Thinking

Out of the Box
in English Linguistics, Language Teaching, Translation and Terminology

Proceedings of the XXIX AIA Conference

edited by
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PADOVA UP

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TABLE OF CONTENTS

STABILITY AND CHANGE IN LEGISLATIVE DRAFTING TECHNIQUES IN THE UK LEGISLATION:
A RECENT DEBATE ON GENDER-NEUTRAL LANGUAGE

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Gender-neutral language refers to language which includes words or expressions that cannot be taken to refer to one gender only. During the late twentieth century, gender-neutral language in legislation was strongly in demand, and the need to reform the way in which laws had been written for more than one-hundred years was particularly felt in English-language jurisdictions. The gender-neutral language recommended by the UK Office of the Parliamentary Counsel has generated an interesting debate on the applicability of some gender-neutral drafting techniques, particularly when their application comes at the cost of clarity and precision of the statutory provisions. The aim of this paper is to analyse the recent changes in the UK gender-neutral drafting techniques, focusing on the lexico-grammatical strategies adopted by drafters on Primary and Secondary Legislation, who are asked to write legal sentences aiming at a gender fair representation of men and women. In particular, attention will be drawn to the techniques adopted to implement legislative drafting, assessing the impact of alternative pronouns in the UK latest legislation.

> "*A chair is a piece of furniture. It is not a person.*
> *I am not a chair, because no one has ever sat on me.*
> *All [they] are doing is distorting the English language,*
> *and I would have thought [they] had better things to do*"

(Ann Widdecombe, MP for Maidstone and the Weald - House of Commons, 2010)

Gender-neutrality, language, change, legislative drafting, UK

1. Introduction

Gender-neutral (hereafter GN) language, also called *non-sexist, gender-inclusive, or non-gender-specific language* (UNESCO – Priority Gender Equality Guidelines 2011), refers to the language which includes words or expressions that cannot be taken to refer to one gender only (Oxford English Dictionary). During the late twentieth century, there was a strong demand for GN language in legislation, and the need to reform the way in which laws have been written for more than one-hundred years was particularly felt in English-language jurisdictions (Greenberg 2008; Stefanou and Xanthaki 2015). But what exactly does a switch to GN language entail in legislative drafting? The GN language recommended by the UK Office of the Parliamentary Counsel (hereafter, OPC) generally requires "[i] avoiding gender-specific pronouns (such as 'he') for a person who is not necessarily of that gender; [ii] avoiding nouns that might appear to assume that a person of a particular gender will do a particular job or perform a particular role (e.g. 'chairman')" (*Drafting Guidance 2018*). Interestingly enough, the same guidance warns that GN language is possible and practicable, provided that it comes at no more than reasonable cost to brevity or intelligibility. This OPC's provision has generated an interesting debate on the applicability of some GN drafting techniques (i.e. terminology, pronouns, singular *they*, repetition), particularly when their application comes at the cost of clarity and precision of the statutory provisions.

The aim of this paper is to analyse the recent changes in the UK Public General Acts (Primary Legislation, hereafter PL, and Secondary Legislation, hereafter SL), focusing on the lexico-grammatical and discoursal strategies adopted by drafters over the last decades, who are asked to write legal sentences aiming at gender-fair and symmetric representation of men and women. Even though PL and SL are set up to form the UK Public General Acts, they are written according to different, though complementary, drafting techniques. For this reason, this analysis will concentrate on the legislation issued in the UK from 2008 and 2018, in order to identify any changes in the use of lexico-grammatical structures that might have diachronically occurred when referring to gender and, then, to ascertain any difference between PL and SL in their application of GN drafting techniques.

Anything that leads drafters to challenge old fixed habits (formulaic expressions, grammar rules and social norms, repetitive use of form-meaning associations, common patterns of thought) could be regarded as an opportunity for innovation and improvement (unusual collocations, unpredictable

compounds). This challenge should be accepted in the environment of legislative drafting techniques where considerable reliance on precedent is inevitable, a factor which certainly introduces a resistance to change in legislative language and makes it inclined to archaism.

