Gender-Neutral Drafting

A View from Wales

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Abstract

The gender classification of words in English is different from that in many other languages, including Welsh. The approach in Welsh is more closely aligned to that in languages such as French, Spanish or Italian, but there are also differences. The differences include the manner in which possessive pronouns and possessive adjectives are employed. These differences pose difficulties for bilingual drafting in English and Welsh.

This article will consider some of those difficulties, their root causes and some possible solutions as well as look at issues that may or may not complicate matters further in the future.

Keywords: gender, legislation, English, Welsh, LGBTQIA+.

We are the most civilized civilization in the universe; we're billions of years beyond your petty human obsession with gender and its associated stereotypes[1]

A   Introduction

Schoolchildren in the late 1950s and early 1960s were very familiar with a work on the English language called *The First Aid in English,* or later *The New First Aid in English*.[2] It was a truly useful, excellent survey of English grammar and syntax, but more than that of English words for opposites and synonyms, of English proverbs and sayings, and of the words for the male and female of animals, the names for the places where they lived and the names of their young. As one might expect, the author of such an authoritative work on the English language was a Scotsman – Angus MacIver. I still have a copy of the work in my library at home and still find it useful as a work of occasional reference. Very near its beginning, it deals with the issue of gender in English.

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1   Who said it? *See* note 12.

2   A. MacIver, *The New First Aid in English,* Glasgow, Robert Gobsin & Sone Glasgow, Ltd, 1950. The work appears to have retained its usefulness and popularity as it is still in print and now comes in both colour and illustrated editions.

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I   Gender in English

"Gender", it states, "is the distinction of sex". It continues: "There are two sexes, but gender in grammar comes under four headings", which it describes as follows:

1   MASCULINE *gender denotes the male sex, e.g. boy, king.*
2   FEMININE *gender denotes the female sex, e.g. girl, queen.*
3   COMMON *gender denotes either sex, e.g. child, owner.*
4   NEUTER *gender denotes things without sex, e.g. house, box.*[3]

While the presentation fails to emphasize that this is a particularly English perspective on the issue, it makes it abundantly clear that in the English language there is a clear and necessary connection between the gender of a word and the nature of the thing that the word signifies. Questions concerning the gender of a word in English can be resolved, therefore, simply by considering whether the thing signified is male, and hence masculine, or female and hence feminine, with neuter gender covering living things that are neither male nor female and inanimate things. Common gender, on the other hand, is used for living things that are either male or female but that are not specified as being one or the other by the word used. This last point is picked up in the text, which states:

COMMON GENDER denotes *either sex* and the same word may be used *both of male and female*[4]

and continues with a list of examples. It recognizes some exceptions to the general approach, for instance the convention of referring to ships as 'she', and sometimes to animals or even children as 'it'. The general rule, however, whatever one makes of the purported exceptions, is very easy both to understand and apply.

The concept of common gender is an addition to most languages' classification of genders, an addition that becomes necessary as a consequence of the English perspective that gender is linked to distinctions of sex, including – in the case of neuter nouns – its absence. The list of examples of common gender nouns is interesting. It reads:

adult, animal, baby, bird, cat, cattle, child, companion, comrade, cousin, darling, dear, deer, fowl, friend, guardian, guest, infant, juvenile, orphan, owner, parent, passenger, pig, pupil, relation, relative, scholar, sheep, singer, swan, teacher, tourist, traveller, visitor.[5]

Some of these words would be key terms in some items of legislation. Their classification as common gender means, in effect, that they are gender neutral. In other words, English as a language starts from a position in which gender neutral-

3   MacIver, p. 9.
4   *Ibid.*, p. 11.
5   *Ibid.*

ity is a grammatical possibility. The English language accepts that gender may be indeterminate. The problem with common gender – a problem that may be regarded as a challenge to its existence – is the absence of a third-person singular pronoun that is common gender. *He, she* and *it* do not provide a wide enough choice. When it comes to the third-person singular pronoun, the number of genders available in English reduces to three.

