

**Michele Sala (ed.)**

**GENDER, LANGUAGE AND  
TRANSLATION.  
REPRESENTATIONS AND  
TRANSCODIFICATIONS**









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Michele Sala (ed.)

Gender, Language and Translation:  
Representations and Transcodifications

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GIULIA ADRIANA PENNISI

## What Gender-Neutral Legislation Owes to Grammar: The Concept of ‘Gender’ in Legal English and the Italian ‘Guidelines for Use of Gender-Sensitive Language in Legislation’

### 1. Introduction

Generally speaking, the instruction by which words importing the masculine gender shall be deemed and taken to include females, establishes a convention that is merely linguistic (Doleschal 2000; Plaster/Polinsky 2010). However, one should consider the historical reasons that contributed to the establishment of this rule and determined the choice of the masculine to be used as an epicene for masculine and feminine. In the 1970s, the legislative drafting policy conventionally known as the masculine rule, whereby *he* includes *she*, raised opposition under the pressure of feminist movements in the United States and Europe, and calls were increasingly made to change such a sexist language. By the 1980s and 1990s, other social groups, such as the gay community, became aware of the need for gender-neutral legislation. In the 1990s and 2000s, the adoption of plain English style forced legislative drafters to basically avoid sentences of undue length, superfluous definitions, repeated words and gender specificity with the aim of achieving clarity, minimizing ambiguity, and enhance gender-neutrality. In this regard, Williams observes that (2011: 139)

with the burgeoning of the feminist movement in the western world during the latter half of the 20th century, the question of drafting legislative texts according to principles of gender neutrality emerged as part of a more general policy which aimed at removing the socio-economic differences resulting from long-standing discrimination against women.

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 are parallel to women's liberation movements, to the increasing attention given to the LGBTQ<sup>1</sup> rights and other relevant societal changes.

Gender-neutral language, also called non-sexist, gender-inclusive, or non-gender-specific language<sup>2</sup>, refers to language that includes words or expressions that cannot be taken to refer to one gender only. As a matter of fact, languages vary widely in terms of gender systems showing differences in the number of classes, underlying assignment rules and how and where gender is marked. In everyday speech, the word gender is usually associated with the biological and social differences between men and women (as in the case of Italian), and the view that grammatical gender mirrors natural gender is still evident in the terms masculine, feminine, and neuter that are used to label individual gender distinctions, especially in Indo-European languages (Corbett 2013). Certainly, not all languages function like this, and many languages do not have grammatical gender at all, as in the case of English. In order to give an account of this relevant distinction, Audring (2016: 2-3) observes

of those [languages] that do, some disregard the difference between male and female and assign all words for humans or for living beings to the same class. Yet other languages have a special 'vegetable' gender for plants, a gender for foodstuffs, a gender for large or important things, a gender for liquids or abstracts, and many more. Such patterns remind us that the word gender (Greek: γένος) originally meant 'kind' rather than 'sex'. While the split into male and female is the most common semantic base of gender systems, it is by no means the only option.

Considering the statements above, the aim of this research is to analyze the recent evolution of the EU norms and directions (Santaemilia 2013; Šarčević/Robertson 2013; Šarčević 2016) towards 'gender-equality' (Litosseliti 2006; Stefanou/Xanthaki 2008; Mclean 2013), and their effect upon the Italian legislative drafting. In particular, the focus will

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1 Oxford English Dictionary defines LGBTQ an abbreviation for lesbian, gay, bisexual, transgender, and queer (or questioning), viz. the LGBTQ community.  
2 <Priority Gender Equality (unesco.org)>.

be on the specificities of the selected languages (i.e., English and Italian), and the lexico-grammatical strategies adopted by Italian legislative drafters (Sabatini 1978; Cavagnoli/Mori 2019) to provide a version of the EU normative acts (2008-2020) with a gender fair and symmetric representation of men and women.

## 2. English and Italian in comparison

The word gender is usually associated with the biological and social differences between men and women. In addition, people are probably aware of the fact that languages, such as Italian and Spanish, can have masculine and feminine words. So at first glance, it may seem that grammatical gender is a reflection of natural gender in grammar.

Research on gender and language has demonstrated that two categories of languages exist: gender languages and languages without grammatical gender<sup>3</sup> (Corbett 1991, 2007, 2013; Hellinger/Bußann 2001; Audring 2016). Given the fact that a lack of grammatical gender in a language does not mean that gender in the broader sense cannot be communicated, gender-related messages can be constructed by resorting to a variety of linguistic means. For this reason, and notwithstanding an ongoing debate over the cross-linguistic analysis of gender, scholars working in the field of gender and language have generally agreed on the identification of four categories of gender, namely grammatical, lexical, referential and social gender (Bergvall *et al.* 1996; Unterbeck *et al.* 2000; Sunderland 2006; Prewitt-Freilino *et al.* 2012). For our purposes, the analysis has concentrated on the

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3 Arabic, Czech, Danish, Dutch, French, German, Greek, Hebrew, Hindi, Icelandic, Italian, Norwegian, Polish, Romanian, Russian, Serbian/Croatian/Bosnian, Spanish, Swedish and Welsh belong to the category of gender languages. Whereas, English, Finnish and Turkish are grouped in the category of non-gender languages.

differences/similarities in the field of gender and language between the two selected languages, i.e., English and Italian.