This paper is divided into four sections. After this brief introduction, Section 2 deals with the topic of gender providing definitions of gender-marked (hereafter GM) and GN languages, and outlining some trends in language variety research particularly in the field of pronominalisation in English language. Sections 3 outlines the context of the UK GN drafting guidelines and the reform of gender-masculine rule. Section 4 delves into the analysis of the UK PL and SL (2008-2018), focusing on the lexico-grammatical strategies analysed from a diachronic perspective. Section 5 summarises the findings and presents some final remarks for future research.

2. Gender and language change

Gender is a notion whose encoding varies considerably across languages. The extensive research that has been conducted on gender and language (Corbett 1991; 2007; Eckert and McConnell-Ginet 2003; Curzan 2003; Prewitt-Freilino et al. 2012) has proved that there are GM and GN languages. The former are characterised by overt marking of femininity vs masculinity on nouns and possibly other word classes, with the resulting specification of their referents as female- vs male-specific. The latter (i.e. English, Finnish, Turkish)[1] lack such gender-based noun classification and resort to other linguistic means to encode the concept of gender. In this regard, Corbett (2014: 1) observes that "gender is an endless category. It has obvious links to the real world, first in the connection between many grammatical gender systems and biological sex, and second in other types of categorisation such as size, which underpin particular gender systems and also have external correlates".

Notwithstanding the debates over the cross-linguistic analysis of gender (Wardhaugh 2006; Corbett 2007; Litosseliti 2013), scholars have generally agreed on the identification of four categories of gender, viz. 'grammatical, lexical, referential, and social gender' (Doleschal 1999; Hellinger and Bußmann 2001; Sunderland 2006; Plaster and Polinsky 2010)[2]. These categories will not be

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[1]   More precisely, Old English (750-1100/1150 AD) had three gender classes (feminine, masculine, neuter) and all inanimate nouns belonged to one of the three classes. By the end of the 14th century, the category of 'grammatical gender' was lost due to the decay of inflectional endings and the disintegration of declensional classes (Curzan 2003).

[2]   'Grammatical language' might be defined as an intrinsic property of nouns which directs and controls the agreement between the noun an adjective, article, pronoun, verb, preposition, and might vary according to the gender of the controller itself. 'Lexical gender' refers to 'natural' or 'biological' maleness or femaleness of words. In English, for instance, family relationship nouns

considered for the purpose of the present analysis. It suffices to say that 'social gender' has played a crucial role in English, since it refers to the semantic bias of an otherwise unspecified noun towards one or the other gender, as in the case of *secretary* and *nurse,* denoting in the English language stereotypically female persons, and *manager* and *surgeon,* denoting male ones.

Historically, languages have generated processes of derivation and compounding. These have an important function in the formation of GM nouns, mainly in the use of existing terms and the creation of new feminine/female equivalent terms[3]. In this regard, Hellinger and Bußmann observe that "pronominalisation has been a powerful strategy of communicating gender both in languages with and without grammatical gender" (2001: 14). Pronouns may emphasise traditional and/or reformed practices, as when a speaker chooses between a false generic (e.g. Engl. *he*) or a more GN choice (e.g. Engl. *singular they*) (Bjorkman 2017). Traditional practice in English has prescribed the choice of *he* in neutral contexts even for general human nouns such as *pedestrian* or *consumer*, the so-called *masculine rule* in legal language. By the 1970s, the *masculine rule* started to be contested in the United States and Europe, and calls were made to change such sexist language. By the 1990s other social groups, such as the gay community, became aware of the need for GN drafting. Many alternatives have been suggested to replace asymmetric or sexist usage in English. One form such protest has taken is the development of numerous guidelines for GN. One is the *McGraw-Hill guidelines of 1972*:

> *ABSTRACT*
> Intended primarily for use in writing and editing teaching materials, reference works, and nonfiction works in general, these guidelines have been compiled to alert authors and McGraw-Hill Book company staff members both to the problems of sex discrimination and to various solutions. In addition, the guidelines reveal ways in which males and females have been stereotyped in publications, *Show the role that language has played in reinforcing inequality between the sexes, and indicate positive and practical approaches in providing fair, accurate, and balanced treatments of both sexes in the book company's publications* (*Guidelines for Equal Treatment of the Sexes*) (my emphasis).

