

Slave-owning and colonialist rancidity – Seen and unseen – In today's Brazilian society: For a social haughtiness

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ABSTRACT

This article will seek to raise a bibliographic reference on the social inequalities verified in Brazil in contemporary times. This theme is included in the book entitled *Pathways to Recognition, Equality and Respect*, by Jacques D'Adesky (2018). The common thread of this work brings reflections aimed at revisiting the past to launch us, at the same time, into questions about the future of race relations in Brazil and in the contemporary world with a view to broadening the debate about the limits of colonial practices and racism for the future of humanity and, in particular, for populations subordinated in their identities and cultural values. From this perspective, the questions posed in this study focus on race relations in Brazil in dialogue with the reflections elaborated by Brazilian black activism, namely: is there really equality of opportunities, principles of non-discrimination and merit in the face of affirmative action policies? Are such political practices effective in fostering equal opportunities, recognition and combating racism in contemporary times?

Keywords: Equality and the principle of non-discrimination, Race relations, Colonial practices in Brazil.

INTRODUCTION

The contemporary world not only cries out, but demands a position of change in the face of the culture of exclusion and inequality still very present in society. As a comprehensive social phenomenon, such culture has been built and rebuilt in everyday relationships covered with many ideological biases.

In this context, this study intends to establish relationships about the interfaces of inequality that shape social exclusion. To this end, this article³ proposes to trace paths to be followed for the recognition of equal rights and respect based on the survey of bibliographic references on social inequalities verified in Brazil in comparative analysis with some countries in the world, among them, as it happens: Senegal, Malaysia, South Africa and India. This theme is included in the book entitled "*Paths to Recognition, Equality and Respect*", by Jacques D'Adesky (2018), whose guiding thread presents reflections aimed at revisiting the past to throw us, at the same time, into questions about the future of race relations in Brazil and in the contemporary world with a view to expanding the debate about the limits of colonial practices

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³ Text of the article produced as a requirement of the discipline taught by: Gisálio CERQUEIRA FILHO and Gizlene NEDER, who addressed as content: "History, Power and Ideology", focusing on the inequalities verified in several countries in the world, as can be seen in what happens, for example, in SENEGAL, MALAYSIA, SOUTH AFRICA and INDIA



and racism for the future of humanity and, in particular, for populations subordinated in their identities and cultural values.

From this perspective, the questions posed in this study focus on race relations in Brazil in dialogue with the reflections elaborated by Brazilian black activism, namely: is there really equality of opportunities, principles of non-discrimination and merit in the face of affirmative action policies? Are such political practices effective in fostering equal opportunities, recognition and combating racism in contemporary times?

In the meantime, in order to understand what is and how the relations of inequality that culminate in social exclusion are constituted, it is necessary to review some aspects of their historical construction and the consequent issues that derive from it, such as: poverty, race/ethnicity, among others.

Among the authors who dialogue with the theme in question, that is, social exclusion as one of the faces of social inequality, is Jacques D'ADESKY (2018). In his analyses, the aforementioned author highlights the "Equal Opportunities" and the "Principles of Non-Discrimination", as well as the merit in the face of "Affirmative Action Policies" (D'Adesky, 2018, p. 57), which will be addressed in this article along with the incidences detected in several countries, including Brazil.

From this point of view, representative democracy will be analyzed – whether it guarantees equality and formal freedom only in the areas of politics and justice, where inequalities coexist, or not. In addition, it is proposed to reflect on whether there are other possible paths to be taken to achieve the correction of inequalities; and whether there are possibilities for change through positive discrimination policies and affirmative action.

METHODOLOGY

Embarking on this search for knowledge, from the sociological point of view, it is not enough to be spectators, because, without fail, we will have to pay the bill for neglect and inaction in the face of the discrepant social inequalities that daily permeate the various instances of society.

In the search to meet the object of study of this article, it is necessary to assume the position of researchers and, at the same time, social subjects in this direction of seeking possible paths to real and effective social equality.

To this end, the methodological design of this study consists of bibliographic research, understood as a fundamental methodological process for the production of knowledge. For Gil (2008), the Bibliographic research enables a wide range of information, in addition to allowing the use of data dispersed in numerous publications, also helping in the construction, or in the better definition of the conceptual framework that involves the proposed object of study.



