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## Intersectionality and lived experience

*Intersectionality and experience.*

Daniela Araujo Motta - Uniceub – [motta.danielaaraujo@gmail.com](mailto:motta.danielaaraujo@gmail.com)

### Summary

This article proposes an analytical intersection between the Black feminism formulated by Lélia Gonzalez and the lived experience of Carolina Maria de Jesus, aiming to highlight the practical application of central concepts from Gonzalez's theory in the social field, based on Carolina's experience. It adopts a comparative analysis methodology, articulating, on the one hand, the notion of Afro-American identity and legislative provisions as theoretical-methodological devices; on the other hand, Carolina's empirical account, her language, and the material conditions that surrounded her, to illustrate how these categories illuminate the construction of fundamental rights, especially in the field of education and emancipation. The results indicate that Carolina's experience functions as a case study of...

The critical effectiveness of Gonzalez's theory demonstrates the need for a legal approach that incorporates Black epistemologies, race, gender, and class as interconnected dimensions of structural violence. The analysis also reveals that promoting historically silenced voices strengthens the legitimacy of rights claims that transcend the formal content of the law, expanding the scope of state protection to contexts of extreme poverty and racial exclusion. It concludes that it is urgent to incorporate these perspectives into Brazilian law to ensure the effective realization of the rights of Black women, especially in the areas of social, cultural, and economic protection, in the face of vulnerable situations.

**Keywords:** Lélia Gonzalez. Carolina Maria de Jesus. Black feminism. Afro-American identity. Intersectionality.

### Abstract

This article proposes an analytical intersection between black feminism formulated by Lélia Gonzalez and the experience of Carolina Maria de Jesus, with the aim of highlighting the practical application of central concepts of Gonzalez's theory in the social field based on Carolina's experience. It adopts a comparative analysis methodology, articulating, on the one hand, the notion of Americanness and legislative predictions as theoretical-methodological devices; on the other, Carolina's empirical report, her language and the material conditions that surrounded her, to illustrate how such categories illuminate the construction of fundamental rights, especially in the field of education and emancipation. The results indicate that Carolina's experience functions as a case study of the critical effectiveness of Gonzalez's theory, by demonstrating the need for a legal approach that incorporates black epistemologies, race, gender and class as interconnected dimensions of structural violence. The analysis also reveals that promoting historically silenced voices strengthens the legitimization of rights claims that transcend the formal content of the law, expanding the radius of state protection to contexts of extreme poverty and racial exclusion. It is concluded that there is an urgency to incorporate these perspectives into Brazilian law to enforce the rights of black women, especially in the context of social, cultural and economic protection, in the face of vulnerability scenarios.

**Keywords:** Lélia Gonzalez. Carolina Maria de Jesus. Black feminism. Afro-American identity. Intersectionality.

### 1. Introduction

Understanding the empirical conditions of the formation of the country's social field implies the  
A study of the structures of oppression that permeate Brazilian society across time and space. To that end,  
This requires an analysis that transcends traditional legal categories, especially overcoming the...  
The category "Man" without considering gender and race.



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From this perspective, this article proposes to establish a dialogue between two voices.

Fundamental to understanding the condition of Black women in Brazil: the theoretical framework developed by Lélia Gonzalez (1935-1994) and the experience lived and narrated by Carolina Maria de Jesus (1914-1977). Especially in the books, "Bitita's Diary" and "For an Afro-Latin Feminism-American: essays, interventions and dialogues.

The research problem that guided this article is to try to identify how... theoretical concepts developed by Lélia Gonzalez on black feminism, Afro-American identity and Intersectionality finds empirical support in the documented experience of Carolina Maria de Jesus and how to incorporate this parallelism to construct a hermeneutical orientation of rights fundamental.

Objectively, the aim is to identify in the lived experience of Carolina Maria de Jesus a analytical parallelism between Lélia Gonzalez's black feminist theory, demonstrating whether the experience Practice reveals and confirms the proposed theoretical categories.

The text was structured around four main themes:

- Analyze the concept of Afro-Americanity developed by Gonzalez from the perspective of the narrative of life as presented by Carolina;
- To demonstrate how intersectionality manifests itself concretely in Carolina's life;
- To understand the place of Black women as instruments of legal redress, based on the narrative of a black woman.
- To propose a new interpretation of fundamental rights based on this theoretical and experiential convergence.

In a time of strong political polarization, the relevance of the concept is evident and necessary. Scientific-Academic articulation between the theory and practice presented, with the aim of overcoming the Manichaeism between abstract thought and concrete reality, offering a more comprehensive understanding a profound reflection on the phenomena of social and racial exclusion.

The recognition of Black epistemologies as fundamental to the construction of a truly democratic society represents an urgent ethical and political imperative. The analysis This proposal contributes to the formulation of public policies that consider multidimensionality of the oppression faced by black Brazilian women.

This perspective is essential to overcome Eurocentric dominance in the design of new Security technologies, which perpetuate chronic violence, are shaped by the idea of who should... to be protected and who is being watched. Combating violence against women without considering the The construction of classes and races considered dangerous is equivalent to legitimizing the use of increased surveillance and control, whether through private companies contracted by the State or by the State itself.



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In this scenario, disregarding these aspects implies complicity with the entire regime of domination that these mechanisms promote .

The theoretical framework of this work is based on the conceptual pillars developed by Lélia Gonzalez: (i) the political-cultural category of Afro-Americanity; (ii) the intersectional analysis of triple discrimination; and (iii) Carolina's place as an instrument of political and legal legitimation.

## 2. Methodology and Conceptual Reflections

The technical rigor demanded by the scientific field requires that all methodologies used in Academic production should be presented in detail, allowing peers to analyze and critique it to prove or disprove the presented content. According to Pierre Bourdieu, however, it is important to recognize that there is no neutrality in science: the choice of topic, the approach selected, and the definition of methodology carries subjective positions and influences, making it clear that the Science is not a field free of values or interests.

