

# LAWYERS IN COLOR AND GENDER: THE UNEQUAL IMPACTS OF COVID-19 ON THE PRACTICE OF LAWYERS IN THE STATE OF RIO DE JANEIRO<sup>1</sup>

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## RESUMO

The Covid-19 pandemic had important consequences in the practice of lawyers, but it also represented serious economic impacts for these professionals. The study was based on empirical research conducted with male and female lawyers in the state of Rio de Janeiro, Brazil. The results demonstrate that the impacts of the pandemic on work and on the economic condition of these professionals were greater for blacks and, in an intersectional analysis, for black women. The conclusion is that there is an unequal distribution of the effects of the pandemic in relation to these groups, which are socially and economically vulnerable. In order to interpret the data found, a literature review was conducted on racial, feminist and black feminism studies, which clarify the history of oppression of these groups and the socially constructed narratives that cause black men, black women and women to be discriminated against in the labor market in the 21st century. The study also brings a special look to black women, since they are in a more precarious situation by experiencing the abuses of racial and gender categories together. This point of view is elucidated from the theory of intersectionality.

**PALAVRAS-CHAVE:** COVID-19; lawyers; racism; gender; intersectionality.

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## 1. INTRODUCTION

The year 2020 brought challenges to humanity, especially on how to adapt to a new reality characterized by the fear of contagion by the Coronavirus. The restrictive measures adopted by international and local authorities have affected the daily life of the entire population. One of the spheres affected was the field of work. In this new scenario, work was predominantly carried out remotely. This situation has impacted economic demand, which has decreased, leading to unemployment and wage loss for many workers.

The rule that came up with the Industrial Revolution - face-to-face work - became an exception during the pandemic in relation to services that could be performed remotely. This situation led lawyers and the Judiciary to adapt to the new reality. It was in this scenario that the National Justice Council (CNJ), an organ of the Brazilian Judicial System, issued the Resolution n.33, which regulates the suspension of face-to-face services for parties, lawyers and interested parties. The resolution also deals with the suspension of face-to-face work for magistrates, public servants and interns. The adaptation to the "new normal" was possible due to the computerization of the Brazilian Judiciary, which began in 2006. This development took place with the implementation of the electronic process. In fact, it was this feature that made it possible to hold hearings by videoconference in Brazil (Marone & Jacob, 2020).

In this context, the Research Group Trab21 - Work in the 21st Century, from the Postgraduate Program in Law at the Federal University of Rio de Janeiro (UFRJ), carried out a research that aimed to identify the impacts of the COVID-19 pandemic on the practice of lawyers in the state of Rio de Janeiro. The research was supported by the Rio de Janeiro Section of the Brazilian Bar Association (OAB-RJ)<sup>4</sup> and the Lawyers Assistance Fund of the State of Rio de Janeiro (CAARJ)<sup>5</sup>.

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<sup>4</sup> Translator's note (TN): In the original name, in Portuguese: Ordem dos Advogados do Brasil (OAB).

<sup>5</sup> TN: Free translation based on the institution's original name, in Portuguese: Caixa de Assistência dos Advogados do Estado do Rio de Janeiro (CAARJ).

The research was conducted from October 9th to 23rd, 2020. A survey with 74 questions was applied, with multiple choice answers that were previously defined. The questionnaire was answered digitally and anonymously by those lawyers who were willing to participate voluntarily. From the various questions, the research sought to identify the interviewee's profile, the consequences of the pandemic in the work routine, in remuneration, in the working day. This search also included other relevant variables that could indicate how compulsory social isolation had an impact on the judicial performance of the respondents. It is necessary to highlight that the study followed the principles of ethics usually applicable in research, such as protecting anonymity and confidentiality of the respondent, providing the right to withdraw and respecting the voluntary and unpaid participation. It is also emphasized that the research offered very low risk to the respondent, who, in any case, was protected by the principle of anonymity. In total, 4,437 male and female lawyers distributed throughout the state of Rio de Janeiro participated in the study, based on distribution carried out by the official channels of the OAB-RJ.

This paper - a part of the broader research - aims to verify whether the effects of the crisis caused by the new Coronavirus have distinctly affected black Afro-descendant male lawyers, female lawyers and black Afro-descendant female lawyers<sup>6</sup>. The National Household Sample Survey (PNAD) COVID-19, carried out by the Brazilian Institute of Geography and Statistics (IBGE), revealed that most people who work remotely have completed higher education or graduate studies (IBGE, 2020). Hence, people who are lawyers are part of that group. Therefore, since these professionals can find tools to maintain their work in the remote mode, all of them should, in theory, suffer the impacts of the pandemic in a similar way.

In order to answer the questions proposed by this study, this paper was divided into two parts. The first one addresses the theoretical discussions that deal

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<sup>6</sup> TN: It is necessary to clarify the terminologies adopted in this paper on the classifications of color, race and ethnicity in Brazil. The translation from Portuguese to English was made according to the terms used by the Brazilian Institute of Geography and Statistics (IBGE): *branco* (white - European descendants), *preto* (black - Afro-descendants), *pardo* (mixed race of black and white), *indígena* (native Brazilian Indian - Brazilian native Indian descendants) and *amarelo* (Yellow - Asian descendentes) (Delgado & Stefancic, 2021). In this sense, the respondents of this research were divided into: black, mixed race, white, yellow and native Brazilian Indian. Furthermore, the term "negro" - Afro-descendant/Afro-Brazilian will be used to refer to black and mixed race people together, representing the whole population who identify themselves as a black person. The expression refers to the ethnic origin instead of the color (Ferreira, 2015).

with gender and racial division and discrimination on the basis of race at work. To this end, a bibliographical review of the work of some female feminist academics and intellectuals in the field of racial studies was carried out. Scholars in these areas clarify the difficulty of inserting women and blacks into the Brazilian labor market. In order to understand the consequences of the pandemic for black female lawyers, specifically, studies on intersectionality disseminated by Critical Race Theory and black feminists were used.

The second part of the paper brings the empirical data of the research, from a gender and race perspective. For this purpose, comparative data from non-black male lawyers, non-black female lawyers, black male lawyers and black female lawyers are presented.

Finally, there are analyzes of the data found regarding the impacts of the practice of lawyers among men, women, white people, black people and black women.

## 2. RACE, GENDER AND INTERSECTIONALITY

According to Leonardo Vieira Wandelli (2013, pp. 117-118), the wage disparities between men and women, between white and black people, cannot be attributed to “the deliberate intention of any evil actor”<sup>7</sup>. On the contrary, it is due to the “practices, values, social structures, knowledge, norms” of a society structured under a model that socially excludes and does not integrate oppressed groups. The author argues that more important than the “right to be free from discrimination” is the “right to live” in a community that does not support discriminatory mechanisms.

Racism is part of the structure of the capitalist state, whose racial differences are manifested economically in divergent ways by creating a racial division and discrimination on the basis of race at work. This makes some scholars to defend the

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<sup>7</sup> TN: Free translation based on the Portuguese reference consulted in this work.

joint analysis of the categories "race" and "class" in order to better understand the mechanisms that exclude black people from the labor market. (Almeida, 2018).

Sexism is also present in society through the attribution of social roles and functions to specific groups and through the hierarchy that arises from that. The sexual division of labor emerged in the family environment, in domestic work that puts women in charge of raising children and doing housework. This causes some feminists to advocate for the end of the dichotomy between public and private, between the domestic and non-domestic environment, so that the power relations between genders in the public and private spheres can be reconfigured (Okin, 2008).

Racism and sexism are simultaneously present in the daily lives of black women who are exposed to more than one kind of violence. The agenda of feminist movements was not enough to give visibility to black women, since their questions do not coincide with those of white women. This is one of the reasons why black feminism is structured from an intersectional vision, in order to claim for achievements that encompass the representation of black women in the political space, otherwise this group will not be able to have their rights guaranteed (Ribeiro, 2018).

Working as a lawyer is a branch of the job market developed by professionals who have obtained a higher education degree. This profession, however, does not have mechanisms capable of protecting its professionals from the effects of a racist and sexist society that historically excludes marginalized subjects. From this perspective, the study presented here deals with issues of race, gender and intersectionality in the practice of lawyers in the state of Rio de Janeiro during the COVID-19 pandemic period. The proposal is to identify how these analytical categories manifest themselves in the practice of lawyers.

## RACE

Luiz Gama is a portrait of the difficulties faced by black people in Brazil. Black, the son of a Portuguese man with a freed slave woman, he was sold by his father as a slave in 1840. At the age of 17 he was taught to read and write by a student who

stayed in the house of his slave master. He fled to São Paulo at the age of 18, where he began his military career. In 1850, he tried to attend the Law course at the current University of São Paulo (USP). Discriminated by professors and college colleagues for being black, he did not complete the course. Despite this, he obtained the necessary knowledge to become a defender of slaves in the fight against abolition (Instituto Luiz Gama, 2011).

Luiz Gama's life story illustrates how black people were treated in Brazil during the period of slavery. He was born free, but turned into a slave. He became literate thanks to the infraction of the student who taught him to read and write. "Until the abolition, by the legislation of the Brazilian Empire, slaves and freed slaves did not have the right to attend schools. Teaching a slave to read or write meant transgressing the established rules" (Ferreira, 2011, p. 17)<sup>8</sup>. The year in which he suffered resistance to advance his studies in Law was the same year of the publication of Law Eusébio de Queiroz, responsible for legally extinguishing the slave trade in Brazil.

Luiz Gama was also a writer and a journalist. His intellectuality gave him the image, in the terms of Lígia Fonseca Ferreira (2011, p. 18), of "the redeemer of slaves"<sup>9</sup>. The importance of this abolitionist lawyer, for the present study, is due to the fact that he portrays how slavery contributed to the delay of black people in accessing basic and higher education. Even for those who overcame the obstacles to access, the example serves to report the difficulties faced by black people in a society with a slave mentality.

Clóvis Moura (1988, p. 45) explains that the social division of labor in Brazil is related to the racial division of labor. This happens since it is up to white people to perform "skilled, intellectual and noble work". On the other hand, black people, whether enslaved or freed, are responsible for "unqualified, manual, dirty and underpaid work"<sup>10</sup>.

According to Clóvis Moura (1988), the racial division of labor has existed since before the end of slavery and the arrival of immigrants in Brazil. The hierarchy of

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<sup>8</sup> TN: Free translation based on the Portuguese reference consulted in this work.

<sup>9</sup> TN: Free translation based on the Portuguese reference consulted in this work.

<sup>10</sup> TN: Free translation based on the Portuguese reference consulted in this work.

professions even existed between slaves and free men and between craftsman and artisans. In the centenary of the end of slavery, there was little social mobilization of black people in society, given the obstacles created by privileged people so that black people could continue to be used as subaltern labor. The migration process was even used to allow foreign-white-free workers to carry out the so-called free workers professions. Of course, black-free workers were not absorbed into this category. Hence, they were left out of the labor market in the post-Abolition period (Moura, 1988). And this is one of the faces of the continuation of colonialism and also a way of maintaining the classification of black people as out of (or less endowed with) humanity (Gomes, 2018).

IBGE data shows that 39% of black and mixed race workers are working informally, while the percentage of white people in informal jobs is 29.9% (Soares, 2020). The higher incidence of black people in informal occupations, which white people do not want to perform, does not guarantee them human treatment. There are even reports that black people feel racism more strongly during the pandemic due to the reduced circulation of people who could monitor the abuses committed by police authorities (Wallis, 2020).

According to Patricia Hill Collins and Sirma Bilge (2016), the fact that Brazil, since 1930, has adopted the ideology of racial democracy has made black people invisible in government statistics, after all, such ideology does not officially recognize the existence of races. Consequently, this stance reverberates in the inexistence of specific public policies directed towards the black population.

As stated by Gabriele Anjos (2013), the existence of racial categories in the Brazilian census questionnaire reflected the interests of political and intellectual elites, who were responsible for the elaboration and management of this research. In the 1920 and 1940 census, for example, the category "race" was not included. This choice highlights a characteristic of Brazilian society at that time: the belief that "Brazil would achieve ethnic purity through miscegenation and European immigration" (Anjos, 2013, p. 110)<sup>11</sup>. The author emphasizes that the emergence of the "mixed race" category, an intermediate category between white and black, reinforced the whitening policy. From this new category, an opportunity was

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<sup>11</sup> TN: Free translation based on the Portuguese reference consulted in this work.

created for mixed race of black and white to declare themselves white and for black people to declare themselves mixed race. This logic follows "a racial classification scheme in which the clearest is better valued" (Anjos, 2013, p. 110)<sup>12</sup>.

In 1970, the color category was once again neglected in the census, continuing the government's stance of "silencing issues of race". This standpoint appeared in 1960 in a IBGE booklet, which adopted the ideology of racial harmony. The document contained the following statement: "Our people are the result of a mixture that gradually forms the Brazilian type" (Anjos, 2013, p. 111)<sup>13</sup>. In the late 70s, after mobilization and pressure from social scientists and the black movement, the racial issue finally became part of government statistics. The data obtained since then has revealed the inequalities between white and non-white people in Brazil. Therefore, it was demonstrated that the infamous racial democracy was a myth (Anjos, 2013).

As a way of rejecting the hierarchy of skin tones within the same race, the category "mixed race" came to be interpreted together with the category "black", so that the black population became to be represented, in general, by mixed race and black people. From the 1980s onwards, the government timidly decided to include the racial issue on the public agenda. This position can be exemplified with the creation of Councils within the Executive Branch of the states, such as the Council for Black Community Participation and Development<sup>14</sup>, created in 1984, in the state of São Paulo, and later projected in other states of the Federation. There was also the creation, in 1988, of the Advisory Office for Afro-Brazilian Affairs<sup>15</sup> and the Palmares Foundation<sup>16</sup>, linked to the Ministry of Culture (Pires, 2016). From the 1988 Constitution, through the joint action of the Legislative and Executive Powers, more forceful public policies were instituted for the black population. At the time, the Statute of Racial Equality was created through Law No. 12.288/10, as well as agencies willing to promote racial equality. Affirmative action policies emerged

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<sup>12</sup> TN: Free translation based on the Portuguese reference consulted in this work.

<sup>13</sup> TN: Free translation based on the Portuguese reference consulted in this work.

<sup>14</sup> TN: Free translation based on the institution's original name, in Portuguese: Conselho de Participação e Desenvolvimento da Comunidade Negra.

<sup>15</sup> Free translation based on the institution's original name, in Portuguese: Assessoria para Assuntos Afro-Brasileiros.

<sup>16</sup> Free translation based on the institution's original name, in Portuguese: Fundação Palmares.



