Gender-neutrality and family leave policies

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Abstract

Dembroff and Wodak (2018, 2021) argue that we have a duty to use gender-neutral pronouns, but do not extend this argument to all other aspects of our language. We evaluate the extent to which gender neutral language is desirable in the context of parental leave schemes, taking as a case study the parental leave schemes found at a Higher Education Institution in the UK. We argue that the considerations Dembroff and Wodak (2018, 2021) take to speak against gender specific pronouns and some other gender specific aspects of language also strongly speak against gender specific language in the context of parental leave policies. As a project in non-ideal theory, we argue against the framing of existing policies which refer to ‘maternity’ and ‘paternity’ leave, and for moving to the language of ‘parental’ or ‘family’ leave. The fact that the majority of those giving birth are women does not provide decisive reasons for framing policies in gender-specific terms. Moreover, we argue that given the welcome move to facilitate shared parental leave, any concerns for gender equity, and equity for carers, are better served by requesting demographic information for monitoring purposes, rather than by policies that refer to gender specific parenting roles.

Introduction

Dembroff and 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) (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, avoid 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 below.) They are clear that their argument targets only gender-specific pronouns (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 (2021).

In this paper, 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 UK Higher Education institution.[[1]](#footnote-0) In the UK, 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 detail below. 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 childcare for infants are socially strongly gendered, and the vast majority of those birthing babies are women. Likewise, in the UK in 2020, the majority of those with primary responsibility for the feeding and care of young infants are women, with both biological (related to breastfeeding) and social (related to social conceptions of motherhood) pressures shaping these patterns. Moreover, giving birth and caring for children - and taking leave to do so - is correlated with various patterns of inequity, such that it is important to track the gendered dimensions of family leaves.

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 of how such policies could be articulated. In section 1, we outline the essential features of the institutional case study with which we are working: family leave policies at a UK HE institution. In section 2, 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 3, we consider objections to moving to gender neutral language related to the need to identify gender discrimination and patterns of gender inequity related to family leave. This enables us to finesse our proposal. In section 4, 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 taken, how it is distributed, the rate at which the leave is paid, how many people it is available to, as well as broader issues around workplace culture that supports or isolates 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]](#footnote-1)

1. Context

We here present the leave entitlements in the UK, framing them initially in gender specific terms to reflect the policies as currently stated.

As of February 2021, women who give birth and meet certain eligibility conditions[[3]](#footnote-2) are entitled to 52 weeks maternity leave, a significant portion of which is financially supported by statutory maternity pay (up to 39 weeks).[[4]](#footnote-3) 2 weeks must be taken after the birth of the child, and the mother can then decide how much of the 50 weeks to take. Paternity/partner leave on the other hand is considerably more limited - 2 weeks of financially supported leave can be taken within 8 weeks of the birth of the child. Since 2015 parents have also had the option of taking Shared Parental Leave, whereby the 50 weeks to which the mother is entitled (after the initial 2 weeks of maternity leave) can be split between the parents, taking leave simultaneously, or consecutively, with a considerable degree of flexibility. 37 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/partner is entitled to very little leave.[[5]](#footnote-4)

Employers are constrained by the entitlement framework outlined above, but can supplement the financial support attached to this leave if they choose. Many higher education institutions in the UK offer relatively attractive enhanced leave packages. For example, providing certain service conditions are met,[[6]](#footnote-5) the institution we focus on offers its employees who take maternity leave 18 weeks of full pay. Two weeks of paternity/partner leave are also paid at full pay. The Shared Parental Leave policies are also somewhat generous. Provided certain eligibility criteria are met, and provided that the mother is entitled to statutory maternity pay from the government, the partner employed by the institution is offered up to 18 weeks at full pay. Analogous leave packages are also available to adoptive parents, and those who become parents through surrogacy arrangements.

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/partner leaves and pay structures, as well as Shared Parental Leave (couched in terms of the mother and her partner). This is reflected at the second stage, where gender specific language is used at institutional level policy, again, framed in terms of maternity and paternity leave, and Shared Parental Leave split between the mother and her partner.

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 take up only ‘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 govt policy, and in its institutional manifestation - uses language that is strongly cisnormative and heteronormative.

