

Race and Gender: Contributions to Studies in the Social and Legal Sciences

Gislene Aparecida dos Santos¹

Submetido em 2 de novembro e aprovado em 1º de dezembro de 2018.

Abstract: From a sample of 39 cases of the São Paulo Court of Appeals (TJSP) regarding offences practiced by women against women, this article aims to analyze relevant elements for conducting research in social and legal sciences whose focus is to discuss race relations. The cases were taken from the GEPPIS database, built between 2012-2014. Data show that when it comes to racist offenses, discrimination aimed at establishing a differentiation and a hierarchy when other social markers (class, gender and, in some cases, even race, in a broad sense) pointed to equality. These findings demonstrate the relevance of considering multiple ways to measure and understand race taking into account skin color, gender, class, appearance, among other aspects. It also reveals the importance of considering epistemological questions, interdisciplinarity, horizons of interpretation and loci of enunciation in order to have an in-depth understanding of the complex phenomena associated with the theme.

Keywords: race, gender, intersectionality, interdisciplinarity, social and legal sciences

Resumo: Partindo de uma amostra de 39 casos do Tribunal de Justiça do Estado de São Paulo (TJSP) referentes a ofensas praticadas por mulheres contra mulheres, esse artigo visa analisar elementos relevantes para a realização de pesquisas na área das ciências sociais e jurídicas cujo foco seja o de discutir as relações raciais. Os casos foram retirados da base de dados do GEPPIS, construída entre 2012-2014. Os dados informam que, quando se trata de ofensas racistas, considerando o recorte de gênero/mulheres, as discriminações objetivaram estabelecer uma diferenciação e uma hierarquia quando outros marcadores sociais (classe, gênero e, em alguns casos até mesmo a raça, em sentido amplo) apontaram para a igualdade. Esses achados demonstram a relevância de se considerar múltiplas formas de se mensurar e entender raça levando em conta cor da pele, gênero, classe, aparência, entre outros aspectos. Também revelam a importância de se considerar questões epistemológicas, interdisciplinaridade, horizontes de interpretação e lócus de enunciação para que se tenha uma compreensão aprofundada dos fenômenos complexos associados ao tema.

Palavras-chaves: raça, gênero, interseccionalidade, interdisciplinaridade, ciências sociais e jurídicas

Introduction

Understanding the multiple dimensions race can take - with a focus on discussing inequality and oppression - is one of the major challenges for the study of this category in the social and legal sciences.

Saperstein, Kizer & Penner state that it is essential to realize that race will modulate the life of individuals in multiple ways. However, some studies and researchers tend to consider a single form of measuring racialization processes, as if there were only one way to represent the whole; this causes problems for a proper understanding of the social phenomena (SAPERSTEIN, KIZER & PENNER, 2016).

It is known that academic research in the field of social sciences should follow parameters that attest to the scientific quality of what was produced. These parameters involve the appropriate formulation of a research problem (the question or questions to be investigated), the choice of methods and techniques to ensure that the research can be understood and validated within the scientific community to which it belongs, the explanation of the theoretical frameworks within which the problem or questions under study were formulated (or the theoretical field in which this discussion is held), and the reasons that explain the importance of this research. These are conventional guidelines found in texts focused on teaching how to develop acceptable research projects, according to the logic of rational, positive, and sometimes even positivist and instrumental knowledge.

However, in addition to these aspects establishing a foundation for the criteria of scientific standards enshrined in modern science (I will address this aspect below), it is essential that other dimensions are added to the research focusing on the discussion about race, racialization and racism to understand these phenomena. Among other factors, Collins (1989); Crenshaw (2002, 2011); Saperstein et al. (2016); Schucman & Fachim (2017); Schwartzman (2018); Kesler & Schwartzman (2015); Wane (2009) consider the following to be fundamental for an in-depth, rigorous and clear study on this topic: the intersectionality between class, gender, sex and skin color, the speaker's social location and the horizon of interpretation, the different ways of measuring race, the variations in the ways ethnicity is defined, and changes in self-identification based on social mobility within and outside the group of origin.

Based on cases of the São Paulo Court of Appeals (TJSP) included in the GEPPIS database², this article will discuss some elements that could be considered to carry out research on racial issues, with a cross-section of gender/women, considering multiple ways of measuring as well as intersectional and interdisciplinary aspects. To this end, the article is organized as follows: in the first part I present the procedures for the study in the judiciary, which produced the database from which the empirical material was extracted; in the second part, I present the collected data, which was organized based on a cross-section of gender/women; in the third part, I analyze and discuss the study's findings considering the following subtopics: 3.1- challenges associated with understanding race: measurements, multiple dimensions, intersectionality, and interdisciplinarity; 3.2- horizon of interpretation and locus of enunciation; 3.3- racial projects. Finally, I will conclude with suggestions for research in the area.

I- Cases of the São Paulo Court of Appeals: Procedures for the Collection and Composition of the Database

The study at the TJSP was very comprehensive in Santos, 2015; Santos, Noguti, & Matos, 2014, and Matos, 2016. The research resulting in the creation of the database from which I collected the information for this article occurred between 2012-2014. The objective was to analyze documents with content about racial discrimination, based on the anti-racism act (*lei antiracismo*, 7.716/89) or on defamation aggravated by content related to race or color, based on Article 140 of the Penal Code, which defines this offense. I wanted to understand and analyze the cases submitted to the São Paulo State judicial system to check how racial insults and racism were perceived both within the judicial system (by means of trials) and by the victims⁵ of racial slurs and discrimination who called upon the judiciary in search of justice.

My parameters to carry out this research included searching for only those crimes against black and mixed-race⁶ people; only the crimes of racism or racial slurs; only the cases in trial courts; only the filed cases and not those proceeding under legal confidentiality; only those crimes that occurred in the city of São Paulo.

To have access to these documents, in their entirety, I had to seek official support and permission for the study, which was granted by the Trial Court Department (*Secretaria da Primeira Instância*, SPI)⁷. In addition to the permission to consult the documents, the department itself searched for the indexed documents in their own databases. Their parameters were: crimes resulting from prejudice against race, color, ethnicity, religion or nationality; defamation crimes consistent in the use of elements related to race, color, ethnicity, religion or nationality.

With these parameters, I received indications of 1,100 cases and investigations. After a long screening process⁸, I built a sample of 119 cases that occurred between 2003 and 2011. Out of this database, I made a cross-section of the cases in which both the victims of aggression and those accused of having committed the attacks, were women. Through this cross-section, I composed a sample of 39 cases (16 police inquiries and 23 judicial proceedings). Since the judicial discussion is not the focus of this article, I'll make no distinction between inquiries and proceedings, considering them both as documents produced by the judiciary.

As shown by Axt (2016), research in archives of the judiciary can and should transcend its initially set administrative role.

Judicial sources not only provide access to a new perspective of the State, they also serve to reconstruct a social experience, which is not only lost, but also often concealed by a politically constructed, and usually elitist, and exclusionary memory compromised by domination systems. (AXT, 2016, p. 107)

This way, these produced and archived documents gain new useful meanings for the discussion of the topics presented here. Axt states that researchers can make these documents shed light on meanings that transcend the era in which they were produced through the questions with which they address them. In this article, I seek not only meanings that contribute to an understanding of the social and political scenario in Brazil, but also that illustrate and illuminate the academic efforts themselves, linked to the research of complex intersectional and multidimensional factors that transcend our borders.

II- Data Collected through the Gender/Women Cross-Section

Although it is not my intent to discuss the sample in its entirety⁹, I believe that it is worth mentioning a single factor that can assist in the discussion undertaken here. This factor pertains to the percentage of men versus women who appear as accused and victims of aggressions with racial content. Taking into account the entire sample collected, one can see that 47% of people who file complaints related to discrimination were women versus 53% men. See Chart 1- Victims by gender. (See also Chart 5 for information about the accused by gender. I will discuss this aspect later).