Therefore, only the results collected and presented can be subjected to scrutiny from verification and objective criticism, while the decisions made throughout the research process They inevitably reflect the perspectives and choices of the researcher.

This understanding reinforces the need for transparency in the methodological explanation, ensuring that academic development is guided by rigor, responsibility, and... Open dialogue within the scientific community.

Molefi Kete Asante, in quoting Maulana Karenga, demonstrates that a people is only free when It understands its history and its humanity, because social justice and respect are collective values of a communities that must be won over (ASANTE, 1988, p. 34)

Furthermore, the author states that these values can only be recovered through social cohesion, mediated by language, thus giving rise to the idea that social cohesion is a fundamental element of freedom. If social cohesion is built through language, then language functions as an epistemic apparatus for Understanding reality.

The author further emphasizes that this revolutionary role of language must be objectively... achieved, it cannot simply haunt us with questions, because "we know through science and "Rhetoric"... "the oppressor seeks to use language to manipulate our reality." Speaking must be An expression of our history, of our culture: "We must therefore broaden our precepts and concepts." "Through constant clarification and progressivism." The racist uses all instruments to neutralize the

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1 VERGÈS, Françoise. A feminist theory of violence: towards an anti-racist politics of protection. Translated by Raquel Camargo. São Paulo: Ubu Editora, 2021



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Discrimination, and this must be countered by the revolutionary construction of language.

This introduction reinforces the choice of two sociological terms that guided this work.

And to guide the reader, the terms are: social field and scientific field of Pierre Bourdieu's studies.

For the sociologist, the social field is defined "as an objective space, a structure of objective relations that

determines the form eventually taken by the interactions and representations conceived by

involved in such relationships, a structured space of social positions, defined as a field of forces.

possible social positions, whose strategic points should be understood as battlegrounds,

defended and positioned according to the capital (economic, social and cultural) that the person possesses.

The scientific field is therefore understood as a "system of objective relations between

positions acquired (in previous fights)" and constitutes "the place, the playing field of a fight

"Competitive" because the author rejects the idealization of science as aseptic.

Bourdieu rejects the irenic idea of a harmonious "scientific community." For him, to say

The statement that "the countryside is a place of struggle" is not simply a break with the irenic image of the 'community'.

'scientific' because there is a struggle over the legitimacy of what constitutes science for those who hold social power and

technical capacity, that is, a specific and identifiable place.

From a classification standpoint, this is qualitative research of a bibliographical nature and

documentary. The corpus of analysis is composed of two categories of sources: primary sources, the

Brazilian legislative productions (1603-2015) and the autobiographical writings of Carolina Maria de

Jesus, especially "Diary of Bitita" (1986) and "The Slum" (1960); and secondary sources —

the theoretical framework of Lélia Gonzalez, Kimberlé Crenshaw, Pierre Bourdieu and other authors and

authors cited throughout the work. The selection of passages from Carolina followed the criterion of

thematic relevance: excerpts were chosen that directly demonstrate the operation of

categories of Afro-Americanity and intersectionality in the author's lived experience

The methodology adopted is structured as an **intersectional legal hermeneutics with**

**Black epistemology**, operationalized in three articulated analytical layers. Firstly,

This analysis establishes Brazilian legislation (1603-2015) as material instruments of power.

They structure the exclusion of Black women. The legislative selection considered laws that had an impact on...

specific and intersectional forms concerning Black women, documented in the writings of

Carolina experienced violations.

The writings of Carolina Maria de Jesus were used as a source for historical materialism.

That is, as an **epistemological category**. The selected passages reveal how the structures

Legislative changes reinforced the impossibility of accessing fundamental rights, and Carolina was revered.

not as an "object" of analysis, but **as an epistemic subject**.

The analyses were mediated by Lélia Gonzalez's theoretical categories, Afro-Americanity and

intersectionality, which shifts the interpretative axis of knowledge production, to address the

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Carolina Maria de Jesus's account is considered a legitimate source of data, providing elements for to understand the structures that Carolina experienced and documented.

This analytical tool operates at the intersection of culture and power, going beyond the... superficiality of essence or structure, by enabling the recognition and understanding of dynamics involving Black women as producers of knowledge in the relationships of power based on their historical experience, therefore, the aim is to redefine these places and meanings. not just a description.

The method rejects scientific neutrality to such an extent that Bourdieu criticizes it when he states that "the The scientific field is a space of competitive struggles" (BOURDIEU, 1980, p. 305) regarding The separation between theory and practice. It is recognized that all legal interpretation is situated and that... The inclusion of Black epistemologies is not "inclusion of diversity," but it is a condition for the validity of... all interpretative activity within the legal field.

### 3. Legislative Challenges and Violence in the Experience of Black Women.

To understand how prejudice affects Black women, it is essential to address how... He became naturalized in time and space. The country's legislative trajectory on this topic reveals a a path marked by multiple and persistent challenges towards consolidating the status of subjects of Rights that are free and legally equal to those of men.

Bringing the story into the current context, these obstacles unfold into various barriers. institutional issues, such as unequal access to education, healthcare, and the job market, where there are still... Discriminatory practices predominate, and there is low representation of Black women in leadership positions. leadership. These facts are portrayed in Carolina's accounts, which currently reveal the gaps. in the implementation of public norms and policies, resulting in limited access to justice and guarantees. Full of rights. These two women demonstrate the constant need to confront structures that, In many cases, they still perpetuate inequalities and prevent the full exercise of citizenship by... Brazilian black women.

In this sense, it is necessary to analyze the legislative provisions that have shaped the history of these [legal frameworks/activities]. Women, as technologies of exclusion:

- The **Philippine Ordinances**, in force from **1603 to December 31, 1916**, validated violence against women. and institutionalized discrimination based on social class. These laws reflected social values. from the Brazilian colonial and imperial period.

