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Symbolic Violence Within the Teaching of Criminal Law at the University of Costa Rica

Vera Aguilar Cruz
Master's Program in Women's Studies,
Universidad de Costa Rica – Universidad Nacional
San José, Costa Rica

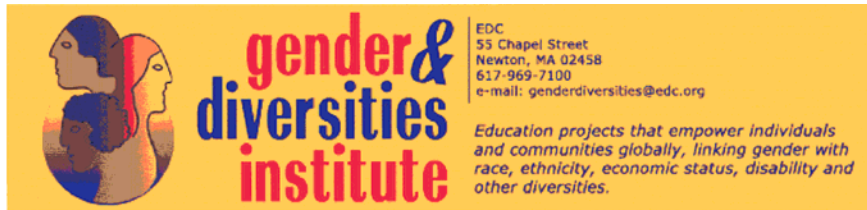
Introduction

For some time I have wondered, as I observe the lives of many women, mine included, how it is that societies have created a female sub-class that is subordinate, marginalized, and discriminated against. In particular, with regard to the study of criminal law, I have pondered how relationships of authority, power, and domination are produced, reproduced, and legitimated.

Through this feminist, qualitative research project, I propose to continue our work of making the violent practice of continuous and subtle domination more visible. This violence imposes powerful symbolic representations on people's thoughts, actions, and bodies that are legitimated culturally. The effects of symbolic (and nonsymbolic violence) are differentiated by gender.

Symbolic violence against females has the following characteristics:

- It is recognized as a normal, natural, and daily occurrence, shaping gender subjectivity and objectivity. It is seen in signs and meanings that surface in different ways depending on the positions and dispositions between the genders.
- It is seen “as one more application of a relationship system of meanings independent of relationships of force” (Bourdieu, 2000, p. 20).
- Through gender socialization, it subordinates women and the feminine to the domination of men and the masculine.
- It creates subordination by gender, which links to other sociocultural hierarchies.
- It imposes and reproduces symbolic hierarchies, meanings, and values that produce invisibilization, discrimination, minimization, negation, differentiation,



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devaluation, symbolic authority, delegitimization, symbolic coercion, sexual domination, inferiorization, and, above all, symbolic subordination.

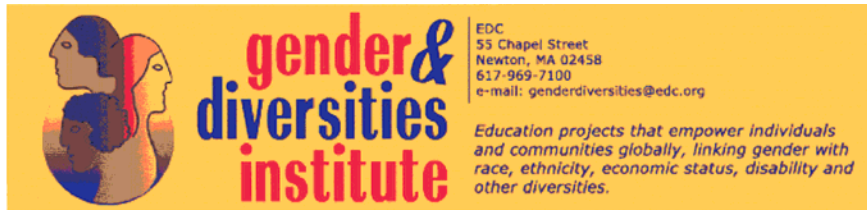
The above list contains categories for conceptualizing the symbolic violence exercised over and against the female gender. I propose this list as a first attempt at exploring this concept, rather than as a finished list.

The general characteristics that make up symbolic violence form patterns of cultural-symbolic representation. They produce, reproduce, and maintain gender socialization based upon a sociocultural definition of being and doing, developed from an androcentric vision (that is, guided by a male-dominated logic). These characteristics are also expressed in the education sector. The study of criminal law at the Law School of the University of Costa Rica is just one of the possible scenarios in which symbolic violence is enacted.

In this analysis, the university is understood as a “site” (a concept that Bourdieu uses to refer to social spaces) where the following interact: people (with their intersubjectivities or “habitus,” defined also by the same author as a “socialized subjectivity”), different visions and divisions of the world, and groups with different levels of power that compete for establishment and reproduction of their own parameters, definitions, concepts, and classifications. The professor-student relationship is also defined by this confrontation, and shaped by gender conditions.

Theoretical Assumptions and Definitions

- Education, understood as a patriarchal, disciplinary institution, employs different forms of communication and selective practices. As Ball states, “out of all the possible things that could be said, only certain things [are] said.” In other words, not everything is communicated, and the manner in which they are stated or not stated implies different values. The same author states that “educational sites are subject to discourse but are also centrally involved in the propagation and selective dissemination of discourses, the ‘social appropriation’ of discourses. Educational institutions control the access of individuals to various kinds of discourse” (Ball, 1990, p. 3).
- Cultural symbolic production is an area in which meanings of identity, place, and value are formed, provoking confrontations in terms of legitimate interpretations of reality and the imposition of symbolic power.



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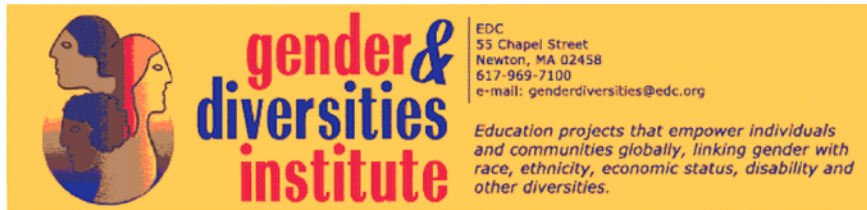
- The teaching-learning process is one of the principle tools utilized to legitimate and perpetuate social, cultural, and other inequalities between the sexes through an education transmitted differentially by gender. “The university does not escape society’s discursive practices. Its discourse is impregnated with conceptualizations around gender and its imaginary characteristics” (Barrantes et al., 1996, p. 50).
- A “hidden curriculum” is recognized in the field of education. This curriculum is defined as the “norms, values, and beliefs that, while not explicitly stated, are transmitted to students through an underlying structure of meaning in formal content, as well as through relationships within school life and the classroom” (Giroux, in Barrantes et al., 1996, p. 53).
- In the education sector, androcentric language and discursive practices that serve as selection criteria and that validate or exclude meanings, judgments, knowledge, representations, and perceptions are one of the main expressions of the symbolic violence that is exercised over the female gender and that which is female.

