



Deposited via The University of Sheffield.

White Rose Research Online URL for this paper:

<https://eprints.whiterose.ac.uk/id/eprint/193229/>

Version: Published Version

Book Section:

Holroyd, J. and Cull, M.J. (2024) Gender-neutrality and family leave policies. In: Anderson, L. and Lepore, E., (eds.) *The Oxford Handbook of Applied Philosophy of Language*. Oxford Handbooks. Oxford University Press, pp. 364-387. ISBN: 9780192844118.

Gender-neutrality and family leave policies, *The Oxford Handbook of Applied Philosophy of Language* edited by Prof Luvell Anderson and Prof Ernie Lepore, 2024, reproduced by permission of Oxford University Press <https://global.oup.com/academic/product/the-oxford-handbook-of-applied-philosophy-of-language-9780192844118>

Reuse

Items deposited in White Rose Research Online are protected by copyright, with all rights reserved unless indicated otherwise. They may be downloaded and/or printed for private study, or other acts as permitted by national copyright laws. The publisher or other rights holders may allow further reproduction and re-use of the full text version. This is indicated by the licence information on the White Rose Research Online record for the item.

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.

GENDER-NEUTRALITY AND FAMILY LEAVE POLICIES

JULES HOLROYD AND MATTHEW J. CULL

1. INTRODUCTION

ROBIN Dembroff and Daniel Wodak (2018) provide a compelling argument for the claim that we have a duty to use gender-neutral pronouns (*they*, *them*) rather than gender-specific pronouns (*she*, *her*, *he*, *him*), and that we should also reject certain other aspects of gendered language (suffixes, generics, and honorifics; Dembroff and Wodak 2021). Using gender-specific pronouns, they argue, violates privacy and supports essentialist assumptions. It perpetrates the harms of exclusion and misgendering. Using gender-neutral pronouns, they argue, avoids these issues and is a better way of proceeding than other options we have, such as using ‘they’ alongside gender-specific pronouns as a third ‘catch all’ gender term, or proliferating many different gender pronouns. (More on each of these considerations to follow.) They are clear that their argument targets only gender-specific pronouns (Dembroff and Wodak 2018) and other quite specific gendered aspects of language (pronouns, suffixes, generics, and honorifics). Whether other gender-specific aspects of language should be eliminated or retained depends on substantive argument as to whether those aspects of language are useful in articulating and resisting gender oppression or, rather, contribute to it (Dembroff and Wodak 2021).

In this chapter, we consider the extent to which these considerations, and others, apply to gender-specific language as used in the context of family leave policies, taking as our starting point—and as an instructive case study—family leave policies found in a United Kingdom higher education institution.¹ In the United Kingdom, family leave policies are underpinned by government funded schemes to enable parents to take time off work, with some financial support, to care for their infants. Central government frames these leaves in gender-specific terms: *maternity* and *paternity* leave are available. This gender-specific framing thus informs how institutional policies are presented, as we will detail here. This provides a particularly challenging test case for Dembroff

and Wodak's arguments, as, in addition to the gender-specific language embedded in central government policy, the processes of childbirth and infant childcare are socially strongly gendered, and the majority of those birthing babies are women. Likewise, in the United Kingdom in 2023, the majority of those with primary responsibility for the feeding and care of young infants are women, and both biological pressures (related to breastfeeding) and social pressures (related to social conceptions of motherhood) shape these patterns. Moreover, giving birth to and caring for children—and taking leave to do so—is correlated with various patterns of inequity, so that it is important to track the gendered dimensions of family leave policies.

C16P3 However, we will argue that notwithstanding these considerations—and in some instances because of them—there are strong reasons in favour of institutions adopting gender-neutral language in the context of family leave policies. We set out these considerations, and outline a working model for how such policies could be articulated. In section 2, we outline the essential features of the institutional case study with which we are working: family leave policies at a UK institution of higher education. In section 3, we take up the reasons for moving to gender-neutral language presented by Dembroff and Wodak, and consider the extent to which they apply in the context of family leave policies. We argue that the considerations apply, and that this supports a first proposal for gender-neutral institutional policies. In section 4, we consider objections to moving to gender-neutral language related to ~~do with~~ the need to identify gender discrimination and patterns of gender inequity related to family leave. This enables us to finesse our proposal. In section 5, we defend this proposal against further objections. Our aim is limited in scope: we are not proposing revisions that would address all inequities to do with family leave. Our focus on language reform leaves out a number of other issues, including the amount of leave that is taken, how it is distributed, the rate at which the leave is paid, how many people to whom it is available, as well as broader issues around workplace culture that support or isolate people taking leave. Substantive changes are needed to address issues in these related areas, but they will not be the focus of this paper.²

C16S2

2. CONTEXT

C16P4 We here present the leave entitlements in the United Kingdom, framing them initially in gender-specific terms to reflect the policies as they are currently stated.

C16P5 As of September 2023, people who give birth and meet certain eligibility conditions³ are entitled to fifty-two weeks maternity leave, a significant portion of which is financially supported by statutory maternity pay (up to thirty-nine weeks).⁴ Two weeks must be taken after the birth of the child, and the mother can then decide how much of the remaining fifty weeks to take. Paternity or partner leave, on the other hand, is considerably more limited—two weeks of financially supported leave can be taken within eight weeks of the birth of the child. Since 2015, parents have also had the option of taking

Shared Parental Leave, whereby the fifty weeks to which the mother is entitled (after the initial two weeks of maternity leave) can be split between the parents, who can take leave simultaneously or consecutively, with a considerable degree of flexibility. Thirty-seven of these weeks are financially supported. These existing provisions, then, are strongly unequal: the person who gives birth has a far greater entitlement to leave, and even with the option of sharing parental leave, it is ‘theirs’ to share. In contrast, the father or partner is entitled to very little leave.⁵

C16P6 Employers are constrained by the entitlement framework we have just outlined, but they can supplement the financial support attached to this leave if they choose. Many higher education institutions in the United Kingdom offer enhanced leave packages. For example, providing that certain service conditions are met,⁶ the institution in our case study offers its employees who take maternity leave eighteen weeks of full pay. Two weeks of paternity or partner leave are also paid at full pay. The Shared Parental Leave policies are also reasonably generous. Provided certain eligibility criteria are met, and that the mother is entitled to statutory maternity pay from the government, a partner who is employed by the institution may be offered up to eighteen weeks of leave at full pay. Analogous leave packages are also available to adoptive parents, and those who become parents through surrogacy arrangements.

C16P7 Note, then, that the leave packages are framed in gender-specific terms at two stages: first, in central government policy, which sets out entitlements to maternity, paternity or partner leave and pay structures, as well as Shared Parental Leave (couched in terms of the mother and her partner). At the second stage, gender-specific language is used in institutional-level policy, again, framed in terms of maternity and paternity leave, and Shared Parental Leave split between the mother and her partner.

C16P8 The gendered nature of these family leave policies have the following implications: First, only the person who gives birth can take ‘maternity leave’, so called. Second, all people who give birth must take ‘maternity leave’, so called. Parents who identify with the role ‘mother’ but did not give birth (e.g. partners in lesbian relationships) can only take ‘paternity/partner leave’. People who give birth but do not identify with the role ‘mother’ are nonetheless institutionally required to identify themselves as the mother taking ‘maternity leave’. The existing framework, then—both in central government policy, and in its institutional manifestation—uses language that is strongly cisnormative and heteronormative.

C16P9 Various legal frameworks governing trans parenting in the United Kingdom have already been identified as problematically exclusionary. A recent review (White 2018) of these legal frameworks focuses on the Gender Recognition Act (2004), the Human Fertilisation and Embryology Act (2008), and the Births and Deaths Registration Act 1953. The review argues that in the existing legislation ‘there is an absence of consideration for trans people as parents in any capacity’ (White 2018: 4). It notes that trans men or non-binary people who give birth are consistently referred to as the ‘mother’ of the child, with no legal options for alternative self-definition (3–6).⁷ Similar problems, we argue, beset the frameworks for family leave schemes, aimed at supporting new parents. Thus, at present, some parents’ access to this support is

conditional on their participation in schemes which misgender them, as we argue in section 3.