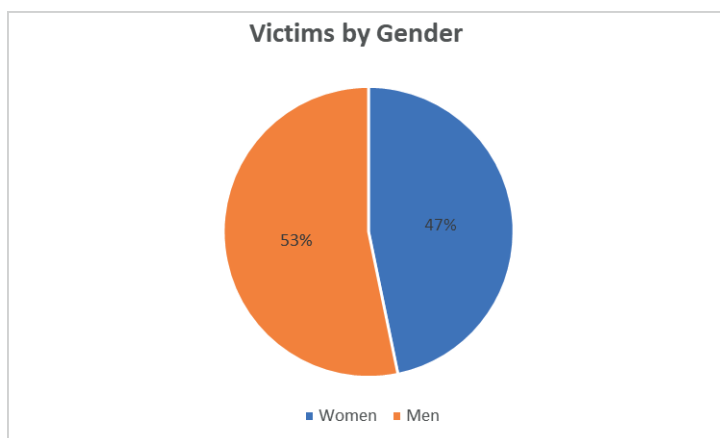


Chart 1 - Victims by gender

When considering the sample with the gender/women cross-section and analyzing the offended women, we can observe that 50% were listed in the official documents as black, 29% as mixed-race, and 16% as white, in 5% of cases there was no information about color and there was no indication of indigenous or Asian people (see Chart 2- Victims by color).

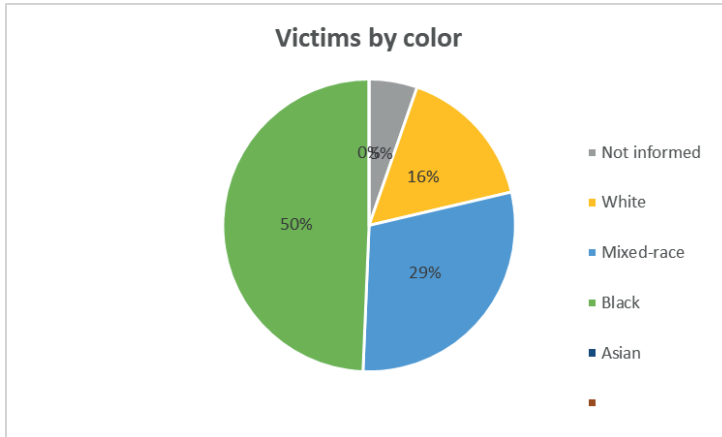


Chart 2 - Victims by color

With respect to the schooling level of the victims, 45% had complete secondary education, 28% had primary education, 10% had college education, 4% could be classified as non-literate and another 4% had not completed primary education. In 8% of cases, schooling information was not included and 1% had incomplete secondary education. (See Chart 3- Education of the victims).

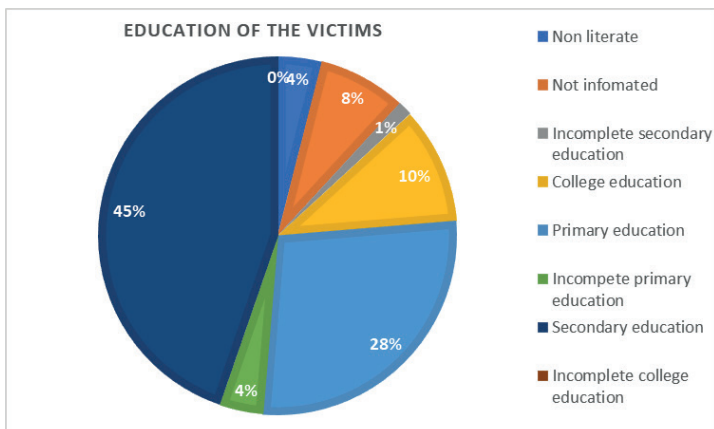


Chart 3 - Education of the victims

Regarding the age of the victims, most - or 41% - were between 21 and 30 years of age, 16% were between 31 and 40 years old and 16% were between 41 and 50 years old. That is, the greatest part of the sample was composed of women younger than 50 years. (See Chart 4- Age of the victims).

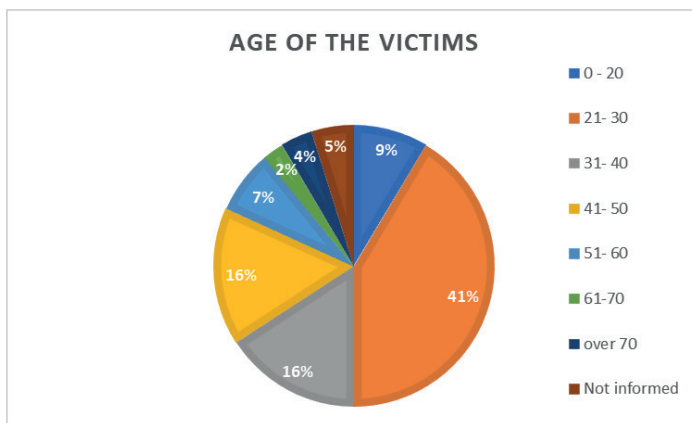


Chart 4 - Age of the victims

As can be seen, most aggressors (in the total sample) are women: 51% versus 49% men¹⁰. See Chart 5- The accused by gender.

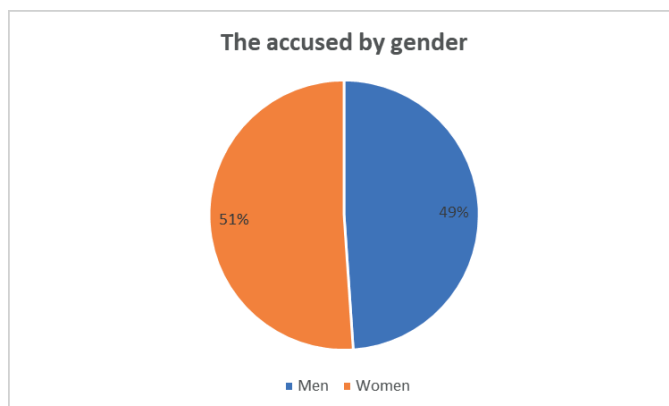


Chart 5 – The accused by gender

When the sample with the gender/women cross-section is assessed considering the color of the accused, 63% of them are observed to be white. 23% of the cases had no information about skin color, 11% of the sample corresponded to mixed-race women, 3% were black, and there was no indication of Asian and indigenous people in the sample. See Chart 6- The accused by color.

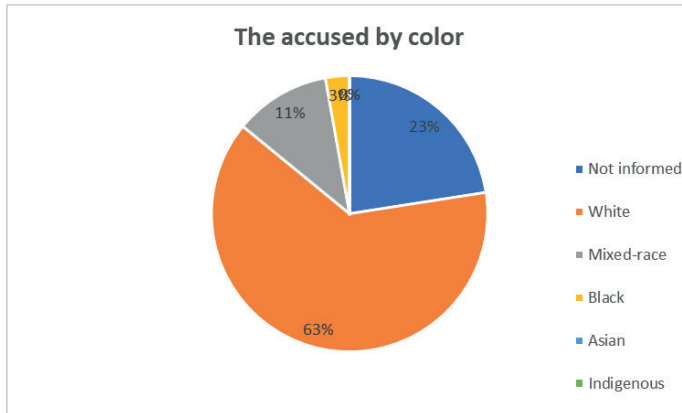


Chart 6 – The accused by color

With regard to schooling, there was no indication of the schooling of aggressors in 38% of the cases. On the other hand, 21% had college education, 19% secondary education, 8% primary education, 7% were illiterate, 4% had incomplete primary education, and 3% had incomplete secondary education, as can be seen in Chart 7- Education of the accused.

The provided data reveals that 40% of the sample corresponds to women with higher and secondary education. However, there were also people with no schooling or incomplete primary or secondary education in the group (19% of the women had these characteristics). See Chart 7 - Education of the accused.