Various legal frameworks governing trans parenting, in the UK, 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 (1953). There, it is argued that in the existing legislation ‘there is an absence of consideration for trans people as parents in any capacity.’ (4) It is noted 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 (pp.3-6).[[7]](#footnote-6) 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 more detail below.

The arguments we present apply to both stages: they provide reason both for central government to change their policies to gender-neutral framings, and for institutions providing leave packages to do so. 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 later make some proposals for how they can do so.

2. The case against gender-specific language in the context of family leave

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]](#footnote-7)

a. Entrenchment of binary gender and exclusion of non-binary identities

First, Dembroff and Wodak (2021) raise the concern that use of gender-specific terms assumes two discrete and exhaustive genders, and thereby excludes non-binary people. By making 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, or bigender, or a different gender yet, for example, are obscured by using these two gender-specific categories. The same applies in the context of family leave: the use of 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 ‘maternity’ and ‘paternity’: part of the semantic content of ‘paternity leave’ is ‘leave for fathers’, with the semantic content of ‘father’ taking 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.

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. Bennett & 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.”’[[9]](#footnote-8) Thus Jeiven’s identity is obscured, both socially and institutionally.

Meanwhile, in forcing people to ‘pick’ a side of the binary, in the way Jeiven felt pressured to, these leave schemes force people to misgender themselves.[[10]](#footnote-9) This is clear in the case of many nonbinary individuals, who are forced to take on the label of ‘mother’ or ‘father’, with their attendant gendered connotations, despite not (wholly) 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 leading to misgendering.

An additional, different, concern also arises in the context of gender-specific family leave terms: there may be individuals who do not consider themselves non-binary (and thus willing to identify as *man* or *woman*) but who do not embrace gendered roles in their daily life, and are thus 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.*

Shared Parental Leave, as described above, fares little better. Since the leave is framed in terms of the mother splitting her leave entitlement (50 weeks) 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.[[11]](#footnote-10)

The consequences of these exclusions is to entrench a system of binary gender and entrench the harms of misgendering. Where non-binary gender identities are obscured, the marginalisation and oppression of non-binary gender identities is entrenched. Where prefered 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.

In contrast, a policy that frames leave in gender neutral terms - parental or family leave (of max 52 weeks or max 2 weeks[[12]](#footnote-11)) - would avoid these exclusions, and avoid entrenching binary gender.

b. Privacy

A second set of concerns about the use of gender-specific terms are to do with privacy. Dembroff & 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 individuals’ partner (‘will she be joining you on holiday?’), then the interlocutor has to correct that assumption (‘yes, he will’) and thereby reveal facts about their sexuality that they might prefer to keep private, especially against a background context of homophobia. Alternatively, they might let the assumption stand, and risk being seen as deceptive should the correct information later come to light. Thus, individuals are placed in a ‘disclose or deceive’ dilemma (Dembroff & Wodak 2018 p.393)

Privacy with respect to one’s gender identity is similarly threatened by 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 that assumption (‘I use *he/him* pronouns’) and thereby reveal facts about their gender identity they might prefer to keep private, especially against a background of transphobia. Alternatively, they might let the assumption stand, and 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)).

Analogous privacy concerns arise in the context of gender-specific terminology in the context of family leaves. 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 - going along with the assumption that their partners are fathers, and hence men - or disclose that their partner, the person taking the nominal ‘paternity’ leave is not a father, and not a man; a potentially perilous disclosure in a homophobic work environment. Note that so 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.

Privacy about one’s gender identity may also be threatened by policies that frame leave that individuals take up 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.[[13]](#footnote-12) These assumptions could either be corrected, thus disclosing the person’s status as (for example) a trans man. Or, they could go along with these assumptions, at the risk of being accused of deception should it later transpire that they are not a woman. As noted, this latter option also involves forced misgendering, and the harms attendant on that.

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, with 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 more thoroughly gender-neutral parental leave policies might work: framed in gender-neutral terms (as ‘parental’ or ‘family’ leave), with no gendered assumptions about the role, nor about the gender of the person taking up the role.

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

c. Anti-essentialism

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 like suffixes (‘-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.

In the context of family leave, the worry here would be that the gendered labelling of parenting roles (‘mother’ and ‘father’/’maternity’ and ‘paternity’) communicates that one’s gender in those roles has important implications for how one performs that parenting role. In particular, it contributes to the message that these 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.[[14]](#footnote-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, and 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).

