

INCLUSIVE AND COMPENSATORY POLICIES IN BASIC EDUCATION

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RESUMO

Esse artigo propõe, com base em conceitos de cidadania e sobretudo de direitos humanos, mostrar como os limites das políticas inclusivas de educação esbarram, apesar de uma legislação avançada, na ausência de uma efetiva política de educação básica. Salvo o ensino fundamental, a educação infantil e o ensino médio não são universais. Nesse sentido, cursar as três etapas da educação básica ainda é um campo reservado. Além disso, a presença do Brasil no cenário internacional associada à histórica desigual distribuição de renda estimulam políticas compensatórias e focalizadas ao invés de políticas públicas que garantam a igualdade de oportunidades. Mais do que as tradicionais lutas de educadores e intelectuais, só um vigoroso movimento da sociedade civil poderá tornar efetivos esses direitos proclamados.

CIDADANIA – POLÍTICAS PÚBLICAS – DIREITOS HUMANOS – EDUCAÇÃO

ABSTRACT

INCLUSIVE AND COMPENSATORY POLICIES IN BASIC EDUCATION. Based on concepts of citizenship and human rights, this article aims to show how inclusive education policies, notwithstanding the progressive legislation, are limited by the

lack of an effective basic education policy. The three stages of basic education do not form a universal path, since kindergarten and high school are not universal. Besides, the presence of Brazil on the international scene, associated with its historical uneven distribution of wealth, stimulate targeted compensatory policies rather than public policies that would ensure equal opportunities. The traditional efforts made by educators and intellectuals are not enough - only a vigorous social movement can assure the effectiveness of these rights.

CITIZENSHIP – PUBLIC POLICIES – HUMAN RIGHTS – EDUCATION

The possibilities and limits of inclusive and compensatory policies within the scope of basic education in Brazil are still subject to the same limits and possibilities found throughout the Brazilian historical evolution. Once degrees of progress concerning access to and binding of resources are acknowledged, it is necessary to address the nature of these limits and possibilities.

Inclusive policies suppose an effective adequacy to the progressive concept of citizenship covered by the Brazilian law. It is still within national territories, a privileged spectrum of citizenship, that lasting policies are built with the purpose of democratizing social benefits, which encompass school education. After all, citizenship and nation are historical constructions but they are not the subject of an immanent and ontological relationship.

The progress in the concept of inclusion supposes the generalization and universalization of a contemporary human rights concept whose ballast transcends the traditional and historical connection between citizenship and nation as developed, for example, by Marshall (1967) in England and by Carvalho (2002) in Brazil. It should make up the broadest horizon of experience between human beings belonging to the various peoples in the world.

In this sense, inclusive policies start in the traditional scope of Nation States, which can not be ignored without risking becoming abstract and ineffective figures. But they only make full sense in an internationalized planet where the

essence of humanity is impossible to be accomplished, emphasizing what is common to the human species, where the axiological superiority of humanity considered *ut genus* supersedes the superiority intended by *uti singuli* countries. This attitude reminds us of some points of view held by scholars and institutions that thought humanity from this perspective.

Kant (1939), in the 18th century, pursuing the “Idea for a Universal History with a Cosmopolitan Purpose”, states in 1784 that the use of reason is fully developed only in species, and not in individuals. It is from the human species, mediated by individuals in national territories, that the privileged forum of reason develops as an appanage of humanity. It is humanity fulfilled, that is, the search for "perpetual peace" is accomplished in humanity.

And to place inclusive policies in the light of the human "species" is to place them under the custody of Human Rights, whose spectrum and field of applicability encompass and transcend the rights of citizens in their national territories. It is the United Nations Organization's – UNO's – duty to focus on the defense of human rights as a premise for its constitution and its main declarations (Simonides, 2003).

Therefore, the UNO, an international institution, proclaimed the “Universal Declaration of Human Rights” on December 10, 1948 as the expression of the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family”.

Among these rights are the following:

“1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and

shall further the activities of the United Nations for the maintenance of peace. (Brazil, 1997, art. 26, p. 134)”

Even in the condition of the voice of a moral institution, we should remember the entreaty made by Pope John XXIII, back in 1963, who in his Encyclical *Pacem in terris* postulates *one international authority* to put an end to the arms race and to efficiently advocate the universal rights of human beings. He observes the structural weakness of the Nation States in keeping universal peace and guaranteeing nationally what has been proclaimed as a human right.

