

The discretion of the street-level bureaucrat as a factor in the elimination of black candidates in didactic performance tests in civil service examination at federal institutes

*A discricionariedade do burocrata de nível de rua como fator de eliminação de candidatos e candidatas negros nas provas de desempenho didáticos em concursos públicos de institutos federais*¹

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ABSTRACT:

This work aims to demonstrate that the construction of public policies against racism must be carried out in parallel with actions aimed at transforming the current ideology. Thus, initially, we will present the concept of "street-level bureaucrat", by Michael Lipsky, and the importance of his discretion. Next, we will discuss the role of this worker in the Didactic Performance Tests of civil service entrance examinations for teachers at five Federal Institutes in Brazil. Based on general descriptive statistical and frequency analyses, we show that, in almost all scenarios, there is a higher failure rate for black candidates. Finally, to highlight how ideology crosses the street-level bureaucrat, we will look at the concept of "domains of power", by Patrícia Hill Collins.

KEYWORDS: Discretion, Street-level bureaucrat, Civil service examination, Domains of power, Racism.

RESUMO:

Este trabalho pretende demonstrar que a implementação de políticas públicas contra o racismo deve ser realizada paralelamente a ações que visam a transformação da ideologia vigente. Assim, apresentaremos o conceito de "burocrata de nível de rua", de Michael Lipsky, e a importância de sua discricionariedade. Em seguida, discutiremos o papel desse trabalhador nas Provas de Desempenho Didático de concursos públicos para docentes de cinco Institutos Federais do Brasil. A partir de análises estatísticas descritivas gerais e de frequências, mostramos que, em quase todos os cenários, há uma maior taxa de reprovação de candidatos negros. Por fim, para evidenciar como a ideologia atravessa o burocrata de nível de rua, nos debruçaremos sobre o conceito de "domínios de poder", de Patrícia Hill Collins.

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PALAVRAS-CHAVE: Discrecionariedade, Burocrata de Nível de Rua, Concursos Públicos, Domínios de poder, Racismo.

Introduction

"To put it more bluntly: institutions are racist because society is racist." (ALMEIDA, 2019, p. 47)

Structural racism, understood as the element that underlies and runs through society, presents itself in different ways in all social strata. In this way, the racist actions of institutions are the reproduction of the values present in the social order (ALMEIDA, 2019). Even with the enactment of laws that aim to reduce its symptoms, the difficulty of their implementation exposes the strength with which we are undermined by racism in Brazil. In 2014, the 12990 Regulation was enacted, reserving vacancies for black candidates in public selections at the federal level, however, ten years after its institution, there are still several complaints of fraud, even with the establishment of several resolutions seeking better applicability of the law (DIAS; TAVARES JÚNIOR, 2018). This example shows that the enactment of the law alone, as well as the construction of various protocols, is not enough to make the public policy effective.

There are several factors responsible for the difficulty in implementing public policies, as well as actions that seek to reduce these problems. In relation to 12990/14 Regulation, while on the one hand the creation of Hetero-identification Boards stands out, as a means of guaranteeing access to the reservation of vacancies for black candidates (VAZ, 2018), on the other hand, the subterfuges used by institutions to circumvent the reservation of vacancies in public notices is noteworthy (BATISTA; MASTRODI, 2020).

However, it seems important to note that in order for the state to implement any public policy it is necessary that, at the end of its entire production chain, there is the last element that will apply and be responsible for putting that regulation into effect: a state agent who will impose the way in which the regulation will be executed, because insofar as he has direct contact with the citizen he is conceived as the mediation between the state and society.

This state agent is understood by Michael Lipsky as the street-level bureaucrat, who we can find in the most diverse functions, according to Gabriela Lotta:

This category, brilliantly proposed by Lipsky, incorporates the vast majority of the world's own and outsourced public administration employees: all teachers, police officers, social workers, health professionals, prison service professionals, care agencies, social service agencies and

referrals for employment. They are all those who interact with users of public services and policies on a daily basis (Lotta, 2019, p. 11).

In the case of the implementation of 12990/14 regulation in teaching competitions, we recognize the street-level bureaucrat in the individuals who make up the Heteroidentification Board, responsible for assessing whether a self-declared black candidate has such phenotypical characteristics.

However, in this study, we identified another street-level bureaucrat taking part in the competition, who has a direct relationship with the candidates and whose job it is to assess whether or not the candidate fits to continue in the selection competition. This state agent is found on the evaluation board for the Didactic Performance Test (DPT).

As the Didactic Test is an elimination stage, black candidates who do not pass this stage will not be assessed by the Hetero-identification Board or this stage will be dispensed with, as the candidate will be eliminated from the selection process.²

In this paper, we intend to understand how the street-level bureaucrats on the Didactic Test board can interfere in the didactic evaluations of black candidates, based on their ideological conceptions, as well as the structural racism that runs through them. In this way, this article is part of studies on the reproduction of inequalities in the implementation of public policies.

In order to accomplish this task, we will first explain some of the characteristics of Michael Lipsky's concept of the street-level bureaucrat. Next, we will analyze the approval rate of candidates in the Didactic Performance Tests, based on race, in the competitions for Professor of Basic, Technical and Technological Education in the largest Federal Institutes in each region of Brazil. As a way of delving deeper into the subject, we will show how the domains of power presented by Patricia Hill Collins show that the decisions of these agents can be permeated by structural racism and that the implementation of a public policy is not only achieved through a legal framework, but mainly through an operation at the ideological level, carried out through the hegemonic domain of power. Thus, in this work, we intend to demonstrate that for any public policy to be effective, actions are needed that go beyond the enactment of state regulations, and one of these actions must be directed towards social ideological change.

Street-level bureaucracy

² There is no pattern in selections as to when the Heteroidentification Test will take place. In all the notices we consulted, they took place after the Objective Test: two before the Didactic Performance Test, two after the Didactic Performance Test and one during the Didactic Test.

In 1980, Michael Lipsky published the book *Street-Level Bureaucracy*, which brought to light the study of one of the key elements in the implementation of any public policy: the "street-level bureaucrat". This analysis differs from previous methods of evaluating public policies, which were based on the implementation of laws or through reports on their results. Lipsky (2010) researched public policies from the point of view of the link between the state and the citizen, specifically, the state official who relates directly to the user, the one who materializes the public policy into sanctions or benefits for users.

The street-level bureaucrat is the state official who decides whether or not a citizen will have access to government services. For example, a police officer, who is responsible for public safety, judges who should receive protection and who should be punished; a teacher decides who has the necessary knowledge to continue their studies and who needs more tutoring; and, among others, a social worker analyzes each case to determine whether a user can access certain social policies. In short, according to Lipsky, "public service workers who interact directly with citizens in the course of their jobs, and who have substantial discretion in the execution of their work are called *street-level bureaucrats*" (Lipsky, 2010, p. 3, emphasis by the author).

The street-level bureaucrat is crucial to the implementation of any public policy, as he is one of the main people responsible for making it effective, since he interprets and judges how the law should be executed. Lipsky (2010) points out that although bureaucracy strives for impartiality by establishing procedures and protocols, street-level bureaucrats do not only perform a technical and impersonal function. When dealing directly with the public, they are faced with unforeseen events in legislation and bureaucratic protocols that require quick and immediate decisions, such as a doctor's judgment in the face of a patient's unexpected clinical reaction.

In short, the reality of the work of street-level bureaucrats could hardly be farther from the bureaucratic ideal of impersonal detachment in decision making. On the contrary, in street-level bureaucracies the objects of critical decisions - *people* - actually change as a result of the decisions. (Lipsky, 2010, p. 9, emphasis by the author).

