

Journal of Gender, Social Policy & the Law

Volume 7 | Issue 2


Article 7

1999

Integrating Gender into Legal Education: Obstacles and Challenges

Leonor Vain

Follow this and additional works at: <http://digitalcommons.wcl.american.edu/jgspl>

 Part of the [Civil Rights and Discrimination Commons](#), [Family Law Commons](#), and the [Women Commons](#)

Recommended Citation

Vain, Leonor. "Integrating Gender into Legal Education: Obstacles and Challenges." *The American University Journal of Gender, Social Policy & the Law* 7, no.2 (1999): 261-265.

This Article is brought to you for free and open access by the Washington College of Law Journals & Law Reviews at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in *Journal of Gender, Social Policy & the Law* by an authorized administrator of Digital Commons @ American University Washington College of Law. For more information, please contact fbrown@wcl.american.edu.

INTEGRATING GENDER PERSPECTIVE INTO BRAZILIAN LEGAL DOCTRINE AND EDUCATION: CHALLENGES AND POSSIBILITIES

FLÁVIA PIOVESAN¹

I. INTRODUCTION.....	252
II. INTEGRATING GENDER PERSPECTIVE INTO BRAZILIAN LEGAL DOCTRINE AND EDUCATION: OBSTACLES AND CHALLENGES	252
A. <i>Anachronisms of the Brazilian Legal System and the Need for Transformation.....</i>	252
B. <i>The Conservative Profile of Legal Agents and the Need for Change in Legal Institutions.....</i>	254
C. <i>Integrating Gender Perspective into Brazilian Legal Doctrine and Education: Possibilities</i>	255
1. <i>The Need to Create a Jurisprudence Under the Light of Gender Perspective.....</i>	255
2. <i>Study of the Impact of International Instruments for the Protection of Women's Rights on National Law.....</i>	256
3. <i>Strategies for the Advocacy of New International Instruments in Protecting Women's Rights.....</i>	257
D. <i>Integrating a Gender Perspective into Brazilian Legal Doctrine and Education: The Urgency in Changing Paradigms.....</i>	259

1. Professor of Constitutional Law and Human Rights at the Catholic University of São Paulo, Ph.D. in Constitutional Law, Visiting Fellow of the Human Rights Program at Harvard Law School in 1995, Coordinator of the Human Rights Working Group at the São Paulo General State Attorney's Office, Member of the CLADEM (Latin American Committee for the Defense of Women's Rights), Member of the Council for Women's Affairs for the State of São Paulo.

“Equality is not a given but a build-up.”²

Hannah Arendt

I. INTRODUCTION

This study focuses on the challenges and possibilities for integrating gender perspective into Brazilian legal doctrine and education. Like other Latin American countries, Brazil has enforced the civil law system, where statutes and normative rules serve as the major source of law. As a result, the study of the legal doctrine also becomes the focus of special attention. Unlike countries which follow the common law system, where legal precedents constitute the most relevant source of law, the Latin American system is based on a tradition of legal codes and doctrines which guide judicial interpretation.

This study will address three questions: 1) how to integrate the gender perspective into Brazilian legal doctrine and education; 2) what are the main obstacles to such a process; and 3) what are the possibilities and perspectives of such a process?

This paper outlines the challenges and obstacles that prevent the inclusion of a gender perspective into Brazilian legal doctrine and education. This paper also focuses on the possibilities and perspectives that may encourage and allow the process of including the gender standpoint into Brazilian law schools.

II. INTEGRATING GENDER PERSPECTIVE IN BRAZILIAN LEGAL DOCTRINE AND EDUCATION: OBSTACLES AND CHALLENGES

A. Anachronisms of the Brazilian Legal System and the Need for Transformation

The Brazilian legal system consists of a complex normative system that combines contemporary and innovative legal instruments, such as the Brazilian Constitution of 1988, with legal provisions dating back to the beginning of the century, such as the Civil Code of 1916 and the Penal Code of 1940.

In view of such a complex regulatory system, where historical legal provisions are combined with contemporary legal provisions, conflicts and tensions inevitably emerge. Such conflicts and tensions are faced

2. Free version of translation.