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Women, difference and identities in the Brazilian legal professoriate

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Abstract:

In this paper, we ask whether the diversification of the professional group made up of university faculty, together with the fragmentation of institutional models of higher education in Brazil have produced a de-centering in the legal academy, while at the same time spawning their standardization and stratification. Our initial hypothesis, which claimed that these fragmenting processes were producing decentered discourses within the teaching of law, emerged from a fixed notion of “core”, and was not confirmed during our research. Rather, what we encountered was that faculty were producing multiple meanings of just what this core might be, thereby dislodging creative processes of attributing meaning as difference from a single, static position. This took place in a variety of ways, whether through moral conflicts over the definition of a “good professor” or through discursive struggles meant to demarcate or dismantle the building of boundaries between graduate and undergraduate studies, professional and academic careers, the gendering/racializing of activities or attempts to efface the latter. This study is based on data on undergraduate studies in law, taken from the National Census on Higher Education (*Censo Nacional da Educação Superior* (INEP), from 2015, and information provided by the Brazilian government agency for graduate study, CAPES, regarding master’s and doctoral programs in law, as well as on qualitative interviews with women and men who teach in these programs.

Introduction¹

There are more than 32,000 professors of law in Brazil today. According to the 2015 National Census of Higher Education (*Censo Nacional da Educação Superior* (INEP), this population was 60% male and 77% white. This professoriate has taught more than a million undergraduate students of law distributed throughout the country, albeit somewhat concentrated in the southeastern region.

In contrast to the specific and exclusive use of the term “professor” for university faculty in the Anglo-Saxon countries, all teachers in Brazil are referred to as “professor”, that is, making

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no distinction between those who teach at different levels and within diverse contexts. Thus, unlike the nomenclature that is used in English, in which “teacher” and “professor” delimit boundaries that separate occupational categories and thus establish formal difference between them, the inclusive terminology used in the Portuguese language gives subjective disputes a greater weight in the production of contrasts between “us” and “them”. This lays the groundwork for specific constructions of otherness and social stratification.

Official Brazilian census data is based on occupational classifications² that establish a hierarchy amongst those who have university degrees and teach within: 1) early and primary education 2) high school 3) vocational training and 4) higher education. Law faculty may classify themselves or be classified within this latter group of higher education faculty. It includes those who teach part time while maintaining their primary link to other occupations within the legal world (lawyers, notaries, public defenders and prosecutors, police chiefs), as official representatives of public powers (judges and magistrates), and as technical staff and civil servants, among others. To engage in teaching while involved in another occupation is common among these professional groups.

Although formal classifications do not rein in competitive struggles, they do institutionalize the fissures that separate professional groups, creating reserved areas, regulations and impediments. In countries where there is consolidated and exclusive use of the term “professor” for a restricted group of academics who have doctoral degrees and usually teach in highly competitive graduate programs, other professionals without these qualifications are kept out of teaching positions, thereby unable to join the ranks of Law School faculty.

The Brazilian case is more fragmented, providing multiple opportunities for the use of the title of law professor (“*professor de Direito*”), generating a wide spectrum of negotiations around the term. Although the field is a disputed one in which efforts are made to close ranks through demands for higher degrees and levels of dedication, higher education in the country is organized in a way that works against this. The closing of ranks through control over labor market positions, a characteristic of professions when they reach their apogee, encounters greater resistance today, marked as it is by the current siege on this type of regulation. Rather, what prevails is a hybridism fusing professional logics, which focus on the autonomy of expertise, with those of business and management, characterized by organizational professionalism (Evetts, 2012).

² Brazilian Classification of Occupations (*Classificação Brasileira das Ocupações* (CBO))

The gender regime (Connell, 2006) and meritocratic ideology that accompany professionalism cover up existing bias in favor of men by employing the notion of “the best person for the job” (Thornton, 2015). Thornton argues that the neoliberal turn in universities today, guided by a managerial logic, has reinvigorated masculinist normative criteria, thereby reconfiguring the gender regime. Merit, which is fluid, contingent and instrumental, has been construed as neutral and objective. ‘Professional excellence’ is attributed according to masculine standards and ‘merit’ is guided by racialized informal practices (Sommerlad, 2015).

Contrasts between undergraduate and graduate law programs: faculty and student profiles

There is a large offer of undergraduate and post bacc courses in law at private universities, when compared to master’s and doctoral studies. In 2015, there were 1.171 undergraduate programs, 3.200 post bacc programs not offering a diploma, 133 master’s and 34 doctoral programs.

As Table 1 illustrates, the disparity between the number of undergraduate and graduate degrees that are awarded produces a strong cleavage between faculty belonging or not belonging to post graduate programs. The funneling that is represented by students’ passage between the three levels is also observed in relation to faculty who teach in undergraduate and graduate programs. Furthermore, it is a cleavage that is marked by gender, insofar as the proportion of men increases as degrees get higher: for example, 54% of those who receive undergraduate degrees in law are women, yet the greatest gap occurs among faculty members who teach at the graduate level, of whom 71% are male.