### 2.1. English language

In the case of the English language (hereafter, EN), while Old English had three gender classes (feminine, masculine, neuter), the category of grammatical gender was lost by the end of the 14th century due to the decay of inflectional endings and the disintegration of declensional classes. Unlike German and Italian, which have several elements inside and outside the noun phrase (determiners, adjectives, pronouns) that vary according to the noun's grammatical gender, Modern English shows no such morphological agreement. Table 1 below shows the categories of gender in EN.

grammatical	no longer a (grammatical) gender language	Old English (750-1100/1150 AD) had three gender classes→ the category of 'grammatical gender' was lost by the end of the 14th century
lexical	EN has a restricted class of personal nouns with lexical gender	their semantic specification includes a property [+female] or [+male] <i>mother/father; aunt/uncle; queen/king</i>
referential	linguistic expressions to the non-linguistic reality	it identifies a referent as female, male or gender-indefinite <i>citizen, patient, individual</i>
social (a)	the semantic bias of an otherwise unspecified noun towards one or the other gender	stereotypically <i>nurse</i> female persons <i>surgeon</i> male ones
social (b)	general human nouns	traditional practice prescribes the choice of <i>he</i> in neutral contexts <i>pedestrian, consumer, patient</i>

Table 1. EN's categories of gender

In the EN, for instance, family relationship nouns are lexically specified as carrying semantic property, female or male, that relate to the sex of

referent. For this reason, those personal nouns may be described as gender-specific, either female-specific or male-specific.

In the case of terms without lexical gender, i.e., gender-indefinite nouns such as *individual* or *person*, pronominal choice is usually, but not always, determined by the grammatical gender of the antecedent noun or subject to which they are related. Referential gender, therefore, identifies a referent as female, male, or gender-indefinite by linking linguistic terms to the non-linguistic realities. In referential gender, when reference is made to a particular subject, the “choice of anaphoric pronouns may be referentially motivated and may override the noun’s grammatical gender” (Hellinger/Bußmann 2001: 9). Most English personal nouns, however, are unspecified for gender, and can be used to refer to both female and male referents, e.g., *person*, *neighbor*, *engineer*, *movie star*, *drug addict*.

Then, social gender refers to the semantic bias of an otherwise unspecified noun towards one or the other gender, as in the case of *nurse* and *teacher* denoting stereotypically female persons, and *surgeon* and *professor* male ones. Social gender has to do with stereotypical assumptions about what the appropriate social roles for women and men are, including expectations about who will be a typical member of the class of, say, *surgeon* or *nurse*. Deviations from such assumptions will often require formal markings, for example by adjectival modification: *female surgeon* or *male nurse*. Even for general human nouns such as *pedestrian*, *consumer* or *patient*, traditional practice prescribes the choice of *he* in neutral contexts.

Languages with and without grammatical gender have generated processes of derivation and compounding which have an important function in the formation of gendered personal nouns, particularly in the use of existing terms and the creation of new feminine (f.) equivalent terms, as in the case of the area of occupational terms, for instance, f. *actress* from masculine (m.) *actor* and f. *chairwoman* from m. *chairman*.<sup>4</sup>

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4 The suffix *-ess* entered the English language with French words such as *countess*, *duchess*, *adulteress*. Words like *authoress*, *goddess* and *jewess* date from Middle English. Modern English derivations include *poetess*, *actress*, *seamstress* and *stewardess*. Traditional descriptions of English word-formation

Then, the agreement establishes a syntactic relationship between a noun's satellite element, e.g., an article, adjective, pronominal or verbal form, and the noun's gender class. Traditionally, agreement has favored the masculine in coordination and, generally, masculine agreement has predominated. On the contrary, feminine agreement is female-specific and, in many contexts, non-obligatory and irregular, depending on the extralinguistic factors such as tradition, prescription or speaker attitude (Audring 2016). In this regard, pronominalization has been "a powerful strategy of communicating gender both in languages with and without grammatical gender" (Hellinger/Bußmann 2001: 14) as well. Pronouns may emphasize traditional and/or reformed practices, as when a speaker chooses between a false generic (i.e., *he*) or a more gender-neutral choice (i.e., singular *they*). The interpretation of pronominalization as one type of agreement remains controversial. English exemplifies a type of relation between noun and pronoun which is not syntactically motivated. Only reflexes of the original grammatical gender system remain in the third person singular pronouns (*he, she, it*), and the choice of anaphoric pronouns is controlled by lexical-semantic properties of the antecedent, by referential gender (including intended reference), or social gender. Corbett (1991: 169) concludes that pronouns "may be the means by which particular languages divide nouns into different agreement classes". However, this classification is semantically based, and the EN is not any more a gender language.

## 2.2 Italian language

The Italian language (hereafter, IT) belongs to gender languages that usually have two or three gender classes, and among them frequently feminine and masculine. Table 2 below shows the categories of gender in the IT.