Nevertheless, the existence of the concept of common gender in English opens the possibility of words being gender neutral in the sense of being neither masculine nor feminine. If only, the gender neutralist might wish, there was a gender-neutral term for every species that had a male and a female sex, or every occupation or concept to which the distinction of sex could apply – just as *child* can be used for a boy or a girl, *guest* for a male or female visitor, and so on. In truth, it should be recognized that English does use certain words as being common gender even though the same word can be used to mean a male or female of the species. Thus, the word *dog* in relation to a dog show is not meant to exclude bitches, nor does the use of the word *duck* in relation to the duck pond on a village green provide evidence of unfair discrimination against drakes.[6] In essence, this is nothing more than the usual problem of words having more than one meaning, albeit that the change of meaning involves a change in the gender of the word. Having said that, it is not uncommon to find a word having more than one gender, each attached to a different meaning. The Welsh word *De*, for instance, when masculine means 'south', but as a feminine noun means 'right'. Such variation underlines the fact that words signify things or concepts in the real world. While the word *child* may be common gender, actual 'children' are generally either boys or girls.

The social and political reality, however, is that such a solution, based on the recognition that one word according to its meaning can be either masculine or common gender – like *dog*, or feminine or common gender – like *duck*, is simply unacceptable. It would probably involve accepting that one such word is man, with a host of others that include that syllable at their end making the same claim. Existing common gender words are not deemed sufficient. Nor would their adoption overcome the problem of English not having a common gender third-person singular pronoun for use in relation to them.

But back to school.

Schoolchildren who were monoglot English speakers tended to have a nasty surprise when they moved on to study other languages, which for those of us in the state education system began when we proceeded to secondary school. There, one encountered other languages in which the issue of gender was markedly and remarkably different, and the rules neither as easy to comprehend nor to apply.

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6   This point is made in another revered text on English grammar, J.C. Nesfield, *Manual of English Grammar and Composition*, Revised edition, London, Macmillan and Co., Ltd., 1924, p. 21.

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II Gender in French

For the monoglot, English-speaking schoolchild, starting to learn French could be a confusing experience. Gender was most certainly not simply a distinction of sex, despite the fact that like the distinction of sex, gender in French grammar involved only two headings – masculine and feminine. Sometimes the gender of the word would correspond to the sex of the things being signified, but sometimes it clearly would not. Regardless of whether a particular child was a boy or a girl, the word *l'enfant* was always masculine. Likewise cats and dogs and, most confusingly of all, words for inanimate objects also had to be classified as being masculine or feminine. *Le livre* and *le pont* were masculine, *la plume* and *l'église* were feminine. Moreover, there was no convenient word for 'it'; masculine nouns were referred to by masculine pronouns such as *il*, feminine nouns by feminine pronouns such as *elle*. The link between the gender of words and the nature of the things signified was cruelly and challengingly broken.

III Gender in Other Languages

For those who proceeded in their second year in secondary school to tackle a further language, things did not get any better. Often, it would be in the second year that state school pupils would be introduced to Latin with possibly an additional language such as German or Spanish in the third year.

Like English, Latin, it was soon discovered, knew of a neuter gender, but any hope that this was going to simplify things on an English model was soon dashed when it was revealed that, like French, the issue of gender was not indissolubly tied to the nature of things signified. Yes, a word like *bellum*, 'war', or *mare*, 'sea', were neuter, but *pons*, 'bridge', and *liber*, 'book', were as stubbornly masculine to the Romans as to the French, and *mensa*, 'table', was resolutely feminine. The one joy was that, with inflected verbs in Latin requiring no pronoun, one was spared the challenge of distinguishing the *ils* from the *elles*.

For those who went on to study German, the same trinity of genders as in Latin offered no escape from the lack of correspondence with the comparative reality of the English-speakers' world, while for those who – like myself – went on to Spanish rather than German, there was at least the reassuring familiarity of Francophone dualism.

B What about Welsh?

As a state school pupil in Wales, secondary education did not simply mean that one began to study French. Arrival in a state secondary school also meant in those days that pupils embarked on the study of Welsh as well, and for most pupils this meant the systematic study of Welsh as a second language. Here, too, the monoglot English-speaking pupil found the same dichotomy of gender as he or she was encountering in French. Welsh, like French, has two genders, and these are therefore not exclusively related to the sex of the thing signified. Thus, *llyfr*, 'book', like *livre* in French and *liber* in Latin, is masculine, but *pont* in Welsh, unlike *pont* in French and *pons* in Latin, is feminine. Likewise, whereas *ci*, 'dog', in Welsh, like

chien in French, is masculine, *cath,* 'cat', in Welsh, unlike *chat* in French, is feminine. The seemingly arbitrary nature of the classification reveals itself as a further invitation to confusion and error.[7]

Moreover, whereas Welsh, like French, follows this through in its treatment of personal pronouns – *ef* for masculine nouns and *hi* for feminine nouns, the same is not true with possessive pronouns and adjectives. This was one area where French appeared merciful. In French, possessive adjectives agreed in gender and number with the succeeding nouns, so that 'his book' and 'her book' were rendered *son livre*, 'his pen' or 'her pen' were *sa plume*, the gender of *livre* and *plume* determining whether the masculine *son* or the feminine *sa* was to be used. Having said that, it was generally thought – probably correctly – that this was yet a further trap for the unsuspecting monoglot Anglophone who would be lured into opting for the gender of the antecedent possessor rather than that of the following noun.