Table 1 :

Law students and faculty in undergraduate and graduate programs, by sex (Brazil, 2015)

Students Sex	Undergraduate (%)	Masters (%)	Doctorate (%)	Faculty Sex	Undergraduate (%)	Graduate (%)
Men	46	58.3	60.5	Men	60	71
Women	54	41.7	39.5	Women	40	29
Total	1.107.405	8.360	2.933	Total	32.249	2.159

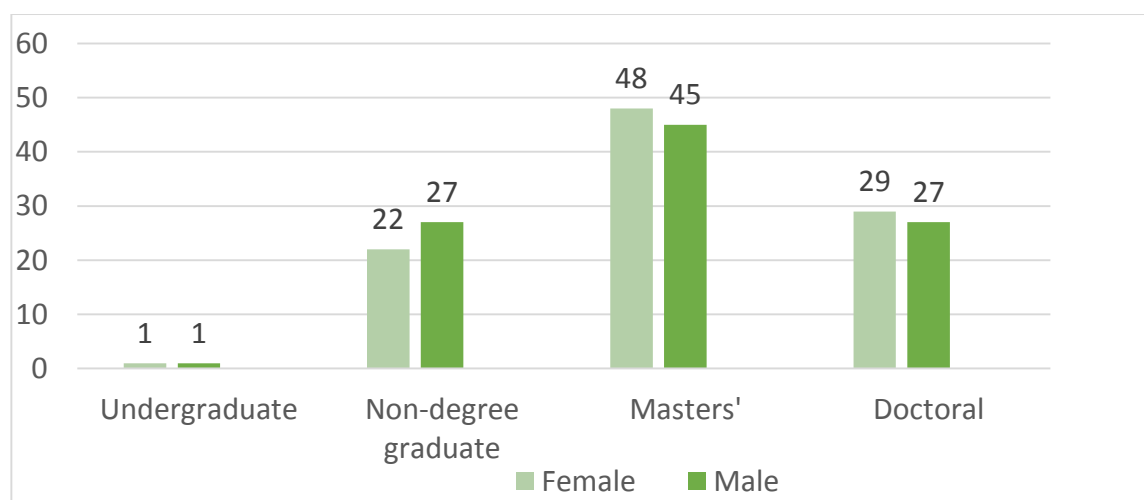
Source: INEP and CAPES

The level of qualification of Law School Faculty, which can be observed in Graph 1, is indicative of the fragmentation of teaching. The highest numbers are for professors who hold

master's degrees, constituting a situation in which a doctoral degree is not necessary in order to teach in undergraduate programs. Nonetheless, the number of people who have obtained this last and highest degree is ever-increasing, particularly among women. The demand for a doctoral degree is greater in public institutions, yet even in the latter, doctors made up only 42% of public university law faculty in 2015, and 26% of all those who taught in law programs in private universities.

Graph 1

Faculty members' highest degree by gender

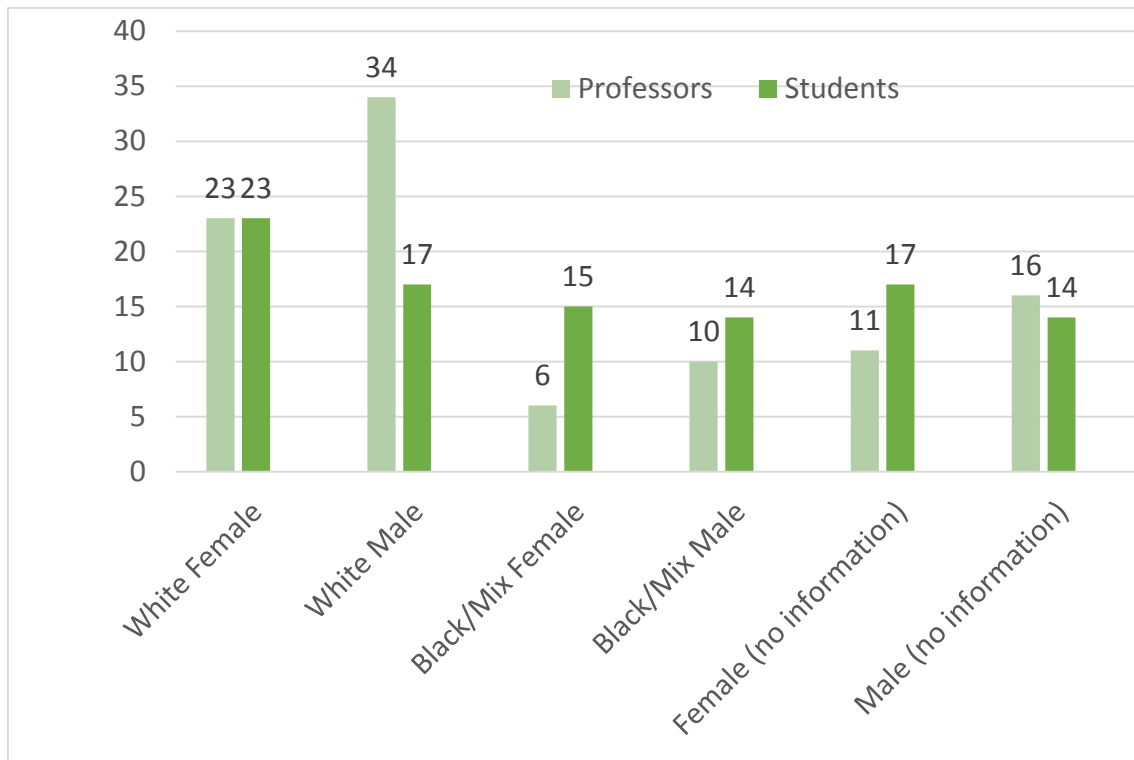


Source: National Higher Education Census (Censo Nacional da Educação Superior), INEP Brazil, 2015

Gendered practices in university teaching are also inflected by the racialization of the career. There has been an increase in the number of white women in the undergraduate sphere, 23% of faculty and students (graph 2), yet also an overrepresentation of white male faculty (34%), twice that of white male students (17%).

Graph

Comparison of law faculty and undergraduate students, by gender and race



Source: National Census of Higher Education, INEP, Brazil, 2015

This paper attempts to understand how the objective and subjective factors that are presented above, which characterize law faculty in Brazil today, are deployed by professionals within discursive disputes over the construction of the dominant perspective in the field. This also includes the shaping of counter-positions through the production of other meanings and the use of creative agency within moral struggles over what it means to be a “good professor”. Even when teaching occurs within stricter institutional contexts in which professional autonomy is restricted, law faculty produce discourses, meanings and subjectivities, as our field work has shown.