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discuss phonological variation in pairs like *author/authoress* vs. *governor/governess*, but do not even mention the gender-stereotypical semantic asymmetries involved in *governor/governess*, *mister/mistress*, and *major/majoret* (Hellinger/Bußmann 2001).



grammatical	two gender classes feminine (female) and masculine (male) often linked to biological sex	inanimate entities → gender assignment is semantically arbitrary animate entities → human vs. non- human entities
lexical	two subtypes	same lexical root <i>ragazza/ragazzo</i> (EN <i>boy/girl</i> ) nominal root does not permit gender specification <i>insegnante</i> (EN <i>teacher</i> )
referential	linguistic expressions to the non-linguistic reality	their semantic specification includes a property [+female] or [+male] specified by external modifiers, e.g., definite articles <i>lo psichiatra</i> (m.) / <i>la psichiatra</i> (f.) → (EN <i>psychiatrist</i> )
social (a)	the semantic bias of an otherwise unspecified noun towards one or the other gender	stereotypically IT <i>tata</i> (f.) female persons → (EN <i>nanny</i> ) <i>chirurgo</i> (m.), <i>giudice</i> (m.) male ones → (EN <i>surgeon, judge</i> )
social (b)	general human nouns	<i>Gli avvocati</i> sono stati convocati dal <i>giudice</i> ( <i>he</i> includes <i>she</i> ) → (EN <i>Attorneys</i> have been summoned to the <i>judge's</i> office)

Table 1. IT's categories of gender

The IT belongs to the eastern Romance languages of the Indo-European language family (Lockwood 1972), and in morphology, IT reflects the clear separation of verbal and nominal inflection characteristic of Latin, the latter inflection also including pronouns, determiners and adjectives. Nouns belong to one of two grammatical gender classes (feminine and masculine), they inflect for number (singular and plural), but not for case (Vincent 1988). As Thüne (2002: 189) observes,

grammatical gender has specific linguistic functions, but at the same time it is related to people's perception and experience of reality. Language is therefore not neutral, because it influences the symbolic systems of speaker. And it is precisely grammatical gender which is the principal category through which the difference between female and male may be represented symbolically.

For this reason, within the class of inanimate entities in IT, gender is an inflectional phenomenon and gender assignment is semantically arbitrary. In the case of animate entities, a further semantic distinction is made between human and non-human entities.

When considering lexical gender, the differentiation of feminine or masculine gender is made possible either through the inflectional morphology of nouns, or the use of satellite elements such as determiners and adjectives. As regards the morphology of nouns, two categories can be identified:

- in the 1<sup>st</sup> category two subtypes are identifiable: (i) there are nouns where referential gender is expressed by the same lexical roots, which have the corresponding grammatical gender and may be followed by gender-specific endings, such as f. (sg./pl.) *ragazza /ragazze* (EN *girl/girls*) and m. (sg./pl.) *ragazzo/ragazzi* (EN *boy/boys*); (ii) in a limited number of cases the suffix for the masculine singular is *-e*, such as m. (sg./pl.) *signore/signori* (EN *sir/sirs*);
- in the 2<sup>nd</sup> category, a huge number of cases the gender-specification cannot be derived from the nominal root, and satellite elements, such as determiners and/or adjectives, must be used in order to specify the gender. This class contains nouns such as (sg./pl.) *giudice/giudici* (EN *judge/judges*) and (sg./pl.) *insegnante/insegnanti* (EN *teacher/teachers*). In these cases, the suffixes *-e/-i* only signals number. Many agentive nouns can be found in this class.

Then, IT has a certain number of suffixes that form common nouns which have the same form for both genders. Here, referential gender is specified by external modifiers, such as determiners f./sg. *la psichiatra* and m./sg. *lo psichiatra* (EN *psychiatrist*).

As well as in the EN, social gender refers to the semantic bias of an otherwise unspecified noun towards one or the other gender, e.g., f./sg. *tata* (EN *nanny*) denoting stereotypically female persons, and m./sg. *chirurgo* (EN *surgeon*) male ones. Generally speaking, social gender has to do with the stereotypical assumptions about the appropriate social roles that have been traditionally considered for men and women, including expectations about who would be a typical member of the class, i.e., *tata* and *chirurgo*. Deviations from such

assumptions often require formal markings, for example by adjectival modification: *tata uomo* or *chirurgo donna*. Even in the case of general human nouns such as *passante* (EN *passer-by*), *consumatore* (EN *consumer*), and *paziente* (EN *patient*), practice has traditionally prescribed the choice of the pronoun *he* in neutral contexts.

Word-formation is a particularly sensitive area in which gender may be communicated in the IT as well. This is evident in the case of the recent formation words such as *ministra* (EN *female minister*) that derives from *ministro* (EN *male minister*), and *sindaca* (EN *female mayor*) that derives from *sindaco* (EN *male mayor*). Indeed, the IT female-specific suffix is *-essa*, such as *studentessa/studente* (EN *female student/male student*) and *professoressa/professore* (EN *female professor/male professor*), though the problematic nature of the suffix was already noted by Sabatini (1978), in that *-essa*, more often than other feminine suffixes (f.) *-trice/* (m.) *-tore*, as in the case of *scrittrice/scrittore* (EN *female writer/male writer*), may bear derogatory and offensive connotations (Robustelli 2000).<sup>5</sup> Hence, the existence of alternative forms which follow the morphological patterns of male terms.

Reflecting the clear separation of verbal and nominal inflection characteristic of Latin, with the latter inflection also including pronouns, determiners and adjectives, Italian nouns belong to one of two grammatical genders (f./m.), they inflect for number (sg./pl.), but not for case, in addition to the rich inflectional morphology of Italian verbs that signals person and number of the subject in all finite paradigms. Personal pronouns are mostly used for emphasis, for example, when emphasis is placed on the referent to which the pronoun refers, as in the sentence “*Lei* ha scritto l'email, non Luca” (EN *She* has written the email, not Luca / *She wrote* the email, not Luca). With the

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5 In this case, the corresponding masculine terms belong to one of many derivational classes, for example, the classes ending in *-o* (*avvocato* / EN *male attorney*) and *-e* (*conte* / EN *earl*). Historically, morphological feminine ending in *-essa* referred to the wife of the person denoted by the masculine lexical base (i.e., *baronessa* / EN ‘the wife of the baron’), or to the female counterpart of the referent denoted by the masculine term, such as *poetessa* (EN *female poet*) from *poeta* (EN *male poet*) (Thüne 2002).

exception of participial forms, that may show gender agreement with the object in active structures, as in the expression f./sg. “sei *arrivata*” (EN you are just arrived / here you are), gender has no direct morphological representation in the verbs.

