

LANGUAGE AND THE LAW

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Language is an issue that cannot be overlooked when analyzing any discipline from a gender perspective. Language, as an intermediary in our relationship with the world, enables us to form opinions as well as to express ideas. As a vehicle for sexism in our culture, language also helps perpetuate negative perceptions of women. Its influence is particularly important in the area of law since, as Augusto Bebel so aptly put it, we as women are a repressed sex and find our “corresponding position in the law of a country.” Together, language and law can intensify the degradation and repression experienced by women.

Based on these premises, I will examine critically the language used in laws, including the Civil Codes of Latin American countries through the middle of this century, the Political Constitution of Costa Rica, the Family Code, the Labor Code, and the Penal Code currently in force in the various countries. I have tried to isolate some of the linguistic phenomena that have repercussions in the law in order to better understand them.

There are various terms that are applied to women throughout Latin American law which carry a specific meaning. More specifically, certain words that are charged with highly sexist content include the notion of virtuous feminine conduct with respect to sexuality. This can be observed in our Penal Code in which the concepts of *honor*, *good reputation*, and *purity* [*honra*, *buena fama y honestidad*], as applied to women, have a fundamental sexual connotation. An abortion, therefore, is penalized to a lesser degree when it is committed “to conceal the woman’s *dishonor*” (Art. 120). Moreover, a murder committed by a “mother of *good reputation* who kills her child within three days of birth in order to conceal her *dishonor*” is categorized as “homicide with extenuating circumstances” (Article 113, subparagraph 3). In Spanish, the primary definition of the word *honor* is esteem and respect for one’s dignity; the fourth definition listed is “modesty, purity, and decency in the woman.” In the Code, *dishonor* means “the loss of purity.” Statutory rape [*estupro*]