In this research, teaching law is understood as a discursive practice that produces meanings, and professors are conceived of as subjects of discourse who *produce meanings as differences*. In this context, difference is seen as creative agency through which subjects attribute meanings that they negotiate within interaction, and not as something to be overcome through integration or erasure. Taking Brah’s (1996, 125) work as a reference “the concept of difference, then, refers to the variety of ways in which specific discourses of difference are constituted, contested, reproduced, or resignified.” She states that “it is useful to distinguish between difference as a marker of the distinctiveness of our collective ‘histories’ from difference

as the personal experience that inscribes individual biography. These sets of difference are constantly articulated but cannot be 'read' directly from each other." (Brah, 2006, p.361)

Methodology and socio-demographic profile of our interviewees

In addition to collecting secondary data on law programs, faculty and students, our research interviewed 69 male and female faculty members. This was done through qualitative semi-structured interviews, recorded with participants' consent and with the commitment to maintaining their anonymity. Interviews took from 40 minutes to two hours and twenty minutes, and were transcribed and later analyzed using Nvivo12 software.

The seven law schools that made up our sample were regionally ³ situated as follows: three in the southeastern region of the country, two in the northeast, one in the western central region and one in the south. Two were public universities, two were large private universities and three were small private colleges. We interviewed 19 faculty members at the public institutions, 21 at the private ones and 29 at the small schools. Regarding the degrees offered, three universities had only undergraduate programs and four offered master's and doctoral degrees as well.

Regarding the profile of our interviewees, 58% were men, 61% white, 90% identified themselves as heterosexual, 38% were between 31-40 years of age and 36% were between the ages of 41-50; 59% were married or living in a civil union (including two same-sex couples), 61% had children, 38% were from the southeastern region of the country, 55% held doctorates and 33% held masters' degrees. Sixty five percent of our interviewees had obtained their highest degree on or after 2010, indicative of the recent trend of rising levels of educational qualification among Brazilian university faculty. It is within public institutions that 54% of all professors hold doctoral degrees, and among the latter, 88% obtained these degrees specifically within the field of law.

Interesting data on occupation reveal that the fathers of 57% of those whom we interviewed had also held occupations demanding higher education, 22% of which were situated within the legal professions. Data on mothers reveal that 45% had occupations requiring a higher education, while 29% were housewives. For those interviewees who were married or

³ The Brazilian population by region has the following distribution: 42% in the southeast, 28% in the northeast, 14% in the south, 8.5% in the north and 7.5% in the western-central region. The majority of national resources, among them the higher education institutions, are concentrated in the southeastern region, followed by the south. Western-central, northeastern and northern regions lack such resources, and have more difficulty providing educational access to their population, specially at higher levels.

living in a civil union, the majority of their spouses also had a higher education, with 22% also working in legal professions.

In 70% of the cases we studied, teaching law is the primary occupation; for 22% it is a secondary engagement, while 8% considered it as equally important to other activities. Half of those we interview teach in more than one institution, whether at the level of higher education or not (i.e. programs such as public legal career prep courses or post bacc). A mere 33% did not have a secondary job, while 39% were involved in higher education management at some level (such as department chair or undergraduate or graduate program director). Among those we interviewed, 28% taught within graduate programs (whether that meant institutions pertaining to our sample or not), most of which were public.

Their work regime was split between those who were paid an hourly wage (30%), those who had part time contracts (20%), those who had full time employment (30%) and those who were devoted full time to teaching law (17%). Monthly income from teaching was distributed as follows: up to 5000 Brazilian *reais*, 35%; another 35% earning between 5.001 and 10.000 Brazilian *reais*; and 30% making between 10.001 and 20.000 Brazilian *reais*. Monthly earnings for all paid activities are distributed as follows: up to 5000 Brazilian *reais*, 10%; between 5.001 e 10.000 Brazilian *reais*, 27%; 36% earning between 10.001 and 20.000 and 36% with a monthly income of over 20,000 Brazilian *reais*.

Field work observations

a. The core and its meanings

In the interviews we carried out, we noted the absence of a single meaning for that which was thought of as the centrality of teaching; we found no universalized center or core that was then fragmented, dislocated and scattered, as we had initially supposed. In this sense, our research redefines the problem, arguing that it is teaching practices that are constituted as social, through the production of contextual meanings. Engaging in discursive struggles, law faculty produce differences, as they seek to impose the hegemony of their own conception of the profession.

The testimony that we reproduce below is that of a faculty member who holds a doctorate and works full time at a public university. A married white mother, she teaches at undergraduate and graduate levels. The academic position that she holds, when seen from the outside, is a very competitive one. Nonetheless, she sees through another lens and perceives herself as distanced from the hegemonic perspective within the field.

P.: Do you have any other professional activities outside of teaching?

R.: Teaching for me as a university activity is extremely important. It seems to me that teaching, at least within the field of law, is not highly valued. For university professors, teaching is not an issue. Value, within the field of law, comes in two forms. One is the most traditional, in which your capital comes from outside the university, as a prosecutor or judge, who acquires political capital through criteria which are not academic, and then the way it comes about here, with the entry let's say, over the last 10 to 15 years, of full time university professors, where value comes from one's university profile, as a professor, with publications and production. I am a little different, in the first place, because I have no capital outside of the university. I am a full-time permanent faculty member. In the second place, because I believe that this educating that we do as teachers is very important. At certain moments of my life - although this has perhaps changed a bit- but at certain times in my life I identified myself much more as a professor than as a researcher. And it had a lot to do with marking a position – I've always published, done research and so forth, but teaching for me has a very fundamental place, although a very unappreciated one, I think.