“Also, the public powers of each political community, which are equal from the legal point of view, even if they increase the number of conferences and strive to produce new legal instruments, are no longer capable of adequately facing and solving these problems, not due to lack of will or initiative, but due to a structural weakness, to lack of authority. It is therefore possible to affirm that within the current historical context there is no satisfactory correspondence between the political structure of the States and the respective functioning of public authority internationally and the objective requirements of the common universal good. (p. 65)”

On the other hand, in a world that acclaims “possessive individualism” in the form of religious reverence for the market as a criterion of rationality, it makes sense to think education policies in the light of "species" and "reason".

Thus, the strategic importance of a school education for every person as a singular individual and as a member of a national and international social body is restated. Knowledge reveals its universal value. Knowledge, if held by few, is no longer emancipating, and becomes an instrument of inequity that is also expressed in the deeper and deeper abyss that discriminates social groups and countries built as Nation States.

INCLUSIVE POLICIES: UNIVERSAL OR FOCUSED?

“To include” comes from Latin: *Includere* means to place something/somebody within another space/location. This Latin verb, on its turn, is the synthesis of the prefix *in* and the verb *cludo, cludere*, which means to close, to finish. A Portuguese noun participates in the origin of this verb. This is the term *cloister*. A “cloister” is a space of which some *are already part*, as a limited, walled, surrounded space. Moreover, the cloister reminds us of a part of a monastery, it is characteristic of the monastic life, a space sometimes prohibited to lay and secular people. To include is, therefore, to “step into the cloister”, to go into a place which had been closed and that was not shared with others because it contains certain advantages. The Brazilian popular speech would not hesitate to relate these terms with “*entrar no baile*” (a Brazilian expression meaning “to be admitted to the party”). And the song that expresses one’s will to get into the circus, that is, into the party, complains that *everybody goes to the circus but me, but me...* The excluded are *those that are not admitted to the party*.

In this sense, there is a dialectics between inclusion (the insider) and exclusion (the outsider), as these are relational terms where one does not exist without the other. To exclude is both the action of pushing aside and that of hindering entrance. On the other hand, we have to acknowledge that the prisoner, excluded from society, is nonetheless included in prison.

Thus, speaking of inclusive policies supposes getting back to the subject of equality and also to that of difference.

Inclusive policies may therefore be understood as strategies intended for making civil, political, and social rights universal. Through the interfering presence of the State, these policies seek to make the formal values acclaimed in the law closer to the real values existing in conditions of inequality. Supported by the State, they consider the individual and all individuals under the principle of equal opportunities and of the equality of all citizens before the law. These public policies

are not aimed at specific groups as such, in view of their cultural, ethnical or religious roots. This does not hinder the initiative of general measures that end up reaching a higher number of individuals from the lower social classes. Their purpose is to fight any and all forms of discrimination that pose an obstacle to access to greater equality of opportunities and conditions. Thus, inclusive public policies compensate for the weakness of a universality focused on every and all individuals, and which presents considerable degrees of inequality in a class society. In this sense, inclusive policies work based on the concepts of equality and universalization with the purpose of reducing social inequality.

But the concept of inclusive policies may also be understood within the historical quality that Bobbio (1992) calls specification of rights. This is the case of the right to difference, where issues of gender mingle with issues of ethnic group, age, origin, religion and disability, among others. The presence of a considerable number of immigrants from former colonies or other countries approaches once more not only the subject of deterritorialization and migration flows, but also the return to subjects such as tolerance and multiculturalism within the scope of national territories before the minorities that are present in these territories.

These policies are affirmed as strategies intended for focusing on rights for certain groups marked by a specific difference. The situation of these groups is understood as socially vulnerable, either due to the existence of a history explicitly marked by exclusion, or due to the permanence of these circumstances in the form of evident sequelae. Focalization suspects the success of universalist policies due to marked insufficiency. Focalization on specific groups would then allow to give more to those who need more by offsetting or compensating for bad sequelae of the past. It is based on the equity principle. According to this principle, as was already stated in Classical Antiquity, one of the forms of doing justice is to *treat unequals unequally*.¹ One of the most visible forms of these policies may be observed in the

¹ Equity is not a lightening of equality. It is a different concept because it establishes a dialectics with equality and justice, that is, between the right, the fair and the equitable. This is the moment of the balance that

disputed issue of “university quotas for minorities” as an expression of “affirmative actions”.

Thus, the search for greater equality between vulnerable groups gives up initiatives that tend to guarantee the legal equality of all individuals. If we consider the great difficulties of public accounts concerned about the payment of debts and the limited resources for investment in universal social rights, focalization has not ceased to be a strategy of the States for a specific allocation of resources (Draibe, 1989, 1993).

The relationship between the right to equality of all citizens and the right to equity in respect for difference in the axis of the State’s duty and the citizen’s right is not a simple relationship at all.