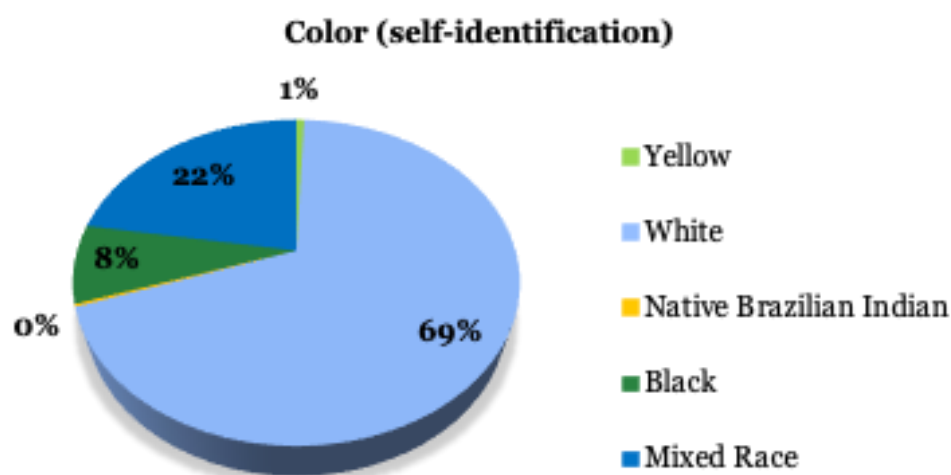
from this process. As examples, there are quotas in universities and in public tenders in the Public Administration, created respectively by Law n. 12,711/12 and by Law n. 12,990/14.

The inclusion of the racial agenda in the government's public policies allowed the black population to have greater opportunities in accessing higher education. It also allowed them to have real possibilities of being admitted to the public service. This has reflected in the increased representation of blacks and mixed race people in intellectual professions, such as lawyers, as well as in positions of power. The inclusive stance of greater racial diversity in prominent positions has also been played out in the private sector. One example is law firms that have reformulated the process of recruiting lawyers, reducing the "elitist barrier to greater racial inclusion" (Ferreira, 2020)<sup>17</sup>.

Despite the progress, in the state of Rio de Janeiro working as a lawyer is an activity that is still mostly performed by white people. The black population is under-represented by 8% of the self-declared black and 22% of the self-declared mixed race subjects. This adds up to only 30% of Afro-descendants working as lawyers in the state.

### Graph 1

*Racial distribution of lawyers in the state of Rio de Janeiro*



<sup>17</sup> TN: Free translation based on the Portuguese reference consulted in this work.

Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

It should be clarified that the questionnaire had five answer options for the question about the interviewee's color and self-identification: white, yellow, native Brazilian Indian, black and mixed race. The Racial Equality Statute<sup>18</sup> - Law 12,288, of 2010 -, in its very first article, sole paragraph, item IV, defines the black population as "the group of people who declare themselves to be black and mixed race, according to the color or race item used by the Brazilian Institute of Geography and Statistics (IBGE), or who adopt a similar self-definition". The survey carried out with the Brazilian Bar Association (OAB) did not use the same criteria adopted by the IBGE, as it used the terms "negro"<sup>19</sup> and "mixed race", instead of "black" and "mixed race". This change, however, did not interfere with the conclusions from a racial perspective. In both cases, the situations for the black population are jointly verified, as emphasized above, with no different weighting due to the color tone. It is important to highlight that the fact that Brazil is a country with a considerable amount of mixed race people leads some researchers to question how the interviewee's self-declaration takes place (Piza & Rosemberg, 2014). The "meaning of terms such as race, ethnicity and color" (Piza & Rosemberg, 2014, p. 100)<sup>20</sup> is sometimes used indiscriminately. For this reason, the present study considered as black all those who expressed, through the response to the questionnaire, belonging to the black population, regardless of the phenotypic analysis.

Further consideration about the presence of black people working as lawyers and their situation compared to white people will be addressed in the topic n.3 of this study. This introductory part, which is coming to its end, was intended to clarify the path taken by black people to rise professionally and to have the opportunity to obtain a Law degree in Brazil.

From the above, it is clear that Brazil has historically adopted a policy of silencing based on "discourses of racial democracy and mestizaje as constitutive of national identity" (Ferreira & Queiroz, 2018, p. 216)<sup>21</sup>. This reverberated in official empirical analysis of the country's situation, which excluded investigation of social

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<sup>18</sup> TN: Free translation based on the institution's original name, in Portuguese: Estatuto da Igualdade Racial.

<sup>19</sup> TN: It is important to note that, in Portuguese, the word "negro" does not have the discriminatory connotation that it has in English.

<sup>20</sup> TN: Free translation based on the Portuguese reference consulted in this work.

<sup>21</sup> TN: Free translation based on the Portuguese reference consulted in this work.

relations based on race. Brazil, thus, became a society full of social injustices, manifested through racial hierarchization and through beliefs in meritocracy, in order to justify the difference in treatment between whites and blacks (Ferreira & Queiroz, 2018).

## GENDER

According to Simone de Beauvoir (2011, p.26), femininity goes beyond the biological configuration of a human being as a woman. The author states: “Be women, stay women, become women”. The woman would be “the Other”, defined from the differentiation of the man, who would be “the Subject”, and not the opposite (Beauvoir, 2011). In this sense, by becoming “the Other”, it is denied to women “the right to exist as an equal” (Kilomba, 2019, p. 78)<sup>22</sup>.

The terms "gender" and "sex" are not synonymous. The first has a more social character. The second, a more biological one. Biology reframes itself socially by producing systems of inequalities (MacKinnon, 1995). This brief terminological introduction works to explain how the feminine will be the object of analysis of this research. In order to achieve a gender perspective and aiming at comparative observations, the questionnaire used in this study asked the interviewees about how they identified themselves. Three options were available: male, female and other. The formulation of the question sought to respect the lawyers' choice about their identity, not inferring any conclusion of an answer based on the observation of biological characteristics of each sex, even because the research took place anonymously and virtually.

Silvia Federici (2004, p. 92) mentions that the sexual division of labor has historical roots, dating back to the period when the State itself denied birth control to women, “degraded maternity to the status of forced labor, in addition to confining women to reproductive work in a way unknown unknown in previous societies”<sup>23</sup>. The view that women have to “produce children for the State” (Federici, 2004, p. 92)<sup>24</sup> and also have to perform housework to help their husbands was

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<sup>22</sup> TN: Free translation based on the Portuguese reference consulted in this work.

<sup>23</sup> TN: Free translation based on the Portuguese reference consulted in this work.

<sup>24</sup> TN: Free translation based on the Portuguese reference consulted in this work.

naturalized. According to the Italian philosopher, capital reduced the social role of women to “physical, emotional and sexual services” (Federici, 2019, p. 45)<sup>25</sup>.

In Carole Pateman terms (2020), the structure of subordination and oppression suffered by women is due to the existence of a sexual contract, in which a political instrument of access to women's bodies by men is created, based on patriarchal right. The paternal patriarchal right was later replaced by the right of the male husband. Pateman comprehends that marriage must be understood as a contract, just like a contractual relationship between employer and employee (Pateman, 2020).

Patriarchy has been configured as a system of oppression. Challenging it has been one of the agendas of feminist struggles in their revolutionary process of breaking paradigms and distinctions between the sexes (Millet, 1970). The advances of the feminist movements did not destroy the “infrastructure of the patriarchal ideology” (Millet, 1970, p. 13), but they made progress in the sense of assuring civil and political rights, education and work for women.

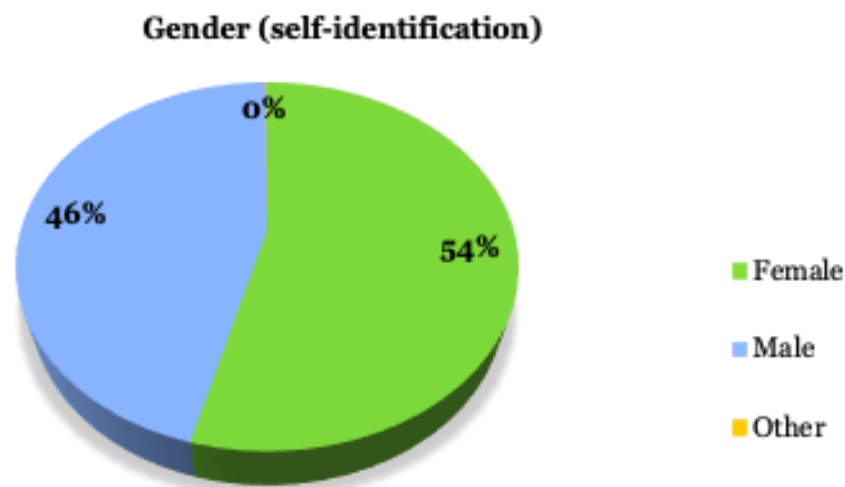
According to Kate Millet (1970), education was a priority issue in the feminist agenda. In a patriarchal society, women's education used to be about dealing with men, getting mixed up with care services. Restricting women's education was a way of denying them access to knowledge. As Millet (1970, p. 28) states, “a little bit of culture is in fact a dangerous thing” because it could lead to a process of greater awareness of the group, leading to the organization in the fight against inequalities.

Access to education occurred in different ways and at different times for women and men. Controlling women's knowledge was a tool used by patriarchy to maintain the oppression of women. On the one hand, this strategy was useful to make women continue to carry out domestic and care work, in order to maintain the place that was socially assigned to them by the sexual division of labor. On the other hand, it served to make women unaware of the role they could play in society, destroying social, political and sexual hierarchies.

With the increase in education levels, the representation in the labor market changes. This is proven by the present study, whose results reveal that in the state of Rio de Janeiro most lawyers are made up of people who identify themselves as female. The existence of 54% of female lawyers in the state of Rio de Janeiro demonstrates that the occupation of women in jobs that go beyond domestic and family care. They have started to dispute spaces of power with men.

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<sup>25</sup> TN: Free translation based on the Portuguese reference consulted in this work.

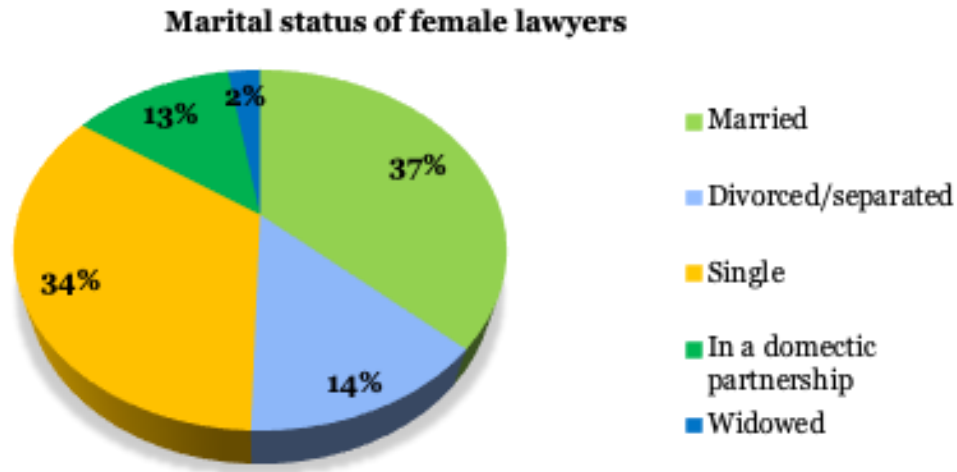
**Graph 2***Gender distribution of lawyers in the state of Rio de Janeiro*

Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

A research on remote work/home office in the context of the Covid-19 pandemic showed that there are more women than men in intellectual roles and functions. The study in question indicates that in the education sector, both public and private, women correspond to 67.9% of the professionals in the teaching sector and to 68.07% in the public sector (Bridi, 2020).

The study carried out in the present paper points in the same direction. The data reveals some relevant information regarding women working as lawyers. The first one is that although most of the male and female lawyers interviewed have the marital status of "married", the proportion for females is lower. This data demonstrates the proximity of the number of women who chose to remain single: 34% of those interviewed, compared to 37% of those who have the marital status of "married".

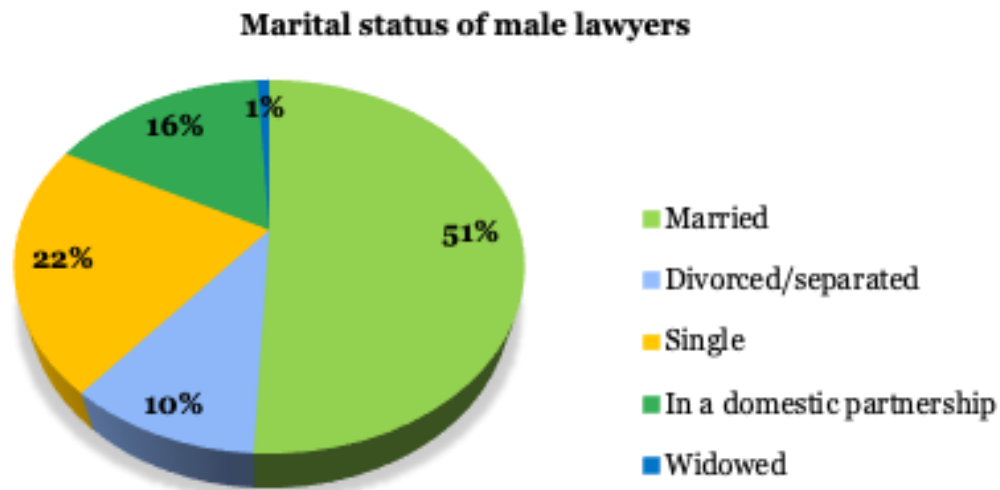
**Graph 3***Marital status of female lawyers in the state of Rio de Janeiro*



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

**Graph 4**

*Marital status of male lawyers in the state of Rio de Janeiro*



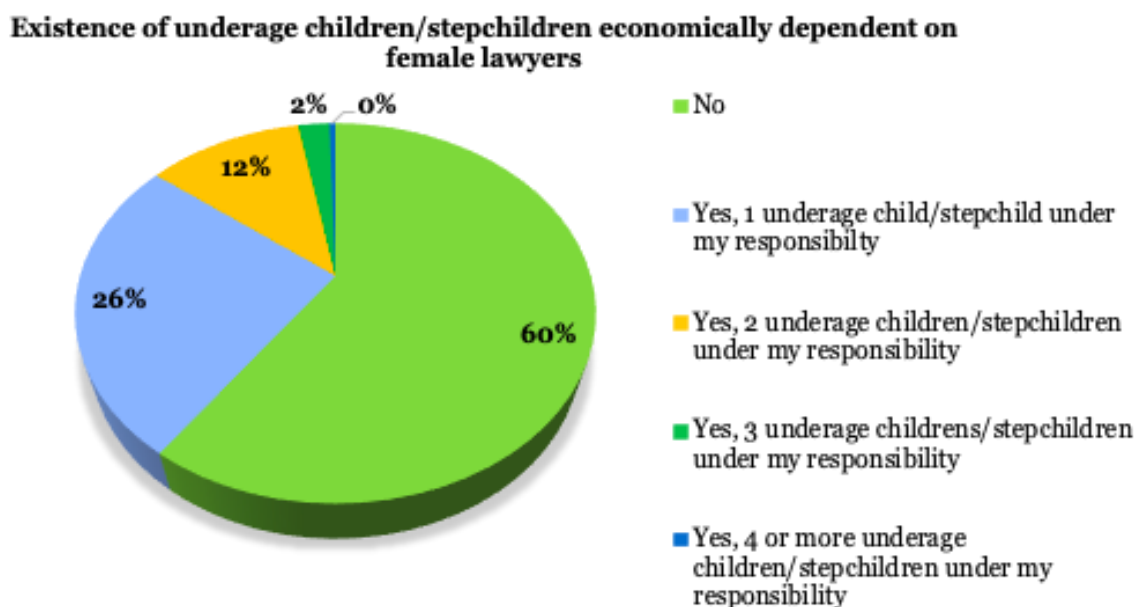
Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

Furthermore, 60% of the female lawyers interviewed reported not having a child or stepchild under their dependence. This data demonstrates that, regardless of marital status, female lawyers exhibit a behavior that is disconnected from the

traditional patriarchal structure, according to which women are expected to carry out reproductive work.

