

# **How to Incorporate Gender Redistribution into the Classroom: The Experience of the Gender Studies Program at the University of Los Andes Law School**

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Ten years ago, when I finished my doctorate in law, I had an interview with the director of the Latin American Gender Equality in the World Bank. In that conversation, she told me that in terms of laws and regulations, in Latin America we had done everything that was needed. This statement continues to puzzle me today, because even though it is true that there is an equality clause in most constitutions, there are laws criminalizing domestic violence and a range of regulations to include women, the fact is that the unequal distribution of resources among gender lines continues to be prevalent in the region and in Colombia specifically.

There have been many theoretical interpretations aimed at interpreting the causes and possible solutions of this inequality. Within this discussion, legal education plays a fundamental role in raising consciousness about pressing inequality issues and the effective exercise of existing rights as well as expanding the academic discussion about the redistribution of resources across gender lines. Therefore, the question that we have tried to answer in our law faculty is: What is the best way to create an intellectual space in legal academia that promotes thinking about, producing knowledge and promoting an improved distribution of resources across gender lines?

As a consequence, for the last ten years, a group of professors in Los Andes Law School have been actively thinking and strategizing about different ways to incorporate a gendered perspective to the way in which law is taught, practiced and thought about. These efforts include a range of interventions: in legal theory; in legal education; in doctrinal academic production; in feminist legal theory; in empirical studies and in every day practices. In this presentation I will describe the content of each one of these interventions in order to provide an account of the wide range of fronts that should be incorporated when thinking about redistribution of power and resource across gender lines. This is work in progress and even though we are far from having a more egalitarian society, the effort combination provides a range of fronts that have the capacity of incorporating ideas about how to deal with resource distribution from different feminist perspectives.

I will do this in three steps. First, I will provide a brief account of the different ways in which feminists have understood inequality, the ways to attack it and the corresponding legal tools that have been suggested by them. Second, I will link this theoretical discussion, to the different interventions that the gender studies group at Los Andes Law School has developed during the last years. Finally, I will present some challenges that lie ahead.

## **1. Perspectives**

It is impossible to summarize in this short presentation, the richness of the feminist debate. The prevalent interpretations that have been discussed in Colombian legal academia have been the liberal, socialist and cultural.

From a feminist, liberal perspective, neutrality in terms of rights and legal regulations is not enough. According to liberal feminists, women have been excluded for historical and cultural

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reasons. Therefore the legal solution is to include a set of rules and regulations that are aimed to level the playing field, so to speak. A few examples from Colombia would be:

- Express provisions on equal treatment and equal opportunities (eg. Article 43, Constitution)
- Agrarian reform providing access of women to property of rural plots of land (Law 160 of 1993)
- 30% Quota for women to be represented in decision-making posts (Law 581 of 200).
- Elimination of all unequal treatment (eg. Judgment C-622/97, striking down the prohibition for women to work night shifts for women)

A second perspective is socialist feminism. According to this approach, discrimination against women is caused by lack of economic opportunities, which is a direct consequence of their role as main care providers. In this sense, their proposal is that reproductive work needs to be a burden to be shared within the family and society. Otherwise women will be enslaved by it and their opportunities to access formal jobs diminished. A few examples of existing solutions in the Colombian legal framework, are the following:

- Subsidized child care program (*Hogares Comunitarios*). One mother takes care of her neighbor's children (and receiving less than the minimum wage for this work) allowing other mothers to work.
- Community cafeterias that provide lunch and dinner in poor neighborhoods and are subsidized by the municipality.

A third and final perspective would be provided by cultural feminism. According to this view, men and women reason differently and look at the world in different ways. Historically, what has been privileged has been the male way of understanding the world which privileges work over care, autonomy over solidarity and rationality over emotion. Therefore, cultural feminists propose as their agenda to revalue feminist approaches such as care, solidarity, connectedness and emotion. An example of their style of proposals would be ending conflicts through alternative dispute mechanisms that concentrate more on negotiation and understanding and less on winning or losing a controversy.

## 2. Contributions to legal education

As I stated in the introduction, Los Andes law school has developed a set of interventions aimed at promoting awareness, debate and legal production of gender issues. These interventions include:

1. In day to day practices. These include making the classroom and workplace (the law school) a place where women and sexual minorities are provided with a safe place to participate, discuss their ideas and are treated equally with all other students.
2. In legal education. Several professors of Los Andes law school belong to a network of Latin American scholars whose objective is to discuss gender relations and power inequality in the region. One of the important tasks advanced by this network has been the teaching of course on how to incorporate women's rights in the legal curriculum<sup>1</sup>, in several universities in the region (Colombia, Guatemala, Mexico, Brazil, Peru, Argentina, Chile and Cuba among others). In addition, many courses that are offered as part of the

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<sup>1</sup> The syllabus of the course is annex 1

curriculum include a gendered perspective. These courses are: family law, commercial law, criminal law, introduction to law, legal sociology, public policy and constitutional law as well as legal theory. Finally, there has been a permanent reading group in which students and professors participate bimonthly.

3. In doctrinal and theoretical production. Los Andes law professors that are part of the have written about different legal problems from a feminist perspective.
4. In public interest law. The gender and the law group has actively participated in diverse law suits that are related to women's issues.
5. In empirical studies. There are a range of projects that involve producing information about legal difficulties that women face.

## Conclusions

As this short document shows, there is an enormous amount of work we have developed in the last 10 years. Still, there is a lot to be done, specifically in understanding the effect that the interaction between different legal regimes has over the distribution of resources. In addition, the interventions in the classroom, in legal academia and in the production of empirical knowledge, should be continued, increased and strengthened. The political struggle to reach a better distribution of resources across gender lines is far from over.