C16P10 The arguments we present apply to both stages: they provide reasons both for central government to change their policies to gender-neutral framings, and for institutions that provide leave packages to do so, as well. Since central government policy currently constrains institutional policy, the ideal would be for it to change; but we note that this is not necessary for institutions to frame their own policies in gender-neutral terms, and we will make some proposals for how they can do so.

C16S3 3. THE CASE AGAINST GENDER-SPECIFIC LANGUAGE IN THE CONTEXT OF FAMILY LEAVE

C16P11 We do not wish to deny that gender-specific terms capture the statistical norm. However, we want to evaluate the desirability of doing so. What is problematic about gender-specific language? In this section we bring to bear the arguments that Dembroff and Wodak (2018, 2021) advance, and show how they can be applied, with some revision, to gender-specific family leave schemes.⁸

C16S4 3.1. Entrenchment of Binary Gender and Exclusion of Non-Binary Identities

C16P12 First, Dembroff and Wodak (2021) raise the concern that use of gender-specific terms assumes two discrete and exhaustive genders, and excludes non-binary people. By making it the only option that people designate themselves ‘man’ or ‘woman’, this assumes that these are the only two gender categories; non-binary individuals, such as people who consider themselves agender, bigender, or a different gender yet, for example, are obscured by using only these two gender-specific categories. The same applies in the context of family leave: the use of just two gender-specific terms (‘maternity’ and ‘paternity’) assumes that these are the only two parent roles, and that these two roles correspond to two discrete gender roles (*man* and *woman*). Indeed, gender-specific content is built into the terms ‘maternity’ and ‘paternity’: part of the semantic content of ‘paternity leave’ is ‘leave for fathers’, and the semantic content of ‘father’ takes us directly to the gender-specific *man* in relation to his child. Note here, however, that we are not taking issue with the gender-specific language of ‘man’ and ‘woman’—as we note below, there are some important reasons for retaining this gendered aspect of language. Our focus is on the corollary gendered parenting roles ‘mother’, ‘father’—and in particular, the institutionally enshrined leave schemes associated with them: ‘maternity’ and ‘paternity’ leave.

C16P13 With respect to these leave schemes, non-binary individuals are obscured, insofar as they do not identify with either of the two gender-specific parenting roles. In the context

of institutional leave schemes, those who do not identify with either of those binary parenting roles have no adequate parenting role options available to them. Bennett and Fu (2015) describe how Cara Jeiven, who identifies as genderqueer, ‘felt pressured to solidify her gender identity. “I knew I didn’t feel like a ‘mother’ and didn’t necessarily want to be a ‘dad,’” she says. “I suddenly felt like I had to choose.”’ Thus Jeiven’s identity is obscured, both socially and institutionally.

C16P14 In forcing people to ‘pick’ a side of the binary, as Jeiven felt pressured to do, these leave schemes misgender people.⁹ This is clear in the case of many non-binary individuals, who are forced to take on the label of ‘mother’ or ‘father’, with their attendant gendered connotations, despite not identifying as either a man or a woman. Similarly, such policies require that pregnant trans men label themselves as on maternity leave. And trans women may be forced to label themselves as on paternity leave, once again misgendering.

C16P15 An additional concern arises in the context of gender-specific family leave terms: there may be individuals who do not consider themselves non-binary (and are thus willing to identify as *man* or *woman*) but who do not embrace gendered roles in their daily lives, and are therefore resistant to the terms *mother* or *father*, *maternity* or *paternity*. These individuals’ gender identities are not obscured, but their preferred parenting roles are, if they are required instead to designate themselves as either *mother* or *father*.

C16P16 Shared Parental Leave fares little better. Since the leave is framed in terms of the mother splitting her leave entitlement with her partner, at least one side of the gender binary persists here. Moreover, since the other partner remains entitled to the two weeks paternity leave, alongside the allocation of Shared Parental Leave agreed with the mother, this model hardly transcends the gender binary. It assumes that one parent is the mother, and the other, who is entitled to paternity leave, might seek to share some of her maternity leave.¹⁰

C16P17 The consequences of these exclusions are to entrench a system of binary gender and to commit the harms of misgendering. Where non-binary gender identities are obscured, the marginalization and oppression of non-binary gender identities are entrenched. Where preferred parenting roles that do not conform to binary gender-specific parenting roles are obscured, this entrenches the pervasion of the binary gender system across domains of life.

C16P18 In contrast, a policy that frames leave in gender-neutral terms—*parental* or *family* leave (of maximum of fifty-two weeks or a maximum of two weeks¹¹)—would avoid these exclusions, and avoid entrenching binary gender.

C16S5 3.2. Privacy

C16P19 A second set of concerns about the use of gender-specific terms has to do with privacy. Dembroff and Wodak (2018, 2021) argue that the use of gender-specific pronouns—rather than gender-neutral ones—can often put individuals in a position of revealing facts about themselves and their lives that they may prefer to keep private. For example,

privacy about one's personal relationships may be threatened. If assumptions are made about the gender of an individual's partner ('will she be joining you on holiday?'), then the interlocutor has to correct them ('yes, he will'), and thereby reveal facts about their sexuality that they might prefer to keep private, especially in a context of homophobia. Alternatively, they might let the assumption stand, and risk being seen as deceptive should the correct information later come to light. This places individuals in a 'disclose or deceive' dilemma (Dembroff and Wodak 2018: 393).

C16P20 Privacy with respect to one's gender identity is similarly threatened by the use of gender-specific pronouns. If assumptions are made about one's gender identity ('Sam said she'd present the paper today; go ahead and start, Sam'), then the interlocutor has to correct them ('I use *he/him* pronouns'), revealing facts about their gender identity they might prefer to keep private, especially against a background of transphobia. If they choose to let the assumption stand, they risk being seen as deceptive should the correct information later come to light (a particularly dangerous risk for transgender people, to whom the transphobic trope of 'deceiver' is often applied (see Bettcher 2007)).

C16P21 Analogous privacy concerns arise in the context of gender-specific terminology in family leave policies. Privacy about one's personal relationships may be threatened due to the assumptions made in having the standard leave packages framed as 'maternity' and 'paternity'. For example, the heteronormative framing puts individuals in lesbian relationships either in a position of having to deceive—go along with the assumption that their partners are fathers, hence men—or disclose that their partner, the person who is taking the nominal 'paternity' leave, is not a father and not a man; a potentially perilous disclosure in a homophobic work environment. Note that as long as 'paternity' comes with gendered assumptions—that the person taking paternity leave is a father, and hence a man—this dilemma will not be avoided by attempts to use gender-neutral language alongside the gender-specific parenting roles ('will your partner be taking paternity leave?'). Such utterances still import the assumption that the partner is a father and a man.

C16P22 Privacy about one's gender identity may also be threatened by policies that frame the leave that individuals take as 'maternity' or 'paternity' leave. For example, a pregnant person who is transgender faces assumptions about their gender identity when taking up maternity leave—that they are a mother, and a woman.¹² These assumptions could either be corrected, disclosing the person's status as (for example) a trans man. Or the pregnant person could go along with these assumptions, at the risk of being accused of deception should it later be disclosed that they are not a woman. As noted, this latter option also involves forced misgendering and attendant harms.

C16P23 Does Shared Parental Leave avoid any of these privacy concerns? Recall that in actuality, the framing of Shared Parental Leave hardly transcends the gender binary, relying on gender-specific parenting roles that have as their semantic content specific gender identities (mother/woman, father/man). The same privacy concerns will arise, then. However, it should be acknowledged that, in the case of the mother's partner's leave, the problems are parasitic on the attachment of paternity leave to Shared Parental Leave, and could be avoided if paternity leave were not framed in gender-specific terms.

