

O ACESSO AO ENSINO DO DIREITO PELA POPULAÇÃO NEGRA – UMA INCLUSÃO AINDA SEM INTEGRAÇÃO

ACCESS TO THE EDUCATION OF LAW BY THE BLACK POPULATION – AN INCLUSION YET WITHOUT INTEGRATION

Luzia Fernanda dos Santos Moraes ¹
Henrique Cunha Junior ²

Abstract: *This article addresses the various aspects involved in the process of inclusion, concluding that there is a need to combat the precarious integration of the black population in the field of university teaching of law as a way of expanding and emancipating blacks as legal operators inserted in the intellectual field. In the sociopolitical sense, the concept of integrality leads us to deepen individual freedoms, social rights and also human rights, as a good inclusion process that recognizes the ability of the black individual to think, create ideas, dialogue, argue, these being basic issues for the proper exercise of law. Full inclusion and integration are structural processes that depend on changing social mindsets. In other words, the issue goes beyond the training of legal practitioners from the black population, social changes are needed that recognize basic individual, social and political rights in the course of the social life of black people in Brazil.*

Keywords: *Black Population. Education. Law, Inclusion. Integration.*

Resumo: *Este artigo aborda os diversos aspectos a implicar o processo da inclusão, concluindo-se pela necessidade em combater a precária integração da população negra no campo do ensino universitário do direito como forma de ampliação e emancipação dos negros como operadores jurídicos inseridos no campo intelectual. No sentido sociopolítico, o conceito de integralidade nos leva a aprofundar as liberdades individuais, os direitos sociais e também os direitos humanos, como um bom processo de inclusão que reconhece a capacidade do indivíduo negro de pensar, criar ideias, dialogar, argumentar, sendo estas questões basilares para o bom exercício do direito. A inclusão e a integração completas são processos estruturais que dependem de mudança na mentalidade social. Ou seja, a problemática ultrapassa a formação de operadores do direito vindos da população negra, precisa-se de mudanças sociais que reconheçam os direitos individuais, sociais e políticos básicos no decurso da vida social do negro no Brasil.*

Palavras Chave: *População Negra. Educação. Direito. Inclusão. Integração.*

-
- 1** Luzia Fernanda dos Santos Moraes - Bachelor of Law from Faculdade Zumbi dos Palmares from 2012 to 2016. Researcher and Writer on Law, Education, citizenship and the Black Population. Studying Sociology and Post-Graduation in African Culture – Campos Elíseos University. Specialization course in Quilombola Law (Puc Minas/ Quilombola Federation – MG) Free course in Legal Portuguese, English and Spanish. Specialization course in Bioethics/Biolaw and Human Rights by the Portal da Educação University. Scientific Initiation: theme “Bioethics/Biolaw – A Legal Analysis of the Health of the Black Population in Brazil. Specialization course in Contracts, Business Law, Mediation, Conciliation and Arbitration – Escola de Cursos Jurídicos. Jus Postulandi. Hearing student of the Masters in Education course at the Regional University of Cariri - URCA. Discipline Education, Culture and Black Thought. E-mail: draluzfm7@yahoo.com.br,
 - 2** Henrique Cunha Jr. Researcher on Black Populations, African Technological History and African Urbanism. Professor in the area of electrical engineering, researches and teaches about Energy Planning and the relationship between Science, Technology and Society. He has a degree in engineering (EESC-USP) and sociology (UNESP-Araraquara), a master’s degree in engineering and a master’s degree in history. PhD in Engineering from the Polytechnic Institute of Lorraine – France, 1983. Defended the thesis of free teaching at the University of São Paulo in 1993. Full Professor at the Federal University of Ceará since 1994. E-mail: hcunha@ufc.br

Introduction

The methodology consists primarily of an exploratory phase of the main knowledge highlighted by different authors, bibliographic tools, with which we will guide ourselves in the historical and legal context, which will take us to scientific knowledge.

To trace the path to be followed, through the formulation of the hypothesis and formulation of generalizations and laws, we will use the hypothetical-deductive method.

In relation to the object, it will be an exploratory research, as a technical procedure it will be bibliographic, documentar.

