

Review of: ""Sex" and "gender" as constitutional categories — Critical notes from iusfeminist legal dogmatics"

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In line with what has been said by earlier reviewers, the article comes across as work in progress. It seems to be coming to grips with established gender-critical approaches to subjectivity and their legal utilities, notably in anti-discrimination norms and policies. Rather than elaborating on those approaches, or otherwise making a theoretical contribution, the article seems focused on the need to translate them into legal concepts. While easy to state in principle, this translation needs spelling out. The article merely hints at it. A proposal for such an articulation, even if limited in scope, is the challenge ahead.

Moreover, when doing so, the article should beware the risk of running counter the theoretical critical stance it claims to adopt. Taking this stance seriously implies questioning the very legal categories that the article appears to embrace, such as the notion of equality, the preeminence of biology over culture, or the dichotomous binary sex-gender (gender-sex) construction that define our modern legal frameworks, including our modern anti-discriminatory norms. Not doing so lays legal analyses and proposals open to criticisms from the very theoretical standpoint allegedly taken by the article.