We note that street-level bureaucrats have a power: discretion, which, according to Lipsky, although paradoxical, is intrinsic to their function. The state seeks to reduce this discretion through protocols and resolutions of conduct, but there are elements in direct interaction with the citizen that cannot be fully categorized or regulated by the state, requiring the construction of protocols by the worker himself.

The essence of street-level bureaucracies is that they require people to make decisions about other people. Street-level bureaucrats have discretion because the nature of service provision calls for human judgment that cannot be programmed and for which machines cannot substitute.

Street-level bureaucrats have responsibility for making unique and fully appropriate responses to individual clients and their situations. (Lipsky, 2010, p. 161)

In this way, discretion is demanded by users and is an important characteristic of this profession, insofar as it is imperative to adapt public policy to the needs of citizens.

As individuals, street-level bureaucrats represent the hopes of citizens for fair and effective treatment by government even as they are positioned to see clearly the limitations on effective intervention and the constraints on responsiveness engendered by mass processing. (Lipsky, 2010, p. 12)

Thus, we can understand discretion as something positive, as shown in the work of Roberto Pires (2009), who identifies the strategies used by labor inspectors to ensure effective compliance with the law. In this case, these state agents sought alternative and pedagogical actions to ensure that workers' rights were respected, rather than just ticketing companies to comply with the law, since this type of punishment was only temporarily successful. In this way, the discretion of street-level bureaucrats played an important role, because by adopting new ways of tackling problems, they were able to improve workers' working conditions.

In turn, this discretion also has a negative impact. When analyzing the implementation of the national professional and technological education policy, Luciano D'Ascenzi and Luciana Lima (2011) exemplify how the dominant ideology can be harmful to the implementation of public policies. The authors present the implementation of a Federal Institute as a public policy that aims to transform traditional technical education by implementing a teaching model integrated with research and extension. However, as the managers of the institute studied came from traditional technical schools, they gave more importance to teaching to the detriment of research and extension, reproducing the previous educational model.

Discretion plays an important role in the implementation of public policies, but part of it is based on the personal conceptions of street-level bureaucrats. Although these workers seek to carry out their work as impersonally as possible, the protocols they create will be biased, as " Street-level bureaucrats hold private views that affect the distribution and quality of services, and they hold these views intensely. Their biases, when they exist, are difficult to interrupt. " (Lipsky, 2010, p. 155).

However, this discretion cannot be confused with the autonomy of the street-level bureaucrat. It is an important element that characterizes this professional and can take many different forms.

Street-level bureaucrats are not so favored. Their work involves the built-in contradiction that, while expected to exercise discretion in response to individuals and individual cases, in practice they must process people in terms of routines, stereotypes, and other mechanisms that facilitate work tasks. (Lipsky, 2010, p. 140)

One of the ways in which these mechanisms present themselves is in the protocols and attitudes of the worker in the face of two opposing poles: one, the superior or manager who is looking for effective and efficient work based on demands, while at the same time there are few resources in terms of human material or equipment to carry out the work. On the other hand, there is the user who wants to receive the service as quickly as possible, understanding that their needs are more urgent than those of other users.

Here we note one of the important notions in Lipsky's thinking, the concept of *coping*, translated by Lotta (Lipsky, 2010, p. 23) as "comportamentos de enfrentamento à pressão", which can be understood as

[...] the mechanisms or strategies employed by workers to deal with uncertainties, stress and the psychological demands of work, as well as allowing them to control the flow of activities by rationing services and selecting, sorting and prioritizing clients [...]. (Pires, Lotta, 2019, p. 132)

Faced with this pressure from different poles, the street-level bureaucrat creates protocols so that he can effectively carry out his work, attend to the user, and at the same time have the results of his work sufficient for him.

The consequence of this is the construction of routines and simplifications created by these employees to make their work more feasible or at least have acceptable effectiveness. These are presented in different ways, from protocols that attempt to universally categorize users' needs, such as forms, categorizing the order of urgency of care, among others.

All of these routines and simplifications are biased by various factors, one of which is race, presenting itself through stereotypes that will be presupposed in judgments about whether or not the user is served. This is how Lipsky understands the stereotype as a simplification model.

Differentiation is intrinsic to street-level bureaucracy, but social inequality supports it and helps account for the cleavages in terms of which differentiation takes place. Thus the need to routinize, simplify, and differentiate in the context of inequality leads to the institutionalization of the stereotypical tendencies that permeate the society. (Lipsky, 2010, p. 115, emphasis added).

Lipsky reminds us that street-level bureaucrats are not separate from society, so their decisions are influenced by their personal conceptions and the prevailing social morals. According to the thinker, "street-level bureaucrats do not fully invent responses to work stresses but instead at least partially reflect the culture in which their agencies are embedded" (Lipsky, 2010, p. 181).

In this way, the work of street-level bureaucrats will reflect social customs, reproducing racial, gender and class prejudices, among others, in the most diverse ways. According to Lotta and Costa (2020, p. 10):

Stereotypes are used not only to interpret concrete situations, but also to categorize users and therefore influence judgments about deservingness. By stigmatizing users, SLBs [*street-level bureaucrats*] can practice symbolic violence, reproduce stigmatizing processes or even reinforce inequalities.

In a fictitious example, Pires and Lotta (2019) demonstrate how users can be discriminated against. The authors present a street-level bureaucrat who has, among other values, a heteronormative and patriarchal model of the working family, governed by the Christian norm of marriage, which will be used as guidelines in choosing who should or should not receive public policy. Thus, those who deviate from these values, such as separated families, non-religious families, drug addicts, etc., find it more difficult to access services.

In other words, individual and social values will guide the discretion of the street-level bureaucrat:

In short, implementation becomes a space for the reproduction of social inequalities - through racial, gender or other forms of bias and favoritism, which have crystallized over time in local, regional or national cultures and are mobilized daily by frontline agents in interaction with their target audiences. (Pires; Lotta, 2019, p. 138)

By analyzing some of the characteristics of street-level bureaucrats, we can see how important they are in implementing public policies. Although the state exercises a great deal of control over these bureaucrats, there are instances in which their autonomy dictates the effectiveness of laws. In this context, discretion appears to be an essential characteristic of street-level bureaucrats. However, at the same time as it is crucial to carrying out the role of this state agent, it can also reflect the prejudices and stigmas present in society.

The street-level bureaucrat in the competitions for Secondary, Technical and Technological Education Teachers at Federal Institutes

We analyzed the results of the last five public notices approved up to June 2023 for job selections for Primary, Technical and Technological Education Teachers at Federal Institutes in the five regions of Brazil. We selected the institutes with the highest number of students in each region according to the Nilo Peçanha Platform³ and collected data from the competitions for the Federal Institute of Education, Science and Technology of Ceará (IFCE)⁴, Federal Institute of Education, Science and

³ Available at:

<https://app.powerbi.com/view?r=eyJrIjoizDhkNGNiYzgtMjQ0MjY0OGVILWJjNzYtZWQwYjI2OThhYWM1IiwidCI6IjllNjgyMzU5LWQxMjgtNGVhYyU4LTgyYjI0MTUzNDhmZiI9>. Accessed on October 21, 2024.

⁴ Notice 002/2021. Available at: concurso.idecan.org.br/Concurso.aspx?ID=38. Accessed on October 21, 2024.

Technology of São Paulo (IFSP)⁵ and the Federal Institute of Education, Science and Technology of Mato Grosso do Sul⁶ (IFMS), Federal Institute of Education, Science and Technology of Rondônia⁷ (IFRO) and Federal Institute of Education, Science and Technology of Rio Grande do Sul⁸ (IFRS).

Thus, we analyzed the exams of 5 institutions, from the 5 regions of Brazil, totaling 1177 candidates competing for 95 positions in the most different areas of activity.