In her viewpoint, although she takes part in ongoing professional disputes among peers, her position could be improved. She is relegated to teaching courses that stand more at the margin of the legal field. Furthermore, she explains that the gender, sexuality and race of the professors at the Law School mark them as a "circle of White men, allegedly heterosexual, and as such feeding into hegemonic power" which is however not as monolithic as it used to be.

The fragment of an interview that we reproduce below was conceded by a male law professor who teaches in several private undergraduate programs. He sees himself as someone who is quite in demand for courses on penal law. He works as a lawyer in that field and sees both occupations as well-integrated within his own praxis, as complementary to one another. He is of mixed race, married and has a daughter. In his speech, he links teaching excellence less to higher diplomas and more to study itself, knowledge within a field and teaching methods.

P. What leads one person to get the position rather than another?

R.: So I think that studies come first; today's lawyer or teacher has to be up to date, whether he has a doctorate or a master's degree. A good professional in the field of law, in my opinion, is someone who is up to date. In the second place, he has to have good teaching methods and I see the following, that within the legal field many people are more concerned in showing how much they know than with the contents they pass

on to students. I try to be as didactic as possible, and that has given me good results, and that is why colleges are so interested in me, because I am very didactic. I am someone who works very closely with students, you see? I have good rapport, a good relationship to my students, generally speaking.

The perspective that establishes graduate teaching as the point of reference for those who teach at the university level solidifies something which appeared in our field research as much more fluid. In a study on graduate law programs in Brazil, Varella (2017) was unable to identify any one program as the preeminent one in the country. He did however uncover the existence of regional groupings with endogenous recruitment patterns. This fragmenting process underlies the predominance of particularities within graduate law programs, which are then constructed as universals.

What is considered the core of the profession is a matter of constant dispute, as the universalization of specific meanings is sought. It is constituted as a sort of “empty signifier” to which subjects attribute specific meanings (Laclau, 1993). In the case of professors of law, this core shifts according to whether teaching is seen as an extension of legal practice, as an academic career in itself, as a hybrid of both of the former or as a temporary job. These meanings are associated with discursive positions that are more or less negative, in the construction of consensus and antagonism. The core may be constructed as a position to which a professor wants to belong (positivity) or to which s/he is opposed and wants to resist (negativity).

The following interview extract comes from a male professor of law who holds a doctoral degree and teaches at a private and at a public institution, is entirely dedicated to teaching activities at the undergraduate and graduate level. He has a leadership position within a graduate program and a research group. He is white, separated and has no children. Yet his position within the field has not led him to seeing himself as someone at the core of professional power, but in dissonance with that which he considers traditional.

P.: How can you explain that? To be at the core and at the same time perceive yourself to be on the outside?

R. Yes, in these post-modern times that's the way it is (laughs). (...) For me, there are two things, the external gaze and the internal one. The external gaze, I think that my opinion, my perceptions are more respected because they are more complete. The gaze also reflects the fact that in spite of the existence of a traditional model, the traditional model left some gaps or there are gaps and spaces, and if you fight, you firm up an

identity, so you can coexist with the traditional model. So then that hybrid model, that mixture of things has its problems, negative and positive perceptions. I think it is a very enriching mix, vital and extremely useful for myself and for others. In particular sectors it creates the problem that the hybrid creates, the fact that that which is not pure generates mistrust. Is it or isn't it? It is much easier to be fit into a box, if you are defined, one way or another, within a particular segment. So then that perception that... for example, with my colleagues from a public university, the fact that I work in a private university creates a series of perceptions, suspicions, the idea that I have... could have a market-oriented view of things. It's the fact that I don't belong to just one place that causes this. There are criticisms that I could be using the public system, from the vantage point of the private one. On the one hand, this can be seen as rejuvenating, and on the other, as a sort of corporate infringement on public space. Within the private system, the fact that I also belong to the public one is seen as enriching. Especially because the public institution carries a lot of prestige. My colleagues' perception is contaminated by this hybrid thing. I have one colleague in particular who is exclusively academic, and every time he sees me he tells me how good I would look in suit, cufflinks and tie and so forth. And I have the suit, the cufflinks, for the occasions that I think I demand them. And when I need to be in a formal space, with institutional interlocutors, and there is a position to take on regardless of my personality, I like wearing a tie (...)

The next passage comes from a woman who teaches in several private undergraduate programs as an adjunct instructor. She is a practicing lawyer yet is not very active as such, and also holds a masters' degree in Education. She is married, white and the mother of a child. Teaching law is her main occupation at present. Her perspective today is different from what it was initially, when she saw teaching as an activity to be carried out alongside her law practice. Today, she places value on exclusive professional commitment yet sees people teaching largely as a way to bring in more income - given the difficulties that prevail on the legal services market -, rather than because they have experiences to share .

P.: So how did you come to choose teaching?

R.: Actually, ever since I was an undergraduate I was interested in Education. I liked to present papers. Whenever I had something to debate or present, or the chance to explain things to colleagues, I always made myself available to do so. I always had the idea of becoming a teacher in mind. I always said, "Oh, in addition to being a lawyer, I want to be a teacher ". And my love for education and teaching has spoken the loudest

so that today I've left legal practice off to the side. But it is choice I made back when I was an undergraduate (...)

(....) P.: In your opinion, what are the main things that lead to one person getting a teaching position rather than another? To get a particular position ... from what I've understood, you perceive a greater struggle around teaching activities, right ?

