió las puertas a disposiciones afines, conformando un programa curricular antirracista. De este modo, el estudio propuesto pretendía analizar la aplicabilidad de la educación antirracista en los currículos jurídicos, a través de un enfoque hipotético-deductivo y de técnicas de investigación bibliográfica y documental, comprobando en última instancia que la aplicación de las disposiciones curriculares antirracistas vigentes también posibilitaba currículos jurídicos antirracistas.*

PALABRAS CLAVE: *Racismo. Educación antirracista. Planes de Estudios Jurídicos.*

Introduction

The racist routine, which discriminates and excludes, has deep historical and social origins that affect the individual, institutions, organizations, and the state itself. The Brazilian legal system, in turn, is fundamental in guaranteeing and defending rights and duties and should be considered a priority subject of study when questioning the racism present in traditional power structures. This is because it is through the paths taken by the judiciary that many can be liberated, recognized, and respected, just as many can be imprisoned, considered criminals, and abandoned in the struggle for recognition, as they were born destined for the "appearance of guilt."

However, in addition to legal provisions, addressing racism within the judicial system necessitates contemplating the individuals who operate within this sphere, their biases, their perceptions of reality, and, crucially, how they have been educated to deal with and interact with the legal system. Despite existing legislation that aims protect and uphold the rights of minority and marginalized groups, how we can prevent prejudiced interpretations and discriminatory doctrinal biases from influencing decisions and opinions?

In the face of legal dilemmas, the proposal of anti-racist education emerges, which is aware of the remnants of the slave period that permeate society and are passed down to future generations through the omission of the subject in classrooms. This proposal aims to engage in discussions on the topic and promote innovative pedagogical solutions that recognize the catalytic role of race in social coexistence and in shaping students as citizens.

The mentioned tool has several applications in the academic/school environment, with its curriculum application and proposal of new guidelines and instructions for incorporating an education that moves further away from colonialist features and closer to diversity, plurality, and critical analysis highlighted. This line of thinking materialized in Law n.º 10.639/03, which made it mandatory to include the theme of Afro-Brazilian History and Culture in the classroom and establish anti-racism as an institutional duty in the basic education curriculum.

Considering the issues related to law courses concerning racial themes and the responses brought about by anti-racist education, it is crucial to analyze its potential application in legal education. Thus, the research was conducted through a hypothetical-deductive analysis, employing bibliographic and documentary investigation techniques. Notably, the contributions of Cavalleiro (2001), Ferreira and Silva (2018), Glass (2012), Gomes (2018), and Almeida (2019) are highlighted within this context.

Methodology

The research in question, aiming to achieve the proposed objectives, was developed based on the hypothetical-deductive method, according to Karl R. Popper, as described in the work of Marconi and Lakatos (2003).

In this regard, the central problem of the research, which is the manifestation of structural racism in the judicial system and, consequently, in law education programs, as well as a potential solution based on the implementation of anti-racist education in legal curricula, led to the formulation of two central hypotheses for the study:

- a) The inapplicability of anti-racist education in law curriculum.
- b) The applicability of anti-racist education in law curriculum.

Subsequently, data collection related to the proposed topic was conducted, considering the need to verify or refute the established hypotheses. In this phase, it was crucial to reflect on the concept of anti-racist education, how it manifests in educational practice, and the reality of law curricula and legal practice in the face of racism.

Thus, utilizing the bibliographic investigation technique, publications, books, theses, dissertations, and articles, among others, were selected that were relevant to the research object under analysis through platforms such as "Google Scholar" and "SciELO Brazil".

Then, through the reading of the selected articles and research papers, it was possible to identify, based on frequently cited authors, theoretical references to be explored and specific works to be analyzed. These conclusions were obtained through the compilation of notes and summaries. Through this strategy, authors such as Cavalleiro (2001), Ferreira and Silva (2018), Glass (2012), Gomes (2018), and Almeida (2019), as mentioned earlier, contributed to the solutions reached in the end.

Furthermore, upon reading these works, it was evident that there was frequent reference to Law n. ° 10.639/03 as an important legal milestone in this subject matter. Additionally, references related to legislation, such as legal opinions, resolutions, statutes, and subsequent laws addressing the issue at hand.