### Graph 5

*Existence of underage children/stepchildren economically dependent on female lawyers in the state of Rio de Janeiro*

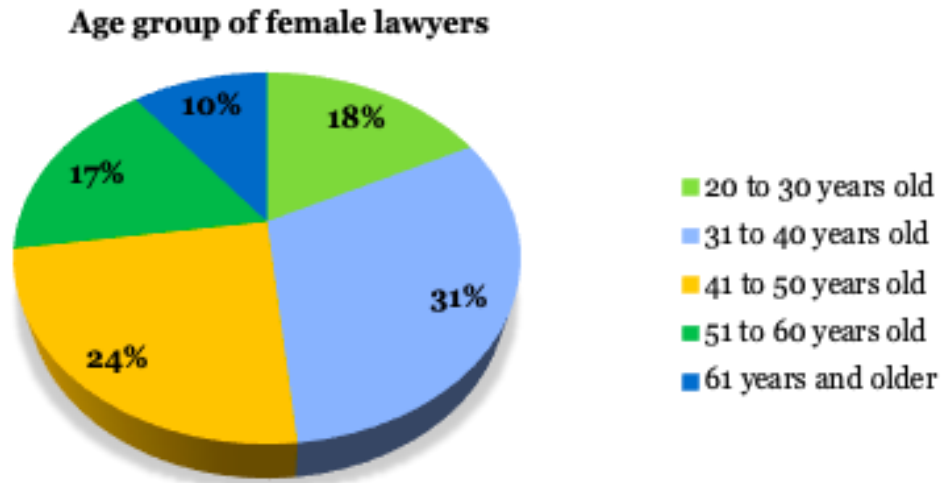


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

Another important data is the difference in age group between genders. According to the data from this research, it is possible to realize that female lawyers are younger than male. There are even fewer female lawyers in the age group of 51 to 60 years and in the age group of more than 60 years than male lawyers. This demonstrates that the inclusion of women as lawyers, in percentage relevant terms, is more recent. This information is corroborated by IBGE studies that demonstrate that the workforce of women increased significantly between 1976 and 2010 (Quirino, 2012). Furthermore, studies show that, from the end of the 20th century to the beginning of the 21st century, women extended their length of study, which resulted in an increase from 51.69% to more than 60% for those with 11 or more years of schooling between 2003 to 2010 (Quirino, 2012).

**Graph 6**

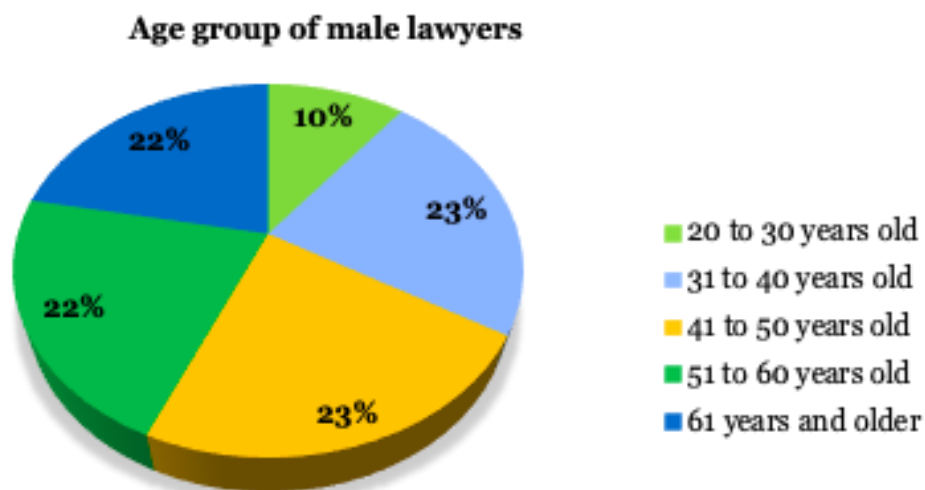
*Age group of female lawyers in the state of Rio de Janeiro*



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

**Graph 7**

*Age group of male lawyers in the state of Rio de Janeiro*



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.



The research on remote work/home office in the context of the Covid-19 pandemic in the teaching sectors, both public and private, coordinated by Maria Aparecida Bridi (2020), also found data similar to those found in the study carried out here, on remote work in the practice of lawyers. The data are similar regarding the analysis of the age group of women in the labor market. In the survey coordinated by Bridi, 39.97% of the female interviewees are between 31 and 40 years old and 30.18% are between 41 and 50 years old; in contrast, only 13.54% of the female interviewees are between 51 and 60 years old and merely 4.08% are over 60 years old.

Nancy Fraser (2007) considers that the second wave of feminism can be divided into three phases: the social movement phase, the identity politics phase, and the phase of its conception in a transnational orbit. The first phase sought to bring the field of personnel into political discussions. The second phase was driven by a policy of recognition of women. The third phase, in turn, reinvented feminism with the aim of crossing borders and expanding the themes of the feminist discussion agenda (Fraser, 2007).

The American philosopher defends the importance of the “interrelation between the demands for redistribution and for recognition” so that it is possible to combat social injustices in her theory of recognition (Mattos, 2006, p. 143)<sup>26</sup>. But she also understands that this interrelation does not exclude the need for representation beyond territorial borders, otherwise it will not be possible to reach the gender inequities present in the transnational sphere (Fraser, 2007).

This paper will not delve into the topic of feminist studies and the new theories that disseminate a culture of common struggle against oppression, under the penalty of misusing the purpose of the research<sup>27</sup>. The proposal, in this topic, was simply to point out the challenges faced by women in order to be allocated in the labor market without being sexually discriminated. And it was because of this perspective that this paper resorted to the theoretical perspective of feminist

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<sup>26</sup> TN: Free translation based on the Portuguese reference consulted in this work.

<sup>27</sup> Cinzia Arruzza, Tithi Bhattacharya e Nancy Fraser (2019) are in favor of a feminism struggle that is also anti-capitalist, anti-racist, anti-imperialist, ecosocialist and internationalist.

movements that seek recognition, redistribution and representation. These movements played an essential role in the process of conquests obtained by women, so that today they can occupy careers and spaces of power, breaking the paradigm linked to the patriarchal structure. It should be noted that the term feminism used here does not have the negative connotation highlighted by Chimamanda Ngozi Adiche (2015, p. 14). This author had to call herself a “happy African feminist who does not hate men”<sup>28</sup> so that her digressions on feminism would be respected and so that she would not suffer any personal and pejorative judgment about her political choice.

## INTERSECTIONALITY

According to Audre Lorde (2019), there is no such thing as hierarchy of oppression from an intersectional perspective. Sexism and heterosexism are similar to racism because they are forms of discrimination. In all of them there is “a belief in the inherent superiority of one race over all others and, thus, its right to dominate” (Lorde, 2019, p. 235)<sup>29</sup>. However, the fact that there is no gradation regarding who is the most oppressed one does not mean that there is a verification on how each social actor interacts in society so it would be possible to identify more precisely which vulnerabilities this actor is subject to.

Black women are considered a specific category of study by those who focus on one of the strands of the theory of intersectionality. This trend is the one developed by intellectuals of Critical Race Theory who challenged the production of Eurocentric knowledge elaborated “by white academics with the unsuspected reproduction of their knowledge without a critical reflection on their own privileges and on the production of theory about the 'others'” (Ferreira & Queiroz, 2018, p. 204). As for black women themselves, they asked feminists: “What is it about the

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<sup>28</sup> TN: Free translation based on the Portuguese reference consulted in this work.

<sup>29</sup> TN: Free translation based on the Portuguese reference consulted in this work.

whiteness of CLS<sup>30</sup> that keeps people of color on the sidelines?” (Ferreira & Queiroz, 2018, p.210)<sup>31</sup>.

In Kimberlé Crenshaw terms (2002, p. 177), intersectionality is a “problem that seeks to capture the structural consequences and dynamics of the interaction between two or more axes of subordination”<sup>32</sup>. In this sense, black women would suffer the abuses of racism and patriarchy together, without excluding other means of class exclusion and heterosexism, for example. The present study will focus only on the intersection between gender and race in order to analyze the context of black female lawyers.

The choice to analyze the category of black women through the perspective of intersectionality has a methodological character. This option was made in order to understand that when black women interact in society, they represent the female gender and the black people globally. The observation by categories aims to avoid the “overinclusion” phenomena in which an intersectional problem is absorbed by a gender discussion, disregarding the immanent racial content and, consequently, being insufficient to identify combative solutions to oppression (Crenshaw, 2002).

The same methodological deficiency could occur in an “underinclusive” gender research, for example. In this hypothetical situation, the issue of gender would not be addressed because it does not manifest itself in the personal sphere of dominant groups (Crenshaw, 2002).

According to Beatriz Nascimento (2019), black women still suffer the effects of a slave society. Until today, the role of black women as workers has not changed much, so that even today they mainly perform domestic services, services in industry and as farmers in rural areas. Nascimento understands that this situation is perpetuated because it is common to the black race as a whole, considering that their descent from slaves and also that they experience difficulties in accessing education. According to the author, studies based on official data reveal that black

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<sup>30</sup> CLS is the initials acronym for Critical Legal Studies, a theory that criticizes the role of Law “in helping to rationalize an unfair social order” (Ferreira & Queiroz, 2018, p. 206).

<sup>31</sup> TN: Free translation based on the Portuguese reference consulted in this work.

<sup>32</sup> TN: Free translation based on the Portuguese reference consulted in this work.

women were the least represented category in entering higher education, compared to the categories of white women and black men (Nascimento, 2019).

Sueli Carneiro (2019, p. 278) draws attention to the violence against the image of black women. According to her, this is another factor that contributes to the discrimination of this group in the labor market. The stigmatized representation of black women jeopardizes not only the performance of their work activities, but also “the possibilities of meeting in the affective market”<sup>33</sup>, affecting the self-esteem of these women.

The stigmatized image of black women is also highlighted by Lélia Gonzalez (2020, p. 59). The author points out that society “professionally” qualifies black women as domestic workers and as mulattas. It is worth mentioning that in the present study the social stereotypes of black women will not be addressed, under penalty of avoiding the purpose of analyzing their presence in the labor market. Such reflections, however, are relevant to demonstrate that, in addition to the social, political, economic and historical causes that has motivated the delay in integrating the black population into the labor market, as highlighted in topic 2.1, there is a specificity of black women that must be taken into account. They suffer racism differently from the way black men do, since their image is associated with tasks of slave and sexual natures that distance them from prominent positions when performing labor activities.

This reality is portrayed in the research carried out here. The results show that only 23% of female lawyers declared themselves to be mixed race and only 8% declared themselves to be black. In other words, it means that black women correspond to 31% of the female lawyers interviewed. This data is quite different from the significant presence of white women working as lawyers: they correspond to 68% of the women interviewed. Once again, it is necessary to clarify what is stated in the topic 2.1: although the questionnaire applied brings two possible typologies for the self-identification of Afro-descendants - namely, black and mixed race -, the conclusions of the study consider these two categories together, in an integrated way. Thus, in the racial analysis of the impacts of the pandemic on the

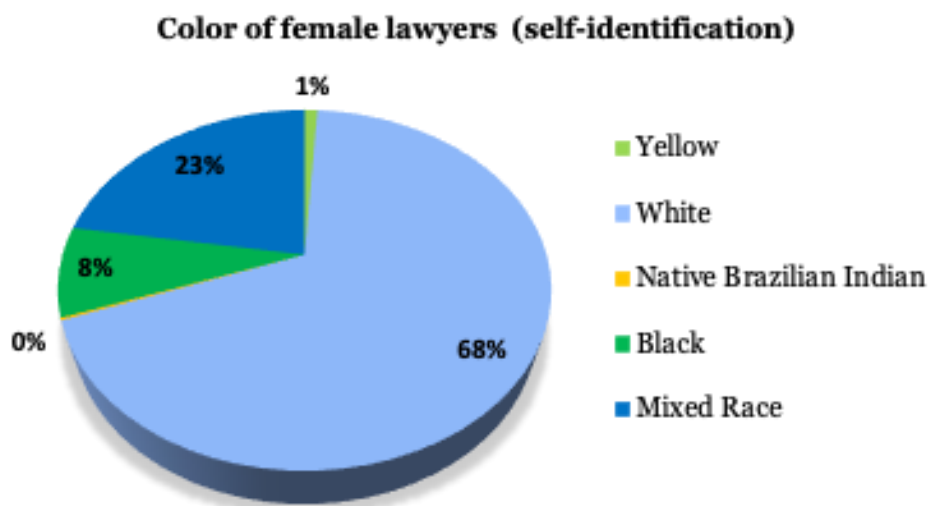
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<sup>33</sup> TN: Free translation based on the Portuguese reference consulted in this work.

work routine of lawyers, the black and the mixed race categories form the large group "black people".

