

PEDAGOGY AND LAW: IDEAS FOR INTEGRATING GENDER INTO LEGAL EDUCATION

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I. INTRODUCTION

With a few distinguished and isolated exceptions, the integration of gender into legal education is a challenge that has yet to be met in most Latin American law schools. This challenge requires the analysis, implementation, evaluation, and monitoring of a series of reforms in the areas of the concept of law, the curriculum, the development of doctrine, the creation of new institutions and methodologies, faculty training and full time faculty commitment, the role of the university, teaching-learning methods, and most importantly, changed attitudes, practices, and beliefs.

Teaching law involves a complex, inter-related and inter-dependent system that begins with the concept of law and ideological precepts, and proceeds from there to pedagogy, methods and techniques. Pedagogy, in this case, refers to the theory underlying and guiding the teaching-learning processes. This theoretical basis deals with such questions as why, how, when, and to what extent one learns. Didactics are concerned with strategies, methods and concrete tools which serve as vehicles for the teaching-learning process.

Some believe that Latin American law schools lack a legal pedagogy because profound theoretical discussion of the subject, doctrinal development, and academic debate are missing. Similarly,

methodologies are obsolete, the training of law professors is non-existent or deficient, and professors do not teach full time.

Nonetheless, there is an underlying, implicit pedagogy, consistent with the ideological basis for the current legal system, which serves to perpetuate and reinforce this system and its fundamental premises. The most widely-used teaching methods and techniques serve this same purpose, even when they are not intentionally chosen to do so.

Education is a political act that goes beyond the building, transmission, and assimilation of knowledge. It creates a climate for the construction, perpetuation and legitimization of power even as it creates possibilities to deconstruct and transform power structures. This is the case whenever thought processes shape social relationships just as social relationships shape thought processes.

The teacher chooses to transmit a set of values, ideas, assumptions, experiences, perspectives, and information. In doing so, he or she excludes or omits another set of values, ideas, assumptions, experiences, perspectives, and information. Therefore, pedagogy, methods, and teaching techniques cannot be neutral in terms of values and aims, but rather exist in connection with certain objectives.

Feminist theories from different disciplines share the critique that most of women's life experiences and diverse perspectives have been omitted from the most widely-disseminated, popular, and academic interpretations. A widely shared premise is that learning is built upon a certain male point of view which is assumed to be universal. On the contrary, this is the point of view of certain men who have articulated their own particular vision of reality, but claimed that it has universal validity. This construct of knowledge hides, suppresses and makes invisible women's perspectives and voices.

Legal education has not been exempt from this form of building, transmitting and assimilating knowledge. The teaching of law, therefore, can and does perpetuate and reinforce the law as a means of social control that institutionalizes and legitimizes a system based on the social subordination of women and gender-based hierarchies. However, as in all constructs of knowledge and power, legal education also has significant potential to question and challenge the system and the daily reality of women in order to initiate and react to social changes.

II. LAW, ANDROCENTRISM AND TRADITIONAL TEACHING

The law is essentially a paradigm of authoritarian discourse; it is one of the discursive pillars of social control in modern societies. It is