Then, in the IT two sets of pronominal forms can be identified: the *free* (stressed) forms and the *clitic* (unstressed) forms. More specifically,

- *clitic* forms occur as if they were unstressed affixes of the verb, representing the unmarked pronominal realizations of direct and indirect objects, e.g., non *lo trovo* (EN I can't find *it/him*). Usually, gender is marked explicitly only in the third person singular and plural direct object forms f. and m./sg. *la/lo*, and f. and m./pl. *le/li* (i.e., *la chiamo stasera* / EN I'll call *her* this evening) and *lo chiamo stasera* (EN I'll call *him* this evening);
- *free* pronouns occur in both subject and direct/indirect object function and show gender-variable forms in the third singular person: *lui/lei* (EN *he, him/ she, her*) and *esso/essa* (EN *it*).<sup>6</sup>

However, in unmarked contexts, the masculine form is generally preferred in the case of both male and female references (m./pl. *li chiamo stasera* / EN *I call them* this evening).

### 3. Reforming legal language

#### 3.1. EU Drafting guidance for gender-neutral language

The EU attaches great importance to gender issues, as it is clearly seen from the commitments in its texts to gender equality, and the establishment at the EU level of bodies or committees to focus on those issues. Among the most recent EU actions and policies taken to address gender issues it is worth mentioning *The European Institute for Gender*

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<sup>6</sup> In the case of m. *essi* / f. *esse* (EN *them*), this pronominal form is stylistically marked and syntactically restricted to written texts, such as scientific, legal and literary language.

*Equality* (hereafter, EIGE)<sup>7</sup> founded in 2006 in accordance to the Regulation (EC) No 1922/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a European Institute for Gender Equality.<sup>8</sup> EIGE is an autonomous body aimed at strengthening the promotion of gender equality, including gender mainstreaming in all the EU policies and the resulting national policies, and fighting against discrimination based on sex, as well as raising EU citizens' awareness of gender equality. Then, the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereafter, *Istanbul Convention*),<sup>9</sup> that entered into force in August 2014, represents the first instrument in Europe to set legally binding standards specifically to prevent gender-based violence, protect victims of violence and punish perpetrators.

In 2016, the European Parliament adopted a resolution on gender mainstreaming in which a number of tools are strongly recommended, including the attention on the use of specific terminology and definitions in relation to gender equality issues and promoting ex-ante and ex-post assessment of draft proposals for legislation<sup>10</sup>. In 2018, the European Parliament issued updated guidelines on gender-neutral language in the European Parliament. That booklet of some 12 pages contains words of caution: "Parliament's role as a European legislator also must be taken into consideration when seeking to achieve gender-neutral language. Not all solutions that could otherwise be applied can be used in the context of legislation, which requires clarity, simplicity, precision and consistency" (2018: 9).<sup>11</sup>

In the case of the other EU institutions, the Council of the EU in 2011 adopted the 2011-2020 European Pact for gender equality<sup>12</sup>,

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7 <European Institute for Gender Equality | European Institute for Gender Equality (europa.eu)>.

8 <EUR-Lex - 32006R1922 - EN - EUR-Lex (europa.eu)>.

9 <CETS 210 - Council of Europe Convention on preventing and combating violence against women and domestic violence (coe.int)>.

10 <Texts adopted - Gender mainstreaming in the work of the European Parliament - Tuesday, 8 March 2016 (europa.eu)>.

11 <www.europarl.europa.eu/cmsdata/151780/GNL\_Guidelines\_EN.pdf>.

12 <EUR-Lex - 52011XG0525(01) - EN - EUR-Lex (europa.eu)>.

whereas the European Commission treats gender equality as an important goal in its policy on fundamental rights.<sup>13</sup>

Notwithstanding those actions and policies, the issue of gender-neutral drafting in legislation is not even mentioned in the guidance drawn up by the legislative drafting experts of the EU institutions. It is noteworthy that the Joint Practical Guide for persons involved in the drafting of EU legislation<sup>14</sup>, is a text of about 45 pages updated in 2013 that in at least one instance is not drafted in gender-neutral terms: “*The author must indicate how he intends to implement that provision (12.2)*”. To find any guidance on the topic for EU drafters, it is necessary to look at the general guides on style in the EU institutions (Robinson 2020). A brief reference is found in the *Interinstitutional Style Guide*, which is designed to harmonize documents of every kind produced by all EU bodies:

Much existing EU legislation is not gender neutral and the masculine pronouns ‘he’ etc. are used generically to include women. However, gender-neutral language is nowadays preferred wherever possible.<sup>15</sup>

The *Interinstitutional Style Guide* gives some general suggestions on gender-neutral writing; yet much of these hints are not applicable to legislative drafting. This is, for instance, the case of pronouns:

Pronouns. If the text clearly refers to a specific individual on a particular occasion, and you know the gender of the person concerned, use a gender-specific pronoun:

The High Representative (Baroness Ashton) voiced her objections.