In this regard, Welsh was more welcoming. In Welsh, as in English, the possessive pronouns or adjectives agreed in number and gender with the antecedent noun to which they referred not the succeeding noun. In addition, both *his* and *her* in Welsh are rendered by the pronoun *ei*, while *their* is the similar sounding *eu*. Momentarily, this appears relievingly simple. The same word is used for *his* or *her* regardless of the gender of the antecedent noun. Any relief, however, is short-lived, for although Welsh, like English, concentrates on the gender of the antecedent noun and uses the same word for *his* and *her*, there remains a complication. When *ei* refers to a masculine antecedent, the following noun undergoes lenition, a soft mutation, whereas if the antecedent is feminine, the following noun undergoes an aspirate mutation. Thus, 'his dog' is *ei gi*, whereas 'her dog' is *ei chi*. Mutations in Welsh are a particular torture for the learner, and they are often inextricably linked to gender. Nine of the Welsh language's twenty-one consonants are affected by the soft mutation, three by the aspirate.

Table 1   Soft Mutation

Radical consonant	P	T	C	B	D	G	M	Ll	Rh
Soft mutation	b	d	g	f	dd	–	f	l	r
Nasal mutation	mh	nh	ngh	m	n	ng	–	–	–
Aspirate mutation	ph	th	ch	–	–	–	–	–	–

A similar problem arises with words beginning with a vowel after the Welsh possessive pronouns. A noun such as *afal*, 'apple', remains unchanged after *ei,* meaning 'his' 'ei afal', but undergoes an aspiration after *ei,* meaning 'her' – 'ei hafal'. Initial aspiration also occurs to vowels after the plural *eu,* meaning 'their'. It is worth noting that Welsh has seven vowels – *a, e, i, o, u, w* and *y*.[8]

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7   An even starker illustration is the word 'sea': *môr* in Welsh (masculine); *mer* in French (feminine); *mare* in Latin (neuter) – and all from the same linguistic root.

8   For further information on Welsh grammar, *see* S.J. Williams, *A Welsh Grammar,* Cardiff, University of Wales Press, 1980.

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C Drafting Bilingually in Welsh and English

If it were not for the inconvenient, gender-based mutational consequences of the Welsh pronoun *ei*, it would appear to have the potential to be that most elusive of phenomena, the common gender third-person singular pronoun. As it is, it adds to the difficulties of seeking inclusivity through the adoption of both masculine and feminine when referring to an antecedent that is common gender or has a 'common gender' meaning. The *First Aid English* listed *teacher* as a word that was common gender.[9] The word alone does not distinguish the sex of the pedagogue. The problem of gender neutrality, therefore, arises only in English when pronouns are called into service. One way of avoiding the problem is simply to repeat the noun, but many regard that as an offence against the language of a proposition. Accessibility requires that a text read naturally as an expression in the language. Others employ a common gender third-person plural pronoun instead of the singular – *they* instead of *he, she* or *it*. Interestingly, in passing, *they* goes further in its commonality as a pronoun in that it can embrace neuter as well as masculine and feminine antecedents. The Welsh *hwy* – more colloquially *nhw* – like the English *they,* is a third-person plural common gender pronoun, but not all languages are as obliging with regard to the option of plurality. French, for example, determinedly distinguishes *ils* from *elles*.

Yet in French *ils* is not only used as a third plural masculine pronoun; it is also used to refer to plural antecedent nouns some of which are masculine and some feminine. This may appear to be an application of the masculine being taken to include the feminine – but that appearance may be deceptive. Might it not be the case that the meaning of *ils* varies according to context, in the same way as *dog* or *duck* in English can shift from being masculine and feminine, respectively, to being common gender according to context. In a sense, the Welsh *ei* referring to a masculine noun with a non-gender-specific meaning such as *plentyn*, 'child', doesn't mean *his* unless one seeks to understand the pronoun from an English perspective. It just refers to the noun *plentyn* – no more and no less. Words can undergo such changes of meaning according to context without posing any problem to understanding. *Vous* in French can be singular or plural according to context, while the German word, *sie*, can mean 'she' or 'they', effortlessly crossing both the boundaries of gender and number according to context, and with a simple capitalization, which is only apparent in the written language, encompass the second person singular and plural as well. If English opts to use the third-person plural pronoun as a third-person singular common gender pronoun, then context will determine the meaning and practice establish the principle. Greek neuter plural nouns take a singular verb in the third person, as do all Welsh nouns as opposed to pronouns.