In the public notices studied, the exams consist of three stages, in the following order: the Objective Test (OT), the Didactic Performance Test and the Titles Test. The first two are eliminatory and the last is for qualifying and ranking. In addition, self-declared black candidates will have to go through a Heteroidentification Board, which is responsible for assessing the phenotype of these candidates. In the exams we analyzed, these stages worked as follows:

The OT is an assessment made up of 40 to 60 questions, which seek to evaluate the candidate's knowledge of the area of the selection, including pedagogical knowledge, legislation, among others. To pass this stage, candidates must obtain at least 50% of the points in the exam at IFSP and IFMS, and 60% of the points at IFCE, IFRO and IFRS. In addition to fulfilling this requirement, only the best-placed candidates will be invited to the next stage, according to the number of places on offer. An important feature of this stage is that the test goes through a blind correction, and any form of identification of the candidate is forbidden.

The successful candidates in the top positions are called for the Didactic Performance Test, in which they must teach a lesson on a pre-established topic to a Board of Assessors, made up of three assessors, two specialists in the specific area of the candidate's vacancy and one from the pedagogical area. The candidate must obtain at least 50% or 60% points, as in the OT. In this test, the assessment is no longer blind, as the candidate teaches a lesson to a panel of assessors, which makes the assessment more subjective.

Candidates who pass the Didactic Performance Test and placed in the best positions are eligible to take part in the next stage, the Titles Test, which consists of an assessment of the candidate's professional and academic life, based on criteria pre-established in the selection rules. The Didactic Performance Test has equal or greater weight than the other tests in all the public selection rules consulted.

⁵ Notice 51/2022. Available at: <https://concursopublico.ifsp.edu.br/editais/edital-512022-docentes>. Accessed on em 21 out. 2024.

⁶ Notice 089/2018. Available at: <https://selecao.ifms.edu.br/perfil/servidores/concurso-publico-edital-n-089-2018>. Accessed on October 21, 2024.

⁷ Notice 73/2021. Available at: <https://institutoaocp.org.br/concursos/354>. Accessed on October 21, 2024.

⁸ Notice 38/2018. Available at: <https://ifrs.edu.br/concursos/>. Accessed on October 21, 2024.

What interests us in this discussion is that in the Didactic Performance Test the candidate has a direct relationship with the evaluator, providing a more subjective relationship. Thus, we find in this evaluator the defining characteristics of the street-level bureaucrat, because this relationship results in choices that consider whether or not the candidate is suitable for the vacancy in the selection, demonstrating their high discretion, so that other characteristics of the candidate, which are not expressed in the public rules announced, can be used as evaluation criteria.

Analyzing from a racial perspective, we are confronted with the results of the work of this street-level bureaucrat in competitions for teaching positions at some of Brazil's Federal Institutes.

Street-level bureaucrat analysis of the approval rate in the Federal Institutes' teaching selections

Considering the breadth of the data and the scope of our research, we analyzed the following information: the candidates called for the Didactic Performance Test; the grades obtained in both the OT and the Didactic Performance Test; the competition quotas they belonged to; the positions they applied for; the existence or not of vacancy reservations; the classification of the candidates; the cut-off marks; the results of the hetero-identification boards; as well as whether they passed or failed the Didactic Performance Test.

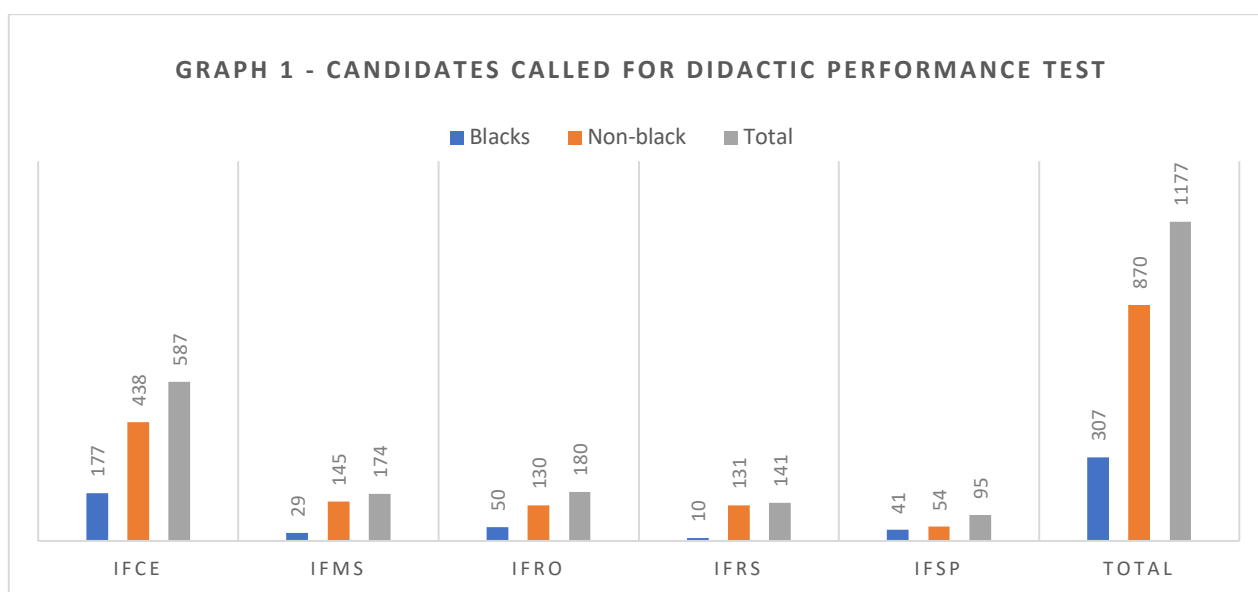
We didn't analyze the qualifications, because this stage of the competition refers to the professional and academic life of the candidates prior to the competition, which didn't seem to be important for our scope, since we wanted to analyze the possibility of a racist bias in the Didactic Performance Test evaluation.

It's important to note that we chose to analyze the teacher selections at the Federal Institutes because, in addition to offering secondary education, these institutes have a larger number of vacancies for teachers and play an important role in the public quota policy by employing black teachers. According to Débora Santos and Luciana Dias (2019), one of the fundamental elements in the anti-racist struggle is mirroring, which, according to the authors, consists of the representation of black people in spaces of power that were not previously occupied. This mirroring, in the case of the classroom, places the black student in a space of belonging, because when they see another black person as a teacher, for example, they realize that they are not restricted to occupying the subordinate spaces imposed by structural racism.

There is an urgent need for black intellectuals in academia, occupying positions, speaking out and being positive mirrors and references. There is no denying the legitimacy and representativeness of a black woman who is qualified to lecture on black feminist thought. We emphasize that the representation of a positive image, which inspires and motivates, is also a

