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Gender and Law: The Social Science Perspective

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GENDER AND LAW: THE SOCIAL SCIENCE PERSPECTIVE

MIREYA SUÁREZ

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I. INTRODUCTION

One of the most important developments in the social sciences in Brazil over the past twenty years is an intellectual and political field that includes women's studies, and subsequently, gender studies. These two areas of study are more than two benchmarks in the development of the field. They currently comprise political positions that, while different, continue to share common themes such as a critical posture toward differences and inequalities between men and women, a critique of the androcentric focus of diverse disciplines, and a tension between the principle of equality and the right to be different.

This presentation demonstrates that the specific emphasis on women's rights, which figures prominently in women's studies, has always been troublesome to academia because it defeats the expectation that women are the caretakers, runs counter to universal law, and imperils the traditional concept of human rights. For these reasons, two prerequisites exist for incorporating these areas of study into the teaching and research agenda of different social sciences: first, that feminist enunciation must include the rights of all to the same degree as it did women's rights and, second, the concept of gender must substitute that of women.

This article describes and interprets the events surrounding the

emergence and consolidation of this intellectual field. Its development begins with the idea that the contradiction between the principle of equality and the right to be different is an inevitable consequence of the fact that, since the principle of equality is a cultural imperative, the right to be different must necessarily be constructed within its enunciative context.

II. FORMATION OF THE FIELD

The systematic formation of this intellectual and political field began in the late 1970s and early 1980s. Universities created courses and research groups and scientific associations organized working groups, to examine the social status of women in the areas of work, health, and education, and to critique sexual stereotypes, male domination, and the privatization of the feminine sphere of activity. Prior to this time, there was no dearth of pioneering initiatives. Such initiatives were relatively isolated. One such effort is the research project launched in the early 1960s by Heleieth Saffioti in the School of Philosophy, Sciences, and Literature of Araraquara, which culminated with the 1969 publication of *A Mulher na Sociedade de Classes*.

Several circumstances converged to facilitate the incorporation of women's issues into the teaching and research agenda of academic communities. The most frequent occurrence was that of foreign publications focusing on the status of women in Brazilian social science circles. A review of bibliographical references found in Brazilian publications from the 1970s reveals the weight accorded the French, English, and North American classical feminist thought, as well as studies about women conducted mainly by female anthropologists, sociologists, and historians from those countries (Castro et al., 1992; Heilborn, 1992). The impact of foreign publications is partially explained by the fact that the internationalization of research topics and cognitive paradigms is common practice in science. A second political reason was extremely important: to justify the proposed truth. At the time the intellectual field was founded, the use of foreign bibliography only somewhat fulfilled regular cognitive functions but it was an effective means to legitimize the indigenous voice (Castro et al., 1992).

Less ordinary, but more rooted in social custom than the resonance of foreign publications, was the impact on the social sciences produced by the growing female presence in the public sphere, as a result of women's massive influx into the workplace and/or their involvement in different social movements. Between