Another is the *UNESCO on Gender Neutral Language 1999*

> [...] with some rephrasing and careful attention to meaning, it is usually possible to improve the level of accuracy while avoiding giving offence. Where both sexes

are lexically specified as carrying semantic properties, female or male, which relate to the sex of the referent, viz. extra-linguistic category of referential gender. By linking linguistic terms to the non-linguistic realities, we have 'referential gender', which identifies a referent as female, male, or gender-indefinite. Finally, 'social gender' assigns one or the other gender to an unspecified noun. For more in-depth analysis of the 'categories of gender', see Pennisi (2019).

3   This is evident in the case of occupational terms, as in the case of English feminine/female *headmistress* from the masculine/male *headmaster*, and English feminine/female *policewoman* from the masculine/male *policeman*.

are meant, it is always preferable to use a term which includes, or at least does not exclude, women. We have also included some definitions of terms used in connection with the advancement of women and women's rights, and suggestions for further reading. *The aim of this booklet is not to abolish certain words or to alter historically established texts; nor is it suggested that these guidelines be followed to the letter. For the sake of equality, however, writers are asked in every case to pause and consider the alternatives.*

Still another one is the *UNESCO Priority Gender Equality Guidelines 2011*

Key definition and terms
Gender refers to the roles and responsibilities of men and women that are created in our families, our societies and our cultures. The concept of gender also includes expectations held about the characteristics, aptitudes and likely behaviours of both women and men (femininity and masculinity). *Gender roles and expectations are learned. They can change over time and they vary within and among cultures. Systems of social differentiation such as political status, class, ethnicity, age, physical and mental disability, and more all modify gender roles.* The concept of gender is vital, because when applied to social analysis it reveals how women's subordination (or men's domination) is socially constructed. As such, the subordination can be changed or ended. It is not biologically predetermined nor is it fixed forever.

The traditional assumption that 'he included she' was the norm and obviously reflected the women's status in society, prejudices against them in an essentially male-centred society and the generally shared expectations of sexual roles. Many alternatives have been suggested to replace asymmetric or sexist conventions. In reformed usage, the principle of 'neutralisation' has the highest priority in English, in contrast to gender languages, such as German and Italian, where female visibility is the basic characteristic of gender-fair usage[4]. Non-sexist language campaigns have been under way for a few decades now, especially focusing on gender-specific terms (but also pronouns), which in turn have been paralleled to women's liberation movements, to the increasing attention given to LGBTQ's[5] rights, and relevant societal changes.

However, a GN language does not necessarily produce a more gender-equal world. As Mclean (2013) observes, ways of doing relations (i.e. at work, personal sphere, etc.) are embedded in ways of 'doing gender'. In other words, 'doing gender' is a social and interactive act done relationally to the specific historical and socio-cultural context, and embedded in the language that represents and recreates the context itself. Eventually, GN drafting might assist the effectiveness of legislation in combating gender-inequality in the world.

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[4]   Neutralisation means the avoidance of false generics, especially usages of generic *man*, as in *mankind*, *salesman* or c*hairman*. Gender-inclusive wording can also be achieved by avoiding GM terms for female referents, especially derivations ending with the suffix *-ess* or *-ette*, as in the case of *authoress* and *majorette* (*Gender-Neutral Language in the European Parliament 2018*)
[5]   Oxford English Dictionary (hereafter, *OED*) defines LGBTQ an abbreviation for lesbian, gay, bisexual, transgender, and queer (or questioning), viz. the LGBTQ community.

3. The UK legislation and GN drafting guidelines

For more than 150 years. English-language jurisdictions had drafted legislative texts according to the rule that the norm of humanity is male. It is evident that in itself the instruction by which words importing the masculine gender shall be deemed and taken to include females establishes a convention that is merely linguistic (Williams 2008). The Westminster Parliament continued relying on the interpretation provision and used *he*, *him* and *his* with the intention of including reference to males and females until 2007, when Jack Straw, the then Chair of The Select Committee on Modernisation of the House of Commons, Leader of the House of Commons and Lord Privy Seal, officially stated:

> For many years the drafting of primary legislation has relied on section 6 of the Interpretation Act 1978, under which words referring to the masculine gender include the feminine. In practice this means that male pronouns are used on their own in contexts where a reference to women and men is intended, and also that words such as chairman are used for offices capable of being held by either gender. Many believe that this practice tends to reinforce historic gender stereotypes and presents an obstacle to clearer understanding for those unfamiliar with the convention [...]. *From the beginning of next Session, Government Bills will take a form which achieves gender-neutral drafting so far as it is practicable, at no more than a reasonable cost to brevity or intelligibility* [...] (Hansard source - Citation: HC Deb, 8 March 2007, c146WS).