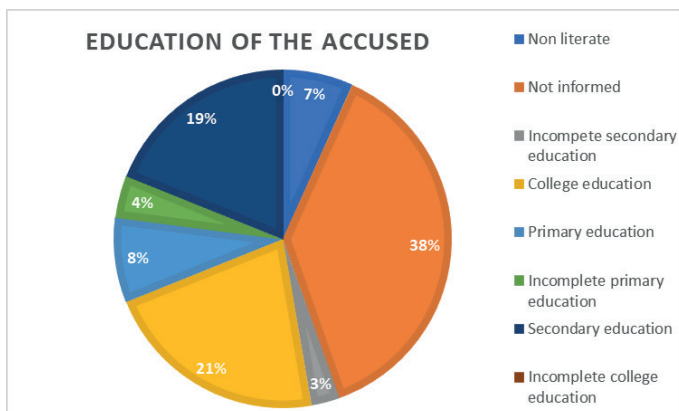


Chart 7 - Education of the accused

Considering the age of those accused, 28% of them are between 41 and 50 years of age, 22% are between 31 and 40 years, 15% between 21 and 30 years, 8% between 51 and 60 years, 4% between 0 to 20 years, 3% between 61 to 70 years, 3% are over 70 years and in 17% of cases there was no information about age in the documents under analysis. The profile of those accused is mostly made up of women from 31 to 50 years of age. See Chart 8- Age of the accused.

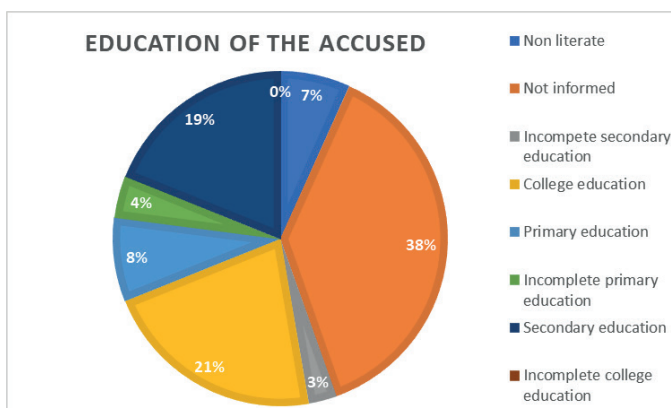


Chart 8 - Age of the accused

The professions listed in the documents of the judiciary follow the schooling level of the victims and the women accused, ranging from housekeepers and unemployed people to entrepreneurs, as shown in Tables 1 and 2 below.

PROFESSION OF THE VICTIMS
Health agent
General assistant
Retired
Artisan
Administrative assistant
Self employed
General service assistant
Clerk
Hairdresser
Cashier
Kitchen-maid
Seamstress
Housewife
Housekeeping
Packer
Nurse
Student
Telemarketing operator
Teacher
Receptionist and waitress
Secretary
Supervisor
Saleswoman

Table 1 - Profession of the victims

PROFESSION OF THE ACCUSED
Retired
Clerk
Administrative assistant
Accounting assistant
Class assistant
Cleaning assistant
Technical assistant in laboratory
Seamstress
Unemployed
Housewife
Domestic
Businesswoman
Student
Cashier
Teacher
Psychologist
Receptionist
Nursing technique
Saleswoman

Table 2 - Profession of the accused

The environment where the facts took place indicate that the offenses were made in a variety of locations associated with the life of any ordinary person. See Table 3 - Environment of the occurrences.

ENVIRONMENT OF THE OCCURRENCES
Pub
Buffet
Victim's house
Rented house from the accused
Cell phone
Condominium
School
Hospital
Phone calls
Store
Department store
Furniture store
Travel bus
Backyard
Residence
Super market
Public street

Table 3 - Environment of the occurrences

In the documents under analysis, the judiciary ruled that 62% of the cases should be closed and filed, in 19% of cases there was no information on how the cases were finalized, there was a conviction in 13% of cases and an acquittal in 6%. It is worth noting that the conviction in the cases under analysis consisted in the restriction of rights through the mandatory payment of a fine and basic food basket.

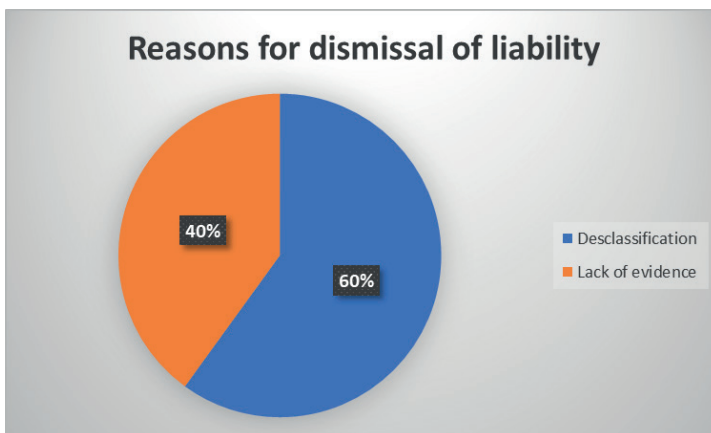


Chart 9 - Dismissal of liability

The reasons given for the filing and dismissal of the alleged facts were lack of evidence in 40% of cases, and in 60% of cases, because the authorities understood that the case had been presented as racism, when in fact they should be cases of slander (with lower offensive and punitive damages). See Charts 9 and 10. (For more details about the implications associated with these two types of behavior, see: Santos, 2015 and Matos, 2016).

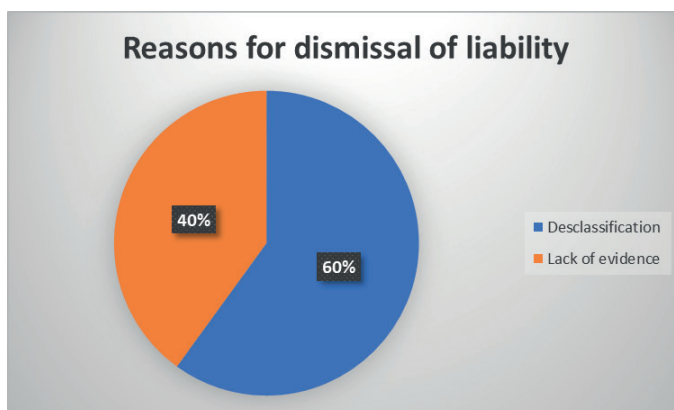


Chart 10 - Reasons for dismissal of liability

III - Analysis/Discussion

3.1- Challenges Associated with Understanding Race: Measurements, Multiple dimensions, Intersectionality, and Interdisciplinarity.

As laid out above, these cases comprise a sample of documents in the judiciary of São Paulo state. There was no punishment in the great majority of the cases that reached the justice system.

My goal in this article is not to discuss aspects of the judiciary, but to consider these documents and facts/evidence as a privileged sample to discuss phenomena related to social vulnerabilities and inequalities associated with race, in addition to considering a cross-section based on gender.

The first aspect that I would like to highlight is the difficulty in measuring race, a fundamental analytical category to understand modern societies. According to Quijano (2005), this category was molded throughout Modernity as part of the structuring of colonial economies through the exploitation of the labor of those who had been racialized and enslaved. The author points to the fact that Latin America had been constituted through a colonial and global power structure that had Europe as its center and locus of control and "race" as its primary social category. (QUIJANO, 2005). For him, ethnicity and racism were initially used for the colonization of America, but later the concepts were reproduced around the world.

With the end of the colonial period, the world was not completely decolonized. After the 19th century, there was a decolonization period through which the juridical-political independence of former colonies was secured. However, this process still needs to progress further in order to eliminate the multiple hierarchies that still exist associated with race, ethnic, gender, but also epistemological, cultural, and economic relations that remain intact. Since the inequalities and oppression associated with the racialization processes continue to exist, the use and the reflection on the category and the ways to conceptualize and measure race are still fundamental.

Nevertheless, we know race can no longer be considered as a fixed category. What the concept of race aims to describe, or what the category of race can help organize,

doesn't have the rigidity that was once assigned to it. There is a fluidity associated with race. Coupled with the dynamics in social relations in time, in history, in different regions, this means that the way the racialized groups are read varies from country to country and often within the same country and location, revealing new dynamics that are not captured by old designations. This means theories have to be built that allow us to consider the scope and complexity of this fluidity, evaluating the multiple dimensions of oppression, its limits and range.

Saperstein, Kizer & Penner state that race changes the life of individuals in various ways related to how the person identifies himself, but also related to how he is identified by others. This aspect has been widely addressed in the research on race and racism, especially when it focuses on public policies and laws. According to the authors: “although scholars generally agree that it is important to account for the multidimensionality of race, existing research provides little consensus on how researchers who are interested in capturing this complexity ought to do so”. (SAPERSTEIN, KIZER, & PENNER, 2016, p. 520).