As for the principles and foundations that characterize the development of a bibliographic analysis, Prodanov and Freitas (2013) explain that this research methodology is

[...] prepared from material already published, consisting mainly of: books, magazines, publications in journals and scientific articles, newspapers, bulletins, monographs, dissertations, theses, cartographic material, internet, with the objective of putting the researcher in direct contact with all material already written on the subject of research. In the bibliographic research, it is important for the researcher to verify the veracity of the data obtained, observing the possible inconsistencies or contradictions that the works may present (PRODANOV; FREITAS, 2013, p. 54)

Thus, it can be inferred that the method of analysis and understanding of a bibliographic research is structured and developed based on the theoretical production of other authors from the reading of scientific articles, journalistic media collected in databases and other scientific texts taken from the internet, in addition to empirical observations. In summary, bibliographic research has the purpose of improving and updating knowledge, through a scientific investigation of works already published. It is, therefore, "a fundamental stage in all scientific work" (Amaral, 2007, p. 1), since it will influence all stages of a research, to the extent that it provides the theoretical basis for scientific work.

Therefore, in order to seek a greater theoretical foundation for this study, let us move on to the analysis of the propositions of some authors that contribute to broaden the discussion on the subject in question.

THE PRINCIPLE OF EQUALITY IN THE FACE OF SOCIAL EXCLUSION

As already mentioned, one of the faces of inequality is social exclusion. As an ethical-political category, equality is related to fundamental rights, recognized in modern democracies, which build the contemporary Principle of Citizenship. For Norberto Bobbio (2000), equality is translated as a relationship that is established between people. However, the conception of equality becomes dubious, insofar as:

Equality, as the supreme value of an orderly, happy and civilized coexistence – and, therefore, on the one hand, as a perennial aspiration of men living in society, and, on the other, as a constant theme of ideologies and political theories – is often coupled with freedom. [...] With regard to the descriptive meaning of the term *freedom*, the difficulty of establishing it lies above all in its ambiguity, since this term has, in political language, at least two different meanings. In the case of *equality*, the difficulty in establishing this descriptive meaning lies above all in its indeterminacy [...] equality is purely and simply a type of formal relationship, which can be filled by the most diverse contents (Bobbio, 1997, p. 11 – emphasis added).

It can be inferred, from this perspective, that equality, generically, indicates a relationship between individuals, a desirable value in general, due to the positive emotional meaning it translates into political language or, in the words of Norberto Bobbio (2000, p. 7), man, "as a social being, must be with other individuals in a relationship of equality." It is, therefore, an abstract principle, representative of a relationship of parity between individuals, situations or things, with no descriptive meaning by itself.



From this perspective, equality can be understood as a guiding principle, a value, a virtue; and it is also associated with the term Justice and the Social State.

Historically considered, equality is a juridical-philosophical principle, which cannot be provided without first answering two elementary questions, under penalty of not going beyond an abstract meaning, namely: equality in what? And equality between whom? In view of this, it can be inferred, according to the words of Bobbio (2000), that equality is a relationship of parity between Entities according to certain criteria. Also according to the author, it was the philosopher Aristotle who coined two different meanings for the term "justice". The first identifies it with "legality"; the other, in turn, denotes the identity of "justice" as "equality"; therefore, there is only justice when "a relationship of equality" is established (Bobbio, 2000, p. 14).

In this sense, from a legal point of view, equality is the means to reach the ideal of justice. In this regard, Moraes (2003, p. 64) comments as follows:

[...] The principle of Equality enshrined in the Constitution operates on two distinct levels. On the one hand, in relation to the legislator or the executive itself, in the enactment, respectively, of laws, normative acts and provisional measures, preventing them from creating abusively different treatment of people who are in identical situations. On another level, in the obligation of the interpreter, basically, the public authority to apply the law and normative acts in an equal manner, without establishing differentiations on the basis of sex, religion. Philosophical or political convictions, race, social class.

It can be inferred, therefore, that the principle of equality cannot be submitted exclusively to legality. This is because the rules issued by the legislator may, in some situations, contain inequalities; however, if these inequalities obey positive constitutional discriminations, the law enforcer would be allowed to adopt actions based on such discriminations – what we now know as affirmative actions (Bandeira de Mello, 1993).