### Graph 8

*Racial distribution of female lawyers in the state of Rio de Janeiro*



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

Among female lawyers in the state of Rio de Janeiro, black women are not quantitatively represented in the same way as white women. As seen, 31% of the women interviewed are black, compared to 68% of white women. Still, there are studies that point out that Esperança Garcia, an enslaved black woman, was the first female lawyer in Brazil. This supposedly happened at the end of the 18th century, when she received the symbolic title of first female lawyer in the state of Piauí. The title was given to Esperança by the Brazilian Bar Association (OAB), sectional Piauí, when reporting abuses in the slave relationship (Galf, 2020).

The next topic provides data showing that black women suffer greater discrimination compared to black men and to white women, as defended by the theory of intersectionality. This proves that black women are indeed targets of more than one form of oppression.

### 3. RESEARCH DATA

The present study aims to verify whether the Covid-19 pandemic had a different impact on the practice of lawyers in the state of Rio de Janeiro in relation to race and gender. It is intended to verify whether the economic impact of the pandemic, in relation to lawyers, was unequal regarding the perspectives of race and gender.

#### THE IMPACTS OF THE PANDEMIC ON BLACK MALE LAWYERS IN THE STATE OF RIO DE JANEIRO

As stated in topic 2.1, considering the male gender, the legal profession in the state of Rio de Janeiro is predominantly composed of white people. Blacks represent only 30% of respondents. The research also showed that during the pandemic, blacks lawyers received lower remuneration than non-black lawyers<sup>34</sup>. In this last group, 33% received between 5 and 10 minimum wages and 27% between 3 and 4 minimum wages. Among black lawyers, on the other hand, 33% received between 3 and 4 minimum wages and 29% received between 1 and 2 minimum wages. Analyzing those who received more than 11 minimum wages, there are twice as many non-black lawyers earning such remuneration - they are 20% of respondents, while black lawyers add up to 10%.

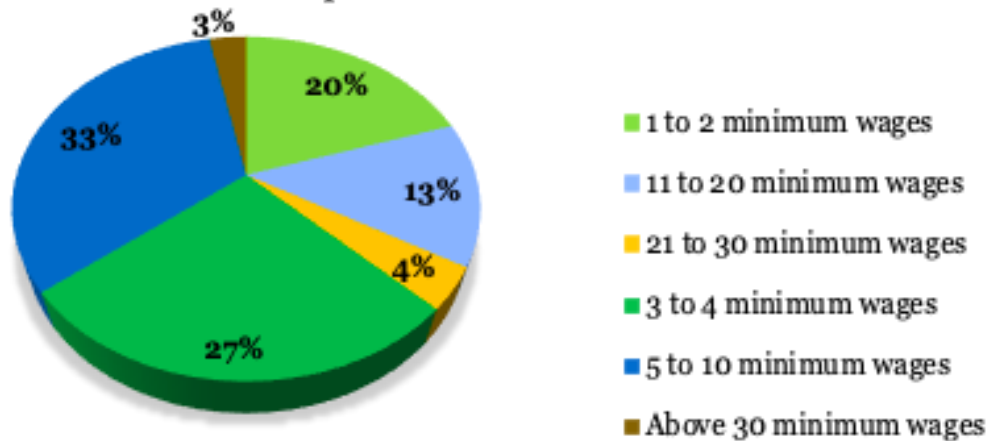
#### Graph 9

*Average remuneration of non-black male lawyers during the pandemic in the state of Rio de Janeiro*

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<sup>34</sup> It is recognized that native Brazilian Indian people are also historical victims of colonization. This is a situation that continues until today. However, for methodological reasons and since the object of the research is black advocacy, the study presented here intended to isolate blacks and compare them with all other groups.

**Average remuneration of non-black male lawyers during the pandemic**

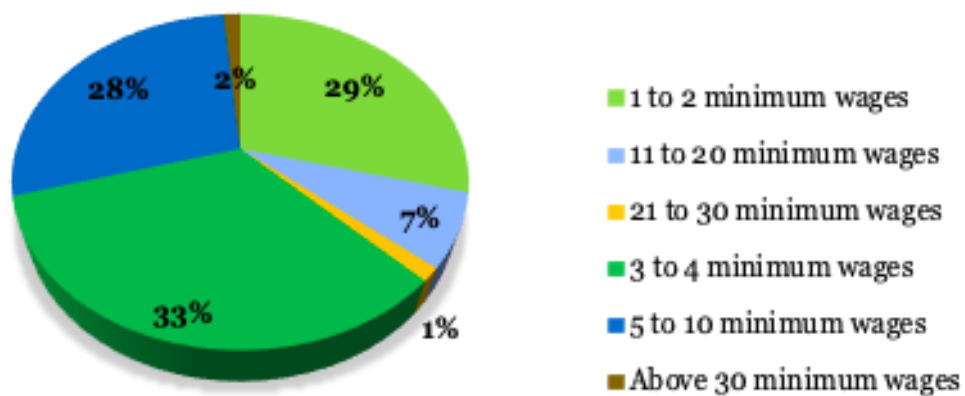


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

**Graph 10**

*Average remuneration of black male lawyers during the pandemic in the state of Rio de Janeiro*

**Average remuneration of black male lawyers during the pandemic**



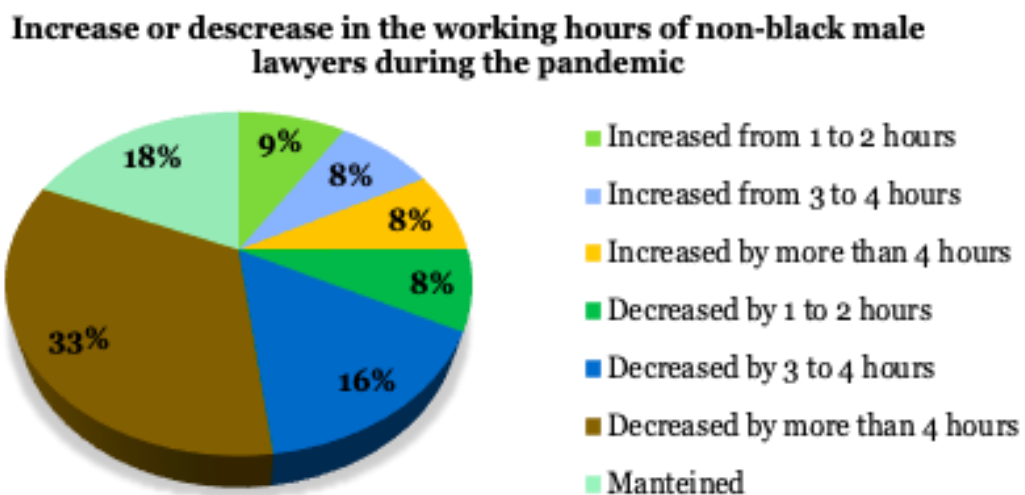
Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

The research found that, compared to non-black male lawyers, black male lawyers had more losses in terms of reducing working hours. As a consequence,

this had an impact on the remuneration of the group. While 33% of non-black male lawyers reported a reduction of more than 4 hours of work and 18% reported no change in their work routine, among blacks the situation was slightly different: 37% of black male lawyers had their working hours reduced by more than 4 hours and 16% maintained their pre-pandemic working hours.

### Graph 11

*Change in the working hours of non-black male lawyers during the pandemic in the state of Rio de Janeiro*



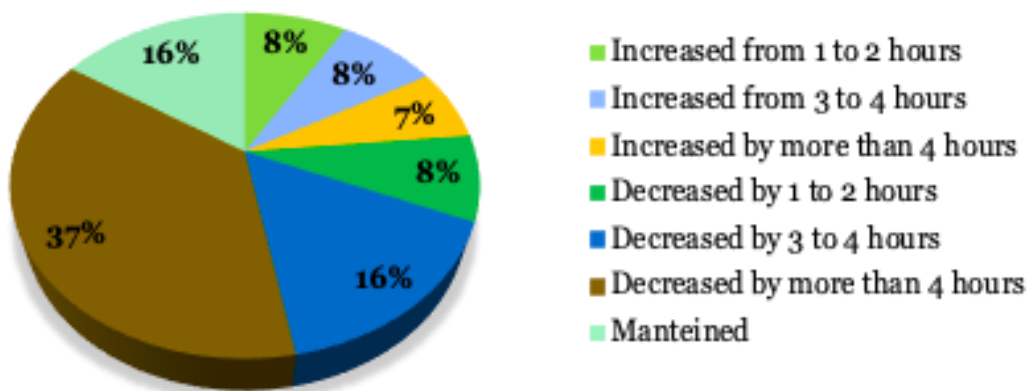
Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

### Graph 12

*Change in the working hours of black male lawyers during the pandemic in the state of Rio de Janeiro*



### Increase or decrease in the working hours of black male lawyers during the pandemic

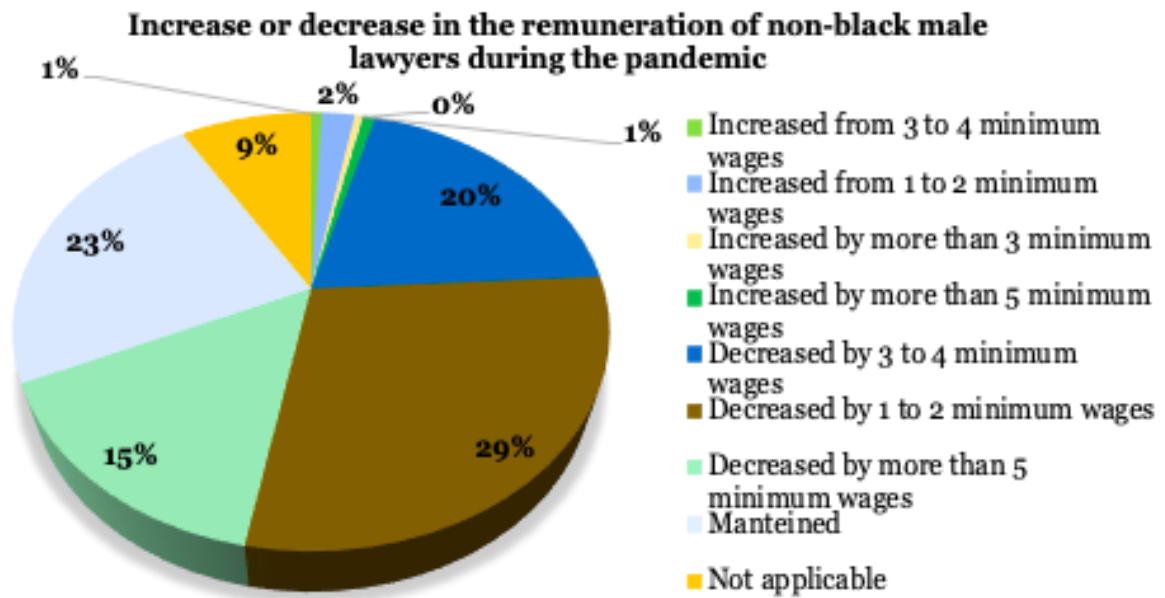


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

The change in the demand for work, which had a greater impact on the black population, also impacted on their remuneration. The research showed that 33% of black male lawyers had a financial loss between 1 and 2 minimum wages; 21% had a reduction of 3 to 4 minimum wages; and 21% had their remuneration maintained. On the other hand, the percentages for non-black lawyers indicates that lawyers, overall, have suffered financially from the pandemic. But non-black lawyers suffered less compared to black ones, as shown in the graph below. For 64% of non-black lawyers, there was a reduction in remuneration. For black lawyers, the percentage is higher, 66%.

### Graph 13

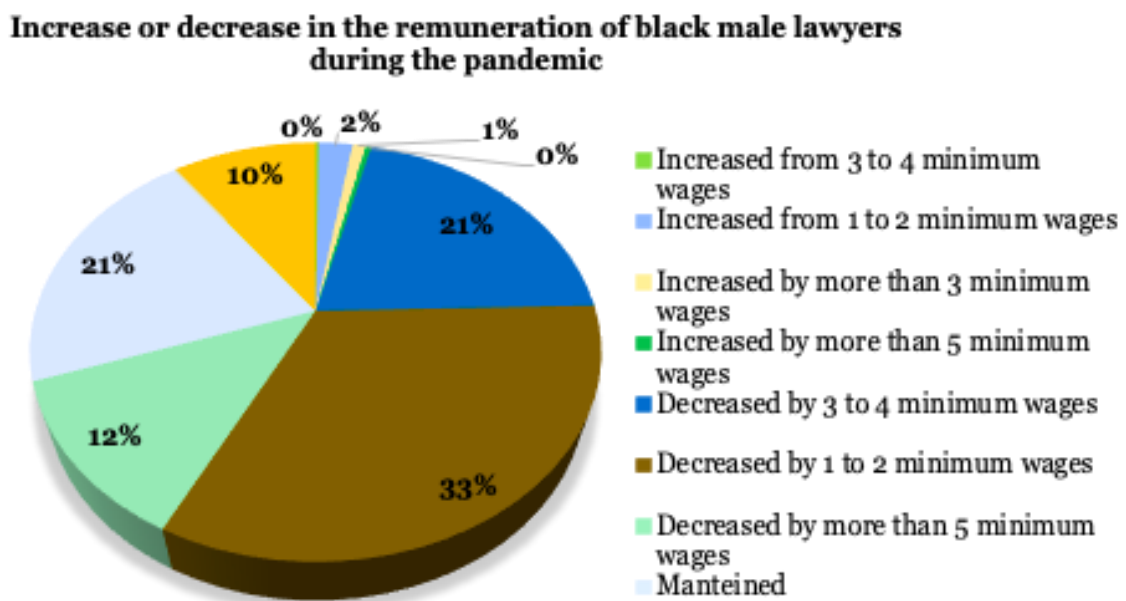
*Change in the remuneration of non-black male lawyers during the pandemic in the state of Rio de Janeiro*



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

**Graph 14**

*Change in the remuneration of black male lawyers during the pandemic in the state of Rio de Janeiro*

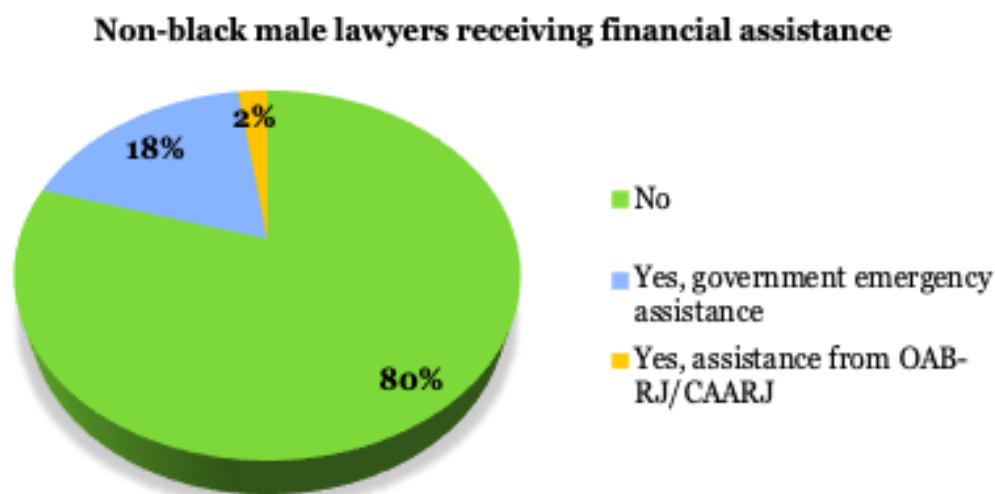


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

It is possible to observe that black male lawyers requested more government assistance and assistance from the Rio de Janeiro Section of the Brazilian Bar Association (OAB-RJ) and the Lawyers Assistance Fund of the State of Rio de Janeiro (CAARJ) than non-black lawyers. Among non-black lawyers, 18% reported having requested government assistance. Only 2% demanded support from the OABRJ/CAARJ. Among black lawyers, on the other hand, 25% requested government aid and 4% requested assistance from the OABRJ/CAARJ. It means that twice as many black lawyers received assistance from the OAB/CAARJ compared to non-black lawyers.