*"Regarding the one who killed his wife, finding her in adultery (6). If a married man finds his wife in adultery, he may lawfully kill her as well as the adulterer (7), unless the husband is a commoner and the adulterer a nobleman, or our*



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*"A judge, or a person of higher rank. However, if he were to kill any of the aforementioned persons, finding them in adultery with their wife, they would not die for it, but would be banished to Africa with a public announcement in the court for a period that the judges deem appropriate, according to the person killed, not exceeding three years."*

• **1827** - White girls are **allowed to attend schools**.

*"Article 11. There will be girls' schools in the most populous cities and towns, where the Presidents in Council deem this establishment necessary."*

*Article 12. In addition to what is stated in Article 6, excluding notions of geometry and limiting instruction in arithmetic to only its four operations, the teachers will also teach skills useful in domestic economy; and those women who, being Brazilian and of recognized honesty, demonstrate the most knowledge in the examinations conducted according to Article 7 will be appointed by the Presidents in Council.*

• **1837 - Law No. 1, of January 14, 1837** - Black people are prohibited from attending school.

*"The following are prohibited from attending public schools: First: people suffering from contagious diseases."*

*Second: slaves and black Africans, even if they are free or freed.*

• **1850: Law No. 581 - Eusébio de Queirós Law:**

*"Article 1. Brazilian vessels found anywhere, and foreign vessels found in the ports, inlets, anchorages, or territorial seas of Brazil, having slaves on board, whose importation is prohibited by the Law of November 7, 1831, or having disembarked them, will be seized by the Authorities, or by Brazilian warships, and considered importers of..."*

*slaves.*

*Those vessels that do not have slaves on board, nor have recently disembarked them, but which are found to be engaged in the slave trade, will also be apprehended and considered to be attempting to import slaves.*

the Law No. 601 - **the land law** - required the purchase of land to be a squatter or owner.

It excluded the possibility of free acquisition, which practically prevented the poor black population from accessing it.

and newly freed slaves have limited access to land, reinforcing social and economic exclusion.

• **1852** – In Rio de Janeiro, the **first women's newspaper was created**. It was called *Jornal das Senhoras* (Ladies' Newspaper).

• **1871** - Law 2.040, **the Law of the Free Womb**, enshrining the freedom of children born to enslaved women.

and to provide compensation to the owners of enslaved people, a logical inversion was established and

moral code in which the exploiter and perpetrator of the harm received money for having been the "owner" of a person;

Analyzing this contradiction is crucial to understanding how the abolition process in Brazil privileged

The interests of the owners were prioritized over justice for enslaved people and their descendants.

*"Article 1. The children of enslaved women born in the Empire from the date of this law shall be considered free."*

*§ 1 The said minor children shall remain in the power and under the authority of their mothers' masters, who shall have the obligation to raise and care for them until they reach the age of eight years. When the slave's son arrived*

*At this age, the mother's father will have the option of either receiving compensation of 600,000 escudos from the State,*



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*or to use the services of the minor until the age of 21. In the first case, the Government will receive the minor and determine their fate in accordance with this law. The monetary compensation fixed above will be paid in annuities with an annual interest of 6%, which will be considered extinguished at the end of 30 years. The declaration by the owner must be made within 30 days from the day the minor reaches the age of eight, and if they do not make it then, it will be understood that they opt for the discretion of using the services of even smaller.*

- **1879 - Decree Law No. 7,247/1879.** Guaranteed access to higher education for women, conditional upon...

The father's or husband's permission.

*"§ 20. Registration as described in §§ 16, 17, 18 and 19 is permitted for female individuals, for whom there will be separate places in the classrooms."*

- **1885 - Law No. 3,270**, known as the Law of the Sexagenarian: granted freedom to enslaved people with over 60 years of age and established that the value of women was inferior to that of men for the purposes of indemnity.

*§ 4 The value for female individuals will be regulated in the same manner, however, a 25% discount will be applied to the prices established above.*

*§ 5. Slaves aged 60 and over shall not be registered; however, they shall be entered in a special register for the purposes of §§ 10 to 12 of Article 3.*

*§ 6. The period granted for enrollment shall be one year, and this period must be announced by notices posted in the most public places 90 days in advance, and published in the press, where available.*

*§ 7. Slaves who have not been registered within the specified period shall be considered freed, and this clause shall be expressly and fully stated in notices and announcements in the press.*

- **1888 - Law No. 3,353 – Golden Law** - Declares the end of slavery in Brazil.
- **1890 - Law on vagrants and capoeira practitioners** - Decree No. 847, of October 11, 1890.

*Regarding vagrants and capoeira practitioners: Art. 399. Failure to practice a profession, trade, or any other occupation.*

*a job in which they earn a living, lacking the means of subsistence and a fixed address to live in;*

*to provide for one's livelihood through an occupation prohibited by law, or manifestly offensive to morals.*

*and of good manners:*

*Penalty - imprisonment in a cellular facility for fifteen to thirty days.*

*§ 1. By the same sentence that condemns the offender as a vagrant or vagabond, he will be obliged to sign a document promising to take up employment within 15 days, counted from the completion of the sentence.*

*§ 2. Those over 14 years of age will be taken to industrial disciplinary establishments, where they may be kept until the age of 21.*

*Article 400. If the term is broken, which will constitute recidivism, the offender will be confined, for one to three years, to penal colonies established on maritime islands or on the borders of the national territory, and existing military prisons may be used for this purpose.*

*Single paragraph. If the offender is a foreigner, he/she will be deported.*

*Article 401. The penalty imposed on offenders, as referred to in the preceding articles, shall be extinguished if the convicted person proves subsequent acquisition of sufficient income for their subsistence; and suspended if they present a suitable guarantor who will be obligated on their behalf.*

*Sole paragraph. The judgment which, at the request of the guarantor, finds the guarantee broken, shall render effective the sentence suspended by virtue thereof.*



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*Article 402. To perform in the streets and public squares exercises of agility and bodily dexterity known as capoeira; to run about, with weapons or instruments capable of causing bodily harm, provoking tumults or disorders, threatening a specific or unspecified person, or instilling fear of some harm:*