The data on race are collected in order to monitor inequalities and discrimination. In the past, mostly data collected through direct observation was used (surveys, interviews, census data). More recently, self-identification is being used as a privileged form of measurement.

The adoption of self-identification arose in association with the assumption that the way people identify themselves would be similar to how they were perceived by others, but also associated to the fact that, in the political sphere, this was seen as a morally more acceptable form of identification, since it was one defined by the person himself/herself instead of an identification made by others.

Saperstein, Kizer & Penner disagree with this assumption, however. Self-identification would be just one more way of measuring, defining race. To cover a larger spectrum of possibilities, the authors demonstrated a method that combined multiple identification measures: skin color (and appearance), self-identification, racial classification made by the interviewer and reflected appraisal (or how people think they are perceived by others).

Self-identifications can indicate a sense of belonging to a group with shared history and experiences. Skin tone describes one aspect of a person's physical appearance, while racial classifications made by others reflect the sum of many racially marked features, and reflected appraisals represent how a person thinks they are seen" (SAPERSTEIN, KIZER, & PENNER, 2016, p. 521).

By considering these questions in their investigations, the researchers are observing several aspects that make up the complexity of not only the constructed inequalities in societies following the legacies of the period of colonization, but also the depth associated with the identification processes and the construction of social identities.

When discussing social identities, Alcoff (2006) also underlines how complex these identities are, since they carry aspects related to lived subjectivity (who we understand we are, how we experience ourselves and the scope of the reflection and activities that may be included under our agency) and public identity (which is our self-I as comprehended within a system of perceptions, classifications and networks of the communities in which we live).

Although the authors refer to the United States, I do not think it is inappropriate to use these parameters to reflect on the Brazilian reality to the extent that their observations are geared to the fact that the use of a single form of measuring and discussing race is insufficient for the understanding of the entire racialization process and the inequalities arising from it.

This process corresponds to aspects related to subjectivity, the political-cultural-economic structure and/or material aspects and objectives. As such, intersectionality can also be seen as one of the important dimensions for the construction of methods to measure race.

Discussions on intersectionality have been increasingly frequent in the field of social sciences.

Collins (1989) states that intersectionality is a way to understand and analyze more generally the complexity that occurs in the world, in the life of people and in human experiences. According to the author, our lives are shaped by multiple factors and the different ways through which they mutually influence themselves. Race,

gender and class would be axis of social division that operate together and influence one another.

It is in this sense that Crenshaw (2002) states using a single axis to analyze social phenomena erases black women from the conceptualization, identification and remediation of racial and sexual discrimination, limiting the research to the experiences of privileged members of the different social groups. Without considering the modes through which oppressive structures affect black women because they are simultaneously woman and black, all proposed solutions to remedy, correct or eliminate the effects of racism in societies will reach only black men.

Still contemplating the intersectional issues, it should be noted that the question of class also points to another axis, which, if ignored, will prevent a proper understanding of the factors that overlap in the production of the vulnerability of black women.

Davis (2016) emphasizes the importance of including the axis of race, class and gender in order to understand how much of the struggles for justice waged from the end of the 19th century until the 20th century, dismissed the place occupied by black women in the social and economic order. As such, it was possible to fight for the emancipation of women and the right to vote while keeping intact the structures of slavery and failing to recognize the rights of black men and women, for example. For the author, the capitalist economic system consolidates itself around a simultaneous appeal to racism and sexism.

In the sample under analysis here, the gender variable is controlled to verify the change (or lack of there of) in other aspects that can be measured and can be intersectional.

As can be seen, the victims are mostly black women (50%), and their level of schooling is secondary education (45%). And 10% of these women had college education. The prevalent age range is 21 to 30 years, i.e., young women.

Among those accused, the age range is observed to be 31 to 50 years for mostly white women, 21% with higher education and 19% with secondary education.

However, there are illiterate women and women with only a primary education in both groups.

When considering the professions of both groups, one can see that there is no wide disparity in the types of occupations found in the documents. It does not seem

unreasonable to infer, therefore, that there are no large differences in the income levels of the women in the sample under study, which would justify the assertion that we are not dealing with people of different social classes.

Evaluating the qualitative content of the cases, it is possible to highlight that they occurred in environments that would confirm this assertion, since in many cases, the victim and accused were neighbors or acquaintances. In other cases, they worked in the same place in similar functions. In others, they were involved in the provision of service to the accused or seeking employment in places where they met the accused. (See Table 3 - Environment of the occurrences). This aspect is essential to understand one of the dimensions that should be observed when it comes to the racial question: the production of hierarchies.

Racial discrimination aims to establish hierarchies, dehumanize and inform about the power one has within a certain social structure. In this sense, even when the social structures point to the horizontality associated with belonging to the same class, or with belonging to the same gender, the discrimination because of color and race introduces a mark that differentiates and introduces a form of inequality.

This factor can be observed in this sample. Black women were offended by white women from the same social class and schooling level. That is, the absence of barriers associated with class did not prevent the existence of oppression based on race and skin color.

Another element that merits attention is the offense within the group of black women themselves (subdivided between black and mixed-race). Although fewer in number, there were also mixed-race women (11% of the sample) and black women (3% of the sample) among the accused who offended other black or mixed-race women. Although his number is negligible if compared to the percentage of accused white women, I don't think it should be ignored, since it allows us to understand the oppression that occurs within groups of vulnerable people (i.e., the group's internal oppression).

In the case of black women, the discriminatory offenses occurred mostly in kinship relations or among people who knew each other. Studies on the topic show how family environments and those of relationships between people who know each other can

also be spaces riddled with violence and oppression. (DEEKE, BOING, OLIVEIRA, & COELHO, 2009; FROSH, 2011).

However, there were also cases within this group that are not included in the profile of violence that occurs within families. The most relevant examples involve the case of a black teacher offended by a mixed-race mother within a school; and the case of a black condominium manager offended by a mixed-race resident of the condominium.

What stands out is that even among black people, offenses have the same objective of establishing a hierarchical order that may have been altered by the circumstances of everyday life. The black teacher was called "shameless bitch, monkey" ("*safada, sem vergonha, macaca*"). The same happened to the condominium manager who gave a fine to the resident and who was called "stinking nigger, beetle, *baianinha*" ("*negra fedida, besouro, baianinha*"). Both offenders repeated the same adjectives used by white women in other cases discussed here.

Different readings can be made of the phenomenon of internal group oppression: an introjection of the values of the oppressors, alienation, a lack of awareness of belonging to the same vulnerable group, among others. In no event should the reproduction of the values of oppression be confused with their production/creation, blaming the vulnerable groups for the violence that affects them. It should be clear that the structures of oppression have deep roots in the socio-cultural, political and economic system, as I will discuss below. However, the data also reveal we cannot ignore that, besides the racial or class question, there is another essential element for the understanding of social inequalities: skin color.

People who self-identify as black, but who have lighter skin tones, may have access to more opportunities than people with darker skin tones. Color matters and generates inequality among those who are already subject to other forms of hierarchy and subordination. It's no wonder that the discourse on color itself is immersed in uncertainty, depending on the place and the person one speaks to. (SCHUCMAN, 2017 and TELLES, 2014).

Social mobility is linked to what Telles refers to as a palette of colors, where one can see that those with light skin tones are on top, those with dark skin tones are

at the bottom, and the mixed-race find themselves in the middle depending on how close they are to either extreme (TELLES, 2014). Santos, 2012, also observed the same phenomenon when analyzing self-belonging among students who enrolled in public universities through the system of quotas for black people. It is therefore not surprising that black women - especially those living outside urban centers - are among the most vulnerable, socially and economically; and even when one considers aggressions on race and color, they are also among those who are most frequently attacked by both white and mixed-race people.

The analysis of data shows how these aspects are relevant for a proper understanding of the multidimensions of oppression. As can be seen, these women were oppressed for being women (since the offenses raised elements associated with the disqualification of their gender), for being black (racial slurs), for having a dark skin tone (since the discriminations were made by white and mixed-race women against black women), for being poor, and in some cases for their age and for their place of origin. Several intersectional factors overlap.

