CHAPTER 10

This chapter is included in Goźdź-Roszkowski, S.; Pontrandolfo, G. (eds.) (2025) *In the Minds of Judges. Argumentative Discourse at the Intersection of Law and Language*. Berlin: De Gruyter Mouton, pp. 257-279.

https://www.degruyterbrill.com/document/doi/10.1515/9783111569628-011/html

Theoretical and methodological challenges of interdisciplinary legal-linguistic research: reflections from the GenDJus project[1]

Gianluca Pontrandolfo (University of Trieste)
Carmelo Danisi (University of Bologna)

Abstract

This chapter presents some reflections from the interdisciplinary research project GenDJus by focusing on its theoretical and methodological challenges. More specifically, it aims at discussing the theoretical and methodological pillars upon which the project relies underlying the main challenges of interdisciplinary research in strategic areas of the research project, i.e. the theoretical background, the data collection and the legal-linguistic analysis. In particular, it focusses on specific interdisciplinary ventures stemming from the combination and integration of law and linguistics. The research project, which aims at investigating the role of prejudice, stereotypes and bias in human rights law and discourse about sexual, reproductive and parental rights, lies at the intersection of different disciplines and methodological approaches. The material of the project consists in a case-law collection and a trilingual (Italian, Spanish and English) comparable corpus including judgments and other judicial documents delivered by the European Court of Human Rights, the Inter-American Court of Human Rights, the African Court on Human and People's Rights, the Court of Justice of the European Union, the Italian Supreme Court and Constitutional Court. In terms of methodologies, the project combines the traditional methods of legal analysis and the quality dimension of critical discourse analysis applied to legal and judicial discourse with the quantitative dimension of corpus linguistics applied to gendered discourse.

Keywords: interdisciplinary research; legal linguistics; human rights law; corpus-assisted critical discourse studies; GenDJus

1. Introduction

In the last few decades, there has been a burgeoning interest in studies dealing with sex, gender, sexual orientation and gender identity both in law and linguistics. Issues of gender, power and

[1] This chapter is part of the interdisciplinary research project "Rights and Prejudice: Linguistic and Legal Implications of Gendered Discourses in Judicial Spaces (GenDJus)" [P2022FNH9B / CUP J53D23017220001] financed by the Italian Ministry of Education and the European Union (Next Generation EU funding scheme); Piano Nazionale di Ripresa e Resilienza (PNRR) – Missione 4 "Istruzione e ricercar" – Componente 2 "Dalla ricerca all'impresa" - Investimento 1.1, Avviso Prin 2022 PNRR indetto con Decreto Direttoriale n. 1409 del 14 settembre 2022. https://www.gendjus.it/
In line with the interdisciplinary nature of GenDJus project, this chapter, which is the result of milestone n. 9, was conceived as a joint work. However, to meet the Italian academic requirements, the writing process has been divided in the following way: Gianluca Pontrandolfo authored section 1 and the sections devoted to the linguistic perspective (i.e. Section 2 starting from "From a linguistic perspective, ..." and 3.2), whereas Carmelo Danisi wrote the sections on the legal perspective (i.e. Section 2 until "From a linguistic perspective, ..." and 3.1). Conclusions were written jointly.