*Penalty - imprisonment in a cell for two to six months.*

*Single paragraph. It is considered an aggravating circumstance to belong to a capoeira group or gang.*

*The leaders, or heads, will be subject to double the penalty.*

*Art. 403. In case of recidivism, the penalty of art. 400 will be applied to the capoeira practitioner at its maximum level.*

*Sole paragraph. If he is a foreigner, he will be deported after serving his sentence.*

*Art. 404. If, during these capoeira exercises, one commits homicide, inflicts bodily harm, outrages public or private decency, disturbs public order, tranquility or security, or is found with weapons, one shall incur cumulatively the penalties prescribed for such crimes.*

- **1910** - The first feminist political party is founded.
- **1919 - Law 3.071** – United States Civil Code. From Brazil, below are some examples of violence.

planned institutional initiatives:

*"Art. 6. The following are incapable, with respect to certain acts (art. 147, no. 1), or the manner of exercising them: II. Married women, for as long as the marital partnership subsists."*

*Article 36. Sole paragraph. A married woman has her domicile at that of her husband, unless she is separated (article 315), or she is responsible for the administration of the marital property (article 251).*

*Article 178. § 1 Within ten days of the marriage, the husband may file an action to annul a marriage contracted with a woman who has already been deflowered.*

*3. Within two months of the birth, if the husband was present, the action for him to contest the legitimacy of his wife's child (articles 338 and 344).*

*VII. The action of the husband or his heirs to annul acts of the wife, performed without her consent, or without the judge's authorization, the time limit being counted from the day the marital partnership is dissolved.*

*CHAPTER II. Of the Rights and Duties of the Husband.*

*Article 233. The husband is the head of the marital partnership. It is his responsibility: IV. The right to authorize his wife's profession and her residence outside the marital home.*

*Article 1,548. A woman whose honor has been offended has the right to demand from the offender, if he cannot or does not wish to repair the harm through marriage, a dowry corresponding to the condition and status of the offended party: I. If, being a virgin and a minor, she is deflowered. II. If, being an honest woman, she is raped or terrified by threats. III. If she is seduced with promises of marriage. IV.*

*"If she gets kidnapped."*

- **1932** – Decree 21.076/1932, established the Electoral Code recognizing women's right to vote.

*"Article 121. Men over sixty years of age and women of any age may be exempt from any obligation or service of an electoral nature."*

- **1934** – Women's suffrage is incorporated into the Constitution, but it was optional.

*"Article 109. Registration and voting are compulsory for men, and for women when they hold a paid public office, under the penalties and subject to the exceptions that the law may determine."*

- **1943** - The Consolidation of Labor Laws (CLT) was approved, which brought some protection to...

Women's work.

- **1961 - Decree No. 51,182/1961** prohibited the use of bathing suits in beauty contests and pageants.

In Brazil, a government decision to ensure that public events conform to the customs and morals of the nation. surface of society.

*"Article 1. In beauty contests, selections of female representatives and similar events, competitors and participants may not appear or parade in bathing suits, although the use of a petticoat is tolerated. 1962 – The "Statute of the Married Woman" defined that a woman no longer needed authorization to perform certain acts of civil life, ceasing to be legally incapable."*



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- **1965** - Law 4.737/65. Women's suffrage becomes mandatory, being equated to that of men, code electoral.

*"Article 4. Voters are Brazilian citizens over the age of 18 who register to vote in accordance with the law."*

- **1967** - International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Covenant International Covenant on Civil and Political Rights (ICCPR). Discrimination based on gender and race. Violence against women is now considered a violation of human rights; *"3: The States Parties to under this Covenant, they undertake to ensure*

*men and women equality in the enjoyment of all civil and political rights set forth in the Constitution.*

*present Covenant*

*2. The States Parties to the present Covenant undertake to ensure that the rights set forth in the Covenant will be exercised without discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

3.

- **1968 – Cattle Law** - LAW No. 5,465. However, it is necessary to contextualize this provision within reality. Brazilian, characterized by exclusion and preventing access to land.

*Article 1. Agricultural secondary schools and higher schools of agriculture.*

*Veterinary institutions, maintained by the Union, will reserve, annually, preferably, 50% (fifty percent) of its vacancies to candidates who are farmers or children of farmers, owners or not of land, who reside with their families in the rural area and 30% (thirty percent) to Farmers or their children, whether or not they own land, who reside in cities or towns. that do not have secondary education establishments.*

- **1976** - Beginning of the "Decade for Women", implemented by the UN (until 1985);
- **1977** - Divorce Law – adapting the law to the reality experienced by women.
- **1983** - Creation of the Nzinga Women's Collective, by Lélia Gonzales;
- **1985:**

The **convocation of the National Constituent Assembly.**

Inauguration of the first **Women's Defense Police Station** in the state of São Paulo.

The **Nairobi Conference**, the third world conference on women, was held .  
convened by the United Nations.

The organization of the **III Latin American Feminist Meeting** in Brazil, among other meetings.

- **1987** - Opening of the National Constituent Assembly
- **1988** - The 1st Meeting of Black Women was held.
- **1992:**

Law No. 8,560 - Regulates the investigation of paternity of children born out of wedlock and takes other measures.

Decree No. 678, of November 6, 1992, promulgated the **Pact of San José, Costa Rica** (Convention American Convention on Human Rights, November 22, 1969);



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*“The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without discrimination of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other social status. For the purposes of this Convention, a person means every human being.”*

• **2002: DOCUMENT FOR THE MEETING OF EXPERTS ON ASPECTS OF**

**RACIAL DISCRIMINATION – KIMBERLE CRENSHAW** – Presents studies in which...

It highlights that in order for women to effectively benefit from the standards

international human rights frameworks require consideration of the intersectionality of

Social markers. These markers interact with each other, identifying multiple forms of

subordination and reflecting the interactive effects of discrimination based on race and gender.

