

HISTORICAL BACKGROUND TO GENDER-NEUTRAL LANGUAGE

There used to be a commonly-held belief, which still exists in some places, that the use of **gender-specific** language is sanctified in grammatical usage because its origin is lost in the mists of time. This belief is historically erroneous. That usage was first introduced only by the Interpretation Act of 1850, but even then it was not officially authorized for every sort of document, because its stated purpose was simply 'for shortening the Language used in Acts of Parliament'. The same provision was re-enacted or renewed in 1889 and 1978, and the most recent version stated that 'In any Act, unless the contrary intention appears ... words importing the masculine gender include the feminine'. This meant that only the pronouns 'he / him / his' were used throughout, so that the 'specified' gender was male. This usage was adopted with enthusiasm (though without the presumed legal justification) by many organizations until quite recently, and has remained unchanged in numerous documents ever since.

Before 1850, people were much more relaxed about their pronouns, and there are instances in earlier literature, including Shakespeare, of 'they' being used to refer to a single person.

Nowadays increasing numbers of people regard the gender-specific usage as reprehensible. To replace it, some have adopted supposedly preferable 'he or she' (sometimes 's/he') phrases which certainly exemplify the intended **gender-inclusive** style, though rigid traditionalists are inclined to view these as undesirably clumsy, and some criticize them as sloppy. But the most valid reason for rejecting that usage is that it comes with the unfortunate connotation that the female presence must be mentioned in order to dispel any doubt over whether the particular document applies to women as well as to men.

In recent years there has been a call for the repudiation of gendered pronouns in all cases when it is wished to refer to people without discrimination. This has been done in the past, analogously, by avoiding mention of skin colour, except when there is, unusually, some compelling reason for it. This move towards **gender-neutral** language made a positive leap when on 8th March 2007 (Women's Day) the following report appeared in Hansard:

The Leader of the House of Commons (Mr. Jack Straw): "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. I have worked with colleagues in Government to secure agreement, that it would be right, where practicable, to avoid this practice in future and, accordingly, Parliamentary Counsel has been asked to adopt gender-neutral drafting.

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. This policy already applies to tax law rewrite Bills and is consistent with the practice in many other jurisdictions in the English-speaking world."

Since then the policy has been somewhat randomly implemented, perhaps partly because Parliamentary Counsel has received no precise guidance on what is to be defined as gender-neutral drafting. On 12th December 2013 there was a debate in the House of Lords at which the Spokesperson for the DCMS assured the Lords that the government believes "that gender-neutral drafting is perfectly compatible with [the] objective" of "producing high-quality legislation that is clear, accessible and free from ambiguity".

However, it was evident from that debate, and subsequently, that this objective will not be easily attained. Gender-neutral drafting is a skill that is easily acquired with practice, but after that there is a need for constant vigilance until the process becomes automatic.

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Also see: [Guidelines for Implementation of Gender-Neutral Language.pdf](#)