On one hand, it is necessary to advocate equality as a principle of human rights, citizenship and modernity. Egalitarian education policies are responsible for a schooling system where all students have the same rights, without prejudice of gender, race, ethnic group, religion, and capacity. They all attend *the same cloisters*, that is, they have access, permanence, and success in the stages of basic education. Equality of opportunities and conditions in respect for an inalienable right of the human being, of citizenship and of human rights has to be made effective (Cury, 2002).

It is necessary to consider that universal policies sometimes become formal and lack real effectiveness. And therefore inequalities continue to show an unacceptable spectrum under any point of view. A treatment that is only formally egalitarian may not conceal the eternization of inequalities and discrimination.

But how can we focus on certain groups in view of the egalitarian principle of citizenship?

There is no society which is not plural, for example, concerning social means, culture, gender, ethnic groups, religion, and even regions. It is the State’s duty to

impartially manage these differences with competence and even tolerance within the public sphere, guaranteeing social cohesion by building a citizenship open to all, respected the common principles of collective existence. It is the society's and the State's duty to guarantee the freedoms of individuals to play different social roles, and to associate with specific social groups, for example, religious and cultural choices compatible with citizenship and human rights. This plurality is visible mainly when it assumes the form of the group in phenomenological evidences.

Although differences are visible, sensible and immediately perceptible, especially in the case of people with special needs, the same does not occur regarding the principle of equality. The principle of equality cannot be seen with the naked eye, but its contrary, inequality, is clearly perceptible in our society.

This tension between equality and difference originates universalist or focused policies that, on their turn, depend on the options of the government, whose implementation must count on the criticism of those interested.

BRAZIL: HISTORICAL AND SOCIAL LIMITS

Brazil is a country of great wealth, although unequally distributed. Hence it comes the "country of contrasts" in "two Brazils", whose "roots" send us back to "main house and slave quarters", "mansions and shanties", and a country confined between "word and blood".

From 1901 to 2000, Brazil went from 17.4 million inhabitants to 170 million, and its GDP (gross domestic product) increased 110 times. But the accumulated wealth was not distributed in a fair and even manner, neither among individuals and groups, nor among regions and their municipalities. That is why inequality is so huge in all senses, as confirmed by the statistics of the Brazilian Institute for Geography and Statistics Foundation - FIBGE (Brazil, 2003).

According to the data of the Brazilian National Sample Household Survey – PNAD 2001 – the richest 1% keeps 10% of the income, and the richest 10% keep an

income that is 60 times greater than the income of the poorest 10%. And the poorest 50% receive a little more than 10% of the Brazilian income (Brazil, 2001; São Paulo, 2003). Absolute poverty, visible with the naked eye, is a reality for 15% of the Brazilian population, approximately 23 million people. The poor would make up around 30 million people.²

And it is perfectly known that Brazilians are today not only haunted by unemployment, but the income of those employed has also been reduced. (Dedecca *et al.*, 2004).

Above and beside the extremely poor is the range of poverty that reaches 30 million Brazilians.³ That is where we find the over 1,300 million children and adolescents aged 10 to 17 who work instead of attending school, the almost 4 million children aged 4 to 14 that are out of school, and the 800 thousand compulsory school aged children that are also out of school.⁴

In this matter, Brazil is close to the reality of many countries in the Sub-Saharan Africa, which is a clear contrast with a country that ranks in the first positions in terms of executive jets and private helicopters.

This situation becomes even more critical when we consider the reality of our 5,560 municipalities (Brazil, 2001). If we consider the existence of cultural units made up of libraries, cinemas, theaters, video rental stores, museums, orchestras, AM/FM radio broadcasters, music stores, bands, access to the world computer network, TV generators, business centers, stadiums and clubs, we will notice that only 53 of them enjoy everything mentioned above, and this affects a universe of 46 million inhabitants, that is, 27% of the population. In a universe of 1 million inhabitants, 153 municipalities have nothing; 573 municipalities have from 12 to 16

² According to the *Instituto de Pesquisa Econômica Aplicada* (Applied Economic Research Institute) – IPEA – a very poor person is one whose income is not enough to cover minimum expenses with food, housing, transportation, and clothing. These people do not consume the 2,000 daily calories recommended by the UNO.

³ According to Ipea, a poor person lives on up to 80 reais per month.

⁴ Cf. *Instituto Nacional de Estudos Pedagógicos* - Inep, 2002 (National Institute of Pedagogical Studies). It is also necessary to point out that these numbers are not equally distributed among all Brazilian regions.

cultural units, and 1,112 municipalities have only up to 3 cultural units. The national average is 5.9 cultural units. Only 68% of these municipalities have the tutelage councils required by the Statute on Children and Adolescents (ECA).

Although 45 million households have TV sets and radio, only 4,700 million households have CD, DVD and video players, and access to internet.