- **2009** - Ordinance No. 992, of May 13, 2009, establishes the National Policy for Comprehensive Health of Black population.
- **2010** - Law No. 12,288, of July 20, 2010 - Statute of Racial Equality.
- **2015 – LC 150/2015** - Provides for the domestic employment contract
- **2012** – Law 12.711 – **quota law.**

*Article 3. In each federal institution of higher education, the vacancies referred to in Article 1 of this Law shall be filled, by course and shift, by self-declared Black, Brown, Indigenous, and Quilombola individuals and by persons with disabilities, in accordance with the legislation, in a proportion to the total number of vacancies at least equal to the respective proportion of Black, Brown, Indigenous, and Quilombola individuals and persons with disabilities in the population of the Federative Unit where the institution is located, according to the latest census of the Brazilian Institute of Geography and Statistics (IBGE).*

*§ 1 In the event that vacancies are not filled according to the criteria established in the **heading** of this article, the remaining vacancies shall be allocated, firstly, to self-declared black, brown, indigenous and quilombola people or to people with disabilities and, subsequently, completed by students who have completed their entire high school education in a public school.*

*§ 2 In the selection processes for admission to federal higher education institutions, candidates will initially compete for the vacancies available for general competition and, if they do not achieve a grade for admission through this modality, they will then compete for the vacancies reserved by the special program for access to higher education institutions for black, brown, indigenous and quilombola students and people with disabilities, as well as those who have completed their entire high school education in public schools.*

- **2015 – LC 150/2015** - Provides for the domestic employment contract.

Prejudice is a structuring characteristic of Brazilian history, evidence that

This manifests itself in the lives of Black women, which are deeply marked and conditioned by this structure.

social. The legislative trajectory demonstrates that the State not only reproduced, but also constructed the Inequality, not as a natural phenomenon, but as a social project. Understanding marginalization.

The struggle of Black women that persists today therefore demands recognition of this.

historical intentionality.

The Philippine Ordinances, in force until 1916, already institutionalized violence against women.

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women and hierarchized lives according to social stratification. This logic of body control

The feminine, combined with class differentiation, laid the groundwork for the dehumanization that

This would mark the experience of Black women even more intensely.

Racism operated as a structuring dimension of the state project. It is revealing that the first

The law on education in the Empire carried this discriminatory tone: deliberate educational exclusion.

It created barriers that spanned generations, particularly affecting Black women, who

They faced multiple forms of oppression based on race and gender.

Slavery and its legal apparatus reinforced this logic, reducing people to mere labor.

work and instruments for the reproduction of wealth for the landowners. The Law of the Sexagenarian (1885)

This exemplifies this economic dehumanization precisely: by establishing that the value of women

enslaved women suffered a "25% reduction" compared to men, the law transformed the

Inferiorization in legal terms. The devaluation of Black women was literal and legal.

approved.

Even after formal abolition in 1888, legislation continued to criminalize and exclude

The Black population, now pushed into structural poverty. The Decree on Vagrants and Capoeira Practitioners (1890)

It makes it clear that "freedom" was restricted to compulsory labor; simultaneously, the

The criminalization of capoeira revealed the dual movement of decriminalizing forced labor.

while criminalizing cultural resistance.

For Black women, this period meant the continuation of precarious working conditions: without access

to the land (by the Land Law of 1850, which required purchase); without access to education; subjected to

Domestic and informal work. They thus remained in a position of extreme vulnerability.

invisible even in the protective legislation that was beginning to emerge.

The first laws protecting women, in fact, only protected white women.

subjected to patriarchal power. The reality of Black women, in turn, was marked by

Institutional abandonment, an abandonment that was also a form of state violence.

The 1988 Constitution represents a fundamental milestone, emerging from mobilizations.

Intense events such as the 1st Meeting of Black Women (1988), which denounced the intersection between racism

and sexism, and the creation of the first Women's Police Station (1985). The Constituent Assembly therefore consolidated,

Demands accumulated over decades. However, its approval proved insufficient, as

They highlight the Statute of Racial Equality (2010) and the Quota Law (2012), instruments that attest to

The persistence of discrimination operating in depth.

Brazilian legislative history reveals that racial and gender prejudice is not only...

It has permeated, but **structured**, the lives of Black women. The 1988 Constitution marks a rupture.

Necessary, but it doesn't erase centuries of institutionalized exclusion. The country's legal trajectory.

It confirms that prejudice was law, was part of the State, was part of a national project, and its effects continue to shape...



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the present. Therefore, analyzing this trajectory is essential to understanding current challenges and to

To strengthen the fight for the full exercise of citizenship by Black Brazilian women.

#### 4. Knowledge in Practice – From theory to experience.

##### 4.1 Contextualizing Afro-Americanity

Lélia Gonzalez constructs the political-cultural category of **\*\*Americar-Africanity\*\*** as a resource a methodological approach that transcends territorial, linguistic, and ideological boundaries, allowing a deep understanding of all of America (GONZALEZ, 1988, p. 73). This category emerges revolutionary in the face of the systematic erasure of the African presence in the construction of the Americas, questioning the hegemony of the concept of "Latin America" that renders Black contributions invisible and indigenous people in the territory.

The need to overcome this erasure involves understanding how...

The racial hierarchy of Brazilian society is structured in the political and economic spheres.

This organization is reflected in the identity of Black people, who are racially stratified according to a "continuous color" that manifests itself in multiple classificatory denominations (more than one hundred in Brazil, as Gonzalez demonstrates). Through this system, as the writer Millôr attests.

Fernandes, Brazilian society tries to hide or deny racism, normalizing inequality and expecting each social group to "stay in its place".

A **political-cultural category**, from Laurence Bardin's perspective, an analytical tool.

By overlaying **identity, power, and culture** to interpret social phenomena, it does not describe, it reconstructs.

Reality from a cultural perspective, within a political space, and how power relations shape it.

The experience, in this case, of racialized groups — especially Black women.