R.: Yes, I think so. I think that is true in relation to teaching because not many are really willing to devote themselves to research, extension, publication as well. They are few, because the latter is a result of research. I think that this is due to the fact that there are more and more lawyers looking for work; as I said, there are 18 law schools in the state, so imagine how many people are getting law degrees. Colleges are putting new professionals out there on the market every semester, which means twice a year; there are huge amounts of recent graduates on the market. Here in Brazil we have more than a million lawyers. So I believe that the search for parallel activities even as a way to supplement one's income is what has caused the dispute over courses to be taught at universities and colleges. And so I think that in seeking that extra income, some people, in reality, those law celebrities, as I call them, are really searching for status. Recognition, a way to attract clients, because if you are standing up there in front of so many students demands arise, a legal demand often comes up, and the person has the professor who taught such and such a course as a reference. And I have heard colleagues of mine saying "Oh, I really teach just to get clients", "I teach for the status it gives, to earn myself a name, to become famous". There are a number of justifications, aberrations, I would say, that I hear. Teaching is almost always, unfortunately, not their only professional activity .

Thus, one first consideration that are research raises is that male and female professors do not see an inflexible core of content in graduate law programs, as our initial hypothesis suggested. The meanings of what is considered to be "a good teacher" emerge through moral dispute, and the production of difference among the professoriate goes beyond official classification or common linguistic usage.

b. Chains of equivalence in graduate programs

Within the discourse of professors in graduate programs, there is a chain of equivalence between the subjects involved in disputes (Laclau, 1980), even when antagonism emerges. They

recognize reflexivity and symmetrical relations with peers. Conflicts and competition over discursive hegemony, whether or not they come from antagonistic positions, construct the rival as an equivalent, even when his or her excellence is denied. This happens often among colleagues involved in dispute over the meanings of their teaching profile.

Other conflicts between positivity and negativity that we recorded in our interviews made reference to tensions between academic vs professional careers, research vs teaching, undergraduate vs graduate programs, dedication vs absence, emancipation vs the canon, productive vs unproductive, interference vs autonomy, specialist vs generalist, and current vs outmoded.

The following testimony comes from a female professor with a doctoral degree, white, married and a mother, who teaches in public and private universities and has experience as director of graduate studies in a private institution. She comments on the negativity with which some faculty, who only attribute worth to classes taught at master's and doctoral levels, refer to undergraduate teaching.

P.: Do you believe these activities are the ones that colleagues fight over the most? Teaching in graduate programs?

R.: Yes, that is the way I see it. There are many faculty members that scoff at undergraduate teaching, which is something that I can't really understand. And being in the graduate program also enables them to teach less undergraduate hours. They can't see themselves in undergrad teaching. So they do anything to get out of it. And to have access to getting where we are, in fact, engaged in an educational process. And so I think that that today there is a conflict between undergraduate and graduate teaching, generating a lot of rivalry between colleagues. In both institutions. Here [at this public institution] I don't take part in the graduate program, all the more so because I don't think it is coherent for a person to take part in two graduate programs, since their academic production can only be associated with one, right? You are either in one or the other. That is an issue that I have here ...

An example of positive and negative meanings is the testimony below, from a professor holding a doctoral degree, a Black man, single and with no children, who teaches in an undergraduate program at a private institution. He has a positive view of education as linked to emancipation, and standing in contrast to the legal canon.

P.: The General Theory of Punishment was placed on the list of the most important courses in Law school. Could you talk a little about that?

R.: Law can be either an instrument of social transformation or of preservation of social arrangements; and some faculty approach law from the former perspective. I try to be among them. Yet there are many other professors who align themselves with the second perspective, that is, law as a way to maintain social consensus. This is reproduced in any number of courses, and these courses are key in determining the potential that law may have, that is, of transformation or preservation. And that particular course, General Theory of Punishment, in which you discuss crimes, who commits them, notions of criminology, the politics of imprisonment, you have the chance to deal with, elaborate on a plurality of issues in which minority groups have a direct interest. As well as with reflections on what a just society is.

The meanings constructed in the interplay of the positive and the negative in the chain of equivalence within post graduate programs are not fixed. Gender, sexuality and race appear in negative (discrimination, subalternization) and positive discourse (identification, emancipation).

The passage below provides the testimony of a Black law professor, married and a father, who holds a doctorate and teaches at graduate and undergraduate levels in a private institution of higher education. He narrates his experience of racialization at the university, where his skin color has associated him with subaltern activities rather than his teaching position.

P.: I wanted to ask you whether you suffered or witnessed situations of professional disrespect as a faculty member?

R.: No, but I did experience tense moments and ones in which the racial issue appeared, almost as if the person had no self-control ...

P.: What do you mean?

R.: I am not sure if I could say it had to do with teaching or the classroom, but within institutions, for example. When I began to teach here [cites the name of the institution], almost every week there was some student, while I was waiting to take the elevator up, some student who would come up and ask me if I could turn on the projector, every week, every week. "Could you turn the projector on in the room, please?" Every single

week, if I stood here people would come up to me to ask for information. All the time. Nothing against the security people, which is not what I am saying, but the issue is the following... I relate this to something that is unconscious. My suits are not the same as the suits of the security staff here [cites the name of the institution], not because they are better or worse, but they are a different color.

P.: Yes, they can't be mistaken.

R.: Yes, so you understand what I am saying?

P.: It's obvious, isn't it ?

R.: Yes, but what they can mistake, what they can be mistaken about, is due to what I have in common with those persons: we are all Black. I am of the same color as the cleaning staff, the security guards, and not the same color as the professors, right? Perhaps I have many things that are better than what they have, yet my color is not like that of the other professors. So that happens every week. Once I was stopped, I was with a friend of mine at [name of the university] and we were heading into the faculty lounge and a security officer put his hand on my chest and demanded "Where are you going ?" of me, but not of my friend. That happened.