This side of Shared Parental Leave, then, provides a glimpse of how gender-neutral language in parental leave policies might work: framed in gender-neutral terms (as ‘parental’ or ‘family’ leave) with no gendered assumptions about the role or about the gender of the person taking up the role.

C16P24 A gender-neutral leave scheme, which refers to those taking the leave simply as ‘parents’ or even ‘family’ would not force people into ‘disclose or deceive’ dilemmas, and so would not pose a threat to privacy the way gender-specific leave schemes do.

C16S6 3.3. Anti-essentialism

C16P25 Dembroff and Wodak advance the concern that gender-specific language contributes to gender essentialism. They point to evidence that linguistic markers of gender (gender-specific pronouns and other gendered components of language, such as suffixes like the ‘-ess’ in actress, waitress, etc.) entrench beliefs about the relevance of gender. Such gendered language communicates that gender is significant, or has some important explanatory role. And whilst gender is sometimes an important explanatory feature, it is not always so in the way that is implied by gender-specific language.

C16P26 In the context of family leave, the worry here would be that the gendered labelling of parenting roles (‘mother’ and ‘father’, and ‘maternity’ and ‘paternity’) communicates that one’s gender has important implications for how one performs that parenting role. In particular, it contributes to the message that the roles are different. Moreover, against a backdrop of such starkly differential leave entitlements, it risks transmitting the message that mothers *should* be doing more parenting.¹³ Thus, in addition to contributing to essentialist beliefs about the relevance of gender to one’s role in parenting, it also contributes to harmful stereotypes about men and women in relation to parenting: that women are the natural nurturers, that men’s role is to merely ‘help’ occasionally (cf. Dembroff and Wodak [2021] on the claim that gendered language can contribute to stereotypes and stigma).

C16P27 One might object here that gender *is* relevant to one’s parenting role, either because women give birth or because women take maternity leave, which is more generous than men’s. So if the language used reflects that and transmits that information, it is not a problem. Each claim warrants a response. First, we do well to remember that whilst many people who give birth are women, not all are—trans men, agender, non-binary people also give birth. The use of gender-specific language obscures this fact (as we have argued). Second, the fact that women take maternity (rather than parental) leave and that it is a considerably longer leave entitlement than is available to fathers is indeed relevant to the social role of parenting that many people take up; but it is precisely these institutional features (the entitlements to each parent, and the gender-specific language in which the policies are framed) whose relevance one can question, asking whether gender *should* be significant to one’s parenting role in the way that current societal arrangements have it. We argue that it should not be. Finally, the essentialist concern, moreover, is that the implication is not only that gender is explanatorily relevant, but

that it is so because of some essential property of women. This problematic belief may be transmitted alongside other beliefs about the current, contingent social relevance of gendered parental roles.¹⁴

C16P28 A gender-neutral framing of leave schemes as ‘parental’ or ‘family leave’ does not transmit any beliefs about differential parenting roles, or about who—which people of which, if any, gender—should take up any particular role. As such, gender-neutral terminology would avoid this essentialist worry, along with any attendant stereotypes about parenting roles.

C16S7 3.4. State (or Institution) Gender Marking

C16P29 Elsewhere, Dembroff (2020) has raised a concern about state gender-marking, and suggested that the onus should be on those who endorse this to explain why it is so important. One concern in this domain is related to privacy, but, in particular, the potential harms that can come from the state, or other institutions that have considerable power over us, having information of a personal nature about us. A similar concern may arise here: that there are risks in one’s employer having certain kinds of personal information. To the extent that this is information we think it is important to have control over when and to whom we disclose, the issues arising here are those addressed in the section on privacy, above. Gender-specific family leave schemes may force people to disclose information about themselves and their relationships they would otherwise prefer to keep private. Another concern in this region is to do with the extent to which institutional or state use of categories entrenches them as part of our social world.

C16P30 This worry has affinities with the worry about essentialism mentioned above. We want to tease out distinct and specific problems with institutions—such as employers and central government—deploying gender-specific language in the context of family leave schemes. First, doing so serves to reify the parenting roles— ‘mother’ and ‘father’. As social constructs, this institutional reification serves to entrench and perpetuate such roles. Binary parenting roles are normalized and given institutional backing, whilst alternative parenting roles gain no traction. Second, and relatedly, institutional deployment of gender-specific familial roles also tacitly signals support for those binary parenting roles. This may have a psychological impact on those who are excluded—they are not recognized, and only gain access to institutional support on the condition of framing their parenting roles in terms that do not ‘fit’. Moreover, for the employees of that institution, these binary roles are inescapable—access to the support to which they are entitled is conditioned on subscribing to these (perhaps ill-fitting) roles.¹⁵

C16P31 But there is another side to this concern, which focuses on the extent to which it might be important for institutions to have certain information about their employees. For example, it might be important for an institution to have information about who takes family leave, to examine the relationship between those who take these leaves and other important equity outcomes (pay, professional advancement, and so on). In particular, given the relationship between parental leave and gender pay gaps,¹⁶ one might

think it particularly important that institutions are able to scrutinize the relationship between the leave that women and gender non-conforming people take and these other equity-related outcomes. This is an important concern. For it to have bite, though, we would need to see that the existing schemes (framed in gender-specific terms) do in fact do a good job of enabling us to track the relationship between women taking leave and other gender equity related outcomes; at least as good as the alternative proposal for gender-neutral leave schemes. We note this concern, and return to it shortly, after having presented our proposal. There, we elaborate on the concern, and explain how our proposal is better placed to meet this concern than existing gender-specific leave policies.

C16S8 3.5. Gender Neutrality as the Best Option

C16P32 So far, we have advanced considerations against framing family leave in gender-specific terms ('maternity' and 'paternity') and suggested that gender-neutral terms ('parental' or, better, 'family leave' simpliciter) would avoid these problems (though we are yet to present a fuller proposal on this; see section 4). Why insist on a gender-neutral framing instead of rather than alongside gender-specific parental leave schemes? Indeed, one might think that Shared Parental Leave accomplishes something like this by giving people the option to take parental leave, rather than leave with a gender-specific parenting label (as we noted earlier, the current framing of Shared Parental Leave is unsatisfactory, since it is framed in terms of the mother and her partner and insofar as it is attached to the two weeks of maternity or paternity leave). One might suggest that, if it were made genuinely gender neutral, (shared) parental leave could be offered alongside maternity or paternity leave. This would be the analogue of an option that Dembroff and Wodak (2018) consider for pronouns, whereby 'they' is available as a third option alongside the gender-specific pronouns 'he' and 'she'. In the context of pronouns, they worry that this strategy is problematic, in that this third category subsumes everyone who does not identify as 'she' or 'he'. It is therefore inegalitarian—this strategy affords men and women specific pronouns, but all other genders are given the 'catch-all' pronoun 'they'. This also reinforces the idea that there is something natural or inevitable about binary gender categories, whilst everything falling outside these two categories is treated as 'other'.

C16P33 Do similar worries apply in the context of using a gender-neutral 'parental' or 'family' leave scheme for all those who do not want to take up gender-specific parenting roles? As we have argued, gender-specific schemes do tend to convey the idea that there is something natural about mothering (and fathering), and the risk is that a third 'parental' scheme to catch 'other' parents would entrench this. Moreover, this strategy also catches all parenting roles other than mother/father in this third 'other' category, and so risks similar inegalitarian implications. Moreover, insofar as 'mother' remains a role that is only available to the person who gave birth, partners who do not give birth but who nonetheless identify with this role are also marginalized—whether they are a lesbian or

bisexual woman in a relationship with another woman who is giving birth, a woman in a relationship with a trans man who is giving birth, or otherwise. A scheme that is, by default, gender neutral for all does not privilege heterosexual relationships or afford the preferred gender-specific parenting role only to those who meet a heteronormative ideal.