From this moment on, it becomes important to present the following question: is there really equality of opportunity based on the Principle of Non-Discrimination?; is there merit to Affirmative Action Policies? Such premises will be addressed throughout this article, contextualizing them within the incidences detected in other countries (mentioned above), as well as in Brazil. At this point, we will try to answer the following questions: Why is there inequality? What does it stem from: race? colour? sex? religion? Or Are there other underlying issues? What are they?

These are questions that raise our, at the same time, in other questions about the future of race relations in Brazil with a view to broadening the debate about the limits of colonial practices and racism for the future of humanity and, in particular, for the populations subordinated in their identities and cultural values.



From this point of view, it seeks to verify whether representative democracy guarantees only equality and formal freedom (in the areas of politics and justice), from which it is abstracted whether such issues coexist with inequalities, or whether, in their underlies, a disguised colonialism can be inferred. Also pertinent questions are for this study: are there other ways to achieve the correction of inequalities? Is there a possibility of changes through Positive Discrimination Policies and Affirmative Actions? Will the equalization of opportunities occur with them? By these biases, will there be a reduction in distortions? Will such a reduction come with the creation of material and structural conditions? Will the practice of these policies really provide for the achievement of liberating equality, of real opportunities to be conferred on the disadvantaged? We will see in the following analysis.

DYNAMICS OF RACE RELATIONS IN BRAZIL AND THE "MYTH"⁴ OF RACIAL DEMOCRACY

The discussion on race relations has occupied a central place in the Social Sciences since its institutionalization. In recent decades, however, after the adoption of racial affirmative action in different governmental spheres in Brazil, the area of studies focused on the racial issue in the country has been given a new form.

In the wake of Bailey's (2016) studies, it is understood that The dynamics of race relations in Brazil are changing. Previously considered a country in which the harmful legacy of slavery was not admitted, today, however, Brazilian society has officially recognized ethnic-racial discrimination as a historical phenomenon that has left deep marks with regard to the violation of human rights. And, therefore, such a phenomenon is considered by many to be a crime today.

On the other hand, among the explanations for racial inequality, authors such as Hanchard (1994), Winant (1999), Guimarães (2001) and Twine (1997) point out that the idea of racial democracy is a myth; and, at the center of this myth, there is a belief in the absence of racial discrimination in Brazil. In other words, researchers and actors of the black movements have long stated that the most harmful aspect of a common sense marked by the myth of racial democracy is the denial of the racism that it provokes in those who adhere to it. In addition, such denial of racial discrimination by the population is the main cause for the absence of greater anti-racist social mobilization and for the low participation in black movements, as well as for the lack of a strong racial subjectivity on the part of blacks and browns as blacks.

⁴ The expression coined by Florestan Fernandes – "the myth of racial democracy" exemplifies how, even after more than 130 years of the abolition of slavery (1888), there is still a social abyss between whites and blacks in Brazil. Check it out: <https://observatoriodeeducacao.institutounibanco.org.br/em-debate/conteudo-multimedia/detalhe/educacao-antirracista-e-equidade-racial> - Accessed on: 04 mar. 2024.



In view of the above, it is correct to say that Brazil still has the marks left by colonialism, in which many practices of that time are perpetuated in time and have reached us in the twenty-first century. In this sense, it is noted that, even with the application of affirmative policies, such as access to university for blacks, blacks, browns, indigenous people, and the poor, the harmful rancidity of the slave yoke persists over these people, especially the poorest.

In this sense, the question that arises is whether there are paths traced within the legislative legality here in Brazil to combat the myth of racial democracy and consequently the denial of racism in the country. In this way, other issues deserve to be widely discussed, such as: what are the main affirmative actions approved by the legal bodies in Brazil; and, from this analysis, to investigate whether such affirmative measures have demonstrated efficacy and effectiveness.

In order to broaden the discussion, it is appropriate to say that the events that occurred in the last century in the context of World War II (1939 and 1945) mobilized an international outcry against what happened at this tragic moment in history, compelling the international community⁵ to develop international instruments for the protection of human rights, notably with an ethnic-racial perspective. aiming at the eradication of racism and discrimination.

In line with this historical process, affirmative action public policies (PPAA) emerged, which are increasingly gaining visibility and application in today's society, whose mechanisms are adopted to strengthen the most vulnerable populations (Afro-descendants, women, children and adolescents, people with disabilities, religious minorities, gender minorities, etc.).