In this context, one might object 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 such information, this is no 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 argued above). Second, the fact that women take maternity leave (rather than parental leave) and the fact that it is a considerably longer leave than that 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 it is framed) that one can question the relevance of, and ask whether it *should* be significant 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.[[15]](#footnote-14)

A gender-neutral framing of leave schemes (in terms of ‘parental or family leave’) does not transmit any beliefs about differential parenting roles, nor 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.

d. State (or institution) gender marking

Elsewhere, Dembroff (ms) 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 which have considerable power over us, having information of a personal nature about us. A similar concern may arise here: that there are risks to 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.

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 normalised 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 recognised, and only gain access to institutional support on the condition of framing their parenting roles in terms that do not ‘fit’. Moreover, for employees within 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.[[16]](#footnote-15)

However, 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 institutions 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,[[17]](#footnote-16) one might think it particularly important that institutions are able to scrutinise 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.

e. Gender-neutrality as the best option

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 3 below). But why insist on a gender neutral framing instead, rather than alongside, gender-specific parental leave schemes? Indeed, one might think that Shared Parental Leave performs something like this role, by providing an option whereby people can take parental leave, rather than any gender specific parenting role (we noted above that the current framing of Shared Parental Leave is unsatisfactory, since it is presently framed in terms of the mother and her partner, and insofar as it is attached to the two weeks of maternity or paternity leave). So one might suggest that, if 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 & Wodak (2018) consider for pronouns, whereby ‘they’ is available as a third option alongside gender specific pronouns (‘he’ and ‘she’). In the context of pronouns, they worry that this ‘third option’ strategy is problematic, in that it subsumes everyone who does not identify as ‘she’ or ‘he’ within this third category. Accordingly, it is inegalitarian - this strategy affords men and women specific pronouns, but all other genders are given a ‘catch all’ pronoun, ‘they’. This also reinforces the idea that there is something natural or inevitable about binary gender categories, whilst everything falling outside of these two categories is treated as ‘other’.

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 argued above, the 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 other parenting roles than mother/father in this third ‘other’ category, so risks similar inegalitarian implications. Moreover, insofar as ‘mother’ remains a role only available to the person who gave birth, partners who do not give birth but who nonetheless identify with this role are also marginalised - whether they are lesbian or bisexual women in a relationship with another woman who is giving birth, a straight 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, nor afford the preferred gender-specific parenting role only to those who meet a heteronormative ideal.

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, such that there are 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, parenting role may not track gender or gender identity (there need not be any one-one correspondence between parenting role and gender). Second, with pronouns, there are so many options that, Dembroff and Wodak argue, 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 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’.[[18]](#footnote-17) In the absence of such labels, however, there is no proliferation of labels for policies to adopt.[[19]](#footnote-18)

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 defending it. There is one further concern to address here though.

3. A proposal for gender-neutral leave schemes

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 52 weeks entitlement to the mother, and 2 weeks to the father, with the possibility of the mother sharing some of the 50 weeks (post 2 week maternity leave) with her partner (Shared Parental Leave).[[20]](#footnote-19)

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 2+50 weeks, and the parent entitled to 2 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.[[21]](#footnote-20)

A family leave scheme framed in gender neutral terms, focusing on the present entitlement would avoid the concerns presented above that attach to gender-specific leave schemes - exclusion, violation of privacy, essentialism, and 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 avoided also.

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

*Denial:* We have a duty to not deny others’ gender identities by using third person

pronouns that misrepresent the referent’s gender identity (383).

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

*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.[[22]](#footnote-21)

Gender-specific leave schemes, which 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 see themselves within 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.

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 nor known - such as, for example, in the locution ‘parents’ evenings’ 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.

Practically, though, 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 of in practice embracing a range of gender-specific roles - but only when people taking leave choose as much*.* Consider also the norm of affirmation, introduced by Dembrof & Wodak (2018):

*Affirmation*:We have a duty to affirm others’ gender identities by using third

person pronouns that represent the referent’s gender identity (382).

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. The analogue to this for our concern with family leave schemes would be:

*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.