C16P34 Another alternative that Dembroff and Wodak consider is whether to proliferate pronouns, using as many as needed to capture multiple gender identities. We might consider similarly proliferating the family leave terms, so they reflect multiple familial roles corresponding to multiple gender roles. Dembroff and Wodak argue that proliferating pronouns is infeasible. The same is true, we think, of proliferating roles in the context of family leave, but for different reasons. First, the parenting role may not track gender or gender identity (there need not be any one-to-one correspondence between parenting role and gender). Second, with pronouns, there are so many options, Dembroff and Wodak argue, that we might easily get it wrong; our ability to learn new pronouns is limited (given facts about our cognition and how this aspect of language works), so this option raises the real risk of misgendering people. In the context of parenting roles, the infeasibility of proliferating labels for parental roles is somewhat different. There does not seem to be the extensive linguistic repertoire for naming alternative parenting roles. As Andrea Bennett writes, ‘I’ve remained label-less ... there’s nothing equivalent to “dad” for me ... non-binary folks have adopted pronouns, like “they” and “ze,” to carve out space for ourselves in language. Parenting labels could use a similar revision.’¹⁷ In the absence of such labels, however, there is no proliferation of labels for policies to adopt.¹⁸

C16P35 Given this, the best option seems to be to frame leave policies in gender-neutral terms, simply as family leave. In the next section, we substantiate this claim by outlining a proposal for gender-neutral leave policies and then, in section 5, defending it.

C16S9

4. A PROPOSAL FOR GENDER-NEUTRAL LEAVE SCHEMES

C16P36 We have suggested that there are compelling considerations against gender-specific leave schemes, and that these considerations provide some support for a gender-neutral leave scheme. A gender-neutral scheme would avoid cisnormative and heteronormative assumptions about parenting. But what would such a scheme look like, and how would it be implemented? Recall that, for now, we are working within the constraints of the UK parental leave entitlements, currently framed as fifty-two-weeks entitlement to the mother, and two weeks to the father, with the possibility that the mother can share some of the fifty weeks (post two-week maternity leave) with her partner (Shared Parental Leave).¹⁹

C16P37 We propose that the various leave schemes are instead framed, in institutional policy, in gender-neutral terms. This means framing the leaves as parental or family leaves for both parents (the parent who gives birth, who is entitled to two-plus-fifty weeks, and the

parent entitled to two weeks, with possibility of shared weeks). Since the leave schemes are presently asymmetrical, there would be little chance of confusion—those taking leave would simply need to fill out the form relevant to them (family leave with 2 + 50 entitlement, or family leave with 2 + entitlement). Moreover, since there are other ways of referring to people than ‘mother’ or ‘father’, e.g. by their proper names, there is little chance that the scheme would be beset by confusion about who is taking what portion of leave.²⁰

C16P38 A family leave scheme framed in gender-neutral terms and focusing on the present entitlement would avoid the concerns that attach to gender-specific leave schemes—exclusion, violation of privacy, essentialism, and the infeasibility of alternatives. Nor do the leave schemes themselves engage in institutional gender marking, and so the attendant worries about privacy and essentialism here are also avoided.

C16P39 Dembroff and Wodak introduce the following norm in relation to gender-specific pronouns:

C16P40 *Denial*: We have a duty to not deny others’ gender identities by using third person pronouns that misrepresent the referent’s gender identity (2018, 383).

C16P41 There is a corollary norm for other gendered aspects of language in relation to parental leave:

C16P42 *Denial**: We have a duty not to deny others’ gender identities by using gender specific language to describe roles that misrepresent the referent’s gender identity.²¹

C16P43 Gender-specific leave schemes that insist on framing leave-takers as ‘mothers’ or ‘fathers’ violate *Denial**. As we have already noted, gendered parenting roles have the effect of forcing people who may not identify with a binary gender as having to pick an ill-fitting parenting role which is in conflict with their gender identity. Gender-neutral family leave schemes, such as those we have proposed, do not.

C16P44 One might object that by framing leave schemes in gender-neutral terms, we are violating denial by failing to embrace the gender-specific roles that some parents do keenly embrace. There are two responses to this, one semantic, the other practical. First, as a matter of semantics, ‘family’ or ‘parent’ doesn’t deny the possibility of gender-specific instantiations of this role in the way that gender-specific language does with respect to gender-neutral roles. This is evidenced by the use of ‘family’ and ‘parent’ in many contexts in which the gender of the person fulfilling the role is not relevant or known—such as, for example, in the locution ‘parents’ evening’ at schools, and ‘family fun run’ at local parks. People who identify as ‘mothers’ or ‘fathers’ take themselves to be subsumed under this ‘parent’ locution, and do not find themselves misgendered by doing so.

C16P45 Second, as a practical matter, there are ways of implementing gender-neutral family leave schemes that in fact meet a stronger norm than *Denial** and show that an on-paper gender-neutral policy is capable in practice of embracing a range of gender-specific

roles—but only when the people taking leave choose as much. Consider also the norm of affirmation introduced by Dembroff and Wodak (2018):

- C16P46** *Affirmation*: We have a duty to affirm others' gender identities by using third person pronouns that represent the referent's gender identity (382).
- C16P47** Dembroff and Wodak deny that we have a duty to affirm others' gender identity by using the correct pronouns, since we have various ways of referring to people (by their names, titles, and so on) that do not misgender them.²² The analogue to this for our concern with family leave schemes would be:
- C16P48** *Affirmation**: We have a duty to affirm others' gender identities by using gender-specific language to describe roles that adequately represent the referent's gender identity.
- C16P49** If we had such a duty, then gender-neutral family leave policies would violate it by failing to affirm the gender-specific parenting roles that those who identify with the roles *mother* and *father* take on (it would also fail to represent other non-binary gender-specific roles). It seems clear that we don't have a duty to affirm people's parenting roles: nothing is going wrong when schools advertise 'parents evenings' rather than 'mothers and fathers evenings', for example, or when local parks advertise 'family fun runs' rather than 'mothers and fathers fun runs'. However, there may be something problematic with insisting on using the gender-neutral 'family leave' or the term 'parent' to describe someone who strongly identifies as a mother (or father) and asks to be referred to as such. But note that the proposed gender-neutral policies need not do this. Whilst a gender-neutral on paper policy is the most inclusive option (for reasons outlined in section 3), implementing the policy—which requires downloading the relevant leave form and providing the required personal information (name, expected week of birth or adoption, etc.)—could very easily include a box for people to write in *the parenting label they choose to adopt*, which could then be used in all communications. Thus, a partner in a lesbian relationship who is entitled to two weeks of leave and identified as a mother could—instead of being misgendered as a father taking paternity leave—indicate that they wish all correspondence to identify them as the mother of the child. Or someone who is entitled to two-plus-fifty weeks of leave and identifies as a parent, could indicate that they wish all correspondence to identify them as the parent of the child. Or a non-binary person who is entitled to two-plus-fifty weeks of leave and indicates a preferred parenting role of 'baba' could indicate that they wish all correspondence to identify them as the baba of the child.²³ Thus, in practice, implementing a gender-neutral leave scheme could very easily ensure that affirmation is also met—which is a nice, respectful, thing to do, even if there is no duty to do so. Indeed, this practice actively welcomes the expression of people's chosen identities, and thus amply satisfies *affirmation**. So the institutional use of alternative parental roles comes with certain good upshots, as we alluded to in section 3.4 above (see note 16): in the process of social construction of

non-binary parenting roles, and in the positive psychological impact on parents who may have their preferred parenting role institutionally affirmed. Whether this way of implementing the policy is taken up will ultimately depend on a weighing of these gains with any costs—in particular, the bureaucratic costs associated with storing and circulating this information as appropriate. Note that this option also comes with additional risk of misgendering in a harmful way: it is one thing to have gender-neutral parental leave policies; it is another thing to ask people to specify what language they would like to have used *and to ensure adherence to this*. To ask for preferences and then ignore them (because the information fails to be appropriately filtered from Human Resources departments to line managers) would be a particularly problematic failure.