Therefore, the documentary investigation was also necessary to analyze these official documents, through which it was possible to ascertain the existence of legal provisions regarding anti-racist education and its application in higher education.

It is important to highlight that this is a qualitative research study in which researchers "[...] seek to explain the 'why' of things, expressing what ought to be done, but do not quantify values and symbolic exchanges, nor subject themselves to the test of facts, as the analyzed data are non-metric [...]", as explained by Gerhardt and Silveira (2009, p. 32, our translation).

In the end, after data collection, it was possible to analyze and evaluate the results, which contributed to refuting the hypothesis of the inapplicability of anti-racist education in legal education and corroborating the hypothesis of its applicability based on the identified legal foundations, as well as the social and historical reasons that permeate law programs, their curricula, and their positions about the racist structure.

Education as an Ally in the Fight Against Racism

Since its colonization, Brazil has been seen as a valuable commercial center by the first Portuguese settlers. This is because the newly invaded lands were not intended for settlement and habitation; on the contrary, their main purpose was to serve as a source of raw materials that, once extracted and exported, would meet the needs of European markets. This ambitious desire, in turn, necessitated the trade of enslaved Africans, who were integrated into the colonial economy and formed a fundamental element for the functioning of the slavery-based production system.

It is from this reflection that Bersani (2011) highlights four elements that make up Brazil's structural racism and demonstrate the consolidation of racist ideology in the country. They are: a) colonial slavery as the original mode of production in Brazil; b) the evident neglect of the State regarding the racial issue, acting belatedly in response to changes in the practice of slavery; c) the formation of the colony and the achievement of its objectives, which occurred through the colonial economy; and d) the social exclusion and annihilation of the identity of Africans and their descendants residing in Brazil, relegating them to disposal when the colonial system became obsolete.

The topics presented by the author have played an essential role in the social and economic development of the country, as well as in the consolidation of its key institutions, through the reproduction of a hegemonic power model. Among the different races that contributed to the formation of Brazil - black people, indigenous peoples, colonizing peoples - it was the Europeans who overestimated themselves as the white progenitors. This realization reveals the existence of structural racism that permeates the daily lives of Brazilians,

reproducing advantages for certain groups and disadvantages for others as if they were normal (RADOMYSLER, 2019). These disadvantages are not limited to the economic sphere but, on a deeper level, represent threats to the existence and freedom of the black population.

In the face of this ancient reality of slavery that shaped present society and influenced historically propagated thoughts and behaviors, education emerges as a pathway for transformation, recognizing the classroom as a space where old structures based on coloniality and, consequently, deep-rooted racism can be challenged through critical and innovative thinking.

The Black community has long understood this mentioned perspective, as formal education has been a fundamental instrument in the struggle for rights and recognition, becoming a priority since the post-abolition period of slavery as it represented the main pathway to social mobility for this population group. The educational agenda has been part of the demands of the Black movement in historical agendas, such as the National Convention of the Black Movement for the Constituent (1986) and the Zumbi dos Palmares March against Racism, for Citizenship and Life in 1995 (SANTOS, 2005).

Even though the Black population has prioritized and encouraged formal education, we cannot deny the responsibility of schools in perpetuating racial inequalities. On the contrary, the more the Black population sought to integrate into the educational environment, the more evident the challenges and barriers in these spaces became. From an early stage, the Black movement called for including African history in the school curriculum, highlighting its role in shaping Brazilian society.

For a better understanding, it is important to bear in mind that upon arriving in Brazilian territory, the colonizers imposed a rationalization on the local and enslaved peoples, which consisted of imposing the European idea of rationality as correct and true, along with racial divisions. These concepts, born out of a project of domination, had repercussions in Brazilian education and curriculum structuring, erasing the contributions of minority groups to the country's development and reducing them to limiting and derogatory stereotypes that soon became widely known (FERREIRA; SILVA, 2018).

The movement has long seen the school as part of a racist order that generates and perpetuates the current society, taking a stand against both the barrier of racial supremacy, where race determines everything and physical characteristics influence judgments of intellectual, moral, and even sexual abilities, and the discourse of racial blindness, which is

based on ignorance of race and silence on the issue, contributing to white solidarity¹ and maintaining racial order through silence (GLASS, 2012).