For many years, and till Jack Straw's official announcement, the UK drafting of Primary Legislation relied on Section 6 of the Interpretation Act 1978, which recites:

> Interpretation and construction
> Section 6 Gender and number
> In any Act, unless the contrary intention appears,—
> (a) words importing the masculine gender include the feminine;
> (b) words importing the feminine gender include the masculine;
> (c) words in the singular include the plural and words in the plural include the singular.

However, what Jack Straw omitted to say in his official pronouncement is that the new GN form should be given not only to the Primary Legislation, but to the Secondary Legislation as well. Indeed, Section 23(1) of the *Interpretation Act 1978* makes it clear that *Section 6* is applicable not only to Bills and Acts of Parliament, but also to Statutory Instruments.

> Supplementary
> Section 23 Application to other instruments
> (1) The provisions of this Act, except sections 1 to 3 and 4(b), apply, so far as applicable and unless the contrary intention appears, to subordinate legislation

made after the commencement of this Act and, to the extent specified in Part II of Schedule 2, to subordinate legislation made before the commencement of this Act, as they apply to Acts.

To shed light on this point, it would be useful to explain what Government Bills, PL, SL, and Statutory Instrument mean. To start with, the UK Public General Acts (also known as Government Bills), include both PL and SL. PL is the general term used to describe the main laws passed by the legislative bodies of the UK, including Westminster Parliament. For example, an Act of Parliament, also called a statute, is a law made by the UK Parliament. All Acts start as Bills introduced in either the House of Commons or the House of Lords. When a Bill has been agreed upon by both Houses of Parliament and has been given Royal Assent by the Monarch, it becomes an Act. Acts are known as PL because they do not depend on other legislative authority.

SL is a law created by ministers (or other bodies) under powers given to them by an Act of Parliament (PL). SL is also known as delegated or subordinate legislation and often takes the form of a Statutory Instrument (hereafter, SI) (*Glossary* of the UK Parliament). It is used to fill in the details of PL. These details provide practical measures that enable the law to be enforced and operate in daily life. SL can be used to set the date for when provisions of a PL will come into effect as law, or to amend existing laws. SIs are the most common form of SL (or delegated legislation), with approximately 3,500 made each year, although only about 1,000 need to be considered by Parliament. They are documents drafted by a government department to make changes to the law, and published with an explanatory memorandum, which outlines the purpose of the SI and why the change is necessary[6].

As a matter of fact, responsibility for legislative drafting generally falls into two separate parts of the UK Government: the OPC drafts PL, whereas individual departments draft SL. The *Drafting Guidance for Primary Legislation* instructs drafters only to have a regard to the guidance when writing PL issued by the OPC. The *Statutory Instrument Practice Manual* sets out what drafters should do to conform with Parliamentary procedures when drafting SL, and is issued by Her Majesty's Stationary Office (HMSO) and the Government Legal Service. Both the *Drafting Guidance* and the *Statutory Instrument* provide guidance on operative drafting techniques, e.g. clarity of text, using precedents, and conformity with parliamentary procedures (technical detail). The *Drafting*

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[6]   For example, governments often use SL to ban new substances in response to new information about their dangers by adding them to a list under the Misuse of Drugs Act 1971. The power to make SIs is set out in an Act of Parliament and nearly always conferred on a Minister of the Crown. The Minister is then able to make law on the matters identified in the Act, and using the parliamentary procedure set out in the Act (*Commons Library Background Paper: Statutory Instruments*).