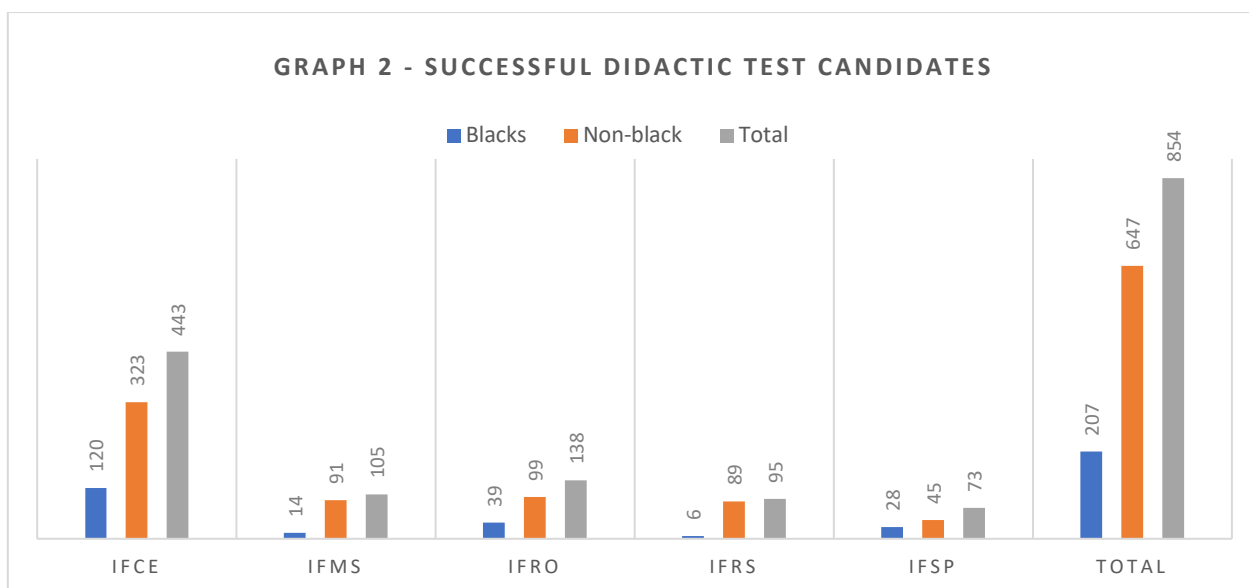
way of combating racism, sexism and so many other forms of prejudice and discrimination. (Santos; Dias, 2019, p. 20)

By carrying out a general descriptive statistical analysis, using frequency rates, cross-tabulations and case filtering, we initially observed that of the 1177 candidates called for the Didactic Performance Test, 870 (73.9%) are non-black candidates (corresponding to candidates from the broad competition and the disabled candidates who are not self-declared black) and 307 (26.1%) are self-declared black candidates. This data is broken down by institution and by total sample in the graph below:



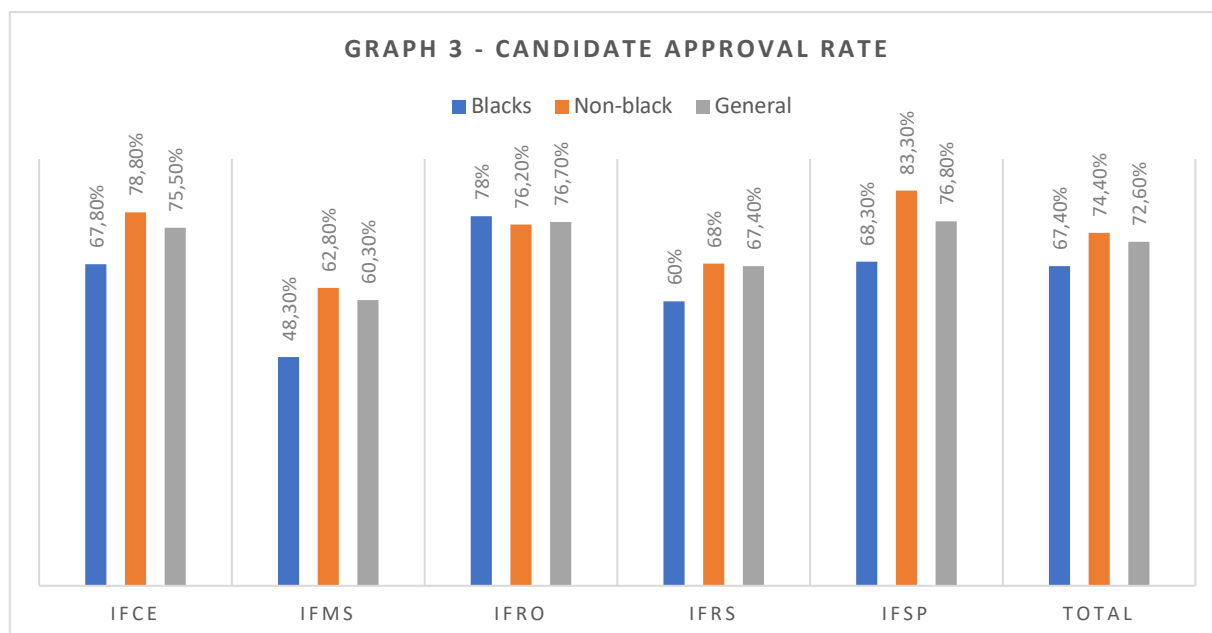
Source: Prepared by the author

It's important to note that all the candidates mentioned were approved in the OT, i.e. they passed the first filter of the competition and were considered suitable to continue in the process. In this way, even if the candidates occupy different positions in the competition, they all have similar knowledge of the content requested in the OT, since only the best-placed candidates were called up. This allows us to infer that the percentage of self-declared black and non-black candidates who pass, in relation to the number of applicants, should not vary much in the Didactic Performance Test result. The graph below shows the number of candidates who passed the Didactic Performance Test, separated by institution and by the total sample:



Source: Prepared by the author

We can see that 854 (72.6%) of the 1177 candidates passed this exam, while 323 (27.4%) failed. Of the candidates who were successful in the Didactic Performance Test, 647 (75.8%) were non-black candidates and 207 (24.2%) were self-declared black candidates. By cross-referencing the data presented in graphs 1 and 2, it is possible to calculate the pass rate of the candidates in relation to the number of participants invited. This analysis leads us to the following graph, separated by institution and total sample number:



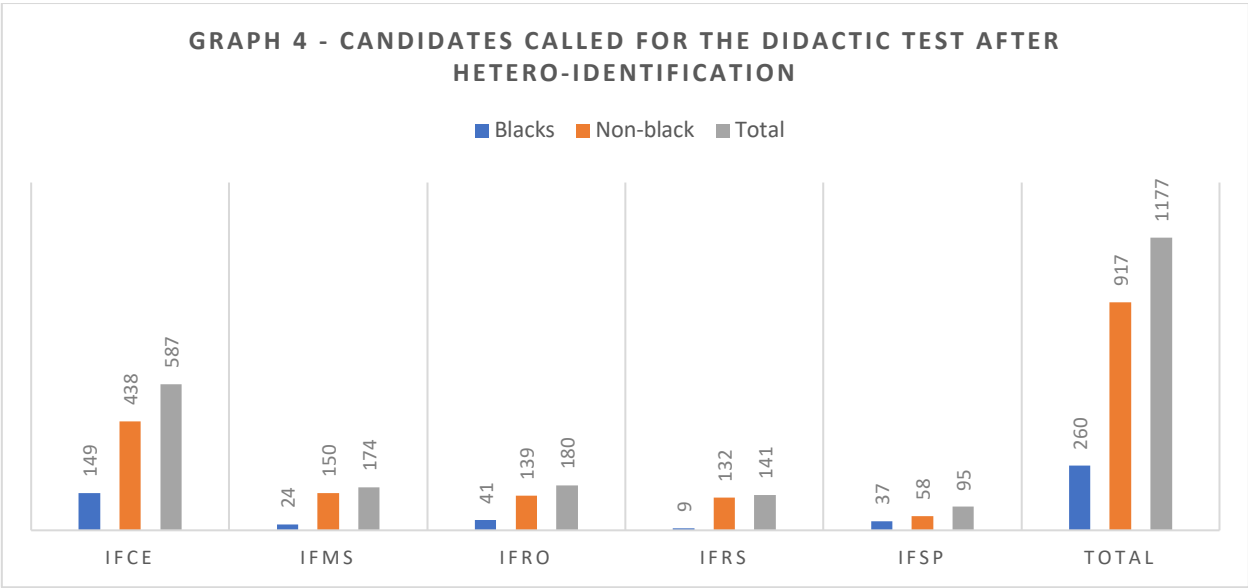
Source: Prepared by the author

When we look at the overall pass rate, we see that the pass rate for self-declared black candidates was 5.2% lower than the overall pass rate, and this difference increases to 7 (seven) percentage points when we compare the pass rate for self-declared black and non-black candidates. Even when we evaluate these figures for each institution, only at IFRO is the pass rate for self-declared black candidates higher than that of non-black candidates, but this percentage superiority is only 1.8%. On the other hand, in the other institutions analyzed, the pass rate for self-declared black candidates is always lower, reaching a difference of up to 15%, as can be seen at the IFSP.