C16P50 If no indication is given (or if an institution decides not to adopt a practice of giving people the option of specifying their preferred parenting role), the gender-neutral term ‘parent’ could be used as a default—which would not misgender, since it is compatible with non-neutral instantiations, as we argued above—but this may not be frequently needed, since as noted, there are multiple ways of referring to someone, for example by using their proper name. Since what is chiefly relevant, from the institutional point of view, is the amount of leave taken, it is straightforward to communicate about this in terms which do not make reference to the specific family role at all.²⁴ Consider:

C16P51 Dear Jules, we have received notification of your intention to take up your entitlement of 2 + 50 weeks of leave following the birth of your child. Specifically, we understand that you intend to take the 2 weeks that are mandatory following birth, and then 25 of the following weeks. Your partner will then take the remaining 25 weeks of leave, according to the Shared Parental Leave (SPL) scheme. Please ensure that they also communicate with their employer about the 2-week entitlement, as well as any other enhanced entitlements they may have in relation to the 25 weeks of SPL.

C16P52 When considering both the policy and the possibilities for implementation in practice, then, we see that the duty not to misgender is met and that there are in fact ways of affirming the chosen familial roles that individuals choose to take on.

C16S10

5. DEFENDING THE PROPOSED POLICY

C16P53 The proposal we have made does not face the concerns that we set out for gender-specific family leave policies. It does not exclude, obscure, or misgender non-binary people and trans men. It respects privacy by not requiring of employees that they provide information about the personal relationships or gender identity. It further avoids entrenching essentialist assumptions about women’s and men’s roles in parenting. Finally, it is more feasible than alternatives which might append a gender-neutral option onto the existing gender-specific structures, or which might proliferate parenting roles. Our arguments have been enormously aided by drawing on Dembroff and Wodak’s

work on gender-neutral pronouns (2018) and other aspects of language (2021). We have suggested that such a family leave scheme would avoid denying anyone's gender identity, and that there are ways of implementing the policy that would enable the institution to actively affirm it, by offering the option of providing details of preferred parenting role labels. There are other things speaking in favour of our proposal also: in virtue of enabling people to enter their preferred parenting role labels, it can acknowledge family structures other than heterosexual nuclear families (though to the extent that leaves are restricted to two parents, there is a limit to the ability to do this).

C16P54 Before our case for gender-neutral family leave schemes is complete, though, we should also consider the potential costs of advancing a gender-neutral scheme of family leave. In particular, one might argue that there is important work done by having the vocabulary of 'maternity' and 'paternity' available, and that a complete evaluation of the merits of gender-neutral leave must take this into account. Accordingly, before dispensing with gender-specific language in this domain, we must 'look to the ways that gender-specific terms *in particular* socially function, and decide from there which terms are important for anti-sexist work' (Dembroff and Wodak, 2021, 371). What might be the gains of having the language of 'maternity' and 'paternity' available, and in particular, entrenched in institutional policy?

C16S11 5.1. Tracking Gender and Other Equity-Related Outcomes

C16P55 One important task to which such language might be put, it could be argued, would be to track the extent to which those who take maternity leave suffer adverse outcomes in terms of other equity-related outcomes—gender pay gaps, and so on. We have already mentioned that this might stand as a reason in favour of institutional gender marking, whereby one's employer keeps track of maternity leaves and monitors the relationship between these leaves and other outcomes. This could be important data to have in the context of anti-sexist work, which enables us to detect inequities and formulate policies to address them.

C16P56 However, we note that existing practices are not well positioned to gather such data or evaluate its relationship to equity-related outcomes. First, insofar as current policies exclude non-binary people, it isn't possible to gain any understanding of the relationship between leave taken by non-binary people and other equity-related outcomes. This problem attaches both to the family leave part of the data and to the data gathering about relevant equity-related outcomes. For example, data about gender pay gaps should attend to whether non-binary people experience pay gaps, also. Second, feminists might be particularly concerned to identify the relationship between the parental leaves that women take, and the relationship to other equity-related outcomes, such as gender pay gaps and professional advancement. Indeed, this is precisely what studies such as the one by Costa Dias et al. (2018) aim to scrutinize. However, it is worth noting that, at least as current data gathering stands at higher education institutions such as our own respective institutions, it is very difficult to tease out the relationship between the leave

that women take and these other equity-related outcomes. This is because the current framing of leave policies fails to track all, and only, the women who take family leaves of any kind.

C16P57 First, it fails to track all the women who take family leave. There will be some women who take family leave as either ‘paternity/partner leave’ or ‘Shared Parental Leave’ qua the ‘mother’s partner’, who may not be accurately identified as women who take leave. Second, it will not track only women who take leave if the relationship studied is between those who take maternity leave and other equity-related outcomes. There will be some non-binary people and some men who give birth, yet are designated as taking ‘maternity leave’. In fact, these non-binary people and men may be particularly vulnerable to discrimination, both qua person who gave birth and qua non-binary persons or trans men. This will not be tracked in a system that misgenders non-binary people and trans men as ‘mothers’. Such a policy both fails to be trans inclusive and is unhelpful for understanding how trans people and women are disadvantaged by family leaves. So, whilst gender-specific language may be important for gathering relevant data about those who take parenting leave and other equity-related outcomes, it should be clear that the existing framing in terms of ‘maternity’ and ‘paternity’ does not serve this goal.

C16P58 How might this purpose better be served, then? We propose that institutions seeking to gather and scrutinize data of this sort for the sake of equity monitoring should instead commit to gathering data alongside information about leave. This is a simple matter of including certain questions about gender on the forms people submit to notify their institutions of their intention to take family leave. For example, information could be asked about gender/gender identity, as well as sexuality, age, disability status, and race, since the intersectional nature of oppression means that it is important to trace how the intersection of these vectors of oppression may all be implicated alongside the impact of taking family leave. In addition to enabling institutions to better monitor the impact of leaves of gender-related outcomes, this would enable institutions to analyze carefully the contribution of such time out of the workplace on, for example, race pay gaps, the career advancement of disabled scholars, and so on. Of course, all this requires a commitment, at institutional level, to appropriately analyzing and scrutinizing this sort of data, and taking steps to change policy or its implementation where inequities are visible.²⁵

C16P59 Crucially, it must be clear that providing this personal information, alongside information about leave, is optional. This is important to ensure that no individual is in a position of being forced to reveal this personal information, and privacy is threatened. Moreover, the collection of this data for equality monitoring is completely compatible with the information not being available to managers in a way that is connected to any individual. Contemporary best practices for hiring collect demographic data, but hide it from hiring panels so that no demographic profile can be connected to any given individual candidate. We suggest that institutions adopt a similar approach when collecting demographic data about family leave.²⁶

C16S12 5.2. Further Objections to Gender-Neutral Leave Policies

C16P60 We next defend and refine our proposal in light of five further objections, concerning the relationship of our proposal to wider feminist aims.

C16S13 5.2.1. *Anti-Feminist?*

C16P61 One might suggest that it is anti-feminist to remove talk of ‘women’ and ‘maternity’ leave from institutional policies around pregnancy. But as we have argued, these proposals actually serve feminist goals well. First, they enable better tracking of the relationship between women who take family leaves and other equity-related outcomes, by accurately tracking the genders of those who take leave, making the women who take leave when their partners give birth more visible. Second, our proposal avoids entrenching essentialist assumptions about women’s parenting roles. Third, our proposal protects women from having to disclose personal information about their gender or relationships if they choose not to. Fourth, our proposed policies are trans inclusive and so serve the goals of all women, not just cisgender women. Moreover, our proposals do not prohibit individuals and institutions from talking about women, motherhood, and maternity leave, since we propose that individuals should have the option of identifying ‘mother’ as their preferred parental role in filling out the notification of leave form. The crucial point is that people get to decide what parenting role label to take up, rather than having one of the two binary roles imposed upon them.