This lack of access affects students and pupils concerning means of updating and of access to new forms of information and communication. However, this situation is the result of a wider condition of social inequality and of disparities in the federation pact, which collaborates with something that has already been called a social debt.

Although we have advanced a lot as regards the Brazilian law, political democratization and even economic growth, the scene of poverty and its sequelae has changed very little in the last two decades. The acclaimed reforms of the State have also contributed very little to change this picture.

The more encompassing issue that results from this situation where we have "two Brazils" is obvious: How much equality is still necessary for us to come to a national citizenship worthy of civil, political and social rights? More than that: What are the real opportunities to support democracy when inequality is not effectively reduced?

This same question should surely be addressed to educational citizenship, which was admirably stated in the Brazilian Constitution of 1988.

The Brazilian educational status is still excluding when compared to the benefits that education brings, and it contradicts the values sustained by a progressive legislation. Per definition, basic education, a right inherent to citizens, encompasses three successive steps: pre-school, primary and secondary education.

Pre-school education, intended for a universe of 22 million children aged zero to six, receives only 1,236,814 children in daycare centers – the first segment of this phase, intended for children aged zero to three. Of them, 469,229 are in the private school network. Pre-school, on its turn, the second segment of this phase, intended

for children aged four to six, receives 5,160,787 students, of which 1,371,679 are in the private school network.

From the 345,341 teachers that take part in this phase of education, 230,238 have the minimum qualification required by law: secondary education, and only 97,895 have higher education. That is, to accomplish the minimum legally required level, it is still necessary to train 17,208 new teachers, not to mention higher education as a desirable and indispensable target.

Given the increasing importance of pre-school education in this stage of the children's lives and for other phases of school education, it is inconceivable that only approximately 30% of the total number of children of this age go to school. This lack of schooling affects most profoundly children from lower social classes, especially those of black origin.

If pre-school education is the "basic" step of basic education, if it is a right, the State has not yet been able to correspond to the "State's duty" as it should.

Free basic education, a subjective public right surrounded by mechanisms of technical, financial and didactic assistance, intended for all Brazilian citizens and compulsory for adolescents aged 7 to 14, serves 34,719,506 students, and of these 31,445,336 are in the public networks of the school system.

Although over 97% of the population of this age, or almost 20% of the Brazilian population, attend school during these eight compulsory years of schooling, making the principle of access effective, the school history of these students reveals the great deficit of permanence and quality. If the number of enrollments in the first year of basic school is close to 5.6 million students, the number of pupils that make it to the eighth year is less than 2.9 million. On the other hand, school performance analyses such as those of the *Sistema Nacional de Avaliação do Ensino Básico* (Brazilian Basic School Assessment System) (Saeb) and of the *Programa Internacional de Acompanhamento das Aquisições dos Alunos* (Program for International Student Assessment) (Pisa) indicate that many students read poorly, hardly write, and make many mistakes in writing.

If children should be at school, how to understand that over 1.4 million of them do not even have access to compulsory education?

Of the 1,603,851 teachers employed in the compulsory schooling, on their turn, 811,112 teach in the four first years of basic school. Among them, 503,664 have finished regular secondary school, which is the minimum requested by law, and 293,083 have already finished higher education. Thus, in order to achieve the minimum legal requirement, 14,365 teachers still need to finish regular secondary school. In the four years of the second segment of this phase, which encompasses 823,485 teachers, 635,110 have higher education, and 188,738 have finished secondary school. These last ones should compulsorily have higher education.

The question posed here is simple: The State has already come to this point, but in what state?

Secondary schooling, which is considered the conclusive phase of basic education, intended for the young aged 15 to 17, enrolls 9,132,698 students in its three years of duration, in that over half of them attend school at night and are older than 17. Nonetheless the number of those who make it through the end is close to 2 million.

It is well known that the formal demands of our society's labor market, where knowledge is acquiring strategic importance, require an increase in schooling level, and thus secondary education becomes the immediate subject of an expansion policy. In this case, how can we understand that Brazil leaves over 2 million young people aged 15 to 17 out of school? When will the free universalization of this schooling phase, a constitutional principle, and the progressive mandatory status of education, a legal principle, will no longer be a mere horizon, and become effective?

There are 488,378 teachers in secondary school, of which only 440,405 have higher education.

If we take as our reference the requirement of the National Education Plan (PNE) that 70% of pre-school and first four years of basic education teachers should

be graduates in the coming six years, we find out that over 800 thousand teachers still have to obtain college degrees.

The average wage of pre-school education teachers is approximately R\$ 430.00, and that of teachers from the 1st to the 4th year of basic education is around R\$ 470.00. Teachers of the 5th to 8th year of basic school earn approximately R\$ 605.00, and secondary education teachers make R\$ 700.00 a month.