### Graph 15

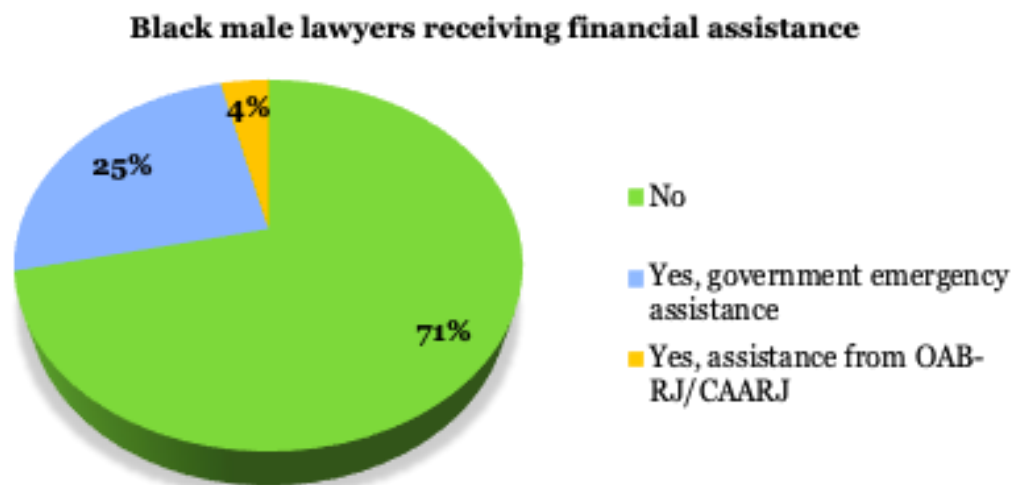
*Proportion of non-black male lawyers who received financial assistance during the pandemic in the state of Rio de Janeiro*



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

### Graph 16

*Proportion of black male lawyers who received financial assistance during the pandemic in the state of Rio de Janeiro*



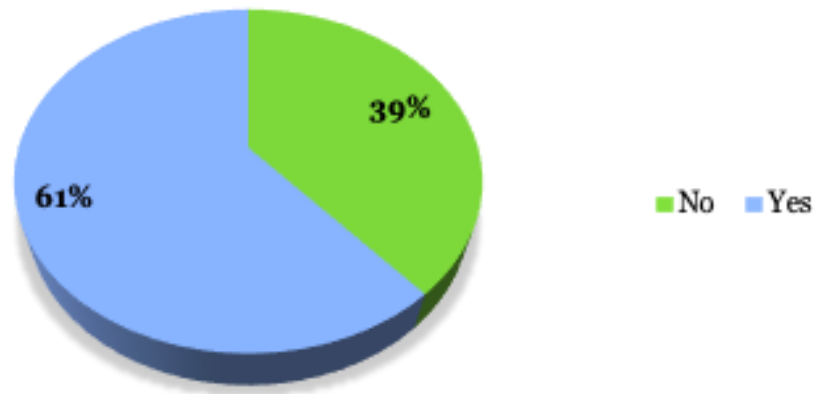
Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

The inequality between black and non-black male lawyers persists when comparing the maintenance of their jobs. 45% of black male lawyers lost their jobs. Among non-blacks, the percentage is 39%. In this sense, it is observed that the black population was more strongly affected by the impacts of the pandemic than non-blacks.

### **Graph 17**

*Maintenance of jobs for non-black male lawyers during the pandemic in the state of Rio de Janeiro*

### Maintenance of jobs for non-black male lawyers during the pandemic

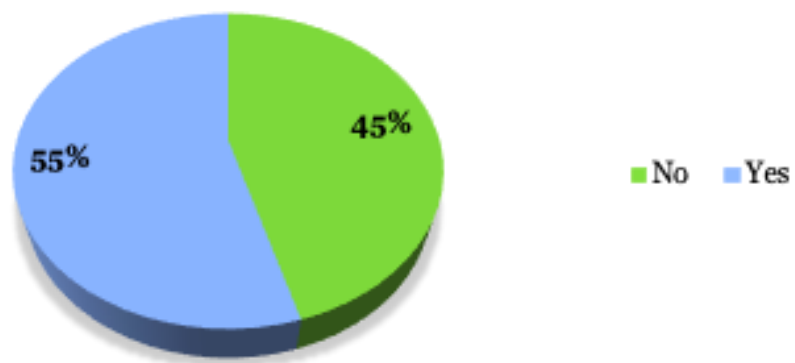


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

### Graph 18

*Maintenance of jobs for black male lawyers during the pandemic in the state of Rio de Janeiro*

### Maintenance of jobs for black male lawyers during the pandemic



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

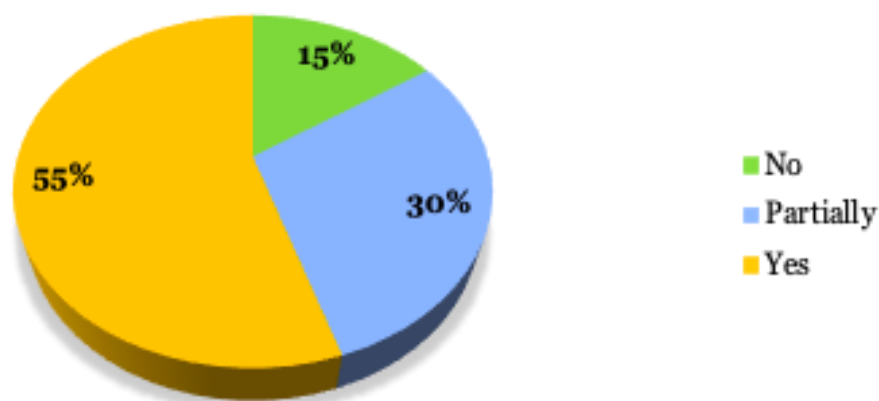
## THE IMPACTS OF THE PANDEMIC ON FEMALE LAWYERS IN THE STATE OF RIO DE JANEIRO

As reported in topic 2.2, working as a lawyer in the state of Rio de Janeiro is an activity predominantly carried out by women. It was found that female lawyers performed more activities under a remote work regime compared to male lawyers, as can be seen in the chart below.

### Graph 19

*Proportion of male lawyers who performed remote work during the pandemic in the state of Rio de Janeiro*

**Male lawyers performing remote work during the pandemic**

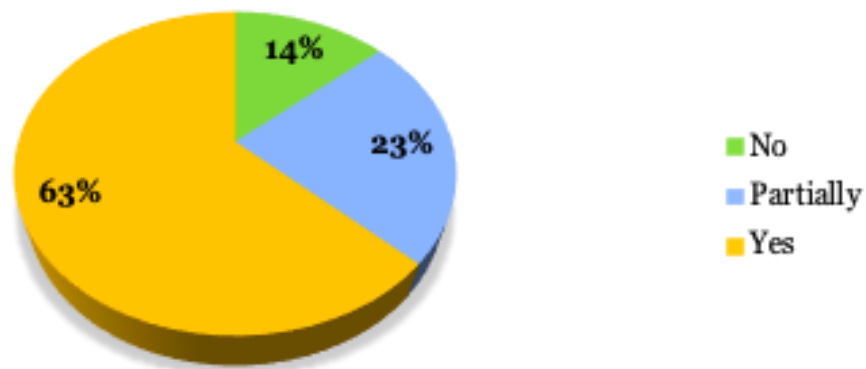


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

### Graph 20

*Proportion of female lawyers who performed remote work during the pandemic in the state of Rio de Janeiro*

### Female lawyers performing remote work during the pandemic



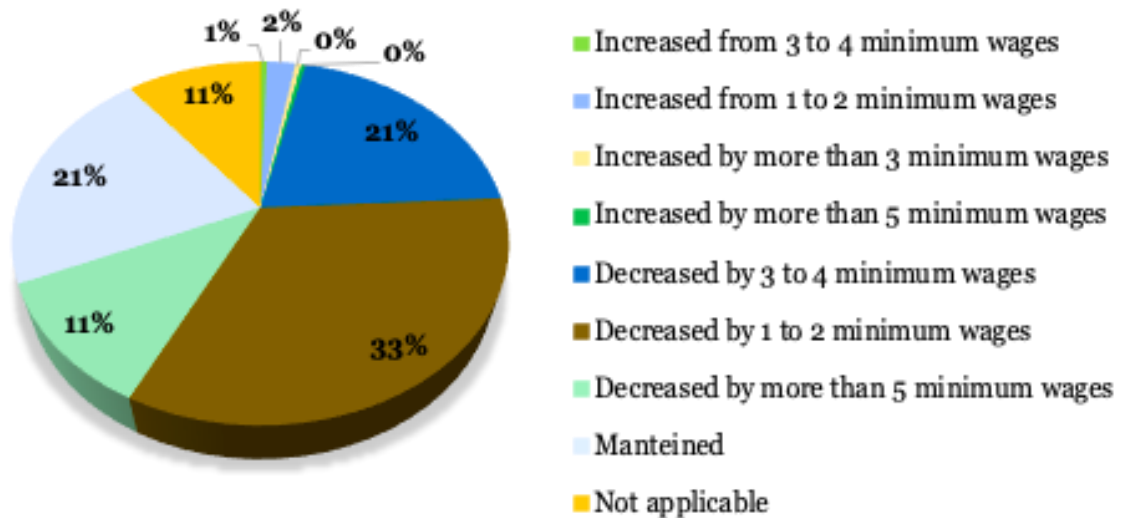
Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

Regarding remuneration, it was found that 33% of female lawyers suffered a salary reduction of 1 to 2 minimum wages. Those who lost 3 to 4 minimum wages correspond to 21% of the women interviewed. Another 21% had their remuneration maintained. With regard to male lawyers, however, 26% lost between 1 and 2 minimum wages. In addition, there were more male lawyers whose salaries were kept than male lawyers who lost between 3 and 4 minimum wages.

### Graph 21

*Change in the remuneration of female lawyers during the pandemic in the state of Rio de Janeiro*

**Increase or decrease in the remuneration of female lawyers during the pandemic**

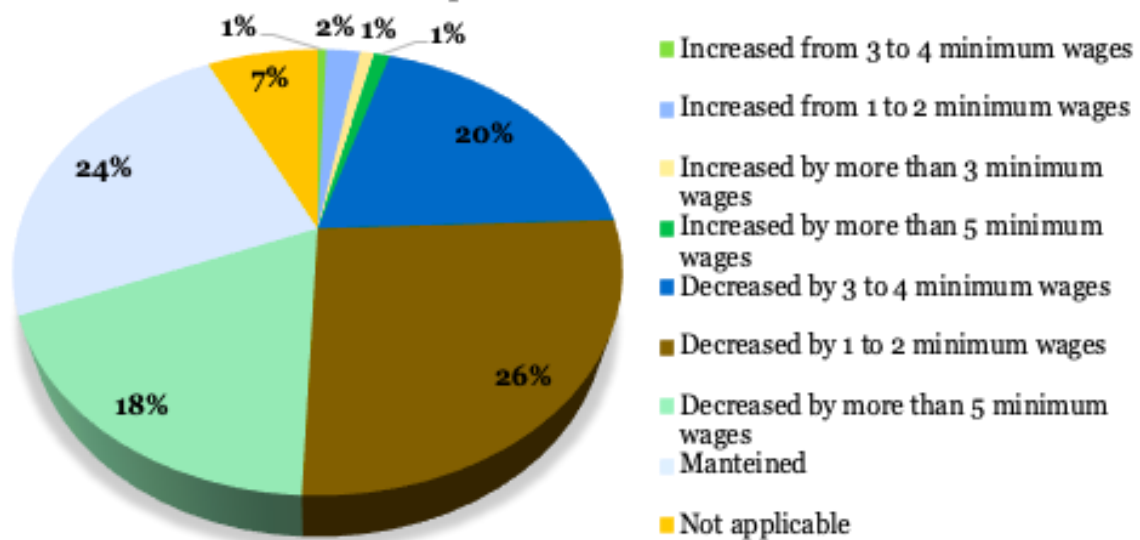


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

**Graph 22**

*Change in the remuneration of male lawyers during the pandemic in the state of Rio de Janeiro*

**Increase or decrease in the remuneration of male lawyers during the pandemic**



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

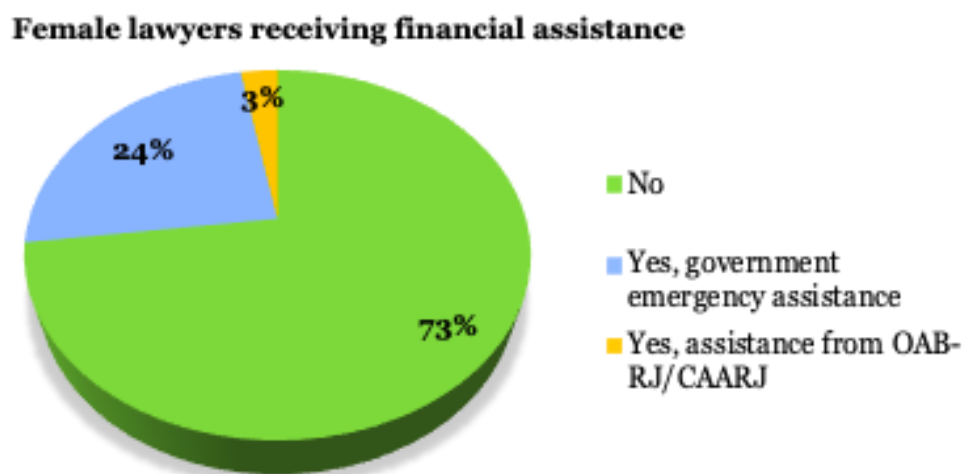


The research data reveals that although there are more women than men working as lawyers in the state of Rio de Janeiro, this representation did not guarantee them equal remuneration during the pandemic. Among female lawyers, 31% reported receiving between 3 and 4 minimum wages and 30% reported receiving 5 to 10 minimum wages. In relation to men, this order changes: 33% declared to receive from 5 to 10 minimum wages and 26% declared to receive from 3 to 4 minimum wages.