The President of the Commission (Mr Delors) said that he welcomed the common position reached at the Council (10.6 Gender Neutral Language).<sup>16</sup>

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- 13 The European Commission has adopted a Strategic Engagement for Gender Equality 2016-2019 as the framework for work towards full gender equality <<https://publications.europa.eu/en/publication-detail/-/publication/f3dd1274-7788-11e9-9f05-01aa75ed71a1/language-en/format-PDF/source-search>>.
- 14 First drawn up in 2000 with the current, second edition published in 2013 <<https://eur-lex.europa.eu/content/techleg/EN-legislative-drafting-guide.pdf>>.
- 15 <<http://publications.europa.eu/code/en/en-000500.htm>>.
- 16 Part Four, point 10.6 <<http://publications.europa.eu/code/en/en-000500.htm>>.

Similar guidance is given in the *English Style Guide* issued by the English-language translators at the Commission in a section dealing more broadly with inclusive language, and providing some drafting techniques that resemble those adopted by most of the English-speaking jurisdictions.<sup>17</sup> The extract below is taken from Part I.15 of the *English Style Guide*<sup>18</sup> and provides some general indication on how to avoid gender-specific language:

In instructions, use the second person or the imperative: *You* should first turn on your computer” or “*First turn* on your computer instead of *The user* should first turn on *his/her* computer.

Where possible draft in the plural; this is very common in English for general references: *Researchers* must be objective about *their* findings.

Omit the pronoun altogether: The chair expressed dissent instead of The chair expressed *his/her/its* dissent.

Substitute ‘the’ or ‘that’ for the possessive pronoun: A member of the Court of Auditors may be deprived of *the right* to a pension.

In current usage, ‘they/them/their/theirs’ are used to refer to singular nouns: This does not apply when *a passenger misses* a connecting flight for which *they* have a reservation.

Repeat the noun: This does not apply when *a passenger misses* a connecting flight for which *that passenger* has a reservation.

Traditionally, the English texts of the EU Treaties and legislation have been drafted according to the masculine rule, whereby he includes she. At times, the EU legislative drafters resort to multiple personal pronouns:

Art. 234 TFEU

If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the component members of the European Parliament, *the members* of the Commission shall resign as a body and the High Representative of the Union for Foreign Affairs and Security Policy shall resign

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17 For more information on this issue, see Greenberg (2008).

18 <[https://ec.europa.eu/info/files/english-resources-english-style-guide\\_en](https://ec.europa.eu/info/files/english-resources-english-style-guide_en)>.

from duties that *he or she* carries out in the Commission. *They* shall remain in office [...].

This extract, in particular, is one of the examples found in the *Treaty on European Union (TEU)* and the *Treaty on the Functioning of European Union (TFEU)*,<sup>19</sup> that show the occurrence of a number of variants of gender-neutral drafting (i.e., plural *they*, alternative pronouns *he or she* repetition, etc.), some rather confusing.

### 3.2. Italian drafting guidance for gender-symmetric language

In the 1980s, the publication of *Il sessismo nella lingua italiana* (EN *Sexism in the Italian language*) (Sabatini 1987) contributed to the debate on gender in Italy and drew the attention of public opinion to the relationship between gender identity and language. By illustrating the role that language plays in the social construction of reality, it called for a language that neither privileges the male gender, nor raises prejudices against women, hence respecting both genders. Given the morphological distinction between grammatical masculine gender and feminine gender, the latter has been traditionally included in the masculine form. For example, *i consumatori* (m. /pl.) (EN *consumers*) can signify male consumers, and both the male and female consumers. This is the case of what Sabatini (1987: 25) defines ‘grammatical asymmetry’, i.e., the disparity in the treatment of men and women in grammatical forms, as opposed to the ‘semantic asymmetry’, which relate to the discursive differences and lexical usage (Thüne: 201-202). Likewise, the masculine form for professional titles and institutional roles has been the norm, even when it refers to a woman.

Apart from the asymmetries that have to do with the rich agreement system of Italian, another important area in which asymmetries are evident is in the use of pronouns. The masculine form is prevalent in the use of pronouns, not only when reference is made to both male and female persons, but also in cases where referential gender is indeterminate (as previously shown in Section 2.2.)

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19 <EUR-Lex - 12012E/TXT - EN - EUR-Lex (europa.eu)>.



Then, the theme of gender and language was resumed in the *Manuale di stile. Strumenti per semplificare il linguaggio delle pubbliche amministrazioni*<sup>20</sup> (EN *Style Handbook. Tools to simplify the language of public administration*) in 1997, and lately in 2007 the publication of *Misure per attuare parità e pari opportunità tra uomini e donne nelle Pubbliche Amministrazioni*<sup>21</sup> (EN *Guidelines to implement equality and equal opportunities between men and women in the Public Administrations*) added further recommendations to use a non-discriminatory gender language in all working Italian documents. Several administrations have adhered to this invitation, such as the partnership between l'Accademia della Crusca and the city of Florence in the project *Genere & Linguaggio* (EN *Gender & Language*), and the publication of the first *Linee guida per l'uso del genere nel linguaggio amministrativo* (EN *Guidelines for the use of gender in administrative language*).<sup>22</sup> Nevertheless, Sabatini's recommendations have remained largely unfulfilled, given the resistances to adopt a language representative of the two genders both in governmental communication and in ordinary spoken language.