It is evident that the State has not complied efficiently with its duty.

In view of these wage conditions data, it is quite natural to relate the poor performance in the learning process with the fact that teachers have no alternative other than working two or even three shifts per day in order to earn enough for their living. This situation clearly reveals that teachers lack acknowledgement. And that is a strong element for teachers to resist “reforms”. How can we advocate updating knowledge and changing educational practices in view of such a situation? How can society legitimate teachers whose qualification program is of merely 2,800 hours in three years? It is very easy to notice that this is a daily handicap in a qualitative learning process.

It is very clear that, compared with a soccer team, Brazilian wings are in a poor situation. Both left wing player (pre-school) and right wing player (secondary school) are very deficient. Only the elementary school is truly free and already counts on the bound allocation of financial resources (Fund for Maintenance and Development of Elementary School and Advancement of Teachers – Fundef), of technical resources – as it is the case of didactic books, and of assistance resources – as it is the case of school lunch and assistance policies such as *bolsa-escola* (school allowance).

And what is to be said about the gloomy heritage of having 15 million Brazilians aged 15 or more who have not attended school at all, and thus have no access to the potential brought in by the education of young people and adults?

And what about the almost 33 million Brazilians referred to as functional illiterate?

The debt of the Union with Fundef, from 1997 to 2002, marked by the non-observance of the spirit and of the letter that have created this fund, is of 9 billion reais.

The situation becomes even worse by the fact that the majority of the students and their families lack digital inclusion, and there is also the fact that many municipalities lack computer equipment. In this sense, limited access to infoways is another obstacle to building a new space of citizenship.

Should the great transformations that our world is currently going through in terms of epistemology, technology and process really be guided by administrative dimensions?

The question to be posed again before this excluding scene is logical: How much educational equality is still needed for an educational citizenship worth of the principles, objectives, targets and plans of education to be made effective?

This is the prevailing field for an inclusive action, if exclusion is to be understood as gaps, barriers, absence of what is the right of all people, of what is posed as indispensable for the access, permanence and quality of all citizens in basic education.

BRAZIL: A PREJUDICED COUNTRY

The history of Brazilian education is marked by exclusion, and it becomes even more complex as inequalities work together with discrimination, whose specific nature affected, and still affects, the blacks, the indigenous, migrants, and manual workers. This historical heritage is associated with specific types of colonization which have worsened the already existing broader exclusion. This is the case of a counter-reform-oriented colonization which restricted access to reading and writing to very few, and which followed a clearly exclusive colonial project. People with special needs were also affected by prejudice.

Thus, we face an evil association, a structural barrier, marked by a burdensome heritage, which severely limits both a conscious political will and populist or demagogic promises. However, something must be clearly stated: to set limits is also a challenge to put an end to the present historical situations originated in the past, and it is also an invitation to the conscious political will to pursue sound initiatives that may deconstruct this heritage in the horizons of a democratic society.

The result of such a discriminatory and unfair heritage is the manifestation of a white Brazil and a black Brazil even 116 years after the abolition of slavery (Brandão, 2003).

The social indicators, researches, reports and testimonies are very convincing and, from the point of view of human rights, unbearable. For instance, the study on Human Development Indicators – HDI –, developed under the project “Brazil 2000 – new marks for racial relations” under the responsibility of the *Federação de Órgãos para a Assistência Social e Educacional – Fase* (Federation of Organizations for Social and Educational Assistance), leaves no doubt that Brazil’s social and political architecture was, and it still is, double-natured when it comes to racial relations. Whenever income is needed in order to enjoy certain social benefits, the white Brazil prevails.

According to this study based on PNAD data of 1998, of 174 countries, Brazil would rank 70th regarding HDI. However, if this methodology were to be reapplied to the country considering blacks/mulattos and whites separately, the black Brazil would rank 108th, and the white Brazil, 49th. The same study reveals that the educational indicators for the whites were closer to those of Chile, while those of the blacks were similar to the worst indicators observed in the poorest African countries. These data confirm the actual existence of “two Brazils” within a single territory, i.e., two citizenships and disrespect towards human rights.

In none of the Brazilian states was blacks’ HDI higher than that of the white population. The average Brazilian life expectancy for the blacks was five years

shorter than that of the whites and in the poorest regions, such as the North and the Northeast, it could be even 12 years shorter.