In this context, debates on anti-racist education arise. Since the educational journey can be understood as a tool for liberation or continuous oppression for non-white individuals, education, when directly engaging with society from an anti-racist perspective, can act as a mechanism for community transformation.

Anti-racist education, by adopting a critical and conscious perspective on racial issues in the educational environment, seeks to promote recognition and respect for racial differences and members of discriminated groups. In addition to expressing outrage at racist actions disseminated by the media, the aim is to address racism directly and clearly with students at all stages of their development and to promote real changes in the black population's living conditions, health, and employment.

In other words, recognizing that "racial order is helped and sustained through school operations, social relations, and curriculum content, and each of these domains requires transformative interventions" (GLASS, 2012, p. 902, our translation), it is proposed that racism, as a practice present in all spheres of society, be intentionally and critically confronted in schools so that students, still influenced by social interactions and practices, adopt an anti-racist stance.

In theory, according to Eliane Cavalleiro (2001), recognizing diversity in schools and the commitment of educators are essential requirements for implementing anti-racist education. This is because this educational approach is an important resource for preparing students for citizenship so that through knowledge of the history and experiences of those excluded in the past, it becomes possible to practice equity.

The author lists a series of characteristics that comprise anti-racist education, among which can be mentioned: recognizing the racial issue in Brazilian society, promoting reflection on racism in everyday school life, rejecting prejudiced acts, valuing diversity in the school environment, teaching history critically about the formation of Brazil and the contributions of diverse ethnic groups, as well as selecting materials that promote the end of Eurocentrism in curricula and the inclusion of racial diversity (CAVALLEIRO, 2001).

¹ This is a concept applied by Ronald D. Glass in his work "Understanding Race and Racism: Towards a Racially Critical and Anti-Racist Education," in which the author explains that silence regarding racial issues reinforces the privileges of the white population and reaffirms the myth that white individuals do not race. The non-perception of race by the white population contributes to the perpetuation of existing advantages and the racial privilege they hold.

It is worth noting that anti-racist education arises from a critical analysis of the school institution and its agents, with critical reflection being its main tool, encompassing pedagogical practices, stimulated classroom discussions, and the materials and methods used.

This occurs because, despite the individual efforts of teachers, students, and educational coordinators who oppose racism, it extends beyond consciousness as a structuring element of social relations (BERSANI, 2011). Therefore, it requires strategic interventions that change the established and entrenched logic and patterns. These changes may go unnoticed or be misunderstood by educational agents still blind to hidden racist principles.

Anti-racist education must be intentionally and proactively developed in all educational aspects, including institutional policies and curricula. There is no doubt about the urgency of an institutional stance to practice anti-racism in educational institutions effectively.

The importance of Law n. ° 10.639/03 and its associated devices for anti-racist education

When applied to pedagogical practice, the issue of race directly addresses the denaturalization of inequalities and the decolonization of minds, knowledge, and curricula. This implies moving away from racial inertia and adopting concrete actions supported by institutional norms based on principles to combat racism, such as "emancipatory and anti-racist pedagogical, academic, and epistemological practices" (GOMES, 2021, p. 444, our translation).

This path of resistance can be pursued in various ways, from implementing affirmative actions that significantly contribute to including Black and mixed-race students in universities to teacher training, student activism, and proposals for changes in the materials used. However, it is undeniable that curriculum advancement is a crucial point for the development of all the mentioned activities.

Undoubtedly, it is an ongoing process that begins in the streets, in demands, in the breaking of paradigms, and in the painful and gradual social ascent of Black and mixed-race individuals, aiming to promote institutional changes. It is important to highlight that resistance, when directed towards transformation, seeks the normalization of equality, rights, and recognition, and this pattern is observed in the subject at hand.

Considering the need to implement anti-racist education in the Brazilian education system and the struggle of the Black movement in this regard, it is fortunate to mention the results achieved after decades of sacrifice and organization: Law n. ° 10.639/03, which was

pioneering in establishing mandatory teaching of Afro-Brazilian history and culture in classrooms.