Some Examples

According to Marta Eugenia Pardo, education, understood as a component of sociocultural systems, does not constitute a separate case in examining the development of peoples. The explication and comprehension of educational processes demand a thorough examination of the historical and educational dynamics within specific societies. Only by doing this will the logic of dominant social relations in the education of youth be unveiled (1999, p. 281).

Following are some examples from my research within the University of Costa Rica:

- There are still educators who make comments like the following, which was shared by a female student informant: “Women should not speak; they should be in the house with an apron” (E2F).
- Professors’ authority is not isolated from the system of cultural symbolism. In transmitting knowledge one must utilize practice, reason, logic, and discourses, all of which are located within a binary system that reproduces the structure of domination. The masculine is identified with “good” and the feminine with “bad.” As an illustration of this concept, one of the criminal law professors discussed his concern with a “feminization of the study of law.” When questioned about what he meant by “feminization,” he answered,



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Feminization occurs at all levels in Costa Rica. That's the reality. I think that this polarization is very worrying, especially in primary school. It is a proven fact that 85% to 90% of all primary school teachers are women. It worries me that students' patterns of conduct are becoming excessively feminine and that the teacher amounts to the principle extrafamiliar element that a boy learns to imitate. (P1M)

Continuing, he adds,

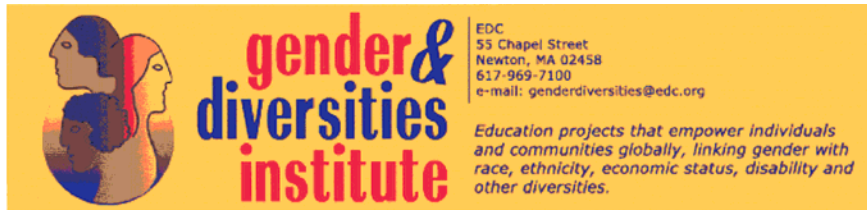
Manners of speech, of expression, of gesturing—in short, what worries me is the excessive mannerisms, the excessive feminization, the dominance of female patterns and the suppression of male ones. What really worries me is the absence standards of manliness for boys.

What value system is being transmitted to future legal professionals by a person who exhibits such openly misogynist and homophobic positions? The most extreme consequence of the transmission of these values in a teaching-learning system is that they are integrated into the formation of norms and the application of law, as well as into society's criminal policy.

- In terms of the professor-student relationship, a male student commented:

A professor is going to have more power than a student does. That's real. This difference in power that the professor has can be exercised in an authoritative way, or in a more subtle, relaxed, horizontal way. It seems to me that the latter is the better type of relationship, without denying that there is power, because that's obvious. It's not whether there should or shouldn't be. It's always going to be there. (E1M)

Another student commented that what this power differential produces "is authoritarianism": "What happens here, not always but almost always, is that the professor is the authority figure and the students simply receive the teaching and knowledge, and many times they don't even worry about applying the knowledge well" (E4F). Another female student stated, "The professor is a symbol of power and force. He can do anything. This is even more accentuated when he is well-known" (E2F).



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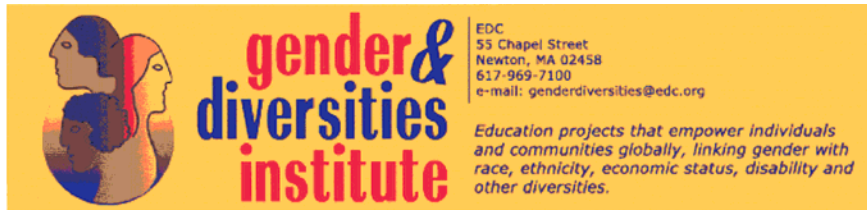
We see here a recognition of authority by male and female students, as well as by professors—there is no significant variation in symbolic content. Rather, concepts of power, authority, subordination, or discrimination are presented as concepts of respect, order, discipline, necessities of study, and so on. Rather than a distancing from the practice of discriminatory elements within the system, there is consolidation and reproduction of the symbolic logic system.

Some Final Reflections

- Knowledge creation in this normative legal system uses the masculine as a universal model, excluding those cultural-symbolic references that might be considered female or feminine.
- The logic utilized in the teaching-learning process within the School of Criminal Law is not exempt from androcentric influences. These influences are culturally and symbolically reproduced through the privileged position of legitimization, authority, and domination that the teachers hold.
- Those who teach law, or any other field of study, transmit their values, their world visions, their prejudices, and their preconceived concepts right along with their legal knowledge. This makes the teaching-learning process a non-neutral one. It is defined by the subjectivities of those who are involved in it and by the symbolic-cultural determinations that are representative of the social systems, constructed from a patriarchal and androcentric logic.
- The relationships of power and authority that occur in the teaching-learning process establish who determines what is legitimate and illegitimate. This is particularly evident in the parameters of operation, which define and reconcile the predominant cultural-symbolic references. Authority may blur or be disguised, but it doesn't disappear. Rather, it subtly reproduces and consolidates itself through symbolic violence within the teaching of criminal law.

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