Among the population aged 0 to 6, 51% consists of poor people, of which 66% are black. And, if access to public pre-school education is still limited, if the association between high level of poverty and lack of school education in this age group is a fact that cannot be denied, an almost insurmountable damage results for the next cycles of life. Statistical data, increasingly more sophisticated, reveal that the average monthly income of the whites is higher than that of the blacks. Sixty-four percent of the poor and 69% of the very poor are black. The illiteracy rate among the blacks is threefold the rate for the whites. Also, young whites attend school longer.

In the words of Cavalleiro, the omission and silence of teachers regarding the stereotypes and stigmas imposed on black children at school:

...“denotes inferiority, disrespect and contempt. Within this environment, the shame of the past is added to that of the present, and very likely also to that of the future, which leads the black child to restrain his/her feelings, to constrain his/her gestures and speech, perhaps in an attempt not to be noticed within a ‘space which is not his/hers’”. (2.000, p. 100)

Considering that education is a tool for social mobility, racism shows an evil face by reproducing the conditions of inequalities and, in doing so, keeps them as such. According to PNAD data (1999), among working children aged 5-9 years – although child labor is prohibited by law – 62% are blacks and mulattos, and 38% belong to other ethnic groups. Among working children aged 10-14, 63% are blacks/mulattos, and 37% belong to other ethnic groups.

According to data from the Ministry of Justice (1988), the white Brazil is richer than the black Brazil, and the national average income, according to skin color, was the following: white man, 6.3 minimum wages; white woman, 3.6

minimum wages; black man, 2.9 minimum wages; black woman, 1.7 minimum wages.

In view of all these limits, one needs to ask whether universal policies are capable of overcoming the persistence of this inequality from “head to toes”. In order to overcome this situation, it is not enough to appeal to the right to citizenship; only the categorical imperative of practical reason will be able to comply with the requirements of inclusive policies in the light of human rights. These requirements, based on the dignity of the human being as the essential principle of its indivisibility, not only condemn any and all forms of discrimination, but also positively recommend egalitarian principles. Thus, the purpose of compensatory inclusive policies is to fill in the gaps originated by the incompetence of universal policies. The objective is to counterbalance a situation that has always favored hegemonic groups as regards the access to social benefits, thus simultaneously combining equality and equity principles, under the shield of justice. Moreover, if better schooling is included, these policies foster a more qualified professional insertion, supporting the scientific and technological development of Brazil through an increase in intelligence. However, it cannot be denied that differential policies may imply a certain risk of populism.

INCLUSIVE POLICIES

The National Council of Education has recently approved, together with the Ministry of Education and Culture, the Official Opinion CNE/CP 03/04 and also the Resolution CNE/CP 01/04, which sets the Curriculum Guidelines for the Education of Racial-Ethnic Relations and for the teaching of African and African-Brazilian History and Culture. After the homologation of the Official Opinion by the Ministry of Education, the mentioned resolution became law, and the subject stirred press controversy. Actually, CNE only tried to interpret a series of constitutional and legal

provisions (Cury, 1999) that already existed on the subject, fully mentioned in Official Opinion CNE/CP 03/04.⁵

The same collegiate had already approved Official Opinion CNE/ Basic Education Chamber – CEB nº 14/99 on indigenous education, whose ministerial homologation generated Resolution CNE/CEB n.03/99. Both regulatory instruments are based on national legal injunctions, as is the case of article 231 of the Federal Constitution of 1988 and article 78 of the Law of Guidelines and Bases of National Education – LDB –, among others.⁶

The *Diretrizes Curriculares Nacionais da Educação Especial* (Brazilian Curriculum Guidelines for Special Education) resulting from Official Opinions CNE/CEB 17/01 and 04/02, together with Resolution CNE/CEB 02/01, follow the same path. All these guidelines arose much controversy involving from charitable associations to the Public Prosecutor Office.

The *Diretrizes Curriculares Nacionais da Educação de Jovens e Adultos* (Brazilian Curriculum Guidelines for the Education of Young and Adults) are also to be considered as a pedagogical modality itself, created by Official Opinion CNE/CEB 11/00 and by Resolution CNE/CEB 01/00.

As the Brazilian law explicitly recognizes the right to difference based upon the right to equality, the regulatory agency in charge of regulating education laws has complied with its duties, and now research institutions, school systems and other agencies involved in the affair should both apply these norms and produce their critical analysis.

The federal executive agency in charge of the education system has also taken measures that drive initiatives towards the implementation of programs based on inclusive and compensatory policies with the purpose of fostering basic education.

⁵ Among others, articles 3rd, 4th, 5th, 215th and 216th of the Brazilian Constitution, article 26 of the LDB and specially Law number 10.639/03 may be quoted.

⁶ To get a broader perspective about this group segment, see Rouland (org), 2004, specially part III.