Within this context, it is interesting to consider the Italian version of the *Gender-neutral language in the European Parliament*, the EU booklet on the use of gender-neutral and non-sexist language in parliamentary texts (2008) that addresses specific indications to the Italian legislative drafter. Firstly, the Italian version points out that in Italy the debate on the use of gender-symmetric language is still in its infancy; in the language currently used by the media, especially by the press, as well as in common spoken and written language, very few neologisms are used even today, and there is a tendency to use the masculine with neutral function as shown in the following extract taken from the handbook itself:

A) USO DEL TERMINE "UOMO"

Il termine 'uomo' nella lingua italiana non ha necessariamente una connotazione sessista e nella sua accezione idiomatica può essere utilizzato nella redazione di testi. Il termine 'uomo' o 'uomini' è infatti ammesso quando

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20 Fioritto 1997.

21 <<https://www.gazzettaufficiale.it/eli/id/2007/07/27/07A06830/sg>>.

22 <lineeguidagenere - Cecilia Robustelli.pdf (uniroma1.it)>.

è sinonimo di ‘persona nel suo complesso di diritti e doveri’ o ‘essere vivente’, ‘essere umano’ o ancora come sinonimo di ‘genere umano’ (2008: 11).

Then, the booklet advises to specify the gender of *epiceno* (EN *epicene*)<sup>23</sup> nouns by using the feminine and the masculine articles as appropriate. In the case of the noun *giudice* (EN *judge*), it is recommended to use *il giudice* when referring to a *male judge*, and *la giudice* when referring to a *female judge*. Given the fact that the Italian professional world has a considerable number of *epicèno* words, such as *presidente* (EN *president*) and *ingegnere* (EN *engineer*), the booklet suggests distinguishing between:

- the function intended as a general category that describes the job the responsibilities and powers associated with it:

Con riferimento alle funzioni, è ammesso l'uso del maschile con valenza ‘neutra’ declinato al singolare quando ci si riferisce a una funzione in astratto, a prescindere dal genere della persona che la ricopre [...] e non fanno riferimento a persone fisiche, ma piuttosto a funzioni in astratto. (2008: 14)

and

- the physical person who carries out the function in order to find the proper noun (m. or f.) and the satellite elements:

Ove è noto il genere della persona fisica che esercita la funzione, va usato invece il genere grammaticale corrispondente [...]. (2008: 15)

In this regard, it is interesting to look at the instructions on the formation of the female version of the Italian male terms indicating professions that are typically accompanied with masculine determiners and/or adjectives

Per la formazione dei termini femminili vanno seguite le normali regole grammaticali di formazione delle parole, ovvero le parole che terminano in -o diventano -a: *avvocata generale, sindaca, ministra*;

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23 *Epicèno* means both genders and does not distinguish between masculine and feminine (OED; Merriam-Webster).

le parole che terminano in -aio, -ario diventano -aia, -aria: *notaia, primaria*;  
 le parole che terminano in -iere diventano -iera: *infermiera, consigliera*;  
 le parole che terminano in -sore diventano -sora: *revisora, assessora*;  
 le parole che terminano in -tore diventano -trice: *direttrice, redattrice*.

In this regard, it is worth noticing that *avvocata* (EN *female attorney*) is a term permeated by the Italian culture and by the supposed neutrality that the institutions attribute to the male gender, which is not neutral (Prewitt-Freilino *et al.* 2012). This is particularly evident in the meaning(s) of the word provided by the Italian dictionaries (Dizionario Treccani; Grandi Dizionari):

- *avvocata* has a religious meaning (i.e., the Holy Mary):

*avvocata* s. f. [femm. di avvocato]. – 1. Nel linguaggio teologico, protettrice, interceditrice, attributo della Madonna o di sante. 2. Sinon. non com. di avvocatessa. [...];

- it is considered a new word indicating *female attorney*, and not frequently deployed since *avvocato* (*male attorney*) is generally used to indicate both male and female persons working in the legal field;
- or, it used with negative (and rather offensive) connotations:

*avvocato* s. m. (f. -éssa o -a) [dal lat. advocatus, propr. part. pass. di advocare «chiamare presso», nel lat. imperiale «chiamare a propria difesa», e con uso assol. «assumere un avvocato»]. – 1. Professionista forense che assiste la parte nel giudizio [...]. 2.estens. Difensore, intercessore, protettore [...]. 3. Locuz. particolari: a. delle cause perse, chi assume la difesa di cause o di opinioni insostenibili [...]. ♦ *Per indicare una donna che esercita l'avvocatura nell'uso giuridico è usato il maschile avvocato, ma sono sempre più frequenti, nell'uso com., i femminili avvocatessa e avvocatessa, quest'ultimo anche per indicare scherz. la moglie di un avvocato, o una donna che ha la parlantina sciolta, che si accalora nel discorrere e nel sostenere le ragioni proprie o altrui [...];*

*avvocata* s. f. 1 non com. Donna che esercita l'avvocatura; 2 scherz. Donna chiacchierona; 3 RELIG Colei che protegge, che intercede, riferito alla Madonna.

Lastly, this example is pivotal and suggests that any formation of a female version of professional male terms needs to be carefully adjusted

according to the Italian culture and the specific context where the new terms are meant to be used.