As a symbol of the anti-racist struggle within the curriculum and an important advancement in the process of democratizing education (SANTOS, 2005), this practical and legal tool established the practice of anti-racist education in the national reality, promoting direct changes in curricula, institutions, and pedagogy. By amending the Law of Guidelines and Bases of Education through Articles 26-A and 79-B, directly confronted the prevailing Eurocentric conceptions in the cultural-epistemic territory of the curriculum, shaped by the selective and classifying lenses of the colonizer.

Law n. ° 10.639/03, by mandating the study of African history, Africans, the struggle of Black people in Brazil, Brazilian Black culture, and the contribution of Black people to the formation of the national society, not only added new content to the curricula but also exposed the existing colonial wound, encouraging the academic community to study the subject and apply a critical approach to the structures considered natural, thus promoting an anti-racist curricular praxis.

The National Curriculum Guidelines for Education in Ethnic-Racial Relations and for Teaching Afro-Brazilian and African History and Culture were later established following Law n. ° 10.639/03, along with Opinion CNE/CP No. 3/2004. While the first document guides implementing the law, the second regulates the proposed changes and reaffirms equality among individuals belonging to diverse ethnic-racial groups. These guidelines form a curricular policy aimed at combating racism.

The content addressed in the Opinion deserves special mention, as it encourages the production and dissemination of knowledge that educates citizens proud of their ethnic-racial identity in support of a democratic nation. The document also emphasizes the importance of teachers' intentionality in the classroom, highlighting the need to "abandon the secular racist and discriminatory mentality, overcome European ethnocentrism, restructure ethnic-racial and social relationships, and liberate pedagogical processes" (BRASIL, 2004a, p. 6, our translation).

It is possible to establish a direct connection with the work of Paulo Freire when applied to ethnic-racial studies, as argued by Ferreira and Silva (2018). The legal text and the purposes for which the legislation was created stimulate a critical perspective on the part of the agents and institutions involved in the educational process. This implies not only the introduction of "new" topics and content in their classes but also a restless and indignant stance towards the

current reality, promoting a process of unlearning to learn, driven by the changes implemented in their curricula.

The opinion plays a fundamental role in clarifying the main doubts related to implementing Law n. ° 10.639/03 and fulfilling the proposed guidelines. The document guides the mentioned changes and establishes three fundamental principles. Firstly, the importance of political and historical diversity awareness is highlighted, emphasizing that all individuals are equally recognized as subjects of rights. The current society was formed by different ethnic-racial groups, each with valuable history and culture, dismantling the ideology of whitening, which harms both black and white individuals.

In its second principle, "strengthening identities and rights," the opinion establishes the encouragement and affirmation of identities and historical backgrounds that are often denied and distorted. This results in breaking free from the negative images imposed on marginalized ethnic-racial groups and paves the way for the true historical and cultural wealth that has contributed and continues to contribute to the formation of the Brazilian nation.

Furthermore, by determining "educational actions to combat racism and discrimination," the text aims to promote the realization of activities involving teachers, the Black movement, students, and pedagogical coordinators. The objective is to value personal narratives related to the ethnic-racial relationships experienced by everyone, acting with respect and admiration for the diversity that characterizes the birth and development of Brazil. This should be done through the development of political-pedagogical projects that address ethnic-racial diversity.

The opinion concludes by explaining that the described principles require changes in "mentality, ways of thinking and acting of individuals in particular, as well as institutions and their cultural traditions" (BRASIL, 2004a, p. 13, our translation). That is why the opinion subsequently provides a series of practical determinations regarding teaching Afro-Brazilian and African history and culture, as it lists several measures that educational systems must follow to enable the proposed changes.

The curriculum policy was expanded in 2008 when Law n. ° 11,645/08 was enacted, making the study of indigenous history and culture mandatory in educational institutions. Furthermore, the same policy was reinforced the following year with the publication of the National Plan for the Implementation of National Curricular Guidelines for the Education of Ethnic-Racial Relations and the Teaching of Afro-Brazilian and African History and Culture.

In 2010, Law n. ° 12,288 established the Statute of Racial Equality in Brazil, once again guaranteeing the defense of ethnic rights and the fight against discrimination by Brazilian legislation. In Article 4, the law establishes the adoption of measures to ensure the effective participation of the black population, under conditions of equal opportunities, in the country's economic, political, and cultural sectors. This includes "eliminating historical, sociocultural, and institutional obstacles that hinder the representation of ethnic diversity in the public and private spheres" (BRASIL, 2010).