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9   MacIver, 1950, p. 11.

D   Courting Controversy

Given what is to some the infelicity of repeating the noun to avoid the use of gender-specific pronouns and what is to others the grammatical offence of employing a gender-neutral plural pronoun to refer to a singular antecedent, the commonly adopted approach in English has been to acknowledge the possible gender diversity of the subjects by employing both masculine and feminine third-person singular pronouns following an antecedent that is intended to be gender neutral. Thus, in referring to an antecedent *child*, for instance, one would write 'he or she', 'him or her', 'his or her'. With bilingual drafting, in Welsh and English, however, this hits two problems. As well as the issue of having to repeat the following noun if mutations are involved – the English 'his or her dog' would have to be 'ei gi neu ei chi' – there is also the question of what should be done if the following noun begins with a consonant that does not undergo mutation, such as *n* in the word *nai*, 'nephew'. Given that the antecedent noun, in this example the common gender *child* in English, is in Welsh the masculine noun *plentyn*, what should one do in the Welsh text if the English reads 'his or her'? Should one replicate this and repeat the noun – 'ei nai neu ei nai', just leave it as 'ei nai' – arguably a masculine pronoun referring to the masculine antecedent, or go the whole hog and write 'ei nai ef neu ei nai hi' – to make it clear that one is encompassing both genders.

All of this ignores the purists' objection that *plentyn* is a masculine noun and therefore should be referred to by a masculine pronoun only. This raises the fundamental difference between languages, such as Welsh, and English, namely whether the pronoun refers to the antecedent person or the antecedent word for that person. This in itself can lead to controversies, but before considering that issue there is another question of textual balance to be considered in bilingual English and Welsh texts. If, in the Welsh text, one is required to write 'ei nai ef neu ei nai hi', should the English text mirror this – 'his nephew or her nephew' rather than simply 'his or her nephew'? This question of textual balance raises the question of whether each text has to be a literal reflection of the other, or whether, provided the overall meaning is the same, each can go its own way with regard to the manner in which that meaning is most appropriately expressed, including in relation to the issue of gender neutrality.

E   Gender Discrimination and Movement

In recent decades, there has been a tendency in English to avoid the use of gender distinguishing nouns in certain professions. Most notably perhaps, the gender-specific *actor* and *actress* have given way to *actor* being used as a common gender noun to refer to both male and female thespians. For this approach to work, however, there has to exist the possibility of a common gender noun. It cannot, therefore, provide a solution in languages, such as Welsh, where the category does not exist. While *teacher* in English may be common gender, *athro* in Welsh is masculine, and it would be odd to refer to a female teacher by a masculine noun when the feminine equivalent, *athrawes,* is available. Having said that, it is standard

practice to use the professorial title 'Yr Athro' for both male and female profes-sors without difficulty, but this is a title preceding a male or a female name rather than a common noun.

There are other nouns with masculine and feminine versions where it is undeniable that the gender distinction carries with it some discriminatory bag-gage. The English word *secretary* provides a case in point. In English, *secretary* can be used to refer to one of the chief officers of an association or body, up to and including a Secretary of State, or it can be used for a clerical assistant who once took dictation and typed correspondence. Welsh has two words for secretary – *ysgrifennydd* and *ysgrifenyddes*. The former is masculine, the latter feminine. How-ever, on this occasion, it would be disingenuous to pretend that the two words distinguish no more than the sex of the person fulfilling the role. The choice of term reflects the role itself. The masculine *ysgrifennydd* carries the clear meaning that one is speaking of the officer of an association; the feminine *ysgrifenyddes* carries the implication that one means a shorthand typist. The gender of the word most definitely conveys a discriminatory prejudice with regard to role.

Nor are such distinctions necessarily confined to what might be called tradi-tional gender stereotypes. It is only during the last century that women have been admitted as barristers and solicitors in England and Wales, that women have become judges in our law courts or been allowed by the Jockey Club to ride under rules. In each case, one might say that previously masculine nouns – *barrister, solicitor, judge* and *jockey* – have become common gender nouns as a consequence of social change. That there now exist women judges and jockeys is a fact and that women may perform those functions is recognized as being the case even if some may continue to disapprove of that development.