### 3.3. EU Directives: EN and IT versions

The comparative analysis of the EN version and the IT version of the EU acts issued after the publication of the *Gender-neutral language in the European Parliament* booklet (2008), confirms that the EU legislation still presents different approaches to gender issues. As the research reveals, this is particularly evident in the *Regulations and Directives* issued from 2016 to 2019. The following example is taken from Art. 20(1) of the *Regulation* (EU) 2016/679:

The data subject shall have the right to receive the personal data concerning *him or her*, which *he or she* has provided to a controller, in a structured, commonly used and machine-readable format [...].<sup>24</sup> (EN version)

The EN version has the alternative pronouns *him or her* and *he or she* that are acceptably neutral. However, some English-speaking jurisdictions have begun questioning the use of *he or she* because it does not include “a body of persons incorporated or unincorporate”<sup>25</sup>, nor does it refer to individuals who do not identify with a specific gender. Furthermore, it is not really gender-neutral and especially objectionable at a time where gender, in addition to masculine and feminine, includes LGBTQ. *He or she* introduces complexity into the sentence because a frequent repetition of it can be awkward, and concerns are expressed about the order of the personal pronouns (i.e., *she or he* instead of *he or she*). Lastly, not only *he or she* and *his or her* constructions are “short cuts that may be understandable in English but cannot be replicated in

24 <EUR-Lex - 02016R0679-20160504 - EN - EUR-Lex (europa.eu)>.

25 Greenberg (2008) warns about the drafters’ habit of using the masculine personal pronoun *he* in relation to a *person* despite the fact that Schedule 1 to the *Interpretation Act 1978* defines a *person* “a body of persons corporate or unincorporated”. Indeed, *he or she* can be used only in the case of provisions directed exclusively to individuals.



Overall, the analysis has revealed the existence of an interesting number of EU secondary legislation<sup>29</sup> where the IT version diverges from the EN version in the language representation of gender. For reason of space, only a few examples are reported here. However, the following extracts can be considered particularly representative of the discrepancies between the EN and IT versions when comparing the representation of gender in language in each of the two texts.

The first example is taken from the Directive 2012/13/EU, and Table 2 reports Articles 2.1, 3.2d, and 3.5 of the Directive in both the EN<sup>30</sup> and the IT<sup>31</sup> version.

DIREKTIVE 2012/13/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 May 2012 on the right to information in criminal proceedings	DIRETTIVA 2012/13/UE DEL PARLAMENTO EUROPEO E DEL CONSIGLIO del 22 maggio 2012 sul diritto all'informazione nei procedimenti penali
Art.2(1.) This Directive applies from the time <i>persons</i> are made aware by the competent authorities of a Member State that <i>they are suspected or accused</i> of having committed a criminal offence until the conclusion of the proceedings, which is understood to mean the final determination of the question whether <i>the suspect or accused person</i> has committed the criminal offence, including, where applicable, sentencing and the resolution of any appeal.	Art. 2(1). La presente direttiva si applica nei confronti delle <i>persone</i> che siano messe a conoscenza dalle autorità competenti di uno Stato membro, <i>di essere indagate o imputate per un reato</i> , fino alla conclusione del procedimento, vale a dire fino alla decisione definitiva che stabilisce <i>se l'indagato o l'imputato</i> abbia commesso il reato inclusi, se del caso, l'irrogazione della pena e l'esaurimento delle procedure d'impugnazione.

29 Every action taken by the EU is founded on the treaties. These binding agreements between EU member countries set out EU objectives, rules for EU institutions, how decisions are made and the relationship between the EU and its members. Treaties are the starting point for EU law and are known in the EU as primary law. The body of law that comes from the principles and objectives of the treaties is known as secondary law; and includes regulations, directives, decisions, recommendations and opinions, available at <Types of EU law | European Commission (europa.eu)>.

30 <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0013&from=EN>>.

31 *Ibid.*

Art.3(2d) the maximum number of hours or days <i>suspects or accused persons</i> may be deprived of liberty before being brought before a judicial authority.	Art.3(2d) il numero massimo di ore o giorni in cui l' <i>indagato o l'imputato</i> può essere <i>privato</i> della libertà prima di essere <i>condotto</i> dinanzi a un'autorità giudiziaria.
Art. 3(5) Member States shall ensure that <i>suspects or accused persons</i> receive the Letter of Rights written in a language that <i>they</i> understand. Where a Letter of Rights is not available in the appropriate language, <i>suspects or accused persons</i> shall be informed of <i>their</i> rights orally in a language that <i>they</i> understand. A Letter of Rights in a language that <i>they</i> understand shall then be given to <i>them</i> without undue delay.	Art. 3(5) Gli Stati membri provvedono affinché l' <i>indagato o l'imputato</i> riceva la comunicazione redatta in una lingua a <i>lui</i> comprensibile. Qualora la comunicazione non sia disponibile nella lingua appropriata, l' <i>indagato o l'imputato</i> è <i>informato</i> dei suoi diritti oralmente in una lingua a <i>lui</i> comprensibile. Senza indugio <i>gli</i> verrà quindi fornita la comunicazione dei diritti in una lingua a <i>lui</i> comprensibile.

Table 2. EN and IT versions of the Directive 2012/13/EU (Art. 2.1, 3.2d, 3.5) (emphasis added).

In the EN version, the main object is the *suspect or accused person(s)*. It is clear that the English drafter opts for the indefinite noun sg./pl. *person(s)* (here mostly used in the plural form) and the personal pronouns *they/them* to avoid gender-specificity. The IT version, on the contrary, shows a different pattern. With the exception of the first half of Art. 2.1, instead of using the indefinite noun sg./pl. *persona(e)* which is the Italian immediate equivalent for *person/s*, the Italian drafter constructs the expression *l'indagato o l'imputato* disregarding the English word *person* with no apparent reason. Additionally, this choice requires the use of the third male personal pronoun *lui/gli* and the past participle (*privato, condotto, informato*) that has to agree with the subject in gender and number (m./pl. *l'indagato o l'imputato*) when used with the IT auxiliary verb *essere* (EN *to be*).