It is worth noting another fundamental document in this field – the **International Convention on the Elimination of All Forms of Racial Discrimination** (1965), which was gestated in the heat of the civil rights struggles in the USA and the anti-colonial struggles in Africa. And, last but not least, the **Durban Declaration and Plan of Action** – South Africa (2001), resulting from the union of Africans and Afro-descendants in the Afro-Diaspora.

In view of these propositions, it is understood that the Principles of Equality and Non-Discrimination, based on the proclamation of Universal Rights and Human Rights of 1948, in its articles I and II, have as their main objective to achieve real Equality of Opportunities. From this contextualization, it is concluded that these principles, if applied together, constitute the main "weapon" of coercion to any form of distinction; In addition, these principles must be applied in all instances of society and in all situations of differentiation/distinction. Thus, guided by the legal principles of material equality, non-discrimination and positive discrimination, nations took the first steps towards universalizing this new legal modality of social policy. It is noted, therefore, that all these international instruments ensure the

⁵ Paradoxically, most European states remained colonial powers on almost every continent.



recognition and full legality of specific and temporary measures that aim to protect social groups in situations of fragility for ethnic, racial, gender reasons, among others.

It is appropriate here to say that the Principle of Equality implies uniformity of legislation; however, it does not impose treating all individuals in the same way, since it aims to contemplate **diversity**. Contradictorily, this thinking began to reveal a decline in affirmative action policies, which came to be seen as undue preferential treatment, or favoritism, with advantages based on past prejudices.

In this regard, Trindade (2002, p. 55) asserts that the principle of non-discrimination is directly linked to affirmative action policies for vulnerable groups or populations; these "are directly linked to the struggle for the prevalence" of the aforementioned principle.

In turn, Canotilho (2000) considers the "non-discrimination function" as one of the main functions of fundamental rights. According to the author, based on the principle of equality and the specific equality rights enshrined in the Constitution, it is ensured that the State treats its citizens as fundamentally equal and, consequently, the function of non-discrimination is applied to all types of social rights: personal freedoms and guarantees; political participation; rights to benefits, among others. As the author explains:

It is also with an accentuation-radicalization of the anti-discrimination function of fundamental rights that some minority groups defend the full realization of equal rights in a multicultural and hyper-inclusive society ("rights of homosexuals", "rights of single mothers", "rights of people with HIV") (Canotilho, 2000, p. 386).

In this same line of thought, it can be seen with Silva (2010, pp. 226-227) that, when it comes to the strictly normative field, there is a veritable arsenal of rules and prescriptions that support the adoption and merit of affirmative action in Brazil. In the international legal order, the various treaties, conventions, pacts and programs, in addition to prohibiting all forms of discrimination, also provide for the adoption of policies to promote equality, these called "special measures" and "affirmative action".

CONCLUDING REFLECTIONS

The discussions presented in this article served as a basis for fostering reflection on the theme of race relations in contemporary Brazil. This theme has been studied by Marcelo Paixão, for whom there are still sequelae of racism and racial discrimination not only on its victims, the blacks and indigenous people, but for the country as a whole (PAIXÃO, 2005a, 2005b).

In agreement with the aforementioned author, the relevance of this type of reflection for the present day is considered, since racial inequality in Brazil has **a structural** and systemic character, in which the unequal relations between whites and blacks in Brazilian society persist because they are reflections of the fragility of public policies to confront it.



In this scenario, the fight against racial inequality must occur in all social spheres: political, economic, health and especially in the educational area – as an indispensable element for any change, so that without an effectively anti-racist education it is not possible to think of an egalitarian society.

This search for social equality has to do with guaranteeing the rights of a truly pluralistic and egalitarian society. However, a long way is still needed to achieve the elimination of the various practices and manifestations of prejudice and discrimination not only in individual actions, but in the social dynamics itself, such as that of an ethnic-racial nature, the object of analysis in this discussion.

These racist practices establish harmful discriminatory patterns in our society that hinder the path to achieving equality beyond formality. Therefore, transformations in concrete reality will be necessary capable of overcoming patterns and ideas such as the myth of racial democracy that tend to mystify racial inequality in Brazil, generalizing a distorted understanding of Brazilian reality (Fernandes, 2008).