Upon reorganizing its administrative structure, the Brazilian Ministry of Education (MEC) created the *Secretaria de Educação Básica – SEB* – (Secretariat of Basic Education), with the purpose of organizing initiatives regarding basic education, its phases, and its modalities.

The most daring project regarding the support to universalist policies was the creation of the *Fundo Permanente da Educação Básica – Fundeb* (Fund for the Development of Basic Education) by a constitutional amendment that replaced Fundef, which had undeniable merits such as the control of resources by the General Accounting Offices and by the Controlling Councils. However, Fundef itself is universalizing just for compulsory education, and in this sense it is focused. Fundeb intends to become a funding mechanism for all phases of basic education and its modalities (pre-active, elementary school and secondary education).⁷ The new fund intends to equalize, within the states, the minimum investment per student and to allocate 80% of the bound resources in the advancement of schoolteachers and of other professionals who work at schools. Resources will be allocated according to the number of student enrollments at the different phases of basic education. Fundeb anticipates receiving 25% of all tax revenues currently allocated to Fundef, additionally to an identical participation from the Automotive Vehicle Property Tax (IPVA), Inheritance Tax (ITCM), Rural Land Tax (ITR) and Income Tax from State and Municipal Public Servants. Municipal taxes such as the Building and Urban Territorial Tax (IPTU), the Service Tax (ISS), and the Tax on the Transfer of Real State (ITBI), will not be allocated to the fund. During five years, the fund will undergo a progressive adjustment, so as to come to an amount that ensures a “minimum quality standard”.

Perhaps this was the reason why MEC created, through a Ministerial Directive dated August 19, 2004, the *Comitê Nacional de Políticas de Educação Básica* (National Committee for Basic Education Policies), with the purpose of

⁷ As regards to policies, both background proposals indicate the important role MEC may play within the federal pact.

“supporting and following the implementation of the National Basic Education Policy and of ensuring the articulation of the different bodies, agencies and institutions involved in basic education”.SEB still pursues the fulfillment of the nine-year compulsory education target foreseen in the *Plano Nacional de Educação* (National Education Plan), through inductive policies at state and municipal levels, as well as teachers’ continuous training policies, through a national network linking formative institutions and school systems.

The limits of such initiatives are multiple-angled. The organization of the Brazilian national education would have to put into effect the regime of collaboration as the Brazilian law has chosen a federative and articulated education system. And, within this system, collaboration is critical. However, the requirements of this system through a complementary law, foreseen in the Brazilian Constitution of 1988 (sole § of article 23), to this date, 16 years later, have not yet been formalized. This limit, in spite of the National Plan of Education’s goals and objectives, hinders states and municipalities from advancing on the (progressive) compulsory provision of secondary education and its universalization, and from providing vacancies to fulfill the huge demand hampered at pre-school education.

Therefore, unless Fundeb provides substantive approval, universalization of basic education will remain the priority. This will jeopardize advances on basic education as a whole, and will hinder the achievement of goals. Therein, the right to basic education, on its most legitimate meaning, will be jeopardized, and its potential may be transferred to focus policies, which will be harmful both to the theory and practice of citizenship and human rights, as well as to the accomplishment of broader levels of basic education for all. The lack of pre-school education impairs the poorest levels of the population, as we have already seen, affecting specially the afro-descendant groups right on the early stages of basic education. By limiting the presence of these and other vulnerable groups to secondary education, both their trajectory through this phase and the trajectory of those who manage to enter secondary high school are impaired. To provide access

to pre-school education based on demand, as well as access to compulsory secondary education are the best ways to pursue an affirmative action on behalf of citizenship and human rights.

Moreover, Fundeb's proposal does not explicitly provide new resources other than those existing today to face the rising demand of children, adolescents and young people who wish to have broader schooling: downstream for pre-school education and upstream for secondary education.

And the role of formative institutions cannot be ignored as regards conformity to the new guidelines mainly in the field of teacher training.

Within the Secretariat of Basic Education there is the *Secretaria de Educação Continuada, Alfabetização e Diversidade* (Secretariat of Extended Education, Literacy Courses and Diversity). Launched by the Federal Government in 2003, the *Brasil Alfabetizado* (Literate Brazil) program intends to promote educational inclusion. This same year, this program served 1.92 million young and adults with little or none formal schooling, investing a total of R\$ 175 million. The *Coordenação Geral da Educação de Jovens e Adultos – Coeja* (General Coordination of Young People and Adult Education) is in charge of this modality of basic education. Its most important program is *Fazendo Escola* – support given to states and municipalities – which transfers resources (380 million) to federal units with HDI equal to or smaller than 0.5, so that they can implement the *Educação de Jovens e Adultos – EJA* (Education for Young People and Adults) as a public policy.