Guidance 2018, issued by the UK Office of Parliamentary Counsel (OPC), is meant to help drafters in their task of making PL as easy as possible. In this way readers are helped understand the Bills that PL produce. PL is not meant to be a comprehensive guide to legislative drafting or to clarity in legal writing. As far as GN drafting is concerned, the *Drafting Guidance 2018* provides these instructions:

2.1 GENDER NEUTRALITY
Office practice
2.1.1 It is government policy that primary legislation should be drafted in a gender-neutral way, so far as it is practicable to do so.
2.1.2 Gender neutrality applies not only when drafting free-standing text in a Bill but also when inserting text into older Acts which are not gender-neutral. This is unlikely to cause difficulties. However, in very limited circumstances, exceptions may be made when amending an older Act where it might be confusing to be gender-neutral. If you think you need to make an exception, consult your team leader.
What does gender-neutral drafting require?
2.1.3 In practice, gender-neutral drafting means two things
• avoiding gender-specific pronouns (such as "he") for a person who is not necessarily of that gender;
• avoiding nouns that might appear to assume that a person of a particular gender will do a particular job or perform a particular role (eg "chairman")
Accordingly, the following are the standard techniques to avoid gender-specificity:
• repetition (often, of the noun);
• rephrasing to avoid the need for a pronoun or noun;
• omission (mostly, pronouns, possessives, etc.);
• reorganisation (rephrasing sentences to avoid the need of pronouns, etc., passive voice, relative pronouns; dividing propositions into a number of shorter sentences; avoiding subordinate clauses; using impersonal/plural nouns, etc.);
• 'alternative pronouns' (*he or she , s/he, she or he*; *they singular; they plural*);
• avoiding nouns that might appear to assume a 'man' rather than a 'woman' will do a particular job or perform a particular role (*chair* is now used in primary legislation as a substitute for *chairman*), viz. 'neutralisation';
• avoiding the feminine form of a particular occupation (*author/authoress*), viz. 'neutralisation';
• using gender-specific nouns and pronouns where provisions can only apply to persons of a particular gender (where a provision only applies to men or women, such as *maternity pay* for women);
• references to specific individuals (*Her Majesty*).

In the case of SL, the *Statutory Instrument Practice* is a guide to help prepare and publish SIs and understand the Parliamentary procedures relating to

them. Interestingly enough, as written in the most recent *Statutory Instrument Drafting Guidance* issued by the Government Legal Service, even though *Statutory Instrument Practice* is not a guide to drafting, it sometimes refers to the drafting practices provided for the PL.

> 1.1.5 SIP [Statutory Instrument Practice] is a practice guide for those involved in preparing and making SIs. It is not a textbook of the law. However, it does set out good practice and proper procedure.

Even though the final goal is the same, that is giving legal effect to policy objectives, PL and SL remain quite different. Separate guidance manuals for PL and SL are provided as guidance for drafters, and they are largely principle-based rather than prescriptive. As a result, legislative drafting in the UK draws heavily on conventions mostly based on good practice. The following analysis will concentrate on GN drafting techniques adopted by drafters, and primarily the impact of alternative pronouns in the PL and SL issued between 2008 and 2018.

3.1. Alternative pronouns

Among the techniques suggested by the OPC in the *Drafting Guidance 2018*, alternative pronouns *(he or she,* singular *they/their,* plural *they/their)* are defined acceptably GN. More specifically,

- *he or she* and *him or her* are considered an appropriate solution to GN drafting, as shown in the following extracts:

    (1) A member of the Committee may resign *his or her* office
    (2) *She or he* may do so [...]
    (3) But a judge may re-appoint *him or her* as Madam or Mr Chair within two days[7];

- *they plural* might be used if drafters make greater use of plural nouns:

    (i) *Persons* may submit applications only if *they* think [...].
    (ii) [...] paying grants for amounts consistent with the aim of *people* enjoying the benefit of equivalent protection from air, water or soil pollution and from noise, wherever *they* live in Australia [...][8].

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[7]   This technique has begun to be questioned because it does not include "a body of persons incorporated or unincorporated" (UK Interpretation Act 1987). Secondly, it does not refer to individuals who do not identify with a specific gender, and it is especially objectionable at a time where gender, in addition to masculine and feminine, includes members of the LGBTQ community. Further, it makes sentences more complex because its frequent repetition can be awkward, and concerns are expressed about the order of the personal pronouns (i.e. *she or he* instead of *he or she*).