ideology have been in the spotlight because of their potential as "sites of conflict" which affect increasingly polarized contemporary societies and which result in controversial narratives.
As far as legal discourse is concerned, too often the literature on gender and legal language has devoted excessive attention to the mere lexico-syntactic aspects of inclusive language (e.g. how to apply EU and national guidelines on inclusiveness and gender-neutral style to legal texts such as legislation, see for example Cavagnoli & Mori 2019). Subtler discursive constructions, which are more difficult to detect (also linguistically, because they need a wider context to be identified) have been so far overlooked. An example could be the reasoning of a court discussing the mitigating circumstances and culpability for women accused of committing infanticide in the post-partum period (see Smyth 2024: 131); referring to "the particular state of women in the puerperal or perinatal period" without providing details about this "particular state" or to "the psychological fragility" of women may eventually result in the creation and perpetuation of discriminatory narratives both in the legal reasoning and in the wording used by judges that need a much wider context than a single word/expression to be detected[2]. When it comes to judicial discourse (see, among others, Goźdź-Roszkowski & Pontrandolfo 2022), the literature on law & language has devoted scarce attention to the relationship between international law and gender and sexuality, which is now gaining increasing scholarly visibility worldwide. Successful attempts to analyze gender from a corpus-based discursive perspective (see Baker 2008, 2014) have not yet focused on judicial discourse, especially with reference to lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) people and their rights. Similarly, the sociological literature focusing on judicial facts as narratives (see Taranilla 2012, Di Donato 2020) or on the role of prejudices, stereotypes and bias (hereinafter, PSB)[3] in judicial and media settings (Saccà 2021) has not yet addressed crucial topics such as access to sexual, reproductive and parental rights from a discursive, gender and queer perspective, i.e. a perspective that takes into account the multiple ways in which people can express their inner selves.
In the legal field, with specific reference to international human rights law studies, the literature in these research areas mainly revolves around analyses of the various human rights treaties' provisions establishing the prohibition of discrimination (e.g. Arnadottir 2003, Besson & Ziegler 2014, Balboni 2017, Rudolf, Freeman & Chinkin 2012). Less – although increasing – attention in these studies has been placed on PSB as treatment falling within the scope of the notion of discrimination and on the impact of such attitudes within international human rights treaty bodies, probably in the belief that such actors are more easily immune to these non-legal (un)conscious factors (yet see Cook & Cusack 2011 and Cusack & Timmer 2011). The most recent and valuable exception is the work carried out by the Ghent Human Rights Centre leading to the foundational book on *Stereotypes and Human Rights Law* (Brems & Timmer 2017), as well as the more recent attempt to apply a less traditional perspective to international law by resorting to behavioural analyses (see Fikfak et al. 2022). Yet, while paving the way for further research in this field and being key points of reference, these scholarly contributions have not undertaken any comprehensive analysis of PSB in the interpretation of human rights, including in less explored systems like the African human rights system, or their impact within the EU legal order. Even more importantly, people sharing a certain sexual orientation, gender identity or gender expression alone or in combination with their sexual, reproductive and

[2] See also the example based on Baker (2018: 281-283) in section 3.2.
[3] Working definitions have been developed to set out a common theoretical background shared by the members of the GenDJus project. *Prejudice* is a broad term referring to a positive or negative opinion about or a judgement on other individuals based only on their belonging to a given group. A prejudice is both emotional and cognitive in nature (cf. Fiske & Taylor 1984; Fiske 1998; Arcuri & Cadino 2011). *Stereotype* is a simplified cognitive representation of a certain social group. It is based on the generalizing consideration of a number of characteristics as indispensable to the essence of the group. Stereotypes are persistent in that they serve the conservatory function - of a group, a society, a circle, an élite, an institution - to preserve the status quo. It constitutes the cognitive aspect of prejudice (cf. Fiske & Taylor 1984; Fiske 1998; Arcuri & Cadino 2011). *Bias* is a cognitive shortcut. It is a quick process through which we interpret reality. If the stereotype is the act of labelling, the bias is the cognitive activity using the stereotype as a tool to make judgments about ourselves and the others (cf. Fiske & Taylor 1984; Fiske 1998; Arcuri & Cadino 2011). Within this framework, discrimination and/or other human rights restrictions or denial translate PSB into behaviours.

parental rights are not the central focus of such analyses. Moreover, from a methodological perspective, available legal studies fall short of testing a combined legal-linguistic approach to human rights discourses. Yet, a thoroughly innovative investigation, both in the topic addressed and the methodology adopted, such as GenDJus, is necessary to improve the wellbeing of the groups concerned and to advance practical solutions for more inclusive societies. As a matter of fact, mostly manifest – direct or indirect - discrimination is usually detected and prohibited by law. Subtle forms of discrimination, which can derive from PSB are still difficult to be identified and tackled effectively both in discourse and law.
To fill in this gap an interdisciplinary research project has been designed and financed: GenDJus (see the website https://www.gendjus.it/ for further details about the project's team, objectives, outreach activities and results). The project aims at testing and challenging the assumption that the actors at the core of the system of human rights protection are immune to PSB. More specifically, GenDJus' main mission is to explore complex topics relating to gender(ed) and sexual(ized) justice in the judicial discourses of the following international and national courts:

- European Court of Human Rights (ECtHR)
- Inter-American Court of Human Rights (IACtHR)
- African Court on Human and People's Rights (ACtHPR)
- Court of Justice of the European Union (CJEU)
- Italy's Corte Suprema di Cassazione (Supreme Court) (CSC)
- Italy's Corte Costituzionale (Constitutional Court) (CC)