As we delve into the theme of this article, which deals with the exercise of inclusion of black populations in law courses, we see that there is still a horizon to be conquered, since inclusion through the policy of quotas is insufficient.

Thus, it is necessary to integrate this part of the population in order to have a real sense of equality and citizenship.

Full social inclusion and socio-economic integration are structural processes that depend on changing social mindsets. A broad group of society needs to recognize and practice the precepts of liberal democracy in order to create possibilities for eliminating extreme and historical inequalities.

That is, in the field of law, the problem goes beyond the training of legal operators from the black population, social changes are needed that recognize basic individual, social and political rights in the course of the social life of black people in Brazil.

Quota policies for the black population in law schools work only as training operators in terms of numbers.

It is necessary to redefine how the black population recognizes itself as a population capable of rights, and also that the white population recognize this capacity for rights as legitimate, whether in the system of equity or equality between black and white population groups.

This integration implies guaranteeing the proper exercise of rights in society, as well as having a number of black lawyers, as it brings with it the ability to understand the reality and values of this population, being able to represent them legally and inform them about their constitutional rights and social.

The black population in the last century, after the slave regime, had proportionally more black lawyers and lawyers than today. (Research carried out by CEERT – Center for the Study of Labor Relations and Inequalities).

In proportional terms, we had a marked setback imposed by the policies of the first republic, which implemented an immigration policy aimed at white Europeans, combined with two other factors that were the policies of social disqualification of the black population, mainly for work and corporate changes in the forms of access to the right to advocate.

Many blacks were great self-taught lawyers, legal thinkers, known as lawyers. Two renowned blacks advocated in the state of São Paulo at the end of the empire before abolition, they were Luiz Gama as a rábula and Quintino de Lacerda as an abolitionist militant, who were very knowledgeable about the laws that supported slavery and which also served as a basis for them to could argue in the various processes in defense of blacks, which they admittedly performed with great success (CUNHA JUNIOR, 2022).

In this regard, it is possible to state that these black lawyers, in the imperial period, were not only included in terms of the lawyers, although they were part of the construction of abolitionist thought and in the social activism that led to important changes in Brazilian society, such as the abolition of slavery and the republic.

However, in the social sphere, we cannot say that they were integrated, because, having obtained their manumission only in court, having been refused by the Faculty of Law because he was black and as a listener at the Faculty of Law, he was vexed, ridiculed; arrested by the public force for insubordination, this taking into account that he was the son of a white and Portuguese man and a black woman.

In order to integrate into white society, Luiz Gama, in 1873, participated in the Itu Convention, which created the Paulista Republican Party. Although "Aware that in that space it was dominated by landowners and slaveholders". His recognition as a lawyer only happened in 2015.

As for Quintino de Lacerda, he really integrated. was a former slave who became an abolitionist hero, leader of Quilombo do Jabaquara, the first black councilor in Brazil and received the rank of honorary Major in the National Army.

This type of competence excluded from the practice of the exercise of law today, reflected in the erasure of black personalities in the history of law and in law compendiums aimed at students, does not contribute to integration.

Today we have a small enrollment of blacks in law schools, especially public ones. The quota policies for inclusion, despite being a great advance of a political nature, were not enough, it is not enough to include one must integrate.

This non-integration also generates a reduced number of black professors in law, aggravated by a curriculum that completely distracts from both the specificities of black populations and the need for law graduates to know about the history of blacks in the foundation of rights and citizenship.

The rights, in terms of the reach of fruition by the black population, depend on a better integrality of this to the political society as part of its structure, and not only as a mere parallel work force, only included, without force of public opinion.

The problem of the power of opinion is still in the hands of those in power, the rich and white. It is those with more possessions who manage to exert pressure on the State, and not the poorer classes who, when they act politically, are mercilessly repressed by the State police apparatus, even worse if this occurs in the periphery, where such police have the right to kill the class enemies of the powerful.

In this sense, according to Quintaneiro, material power in a given society is also the dominant political and spiritual power:

“The individuals who make up the ruling class possess, among other things, a conscience, and it is as a result of this that they think, insofar as they dominate as a class and determine a historical epoch in its entirety, it is logical that these individuals dominate in all the senses, who have, among others, a dominant position as thinking beings. As producers of ideas, who regulate the production and distribution of the thoughts of their time” (QUINTANEIRO, 2011, pgs.41 and 42).

