

(MA thesis, UNINT, Rome)

Elisa Giummarra*



The project aims to evaluate the actual importance given to **gender in legal language**, considering supranational and national laws in English, Italian and Spanish.

Equal opportunities represent a fundamental principle of human rights within international law. During the past half-century many scholars analyzed the issue of language sexism, assuming that a neutral gender form was required in order to represent women at a linguistic level, considering that too often women identity has been hidden by masculine forms. One of the fundamental issues of the debate was the need for an appropriate **neutral language**, respectful of gender equality for media, cultural organizations and international institutions.



The research was led within the framework of the international project **Eurolect Observatory****, *interlingual and intralingual analysis of legal varieties in the EU setting*, promoted and coordinated by Prof. Laura Mori, intended to investigate differences and analogies between EU legal varieties (the so-called Eurolects) in directives and national legal varieties in the relative national measures of implementation in different languages.

According to the above mentioned project, the research hypothesis was to find out differences both **interlinguistically** (English/Italian/Spanish) and **intralinguistically** as cues of the process of interlinguistic translation in the EU setting as well as of intralinguistic translation at national level. The main purpose was to focus on:

- use of sexist forms or gender-neutral forms in EU and national legal varieties
- transposition of lexical forms on equal opportunities into national laws in order to check strategies to handle with gender discrimination.

Interlingual analysis-Results:

The interlingual comparison of lexical forms on gender equality showed different occurrences of items in the three languages, due to a lack of linguistic consistency and many examples of **false equivalence** (especially with regard to the different connotative meaning of *sex* and *gender*).

| Italian | Spanish | English | |
|---|----------------------|----------------------|--|
| Parità di genere | Igualdad entre los | Gender equality | |
| N. of occurrences: 2 | N. of occurrences: 2 | N. of occurrences: 2 | |
| Parità tra i generi | Igualdad de género | Gender equality | |
| N. of occurences: 3 | N. of occurrences: 3 | N. of occurrences: 3 | |
| Example of false equivalence between the three languages examined | | | |

Italian and Spanish Eurolects are varieties with an abundant use of sexist forms, although Spanish directives show more attempts toward a gender-neutral language, especially through distributive expressions (i.e. specification of both genders) which calque English source texts' choices. In fact, Italian and Spanish directives show mainly the generic masculine, mostly for agent nouns and occupation titles and also for common gender nouns, being used masculine determiners. In English, considered its morphological features (no gender inflection), the generic masculine has been observed in anaphoric pronouns and adjectives, which are gender-specific. In specific terms, the research consisted in the analysis of **fifteen EU directives** (in their English, Italian and Spanish version), topic-selected on the basis of the keyword 'equal opportunities' in different social fields. Considering the diachronic variable, directives range from 1975 to 2010 in order to examine the lexical variation, limited to possible changes in the use of sexist or neutral language forms.

The research started with the compilation of an **interlingual glossary** with thirty-four terms and phrases on gender equality, in order to set out the most common terminology on equal opportunities in the three languages examined.

| Pari opportunità Igualdad de oportunidades (entre hombres y mujeres) N. of occurrences: 8 N. of occurrences: 18 Parità di opportunità tra gli Igualdad de oportunidades unnini e le donne | Equal opportunities (for men |
|--|--|
| Parità di opportunità tra gli Igualdad de oportunidades | and women) |
| | N. of occurrences: 18 |
| N of occurrences: 2 N of occurrences: 1 | Equal opportunities for women and men |

Sexist and gender-neutral forms were carefully classified.

- Sexist solution: the use of generic masculine (i.e. in gender markers, anaphoric references, gender agreement, occupational titles or sex-identifying terms) which contributes to the prominence of the male standard.
- Gender-neutral solution: the use of distributive expressions, collective nouns and impersonal expressions as attempts towards a linguistic behaviour respectful of gender identity.

Intralingual analysis- Results:

The process of intralingual translation of lexical forms on equal opportunities into the national measures of implementation revealed the use of new forms or already existing terms which are more genderoriented than the corresponding items examined in the relevant directives.

| Lexical form in Italian | N. tokens in directives | N. tokens in national measures of implementation | |
|---|----------------------------|---|--|
| Diritti umani | 4 | 3 | |
| Diritti dell'uomo | 12 | 0 | |
| Example of transposition of a lexical form from Italian Eurolect to the national legal variety | | | |

This trend towards a gender-neutral language in national measures of implementation occurs above all in Italian thanks to the use of 'opposing gender pairs' - even with the feminine noun in first position - or expressions which include the reference to both genders in some social fields like parenthood. In Spanish it is limited to the latest directives, from 2007, when there was a total upset and the national texts turned to be completely oriented to gender equality, following the directives' content on the whole or even exploring the issue of equal opportunities beyond it. Therefore, there are several lexemes on gender equality not found in directives or simply different from the most widely-used EU terminology on equal opportunities, as well as a lot of examples of distributive expressions and feminine gender specification. As for English, there are no relevant results from the intralingual analysis where it emerged a constant use of generic masculine in anaphoric pronouns and adjectives (only one example of specification of both genders was attested).



According to translational issues, the perspective of an interlingual analysis within the EU setting and of an intralingual analysis at national level were particularly useful to examine the **interference phenomena** resulting from the translation process (intended as a situation of language contact) as well as the diffusion of some contents into the legal varieties at national level. The ongoing process of harmonisation of supranational law and linguistic standardisation in the different EU official languages contributes to language-contact outcomes as well as to the adoption (through intra-linguistic translation) of lexical and terminological solutions already attested at national level.

A greater attention and awareness toward a gender-neutral language is envisaged, especially at a supranational level (such as in the EU law), by avoiding with simple strategies the use of sexist forms that could be easily replaced by alternative lexical solutions, respectful of the representation of women identity in language.