Bourdieu demonstrates that the social field is characterized by struggles where "the conditions of "Class and social conditioning" establish hierarchies between different classes and fractions of class (BOURDIEU, 1980, p. 262). In this context, scientific racism operated as a mechanism specifically for legitimizing racial inequalities, appropriating the authority of science to to naturalize socially constructed hierarchies, transforming them into supposed biological differences. or natural.

The appropriation of scientific capital by dominant groups constitutes a "struggle of classifications". fundamental in the social field. As Bourdieu states, "taste classifies the one who proceeds to "classification" (BOURDIEU, 1984, p. 8). Similarly, scientific racism, in its attempt to To "objectively" classify human groups reveals and reproduces the social positions of those who They classify.

When science was used to "prove" the inferiority of certain racial groups,



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It gave an appearance of neutrality and objectivity to deeply ingrained social prejudices. This Naturalization is particularly effective because it hides under the cloak of scientific rationality, transforming social privileges into supposedly proven "natural" superiorities scientifically.

The "struggle of classifications" proves fundamental in this process: phenotypic characteristics They were transformed into markers of social value through "self-serving attributions." (BOURDIEU, 1980, p. 287), a central element of social disputes that allows us to understand how the Scientific racism has historically operated as a strategy for maintaining privileged positions in the social field.

Furthermore, according to Bourdieu, the social field is characterized by struggles where "the conditions "Class and social conditioning" establish hierarchies between different classes and fractions of class (BOURDIEU, 1980, p. 262). In this context, scientific racism operated as a mechanism specifically for legitimizing racial inequalities, appropriating the authority of science to to naturalize socially constructed hierarchies, transforming them into supposed biological differences or natural.

The appropriation of scientific capital by dominant groups constitutes a "struggle of classifications" fundamental in the social field. As Bourdieu states, "taste classifies the one who proceeds to "classification" (BOURDIEU, 1984, p. 8). Similarly, scientific racism, in its attempt to To "objectively" classify human groups reveals and reproduces the social positions of those who They classify. When science was used to "prove" the inferiority of certain groups. Racial biases gave an appearance of neutrality and objectivity to deeply ingrained social prejudices. This Naturalization is particularly effective because it hides under the cloak of scientific rationality, transforming social privileges into supposedly proven "natural" superiorities scientifically.

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In this context, equality before the law, as in liberal states, has always existed in Brazil. only on a formal level, being effectively questioned and transformed in various social spheres. only in recent decades. Black women have always argued that victory over racism And machismo presupposes overcoming the social place imposed on black people, since Europeans They used scientific racism to internalize in the colonized the supposed "superiority" of colonizer. In this context, a major contradiction persists in the political and ideological forms of struggle.



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and Black resistance in the New World: we remain passive in the face of the political and ideological stance of The United States, the dominant imperialist power in the region.

Carolina Maria de Jesus, in her autobiographical narrative, without any pretension, makes This material expresses that Afro-Brazilian identity in a visceral way. When describing his childhood in Sacramento, Minas Gerais In the Gerais region, and later her life in the Canindé favela in São Paulo, Carolina is not only Telling a personal story, but documenting the Brazilian internal diaspora, the forced movement of black bodies in search of survival (JESUS, 1986).

Carolina's language, which Gonzalez would conceptualize as "Pretuguês," a form of passive resistance that the "black mother" passed on to the white Brazilian, so that she managed Africanizing Portuguese is one of the claims of the concept of Amefricanity.

When I say, "*I classify São Paulo like this: The Palace is the living room. The City Hall is the bedroom.*" "*The city is the garden, and the favela is the backyard where they throw the garbage*" (JESUS, 1960). The excerpt reveals the racialized spatial structure that Lélia describes as part of Afro-American identity.

An analysis of Brazilian legislation as applied to the reality of Black women, associated with Studying authors such as Carolina and Lélia allows for a deeper understanding of the context. historical context, forms of oppression, and the situation of vulnerability currently experienced by this group. group, for this reason the construction of this new methodology proposed by Lélia goes beyond the The pale neutrality of the law. The category created when apprehended by Law creates mechanisms. interpretative principles to be considered in order to incorporate a new meaning into the normative content. The search for justice.

#### 4.2. Intersectionality in Practice: The Black Female Body as a Territory of Multiple Oppressions.

Excerpts from Carolina Maria de Jesus's book, "Bitita's Diary," reveal how Experiences of violence, discrimination, and exploitation intersect, shaping their life trajectories. Life and resistance. Selected excerpts from the work are presented below to illustrate how such... Structural dynamics are shaped by the author's lived experience:

*"On Sundays, the comrades owned the city. They were allowed to sing, Drinking and even fighting. But on Monday, if the police found a comrade on the streets, he He had to justify why he was loafing around on a day that was supposed to be for work. He said:*

*My wife had a child.  
If he hadn't told the truth, he would have gone to jail.  
Brazilian coffee was famous in Europe. And the farmers who sold so much coffee were uncultured types who, when they became rich, forced us to call them "colonel." And there were colonels everywhere.  
This excerpt highlights selective social repression and the continuation of slave-owning structures. as a way of maintaining a rigid social hierarchy.*

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*"After President Artur Bernardes left office, people said that his government was a time of plenty. What I noticed was that, even though salaries were high, the poor remained poor."*

It is clear that institutionalized inequality and structural racism translate into economic violence through social hierarchy and the perpetuation of poverty even during periods of economic prosperity.

*"And if I were to ask the farmer for another order, I would have to hear this:  
You work little and eat a lot.*

*At the end of the year, the farmer was going to settle accounts with the black man; the black man owed him five hundred thousand réis.*

*Only the Italians were allowed to plant in the middle of the coffee plantation, and they sold the surplus of their production. And the farmer paid them to take care of the coffee plantations.*

*The black man lost interest in the life of a colonist, fleeing the farms with only a bundle of clothes! His belongings remained on the farm.*

Denial of access to land as a fundamental aspect of the Black diaspora within the territory.

In Brazil, the commodification of servitude, that is, debt functioning as a means of maintaining the

The condition of enslaved people in the face of the unbalanced power of the landowner. What more?