Furthermore, the research showed that female lawyers needed more financial assistance during the pandemic than male lawyers. Among women, 24% applied for government assistance. Among men the percentage was 15%. As for the OABRJ/CAARJ assistance, 3% of men and 3% of women received the aid. Therefore, there were more female lawyers receiving assistance: 27% of respondents, compared to 18% of male lawyers.

### Graph 23

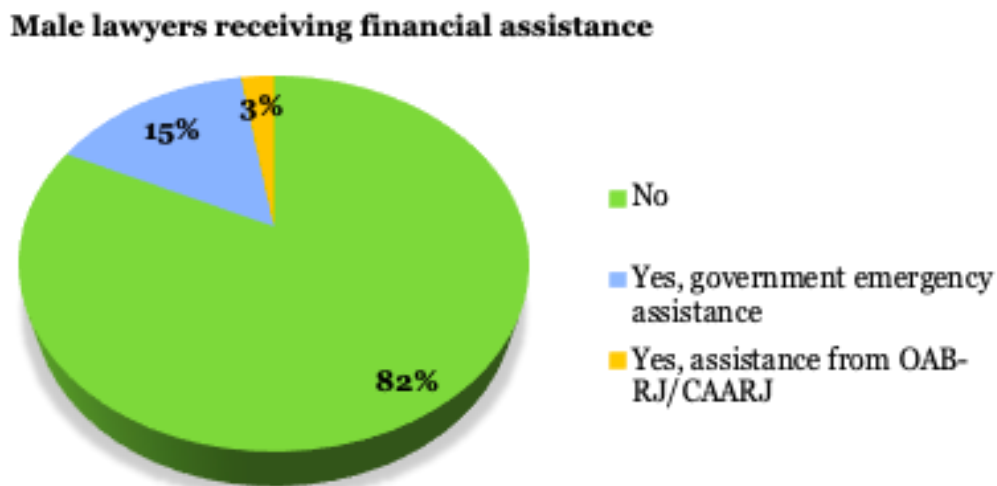
*Proportion of female lawyers who received financial assistance during the pandemic in the state of Rio de Janeiro*



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

**Graph 24**

*Proportion of male lawyers who received financial assistance during the pandemic in the state of Rio de Janeiro*



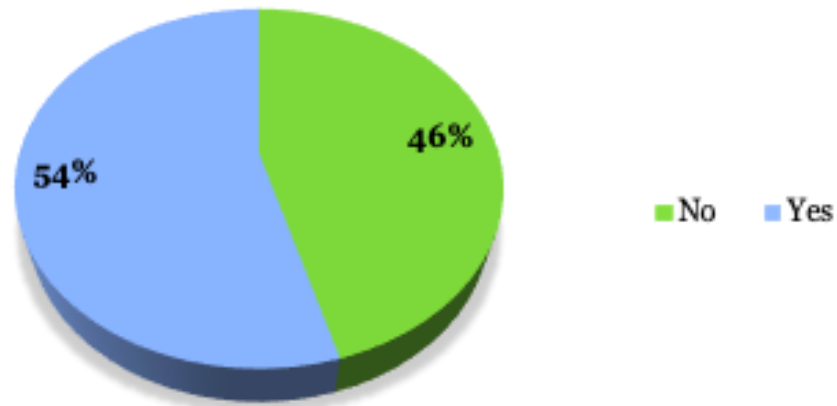
Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

The aforementioned disproportion may have had as one of its causes the fact that more female lawyers than male lawyers lost their jobs during the pandemic. Among women, 46% lost their job. This percentage is higher than that of men, 35%.

**Graph 25**

*Maintenance of jobs for female lawyers during the pandemic in the state of Rio de Janeiro*

### Maintenance of jobs for female lawyers during the pandemic

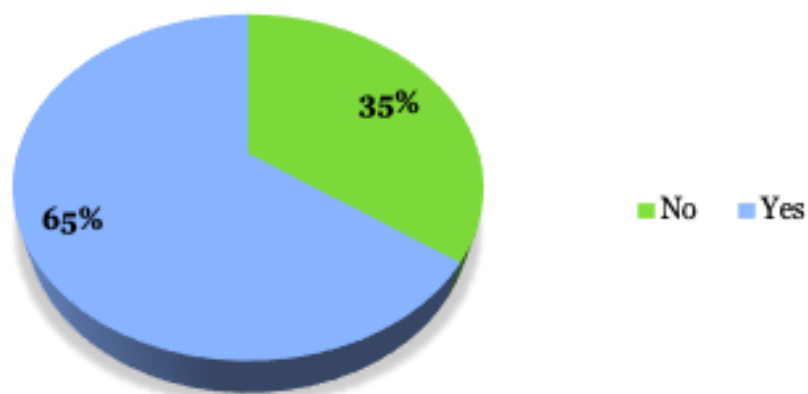


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

### Graph 26

*Maintenance of jobs for male lawyers during the pandemic in the state of Rio de Janeiro*

### Maintenance of jobs for male lawyers during the pandemic



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

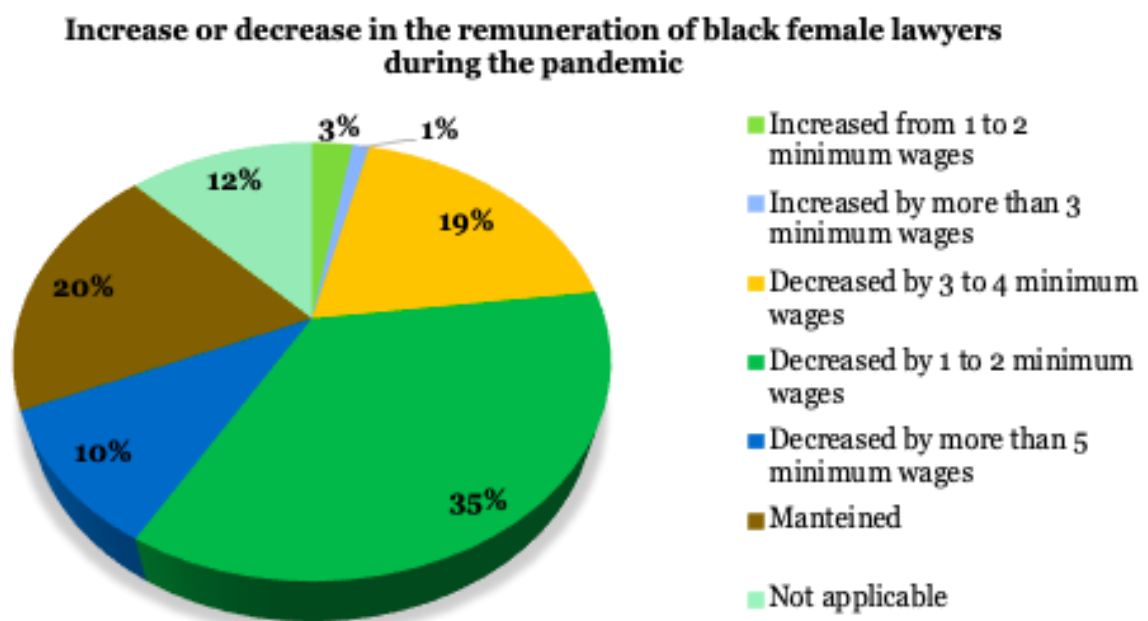
## THE IMPACTS OF THE PANDEMIC ON BLACK FEMALE LAWYERS IN THE STATE OF RIO DE JANEIRO

Topic 2.3 of this paper addressed the presence of black women in the labor market and discussed the extent to which their vulnerability to axes of gender and race oppression makes them the group with the lowest opportunity to access the labor market. The research revealed that, statistically and in comparison with black male lawyers and with white female lawyers, black female lawyers are the ones with the lowest remuneration. They are also the group whose labor force is the most exploited one.

In addition, black female lawyers had a greater salary reduction than white female lawyers and black male lawyers. This information can be seen in the graphs below.

### Graph 27

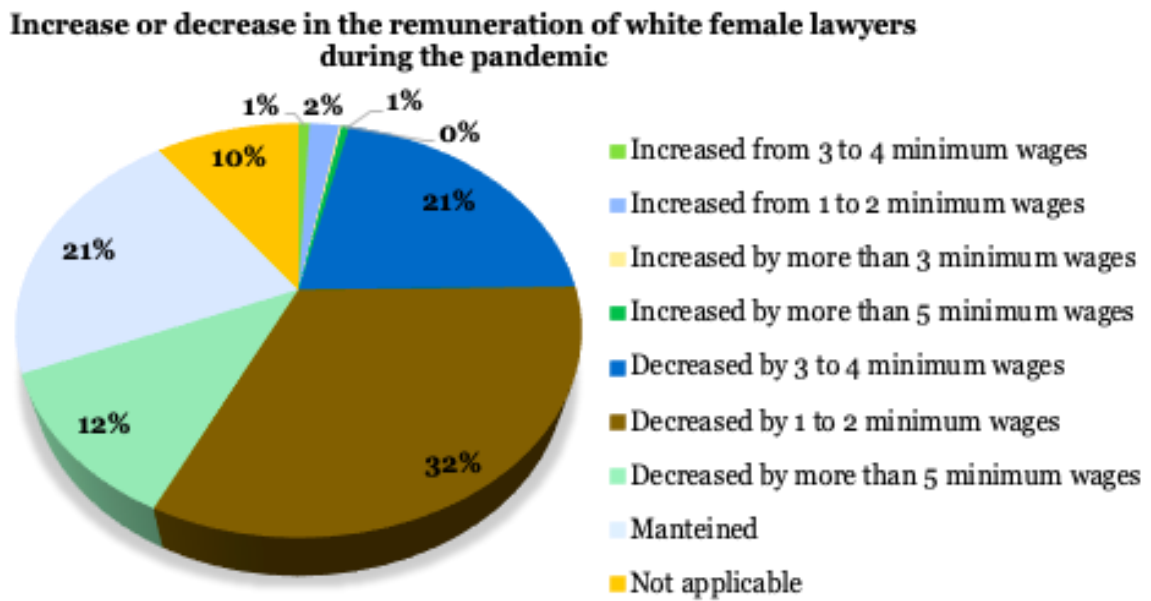
*Change in the remuneration of black female lawyers during the pandemic in the state of Rio de Janeiro*



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

**Graph 28**

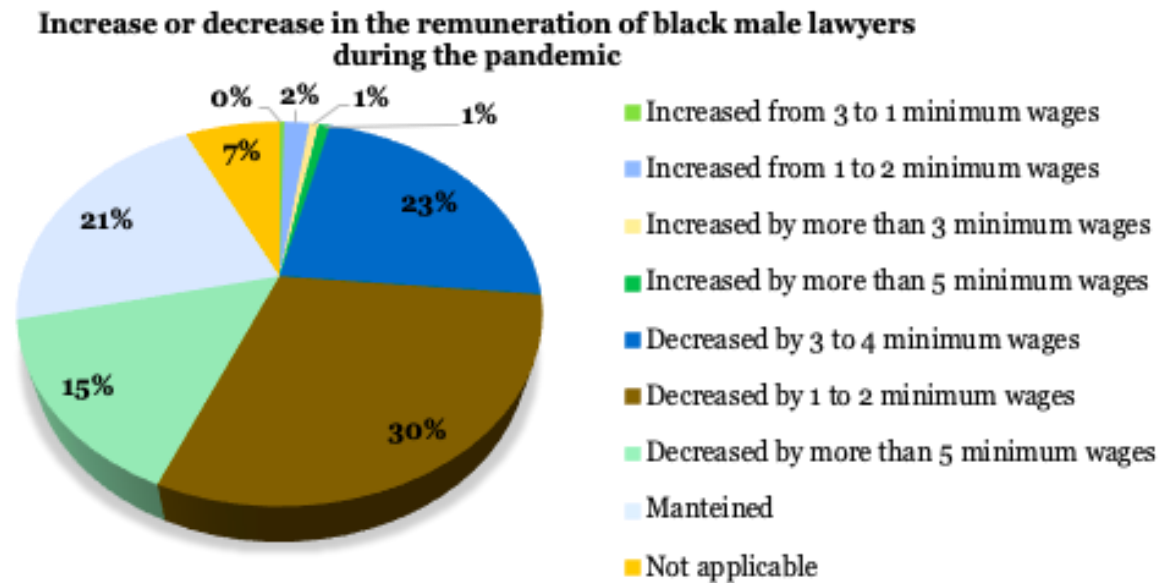
*Change in the remuneration of white female lawyers during the pandemic in the state of Rio de Janeiro*



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

**Graph 29**

*Change in the remuneration of black male lawyers during the pandemic in the state of Rio de Janeiro*



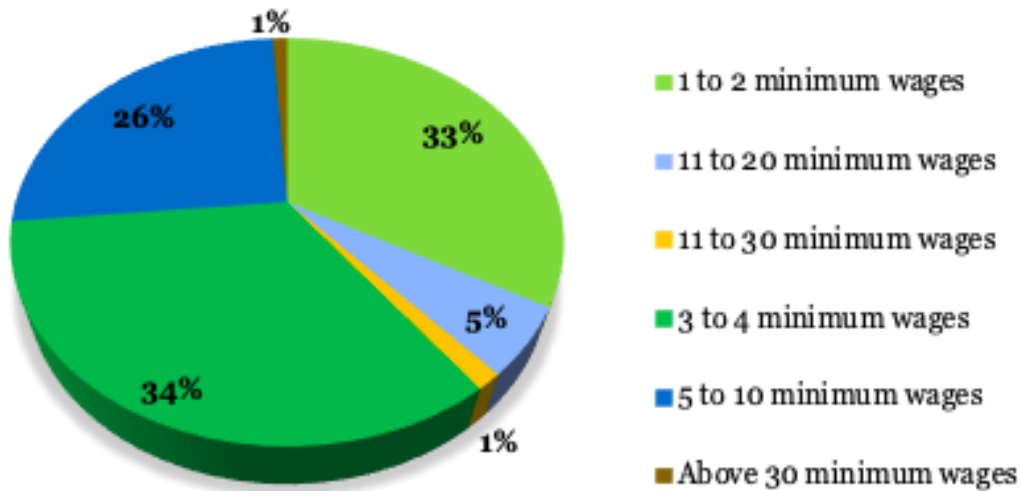
Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

The wage gap during the pandemic was also unequal. According to the comparative data below, 34% of black female lawyers received between 3 and 4 minimum wages and 33% received 1 to 2 minimum wages. Among white female lawyers, on the other hand, 32% received 5 to 10 minimum wages, followed by 3 to 4 minimum wages. In addition, according to the graph below, when the research was carried out there were more white female lawyers being better paid than black female lawyers. In relation to black male lawyers, the following graph shows that they received higher remuneration than black female lawyers: 31% of black male lawyers received between 5 and 10 minimum wages and 9% received between 11 and 20 minimum wages, unlike black female lawyers, with a lower percentage of 26% and 5% respectively.