Within this Secretariat, the *Coordenação Geral de Apoio às Escolas Indígenas - CGAEI* (General Coordination for Support to Indigenous Schools), is in charge of supporting a public education policy for these schools, according to the requirements made by several indigenous groups and to the principles established by the Brazilian Constitution of 1988. The outstanding program is the *Referencial Curricular Nacional* (National Curriculum Reference) for teachers and teachers' training within these communities.

Within this Secretariat there is another program, *Rede Nacional de Formação Continuada de Docentes da Educação Básica* (National Network for the Continued Education of Schoolteachers).

The *Secretaria de Educação Especial - SEESP* (Secretariat of Special Education) is in charge of serving handicapped students' special needs. Its main program is "Inclusive education: the right to diversity", whose goal is to train managers and educators capable of complying with the legal inclusion requirements of this social segment. Main municipalities (114) train managers and educators who bind themselves to becoming multiplying agents for approximately 2 thousand other municipalities. University graduate courses may invest in projects, studies and courses to qualify professionals with competencies in special education and who may teach at different phases of the basic education system. This program is carried out in collaboration with the *Coordenação de Aperfeiçoamento de Pessoal de Nível Superior - Capes* (Coordination of Enhancement of Higher Education Personnel).

As basic education is the citizen's right and the government's duty⁸ and as it is a privileged moment when equality meets equity, people with special education needs and social groups such as the afro-descendants must be the subjects of a service that leads to the deconstruction of stereotypes, prejudice and discrimination both through the socializing role of school and through its role as a transmitter of truthful and significant scientific knowledge.

Young people and adults who had not the opportunity to go to school at the appropriate age may and must be the subjects of a peculiar pedagogical model supported with resources that guarantee that these people can restart schooling without the shadow of a new failure.

Indigenous communities should also be the subjects of a special model of school, featuring resources and respect to their peculiar cultural identity.

⁸ Basic education stands out within this right/duty due to its subjective public right character, being as such protected by multiple funding rulings, liability, technical resources, and compensatory initiatives.

The acknowledgment of differences at this moment of schooling is consistent with the acknowledgement of equality.

It cannot be denied that the difficulties towards the accomplishment of an egalitarian and universalistic ideal, advocated by the Welfare State, generated effective gaps and separated the advocacy of the right to difference from its founding basis on the right to equality. Without the latter, the right to difference risks being damaged by irregular and unstable policies, at the mercy of each difference. For this reason, basic education must be the subject of an effective egalitarian educational policy worthy of education, as the first of the social rights in the Brazilian Constitution, as a civil right inalienable of human rights, and as a citizens' political right.

LIMITS AND POSSIBILITIES

In the course of this essay some of the most important limits that impair a broader social policy have been clarified. There are problems that happen at the school, but do not belong to it. Among them one can include: uneven income distribution and Brazil's incapacity to distribute it in a more equitable way; federal pact lacking a mutual cooperation model with a better balanced allocation of taxes; the huge number of small and poor municipalities without resources of their own and dependent upon the resources from legal transfers; the Brazilian external debt; and, sometimes, bad management and deployment of existing resources.

This reality faces all types of prejudice. Universalist policies have not been able to make their promises effective: to treat all equally. Our unequal and prejudiced society ends up reproducing inequality as such. Therefore, if a common universalist basis is kept, it is possible and desirable to focus on children from vulnerable groups such as ethnic segments and from impoverished areas in large cities, or even in many Brazilian inland towns through compensatory policies. Such is the case of the *bolsa-escola*, *bolsa-família* (programs that grant a certain stipend

every month to families whose income levels are below the poverty line as long as families ensure that all their children are enrolled in school and do not miss more than two days of class per month), extension of school lunch to basic education, and policies to support night classes and vulnerable regions.

On the other hand, there are problems at school which belong to it. This is the case of teachers' training, their appreciation as a professional through an attractive career, fair and competitive salaries and the possibility of continued education. With this appreciation, performance appraisal is no longer a punishment principle, but rather it becomes a pillar to support the professional career.

It is at school, although not only there, that we may help deconstructing mentalities, points of view and behaviors that affect the other's otherness through prejudice and discrimination. In this, the teacher's task is irreplaceable, in the sense of being prepared to face the issue of otherness in difference.

One can not refrain from pointing out that the importance of school education has not yet come to the point of strongly mobilizing the civil society in favor of its dignity and value. It is imperative that this flag reaches the population and that it may foster the educators who identify themselves with citizenship and human rights, and that it is capable of demanding from the governments the due diligence towards a right that must combine legal and substantive equality. This is where the impelling force arises towards more open and transparent models, the search for new resources and a strategic planning which consolidates a political will adequate to the proclaimed value of education for all.

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