If we had such a duty, then gender-neutral family leave policies would violate this duty 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 2), the implementation of the policy - which requires that the relevant leave form is downloaded, and personal information (name, expected week of birth/adoption, etc) is provided - could very easily provide a box for people to write in *the parenting label they choose* *to adopt*, and communications about the leave could take this up thereafter. Thus, a partner in a lesbian relationship who is entitled to 2 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 was entitled to 2+52 weeks of leave and identified 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 2+52 weeks of leave and has a preferred parenting role *baba* could indicate that they wish all correspondence to identify them as the baba of the child.[[23]](#footnote-22) Thus, in practice, the implementation of a gender-neutral leave scheme could very easily ensure that affirmation is also met - which is a nice thing to do, even if there is no duty to do so. Indeed, this practice actively welcomes people’s chosen identities to be expressed, and thus amply satisfies affirmation\*. Note that the institutional use of alternative parental roles comes with certain good upshots, as we alluded to in section 2d above (see fn 16): in the process of social construction of non-binary parenting roles, and in the psychological impact on parents who may have their preferred parenting role institutionally affirmed. Whether or not 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 to ask people to specify what language they would like to have used *and ensure adherence to this*. To ask for preferences and then ignore them (because information fails to be appropriately filtered from HR to line-managers) would be a particularly problematic failure.

If no indication is given (or if an institution decides not to adopt a practice of giving people the option of specifying 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 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]](#footnote-23) Consider:

‘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.’

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.

4. Defending the proposed policy

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 the leaves are restricted to two parents, there is a limit to the ability to do this).

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’ (2021, 18). What might be the gains of having the language of ‘maternity’ and ‘paternity’ available, and in particular, entrenched in institutional policy?

a. Tracking gender and other equity related outcomes

One important task to which such language might be put, it could be argued, would be tracking 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, that enables us to detect inequities, and formulate policies to address them.

However, we note that existing practices are not well positioned to gather such data or evaluate its relationship with other equity related outcomes. First, insofar as the policies described above 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 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 advancement in the profession. Indeed, this is precisely what studies such as Costa Dias et al’s (2018) aim to scrutinise. However, it is worth noting that, at least as current data gathering stands at the UoS, it is very difficult to tease out any 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.

First, it fails to track all the women who take family leave. There will be some women who take family leave, under 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 men who give birth, and yet are designated as taking ‘maternity leave’. In fact, these men may be particularly vulnerable to discrimination, both qua person who gave birth, and qua trans men. This will not be tracked under a system that misgenders trans men as ‘mothers’. Such a policy both fails to be trans inclusive, and is unhelpful for understanding how 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.

How might this purpose better be served, then? We propose that institutions seeking to gather and scrutinise data of this sort for the sake of equity monitoring should rather commit to gathering data alongside information about leave. This is a simple matter of including certain questions about gender on the forms in which people notify their institution 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 would be 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 analyse carefully the contribution of such time out of the workplace on, e.g. race pay gaps, the career advancement of disabled scholars, and so on. Of course, all this requires a commitment, at institutional level, to appropriately analysing and scrutinising this sort of data, and taking steps to change policy or its implementation where inequities are visible.[[25]](#footnote-24)

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 where they are 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 this information from hiring panels in a way such that any demographic profile cannot be connected with any given individual candidate. We suggest institutions adopt a similar approach when it comes to collecting demographic data about family leave.[[26]](#footnote-25)

b. further objections to gender-neutral leave policies

i. Anti-feminist?

One might suggest that it is anti-feminist to remove talk of ‘women’, and ‘maternity’ leave, from institutional policies around pregnancy. But we have argued above that 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 more visible those women who take leave when their partners give birth. Second, our proposal avoids entrenching essentialist assumptions about women’s roles in parenting. Third, our proposal protects women from having to disclose personal information about their gender or relationships, should they choose not to do so. Fourth, our proposed policies are trans inclusive, and so serve the goals of all women, not just cisgender women. Note, moreover, that our proposals do not prohibit individuals and institutions from talking about women, motherhood and maternity leave, since we proposed 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.

ii. Devaluing motherhood?

One way in which our proposal might be claimed to be anti-feminist in particular is by suggesting that our proposal de-values motherhood. Feminists have called attention to the way that childcare, and particularly women’s role in childcare, is invisibilised, unrecognised 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?