Considering, furthermore, the data about offenses and attacks distributed between men and women (Chart 5), one can see that there was a slightly higher record of reports filed against white women (51%) than against white men (49%). Another factor I would like to highlight (Chart 1) is that men appear more among the victims of aggression (53%) than women (47%), which may indicate that men could have more disposition or conditions to file reports of violence associated with color and race than women, yet another aspect of the vulnerability within this same social group.

3.2- Horizon of Interpretation and Locus of Enunciation

Epistemology - the science dedicated to the study and reflection on the process of knowledge - is another aspect I believe should be entered on the agenda of discussions and research on the topic of race and racism. Epistemology is one of the classic areas of philosophy or philosophical thought, but it can also be put as a way to question philosophy itself.

In post-colonial studies, it is said that modern epistemology has resulted in the construction of the idea that there is a center of observation of the world that is neutral, not associated with ethnic groups or cultures, universal and non-localized. A point to start from zero in which one could observe the world without being seen, on the assumption that the observer is not part of what is observed and not accountable to anyone, not even to himself, regarding the legitimacy of his observation. To discuss this aspect, authors have introduced a new idea that allows us to understand how the knowledge produced in the First and Second Modernity became synonymous to what they themselves invented as objectivity, the scientific standard and universality.

Castro Gómez (2005) argues that this construction can be found in different moments of western philosophy, for example, when the philosopher Descartes establishes in his *Meditations on First Philosophy* that the sure path to knowledge resides in the suspension of all opinions of everyday life in order to find a solid point from which it is possible to construct the building of knowledge. Castro Gómez defines this process as "hubris of zero point".

Este punto absoluto de partida, en donde el observador hace tabula rasa de todos los conocimientos aprendidos previamente, es lo que en este trabajo llamaremos la *hybris del punto cero*". Comenzar todo de nuevo significa tener el poder de nombrar por primera vez el mundo; de trazar fronteras para establecer cuáles conocimientos son legítimos y cuáles son ilegítimos, definiendo además cuáles comportamientos son normales y cuáles patológicos. Por ello, el punto cero es el del comienzo epistemológico absoluto, pero también el del control económico y social sobre el mundo. Ubicarse en el punto cero equivale a tener el poder de instituir, de representar, de construir una visión sobre el mundo social y natural reconocida como legítima y avalada por el Estado. Se trata de una representación en la que los "varones ilustrados" se definen a sí mismos como observadores neutrales e imparciales de la realidad. (CASTRO GOMEZ, 2005, p. 28)

The author translates this claim as something inherent of the Enlightenment/Modern scientists and philosophers, who believed they could place themselves in a

neutral point of observation from which they could observe everything without being seen, a place where no point of view was acquired.

Con ello me refiero al imaginario según el cual, un observador del mundo social puede colocarse en una plataforma neutra de observación que, a su vez, no puede ser observada desde ningún punto. Nuestro hipotético observador estaría en la capacidad de adoptar una mirada soberana sobre el mundo, cuyo poder radicaría precisamente en que no puede ser observada ni representada. Los habitantes del punto cero (científicos y filósofos ilustrados) están convencidos de que pueden adquirir un punto de vista sobre el cual no es posible adoptar ningún punto de vista. Esta pretensión, que recuerda la imagen teológica del *Deus absconditus* (que observa sin ser observado), pero también del panóptico foucaultiano, ejemplifica con claridad la *hybris* del pensamiento ilustrado. (CASTRO GOMEZ, 2005, p. 28).

I believe a certain contempt for what is visible is part of the desire to see without being seen. A contempt for the body and for embodiment. A contempt for the fact that bodies are unavoidably localized and contextualized entities. A desire to actually be able to achieve a form of knowledge that can exist in the world of essences, ethereal and timeless.

It is in this sense that Alcoff (2006) states that western philosophy continues to operate with a kind of schizophrenia with regard to the philosophical significance of the body. That also asks for the creation of a new epistemology. (ALCOFF, 2016).

The author states that:

Epistemology's normative function concerns not just the question of how knowledges are produced, who is authorized, how presumptive credibility is distributed, and how the objects of inquiry are delimited. More than this, it concerns how knowledge should be produced, who should be authorized, how presumptive credibility should be distributed, and how we might even gain some politically reflexive purchase on the delimitations of ontology. (ALCOFF, 2016, p. 133)

This way, epistemology is linked to the power to talk to the world and oneself, and to the power to have one's discourse legitimized or totally disqualified.

Throughout history, and in philosophy, people differentiated because of their race, color, gender (or because of visible marks on their bodies), were not considered authorized

to produce knowledge or had the knowledge produced by them discredited because they would not possess the philosophical skills and belonged to a lower epistemic *status*.

Alcoff discusses how in the thought of philosophers like Hume, Kant, Aristotle, Stuart Mill, just to name a few, race and gender would be fundamental in defining the inability of women and blacks to produce culture, knowledge, civilization. (ALCOFF, 2006. See also Santos, 2002a). This tradition, which dates back to Plato, sees the body as a source of error and reason as part of the world of essences, the negation of the tangible and the only source of knowledge.

Western philosophy continues largely to operate with a kind of schizophrenia in regard to the philosophical ability, and philosophers such as Hume, Kant, Aristotle, and even John Stuart Mill were unabashed about this, claiming that dark skin was a sign of an inferior intellect (Hume and Kant), that all women have by their nature an intellect different in kind and inferior to men's (Hume, Kant, Aristotle), and that nonwhite societies are incapable of self-government (Mill). Thus bodies mattered enormously to mental capacity. (ALCOFF, 2006, p.103)

The image of the philosopher par excellence is a man, a male body, but at the same time a being who denies what is corporeal. It is a reason without a body, this reason that dominates senses, passions and emotions, as Odysseus did in the narrative about how the figure who embodies instrumental rationality dominated his own nature and flesh to overcome the singing and the enchantment of sirens.

The philosophical schizophrenia resides in the fact that, in some moments, the body is considered fundamental to classify people as having no law, no king, no faith incapable, therefore, of producing a civilization (SANTOS, 2002). While in other moments, philosophers - those considered as the holders of thinking skills, objectivity, rationality, neutrality - are considered as fully capable of extrapolating their bodily experiences, being qualified to make universal and transcendental claims on the nature of human experience, as if their own experiences were not marked and limited by their bodies. In the first case, the body matters and is a limiting factor. In the second case, for the philosophers, bodies don't matter and do not obstruct reason. As such, we now have those who are prisoners of their embodiment (blacks, women, the uncivilized) and those who transcend it (philosophers, Europeans, the civilized).

In opposition to the argument of contempt for the body, Alcoff stresses that there is a wealth of implicit or tacit knowledge transported in the body that cannot be neglected. When she discusses what race and gender are, she says they are types of entities whose meaning cannot be built without resorting to what is visible. Race and gender inevitably operate through their corporeal marks, they do not transcend their physical manifestations because they are their physical manifestations.

It is the insertion of the knower in the world with his/her objective concerns that reveals the world to him, to her, to us. The author therefore argues that reason is localized. Reason exists for us only in concrete historical terms. The process of understanding something is achieved through personal experiences to provide meaning to things. This way, social identities (how each one sees and is seen, how the social structures localize each social group and each individual) matter in the knowledge process. However, the author draws attention to the fact that social identities are dynamic.

identities are not lived as a discrete and stable set of interests with determinate political implications, but as a site in which one has ties to historical communities and events and from which one engages in the process of meaning making and thus from which one is open to the world. To the extent that identities involve meaning making, there will always be alternative interpretations of the meanings associated with identity. (ALCOFF, 2016, p.140)

It is therefore essential to talk about the limits each one has to understand the world based on the place they occupy, and about the importance of validating different perspectives on the same phenomena in order to produce more knowledge about them. This implies understanding that our perception of the world (and our understanding that stems from how our body perceive the world) involves the experiences lived by our bodies, how we perceive our body, how our body is understood and perceived by others, how the body is contextualized within society. Each of these processes will define what kind of world each individual inhabits: if you live in a hospitable, friendly, critical world or in a skeptical, uncomfortable or cold world.