In this sense, the proposal of the work is to demonstrate that, more than including (quota policy), it is necessary to integrate the black in the constructive structure of society, because, until today, the part is parallel to this structure, with no force of integration in terms of to ideas, construction of scientific and legal thinking, participation in political power and construction of law.

Not disregarding all class struggles, all racial struggles, all efforts made by black social movements, a task to which men and women were called for this transformation, as mere public policies are not capable of solving the problem of equality or equity.

The text was organized into topics, with the aim of dialoguing with the elements previously presented in this introduction.

Development

The black citizen in higher education of law

Beforehand, as the foundation of our chapter, we hover over the brilliant work of Lima and Cordeiro, who have already addressed the issue addressed here, and we transcribe our study from their work.

The production of knowledge is a process of a collective nature, considering the importance of studies for presenting data, solving questions, filling in gaps, problematizing certain knowledge and proposing new questions.

The elaboration of a bibliographical survey allows an approximation with the theme by knowing studies already carried out, privileged aspects, assumed perspectives, achieved results

and existing absences.

The study of the access and permanence of blacks in higher education of law, as well as the mishaps faced and the achievements made by them, constitutes a task for which, only the bibliographic review is not enough to answer all the questions, because there are still few productions about blacks in this sense and most do not bring, in their words, the particular dramas experienced by each one, their anxieties, hopes and perspectives, mainly educational.

According to Lima and Cordeiro, 2014:

On 01/06/2003, in Mato Grosso do Sul, Law n. 2,605 establishing quotas for blacks at the State University of Mato Grosso do Sul - UEMS, being regulated for the entrance exam of the same year, with admission of black quota holders in early 2004, with the objective of evaluating the general and specific results of the presence of black quota holders in the four undergraduate courses in Law, revealing the achievements and difficulties faced in accessing and permanence of the 47 (forty-seven) academics entering in 2008. The general results point to a considerable rate of withdrawal or evasion of black quota holders for reasons more diverse.

The legal aspects that provide admission to the university, those that favor permanence and conclusion, specifically in the four Law courses offered by UEMS, which we can call the "quota of dreams", because for many it is considered the passport to a better life. (Lima and Cordeiro, p.3).

We now briefly consider some of the historical, social and intellectual dimensions involved in this trajectory.

Historicity of the law course in Brazil

According to LIMA, the emergence of the first sketches of the University occurred at the end of the 11th century and the beginning of the 12th century in Europe. From the twelfth century, they began to structure and organize themselves, and it was only in the second half of the nineteenth century that the models of the current universities were outlined according to the standards as we know them today.

With regard to these periods, it was not possible to assess data on race and color of the first students, as well as the population in general, nor whether blacks were present in the first higher education courses offered.

The absence of a database on this subject is due to the lack of interest from the State, as well as to the fact that research on race, at that time, was still in an embryonic stage, since more in-depth studies on this subject date back to the year 1775, elaborated by the German Johann Friedrich Blumenbach (1752-1840).

When analyzing the first offers of higher education in Brazil, which took place in the beginning of the 19th century, when the Portuguese throne was transferred to the country, we can say that the Crown's lack of interest delayed higher education in Brazil. Other South American countries anticipated this aspect, such as Peru, which created the University of San Marcos in 1551.

Thus, with regard to the instruction of the black population, studies show that their exclusion from educational institutions has developed over the course of the history of Brazilian education. Since many black population activism institutions such as the Black and Brown Brotherhoods promoted the instruction of their members, which produced the first range of literate blacks in Brazil.

However, regarding public education, the starting point for this disregard for the black population was the transition from slave labor to free labor, which occurred at the end of the 19th century, without a public policy for the black population, gaining greater proportions of educational

inequalities and in the 20th century, and in the 21st century, the scenario has changed little. We must note that European immigration policies have guaranteed education for immigrants in many respects and in many cases in their lines of origin.

In this way, using a pseudo-scientific discourse, among other elements of racist rhetoric, intellectuals and public managers decisively influenced educational policies, excluding blacks from the educational process since they were considered sick, indolent and unproductive (Carvalho, 1989, apud Lima and Cordeiro, 2014).