[8]   The *Drafting Guidance 2018* suggests the plural *they* as a means of avoiding male terms in general. Even though presented as an option for legislative drafting, it should be used when no

- Then, *they singular* is the third option indicated by the OPC's *Drafting Guidance* 2018 to avoid gender specificity:

  2.1.16 *They* (*singular*). In common parlance, 'they' is often used in relation to a singular antecedent which could refer to a person of either sex.

Although rejectors of *they singular* frequently view it as an innovation, its history is long and complex, and begins with the finding that *they* is not originally English at all. In fact, Old English had the third-person personal subject pronouns *hē* (masculine nominative), *hēo* (feminine nominative) and *hīe* (plural nominative, any gender). *They* and *their* gradually displaced their antecedent (native *hīe* and *heora*)[9]. In the 1300s, we find the first attested uses of *their* with singular reference "Eche on in þer craft ys wijs" ("Each one in their craft is wise" - *The Wycliffite Bible 1382*). The *OED* details the frequent appearance of *they singular* in formal religious texts, culminating in the influential *King James Bible*[10]. Then, Shakespeare uses *their* in *A Comedy of Errors* (Act IV, Scene 3), in the voice of the noble character Antipholus of Syracuse "There's not a man I meet but doth salute me As if I were their well-acquainted friend". Up until now, there is still a dispute among the UK institutions about whether it is grammatically correct.

In this regard, the OPC's *Drafting Guidance 2018* interestingly acknowledges that

  2.1.17 Whether this popular usage is correct or not is perhaps a matter of dispute. OED (2nd ed, 1989) records the usage without comment; SOED (5th ed, 2002) notes 'considered an error by some'. It is certainly well-precedented in respectable literature over several centuries. In the debate on gender-neutral drafting in the House of Lords in 2013 a number of peers expressed concern about the use of 'they' as a singular pronoun.

  2.1.18 It may be that 'they' as a singular pronoun seems more natural in some contexts (for example, where the antecedent is 'any person' or 'a person') than in others.

Then, a final, yet significant, recommendation is provided:

  2.1.20 Take care to ensure that the plural does not create an ambiguity that would be avoided if the singular were used.

The drafters of the SL should follow suit, referring to the drafting practices provided for the PL. The next session will analyse and compare a selection of PL and SL with special attention devoted to the similarities/differences in the

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other convenient way to avoid male terms is practicable (OPC - UK 2017).

[9]   *They* comes from Old Norse (1100-1200).

[10]   "So likewise shall my heauenly Father doe also vnto you, if yee from your hearts forgiue not euery one his brother their trespasses…" - *The King James Bible*, Matthew 18:25.

use of alternative pronouns to avoid gender specificity.

4. Analysis and results

Two interesting and well-informed debates on GN language in legislation took place in the House of Lords in December 2013 and June 2018. In both cases, the discussion developed around the use of singular *they* in PL and SL. The disapproval of the language used in PL drafted after Jack Straw's pronouncement, and clearly voiced by Lord Scott of Foscote in 2013: "The clarity of the language of the protocol is certainly not assisted by the use of grammatically inappropriate plural pronouns coupled with references to a single person". This is echoed in the words of Lord Young of Cookham in 2018: "So far as drafting legislation is concerned, I hope I can assure noble Lords that parliamentary draftsmen will use the correct grammar whenever it is possible. The main purpose of drafting legislation is that it should be clear".

Furthermore, one important concern expressed in 2013, and reiterated in 2018, was that government ministers instruct their officials to adopt a drafting practice for SL that practically ignores the provision that Parliament, through legislation, has made for dealing with the problem of gender stereotyping after 2007.

The examples reported below are extracts taken from the corpus of PL and SL legislation issued between 2008 and 2018. The example below is taken from the Statutory Instrument (hereafter SI) 2013 No. 2828 that amends the Art. 2.1 of the PL provision:

'*child tax credit*' means a *child tax credit* under section 8 of the Tax Credits Act,

with

(a) after the definition of 'child tax credit' insert 'child who cannot share a bedroom' means a child (b) who the relevant authority is satisfied is, by virtue of *his or her* disability, not reasonably able to share a bedroom with another child (Amendment of the Housing Benefit Regulations 2006).