This statement has consequences, however. If I say that there is a black standpoint, or a women standpoint, wouldn't I also be consenting to the possibility to say that this

discourse is also racist? For is racism not exactly the definition that there is power and powerlessness associated to color and race? And is sexism not exactly the definition that there is power and powerlessness associated to gender? Aren't these ideologies grounded in the power and powerlessness of some bodies whose qualities are essentialized, generalized? Didn't I just say that reason is situated, located, contextualized? If each body and each race or gender has a standpoint or location, wouldn't this be roughly tantamount to saying that it would be impossible to find the truth about what things really are, with the existence of only individual interpretations buoyed by the experiences of each one?

This is a classic and old debate in philosophy that I do not intend to further here. However, for the purposes of this analysis, it is important to highlight some aspects that can assist in conducting research in the area of race relations, race and racism. It is important that the different perspectives on the same phenomena are considered without primacy being given to the science built by some at the expense of the science and observations made by others. This means ensuring a greater diversity of validation criteria of scientific research in order to exclude the idea of a supposed scientific neutrality, which can work to hide the privileges associated with the adoption of hegemonic perspectives at the expense of perspectives linked to southern epistemologies, for example, or to perspectives built by vulnerable social groups. The goal, therefore, is not to criticize the quest for truth, for impartiality, for the best science, for investigative rigor, but to ensure that the search is effectively carried out without being confused with the automatic assumption of the Eurocentric perspective as universal, neutral, correct, valid and true for all peoples without distinction.

As such, the epistemological considerations in studies seeking to discuss complex phenomena should start from a concern with ensuring the multiple perspectives on the phenomena to be investigated, taking into account that the place of the observer, of the researcher, of the interpreter, is marked by experiences and by social location, by time and by history. However, the act of locating or contextualizing discourses does not authorize any researcher to assert that one location points to the immediate truth about the phenomena one is evaluating. However, without considering this aspect (the speaker's location or standpoint), you can certainly not provide in-depth and strict knowledge about

the complexity of the facts under study. Informing and considering the speaker's location is an essential part of the knowledge production process, but this part cannot be taken for the whole.

I think that there are many differences between this statement and the consideration that each race or gender or sex develops specific modes of thinking because of their nature or essence, an idea I reject and condemn.

It is worth remembering the meaning Winant (2000) gives to race. Race is an organizing principle not only at the level of society/economy (macro), but also in the individual sphere (micro), shaping identities of individuals and affecting all areas of social life. (WINANT, 2000). Race means and symbolizes conflict and social interests, referring to different types of human bodies. When you ask someone what his/her race is, you are actually asking what his/her place is within that system. (WINANT, 2000; OMI & WINANT, 2015).

Asking about someone's gender or sex is also asking what place people occupy in the system. Asking about race and gender is also inquiring about the experiences that allow you to understand the world in which you are inserted.

In this sense, it is no surprise that the cases evaluated in this sample are not understood in the same way by the offended, mostly black women, and by representatives of the judiciary, who are mostly white men, as has been well established (BRAZIL, 2014). One side denounces the offense, discrimination and violence they live through and the other disqualifies and dismisses the cases raising these complaints. See Chart 9 and 10.

3.3 - Racial Projects

Throughout the text, I presented elements showing that race can be measured in different ways. But I have not offered my understanding of what race is. I subscribe to the position taken by Omi and Winant (2015) and, for me, race is also a concept that means and symbolizes conflict and social interests, referring to different types of human bodies.

Although the concept of race apparently refers to human characteristics that seem to be based on biology (the so-called phenotypes), the selection of particular human characteristics for the purposes of racial signification is always and necessarily a social

and historical process, as Omi and Winant (2015) claim. By pointing out this aspect, the authors not only inform that race is a social and historic construct, but also indicate that the meaning given to race at any given time is related to competing racial projects. To put it another way, the category race only becomes meaningful if the competing racial conflicts in each society are read and understood.

The idea of the existence of racial projects is fundamental to understand the dynamics of racialization and of the construction (or not) of public policies, laws, and to understand the action of social movements themselves. Racial projects literally organize the state (FEAGIN & ELIJAH, 2013).

Omi and Winant (2015) present the theory of racial formation in which the racial projects gain and provide meaning to the social, individual and cultural experiences of all human beings.

The authors state that racial projects operate as connections between structures and meanings, between what is ideological and what is practical, offering meanings to the day-to-day experiences of each individual through socially-determined racial lines.

A racial project is simultaneously an interpretation, representation, or explanation of racial identities and meanings, and an effort to organize and distribute resources (economic, political, cultural) along particular racial lines. Racial projects connect what race means in a particular discursive or ideological practice and the ways in which both social structures and everyday experiences are racially organized, based upon that meaning. Racial projects are attempts both to shape the ways in which social structures are racially signified and the ways that racial meanings are embedded in social structures. (OMI & WINANT, 2015, p. 125).

Racial projects can be seen in various levels of social relations, which according to the authors refer to such macro levels as public policies, state policies and actions, collective actions, but also to the levels of personal relationships and everyday life. “Both dominant and subordinate groups and individual actors, both institutions and persons, carry out racial projects”. (OMI & WINANT, 2015, p. 125).

Omi and Winant (2015) illustrate how the racial projects connect ideologies and practices. The examples obviously bring situations of the USA, such as restrictions on the right to vote, the way the state organizes the rights to work of immigrant populations,

the rights of imprisoned people, the access to health care from members of minority communities in socially vulnerable situations. These would be policies that translate the racial projects taken on by the State, providing meanings regarding how race is conceived, the existing racial lines and what is meant to be distributed (or not) in accordance with these racial lines.

However, the authors also give examples illustrating actions of individuals through which they present their individual racial projects, such as: a police officer who decides to stop and frisk a young black pedestrian, a resident of the periphery, or a student who adheres to a protest against the death of young black men or even the decision to use lock hairstyle. For Omi and Winant (2015), these racial projects should not be analyzed as if they were autonomous; they are part of a general system and at the same time they are reflections of this system and ways to challenge it.

The way the authors discuss racial formation and racial projects is very similar to the discussion proposed by the authors of decolonization studies regarding the fact that we are held hostage by the legacy and reproduction of structures that were created with a focus on maintaining the ruling hierarchies of the colonial capitalist world system. (QUIJANO, 2005). However, at the same time that these structures are reproduced in the material, objective and subjective levels of life, it is necessary to create counter-hegemonic narratives and actions that challenge them. So while the different racial projects inform about the prevalence of the racial lines that are part of this domination structure, they can also inform how these racial lines can be thwarted and these structures of domination based on racialization can be transformed.

Several racial projects can be seen in the collected sample. There is a racial project associated with the anti-racism law demanded by women who resorted to the judiciary. These women were looking for justice and recognition of the violation of their rights. By addressing the justice system, they also recognize their belief that the state could solve a social conflict, the violation of the law, restoring balance by punishing the violators.

The way the cases were handled by the judiciary, on the other hand, highlights another racial project, since the understanding about the assumed race disregards the fluidity and the competition of meanings linked to this category and to the social

phenomena that it labels. Racial fluidity is not taken into account (SANTOS, 2018; SAPERSTEIN & PENNER, 2012, ALCOFF, 2006), and the multiple dimensions that such phenomena have are also not considered. According to the sample discussed in this article, the racial project taken on by the judicial system would mean there was no racial discrimination or any violation of these women's rights on the grounds of race, gender or color since most cases were dismissed and filed without responding to the demands of the women who resorted to the judiciary.

This small sample reveals the tensions between different racial projects and, more than that, it shows how the distribution of justice passes through lines of color, race, gender, class, place of origin, in the justice system. But it also tells us about other racial projects associated with the way the anti-racism law itself was created based on the fixing of an element seized from the social context for which it provides remedies and solutions. In the specific case of the anti-racism law discussed here, the link is made with a rigid conception of what race is, without considering its multiple dimensions, fluidity and intersections, as laid out above.

The analysis of this sample also reveals the existence of a racial project that identifies blacks and mixed-race people as belonging to the same social group (blacks) as if there were no form of oppression linked to different shades of skin tone and appearance.