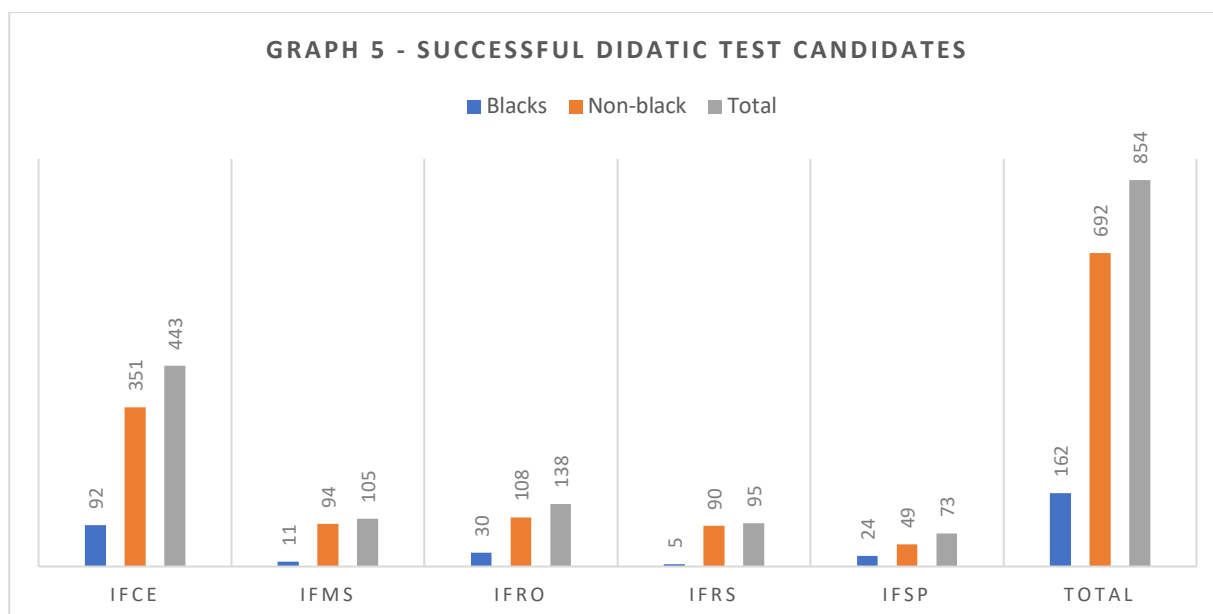
However, given that the Didactic Performance Test has a direct relationship between the candidates and the evaluators and believing that it can reproduce racism by scoring black candidates, we assume that part of the evaluation may be directly related to the candidate's phenotype, specifically their negroid characteristics. Thus, when we analyze the data more closely, we come across the result of the Heteroidentification Board, whose function is to verify the veracity of the self-declarations of black candidates.

When we compare these results, we realize that the approval rate for black candidates was even lower than that shown above. Of the 307 self-declared black candidates called for the Didactic Performance Test, 47 (15.3%) were rejected or considered unfit by the Hetero-identification Boards. It is worth noting that of this amount, 32 (68%) candidates benefited from the quota program to reach this stage of the competition, thus eliminating 32 black candidates who had the right to continue in the competition, which represents more than 10% of the self-declared black candidates called for the Didactic Performance Test. It is important to note that only two of the candidates rejected by the Heteroidentification Board were not approved for the Didactic Performance Test, one of whom did not show up for the test.

Since this issue directly interferes with our study, we redid the descriptive analysis using the self-declared black candidates who were considered unfit or rejected by the Hetero-identification Board as non-black. Thus, the graph below shows the number of candidates called up for the Didactic Performance Test, taking into account the assessment carried out by the Hetero-identification Board:

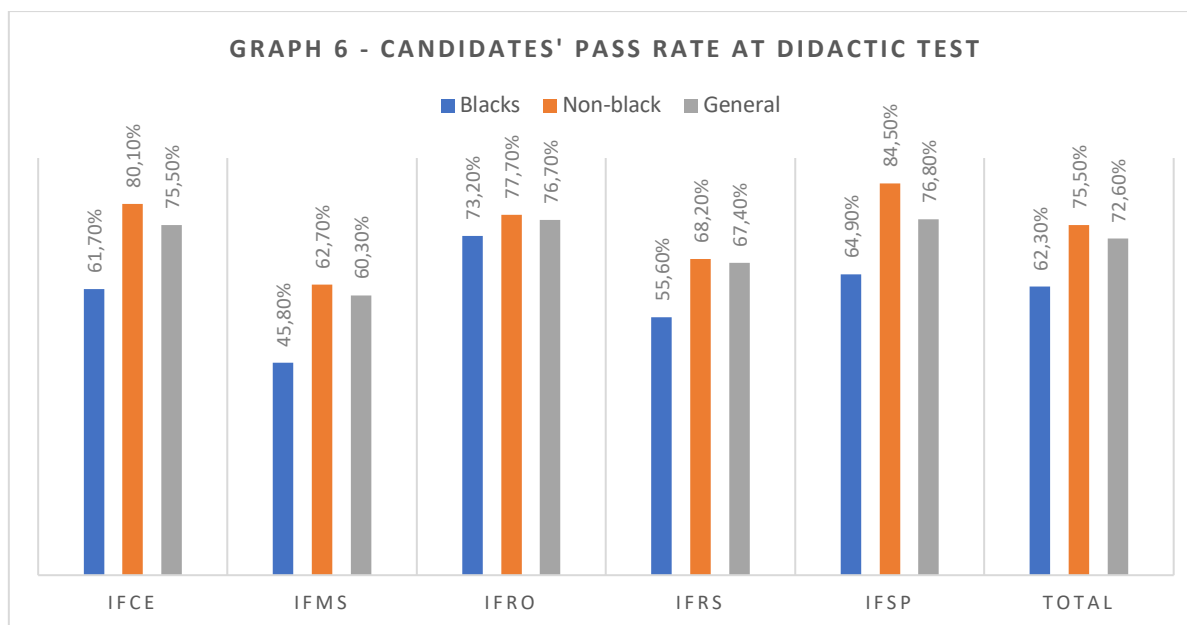


Therefore, of the 1177 candidates called for the Didactic Performance Test, 917 (77.9%) are non-black candidates and 260 (22.1%) are black candidates. Following this new configuration, below are the numbers of candidates approved for the Didactic Performance Test, separated by institution and total sample:



Source: Prepared by the author

With the new configuration of the 854 successful candidates in the Didactic Performance Test, we see 692 (81%) non-black candidates and 162 (19%) black candidates. By cross-referencing the data in graphs 4 and 5, consisting of the number of successful candidates and the number of candidates called for the didactic test, we obtain the percentage pass rates expressed below:

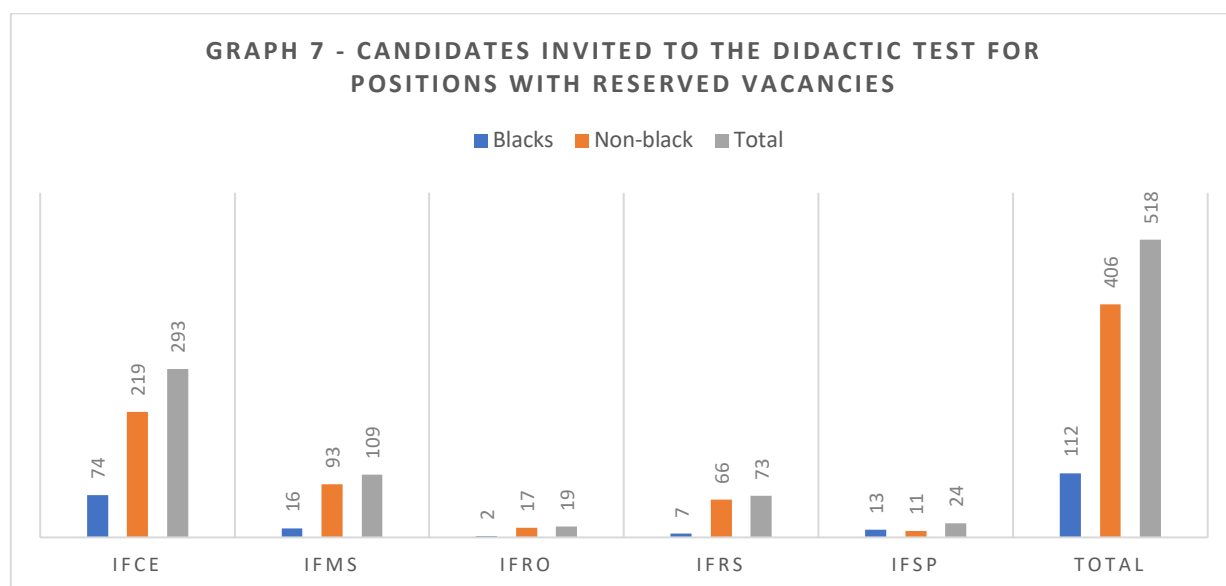


Source: Prepared by the author

We can see in the total pass rate column that the percentage pass rate for black candidates (62.3%) is 10.3% lower than the overall pass rate (72.6%), and this difference increases to 13.2 percentage

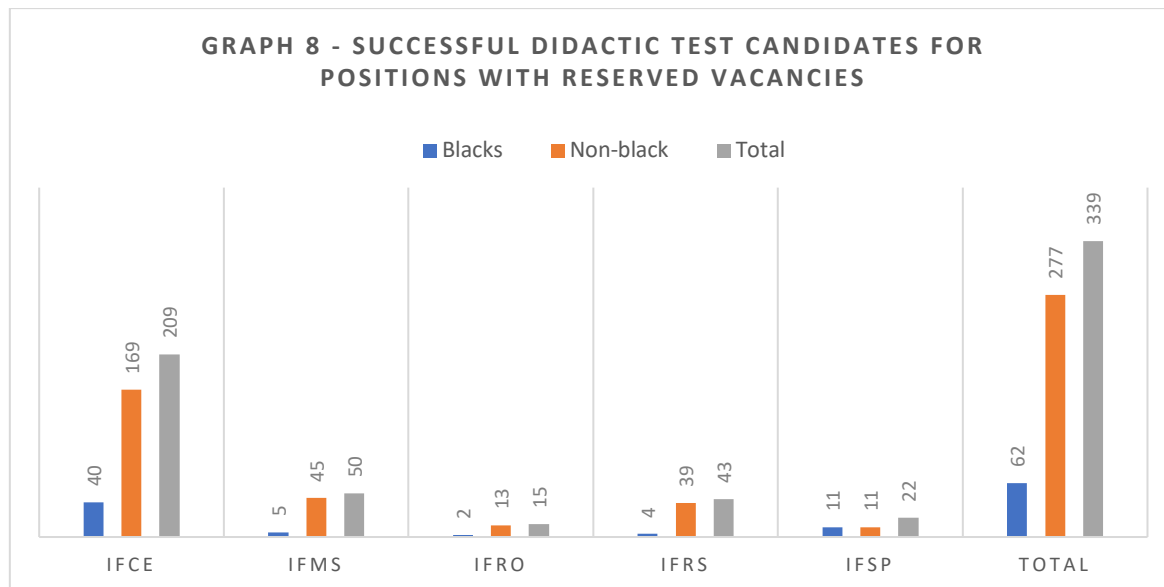
points when compared to the rate for non-black candidates (75.5%). The black pass rate is lower in all institutions, as in the case of the IFMS, where only 45.8% of the black candidates invited to the Didactic Performance Test were approved, i.e. less than half of the black candidates invited, while the non-black pass rate was 62.7%, 16.8% higher than the black pass rate. This difference becomes more discrepant when we look at the pass rates for black candidates (64.9%) and non-black candidates (84.5%) at the IFSP, where the black pass rate was 19.6% lower. The smallest difference in pass rates between black and non-black candidates was 4.5 percentage points at IFRO. These figures show a percentage imbalance that is not consistent with the OT results obtained by these candidates.

When we look at the 22 positions with vacancies reserved for black candidates, the decrease in the number of black candidates approved is surprisingly even greater. In the table below, we present the list of those called for the Didactic Performance Test in positions with vacancies reserved for black candidates:



Source: Prepared by the author

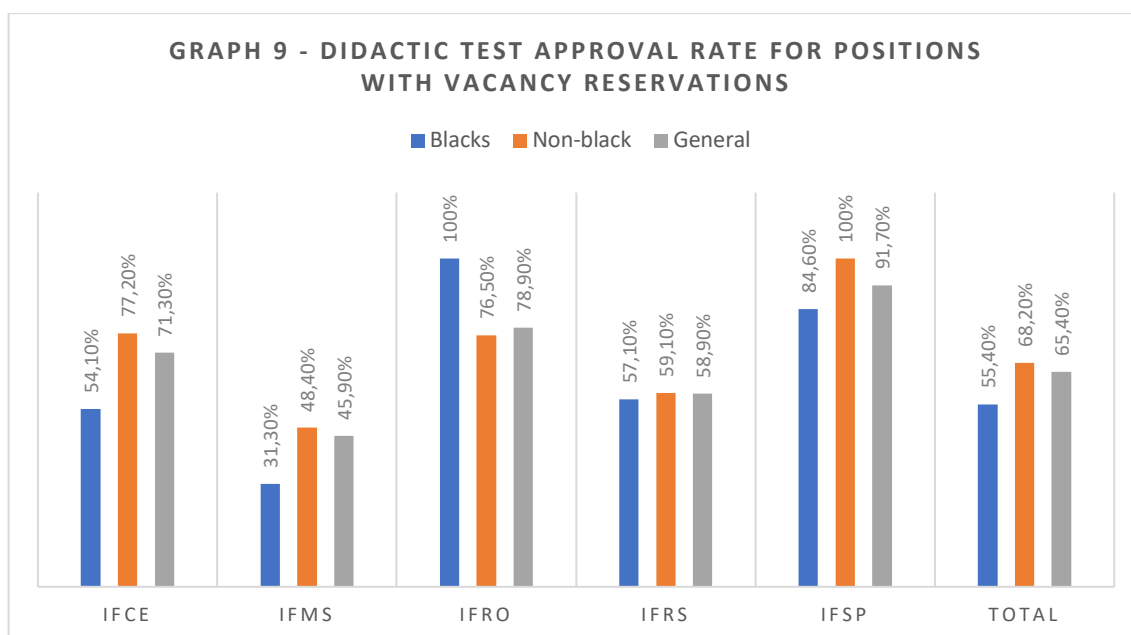
As a result, 518 candidates were invited to apply for the positions reserved for black people. Of these, 21.6% (112) are black and 78.4% (406) are non-black. The graph below shows the number of successful candidates competing for these positions:



Source: Prepared by the author

Looking at the graph, we can see that there were a total of 339 successful candidates. Of these, 277 are non-black and 62 are black, corresponding to 81.7% and 18.3% respectively of all successful candidates, according to the racial breakdown. By correlating the information in graphs 7 and 8, we can

better understand the percentage of successful candidates in relation to those called up, as shown in the graph below:



Source: Prepared by the author.