The alternative pronouns *his or her* is the anaphoric reference to the GN noun *child* used in the PL, which the SI amends. The *child* might be a child of either sex, so the use of *his or her* is correct. However, the explanatory notes accompanying the SI and explaining that regulation refer to *child* using *they singular*, even though the verb form used before was singular:

Regulation 4(3) substitutes a revised version of paragraph 12 of Schedule 4 to the Universal Credit Regulations. The revised wording allows for an additional room to be allocated for *a child who is* a member of the renter's extended benefit unit and would usually have to share a room, if:
-    *they are* entitled to the care component of disability living allowance at the highest or middle rate, and

- by reason of *their disability*, *they are* not reasonably able to share a bedroom with another child.

The same pattern can be observed in several other SIs passed after 2007:

A *renter* [singular (hereafter sg.) noun] *is* [sg. verb] entitled to an additional bedroom if *they* [pl. pronoun] *satisfy* [pl. verb] various conditions [...].
[...] *a child* [sg. noun] who *requires* [sg. verb] *their* [pl. possessive pronoun] own bedroom.
[...] any member [sg. noun] of the armed forces who, (i) *is* [sg. verb] the son ... of the claimant, (ii) was the claimant's non-dependant before *they* [pl. pronoun] became *a member* [pl. noun] of the armed forces away on operations, and (iii) *intends* [sg. verb] to resume occupying the dwelling as *their* [pl. possessive pronoun] house when *they* [pl. pronoun] *cease* to be a member of the armed forces away on operations.

Overall, the use singular *they* and singular *their*, and the contrast between singular and plural verb forms, all in the same sentence, make the reading of the sentences quite awkward, and goes against Jack Straw's recommendation on the use of "gender-neutral drafting so far as it is practicable, at no more than a reasonable cost to brevity or intelligibility" (Hansard source - Citation: HC Deb, 8 March 2007, c146WS). Further, in the references to SIs issued between 2013 and 2016, the masculine pronouns *he, his*, and *him* are still used, leaving Section 6 of the 1978 Act to extend the references to women.

The quantitative analysis conducted on a corpus including PL and SL passed between 2008 and 2018 in the UK for a total amount of 15,259 tokens, has provided interesting results (see Table 1 and Table 2) in terms of keywords produced by using Wordsmith Tools (Scott 2015). The selected items were retrieved by means of automated interrogation routines. The language focus was on a few selective features that can be listed along a gender-specificity/ gender-neutrality continuum (i.e. personal pronouns, indefinite pronouns, gender-indefinite nouns) and shows the existence of significant differences between the two types of legislation as regards the use of GN language. More specifically, Table 1 shows the results in terms of the keywords produced comparing pre-existing PL in the UK, whereas Table 2 shows the results in terms of the keywords produced by comparing SL passed in the UK in 2008 vs 2010 vs 2018.

UK 10,125 tokens	2008		2010		2018	
he	2,306	>0.20%	229	>0.02%	73	<0.01%
him	1,690	>0.14%	52	<0.01%	36	<0.01%

his	1,738	>0.15%	64	<0.01%	29	<0.01%
he or she	2	<0.01%	31	<0.01%	32	<0.01%
she or he	2	<0.01%	4	<0.01%	12	<0.01%
him or her	0	0.00	11	<0.01%	4	<0.01%
his or her	2	<0.01%	26	<0.01%	17	<0.01%
they	1,345	>0.11%	724	>0.06%	522	>0.04%
them	1,037	>0.09%	326	>0.03%	207	>0.02%
their	411	>0.03%	325	>0.03%	228	>0.02%
person	1,003	>0.09%	985	>0.08%	974	>0.08%
everyone	98	<0.01%	79	<0.01%	102	>0.01%
who	437	>0.04%	620	>0.05%	263	>0.02%
whom	45	<0.01%	86	<0.01%	63	<0.01%
whose	21	<0.01%	32	>0.01%	34	<0.01%