C16S14 5.2.2. *Devaluing Motherhood?*

C16P62 Another claim that our proposal might be anti-feminist in is based on the suggestion that it devalues motherhood. Feminists have called attention to the way that childcare, and particularly women’s role in childcare, is invisibilized, unrecognized, and unrewarded (see Ferguson 2020). In recommending a move towards gender-neutral language, aren’t we contributing to obscuring women’s important work in childcare?

C16P63 This proposal does not devalue motherhood, but it does decentre it. This is because (a) not all women embrace the role of ‘mother’, and (b) not all parents embrace either role—‘mother’ or ‘father’. Moreover, whilst we acknowledge the importance of recognizing the labour that predominantly women do in parenting, it is feasible to expect that our proposals, by focusing on the labour of carers and pregnant people rather than their genders, actually render the work done by women—and all parents who are primary carers—*more visible*. Unpacking the nature, causes, and implications of the gendered division of labour and devaluation of women’s work is beyond the scope of this chapter; however, few would deny that part of the problem with women’s unpaid and unrecognized childcare labour is precisely the fact that this work is *feminized*—it is seen as women’s work.²⁷ A scheme that sees the parenting of infants in gender-neutral terms could perhaps counter this tendency. Another very important step in challenging this gendered aspect of childcare would be the taking up of parental leave by men, which would both expose them to the experiences of the full-time primary parenting of an

infant and eventually block the discriminatory tendency to assume that women (but not men) will take leave from the workplace after the birth of a child. Framing family leave in gender-neutral terms, rather than as a scheme which takes as its starting point mothers' greater entitlement to leave, may facilitate this step. As such, our proposal does not devalue motherhood, but rather works to undermine the feminization of parenting work and renders this important work more visible and appropriately valued.

C16S15 5.2.3. *Pregnant People?*

C16P64 We have not focused much on a very important embodied aspect of parenting—namely that, in many cases, it follows pregnancy and the birth of a child. Does our proposal obscure the fact that parenting follows pregnancy and thereby do a disservice to women who experience pregnancy and childbirth? Firstly, we note, once again, that not only women experience pregnancy; trans men and non-binary people also do. Their participation in pregnancy is rendered more visible by using language that does not exclude them. Secondly, we note, again, that some people who identify as women prefer not to use the terminology of 'mother' and 'maternity' to describe their role in gestating, birthing, and raising infants. So there is no necessary connection between moving to gender-neutral language and obscuring pregnancy. And at least some people's pregnancies are rendered more visible by removing the gendered focus on discourse about pregnancy and parenting (see Surkan 2015; Summer 2014). Gender inclusive language around pregnancy, alongside the use of second personal ('you') or gender-neutral pronouns 'they/them' to refer to the person giving birth are therefore preferable in institutional information.²⁸ Accordingly, our proposal does not render pregnancy and birth, or women, invisible. It just acknowledges that not only women give birth.²⁹ It also acknowledges that women are involved in parenting in other ways (as partners of the birthing parent). So it does better justice to the full range of women's experiences and birthing experiences. Moreover, recall once again that we are not 'banning' from institutional discourse the language of 'mothers' or 'maternity'. A person who feels that, throughout pregnancy and parenting she is a *mother* could indicate as much on her leave notification form, and systems should be instantiated to respect this (letters about the leave and discussions with line managers can be guided by these expressed preferences). So, there is no reason to suppose that our proposals ignore or obscure the embodied aspects of pregnancy that often precede family leave.

C16S16 5.2.4. *Care Networks*

C16P65 Existing gender-specific leave policies, at both the UK state level and in higher education institutions such as our own frame the leave that may be taken based on the assumption that only one or two people will take that leave. That is, models for the care of young children assume either a traditional nuclear family, featuring a mother and father, or a single parent. We suggest that this assumption is (a) unwarranted, and (b) unwelcome.

C16P66 As Jessica Clarke notes, writing about the US context, but nonetheless equally applicable to the United Kingdom, the assumption that childcare is undertaken *solely* by one or two parental figures is unwarranted:

- C16P67** Many pregnant people rely on networks of extended family and friends for support, rather than a parent partner. This may be particularly true for families of color. Professor Melissa Murray explains that “[w]ithin the African-American community, for example, parents frequently share caregiving responsibilities and material resources with community members in an arrangement known colloquially as ‘other-mothering.’ In Latino communities, *compadres*—literally ‘co-parents’—play a central role in the child’s spiritual upbringing and often are expected to share the parents’ caregiving responsibilities. Yet workplace accommodation laws, like the FMLA [Family and Medical Leave Act], are “unrealistically focused on parenthood as the locus of caregiving.”³⁰
- C16P68** Given this actual variation in families beyond one- and two-parent models, we suggest that the gender-specific formulation of leave packages in the United Kingdom are additionally unwarranted in assuming that there are only one or two parents to be considered when developing family leave policies.
- C16P69** Moreover, we suggest that the assumption that there will be only one or two parents is *undesirable*, for two reasons. First, existing policies erase the labour of co-parents and wider networks of care pointed to by Clarke. We ought to be able to implement policies that recognise this labour. Second, existing leave policies are not neutral between conceptions of the good, but promote a particular gendered form of the nuclear family. Instead, we ought to leave space for social forms that reform or outright reject the family. Here we are thinking of families formed by those who are polyamorous, or political radicals who wish to reject the family form entirely, raising children communally.³¹ We do not want to suggest that forms of social organization beyond the one- or two-parent family unit are superior here; nonetheless, we think that concerns of equality should lead us to leave space for such other social forms in policy.
- C16P70** These varied actual and potential care networks are better accommodated by policies framed in gender-neutral language. After all, if a polyamorous commune of five pregnant women wants to jointly raise their children, it seems absurd and oppressive to insist that one of the five be nominated as the ‘father’ of any one child.
- C16P71** There is, however, a further worry lying in the background here: supposing that the adage is correct and that ‘it takes a village to raise a child’, as demonstrated by the large care networks pointed to by Clarke, what justification do we have for keeping language that references *parents*? That is, if the care work undertaken in birthing and raising a child is sometimes performed by the child’s parents, grand-parents, siblings, aunts and uncles, family friends, and a wider social circle, we might worry that a policy that only allows parents to take the leave is unjustified. Instead, we might think that whoever performs the labour of birthing or raising the child ought to be entitled to leave. To be maximally inclusive, the framing of ‘family leave’ would avoid assumptions about those taking the leave being the biological or social parents of the child. That framing opens up the possibility of moves away from nuclear familial structures, which existing policies assume and perpetuate.³²
- C16P72** If that’s so, then perhaps the language of ‘parent’ should be excluded from our ‘parental’ leave policies, leaving us with a set of care leave policies that should be neutral

with respect to the gender of the carer and particular relation of the carer to the child. Our ideal model of ‘parental’ leave, then, is one in which the various sorts of caregiving networks receive ample state and institutional support, with ample resources to allow people to gestate and care for children in the ways that best suit them.

C16P73 That said, this ideal is not one that lends itself well to implementation by individual institutions in the legal framework of the United Kingdom. Indeed, it seems hard to see how one would even begin to develop policies that would support such a model of care at the institutional level without significant reform at the legislative level. Our recommendation section 4 did not fully incorporate this concern. We take ourselves to have been doing *non-ideal* political philosophy of language: we recognize that the ideal is some way off, and we hope that the implementation of our proposed recommendations can at least serve as a stepping stone towards this more just way of organizing care labour. Gender-neutral language, of course, is not the end of reproductive justice. Rather, it is one part of a larger program to build a more just society for those seeking to give birth to and raise children.