The second example is taken from the Regulation (EU) 2018/1860, and Table 3 reports points n.6 and n.18 of the Regulation in both the EN<sup>32</sup> and the IT<sup>33</sup> version.

REGULATION (EU) 2018/1860 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals	REGOLAMENTO (UE) 2018/1860 DEL PARLAMENTO EUROPEO E DEL CONSIGLIO del 28 novembre 2018 relativo all'uso del sistema d'informazione Schengen per il rimpatrio di cittadini di paesi terzi cui soggiorno è irregolare
(6) This Regulation does not affect the rights and obligations of <i>third-country nationals</i> laid down in Directive 2008/115/EC. An alert entered into SIS for the purpose of return does not, in itself, constitute a determination of the status of the <i>third-country national</i> on the territory of Member States [...]	(6) Il presente regolamento lascia impregiudicati i diritti e gli obblighi <i>dei cittadini di paesi terzi</i> previsti dalla direttiva 2008/115/CE. Una segnalazione inserita nel SIS ai fini del rimpatrio non costituisce, di per sé, una determinazione dello status <i>del cittadino del paese terzo</i> sul territorio degli Stati membri [...].
(18) Personal data obtained by a Member State pursuant to this Regulation should not be transferred or made available to any third country. As a derogation to that rule, it should be possible to transfer such personal data to a third country where the transfer is subject to strict conditions and is necessary in individual cases in order to assist with the identification of a <i>third-country national</i> for the purposes of <i>his or her</i> return. [...] Furthermore, the extensive efforts of the Union in cooperating with the main countries of origin of illegally-staying <i>third-country nationals</i> subject to an obligation to return has not been able to ensure the systematic fulfillment by such third countries of the obligation established	(18) I dati personali ottenuti da uno Stato membro a norma del presente regolamento non dovrebbero essere trasferiti o resi disponibili a qualsiasi paese terzo. In deroga a tale norma, dovrebbe essere possibile trasferire tali dati personali a un paese terzo, qualora il trasferimento sia soggetto a condizioni rigorose e qualora sia necessario in singoli casi per contribuire all'identificazione di un <i>cittadino di paese terzo</i> allo scopo del <i>suo</i> rimpatrio. [...] A ciò si aggiunga che gli intensi sforzi prodigati dall'Unione per cooperare con i principali paesi di origine dei <i>cittadini di paesi terzi</i> il cui soggiorno è irregolare colpiti da provvedimento di rimpatrio non sono bastati ad assicurare il rispetto

32 <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2018:312:FULL&from=EN>>.

33 *Ibid.*



by international law to readmit own nationals. [...]	sistematico, da parte di tali paesi terzi, dell'obbligo stabilito dal diritto internazionale di riammettere i loro stessi cittadini. [...]
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Table 3. EN and IT versions of the Regulation (EU) 2018/1860

In the EN version, the main object is *third-country national(s)*. The English drafter opts for the indefinite noun *national(s)* (here mostly used in the plural form) and the alternative pronouns *his/her* used with *they/them* to avoid gender-specificity. The IT version, on the contrary, shows again a different pattern. Overall, the Italian version follows verbatim the EN text, with one interesting exception that occurs with the plural noun *cittadini* (IT version points 6 and 18). Here, the Italian drafter chooses the m./sg. *cittadino* without any indication of the corresponding f./sg. *cittadina*. In this case, the translator disregards letter B of the *Guidelines specific for the Italian Language within the Gender-neutral language in the European Parliament* booklet (2008:12), where avoiding gender-specific language is suggested through the use of alternative constructions (preferably in short sentences), or by resorting to the plural form of nouns (i.e., *cittadini*, EN *nationals*).

#### 4. Concluding remarks

As shown in this chapter, both the EN and IT vary widely in terms of gender systems showing differences in the number of classes, underlying assignment rules and how and where gender is marked. In the IT, the word gender is usually associated with the biological and social differences between men and women, and the view that grammatical gender mirrors natural gender is still evident in the terms masculine, feminine and neuter that are used to label individual gender distinctions. This definitely is not the case of modern EN.

This analysis has considered the specificities of the selected languages (i.e., EN and IT) and the recent evolution of EU norms and directions towards gender-equality and their effect on the Italian legislation. Quite recently, the increasing tendencies of variation and change in the area of personal reference have been supported by language planning measures and the publication of recommendations and guidelines in the EU and in Italy, with a rather interesting usage of gender-neutral drafting techniques in both the EN and IT. Given the lexico-grammatical specificities of the IT, the analysis has revealed that the EU recommendations and guidelines for non-discriminatory language suggest legislative drafting techniques that offer alternatives aiming at a gender-fair (and symmetric) representation of individuals that are not always applicable to the IT legislative texts.

As an instrument of language planning, EU gender-neutral drafting may positively reinforce tendencies of linguistic change, so far as it is applicable according to the specificities of each Member State's national language, and at no more than a reasonable cost to brevity or intelligibility of the language versions (i.e., Italian version) of the EU original texts. Indeed, each language has important social-cultural functions in that it reflects social hierarchies and mechanisms of identification, and it contributes to the construction and communication of gender. To a large extent, the emergence of a public interest in language and gender depends both on the socio-political background, in particular the state of women's and other sexual minority group movements in the country concerned, and its local language. Future research could consider the impact of these factors on the construction of gender-sensitive language in the legislation.

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