Education had the role of freeing the Brazilian nation, with the aim of making it healthy, productive and civilized, that is, a justification for the exclusion of black people. Thus, black slavery in Brazil cannot be seen as the only explanation for the current inequalities between whites and blacks, other elements contributed to the occurrence of these facts.

The naturalization of this exclusion hinders access to higher education and permanence, in addition to the real participation of blacks in the structure of the country, because in addition to economic issues, ethnic-racial issues have significant weight.

The first legal courses in Brazil were implemented through the Imperial Decree of 11.08.1827, being created in São Paulo and Olinda with the original denomination of Academies of Law. The course in São Paulo was set up in Largo de São Francisco, in March 1828, and the one in Olinda, in May of the same year, in the Monastery of São Bento, subsequently being transferred to Recife.

The new country in formation needed to train a class that would direct it, as this was an urgent requirement of independence, which needed to replace the departing metropolitan administrative apparatus (TREVISAN, 1987, p. 37).

Thus, the formation of this new cadre that would lead the country would be incumbent on education, since the public administration was lacking specialized personnel for this at the end of the 19th century. At this juncture, however, the black was again passed over, because:

The Brazilian State was then preparing to meet the transformations that the consolidation of international capitalism required of States with a dependent economy. The socioeconomic organization in relation to the reality of the existence of a black population that would inevitably mix in the spaces and in the law of white society - elite or not - imposes on the powers of the State to establish, in its regulatory and social ordering arm, that is, the right, the guidelines for the maintenance and development of the new nation that emerged in order to adapt it to the parameters already defined racially, that is, a white nation (BERTÚLIO, 2002 apud LIMA and CORDEIRO, 2014).

At that historical moment, a great concern in the form of a society of whites, led to the birth of a new State, but with the same excluding ills as the previous one.

However, relevant transformations approached with the arrival of the new century, as the State would change domain.

Therefore, the foundations of teaching would also need to be revised, to adapt to these innovations, receiving new functions.

The first classes of Law courses in Brazil were formed in 1832. In its composition, there were young people from different provinces of Brazil, and also from Portugal and Angola.

However, this University proposal was elaborated only for a selected elite, because at the time, basic education was also the privilege of a few, this being a selection stage of those who would make up the few university banks to, at a later time, direct the Brazilian nation in this new order implanted with the independence of Portugal.

In this way, blacks, even freedmen, were once again left out of this educational process, since other factors, in addition to slavery, led them to occupy the worst positions and places, as well as earning lower incomes than whites, inheritance that still loads.

In recent years, affirmative actions have been providing access to higher education for blacks. The quota system in universities is an Affirmative Action in the sense that Munanga understands it, (2001, p.31), as [...] they aim to offer discriminated and excluded groups a differentiated treatment

to compensate for the disadvantages due to their situation of victims of racism and other forms of discrimination.

The low black representation in university banks in Brazil and, in particular, in the Law course, supported by statistical data, legitimizes the need for a quota system for higher education. Based on research carried out in 2004 by Prof. Dilvo Ristoff, director of INEP, the Law course is the sixth “whitest” course in Brazil, with 79.4% of vacancies filled by these (SANTOS, 2006).

Faced with these data, we question: And if nothing was done, what would the issue of Brazilian blacks look like? The most coherent answer suggests that the abyss between blacks and whites would remain unchanged and the exclusion scenario would persist in the future, as historically has been proven.

Quotas reflect the idea of social inclusion, as, taking into account the respect for the peculiarities of each person, they provide conditions for access, through a differentiated policy, to groups of people who have suffered, and still suffer, a historic process of discrimination and prejudice, for example, blacks and indigenous people.

The Brazilian university, by proposing to adopt an affirmative action plan, is not only correcting the mistakes of 500 years of colonialism and slavery, it is recognizing that the black population needs to be valued at the social and individual levels. There is an awareness that our identity can be well or badly formed in the course of our relationships with significant others. But it is fundamental that there are uninterrupted political actions of equal recognition (SANTOS, 2006, p. 20).