Later, it was classified as a crime under article 149-A of the Penal Code.

*"What terror I felt during the Saint Benedict festivities, with all the black people running around."  
It was the only time they brought profits to the merchants. There wasn't an educated Black person to tell us about slavery, to encourage the race. They lived without worrying about the future."*

This excerpt identifies the myth of racial democracy in conjunction with exclusion from school spaces, the acquisition and production of knowledge, and the misinformation used as a tool to erase Black history in the country, serving economic exploitation and cultural subjugation.

*I thought: "So these men who work here used to be black, and the landowner made them."  
"They'll turn white! And when my hair is straight and my nose is thinner, I want to go to Sacramento so my relatives can see me. Will I be pretty then?"*

This passage highlights the racial, class, and physical violence that operates continuously in everyday life. In her speech, it is clear that racial status is instrumentalized by power relations.

in the fields (the female farmer), imposing aesthetic conformity as a condition of belonging and social mobility. At the same time, it marks the desire for family belonging in the face of structures.

Racists who devalue Black bodies. The excerpt illustrates how race, class, and body intersect.

Even in experience. The prevalence of Eurocentric beauty accentuating white supremacy.

From a legal standpoint, the intertwining between exclusion laws and the institutionalized social violence processes that deny access to productive property, educational and economic factors that resulted in the systematic violation of realized rights to dignity. in CFRB/88.

It is observed that Lélia Gonzalez's critical analysis, when addressing the concept of América Ladina, It reveals the persistence of exclusionary racial structures beneath the facade of Brazilian racial democracy.

His reflection highlights how the mechanisms of exclusion and historical erasure continue to operate.

reinforcing social and racial inequalities. Thus, understanding Brazilian reality requires...

confronting these hegemonic narratives and valuing the epistemologies produced from them.

from the experiences and resistances of Black people, as discussed by Portela and Lira (2022).



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Gonzalez theorized about the specific place of Black women in the Brazilian social structure, that of a modernized version of a housemaid in the role of a domestic worker. Thus, the dynamics of gender and race are not... They act in isolation, but intertwine to produce a marginalized position that manifests itself in a unique way in the daily lives of these women.

The concept of intersectionality formulated by Kimberlé Crenshaw holds profound... analytical convergence with the writings 'Racism and sexism in Brazilian culture' (GONZALEZ, 1984), published by Lélia Gonzalez a decade before Crenshaw's work (CRENSHAW, 2002), highlighting the pioneering role of Brazilian Black feminist thought in the development of categories that connect race, gender, and class.

This methodological approach to analysis focuses on the articulated and overlapping relationship between different forms of violence that permeate the existence of black women, in such a way that they maximize their violent results in geometric progression.

Carolina's experience with domestic violence, abandonment, and exploitation at work. And simultaneous racial discrimination demonstrates what Gonzalez theorized: that the black woman occupies a specific place in the Brazilian social structure, the place of the modernized "mucama" (female slave) as a maid. domestic (GONZALEZ, 1984).

Carolina Maria de Jesus experienced these intersectional forms of violence in their entirety, highlighting how gender, race, and class oppressions intertwine in her life story. Her account regarding hunger: "*hunger is yellow and hurts a lot*" is visceral and demonstrates the poverty to which it has been relegated, highlighting a classic case of empirical intersectionality. As a Black woman from the periphery, she faced paternal abandonment and assumed the responsibility alone through raising children, an experience that embodies the overlapping of structural vulnerabilities in Brazilian reality.

*"I got up at 6 o'clock to wash the children's clothes, because Mrs. Maria was in the countryside. I was nervous because I didn't have time to write with all the housework—life had become complicated for me. Now I do. I was unhappy with the trips I was taking and my children were left neglected. The owner of the grocery store used to say:*

Carolina's life embodies the impossibility of separating the dimensions of her oppression. Their reality exposes the inadequacy of public policies that address gender, race, and class as... rigid categories, violating the principle of substantive equality foreseen in article 5 of the Constitution. Federal.

Based on Carolina's perceptions and Lélia's theory, it becomes clear that law alone is not enough. Expressing oneself requires validating the epistemic authority of those who experience oppression. This is about a break with academic and legal tradition regarding who has authority in the social field for to produce scientific knowledge.

When Carolina Maria de Jesus transformed her experience of being excluded and marginalized into

Her art was revolutionary, paving the way for other women who recognize her as...

Example and heroine.

*"By eight-thirty at night I was already in the favela breathing the stench of excrement mixed with rotten mud. When I'm in the city I feel like I'm in a living room with its crystal chandeliers, velvet carpets, and satin cushions. And when I'm in the favela I feel like I'm a useless object, worthy of being in a storage room."*

After her death, Carolina Maria de Jesus continued to be the target of intersectional violence, even in the face of initial recognition of her work. Subjected to a systematic process of erasure and delegitimization, his work was repeatedly questioned and downgraded in terms of intellectual expressiveness and literary value.

This subsequent path of silencing precisely reinforces the lesson that she... developed: language is configured as a revolutionary instrument capable of resisting the mechanisms of oppression and denial. The attempt to silence her voice therefore reveals the urgency of proposal.

From a legal standpoint, Carolina's testimony constitutes documentary evidence of the rape of the rights to property, to decent housing (art. 6, CF/88), to the dignity of the human person (art. 1, III, CF/88) and to non-discrimination (art. 3, IV, CF/88).

#### 4.3. Intersectional Studies: Fundamental Rights of Afro-American Identity

A comparison between Gonzalez's and Carolina's approaches reveals that the rights Fundamental rights, interpreted from a traditional Eurocentric perspective, fail to adequately protect... the Brazilian black population. Gonzalez's theory offers the epistemic tools for transformation of constitutional hermeneutics, while Carolina's experience provides the evidence. empirical evidence of its necessity. In this way, the adoption of Gonzalez's theory provides new "Interpretative constitutional methodologies, impacting the understanding of the current system." Among

Among these transformations, the following stand out:

i. Right to Human Dignity: The principle of human dignity, the foundation of the Republic (art.