The next testimony comes from a female faculty member who has an exclusive full - time contract at a public university where she teaches at undergraduate and post graduate levels. She is single, black and a mother. She shows not only how gender has marked her career but also how the equivalence between peers constructs 'excellence' from a white male perspective. Much of her professional discourse is constructed from a male perspective, thus confirming how this may function at the graduate level even when the case in point involves a woman.

P.: Do you think that gender, sexuality, color, race and other visible characteristics influence who gets professional jobs? How do you think this happens?

R.: I am going to speak about my own experience. Look, I think that studying in Brazil whitens you, all the Black people I know who went to the university got whiter. Why? Because that is a safe-passage. I have several stories in which, until I show my PhD credentials I am nothing, and after which I become the loveliest person in Brazil. Since those credentials are required in order to get into the university, I think discrimination lessens. I think that even gender weighs more heavily than does racial discrimination,

my students are going to want to kill me for saying this but I think gender weighs more heavily than race. Why? Because, well, these are things that are really engrained, with women's public place more restricted than men's, so you see, that whole bunch of sexist males, and I am referring to the university now, and when you look at the most well-connected sphere of post graduate programs in law, you see that all you find are males, males, where are the women? (...)

(...) Because feminist issues, racial issues move me, both of them move me. Women's issues move me very much, women's place, Black women or white women, I think that Black women are at the end of the end of everything. This is what moves me the most, very much, yes, the most I would say because these are spaces that are not for women, there is this idea that women should be at home, quiet, calm, oh "don't stir up the water" is what I've heard from people, I'm tired of hearing that, I don't mean here ...

P.: But in the profession?

R.: In the profession. I am tired of hearing "Oh, you're causing a disturbance!", some business that only had males, "You're causing a disturbance", "I'm causing a disturbance? Why do you say that?"

P.: Right up front like that ?

R.: Right up front (She laughs). I shake my finger right in the guy's face and say " I'm going to sue you for moral harassment, shut your trap, if you don't want to have trouble with everyone because I'll do that. You know I'm damn straight, I am a good person but I don't mess around". They are scared to death of me, all of them (...) I think that is fantastic! But it is a macho strategy, not a female strategy... I don't like this bit about feminine and masculine universes, it's not a strategy, let's say, rather more of a combination, a circular power...

Even within situations of real antagonism, of unmediated conflict, we observe equivalence within the struggles of power and domination among "colleagues" who work together within these institutions of higher education.

c. Undergraduate teaching as a place of difference.

Discourses of antagonism run through the chain of difference, refusing to recognize the equivalence of faculty members within the context of the massification of teaching and undergraduate programs, which several of our interviewees have indicated as now becoming

little more than business, or a mediocre commodity. Although the Portuguese language establishes no difference between “teacher” and “professor”, moral disputes in the teaching field seek to erect a wall that the professionalization model itself did not build.

The construction of meaning around these undergraduate programs in the field of law is not fixed and final; rather, there are ongoing struggles between positivity and negativity. The attribution of negative meanings labels them with terms such as “higher education Uber”, “McDonald’s of higher education”, “teaching for \$1,99”. Faculty are referred to as “taxi teachers”. Those whom are given this name resist it, transforming the negativity attributed to difference into another equivalence. They build a positive view of their work as a form of inclusion of underprivileged students within higher education, as a way of promoting their learning, as well as identification with such activities.

An example of this positive perspective on the multiplication of programs can be found in the following interview, which reinforces the idea that it provides wider access to higher education, and thus represents a means for confronting situations of subalternization and absence of recognition. The testimony below comes from a professor with a master’s degree who works within the judiciary and teaches in an undergraduate program at a small private college, in a middle size town. He is mixed-race (“brown”), separated, and the father of five children from two different relationships.

P.: What is your perspective on the multiplication of law programs and their dissemination throughout the country?

R.: Well, I am a staunch defender of the widest possible distribution of knowledge. I think we should have more law schools than we do, more medical schools than we do, there should be more, I think we have too few. Why do I think we have too few? Because in my view, well, I studied law and you see, you can’t imagine, you have no idea, you get to a hearing (...) I passed my board exam in July of 1994, when I was only 23 years old, I was not even 24 years old. And the Brazilian Lawyer’s Association [OAB] nominated me to defend some nobody, some aggressor... so you get to the Court house dressed like some nobody, dressed like a poor person – I didn’t know, I did my undergraduate program and had never gone to the Forum, never gone to a police station, never done an internship. In those days, Law School was much more precarious than it is today, much more closed-minded, more formal, with those big shots who taught us. So there I am, just out of Law School, and I trot over to the hearing, not dressed in a suit; dressed in jeans, a tee shirt, a baseball cap, red eyed, rumpled hair, the

face of just any guy from the neighborhood, wearing sneaker. I sat down in the lawyer's chair, papers in front of me, I took them, looked at the case, and in came the guy wearing the black robe, and the prosecutor next to him, and the victim there, who was from the neighborhood, my neighborhood! The judge came in, "Hey you, put those papers down!", and I thought "that guy must be the judge, never seen one before, but it must be, he must know what he is doing", "sir" ... There I was seated in the lawyer's chair [and he said] "You sit there", pointing to the place of the defendant, not the lawyer's seat. I got up, same logic: my father taught me to obey my elders; this guy is speaking, so he must know what he is talking about... and there I went and sat down.. So the judge addresses the victim, the victim looks at me and then at the judge (....), he didn't ask who I was. And I am not going to pull rank, never did. "You, sit over there!" and he sent me to sit on the defendants' bench, there where they sit with their handcuffs on. I looked at the judge, looked at the victim, looked at the prosecutor, there dressed in a black cape, and went there and sat down on the defendants' bench. Then the judge asked the victim a question, and the victim looks over to where I was, then answers the judge (...). The judge says "You, call the police officer over there, get out of this room before I arrest you, you are visibly intimidating the victim". He ordered, he must know what he is doing. So I got up and went to the doorway: (...) "Your excellence, I must advise you that the defendant did not show up and you will have to repeat your words to the Council of the Magistrate, so pardon me, I'm out of here!" First time in his 23 years as a judge! If I had not studied law, if I had not had access to a law program, would I ever have done that? Stood up to him? The only thing that gave me the strength to face up to all the difficulties in life was knowledge, learning; to face anything, you can face up to anything. Medical studies, law, engineering, there is a need for more, there has to be more. There should be two colleges here, not just one!