In the strictly normative field, there is a veritable arsenal of rules exemplifying or supporting the adoption of affirmative action in Brazil. In the international legal order, the various conventions, treaties, pacts and programs, in addition to prohibiting all forms of discrimination, also provide for the adoption of policies to promote equality, although they do not use the expression affirmative action, but rather special measures.

Since 1888 citizens, still without integration

Racial violence against the black population perpetrated by Brazilian society and by individuals, in their relations with each other and with the State, has different forms of struggles that minimize such results, and one of the most effective forms is the legal system, which includes not only legal institutions as well as legal-legal knowledge itself.

The legal trajectory of the enslaved black in Brazil, from its conception coined as a thing, object in civil law, at the same time that it was considered a subject of law, in the criminal scope, with the formal end of slavery, the law starts to consider blacks as citizens, this only formally because in reality there is still a lack of interest in integrating this part of the population into the academic, political and social life of the country, in this sense we have in the words of Prudente:

“Law No. 3,353, of May 13, 1888, abolished slavery; from the Golden Law, the Brazilian black is a citizen, holder of rights and obligations. Such ownership constitutes a mere formality, since he will not be received as a free worker in the labor market. Immigrant is preferred. No legal action can be seen, with a view to the integration of new citizens, on the contrary, the jurist Rui Barbosa, Minister of Finance of the provisional republican government, promoted the incineration of documents referring to African slavery in Brazil. Its immediate objective was to make it impossible to collect indemnities promised by the republicans to slave owners, but it ended up causing irreparable damage to the recovery of national memory. The disdain for black people, on the part of those who until 1888 (the advent

of the Republic was in 1889) were abolitionists, is clear when researching immigration laws. Decree n- 528, of June 28th, 1890, in its article 1-, is exhaustive: "The entry, through the gates of the Republic, of individuals who are valid and able to work is entirely free... with the exception of the indigenous people of Asia and Africa... Well, the right to work is also fundamental for those who only have their workforce to offer society. Work is the instrument to achieve other fundamental social rights (health, education, etc.). if the black woman ensured the survival of her family, working as a maid, the black race would not have survived the misery of the first decades of citizenship! guarantees social rights (recognition of trade unions, better working conditions, minimum wage, paid weekly rest, annual vacation, medical and health care for workers, protection for minors and working women).

The increase in industrialization in Brazilian cities, the demand for competition to hold public office; the implementation of free public schools, evening and vocational courses; as well as the uninterrupted contestation of Black Associations, notably the Brazilian Black Front (extinguished by the Vargas dictatorship in 1937), enabled blacks to start competing with immigrants and their descendants decades later.

Despite the fact that Decree-Law n2 7.967, of September 18, 1945 (Getúlio Vargas), declares in its article 2-: "The admission of immigrants will be attended to, the need to preserve and develop, in the ethnic composition of the population, the most convenient characteristics of its European ancestry, as well as the defense of the national worker.

The invisibility of the black population at the university occurs in all sectors, so that integration can take place:

According to Munanga (2012, p. 10, apud MARQUES), it is necessary to recover the history of the black population in a positive way, in which their self-esteem can take the place of the negative memory present throughout their history.

The university therefore needs to be aware of this situation and promote actions that value diversity and provide opportunities for its academics to assume this right in any environment. As the former coordinator of NEAB (Núcleo de Estudos Afro-Brasileiros), Márcio Macedula Aguiar, points out:

[...] it is necessary to create a university that is not Eurocentric and white; this still has to be done because what happens, sometimes, is that the individual enters through quotas and, instead of leaving the university reaffirming himself as black, he leaves as white. This has to do with this difficulty that we still have to reformulate the very conception of university. (AGUIAR, 2016)

This reality present in society reflects not only on university students, but also on the faculty, as there are few black people in teaching, in pro-rectories or as administrative servants.

In this context, there is another challenge for black academics to strengthen their identity, if in their experiences the reference of prominent positions remains mostly white.

Black intellectuality

The black intelligentsia is understood as a process of self-conscious struggle by the black population (COLLINS, 2019), and, based on a counter-hegemonic practice of resistance to racial oppression (HOOKS, 2013), they focus on the production of social, cultural and cultural knowledge. politically crucial for their own survival (SIQUEIRA, 2006, apud GAUDIO).