Table 1. UK Primary Legislation – General frequency data

UK 5,134 tokens	*2008*		*2010*		*2018*	
he	49	<0.01%	41	0.01%	89	<0.01%
him	32	<0.01%	35	0.01%	43	<0.01%
his	19	<0.01%	21	<0.01%	32	<0.01%
he or she	34	<0.01%	27	0.01%	26	<0.01%
she or he	2	<0.01%	0	0.01%	0	0.00
him or her	18	<0.01%	11	<0.01%	9	<0.01%
his or her	14	<0.01%	12	0.01%	31	<0.01%
they	115	>0.01%	97	<0.01%	104	>0.01%
them	23	<0.01%	19	< 0.01%	32	<0.01%
their	38	<0.01%	22	<0.01%	29	<0.01%
person	67	<0.01%	59	<0.01%	42	<0.01%

everyone	19	<0.01%	23	< 0.01%	25	<0.01%
who	83	< 0.01%	67	<0.01%	43	<0.01%
whom	34	<0.01%	12	<0.01%	7	<0.01%
whose	0	0.00	5	< 0.01%	0	0.00

Table 2. UK Secondary Legislation– General frequency data

In purely quantitative data, as regards the UK Public General Acts drafted according to GN criteria, data show a dramatic decrease in the frequency of *he*, *him*, *his* in PL passed from 2008 to 2018, whereas the frequency is quite stable, with an increase of *he* in SL passed in 2018. PL and SL show a small increase in the frequency of *he or she,* though it has been adopted only occasionally, and its frequencies are quite low. Such an increase is particularly marked in SL. Both Tables show a substantial stable frequency of *person*, which is a good substitute for GM words, with a slight increase in PL. Recourse to *they, them, their* and to relative clauses is not often made, as frequencies have been on the decrease in both PL and SL. Overall, the analysis of the data suggests that techniques involving more radical restructuring of the sentence have been preferred, particularly in PL, including the recourse to passive voice, omission, and repetition.

5. Conclusions

Tendencies of variation and change in the area of personal reference have been supported by language planning measures, including the publication of recommendations and guidelines that have been recently issued by the UK governmental bodies. Given the environment of legislative drafting techniques, where considerable reliance on precedent is inevitable, particularly in English-speaking jurisdictions, any proposal to change legislative language may produce interesting results. In this regard, the analysis conducted on UK Public General Acts, passed after Jack Straw's official statement in 2007, has shown a cautious recourse to alternative pronouns in PL, whereas SL still suffers from some reluctance. The fact that different recommendations/guidelines are provided for the legislative drafters responsible for each of the two types of legislation seems to be one of the possible reasons for the discrepancy denounced at the House of Lords over the last decade, and confirmed by the analysis conducted in this paper.

Legislative drafting guidelines for non-discriminatory language identify areas of conventional language use as sexist and offer alternatives

aiming at a gender-fair representation of individuals. However, GN drafting recommendations may positively reinforce tendencies of linguistic change in legislation so far, as they are practicable and intelligible, and may hopefully contribute to reaching such an aim by means of explicit and clear indications.

Future research might consider the impact of GN language in the legislation on various social phenomena, in particular the status of women and other sexual minority groups. The hope is that further investigation on this subject matter may successfully reinforce tendencies of linguistic change by means of better legislative documents.

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The contributions collected in this volume are a selection of papers presented at the XXIX AIA conference. They explore a variety of linguistic phenomena using "out-of-the-box" approaches. Getting out of the box challenges us to consider possibilities previously not even imagined, and to extend our vision – of the world and ourselves – to include alternative, complementary, or even contrasting perspectives. It means engaging in self-reflective, creative and/or lateral thinking, beyond what is obvious or commonplace, or even implicit in what we say and do. Most of all, it means becoming aware of the existence of "the box" (i.e. what we take for granted and how this conditions our conduct) and also being willing to question the validity of our convictions so as to expand our knowledge. In linguistics, language teaching, translation studies and terminology, it may involve re-labelling phenomena and concepts; investigating familiar communicative practices through novel methods; checking whether the concepts we use are suitable for describing the phenomena we study; determining to what extent our claims and assumptions are supported by the evidence available; and exploring approaches that are sometimes claimed to have reached the limits of their potential. Thinking out of the box may also be considered in terms of innovation, creativity, a rethinking of attitudes and approaches, and even a "daring" return to theories and practices that may have been swept aside in the drive to move ever forward.