It becomes evident that the proposed changes go beyond including specific content in school curricula. On the contrary, they aim to initiate a true change in mindset so that the entire educational system recognizes the importance of racial issues in everyday practices and understands the urgent need to eliminate the false masks of equality advocated by the myth of racial democracy. The curriculum is a crucial instrument chosen to initiate these transformations.

Anti-racist education applied to legal curricula

The proposal of an anti-racist education brought forth by Law n. ° 10,639/03 and subsequent provisions are not limited to basic education. On the contrary, it should be extended to all areas of education, including the training of professionals in higher education, promoting the comprehensive application of this legislation, as pointed out by Cavalleiro (2001) and Soares (2021).

Paragraph 1 of Article 1 of Resolution n. ° 1/2004 of the National Council of Education includes disciplines and activities related to Ethnic-Racial Relations Education and other issues related to Afro-descendants in higher education courses. The opinion, in the same vein, addresses the inclusion of this discipline in higher education courses and the inclusion of knowledge about the African heritage or related to the Black population. It also emphasizes the importance of including normative documents, including pedagogical plans aimed at combating racism, while respecting the autonomy of courses and institutions.

The Equality Statute, in Article 13, encourages higher education institutions to undertake a series of actions related to the interests of the Black population. This includes supporting centers and research centers for postgraduate studies, incorporating topics related to ethnic and cultural plurality in teacher training courses, developing extension projects to bridge

the gap for young Black individuals in advanced technologies, and promoting cooperation between schools, technical education, and universities for teacher training.

Therefore, to effectively implement anti-racist education in undergraduate programs, it is necessary to apply the changes brought forth by Law n. ° 10,639/03 to higher education curricula and follow the related and subsequent provisions. These provisions emphasize the need to disseminate the contributions of the Black population to the construction of the Brazilian nation, challenging the universal knowledge and Eurocentrism present in schools and universities and directly criticizing them.

Given the legal provisions, it is important to highlight the clear need for Law programs to undergo a reformulation based on the proposed curriculum policy. This is primarily due to the ability of these programs to reproduce racism within legal relationships. Unfortunately, when Law does not approach racial relations with a critical perspective, it often resorts to silence to conceal its omission and bias, contributing only to the perpetuation of oppression.

Santos (2015) exemplifies this problem in selecting and analyzing cases of Black and mixed-race individuals who were victims of racial insults and racism, as judged by the Court of Justice of São Paulo between 2003 and 2011. The author observes that a significant portion of the 22 victims interviewed expressed a desire to receive fairer treatment from the legal professionals who assisted them. Surprisingly, some crimes reported to the police authorities were not even considered illicit acts by the jurists who analyzed them, despite involving offensive terms such as "monkey," "dirty Black," "worthless Black woman," and "stupid Black," all used to demean the victims (SANTOS, 2015).

Although surprising, the data presented is not limited to legal practice or professionals who are already trained and employed. These behaviors are also present during undergraduate studies. Tavarnaro (2009) conducted a questionnaire on a case of interlocutory² appeal related to racial quotas in higher education in analyzing how Law students assimilated history applied to the daily lives of jurists.

Out of the 86 students who responded to the questionnaire, as undergraduates about to enter the job market, 18 stated that racial discrimination was limited to the period of slavery. Furthermore, when asked if the quota law violated the principle of equality, 65 students

² “Interlocutory appeal filed against the interlocutory decision rendered by the Substitute Judge of the 4th Federal Court of the Subsection of Curitiba, Judicial Section of the State of Paraná. The request for a preliminary injunction filed in the ordinary action brought by NCMC seeking the declaration of unconstitutionality of Resolution 37/04 of the University Council of UFPR (COUN) and, consequently, the nullity of the administrative act that excluded the plaintiff from the successful candidates in the entrance examination for the Medicine course, was denied” (TAVARNARO, 2009, p. 215, our translation).

expressed their opposition to affirmative action, claiming that everyone is equal before the law (TAVARNARO, 2009).

