

# INTEGRATING GENDER INTO LEGAL EDUCATION: OBSTACLES AND CHALLENGES

LEONOR VAIN

One of the primary difficulties in eradicating gender-based discrimination is its invisibility. The problem is even more complex in the legal field. This is because most legislation includes norms enshrining total equality between men and women, although only at the declaratory level (because these norms accord equal treatment to those who are not equal). In this way, societal norms distort legislative meaning and become rhetorical and inefficient. Moreover, in direct contradiction to these general principles, specific areas of the law such as family, labor, and criminal law explicitly discriminate against women. This inequality, however, is not identified as a social problem by most jurists. Neither they, nor most people, understand the serious consequences this inequality has for women.

When I was in law school, I was deeply convinced that juridical standard was neutral and that liberal principles contained in the 1856 Argentine Constitution placed men and women on equal footing. I believed that the image of Justice as blind guaranteed the impartiality of the law.

I perceived no discrimination in the way my professors or classmates treated me in law school. It was only when I began to practice law and live as an adult (marriage, children, etc.) that I started to discover discordant notes.

I started to rethink episodes that had once seemed funny to me, such as a very significant anecdote regarding rape. When I began to study law, I was the student of an eminent jurist and criminal law professor, Dr. Luis Jiménez de Asua. When he lectured to us about the crime of rape, he said that we had to be extremely cautious about women's reports because "there are more women running around with their skirts up than men with their pants down." This man was a prominent democrat who had been a minister of the Spanish

Republic.

Later in life, it was the women surrounding me in my social life and those whom I defended as an attorney who most jarred my own prejudices and helped me to change my perspective on the issue. I specialized in family law and very shortly discovered that it was the men who had the power in the family, in politics, and in business. In my attempts to understand how one went from an ideal situation in which “we were all equal” to the real world where women were subjugated and less valued, I discovered the gender issue and the fact that the law has a gender: it is male.

At that moment my commitment to feminism was born and I began to work with women’s groups. When I tried to share my new vision of the law with some of the most prestigious jurists in the country, I found that they did not understand it. They adhered to a strict interpretation of declarative norms and did not perceive the uniqueness of women’s issues. They argued that Argentina was one of the first countries in the world to recognize the full civil capacity of women. But that was not true. They were referring to law 11.357 of 1926 known as “Of the Civil Rights of Women” which established that a woman of age, single, divorced, or widowed, had full civil capacity. They did not see that this excluded married women, nor did they recognize the gravity of this “exception” since most women, particularly at that time, spent most of their adult lives married. This law was reformed fairly recently, in 1968, with the ratification of a law recognizing the full civil capacity of married women.

As an attorney specializing in the defense of women and in family conflicts, I also discovered women’s defenselessness in cases in which they were the victims of family violence. This is a paradigmatic subject because of the way in which on the one hand it is made invisible, denied, and projected onto other social groups, but at the same time it is essentially naturalized as a form of family organization in all societies.

As a result of my increasing awareness, I developed numerous activities related to discrimination against women and the gender issue at different levels. I sought both to raise women’s awareness about their inferior status and to educate them about their rights. This was a first step toward getting women to exercise their rights, which of course must be reinforced by public policies that guarantee access to their rights.

I am engaged in a wide spectrum of activities in this sphere: academia, formal and informal education, training community promoters and public officials, and designing public policy (in my