The intellectual work carried out by blacks subverts the modes of academic production restricted to offices, and its elaborations originate in social experiences, crossed by the overlapping

hierarchies of race, gender, class and sexuality, in a collective effort of transgression and social emancipation (Gomes, 2010).

Thus, we evidence engaged and politically positioned black intellectuals (Gomes, 2010, apud Gaudio) agents in the theoretical production of insurgent pedagogies as a liberating social practice (Hooks, 2013, apud Gaudio).

From the movements of struggles, studies, activism, militancy, black men and women emerged opening paths, gaps, cracks and intervention strategies in racial inequalities that marked society and, therefore, the educational system.

The approaches and thoughts created by black epistemologies subvert epistemic racism, reposition black people as subjects of knowledge, echoing in educational policies and practices.

That is why the importance of the university being aware of the fact of providing situations that value black thinking and the increasingly present ethnic-racial diversity.

And therefore, operators of rights are aware of the norms and their social and political meanings.

Current constitutional system - partner legal aspect

A brief incursion into the field of Constitutional Law is necessary, since the affirmative action policies implemented in Brazil originate from other countries. The intention is to highlight the important contributions that Constitutional Law studies offer.

As a contribution, the Constitution of the Republic of South Africa, post-apartheid, based on the principle of equality, adopted positive measures to protect or promote the rights of persons or groups in a situation of disadvantage arising from discrimination.

For Cavalieri, 2012, one of the socio-legal aspects highlighted is the Federal Constitution of 1988, which establishes, in the caput of its article 5, that “all are equal before the law, without distinction of any kind”, guaranteeing everyone the right to life, freedom, security and property.

Item I of the same article reinforces this principle by ensuring equality between men and women in rights and obligations.

Thus, this is not a new principle in our legal order because the Constitution of the Empire, sworn in on March 25, 1824, already enshrined, in Article 179, the equality of all before the law, and since then this principle has been maintained in all constitutions that followed, until the current one.

Still from the point of view of the aforementioned author, what is asked is why then is our society so unequal? Why do we still have groups, classes or categories of people that are in flagrant inequality?

The author himself brings the answer, the reason for this disparity stems from the fact that the equality before the law proclaimed by all previous constitutions was merely formal; that is, it was nothing more than a sheet of paper, in the beautiful expression of Lassalle; there was no harmony between the constitutional norm and the social reality.

In reality, the so-called formal equality or isonomy does not take into account the real or material inequality existing between people, due to culture, sex, color, economic conditions, among others.

In view of the substantial inequality existing between people, Aristotle already proclaimed in ancient Greece that true equality consists in treating unequals unequally insofar as they are unequal, and this has to be done by means of special laws, aiming at the suppression of differences. differences and inequalities specific to each group or class of people.

From this point of view, equality can only be verified between people who are in an equivalent situation, taking into account the factors dictated by the economic, social and cultural reality.

And the reality of the black people continues to be an excessive lack of social integration due to the racism that has prevented blacks from entering the University and institutions, the precariousness of the work they do for a much lower price than white people, living in peripheries with precarious and insufficient health and schooling, also because blacks make up the majority of the working class.

According to Jorge Miranda, Portuguese constitutionalist:

“Rights are the same for everyone, but as not everyone has equal conditions to exercise them, it is necessary that these conditions be created and recreated through transformations in life and the structures within which people move, even when social equality translates into the granting of certain rights or even certain advantages specifically to certain people - those who are in situations of inferiority, need, less protection - differentiation, or positive discrimination, aims to achieve equality and such rights or advantages are configured as instrumental in the path towards this end” (Manual of constitutional law, p.225, apud Cavalieri).

Therefore, the principle of isonomy guarantees that the norms should not simply be elaborated and applied indistinctly to all individuals, it goes further, insofar as it considers the existence of minority and disadvantaged groups that need a special benefit in order to achieve real equality, this being a requirement of the principle of human dignity.

The equality provided for in the 1988 Constitution is substantial equality, as this is what differs it from the Constitution of the Empire which, as already mentioned, also enshrined the equality of all before the law, but allowed the coexistence of the nominee principle with the shame of slavery.