We are not discussing a recent practice. Since its inception, the legal curriculum has been characterized by its rigidity and resistance to the changes and historical and social transformations that Brazilian society has undergone. The establishment of the first Law courses in Brazil was based on the interests of the post-independence elite, emphasizing the teaching of political and ideological aspects of the Empire based on natural law.

In the words of Mossini (2010, p. 75, our translation):

The elite on the brink of decline, who relied on exploiting large-scale monoculture plantations with African slave labor, demanded means from the State to maintain their social power. The training courses for Law graduates were intended to ensure that the children of the wealthy landowners could continue to shape the history of our country, no longer with the blood of the whip on the plantation's trunk, but with the pen on the government's paper, imposing their rules and power.

Promoting anti-racist education in Law courses is not an easy task and is not devoid of conflicts, as its presence in higher education contributes to the decolonization of institutions and education itself³. It is about more than just including optional subjects, which are sometimes not even offered, or adding more content to be tediously studied and memorized, as the goal is to decolonize minds. After all, "it is a process in which the formation of racial identities, since childhood, constructed within the context of racism, is at stake" (GOMES, 2021, p. 449, our translation).

Anti-racist education aims to promote legal education in solidarity with the racial cause, which is limited to brief mentions of the subject and remains confined within alleged neutral and egalitarian molds, thereby contributing to reinforcing racist practices. On the contrary, it is expected that courses have a critical and racialized perspective on the power institutions they engage with through their curricular arrangements, which requires Law courses to reflect on their colonialist past and for white students to acknowledge their privileges.

The anti-racist stance must be expressed clearly in the Pedagogical Projects of the courses, as provided in Opinion n. ° 03/2004. This implies the inclusion of subjects that address the history of Africa, black people in Brazil, Brazilian black culture, the importance of the black

³Regarding decolonization, Gomes (2021, p. 438, our translation) teaches us that "the decolonization of minds urges us to build anti-racist pedagogical and epistemological practices. It consists of an emancipatory stance towards oneself and others and the deconstruction of the racist logic present in our socialization and the formative processes constructed in private and public life."

population in the formation of the national society, and other areas related to ethnic-racial relations. Therefore, since the goal is to implement the proposals established by the legal texts fully, it is essential that not only the provided education but also the selected bibliography, teacher training, the relationship between the academic environment and society, and the reception and integration of quota students be directly impacted. This is because the curriculum changes will act as comprehensive incentives for the entire university education system, as established by the National Curriculum Guidelines for the Education of Ethnic-Racial Relations and the Teaching of Afro-Brazilian and African History and Culture (BRASIL, 2004b, Arts. 3º, 4º, and 5º, our translation).

Art. 3º The Education of Ethnic-Racial Relations and the study of Afro-Brazilian History and Culture, as well as African History and Culture, will be developed through content, competencies, attitudes, and values to be established by educational institutions and their teachers, with the support and supervision of educational systems, maintaining entities, and pedagogical coordination, in compliance with the indications, recommendations, and guidelines outlined in the Opinion CNE/CP 003/2004.

§ 1º The education systems and maintaining entities will encourage create material, financial conditions, and provide schools, teachers, and students with bibliographic materials and other necessary educational resources for the education addressed in the "caput" of this article.

§ 2º Pedagogical coordinators will promote the deepening of studies so that teachers can conceive and develop units of study, projects, and programs encompassing different curriculum components.

§ 3º The systematic teaching of Afro-Brazilian and African History and Culture in Basic Education, as outlined in Law 10639/2003, specifically refers to the curriculum components of Art Education, Literature, and Brazilian History.

§ 4º The education systems will encourage research on educational processes guided by Afro-Brazilian values, worldviews, and knowledge, alongside research of a similar nature concerning indigenous peoples, to expand and strengthen the theoretical foundations for Brazilian education.

Art. 4º Education systems and institutions may establish communication channels with groups from the Black Movement, Black cultural groups, teacher training institutions, and study and research centers such as Afro-Brazilian Study Centers to seek inputs and exchange experiences for institutional plans, pedagogical plans, and teaching projects.

Art. 5º The education systems will implement measures to guarantee the right of Afro-descendant students to access high-quality educational institutions that possess modern and well-equipped facilities. These institutions will provide courses taught by competent teachers proficient in delivering the curriculum and dedicated to the education of Black and non-Black students. Furthermore, these teachers will possess the capacity to address and rectify behaviors, attitudes, and language that convey disrespect and discrimination.