When we look at these percentage figures, we notice in the last column that the overall pass rate for black candidates has almost halved (55.4%), while the pass rate for non-black candidates (68.2%) remains above the overall average pass rate (65.4%). When analyzing the institutions individually, we see that only one institution has a higher percentage of black candidates passing than non-black candidates, such as IFRO, which passed all black candidates, while it passed 76.5% of non-black candidates. However, this case is an exception, since in the other institutions the smallest difference in approval between black and non-black candidates occurred in the IFRS, where the approval of black candidates was 1.9% lower than that of non-black candidates. In turn, the biggest difference in approval was at IFCE, where the approval of black candidates was 23.1% lower than that of non-black candidates. In addition, the IFMS approved only 31.3% of black candidates compared to 48.4% of non-black candidates.

We noticed that in the various scenarios, non-black candidates were more likely to pass than black candidates. However, one of the assumptions of our work could be questioned, with regard to the understanding that the candidates called for the Didactic Performance Test have similar knowledge. This questioning is based on the assumption that candidates approved in the first phase have different knowledge based on their ranking. Thus, those who scored better in the PO should have a greater chance

of scoring better in the Didactic Performance Test. Furthermore, considering the public notices that have reserved places in order to comply with the quota law, there are black candidates who were called to the Didactic Performance Test with lower marks than the cut-off mark for the broad competition, which would also demonstrate greater inequality between candidates and, consequently, a difference in performance in the Didactic Performance Test.

With this in mind, we decided to analyze only the candidates who came first in the OT and look at their performance in the Didactic Performance Test. There were 119 candidates who came first in the OT, including those who tied. Of these, 109 (91.6%) were non-black candidates and 10 (8.4%) were black candidates. Of these, 98 candidates passed the Didactic Performance Test, of whom 89 (90.8%) were non-black and 9 (9.2%) black. Table 1 below shows the percentage frequency of the classification of successful Didactic Performance Test candidates.

Table 1:

Frequency Rate - Ranking in the Didactic Performance Test of all candidates approved in 1st place in the Objective Test

Didactic test classification	Number of candidates	% of Total	Cumulative %
1	25	25.5 %	25.5 %
2	22	22.4 %	48.0 %
3	12	12.2 %	60.2 %
4	4	4.1 %	64.3 %
5	5	5.1 %	69.4 %
6	6	6.1 %	75.5 %
7	8	8.2 %	83.7 %
8	1	1.0 %	84.7 %
9	7	7.1 %	91.8 %
10	2	2.0 %	93.9 %
12	1	1.0 %	94.9 %
13	1	1.0 %	95.9 %
16	1	1.0 %	96.9 %
19	1	1.0 %	98.0 %
20	1	1.0 %	99.0 %
22	1	1.0 %	100.0 %

When analyzing the frequency table, we see that the position most occupied by the candidates who came first in the OT and passed the Didactic Performance Test was the first position. Therefore, of the candidates who qualified in first place in the OT, 25.5% remained in the same position in the Didactic Performance Test, however, when we weight the data based on the racial element, we realize that the position most occupied by black successful candidates in first place in the OT and successful in the Didactic Performance Test was the sixth position, with a total of 3 candidates. These candidates represent 33.3% of the total number of black candidates approved in the first position in the OT, and only 1 (11.1%) black candidate managed to remain in the first position, as can be seen in the table below:

Table 2

Frequency Rate - Classification in the Didactic Performance Test of the black candidates approved in 1st place in the OT

Didactic classification	Test	Number of applicants	% of Total	Cumulative %
1	1	1	11.1 %	11.1 %
2	2	2	22.2 %	33.3 %
3	2	2	22.2 %	55.6 %
6	3	3	33.3 %	88.9 %
7	1	1	11.1 %	100.0 %

On the other hand, when we look at the frequency rate of the classification of non-black candidates who passed the Didactic Performance Test and came first in the OT, we see that the first position was the most occupied, with a total of 24 (27%) candidates.

Table 3

Frequency Rate - Classification in the Didactic Performance Test of the non-black candidates approved in 1st place in the OT

Didactic classification	Test	Number of candidates	% of Total	Cumulative %
1	24	24	27.0 %	27.0 %
2	20	20	22.5 %	49.4 %

Table 3

Frequency Rate - Classification in the Didactic Performance Test of the non-black candidates approved in 1st place in the OT

Didactic classification	Test	Number of candidates	% of Total	Cumulative %
3		10	11.2 %	60.7 %
4		4	4.5 %	65.2 %
5		5	5.6 %	70.8 %
6		3	3.4 %	74.2 %
7		7	7.9 %	82.0 %
8		1	1.1 %	83.1 %
9		7	7.9 %	91.0 %
10		2	2.2 %	93.3 %
12		1	1.1 %	94.4 %
13		1	1.1 %	95.5 %
16		1	1.1 %	96.6 %
19		1	1.1 %	97.8 %
20		1	1.1 %	98.9 %
22		1	1.1 %	100.0 %

Thus, it is possible to reaffirm that even when black candidates perform similarly to non-black candidates in the OT, there is an extremely discrepant assessment in the Didactic Performance Test of black candidates when compared to non-black candidates. This becomes even more evident when we analyze the cases in which black candidates come first in the OT. In other words, there is an opposition of places occupied when we compare candidates coming from the same positions in the OT: while non-blacks, in most cases, maintain their position, blacks lose several positions.

In any case, apart from the fact that the failure rate for black candidates at the Didactic Performance Test is, in most scenarios, much higher than for non-black candidates, when black candidates are approved, unlike in most cases, they do not manage to keep their positions, as we can see in the emblematic case above.

As we observed in most of the scenarios, one of the reasons for the discrepancy in the failure rates of non-black candidates compared to black candidates does not seem to be just a question of less knowledge, but may point to a structural problem, namely the racism that runs through the whole of society and which manifests itself in the assessment of the street-level bureaucrat.

Domains of power

In order to better understand this issue, we will use Patricia Hill Collins' thinking on the concept of domains of power in her book "Black Feminist Thought" as a theoretical device. Collins (2000) states that any matrix of domination is organized by four domains of power: structural, disciplinary, hegemonic and interpersonal.

The structural domain of power is characterized by organizing oppression, which is carried out through the various institutions of the state, manifesting itself through laws, public policies, normative guidelines for society, among others. Its main objective is to maintain social inequalities in society, so it is extremely reluctant to make sudden changes and prefer changes in society to take place gradually.

These changes can happen through small legal reformulations that can include more people in society. Collins points out that the quest for legal equality is not always successful, even when laws are passed that provide for greater social inclusion, because it is difficult for society to accept and follow these laws. In addition, the structural dominance of power, in order to avoid social change, ends up giving new interpretations to these laws, guaranteeing their ineffectiveness.