### Graph 30

*Average remuneration of black female lawyers during the pandemic in the state of Rio de Janeiro*

**Monthly remuneration of black female lawyers during the pandemic**

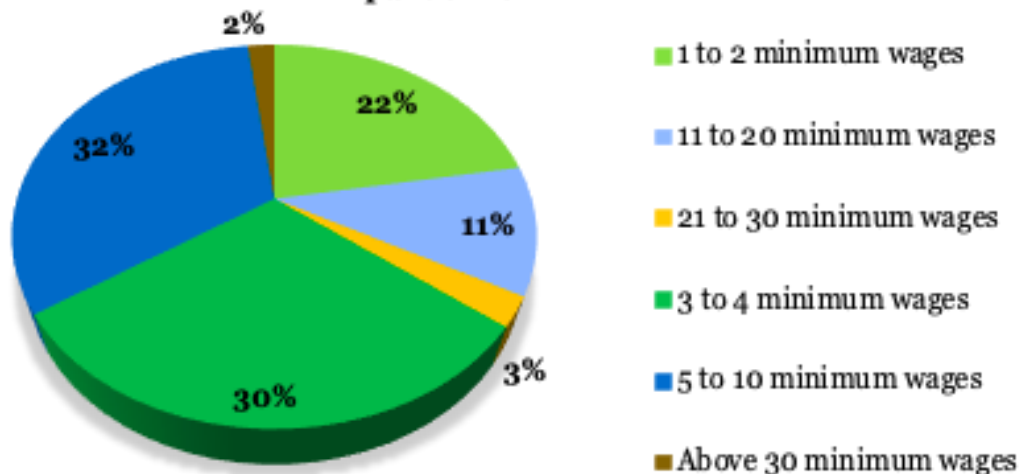


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

**Graph 31**

*Average remuneration of white female lawyers during the pandemic in the state of Rio de Janeiro*

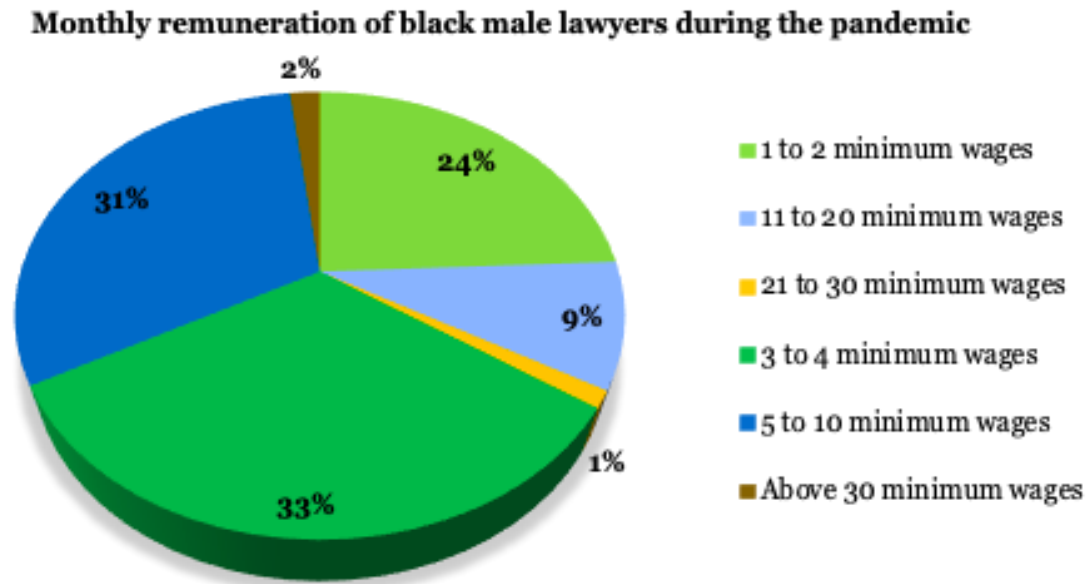
**Monthly remuneration of white female lawyers during the pandemic**



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

**Graph 32**

*Average remuneration of black male lawyers during the pandemic in the state of Rio de Janeiro*



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

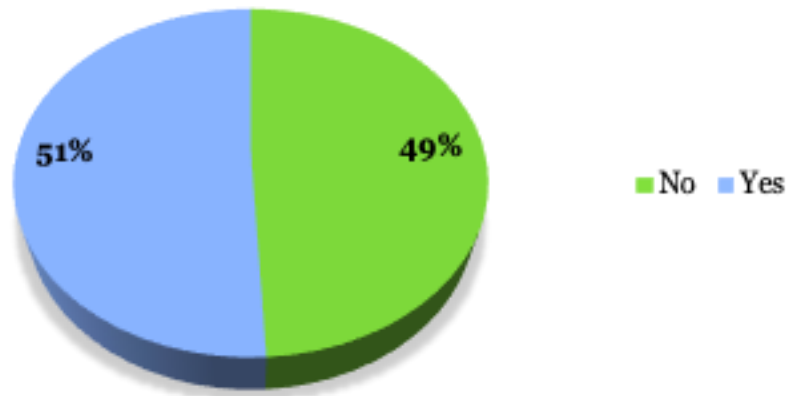
The racial distinction observed within the same gender persists when analyzing the percentage of black female lawyers who lost their jobs. This percentage is 49%. Among white lawyers, on the other hand, 44% suffered the same problem. When the comparison is made with black male lawyers, once again black women are the most affected group: 41% of them were deprived of work, a lower percentage than their black colleagues.

**Graph 33**

*Maintenance of jobs for black female lawyers during the pandemic in the state of Rio de Janeiro*



### Maintenance of jobs for black female lawyers during the pandemic

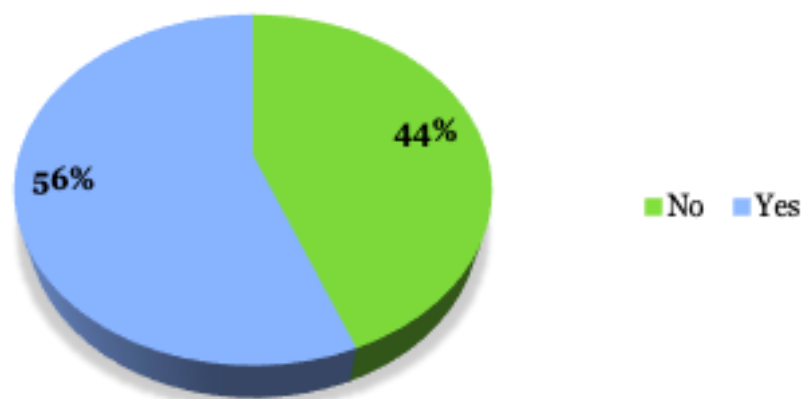


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

### Graph 34

*Maintenance of jobs for white female lawyers during the pandemic in the state of Rio de Janeiro*

### Maintenance of jobs for white female lawyers during the pandemic

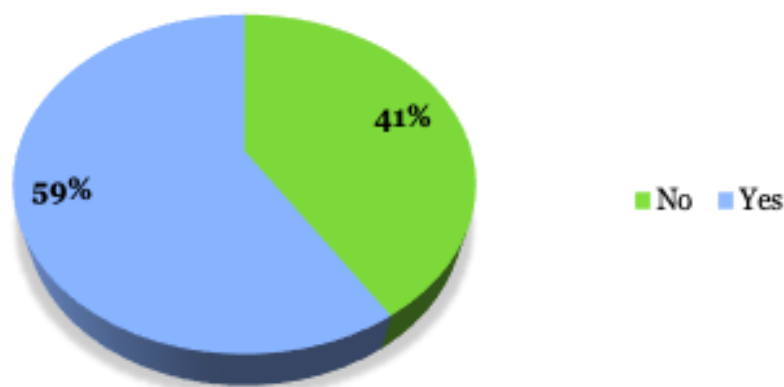


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

### Graph 35

*Maintenance of jobs for black male lawyers during the pandemic in the state of Rio de Janeiro*

**Maintenance of jobs for black male lawyers during the pandemic**



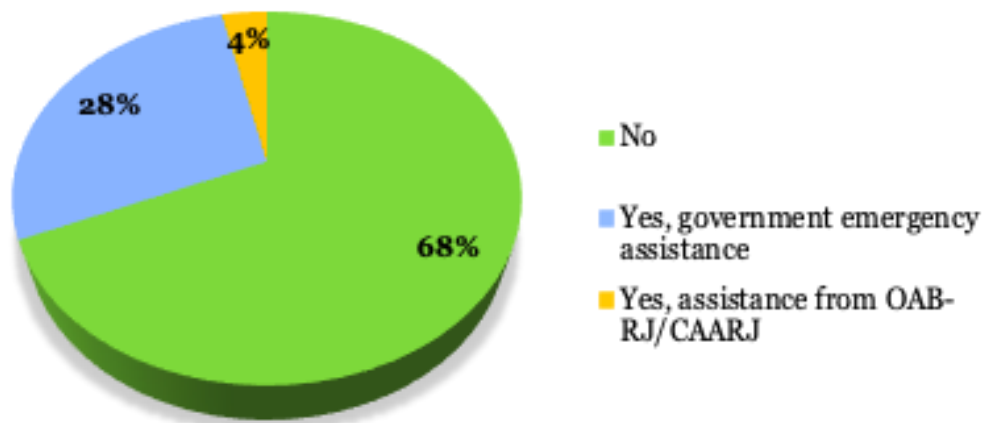
Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

The greater inactivity of black female lawyers during the pandemic has once again caused this group, compared to white female lawyers and black male lawyers, to demand more financial support. Thus, among black female lawyers, 28% received emergency assistance from the government and 4% received assistance from the OABRJ/CAARJ. Among white female lawyers, this percentage was 23% for government financial assistance and 2% for aid from the OAB/CAARJ. Among black male lawyers, 21% received financial support through government emergency aid and 4% through the OAB/CAARJ. This first percentage is lower than that of black female lawyers in terms of assistance from the Federal Executive Branch.

**Graph 36**

*Proportion of black female lawyers who received financial assistance during the pandemic in the state of Rio de Janeiro*

### Black female lawyers receiving financial assistance

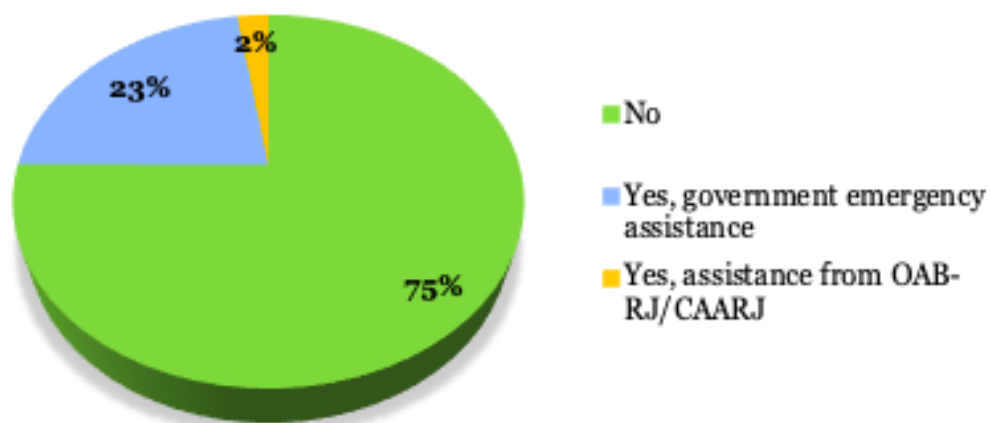


Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

### Graph 37

*Proportion of white female lawyers who received financial assistance during the pandemic in the state of Rio de Janeiro*

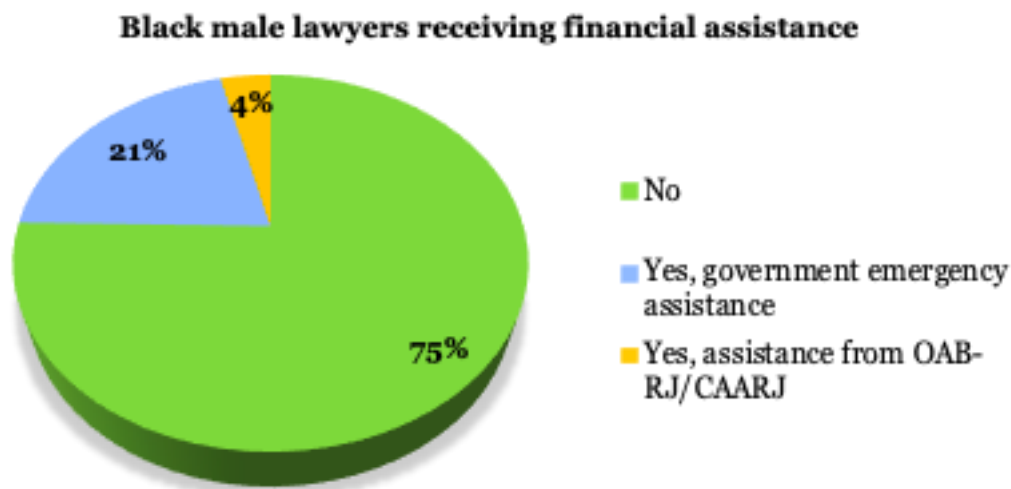
### White female lawyers receiving financial assistance



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

### Graph 38

*Proportion of black male lawyers who received financial assistance during the pandemic in the state of Rio de Janeiro*



Source: Research developed by the Research Group Trab21, from the National Law School (FND), at UFRJ/2020.