It should be emphasized that anti-racist education will also contribute to research and extension programs in legal undergraduate courses. These programs are considered important

strategic tools to promote exchanging content learned from a racial perspective. The anti-racist stance arising from curriculum provisions will encourage studies and projects that address racial issues, no longer camouflaging them within social aspects.

In this way, the aim is to provide a legal education that prepares new legal professionals so that, when participating in the procedural game, regardless of the position they occupy, they are attentive and have a critical stance towards rules that, superficially, seek equality between the parties, but in reality, maintain advantages and disadvantages. In this context, implementing an anti-racist curriculum policy in legal courses becomes necessary.

Conclusion

Instead of intending to exhaust the discussion on the issue, the research presented brief considerations on the subject, highlighting the importance of addressing the relationship between race and law and legal education from a racial perspective in the face of the still colonial dynamics of power that permeate society. In addition to discussing historical facts and social and racial observations often neglected in classrooms, the proposed objective is also to provoke discomfort, indignation, or perhaps revolt in readers so that the previously invisible racial issue is considered in their legal analyses.

Throughout the research, the importance of education as a fundamental tool in addressing racism in everyday relationships, something that the Black Movement has long advocated for, could be observed. It was also possible to glimpse the hope brought by anti-racist education, which recognizes the need to discuss and combat the racism that has shaped and still shapes Brazilian society, contradicting the myth of racial democracy that denies the existence of such inequality on tupiniquim⁴ soil.

Through Law 10.639/03, the result of long-standing demands, teaching ethnic-racial relations was implemented as a mandatory component in basic education, strengthening the debate and learning about the proposed theme. In this sense, subsequent official documents, such as the National Curriculum Guidelines for the Education of Ethnic-Racial Relations and the Teaching of Afro-Brazilian and African History and Culture, Opinion 03/2004 from the National Council of Education (CNE), and the Equality Statute, paved the way for such advancements.

⁴Tupiniquim is a term that refers to the Brazilian indigenous people who inhabited the coastal region of the country before the arrival of Portuguese colonizers.

In turn, the mentioned curriculum plan outlines in its documents the application of its provisions in higher education, respecting the autonomy of institutions and contributing to its implementation in legal courses. These courses, directly linked to the colonial past and the interests of privileged white elites who exercised power in national decisions, lack an education that addresses the needs of other population segments, such as the thousands of black and mixed-race Brazilians.

It is concluded that implementing anti-racist education in legal curricula is viable through the full application of the changes proposed by Law n. ° 10.639/03 and subsequent legal provisions. This is in response to the need for law school curricula to keep up with the social and legislative advancements achieved with great effort.

REFERENCES

ALMEIDA, S. L. **Racismo Estrutural**. São Paulo: Pólen, 2019.

BERSANI, H. Aportes teóricos e reflexões sobre o racismo estrutural no Brasil. **Extrapensa**, São Paulo, v. 11, n. 2, p.175-195, maio/ago. 2011.

BRASIL. Ministério da Educação. Conselho Nacional de Educação. **Parecer CNE / CP 03/2004**. Dispõe sobre as Diretrizes Curriculares Nacionais para a Educação das Relações Étnico-Raciais e para o Ensino de História e Cultura Afro-Brasileira e Africana. Brasília, DF: MEC, CNE, 2004a. Available in: http://portal.mec.gov.br/dmdocuments/cnecp_003.pdf. Accessed in: 03 June 2022.

BRASIL. Conselho Nacional de Educação. **Resolução CNE/CP N. 1/2004**. Institui Diretrizes Curriculares Nacionais para a Educação das Relações Étnico-Raciais e para o Ensino de História e Cultura Afro-Brasileira e Africana. Brasília, DF: CNE, 2004b. Available in: <http://portal.mec.gov.br/cne/arquivos/pdf/res012004.pdf>. Accessed in: 04 June 2022.