Article 1, III, of the Brazilian Federal Constitution of 1988), understood through the lens of Afro-American identity, requires recognition of history.

Legislative exclusion of the Black population, dehumanizing them. Carolina writes about being seen as

"Garbage" by society, materializing what Gonzalez theorized about the process of "commodification"

of the black man.

ii. Right to Equality: The formal equality foreseen in article 5 of the Constitution is insufficient in light of

from the intersectional reality experienced by Carolina. Gonzalez identifies the need to consider

Given the specificities of the intersection of discriminations, the right to equality remains a

Empty abstraction.



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iii. Social Rights: The social rights listed in Article 6 of the Constitution are systematically

Denied to the Black population, as Carolina shows in her writings. Hunger, a constant presence.

In her narrative, she exposes the violation of the most basic human right: the right to food.

suitable.

The original contribution of this work lies in recognizing that black epistemology

Revealed in Carolina's work and Lelia's theorizing, a new **Hermeneutic Method** was forged.

**Afro-American-centered** for the interpretation and application of the norm, centered on lived experience as a category.

central to the "complement" to traditional legal analysis.

The Afro-American-centered hermeneutic method aims to overcome Brazilian legislative history.

as a technology of racial and gender control because the State **constructed inequality**,

highlighting that legal neutrality is an objective, not a starting point. Therefore, the abstraction of the norm

It presupposes the concrete reality of bodies made vulnerable by this structure, recognizing women.

Black people as a central epistemic subject and as an interpretative reference for the reconstruction of fundamental rights.

The first axis for developing the method and appropriating language as an apparatus.

epistemic, for example, internalizing Portuguese for the reconstruction of legal terms, the second

The axis starts from the category of **Amefricanity as a contextualization criterion to overcome the**

**generic subject of law founded on Eurocentric universalism**. Then, to confront the...

intersectionality focused on the articulated and overlapping relationship between different forms of violence that

They permeate the existence of Black women in a way that maximizes their violent outcomes.

geometric progression.

Ultimately, ensuring an **emancipatory orientation with the aim** of transforming practice.

Legal interpretation becomes an instrument of liberation, not control.

neutrality becomes an act of social reconstruction, committed to overcoming the

Structural inequalities through a new subject.

The Afrocentric hermeneutic method, therefore, mobilizes language, history, and the body.

and experience to produce Brazilian democracy. By shifting the interpretative axis to reality.

Racialized and assuming emancipation as its goal, this method offers an alternative.

epistemological and political framework capable of reorienting the legal field and contributing to its effectiveness.

In its substantive approach to fundamental rights, it therefore aims to be the mediator between law in books and law in practice. actions.

This shift in hermeneutics has a direct practical implication: it demands that

public policies should simultaneously incorporate the dimensions of race, gender, and class, recognizing

that the black woman occupies a specific structural position (the "modernized maid") that cannot be



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understood through fragmented policies. Black epistemology, therefore, is not a "perspective"

Interesting, but a necessary foundation for genuine democratic constitutionalism.

#### 4. Conclusion

The development of the article demonstrated that the concepts of Afro-Americanity and Intersectionality, as developed by Lélia Gonzalez, corresponds with lived experience. documented by Carolina Maria de Jesus. This parallelism reveals the constitutive dialectic between theory and practice in Black feminism and provides the basis for the construction of the Hermeneutic Method. The Afro-American-centric approach proposed here as an interpretative guideline for fundamental rights.

While Gonzalez provided the episteme for understanding the oppression of Black women, Carolina offered living testimony to this reality. This convergence is not accidental, but reveals the The dialectic between theory and practice in Black feminist thought.

The concepts of Afro-Americanity and intersectionality when applied to the experience of Carolina, they reveal their explanatory and transformative power. More than academic categories, they are Tools for understanding and overcoming structures of domination.

However, "the notions of vulnerability and precariousness must be considered with caution, because They are used by governments and international institutions in a health and social approach that "It aims to keep the vulnerable at a distance and conceal the processes of increasing precarity that are at play."<sup>2</sup>

The constitutional hermeneutic artifact informed by Afro-Brazilian feminist epistemology. And the anti-racist paradigm presupposes the development of public policies structured by the principle. of differentiated protection for groups in situations of intersectional vulnerability, which increases comprehensive protection with the inclusion of all groups.

Thus, the development of the theme points to the need for maintenance. research that delves into the interface between Black feminism and public policy structures that Incorporate the contributions of Brazilian Black feminist thought.

While Carolina asked:

*Rui said that black people should be kept in agriculture.*

*The study is to clarify. He passed away in 1923 - What a loss for the country!*

*exclamations from friends and enemies alike, they would say:*

*Will we have a government that will prepare a Brazil for Brazilians?*

Lelia responds by coining the term "Afro-Americanity" as a constitutive element of identity.

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<sup>2</sup> VERGÈS, Françoise. A feminist theory of violence: towards an anti-racist politics of protection.

Translation by Raquel Camargo. São Paulo: Ubu Editora, 2021. P.33.



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Brazilian national identity, as a legitimate epistemological starting point in the scientific field.

Brazilian Black feminism is not just a theoretical current, but a praxis.

A revolutionary approach that connects thought and action, theory and experience, abstraction and concreteness.

Carolina lived what Lélia theorized; Lélia theorized what Carolina lived. In this convergence

The transformative power of Black feminism resides solely in its lived experiences.

can propose changes.

As long as the law ignores this convergence, exclusion and violence against Black women will continue.

They will perpetuate. Incorporating it means taking a fundamental step in building a

A truly democratic and egalitarian society, where rights are not the privilege of the few, but an effective

guarantee for all. It is time to recognize that the scientific field

What is needed for this transformation has already been forged by the contributions of women like Lélia.

Gonzalez and Carolina Maria de Jesus, and that their centrality is fundamental for the realization

of fundamental rights and for the construction of a truly democratic society.

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