Conclusion

We live in a new era in which the constitution has left its supporting role and has become the protagonist of the legal system. From a formal document, limiting state power and defining the governmental organization, it became a material, effective, protective and enshrining law of human rights.

In this context, protective laws assume political and legal relevance, since reality has shown that without specific protection, common legal norms are not enough to prevent the perpetuation of injustices.

Although the Law is considered and accepted as the most effective form of social control in its organization and application, it is questioned as to its equity when, at an inter-individual level, there is underlying disbelief in justice relative to social class conditions.

Many of the participants, however, are not involved with these actions. That is why the importance of the university being aware of the fact of providing situations that value the increasingly present ethnic-racial diversity.

Despite the difficulties faced by the black population, affirmative policies have contributed to changing the university space, with a touch of diversity. Although the obstacles faced by the subjects studied are beyond the difficulties common to all academics, many of them use these situations to strengthen their identity through contact with the history of the black population.

For Munanga (2012), the rescue of history is an essential factor to increase the self-esteem of the subjects belonging to this group.

It is also important to point out that the strengthening of the identity of the black population takes place in the midst of many tensions, especially in a society in which, according to Gomes (2005), the black population is taught to deny itself, a factor that dilutes in the field of right to citizenship a broad claim to that right. That is, the imposition of ethnocentrism produces an ideal of a man with predominantly white characteristics, starting to be understood as social normality and without scathing contestations in legal training and practice.

With the insertion of these new subjects and their specificities, the great challenge posed to the university is to guarantee a space for dialogue and visibility for logics coming from the black population, a space in which tensions, negotiations and resignification take place, which the Eurocentric logic dominant, previously naturalized, is subverted and transformed.

Reference

BERTÚLIO, Dora Lucia de Lima. **Racism, Violence and Human Rights considerations on Race and Gender Discrimination in Brazilian society.** Affirm: Scientific Articles, 2001.

CAVALIERI Son, Sergio. **Program of Legal Sociology.** 12th ed. Rio de Janeiro. Forensic. 2012.

CUNHA JUNIOR, Henrique. History of Afro-descendants: Subject of the pedagogy course at the Federal University of Ceará. **Academic Space Electronic Journal** (Online), v. 21, p. 10, 2022.

DA SILVA, Luiz Fernando Martins. Affirmative action policies for blacks in Brazil: Considerations on compatibility with the national and international legal order. **Legal Journal of the Presidency**, v. 8, no. 82, p. 64-83, 2007.

FROM JESUS PRUDENT, Eunice Aparecida. The black in the Brazilian legal order. **Magazine of the Faculty of Law**, University of São Paulo, v. 83, p. 135-149, 1988.

DE LIMA, Aires David; CORDEIRO, Maria Jose de Jesus Alves. The Black Presence in the Undergraduate Courses in Law at the State University of Mato Grosso do Sul: Analysis of the Path after Admission by the Quotas—Class 2008. **Revista Tomo**, 2014.

DE LIMA BERTULIO, Dora Lucia. **Affirmative Action in Higher Education.** The Negro at the University, p. 51.

GAUDIO, Eduarda Souza et al. **Decolonial black perspective:** the insurgence of black intellectuals in Pedagogy courses at universities in southern Brazil. 2021.

MARQUES, Eugenia Portela de Siqueira. Access to higher education and the strengthening of black identity. **Brazilian Journal of Education**, v. 23, 2018.

SILVA JUNIOR, Hédio et al. **Public policies to promote racial equality.** 2010.

QUINTANEIRO, Tania. **A Touch of Classics-Marx| Durkheim| Weber.** Publisher UFMG, 2011. file://home/pretomisturado/Downloads/schwartz.pdf. Accessed on 12/05/ 2024.

https://www.wiki.pt-pt.nina.az/Quintino_de_Lacerda.html. Accessed on 05/17/2022.

<https://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2018-05/especialistas-destacam-protagonismo-negro-pelo-fim-da-escravidao>. Accessed on 05/17/2022
http://desafios.ipea.gov.br/index.php?option=com_content&view=article&id=3216&catid=52&Itemid=23. Accessed on 6/3/2022.

Recebido em 15 de julho de 2023.
Aceito em 18 de dezembro de 2023.