BRASIL. Secretaria Especial de Políticas de Promoção da Igualdade Racial da Presidência da República. **Lei n. 12.288, de 20 de julho de 2010**. Institui o Estatuto da Igualdade Racial; altera as Leis nos 7.716, de 5 de janeiro de 1989, 9.029, de 13 de abril de 1995, 7.347, de 24 de julho de 1985, e 10.778, de 24 de novembro de 2003. Brasília, DF: SEPPIR, 2010. Available in: https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2010/lei/l12288.htm. Accessed in: 30 Sept. 2022.

CAVALLEIRO, E. Educação Antirracista: compromisso indispensável para um mundo melhor. In: CAVALLEIRO, R (org.). **Racismo e antirracismo na Educação: repensando nossa escola**. São Paulo: Selo Negro, 2001.

FERREIRA, M. G.; SILVA, J. F. Confluências entre Pedagogia Decolonial e Educação das Relações Étnico-raciais: elementos de uma praxis curricular outra a partir das

contribuições de Franz Fanon e Paulo Freire. *In*: GARCIA, M. F.; SILVA, J. A. (org.). **Africanidades, Afrobrasilidades e processo (des)colonizador**: contribuições à implementação da Lei 10.639/03. João Pessoa: EditoraUFPB, 2018. p. 74-108.

GERHARDT, T. E.; SILVEIRA, D. T. (org.). **Métodos de pesquisa**. Coordenado pela Universidade Aberta do Brasil – UAB/UFRGS e pelo curso de Graduação Tecnológica – Planejamento e Gestão para o Desenvolvimento Rural da SEAD/UFRGS. 1. ed. Porto Alegre: Editora da UFRGS, 2009.

GLASS, R. D. Entendendo raça e racismo: por uma educação racialmente crítica e antirracista. Tradução de Celina Frade. **R. bras. Est. pedag.**, Brasília, v. 93, n. 235, p. 883-913, set./dez. 2012.

GOMES, N. L. O combate ao racismo e a descolonização das práticas educativas acadêmicas. **Rev. Filos.**, Aurora, Curitiba, v. 33, n. 59, p. 435-454, maio/ago. 2021.

GOMES, N. L. O movimento negro e a intelectualidade negra descolonizando os currículos. *In*: BERNADINO-COSTA, J.; MALDONADO-TORRES, N.; GROSGOUEL, R. (org.). **Decolonialidade e pensamento afrodiaspórico**. 2. ed. Belo Horizonte, MG: Autêntica, 2018. p. 223-46.

MARCONI, M. A.; LAKATOS, E. M. **Fundamentos de Metodologia Científica**. 5. ed. São Paulo: Atlas, 2003.

MOSSINI, D. E. S. **Ensino Jurídico**: história, currículo e interdisciplinaridade. 2010. Tese (Doutorado em Educação: Currículo) – Pontifícia Universidade Católica de São Paulo, São Paulo, 2010.

RADOMYSLER, C. N. **Acesso à justiça e transformação social**: tensões na luta contra a discriminação. Tese (Mestrado em Direito) – Faculdade de Direito, Universidade de São Paulo, São Paulo, 2019.

SANTOS, G. A. Nem crime, nem castigo: o racismo na percepção do judiciário e das vítimas de atos de discriminação. **Revista do Instituto de Estudos Brasileiros**, n. 62, p. 184-207, dez. 2015.

SANTOS, S. A. A Lei n.º 10.639/03 como fruto da luta anti-racista do movimento negro. *In*: BRASIL. Ministério da Educação. Secretaria de Educação Continuada, Alfabetização e Diversidade. **Educação anti-racista**: caminhos abertos pela Lei Federal nº 10.639/03. Brasília, DF: MEC/SECAD, 2005. p. 21-38. Available in: https://edisciplinas.usp.br/pluginfile.php/345975/mod_forum/intro/sales_santos_mov_negro.pdf. Accessed in: 30 Sept. 2022.

SOARES, C. G. Educação antirracista e democratização do ensino superior. **Revista Contemporânea de Educação**, Rio de Janeiro, v. 16, n. 37, set./dez. 2021.

TAVARNARO, V. G. **Representações de Justiça dos alunos do 5 ano do curso de direito da UEPG a partir da análise do sistema de cotas raciais**. 2009. 219 f. Dissertação

(Mestrado em Educação) – Universidade Estadual de Ponta Grossa, Ponta Grossa, PR, 2009.

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