#### 4. CONCLUSION

The pandemic has affected everyone, reconfiguring social relationships and the way work is done. In the case of the practice of lawyers, the pandemic has caused professionals to adapt in record time to a remote work routine with consequences for family daily life. However, it was noticed that the fact of belonging to the legal profession, by itself, did not make all lawyers feel the damage caused by social distancing and remote work in the same proportion. The study carried out here showed that the state of Rio de Janeiro still preserves in its labor dynamics the culture of social stratification of the slaveholding period. This was noticed in the light of the research data, which revealed inequalities in remuneration and access to work between blacks and non-blacks lawyers. The research also revealed a sexual stratification in the face of data that indicates contrasts of the same nature between women and men.

The first part of the paper showed the difficulties faced by Afro-descendants in the labor market. One of these difficulties is reflected in the fact that black people

represent 30% of the lawyers in the state of Rio de Janeiro. Throughout this research, it was illustrated how the entrenched mentality of a slave culture creates division and racial discrimination at work. This, in turn, makes it difficult for black population to access the skilled labor market. In addition, it was clarified that the State has a relevant role in recognizing the category "race" in official census. This recognition is essential in order to verify or not the inequalities of society. In Brazil, disparities between races were mitigated by public affirmative action policies that, for a period, ensured effective access to higher education for Afro-descendants.

Despite the progress, the research data showed that discrimination against black people in the labor market still persists. And there are several ways in which this discrimination happens. The worst pay of black people during the pandemic, the fact they lost more jobs than white people and the need that led them to request more external financial assistance are some examples.

The first part of the paper also presented the process of victories of the feminist movement. This process caused the role of women, until then restricted to domestic work and controlled by patriarchy, to be re-meant. From the feminist movement onwards, women began to have a more equal presence in society, compared to men. Women now have the right to decide about their marital status, maternity and their profession. All this without any sexual connotation and division of labor.

When analyzing the practice of lawyers, however, despite all the conquests, during the pandemic female lawyers suffered greater losses - salary, working hours - than men. It is concluded, therefore, that there is still a way to go for female lawyers to really achieve the same benefits in the job market as male lawyers.

Particular focus was given to the black female lawyers. Based on the theory of intersectionality, the study emphasized that black female lawyers experience more than one form of abuse. For this group, racism and sexism jointly influence the construction of an imaginary that disqualifies them and that places them in a more vulnerable position in the labor market than black male lawyers and white female lawyers.

The data showed that black female lawyers experienced greater consequences of the pandemic in their work routines and in their remuneration than white female lawyers. Thus, it is necessary that management bodies and

government policies actively work in the elaboration and development of affirmative policies. Such policies should improve the representation of black women within the legal profession and should also foster access to better-paid jobs opportunities.

The last part of the work brought data that were interpreted from the theoretical discussions developed in the previous topics. By categorizing the statistics into "race", "gender" and "black women", it was noticed that academic debates on the categories of gender, race and intersectionality are essential for the discussion of this issue.

Data analysis also revealed that there are situations in which black male lawyers experience racial discrimination at work compared to white male lawyers. This was noticed when analyzing the variables: monthly remuneration, decrease in remuneration during the pandemic and loss of jobs also during the pandemic. In this sense, empirical research has shown that structural racism also has repercussions on the practice of lawyers, since reality is not the consequence of an intentional individual act. What is called reality is actually the resonance of a society that still discriminates against certain oppressed groups.

As for female lawyers, the research has found, in practice, some progress made by women in combating a pre-established sexual division of labor. In the state of Rio de Janeiro, the work as a lawyer is performed mostly by female professionals and this is a progress. Added to this achievement is the fact that, among the female lawyers interviewed in the research, the minority is married, compared to the other marital status combined and to married male lawyers, as shown in graphs 3 and 4. In the same sense, many female lawyers do not choose motherhood. Although partial, this data portrays some small victories of feminism in seeking recognition. This process allows women to obtain greater independence and autonomy in order to create conditions to free themselves from the effects of the patriarchal structure.

The data of black women lawyers reveals that, although they have a degree in Law, because they are women and black they doubly suffer the effects of racism and patriarchy when working as lawyers. In order to avoid overinclusion, as explained in topic 2.3, comparative graphs between black female lawyers and white female lawyers were drawn. This methodological choice was made in order not to

mitigate, in the research, the reality experienced by black female lawyers. The same was done when comparing black female lawyers and black male lawyers. In this case, the graphs were used to explain the difference in remuneration and job opportunities based on the theory of intersectionality discussed in topic 2.3. They were also used to understand the damage caused to black women by having their image depreciated and stereotyped, a situation that still puts them in a disadvantaged position in relation to other individuals who are also socially oppressed.

As stated by José Afonso da Silva (2007, p. 612), “working as a lawyer is neither superior nor nobler than other jobs”. All professions have their relevance in the construction of “social progress”. The research findings lead to questioning how lawyers can react to the finding that there are inequalities within their own careers<sup>35</sup>.

## REFERÊNCIAS

Adichie, C. N. (2015). *Sejamos todos feministas*. São Paulo: Companhia das Letras.

Almeida, S. (2018). *O que é racismo estrutural?* Belo Horizonte: Letramento.

Anjos, G. (2013). A questão “cor” ou “raça” nos censos nacionais. *Indicadores Econômicos FEE*, 41, 103-118.

Arruzza, C., Bhattacharya, T., & Fraser, N. (2019). *Feminismo para os 99%: um manifesto*. São Paulo: Boitempo.

Beauvoir, S. de. (2011). *The second sex*. Translated by Constance Borde and Sheila Malovany Chevallier. New York: Vintage Books.

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<sup>35</sup> The support given by the OAB-RJ/CAARJ to the research carried out by the Research Group Trab211 group demonstrates an active behavior by the organization in the search for information on the diversity of working conditions among lawyers from a gender and racial perspective. This stance is evidenced by the creation, at the end of 2020, of racial quotas for the composition of the OAB Council (Ferreira, L., 2020).

Bridi, Maria Aparecida (Coord). (2020). *Relatório técnico-científico da pesquisa: o trabalho remoto/home office no contexto da pandemia Covid-19: trabalho docente, setores público e privado e questões de gênero – parte II (recurso eletrônico)*. Curitiba: Federal University of Paraná, Grupo de Estudos Trabalho e Sociedade.

Carelli, R. de L., Silva, J. G. C. da, & Domingues, C. A. G. (2021). A advocacia em teletrabalho: um estudo sobre o impacto da pandemia da COVID-19 no exercício da advocacia no Estado do Rio de Janeiro. *Revista Jurídica Trabalho e Desenvolvimento Humano*, 4. Retrieved December 20, 2021, from <https://doi.org/10.33239/rjtdh.v4.96>

Carneiro, S. (2019). Mulheres em movimento: contribuições do feminismo negro. In H. B. de Hollanda (Org.), *Pensamento feminista brasileiro: formação e contexto*. Rio de Janeiro: Bazar do Tempo.

Collins, P. H., & Bilge, S. (2016). *Intersectionality*. Cambridge: Polity Press.

Crenshaw, K. (2002). Documento para o encontro de especialistas em aspectos da discriminação racial relativos ao gênero. *Revista Estudos Feministas (online)*, 10(1), 171-188.

Delgado, R., & Stefancic J. (2021). *Teoria crítica da raça: uma introdução*. São Paulo: Contracorrente.

Federici, S. (2004). *Caliban and the witch*. New York: Autonomedia.

Federici, S. (2019). *O ponto zero da revolução: trabalho doméstico, reprodução e luta feminista*. São Paulo: Elefante.

Ferreira, A. J. (2015). Autobiographical narratives of race and racism in Brazil: critical race theory and language education. *Muitas Vozes*, 4, 79-100.



- Ferreira, F. (2020, 19 de novembro). Escritórios de advocacia derrubam barreira elitista para melhorar inclusão racial: sem cotas, novas estratégias ainda precisam avançar mais para conduzir negros à cúpula das bancas judiciais. Folha de São Paulo. Retrieved December 20, 2021, from <https://www1.folha.uol.com.br/poder/2020/11/escritorios-de-advocacia-derrubam-barreira-elitista-para-melhorar-inclusao-racial.shtml>
- Ferreira, G. L., & Queiroz, M. V. L. (2018). A trajetória da Teoria Crítica da Raça: história, conceitos e reflexões para pensar o Brasil. *Teoria Jurídica Contemporânea*, 3, 201-229. ISSN 2526-0464.
- Ferreira, L. F. (2011). *Com a palavra, LUIZ GAMA: poemas, artigos, cartas, máximas*. São Paulo: Imprensa Oficial do Estado de São Paulo.
- Ferreira, L. (2020, 17 de dezembro). Cota racial levará mais negros para conselhos da OAB, mas encara obstáculos. UOL. Retrieved December 20, 2021, from <https://noticias.uol.com.br/cotidiano/ultimas-noticias/2020/12/17/cota-racial-levara-mais-negros-para-conselhos-da-oab-mas-sofre-obstaculos.htm>
- Fraser, N. (2007). Mapeando a imaginação feminista: da redistribuição, ao reconhecimento e à representação. *Revista Estudos feministas*, 15(2), p. 240.
- Galf, R. (2020, 19 de novembro). Quem foi Esperança Garcia, negra escravizada reconhecida como 1ª advogada do Piauí. Portal Geledés. Retrieved December 20, 2021, from <https://www.geledes.org.br/quem-foi-esperanca-garcia-negra-escravizada-reconhecida-como-1a-advogada-do-piaui/>
- Gomes, C. de M. (2018). Sujeitos do performativo jurídico II: uma releitura do “povo” nos marcos de gênero e raça. *Teoria Jurídica Contemporânea*, 3(1), 64-97.
- Gonzalez, L., Rios, F., & Lima, M. (Orgs.). (2020). *Por um feminismo afro-latino-americano: ensaios, intervenções e diálogos*. Rio de Janeiro: Zahar.
- IBGE. (2020). *PNAD COVID-19. O IBGE apoiando o combate à COVID-19: Trabalho – desocupação, renda, afastamentos, trabalho remoto e outros efeitos da*

*pandemia no trabalho*. Retrieved December 20, 2021, from  
<https://covid19.ibge.gov.br/pnad-covid/trabalho.php>

Instituto Luiz Gama. (2011). *Para saber mais sobre LUIZ GAMA*. Retrieved  
December 20, 2021, from  
<http://www.institutoluizgama.org.br/index.php/luiz-gama>

Kilomba, G. (2019). *Memórias da plantação: episódios de racismo cotidiano*. Rio  
de Janeiro: Cobogó.

Law nº 12.288, July 20, 2010. Institui o Estatuto da Igualdade Racial; altera as Leis  
nos 7.716, de 5 de janeiro de 1989, 9.029, de 13 de abril de 1995, 7.347, de 24  
de julho de 1985, e 10.778, de 24 de novembro de 2003. Presidência da  
República.

Lorde, A. (2019). Não existe hierarquia de opressão. In H. B. de Hollanda (Org.),  
*Pensamento feminista: conceitos fundamentais*. Rio de Janeiro: Bazar do  
Tempo.

MacKinnon, C. A. (1995). *Hacia una teoría feminista del Estado*. Universitat de  
Valencia, Instituto de la Mujer: Ediciones Cátedra.

Martone, R., & Jacob, P. C. (June 19, 2020). O “novo normal” dos Tribunais. Diante  
dos transtornos da pandemia, é inegável a possibilidade do aumento da  
eficiência dos tribunais brasileiros. Jota. Retrieved December 20, 2021,  
from <https://www.jota.info/opiniao-e-analise/artigos/o-novo-normal-dos-tribunais-19062020>

Mattos, P. C. (2006). *A sociologia política do reconhecimento: as contribuições de  
Charles Taylor, Axel Honneth e Nancy Fraser*. São Paulo: Annablume.

Millet, K. (1970). *Política sexual*. Publicações Dom Quixote.

Moura, C. (1988). Estratégia do imobilismo social contra o negro no mercado de  
trabalho. *Revista São Paulo em Perspectiva*, 2(2), 44-46.

- Nascimento, B. (2019). A mulher negra no mercado de trabalho. In H. B. de Hollanda (Org.), *Pensamento feminista brasileiro: formação e contexto*. Rio de Janeiro: Bazar do Tempo.
- Okin, S. M. (2008). Gênero, o público e o privado. *Revista Estudos Feministas*, 16(2), 305-332.
- Pateman, C. (2020). *O contrato sexual*. São Paulo: Paz e Terra.
- Pires, T. R. de O. (2016). *Criminalização do racismo: entre política de reconhecimento e meio de legitimação do controle social sobre os negros*. Brasília: Brado Negro.
- Piza, E., & Rosemberg, F. (2014). Cor nos censos brasileiros. In I. Carone, & M. A. S. Bento (Orgs.), *Psicologia social do racismo: estudos sobre branquitude e branqueamento no Brasil*. Petrópolis, RJ: Vozes.
- Quirino, R. (2012). Trabalho da mulher no Brasil nos últimos 40 anos. *Revista Tecnologia e Sociedade*, 8(15), 90-102.
- Ribeiro, D. (2018). *Quem tem medo do feminismo negro?* São Paulo: Companhia das Letras.
- Silva, J. A. da. (2007). *Comentário contextual à Constituição*. São Paulo: Malheiros Editores.
- Soares, J. P. (2020, 24 de julho). Mulheres e negros são os mais afetados pela covid-19 no Brasil, aponta IBGE. *DW*. Retrieved December 20, 2021, from <https://www.dw.com/pt-br/mulheres-e-negros-são-os-mais-afetados-pela-covid-19-no-brasil-aponta-ibge/a-54303900>
- Wallis, W. (November 18, 2020). The gig economy: how the Covid crisis has hit UK minorities hardest: workers from ethnic communities feel abandoned as

jobs and income are lost. *Financial Times*. Retrieved December 20, 2021, from <https://www.ft.com/content/01143e91-bf35-4480-b90f-cab139765e18>

Wandelli, L. V. (2013). O combate às condutas discriminatórias no direito do trabalho. In W. Ramos Filho, T. C. Gosdal, & L. V. Wandelli. *Trabalho e direito: estudo contra a discriminação e patriarcalismo*. Bauru: Canal 6.

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