Amongst faculty at private institutions of higher education, there is considerable competition amongst peers over the most coveted positions, the nature of which varies according to the profile of the institution. One may want to be at a better located campus, teach at more convenient times, teach a core course rather than an elective that may be cancelled due to low enrollment and therefore mean a loss in income, teach in post-bac specialization programs, etc.

Antagonism with the university administration also emerged, sometimes turning what had been sought in a person's academic career, such as a doctorate and the opportunity to do research, into vulnerability. In some cases, once having obtained a doctorate, the small

adjustment in wage or salary that would be required actually leads to the faculty member's dismissal.

The discourse of the subjects within these institutions reveal their awareness of processes of precarization, expressed through job instability, delays, reduced hours, staff cuts, risks of being substituted by digital technology. On the other hand, there is an opposite type of narrative, one which adheres to the managerial view that emphasizes normalization, subordination to current conditions, recognizing a need on the part of private institutions of higher education which are seen as having to reorganize to exist and subsist.

The testimony provided below is of a faculty member with a master's degree who teaches in the undergraduate program at one of these big institutions. He had a law practice, but the difficulties he encountered in receiving regular income from it led him into teaching. In his opinion, getting a doctorate is not his priority today, given the frequent layoffs of faculty with higher diplomas in favor of those who have only post-bacc work completed. He has been working in distance education programs with over 200 students per course, but feels the risks that this technology represents with regard to a reduction in faculty. He is a white, married man with children, and is concerned about losing his job.

P.: Would you like to make some comments on your teaching experience that you think would be important for my research?

R.: Yes, that my major concern is that we are heading in the direction of a mechanization of law, with human labor increasingly replaced by computers. There will come a time when the professor will be no more than a hologram. So professors are increasingly substituted by machines, by technology.

P.: But do you identify with being a professor?

R.: Yes, today I do.

P.: Or are you feeling your identity beginning to change?

R.: Well yes, of course. There is the issue of innovation, for example, the search for experience in distance education. Today there is a major trend toward distance education. I myself am also a professor in the EAD [distance education] which is completely different. But I think that things are increasingly mechanized and forms of more advanced technology are always appearing.

P.: From what you are saying I get the feeling that maybe you were more identified with the activity in the past and now you are a little ...

Today I am a little anxious over what may happen in the future, you see?

The negation of the equivalence of those who are seen as “mere instructors” at the undergraduate level seeks to construct difference between professors who hold doctorates – the so-called high clergy of the graduate programs – and the low-ranking faculty. In the latter group, the social markers that have a negative valence attached to them – whether in terms of gender, race/color, sexuality or class – are more visible.

The next passage comes from a female professor with a master’s degree who teaches at two private institutions. She is Black, single and has a child; she is also a feminist and a left-wing militant. She initially wanted to create a professional path of exclusive full-time public university teaching, to do a doctorate abroad and have a research career. Her plan was thwarted by the birth of her son, for whom she is the sole parent. Although satisfied with her teaching activity, she feels she has romanticized its reality, taking the public university in which she has not yet worked as her frame of reference. Today, she must deal with an exhausting daily routine, teaching long hours in several colleges and courses that she has little identification with, in order to provide for herself and her child.

P.: With regard to your professional trajectory, how do you evaluate it? How is it near or far from what you had hoped for?

R.: Well, it is similar in this regard: In fact, I had always wanted to get involved in teaching, do a master’s Degree. I did a doctorate but didn’t finish it, so that part was not in my plans. My initial idea was to do the master’s degree and then go on to my doctorate at age 30. And then when I was 30 and living in Portugal I got pregnant, and had to come back to Brazil early. Since I am a single mother, that is, do not have a anyone to share parenting with -the father of my child is not my partner -, that set me back on my doctoral project. First, I had to take a year leave of absence, and after that I went back to work, and with a small child and work have been unable to make it all work. And with the need to support my son, I decided to study for a selection exam, and so suspended returning to my doctorate for one more year. Now though I am going to try to finish that doctorate, you see? So in this sense, things have not happened as I had planned, that is, to do a master’s degree, a doctorate and then try for a position at a public university. That was my initial path to becoming a professor. Since I was not able to finish my doctorate in the time frame that I had planned, and today it is almost

impossible to get into a public university without a doctorate, I have had to reformulate my path. So that is why I decided to study for the exams, in a context of emergency, and later finish my doctorate. And now I am going to try for the position of Public Defender, which it just so happens... I had to reorganize life, and in spite of being happy with the new arrangements that I've made, in spite of all the difficulties, it was not my initial plan. Perhaps in the future I'll try to get into a public university, but at present it will not be my main function.

Maternity and child care interface with the professional projects of the above interviewee, demonstrating how the marks of the feminine demand the reformulation of career plans. She currently teaches at the undergraduate level at a small private college while preparing for exams for non-academic employment.

Another aspect of gender difference is reported below, in the testimony of a female professor who is trying to get into public university teaching and perceives the reaction on the part of students and faculty regarding the inclusion of issues related to gender within undergraduate curriculum. She holds a doctorate and works as an adjunct professor, that is, within a temporary work regime at a public university. She is white, married, no children.