While necessary, these legal victories may not be enough. Ironically, the same laws designed to protect African-American women from social exclusion have increasingly become used against Black women. [...] Within this logic, the path to equality lies in ignoring race, gender, and other markers of historical discrimination that might account for any differences that individuals bring to schools and the workplace. (Collins, 2000, pp. 278-279)

As an example, we can cite Law 12.990/14, which aims to include black people in the public service. However, because it is based on race or color, according to the Brazilian Institute of Geography and Statistics (IBGE), this law makes it possible for non-black candidates to also occupy the vacancies destined for black candidates (BRASIL, 2014). This is because the IBGE uses self-identification as a criterion for defining color or race, i.e. any citizen can self-declare as black and have access to the reserved vacancies. This can be seen in the number of candidates who were unable to take part in the exam, because non-black candidates declared themselves to be black, and despite the fact that the Hetero-identification Board considered them to be unfit, the disadvantaged candidates were not called back for the exam.

In turn, the institution of rules or laws requires the existence of people responsible for their application and management, making the disciplinary domain of power necessary. This administration of

society can only be carried out through surveillance, which controls the population through the bureaucratic apparatus of the state. The main function of these bureaucrats is to keep individuals docile. In order to achieve this, the norms they establish will not forcefully express social exclusion, masking an oppression that operates almost imperceptibly.

Bureaucracy, in turn, has become important in controlling populations, especially across race, gender, and other markers of difference [...]. Bureaucracies, regardless of the policies they promote, remain dedicated to disciplining and controlling their workforces and clientele. Whether the inner-city public schools that many Black girls attend, the low-paid jobs in the rapidly growing service sector that young Black women are increasingly forced to take [...] (Collins, 2000, p. 280-281).

In this work, we can see this disciplinary dominance in the bureaucratic apparatus that positions the Didactic Performance Test boards as impartial, but from the data presented, we can see, through the discretion immanent in these bureaucrats, that there is exclusion of black candidates, even in vacancies reserved for this population.

However, for there to be a convergence between the institution of regulations and their application, there needs to be a domain that permeates and underpins both the structural domain and the disciplinary domain. This foundation is found in the ideology, culture and customs that will characterize the hegemonic domain of power, which will constitute a "commonsense" in society. In other words, a community imaginary of beliefs and values that will permeate all the relationships that exist between the structural domain and the disciplinary domain. The importance of the hegemonic domination of power lies in the introjection of values into oppressed individuals, in such a way that they support their own subordination, guaranteeing the maintenance and legitimization of the power of the dominant group.

To maintain their power, dominant groups create and maintain a popular system of "commonsense" ideas that support their right to rule. In the United States, hegemonic ideologies concerning race, class, gender, sexuality, and nation are often so pervasive that it is difficult to conceptualize alternatives to them, let alone ways of resisting the social practices that they justify. (Collins, 2000, p. 284).

There are various institutions responsible for communicating these ideologies, such as churches, schools, the media, among others. In relation to our object of study, we can see how Brazil's main media outlets have positioned themselves against the public quota policy, such as *Veja*, *Folha de São Paulo*, *Estadão*, *O Globo* (Sodré, 2015); corroborating that the social imaginary is positioned against this public policy.

The extent of the hegemonic domain of power is so great that it has consequences for the day-to-day relationships of everyone, expressing the conceptions that exist and are accepted in society. This

instance of power is understood by Collins as the interpersonal domain of power, in which we see the reproduction of the hegemonic domain of power in the individual, which replaces the perspectives of how they know and conceive of life with the values imposed by society.

Domination operates by seducing, pressuring, or forcing African-American women, members of subordinated groups, and all individuals to replace individual and cultural ways of knowing with the dominant group's specialized thought—hegemonic ideologies that, in turn, justify practices of other domains of power. (Collins, 2000, p. 287).

It's not hard to find examples of this power of domain. A paradigmatic example could be the position of Fernando Holiday, a black councilor from São Paulo, who vehemently contests public policies aimed at the black community, especially in relation to quotas. He has even filed a bill that aims to end the reservation of vacancies for black candidates in the municipality of São Paulo (Pinheiro; Soares, 2020).

By exposing the domains of power, Collins expresses the complexity of the forms of oppression in society and how they behave, providing tools to understand the difficulties in implementing public policies. In this way, she makes it clear that, while these domains of power can be used for oppression based on race, gender, class, sexuality and nationality, the occupation of spaces in these domains by empowered black women can reverse their directives and, consequently, build a fairer society.

It is important to stress the importance of the hegemonic domain of power, insofar as it cuts across and underpins all the other areas of power and seems to be the link between all the other domains. Therefore, it's not enough just to occupy the spaces of these domains, it's necessary to transform them together, with an emphasis on the hegemonic domain of power.

By analyzing street-level bureaucrats based on the concepts presented by Collins, we can see that in an oppressive society, the legal implementation of public policies alone is not enough to make them effective. It is necessary, together with public policy, to formulate actions so that other domains are in line with the political proposal.

Only by transforming the ideologies present in this power domain will it be possible to effectively change the actions of street-level bureaucrats in favor of public inclusion policies.

We therefore agree with Pires and Lotta (2019) when they state that the reproduction of inequalities through the implementation of public policies is not established after these policies, but is something that is already present in society beforehand, with the street-level bureaucrat being one of the transmitters of these inequalities:

Social values and norms, encompassing definitions of *status* and positions in society, enter the implementation process because they are shared by these workers, who participate in culture through involvement in various types of social groups - from professional and occupational communities to religious, political and recreational

communities, movements and associations, etc. In this sense, we can speak of previous social inequalities, inscribed in the culture, which are then mobilized and reproduced by the actions of the implementing agents. (Pires; Lotta, 2019, p.140-141)

Concluding Remarks

According to Almeida (2019), the implementation of any law does not only happen through its legal institution, but also through a set of ideological efforts. When analyzing the competitions above, this fact becomes more evident, especially when we observe the importance of the street-level bureaucrat in implementing public policies, who is crossed by the conceptions that shape a society.

When we looked at the pass rates for black candidates compared to non-black candidates in the Basic, Technical and Technological Teaching Professor competitions at the Federal Institutes we analyzed, we realized that one of the possible factors behind the penalization of black candidates in the Didactic Performance Tests may be due to the structural racism in force, which manifests itself through the discretion of the street-level bureaucrat. We are struck by the fact that, in almost all the scenarios analyzed, the failure rate for black candidates is much higher than the failure rate for non-black candidates.

This situation becomes more evident when we relate the discretion of this agent to the discussion presented by Collins about the domains of power, more specifically, the hegemonic domain of power, which, as we said earlier, cuts across all the other domains of power, formulating the ways of thinking and acting in society, and consequently underpinning the actions of the street-level bureaucrat.

Given the importance of the domains of power, Collins makes Almeida's statement about the importance of paying attention to the ideological bias to make a public policy effective, even more so when it comes to a policy for the inclusion of social minorities. We can extend this urgency to other public policies, such as cases of femicide, the right to abortion, prejudice against homosexuals, among others.

However, we don't see the state working in this direction. Although there have been efforts to reduce fraud in the application of the law with Normative Guideline No. 3, Normative Ordinance No. 4, among others - largely due to the demands of black social movements - this work has not gone beyond the legal level, thus making it impossible for it to be materially effective.

This demonstrates another important fact: the state, when crossed by the domains of power, still fails to implement public policies for black people, expressing the strength of structural racism.

It is important to point out that structural racism is not the only factor that will direct the bias of the street-level bureaucrat, in our case, the Didactic Performance Test evaluator, but it is an important factor that must be considered, given the great racial inequality that exists in Brazilian society. There are

various factors that influence the work of this state agent, such as beliefs, religions and other values. In this work we did not intend to exhaust the discussions about the street-level bureaucrat in the Didactic Performance Tests and how ideology runs through their decisions, but to open a path for further research on this topic, which can be carried out by analyzing a greater number of exams, as well as, in the future, using qualitative research and analysis in this scope of investigation.

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