Thus, with a view to a more coherent understanding On racial relations in contemporary Brazil, this study sought to contribute to broaden the debate on the limits of racism for the future of humanity and, in particular, for populations subordinated in their identities and social and cultural values. In this sense, it is understood that it is society itself that can mobilize a democratic movement of great power, announcing on the horizon the prospect of a more fraternal and just country in which social opportunities and rights will be accessible to all regardless of the physical characteristics of each individual.



REFERENCES

- Amaral, J. J. F. (2007). Como fazer uma pesquisa bibliográfica. Universidade Federal do Ceará. Available at <http://200.17.137.109:8081/xiscanoe/courses1/mentoring/tutoring/Como%20fazer%20pesquisa%20bibliografica.pdf>. Retrieved March 3, 2020.
- D'Adesky, J. E. (2018). Percursos para o reconhecimento, igualdade e respeito (1st ed.). Ed. Cassará.
- Bailey, S. (2016). Dinâmicas raciais no Brasil contemporâneo: Uma revisão empírica (E. Gutierrez, Trans.). *Plural*, 23(1), 53-74. <https://doi.org/10.11606/issn.2176-8099.pcs0.2016.118385>. Available at <https://www.revistas.usp.br/plural/article/view/118385>. Retrieved March 4, 2024.
- Bandeira de Mello, C. A. (1993). Conteúdo jurídico do princípio da igualdade (3rd ed.). Malheiros Editores.
- Bobbio, N. (2000). Igualdade e liberdade (C. N. Coutinho, Trans.) (4th ed.). Ediouro.
- Canotilho, J. J. G. (2000). Direito constitucional e teoria da constituição (4th ed.). Livraria Almedina.
- Fernandes, F. (2008). A integração do negro na sociedade de classes: O legado da raça “branca” (5th ed., Vol. 1). Globo.
- Gil, A. C. (2008). Métodos e técnicas de pesquisa social (6th ed.). Atlas. ISBN 978-85-224-5142-5.
- Guimarães, A. S. A. (2001). The misadventures of nonracialism in Brazil. In C. Hamilton et al. (Eds.), *Beyond racism: Race and inequality in Brazil, South Africa, and the United States* (pp. 157-185). Lynne Rienner Publishers.
- Hanchard, M. (1994). *Orpheus and power: The Movimento Negro of Rio de Janeiro and São Paulo, Brazil, 1945–1988*. Princeton University Press.
- Moraes, A. de. (2003). Direito constitucional (13th ed.). Atlas.
- Paixão, M. (2005a). *Crítica da razão culturalista: Relações raciais e a construção das desigualdades sociais no Brasil* (Doctoral dissertation). Programa de Pós-Graduação em Sociologia Política - Instituto Universitário de Pesquisas do Rio de Janeiro / IUPERJ.
- Paixão, M. (2005b). Nada haver ou tudo a ver? Diálogos entre a questão do desenvolvimento econômico e das relações raciais no Brasil. In J. Sicsú, L. Paula, & M. Renault (Eds.), *Novo-desenvolvimentismo: Um projeto nacional com equidade social* (pp. 301-325). Manole Editorial / Rio de Janeiro / Fundação Konrad Adenauer.
- Prodanov, C. C., & Freitas, E. C. de. (2013). *Metodologia do trabalho científico: Métodos e técnicas da pesquisa e do trabalho acadêmico*. Feevale.



- Silva, L. F. M. da. (2010). Apontamentos sociojurídicos sobre o tema “Políticas Públicas de Ação Afirmativa para Negros no Brasil”. Revista da ABPN – Associação Brasileira de Pesquisadores(as) Negros(as), 1(2), 217-244. Available at https://redeacaoafirmativa.ceao.ufba.br/uploads/abpn_artigo_2010_LFMdaSilva.pdf. Retrieved March 4, 2024.
- Trindade, A. C. (2002). O direito internacional em um mundo em transformação. Renovar.
- Twine, F. W. (1997). Racism in a racial democracy: The maintenance of white supremacy. Rutgers University Press.
- Winant, H. (1999). Racial democracy and racial identity: Comparing the United States and Brazil. In M. Hanchard (Ed.), Racial politics in contemporary Brazil (pp. 98–115). Duke University Press.