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GENDER AND LAW: THE SOCIAL SCIENCE PERSPECTIVE

MIREYA SUÁREZ

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