This proposal does not devalue motherhood, but it does de-centre it. This is because a) not all women embrace the role of ‘mother’ and b) not all parents embrace either the role of ‘mother’ and ‘father’. Moreover, whilst we acknowledge the importance of recognising the labour that predominantly women do in parenting, it is not infeasible to expect that our proposals would, in focusing on the labor of carers and pregnant people rather than their genders, actually render *more visible* the work that women - and all parents who are primary carers - do. Whilst unpacking the nature, causes and implications of the gendered division of labour and devaluation of women’s work are beyond the scope of this paper, few would deny that part of the problem with women’s unpaid and unrecognised childcare labour is precisely the fact that this work is *feminised* - it is seen as women’s work.[[27]](#footnote-26) Advocating for a scheme that sees the parenting of infants in gender neutral terms could perhaps work counter to 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 men to the experiences of 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. This step may be facilitated by framing family leave in gender-neutral terms, rather than in a scheme which takes as its starting point mothers’ greater entitlement to leave. As such, our proposal does not devalue motherhood, but rather works to undermine the feminisation of parenting work, and, thereby, render this important work more visible and appropriately valued.

iii. Pregnant people?

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 (including one of the authors) 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. Rather, 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). The discourse of ‘pregnant people’, in institutional information, rather than ‘mothers’, and gender-neutral pronouns ‘they/them’ to refer to the person giving birth, is therefore preferable. Accordingly, our proposal does not render pregnancy and birth, nor women, invisible. It just acknowledges that not only women give birth.[[28]](#footnote-27) 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, 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.

vi. Care networks

Existing gender-specific leave policies, at both the UK state level and at the institution on which we are focusing (UoS) frame the leave that may be taken under 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. However, we suggest that this assumption is a) unwarranted, and b) unwelcome.

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

“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.””[[29]](#footnote-28)

Given this actual variation in families beyond one and two parent models, we suggest that the gender-specific formulation of leave packages in the UK are additionally unwarranted in assuming that there are only one or two parents to be considered when developing family leave policies.

Moreover, the assumption that there will be only one or two parents is *undesirable*. We suggest this 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.[[30]](#footnote-29) We do not want to suggest that forms of social organisation beyond the one- or two-parent family unit are superior here, but nonetheless, we think that concerns of equality should lead us to leave space for such other social forms in policy.

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.

However, there is 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 leave policy that only allows parents to take the leave is unjustified. Instead, we might think that it is whoever is performing the labour of birthing and raising the child that 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.[[31]](#footnote-30)

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 are supported by ample state and institutional support, with ample resources that would allow people to gestate and care for children in the ways that best suit them.

This said, this ideal is not one that lends itself well to implementation by individual institutions in the legal framework of the UK. 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. Thus our recommendation as given in Section 3 did not fully incorporate this concern. We take ourselves to have been doing *non-ideal* political philosophy of language: we recognise 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 organising care labour. Gender-neutral language is of course 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.

v. Feasibility

But 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.[[32]](#footnote-31) Moreover, the existing arrangements are highly infeasible for those who are erased by existing policies. And, they reflect and entrench undesirable normative assumptions about gendered parenting roles, heteronormative relationships, and nuclear families. Our proposal does better at avoiding these.

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 policy 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 UK, 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.

5. Conclusion

Dembroff & 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 surrounding family leave is particularly challenging. We have imported important considerations, and raised new ones, in considering whether gender specific language for parenting roles ought to be incorporated in official policies of institutions regarding family leave, and have argued that it should not. 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.