C16S17 5.2.5. *Feasibility*

C16P74 Is what we are proposing really feasible? Does introducing gender-neutral language introduce infeasible complexity or confusion into the process of notifying one’s institution of family leave? We have argued that it does not. The policies and their implementation can be relatively straightforward.³³ Moreover, the existing arrangements are highly infeasible for those who are erased by them. And they reflect and entrench undesirable normative assumptions about gendered parenting roles, heteronormative relationships, and nuclear families. Our proposal does better at avoiding these.

C16P75 One issue that might raise concerns over feasibility is that, in the absence of a legal framework that supports these changes, institutions may face issues in implementing a more just family leave system. After all, an institution that exists within a state that legislates that only cisgender women may take certain kinds of leave will face significant obstacles to adopting our recommendations. Whilst it is clear that some legal frameworks will make these changes more difficult to achieve than others, as we have demonstrated with the example of a higher educational institution in the United Kingdom, institutions have the ability to develop improved policies even in the face of somewhat restrictive legal frameworks. Ultimately, institutions should navigate the legal frameworks they find themselves in so as to implement the best practices feasible.

C16S18

6. CONCLUSION

C16P76 Dembroff and Wodak’s arguments lay a promising foundation for examining the ways in which gender-neutral language may be desirable. Consideration of the extent to which gender-neutral language is desirable in family leave policies is particularly challenging. We have imported important considerations, and raised new ones, for considering

whether gender-specific language for parenting roles ought to be incorporated in institutions' official family leave policies, and have argued that it should not be. Gender-neutral policies, accompanied by practice that facilitates the expression of preferred parenting or familial roles, better serve the need to monitor gender discrimination, and avoid entrenching gender oppression and language that imports cis- and hetero-normative assumptions.

C16P77 ACKNOWLEDGEMENTS

C16P78 Thanks to the Feminism Reading Group at the University of Sheffield, and to the participants in the Words Workshop run out of the University of Pittsburgh, for great discussion and feedback on early drafts of this paper.

NOTES

1. These are fairly indicative of parental leave schemes in the UK, though the financial support offered is better than some leave packages in the private sector.
2. There is a considerable history of feminist argument for language change, much of it has focused on *false* gender neutrality and arguing for the need, in some contexts, for gender specificity. See Mercier (1995) and Vetterling-Braggin (1981). We take this project—arguing for gender neutrality in a specific domain—to be perfectly compatible with other contexts in which gendered language might be important or even required as a corrective to false gender neutrality. Indeed, Mercier's (1995: 252–253) paper advances support for gender-neutral pronouns.
3. These conditions are having worked a requisite number of hours in the previous year and made the relevant tax contributions. This makes the support inaccessible to women who are not able to work for various reasons, e.g. uncertain citizenship status. Mothers who don't meet the eligibility criteria because they haven't made the relevant tax contributions may be entitled to a lesser amount of maternity allowance. Some women, however, are entitled to very little support: asylum seekers, for example, can only receive a one-time payment of £300 to cover the costs associated with the birth of their child (essential items such as nappies, bottles, clothes, and so on). We think that this obvious injustice must be urgently rectified, and that asylum seekers should be given support that enables them to flourish.
4. Currently in the United Kingdom (as of September 2023), this amounts to 90% of one's average weekly earnings per week for six weeks and, thereafter, £172.48 per week or 90% of one's average weekly earnings for the remaining 33 weeks, whichever is lower.
5. Under conditions of gender oppression, and given the various physical burdens associated with birth, it is not obvious that this entitlement for the person who gives birth is wrong. However, the lack of adequate leave for the partner of the person giving birth is deeply problematic.
6. These conditions are in fact deeply problematic—in particular, the requirement for a year of continuous service before enhanced leave can be received. In other research, Holroyd and Clark have found that this service condition is particularly problematic for those with fixed-term contracts and has sometimes led to considerable stress and uncertainty. We

- have recommended, in line with best practice in the sector, that this service condition be scrapped.
7. See *McConnell and YY v Registrar General* (2020) EWCA Civ 559, for a prominent recent case upholding this restriction on UK birth certificates. A number of other EU countries have similar rules, Sweden being a notable exception (van den Brink and Dunne 2018: 61). The question of anti-discrimination protections for pregnant trans people across the EU is vexed, and may depend on which version of the so-called pregnancy Directive (92/85/EEC) is employed. As van den Brink and Dunne point out, the English and Finnish versions of 92/85/EEC use neutral language (though, relevantly, the Finnish version does not use neutral terms for maternity leave), whilst the Dutch, French, and German versions refer to female workers (van den Brink and Dunne 2018: 100).
 8. Dembroff (2020) also considers gender specific voting lists in the US. Some considerations are raised there that do not appear in the papers, and which are highly pertinent to some of our concerns below—we note that we are drawing on Dembroff’s ideas at that point also.
 9. On the nature and harms of misgendering, see Kapusta (2016) and Cull (2020).
 10. Not only is the woman assumed to be the primary caregiver, but the woman is also framed as in charge of the organization of care, and hence the domestic sphere. This assumption thereby reinforces a particular traditional sexist stereotype about women’s role in society.
 11. Of course, family leave that afforded a more equitable split between the two parents would be more desirable still, but we set aside those pressing concerns here, since our focus is on the linguistic dimensions of leave policies rather than the entitlements themselves.
 12. See Surkan (2015) for an articulation of the complex norms navigated (and violated) during pregnancy as a trans man.
 13. For an articulation and critical evaluation of such gender norms, see Williams (2001).
 14. Note that to genuinely undermine such gendered assumptions, more thoroughgoing changes are needed to address unequal entitlements. This does not undermine the reasons for moving away from gender-specific language but provides reasons to ~~so~~ much more.
 15. Conversely, institutional recognition and deployment of non-binary parenting roles would have constructive power with respect to alternative roles, and stand to confer psychological benefits upon those whose alternative parenting roles are given tacit institutional support. We return to this point in section 4.
 16. See e.g. Costa Dias et al. (2018, 24).
 17. Bennet (2019); see also Bennett and Fu (2015).
 18. Were there, however, one might wonder about the original infeasibility concern arising—that the risks of misgendering someone by ascribing the wrong parental role would loom large.
 19. As noted, we of course also support more equitable and generous parental leave for both parents, and have argued for this elsewhere. However, our focus here is on the linguistic framing of existing schemes. Institutions can implement this step now, and doing so is an important inclusive step—even if there are many other steps to take. We stress that the adoption of a more inclusive linguistic framework should not be used as a cover for institutions to fail to take these further steps (see Ahmed 2012).
 20. And were the leave schemes more uniform—each parent being entitled to the same amount of leave, say—there would still be easy ways of avoiding confusion about whose leave is at issue—the person who gave birth, or the person who did not, in the case of parenting following gestation. In the case of adoption or surrogacy, there would be other mechanisms for distinguishing whose leave is at issue, such as proper names or parenting