The same is not true, however, in every walk of life. Take the word *priest* or the word *bishop,* for example. Not every Church accepts the validity of women being ordained. How is one to apply the concept of gender neutrality in drafting legislation where, for some, the words may be common gender but for others most definitely not. The Church in Wales faced this problem for a decade and a half when it ordained women to its diaconate when that was not yet done by the Church of England. It was in that context that I first encountered the difficulties of gender neutrality in the context of bilingual drafting, but the problems were not – and are not – purely linguistic.

Same-sex marriage has extended the boundaries of this issue very signifi-cantly. The author of *First Aid English* gave *husband* and *wife* as examples of mas-culine and feminine nouns, respectively.[10] English already has the common gen-der word *spouse*. Nevertheless, it would be deceptive to suggest that references to 'her or his husband' or 'his or her wife' would pose no more than linguistic prob-lems in drafting legislation to extend to the whole of the United Kingdom,[11] although there are doubtless ways of circumventing the problems.

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10   *Ibid.*, p. 9.
11   Given that Northern Ireland, at the time of writing, has not legislated to enable same-sex mar-riages to be solemnized, thereby creating a significant difference between it and the other nations of the United Kingdom.

F   Associated Stereotypes: LGBTI … + ?

I said earlier that while the word *child* may be common gender, actual 'children' are generally either boys or girls. The 'generally' was significant. Whereas the 'LGB' in LGBTI refers to possible sexual orientations rather than gender or sex, the letters T and I, which have been added more recently, refer to a person's perception of their own gender. The T refers to those who feel that the gender they would have appear to have acquired at birth is not truly how they perceive themselves, and they may therefore, by choice, transfer to a different gender – transgender – which condition may be non-operative, or pre-operative or post-operative. The 'I' refers to those whose gender is, either to themselves or to themselves and others, indeterminate. Those in this latter category, in particular, and especially if they have no wish to transgender, may feel that neither the pronoun 'he' nor 'she' includes them. There may yet be challenges to be faced in achieving gender neutrality now that drafting has set out along the road towards that goal. To settle for neutrality as between masculine and feminine may in itself be challenged as being narrow, prejudiced and discriminatory. For languages with a common gender third-person plural pronoun, that approach may provide an almost ready-made solution.

G   Conclusion

However, ready-made solutions are unlikely to be an appropriate response. Once one recognizes that there is no common approach to gender among the languages of the United Kingdom, let alone of Europe or the wider world, the redundancy of the notion of finding a 'one approach will fit all' solution should be self-evident. As with other issues, such as accessibility and understanding, the most promising approach may be to ensure that whatever is being expressed is expressed as nearly as possible to natural expression within the language in question. That goal is hindered by slavish adherence to ideas of literal translation from one language to another or that there should be exact replication of the mode of expression in one language in others – the view that if Welsh requires the repetition of a noun to achieve gender neutrality, then repetition must occur in the English version also to avoid imbalance. Often, literal translation and slavish replication are conditioned by a fear that differences in expression may lead to different interpretation, a fear born of narrow, literal approaches to the interpretation of expressions. A purposive approach to interpretation can accommodate variety in expression more readily than the literal approach, which in England is closely aligned historically to the existence of English as the monoglot language of the law.

Our forty-year membership of what is now the European Union has done much to move interpretation from a monoglot-inspired literalism to a more purposive approach – one of several changes wrought by our period of EU membership. It is unlikely that Brexit will reverse that development, and important that it should not for those parts of the United Kingdom where laws are now made

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and administered in more than one language. The issue of gender neutrality has to respect first and foremost the linguistic diversity that is part of the United Kingdom's cultural heritage. Respect for that linguistic diversity entails acceptance that how gender neutrality is achieved is likely to be language-specific. The notion that an English-based solution is suitable for export or even imposition is in itself disrespectful and antagonistic to the culture of diversity and inclusivity that gender neutrality seeks to serve. It should not be allowed to happen.[12]

12   The answer to the question, 'Who said it?' in note 1 is 'Yes, indeed it was'. The quotation comes from Steven Moffat, *World Enough and Time*, an episode of the series *Doctor Who*, broadcast on Saturday, 24 June 2017, on BBC One at 6.45 pm, the words quoted being spoken by the eponymous lead character played at the time by Peter Capaldi. The character of Doctor Who has since transgendered and is now played by Jodie Whittaker.