The debates on the Brazilian national identity suggest that this chapter of the Brazilian social imagination, associated with the appreciation of lighter skin tones and whiter phenotypes, is yet to be closed. (S. COSTA, 2001; A. E. DA COSTA, 2016; SCHUCMAN & FACHIM, 2017; TELLES, 2014).

Finally, I believe that there is still another racial project that reveals all the perversity of the multidimensional forms of oppression associated with racialization and gender oppression. In this sample, there were numerous cases where the offenses occurred between people who knew each other and, in some cases, they were involved in kinship, neighborhood relations. In these cases, one can see that the racial project taken on by the women who committed the offenses was to establish a hierarchy or differentiation where this would otherwise not exist (due to other forms of proximity). This exposes the bowels of the denial of the right to social esteem for black people (the right to social esteem,

according to Honneth, 2003, 2007). This denial is experienced in different ways in the daily life of these individuals, from their more intimate relations of love and affection to the less intimate, but necessary spheres of social life.

The use of the theories developed by Honneth (2003, 2007) are therefore essential to understand this aspect related to how violence and the denial of recognition are articulated (SANTOS, 2012).

By demonstrating his theory of recognition, Honneth obviously doesn't adhere to the decolonial debate, nor could he because he writes from other locations. He's deeply entwined with European thought, which is criticized by the postcolonial authors quoted throughout article, among others. However, the discussion about the denial of recognition of black subjects also appears in Fanon, (2003), a classic author of postcolonial studies, of anti-colonial struggles and racial studies.

Fanon (2003) demonstrates the violence afflicting black people, the deprivation of rights, the violence against body and soul, the lack of self-esteem in a world that denies them esteem and social solidarity. In Honneth (2003, 2007), we find a detailed discussion of this phenomenon of denial of recognition. The author describes the transformations that occur in societies (and in history) based on the struggles for recognition that are fought in the name of justice by those who suffered through recurrent experiences of disrespect and humiliation.

In short, Honneth discusses three stages of recognition, so that every denial of a right matches a demand for recognition which will result in the development of a phase of moral conscience for each individual. The first negation is felt through physical humiliation, preventing the development of bodily confidence. Here, recognition occurs when you conquer the right to self-confidence. The second denial is felt through the denial of rights and through social exclusion. Recognition occurs when you conquer legal recognition and self-respect, becoming able to share the attributes of a morally-responsible actor in the community. (HONNETH, 2007). The third denial would be the depreciation of the social value of the ways individuals self-actualize, preventing them from obtaining social esteem based on the fulfillment of the skills they acquired throughout their lives. Recognition would imply the sense of self-esteem acquired when

individuals feel a solidary acceptance of their skills and life style.

Saillant (2016) discusses this aspect. Social esteem is linked to self-esteem at the same time that it is associated with solidarity. Social esteem indicates normative standards through which the assumed life styles of individuals and communities can be accepted and appreciated by enabling the struggles for emancipation and reparations. (SAILLANT, 2016).

In societies structured by colonization, slavery and racism, black people get no esteem. Negative meanings are attached to these bodies to be exploited and differentiated by color, by race. The structures and the different racial projects operating in favor of the unequal distribution of goods and resources are meant to demarcate spaces, places, distances and to deny recognition. The struggles for recognition are fought to promote the creation of new modes of appreciation (new ethics, new morals, and new policies) that give new meaning to what today we call as blacks, as race. New projects, new concepts, new ideas, new epistemologies.

Conclusion

Throughout this article, I discussed some of the challenges arising in the current research on race. Based on the control of the variable "gender", some of the dimensions associated with race and the processes of racialization could be perceived. I discussed the fact that studies in the field of so-called racial studies could be more precise by considering aspects that allow the scientific community to understand its multiple dimensions. I pointed out some of these aspects by considering the question of intersectionality, the measurement of race, the construction of identities, the horizon of interpretation of phenomena, different racial projects and, at the same time, I pointed out (even if subtly) the fact that a single theoretical framework is not able to provide enough concepts and categories to reflect on all these aspects.

I made use of discussions associated with post-colonial and decolonial studies, the theory of recognition, ethics and theories of justice, racial studies, studies on the Brazilian national identity, the theory of knowledge and epistemology, among other aspects. This points to the need of breaking with some of the epistemological barriers created in

Modernity in order to understand the multidimensional and intersectional phenomena. Theories provide contours of the reading of the phenomena by researchers to the reading of the phenomena by researchers. However, when dealing with complex facts, we need to take into account not only theories and methods, but also the contexts and perspectives assumed for the reading of these facts. It is crucial to check if perspectives and *loci* of enunciation are not being silenced, if trends and ideologies are being stressed at the expense of others who bring forth the discourse of those who are socially vulnerable. And it is essential to ensure the diversity present in interdisciplinarity so that there are conditions to explore different readings. That is, interdisciplinary and multidisciplinary studies are essential to the understanding of multidimensional phenomena.

Starting from the sample of cases that intersect discriminations by race, gender, color and class, I discussed the importance that studies focusing on this theme should consider and make explicit the starting points on which the research will be built so that it is possible to know the contours within which it will take place.

Impartiality is a target in investigations for the construction of knowledge that offer interpretations about the world that go beyond an introspective dialog of the I with itself. But one should understand that any perspective on the world is anchored to the body and to what one knows of the mind through it, and to what you can learn through it. Bodies are contextualized in societies with histories, with cultures, with conflicts.

This is not about defending the exclusively political meaning of the so-called speaker's social location as something that limits the right of others to research whatever they want to investigate. It is also not about ensuring that the truth is immanent to the body who speaks it. On the contrary, it is about explaining how we know the world and the impact of this knowledge process within societies structured through the economic exploitation of bodies marked by color, race and gender.

As researchers in the fields of social and legal sciences, we need to invest in discussions and studies addressing these issues so that we can deepen our understanding of the complex phenomena associated with them.

References

ALCOFF, L. Uma epistemologia para a próxima revolução. *Revista Sociedade e Estado*, 31, 2016. <https://doi.org/10.1590/S0102-69922016000100007>

ALCOFF, L. *Visible identities. Race, gender and self*. New York: Oxford University Press, 2006.

AXT, G. Perspectiva Interdisciplinar na Gestão dos Arquivos Judiciais no Brasil. *Cadernos de Memória e Patrimônio*. Cadernos de Memória e Patrimônio. Ano 1, n.1 (1. sem. 2016). Pelotas: Universidade Federal de Pelotas. Instituto de Ciências Humanas. Programa de Pós-Graduação em Memória Social e Patrimônio Cultural, 2016, p.102-131.

BRASIL. Conselho Nacional de Justiça. Censo do Poder Judiciário. *VIDE. Valores iniciais e dados estatísticos*. Conselho Nacional de Justiça. Brasília: CNJ, 2014.

CASTRO-GÓMEZ, Santiago, *La hybris del punto cero: ciencia, raza e ilustración en la Nueva Granada (1750-1816)*, 1a ed. -- Bogotá : Editorial Pontificia Universidad Javeriana, 2005.

COLLINS, P. H. The Social Construction of Black Feminist Thought. *Signs*, 14, 745–773, 1989. <https://doi.org/10.2307/3174683>

COSTA, S. A mestiçagem e seus contrários: etnicidade e nacionalidade no Brasil contemporâneo. *Tempo Social; Revista de Sociologia*, 13, 143–158, 2001. Retrieved from <http://www.scielo.br/pdf/ts/v13n1/v13n1a10.pdf>

CRENSHAW, K. Documento para o encontro de especialista em aspectos da discriminação racial relativos ao gênero. *Estudos feministas*. (vol. 171), 2002. Retrieved from <http://www.scielo.br/pdf/ref/v10n1/11636.pdf>

CRENSHAW, K. Article Twenty Years of Critical Race Theory: Looking Back To Move Forward. *Connecticut Law Review*. (vol. 43), 2012. Retrieved from <http://shain003.grads.digitalodu.com/blog/wp-content/uploads/2014/09/Twenty-Years-of-Critical-Race-Theory-Looking-Back-to-Move-Forward.pdf>

DA COSTA, A. E. Confounding Anti-racism: Mixture, Racial Democracy, and Post-racial Politics in Brazil. *Critical Sociology*, 42(4–5), 2016. <https://doi.org/10.1177/0896920513508663>

DAVIS, A. *Mulheres, raça e classe*. São Paulo: Boitempo, 2016

DEEKE, L. P., BOING, A. F., OLIVEIRA, W. F. de, & COELHO, E. B. S. A dinâmica da violência doméstica: uma análise a partir dos discursos da mulher agredida e de seu parceiro. *Saúde e Sociedade*, 18(2), 248–258, 2009. <https://doi.org/10.1590/S0104-12902009000200008>

FANON, F. *Pele Negra. Máscaras Brancas*. Rio da Janeiro: Fator, 1983.