- roles that are chosen and implemented—see details of our proposal implementation in section 4.
21. There's another issue here, which concerns using gendered roles that the person doesn't embrace whether or not they misrepresent the referent's gender identity, e.g. calling cisgender women mothers when they prefer to be called parents. Is there a duty to avoid this? This is obviously not as problematic as the harms of misgendering, so we don't formulate the duty to accommodate this. But certainly, if there are ways to avoid using misnomers for parents' roles, it is a good thing to do. We argue below it can easily be achieved.
 22. For a fuller discussion, and endorsement, of this norm, see Hernandez (2021).
 23. See Bennett (2019).
 24. The best outcome would be for central government to officially adopt gender-neutral terms in framing its policies. But in the absence of that, institutions have the power to shield their employees from the harmful effects of gender-specific language by using gender-neutral terms in framing their own policies. Human resources can be the interface between the gender-neutral policies and any gender-specific information that needs feeding back to central governmental institutions that currently use gender-specific language, such as His Majesty's Revenue and Customs (HMRC) in the UK.
 25. We do not want to overstate the extent to which these changes might alter the trends that are visible on the basis of existing data. The point is, rather, about the integrity of the data—whether it captures all those it purports to—and whether the categories involved are deployed in ways which misgender or respect gender identity (and parenting role).
 26. The one exception to this is the preferred parenting label, which would be used in communications with the employee taking family leave.
 27. See Fontana and Schoenbaum (2019) on various problematic aspects of this, including the exclusionary impact on trans and gender non-conforming people.
 28. Exactly how to make language around pregnancy and perinatal care gender inclusive, however, is very complicated. For discussion, and for the argument that pluralistic linguistic strategies are needed to meet the moral and communicative goals of these contexts, see Cull, Holroyd and Woollard (n.d.).
 29. For excellent resources related to trans pregnancy, see the Trans Pregnancy Project <https://web.archive.org/web/20230406031543/>; <https://transpregnancy.leeds.ac.uk/>; <https://ruthpearce.net/tag/trans-pregnancy/>
 30. Clarke (2019, 196).
 31. For recent work on family abolition and radical visions of care, see O'Brien (2020); (2019); Lewis (2019); and Griffiths and Gleeson (2015).
 32. Note that this issue is not straightforwardly solved by emphasizing *parent* as a social role rather than a biological relation. After all, the thought here is not that the language 'parent' is troubled by people other than the biological progenitors of a child taking on the parental role. Rather, the thought is that a variety of relationships are possible that provide labour in raising a child (sometimes in combination with a central parental figure or figures). Now, it might be possible to do some conceptual engineering here to broaden the meaning of 'parent' so that it encompasses a wide variety of relationships, but as things stand, 'parent' has a narrower definition, and it is unclear whether such an engineering project is desirable.
 33. We have already noted that feasibility will be a consideration for institutions to confront in determining how to gather and deploy information about parents' parenting language preferences.

C16S19 REFERENCES

- C16P79 Ahmed, S. (2012), *On Being Included: Racism and Diversity in Institutional Life* (Durham, NC: Duke University Press).
- C16P80 Bennett, Andrea (2019, May 10), 'I'm a Non-binary Parent. There Still Isn't Space for Me', Xtra Magazine, <https://www.dailyxtra.com/im-a-non-binary-parent-there-still-isnt-space-for-me-154990>, accessed 9 Jan. 2021.
- C16P81 Bennett, Andrea, and Fu, Kim (2015), 'Beyond Mom 'n' Pop', Hazlitt Magazine, <https://hazlitt.net/feature/beyond-mom-n-pop>, accessed 9 Jan. 2021.
- C16P82 Bettcher, Talia Mae (2007), 'Evil Deceivers and Make-Believers: On Transphobic Violence and the Politics of Illusion', *Hypatia*, 22/3, 43–65, <http://www.jstor.org/stable/4640081>.
- C16P83 Clark, J., and Holroyd, J. (n.d.) 'Parental leave in UoS: Policy and Practice, Equity and Inclusion' (Manuscript. Available on request).
- C16P84 Clarke, Jessica (2019), 'Pregnant People?' *Columbia Law Review Forum* 119/173, 173–199.
- C16P85 Costa Dias, Monica, Joyce, Robert, and Parodi, Francesca (2018), 'The Gender Pay Gap in the UK: Children and Experience in Work', IFS Working Papers, No. W18/02, Institute for Fiscal Studies (IFS), London. https://ifs.org.uk/sites/default/files/output_url_files/MCD_RJ_FP_GenderPayGap.pdf
- C16P86 Cull, M. (2020), 'Engineering Genders: Pluralism, Trans Identities, and Feminist Philosophy', PhD thesis, University of Sheffield.
- C16P87 Cull, M., Holroyd, J., and Woollard, F. (n.d.) Caring for Everyone: Inclusive Language in Perinatal Care (Manuscript (unpublished). Available on request).
- C16P88 Dembroff, Robin (2020) 'Categorising Candidates' slide presentation, provided in personal correspondence.
- C16P89 Dembroff, Robin, and Wodak, Daniel (2018), 'He/She/They/Ze', *Ergo* 5/14, 371–406 <https://doi.org/10.3998/ergo.12405314.0005.014>.
- C16P90 Dembroff, Robin, and Wodak, Daniel (2021), 'How Much Gender is Too Much Gender?' In Justin Khoo and Rachel Sterken, eds., *Routledge Handbook of Social and Political Philosophy of Language* (London: Routledge), 362–376.
- C16P91 Ferguson, Susan (2020), *Women and Work: Feminism, Labour, and Social Reproduction* (London: Pluto Press).
- C16P92 Fontana, David, and Schoenbaum, Naomi (2019), 'Unsexing Pregnancy', *Columbia Law Review*, 119 (2), Available at <https://columbialawreview.org/content/unsexing-pregnancy/>.
- C16P93 Griffiths, K. D., and Gleeson, J. J. (2015), 'Kinderkommunismus: A Feminist Analysis of the 21st-Century Family and a Communist Proposal for Its Abolition', *Ritual*. 1.0, Available at https://isr.press/Griffiths_Gleeson_Kinderkommunismus/index.html.
- C16P94 Hernandez, E. M. (2021). 'Gender-Affirmation and Loving Attention.' *Hypatia*, 36(4), 619–635.
- C16P95 Kapusta, S. (2016), 'Misgendering and Its Moral Contestability', *Hypatia* 31/3, 502–519.
- C16P96 Lewis, Sophie (2019), *Full Surrogacy Now: Feminism against the Family* (London: Verso).
- C16P97 Mercier, A. (1995), 'A Perverse Case of the Contingent a Priori: On the Logic of Emasculating Language (a Reply to Dawkins and Dummett)', *Philosophical Topics*, 23/2, 221–259.
- C16P98 O'Brien, M. (2020), 'To Abolish the Family', *Endnotes* 5, 361–417.
- C16P99 O'Brien M. (2019), 'Communizing Care', *Pinko* 1, <https://pinko.online/pinko-1/communizing-care>.
- C16P100 Summers, A. K. (2014), *Pregnant Butch: Nine Long Months Spent in Drag* (Berkeley CA: Soft Skull Press).

- C16P101** Surkan, K. (2015), 'That Fat Man Is Giving Birth: Gender Identity, Reproduction and the Pregnant Body'. In N. Burton, ed., *Natal Signs: Cultural Representations of Pregnancy, Birth and Parenting* (Bradford, CAN: Demeter Press), 58–72, doi:10.2307/j.ctt1rrd8tc.7.
- C16P102** van den Brink, Marjolein, and Dunne, Peter (2018), *Trans and Intersex Equality Rights in Europe—a Comparative Analysis*. Report prepared for the European Commission, Directorate General for Justice and Consumers, Luxembourg: Publications Office of the European Union.
- C16P103** Vetterling-Braggin, Mary (ed.) (1981). *Sexist Language: A Modern Philosophical Analysis* (New Jersey: Littlefield, Adams).
- C16P104** White, F. R. (2018), *Trans Pregnancy: An International Exploration of Transmasculine Practices of Reproduction Law and Policy Review United Kingdom*, <https://web.archive.org/web/20221009154427/https://transpregnancy.leeds.ac.uk/wp-content/uploads/sites/70/2018/05/Trans-Pregnancy-policy-review-UK.pdf>, accessed 19 Jan. 2021.
- C16P105** Williams, Joan (2001), *Unbending Gender: Why Family and Work Conflict and What to Do about It* (New York: Oxford University Press).