P.: Have you noticed changes in the student profile that affects your relationship with them as a professor ?

R.: I have felt a generational change today with regard to debates on gender and sexuality. The first time I brought the theme out was in 2012, when I began teaching my first semester, and there was a lot, a certain resistance on the part of students, even a situation at the end of the semester in which I asked the students to evaluate a discipline anonymously and send me a message, making suggestions to improve the course and so forth. An older student with whom I had already had a sort of conflict when I was discussing questions of gender and work relations, (...) he even sent a signed message, which was unnecessary, saying that I shouldn't go into the classroom wearing a skirt because that was provocative, so there was that type of control over the body (...). And then there was another male student who sent me a message, thanking me for the class and saying how much he had learned, just the opposite; he had liked the debate very much and asked me to pardon his classmates, because there was a little group that sat near him that was always making jokes, jokes about me, mainly in relation to those issues. Nowadays (...) I think there was a big change, I think that the terms of the debate have been changed for all of society, there has been advancement, since then. (...) I also

see a generational issue there, there was a generation for which this issue emerged in a more intense way; these are the students who are entering the 18-20 age group, and I feel they are much more open to these debates. This is far from being a 100% improvement, of course. There are the ones who resist because of religious influences, notions of family and so forth, and even that silent kind of resistance, the student who won't tell you it is irrelevant and doesn't make jokes, but won't take part, keeps quiet, won't talk about the matter. One thing I feel is that when it comes to gender debates it still seems to be a women's debate, women are the ones talking about it, "We're not girls, we don't have to talk about it, it doesn't concern us", there is still a lot of resistance (laughter) and this is even an issue with male colleagues who are leftists, who make an effort within that critical field not to employ categories such as patriarchy, gender, as something (laughs) relevant, as if that were not also structural, structuring of all the other problems they are dealing with. So there is this, there is still much to be done in this regard, although on the whole I do feel that there has been a big opening.

P.: And with regard to faculty?

R.: So, at this particular Law School [she cites the name] when I got there in 2008, the only person who talked about these things was [cites name] (...) which was already a big improvement because where I did my law degree that wasn't anybody, absolutely nobody! But over the last few years (...) there has been an increase in the number of women faculty members, and that brings up what I said about how men have resisted joining in on the debate. So in general terms the field has widened, insofar as there are faculty who debate these questions. But we still feel some resistance, for example, you are putting together a program, my program is philosophy of law, and a good portion of the authors I use are women, and I try to create a sort of equilibrium between female authors, Black authors, not only Europeans, and then you take a look at the program of other professors, men, all the authors are white, male, European. So that is also a reflection of how little they consider this debate to be relevant, but women say it is. So that even when it is not something made explicit, in practice it is there (...).

The experiences of women, Black and homosexual people as law faculty is by no means limited to the negative valence that is socially attributed to these markers. There are also positive reports of feelings of fulfillment and recognition, whether in reference to educating students or with regard to colleagues and the institution. Professional identity, constructed in adult life through higher education and, even more, through the exercise of professional activity, connects with other bonds of belonging that have accompanied the subject over time. The

ways in which these men and women suture their identities produces ambivalence, as does the effort to construct a coherent self. Through discourse, social identities are built and combined in a relational perspective, as a product of marking out differences rather than as a unified identity. Identification is a point of suture of the discourses and practices that interpellate subjects; it represents points of connection rather than a unilateral process (Hall, 2000).

Final Considerations

The boundaries between “teachers” and “professors” that could fracture teaching activities into two different professions are not in place in the Brazilian case. Moral disputes that unfold between faculty members are intensified in order to demarcate equivalences and differences. The fragmentation process that we have described throughout the text enables hybridisms to emerge within social identities, combining identification with teaching and a legal career, as some of our interviews have demonstrated. In this sense, it constitutes a situation that is different from those of fractures or ruptures in the chain of equivalence. Attempts to demarcate exclusive dedication to an academic career encounter the hybridism of those who have legal practice and public careers and also teach in graduate programs.

Legal professions and the teaching of law are fragmented within the elite and professional groups, where struggles for hegemony, resistance and subalternity unfold. Discursive disputes over hegemony in teaching are also influenced by extra-academic legal forces and this is reflected in the way students value professors who are successful within professional markets and public careers.

Chains of equivalence and difference are fluid and re-signified as faculty circulate from different positions that interpellate them in relation to their identities. The same person can be a lawyer, teach in a private institution of higher learning, be a student in a graduate program at a public university, be heterosexual, white, evangelical, separated and a mother. The way in which subjects are connected to these structures of meaning requires their investment in such positions. The production of meanings is contextual, whether this means teaching at public universities, large private institutions of higher education or small colleges.

Our field work gives visibility not only to the standardization trend that accompanies the massification of undergraduate programs, but goes beyond these limits focusing on the discursive disputes that are linked to the production of a core, as well as the de-centering of the teaching of law.

The hybridism of professional, managerial and business logics has dislocated the profession from its central and fixed place within social identities, leading to the combination of different places of belonging. The way in which subjects articulate their identifications varies according to experience and production of meanings. There is no dominant singular form of identification for professors within chains of equivalence and difference. Social markers become positive and negative within these chains, producing gendered and racialized practices.

Professional identification can be sutured in numerous ways to bonds of family, gender, sexuality, race and religion, among others. As far as gender is concerned, three of every ten professors of graduate programs are female. In these programs, the production of equivalence takes masculinity as its reference. Frequently women behave professionally in a tough, strict manner, with gender difference remaining within the realm of subjectivity, within the interiority. On the other hand, when female law professors incorporate gender difference within their professional identity, and publicly affirm these belonging, they distance themselves from the “sameness perspective” that is embedded within the chain of equivalence.

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