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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. [↑](#footnote-ref-0)
2. There is a considerable history of feminist arguments for language change, much of which has focused on *false* gender neutrality, and arguing for the need, in some contexts for gender specificity. See Mercier 1995, 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 paper advances support for gender-neutral pronouns, see pp.252-253.) [↑](#footnote-ref-1)
3. These conditions concern whether one has worked a requisite number of hours in the previous year and made the relevant tax contributions. This makes the support inaccessible for women who are not able to work for various reasons e.g. uncertain citizenship status. Mothers who don’t meet these eligibility criteria due to not having 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 access a one off payment of £300 to cover 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 asylum seekers given support that enables them to flourish. [↑](#footnote-ref-2)
4. Currently in the UK this amounts to 90% of one’s average weekly earnings per week for six weeks, and then whichever is lower of £151.20 per week or 90% of one’s average weekly earnings for the remaining 33 weeks. [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)
6. These conditions are in fact deeply problematic - in particular the requirement for a year’s continuous service before enhanced leave can be received. In other research, Holroyd & Clark have found that this service condition is particularly problematic for those in fixed term contracts, and on occasion has led to considerable stress and uncertainty. We have recommended that, in line with best practice in the sector, this service condition be scrapped. [↑](#footnote-ref-5)
7. See Mcconnell and YY v Registrar General (2020) for a prominent recent case upholding this restriction on UK birth certificates. A number of other EU countries have similar rules, with Sweden being a notable exception (van den Brink and Dunne 2018 61). The question of antidiscrimination protections more broadly 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). [↑](#footnote-ref-6)
8. Dembroff (ms) 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. [↑](#footnote-ref-7)
9. Bennett, A. & Fu, K. (2015) [↑](#footnote-ref-8)
10. On the nature and harms of misgendering, see Kapusta, S. (2016) and Cull, M. (2020). [↑](#footnote-ref-9)
11. Not only is the woman assumed to be the primary caregiver, but the woman is also framed as in charge of the organisation of care and hence the domestic sphere. This assumption thereby reinforces a particular traditional sexist stereotype about women’s role in society. [↑](#footnote-ref-10)
12. 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 the focus here is on the linguistic dimensions of leave policies, rather than the entitlements themselves. [↑](#footnote-ref-11)
13. See Surkan (2015) for an articulation of the complex norms navigated (and violated) during pregnancy as a trans man. [↑](#footnote-ref-12)
14. For an articulation and critical evaluation of such gender norms, see Williams (2001) [↑](#footnote-ref-13)
15. 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 reason to much more. [↑](#footnote-ref-14)
16. 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 3 below. [↑](#footnote-ref-15)
17. See e.g. Costa Dias et al 2018, p.24. [↑](#footnote-ref-16)
18. Bennett, A. (2019), see also Bennett, A. & Fu, K. (2015) [↑](#footnote-ref-17)
19. 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. [↑](#footnote-ref-18)
20. 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 right away, 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). [↑](#footnote-ref-19)
21. And, were the leave schemes to be 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 below. [↑](#footnote-ref-20)
22. 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 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 of avoiding using misnomers for parents’ roles, it is a good thing to do. We argue below it can easily be achieved. [↑](#footnote-ref-21)
23. See Bennett (2019) [↑](#footnote-ref-22)
24. The best outcome would be for central government to change to framing policies in gender-neutral terms. But in the absence of that, institutions have the power to shield their employees from the harmful effects of gender-specific policies by framing them in gender-neutral terms. 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 Her Majesty's Revenue and Customs (HMRC) in the UK. [↑](#footnote-ref-23)
25. Note that we do not want to overstate the extent to which these changes might alter the trends visible on the basis of existing data. The point is rather about the integrity of the data - whether it captures all who it purports to - and whether the categories involved are deployed in ways which misgender or respect gender identity (and parenting role). [↑](#footnote-ref-24)
26. The one exception to this is the preferred parenting label, which would be used in communication with the employee taking family leave. [↑](#footnote-ref-25)
27. See Fontana & Schoenbaum (2019) on various problematic aspects of this, including the exclusionary impact on trans and gender non-conforming people. [↑](#footnote-ref-26)
28. For excellent resources related to trans pregnancy, see the Trans Pregnancy Project https://transpregnancy.leeds.ac.uk/ [↑](#footnote-ref-27)
29. Clarke, J. (2019), p.196. [↑](#footnote-ref-28)
30. For recent work on family abolition and radical visions of care, see O’Brien M. (2020), (2019), Lewis S. (2019), and Griffiths K.D. and Gleeson J.J. (2015). [↑](#footnote-ref-29)
31. Note that this issue is not straightforwardly solved by emphasising that *parent* as a social role rather than a biological relation. After all, the thought here is not that the language of ‘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 perform some conceptual engineering here, to broaden the meaning of ‘parent’ such that it encompasses such a wide variety of relationships, but as things stand, ‘parent’ has a narrower definition, and it is unclear whether this engineering project is desirable. [↑](#footnote-ref-30)
32. We already noted that feasibility will be a consideration to confront with respect to how institutions gather and deploy information about parents’ preferences regarding what language they want to be used to describe their parenting role. [↑](#footnote-ref-31)