FEAGIN, J., & ELIAS, S. Rethinking racial formation theory: a systemic racism critique. *Ethnic and Racial Studies*, 36(6), 931–960, 2013. <https://doi.org/10.1080/01419870.2012.669839>

- FROSH, Stephen. The relational ethics of conflict and identity. *Psychoanalysis, Culture & Society*, 16, 225-243, 2011. <http://dx.doi.org/10.1057/pcs.2010.31>
- HONNETH, A. *Luta por reconhecimento*. São Paulo: Editora 34, 2003.
- HONNETH, A. *Sofrimento de indeterminação*. São Paulo: Esfera Pública, 2007.
- KESLER, C. & SCHWARTZMAN, L.F. From Multi-Racial Subjects to Multi-Cultural Citizens: Social Stratification and Ethnoracial Classification among Children of Immigrants in the United Kingdom. *International Migration Review*, Volume 49, Issue 3, pages 790–836, 2015. <https://doi.org/10.1111/imre.12101>
- MATOS, Camila Tavares de Moura Brasil. *A percepção da injúria racial e racismo entre os operadores do Direito*. 200 f. Dissertação (Mestrado em Direitos Humanos) - Programa de Pós Graduação em Direitos Humanos, Universidade de São Paulo, São Paulo, 2016.
- QUIJANO, A Dom Quixote e os moinhos de vento na América Latina. *Estudos Avançados*, 19(55), 9–31, 2005. <https://doi.org/10.1590/S0103-40142005000300002>
- OMI, M. & WINANT, H. *Racial formation in the United States*. 3a ed. New York: Routledge, 2015
- SAILLANT, F. Recognition and Reparations. *Interfaces Brasil/Canadá*, 16(2), 27–53, 2016 <https://doi.org/10.15210/Interfaces.v16I2.7508>
- SANTOS, G. A. dos. Nem crime, nem castigo: o racismo na percepção do judiciário e das vítimas de atos de discriminação. *Revista Do Instituto de Estudos Brasileiros*, 2015 <https://doi.org/10.11606/issn.2316-901X.v0i62p184-207>
- SANTOS, G. A. dos. La Fluidéz de la raza. *Revista Todavía. Pensamiento y Cultura En América Latina*, 51–57, 2018. Retrieved from https://issuu.com/fundacionosde/docs/todavia39_issuu/52
- SANTOS, G.A. *Reconhecimento, utopia, distopia*. São Paulo: Annablume/FAPESP, 2012.
- SANTOS, G. A. dos, NOGUTI, H. H., & MATOS, C. T. M. B. Racismo ou não? A percepção de estudiosos do direito sobre casos com conteúdos racistas. *Revista de Estudos Empíricos Em Direito*, 1(2), 2014. <https://doi.org/10.19092/reed.v1i2.35>
- SANTOS, G.A. *A invenção do ser negro*. São Paulo-Rio de Janeiro: EDUC/PALLAS/FAPESP, 2002a.
- SANTOS, G.A. Selvagens, exóticos, demoníacos: ideias e imagens sobre uma gente de cor preta. *Estudos Afro-Asiáticos*, 24(2), 2002, p.275-289. <https://dx.doi.org/10.1590/S0101-546X2002000200003>
- SAPERSTEIN, A., KIZER, J. M., & PENNER, A. M. Making the Most of Multiple Measures. *American Behavioral Scientist*, 60(4), 519–537, 2016. <https://doi.org/10.1177/0002764215613399>

SAPERSTEIN, A., & PENNER, A. M. Racial Fluidity and Inequality in the United States. *American Journal of Sociology*, 118(3), 676–727. 2012. <https://doi.org/10.1086/667722>

L. V., & FACHIM, F. L. A cor de Amanda: identificações familiares, mestiçagem e classificações raciais brasileiras. *Interfaces Brasil/Canadá*, 16(3), 182–205, 2017. <https://doi.org/10.15210/Interfaces.V.16I3.10001>

SCHWARTZMAN, L. F. The Integration of the White into the Community of Color, or How the Europeans Became Brazilian in the Twentieth Century. *Transmodernity: Journal of Peripheral Cultural Production of the Luso-Hispanic World*, (Special Issue), 2018. Retrieved from <https://escholarship.org/uc/item/1071t043>

TELLES, Edward. *The Project on Ethnicity and Race in Latin America (PERLA). Pigmentocracies: ethnicity, race and color in Latin America*. Chapel Hill: The University of North Carolina Press, 2014.

WANE, N. N. Black Canadian feminist thought: perspectives on equity and diversity in the academy. *Race Ethnicity and Education*, 12(1), 65–77, 2009. <https://doi.org/10.1080/13613320802650964>

WINANT, H. Race and Race Theory. *Annual Review of Sociology*, 26(1), 169–185, 2000. <https://doi.org/10.1146/annurev.soc.26.1.169>

Notes

¹ Gislene Aparecida dos Santos is a professor at the School of Arts, Sciences and Humanities (EACH-USP), a professor at the Postgraduate Program in Human Rights at the Faculty of Law (FD-USP), researcher at Diversitas and coordinator of GEPPIS. Email: gislene@usp.br

² GEPPIS - Grupo de Estudos e Pesquisas das Políticas Públicas para a Inclusão Social (EACH USP, coordinated by the author of the article and attended by students of the University of São Paulo (USP). Website: <http://each.uspnet.usp.br/web/prof/geppis>

³ This study was funded by FAPESP - Fundação de Amparo à Pesquisa do Estado de São Paulo (The São Paulo Research Foundation), through process no. 2010/12609-1. We would like to thank FAPESP for the support, without which accomplishing this study would have been impossible. The research team was made up by the author of the article and by the students and scholarship holders at the time: Camila Matos, Helton Hissao Noguti and Natália Nêris. Data collected from research financed by the Coordenação de Aperfeiçoamento de Pessoal de Nível Superior - Brasil (CAPES) - Finance Code 001” was used for the writing of this article

⁴ It is important to note that the full research sample contains documents relating to both men and women (without information about other gender identifications) and that the research was conducted to gather information exclusively associated with women. However, the mode of collection enables the highlighting of these cases for the analysis I wish to make, since all documents provide information with identification by sex.

⁵ The word victim is used in the sense given to it in the documents of the judiciary. There is no intent to link the fact to the victimization of women targeted by the offenses discussed here when using it.

⁶ I will use mixed-race to designate people born of miscegenation between whites and blacks, in Brazil

⁷ The 1st stage of the study in the TJSP archives, during the years 2012-2014, counted with the valuable contribution of Dr. Edinaldo César Santos Junior (Legal Assistance) and Jefferson A.B. Freitas (Information Systems Assistance). We would also like to thank the entire team of the Trial Court department of the São Paulo Court of Justice for their valuable contribution in data collection during the research.

⁸ Details about these procedures can be found in Santos (2015), Santos, Matos and Noguti (2014) and Matos (2016). It is important to emphasize this sample contains cases with racial content even though they have not been exclusively characterized by the judiciary as racism or as racial defamation.

⁹ I would like to remind that the total sample is composed of 119 documents.

¹⁰ Although we won't treat the data separating investigations from proceedings, it is interesting to note that - in this sample - there are more men accused in police investigations versus more women accused in judicial proceedings. This means that cases concerning women perpetrators advance further within the judicial system. In future evaluations, it may be worth discussing whether there is a tendency in the judiciary to accept accusations made against women more than those made against men, in addition to other intersections and overlaps that are present in these cases.