

Introducing Gender in Law School Curricula

By:

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In the last ten years there have been concerted efforts among Latin American legal scholars to incorporate gender and feminist analysis in law school curricula in the region. These efforts have been backed on assessment on the needs to incorporate the gender dimension to justice to areas of concern such as violence against women, or the respect and protection of sexual and reproductive rights.

The role of law and law schools in particular was pivotal in such efforts. The former initiative led by Women and the Law Program of the Washington College of Law of the American University and the Pan-American Health Organization and the Program on the Health and Development identified that gender justice was not going to improve if the region did not, *inter alia*, have a community of legal scholars writing and teaching on the intersections of gender and the law.¹ As a result, in 1997, the Washington College of Law of the American University created a specialized Master Program on Gender and the Law that provided scholarships to people coming from Brazil, Chile and Peru.² Few years later, another initiative was brewing in the same direction.

The Cuerpo y Derecho research project involved assessing the development of law and case law in an array of areas central to gender justice and the impact of CEDAW in adjudication by higher courts in five countries of Latin America.³ In spite of the widespread ratification of international covenants protecting women's rights in the Americas, law, legal doctrine and case law were not influenced even by the promissory political changes of the Beijing Conference. One of the recommendations from the researchers was to work within law schools promoting the incorporation of new approaches in the curricula of law schools. By implication, lecturers and professors were required to have materials and domestic legal debates pertaining to the region that could integrate gender in the legal analysis. If students, and hence, future lawyers were not exposed to new ways of conducting legal analysis it was going to be difficult to influence legal doctrine and case law as well. A formal network was formed in Buenos Aires in 2004 after a meeting among professors from Universidad de los Andes (Colombia), Universidad de Buenos Aires (Argentina), Instituto Tecnológico Autónomo de México, the Peruvian Catholic University, Universidad de San Carlos (Guatemala) and Universidad Diego Portales (Chile).⁴ I am an active member of these initiatives which place me as a compromised storyteller with the successful undertakings and its shortcomings.

From that point onward, the RedAlas network has grown to other universities and countries in the region given the constraints of that Latin American and the Caribbean Law school context. Seldom, law schools have a permanent full or half time faculty body that engage in gender and the law. Gender

¹ An assessment of this enterprise, Macarena Saez, Proyecto Transformación de la condición legal de la mujer: integrando temas de género en la Doctrina y enseñanza del Derecho, Academia Revista sobre Enseñanza del Derecho de Buenos Aires, Año 3, No. 6, Primavera 2005, at 343-350.

² Ibid at 345.

³ Legal developments in a decade were examined in Argentina, Colombia, Chile, Mexico and Peru. See the publication, L. Cabal, J. Lemaitre and M. Roa, ed. Cuerpo y Derecho, Temis and Center for Reproductive Rights, Bogotá, 2001. The English language summary, Bodies on Trial, can be found at <http://reproductiverights.org/en/document/bodies-on-trial-reproductive-rights-in-latin-american-courts>.

⁴ Macarena Saez, El Impulso de género en la enseñanza latinoamericana del Derecho, Academia Revista sobre Enseñanza del Derecho de Buenos Aires, Año 3, No. 6, Primavera 2005, at 351-353.

and law compete among many other “emerging” areas of law where legal curricula must engage with the socio and cultural transformations that our societies are experiencing in a global context. Our work is premised on the idea of sharing: knowledge, experience, materials and lessons from each other and from institutions and universities that have gone a long way before us.

In some cases, the institutional capacity permits an on-going filtering down on gender, in others the engagement is more sporadic and conversations take place as we have resources to keep the momentum or aid in building internal capacity.

In order to foster local legal analyses engaging the feminist legal analysis coming from the global north, we have developed reading and case law materials prepared with the decisions coming out from Latin American courts. Our publication, *La Mirada de los Jueces*⁵, is an invitation to lecturers and professors to use the material in all areas of law. Knowledge production might have limited impact when law schools provide no space for teaching courses that incorporate gender, or if inflexible curricula push to the side innovation, in terms of how what to teach, how to view legal phenomena and how to teach it.

In that light, a case in point is the workshop held in Lima with professors from the Peruvian Catholic University provided an opportunity to connect not only with the substantive areas of law and the way it is taught. In this case, the workshop held in November 2009 served two purposes for the law school Dean Walter Albán and the Director Elvira Méndez to include gender and the use of learning through problems. This meant the active participation of other disciplines to introduce innovation in teaching practices.

Other workshops were held later on in different regions of Peru, so that gendering legal teaching went beyond the boundaries of capital cities that usually focus most of the resources and attention.⁶

The question is that it is up to a network of scholars the responsibility to bring down change. This could be triggered, aided but in order to be sustained it requires there is willingness to engage in looking at the law through different lenses. It requires examining closely at the curricula and the space there is for gender on its own and in combination or dialogue with the more traditional ways of teachings.

Elective courses are important but in times of economic restraints but they can be the first to experience the restrictions. If law is conceived as an engine or tool for social change the law schools must engage different perspectives. This should provide for the opening of a conversation.

⁵ Cristina Motta and Macarena Saez, eds. *La Mirada de los Jueces. Género en la jurisprudencia latinoamericana*, Siglo del Hombre Editores, Washington College of Law and Center for Reproductive Rights, Bogotá, 2008.

⁶ This initiative was organized and implemented by my Peruvian colleague Marisol Fernández at the Pontificia Universidad Católica del Perú.