The research questions guiding the project are the following ones:

1) How do judges express their decisions about sexual, reproductive and parental rights involving people sharing a specific gender, sexual orientation or gender expression? Can PSB be traced in their discourses?
2) If such constructs can be found, how are these visions expressed discursively and what is their impact on the enjoyment of such rights? What can be done to eradicate PSB in discourse and avoid their perpetuation?
3) Does international human rights law protect against gender- and LGBTIQ+-based PSB, especially in the access to sexual, reproductive and parental rights?
4) How can PSB impact on the freedom of movement of people and their rights across the EU? How may these barriers be removed?

To answer these research questions, new methodologies and interdisciplinary approaches are being explored. The aim of this chapter is to discuss the theoretical and methodological pillars upon which the project relies underlying the main challenges of interdisciplinary research in strategic areas of the research project, i.e. the theoretical background, the data collection and the legal-linguistic analysis. In particular, it focusses on specific interdisciplinary ventures stemming from the combination and integration of law and linguistics (see Ancarno 2018 for an insightful reflection on interdisciplinarity). The paper is structured into four main sections in addition to this introduction: section 2 presents the theoretical challenges whereas section 3 the methodology interplay of the GenDJus project. The final section (4) provides some general remarks on the wider role and impact that such an investigation may have in the field.

2. Theoretical challenges and approaches in legal-linguistic analyses

As a preliminary fundamental methodological background, this section outlines the combination of the legal and discursive approaches which is being adopted in our interdisciplinary research project. It aims to be a powerful theoretical toolkit to analyze, from different but complementary perspectives,

PSB in international, regional and, where relevant, domestic case law concerning sexual, reproductive and parental rights from a gender and queer perspective.

International law has often been described as the law of the *status quo*, one that ensures the historical privileges acquired by (some) States as the primary subjects of the international Community and it is selective about revolutionary changes (see the critical analysis carried out in Koskenniemi 2001, Greenman et al. 2021). Even international human rights law, i.e. the specific area of international law aimed to protect human dignity, is overall resistant to changes. At universal level, reflected by the core treaties protecting basic human rights and freedoms that were progressively concluded within the United Nations (UN) framework, the difficulty to set common standards for States with very different social and cultural traditions was already perceived during the drafting of the Universal Declaration of Human Rights and in its implementation (see, among many other contributions on the UDHR, Charlesworth 1998, Tonolo & Pascale 2020). Resistance to change is increasingly visible nowadays, for instance when an interpretation of human rights treaties that expands their personal or material scope of protection is discussed[4]. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is a case in point[5]. First, it has not really led to the desired improvement of women's lives, also given the reservations of States to certain provisions as well as the difficulty in international human rights law to embrace and implement a fully intersectionality-based approach (Davis 2015). Second, while the term "gender" has increasingly been accepted as the dominant notion in the field to reflect social and cultural roles attributed to women in opposition to the more limited – biological-based – notion of sex, with positive effects for eradicating structural forms of discrimination, doubts persist on whether the term "women" fully covers groups of people sharing a common gender identity or gender expression (Yahyaoui Krivenko 2024: 24)[6].

Also at regional level, where human rights treaties operate in a specific geographical space with relatively more similar societies, critical voices have claimed that the international courts set up for monitoring their observance and providing interpretation to those treaties often lack courage. It is said that they adopt more active stances only when societal and political developments allow it, even when they would be able to set higher standards that can generate, in turn, meaningful social and political changes for human rights protection[7]. Strong reasons to justify this state of affairs include the need for international courts to maintain a "reasonable relationship" of trust with contracting States to prevent the inobservance of relevant human rights treaties when the proposed interpretation may appear to go well beyond their original meaning[8]. Yet, effective interpretative tools have been developed to adapt human treaties to the evolution of society in order to minimize this risk. The European Court of Human Rights (ECtHR), which was set up by the European Convention on Human

[4] For an example related to the International Covenant on Civil and Political Rights (ICCPR), see Human Rights Committee, 17 July 2002, *Joslin and Others v. New Zealand*, Communication No. 902/1999, UN doc. A/57/40. This is true also when non-binding resolutions are drafted and debated: see, for instance, Human Rights Council, *Human Rights, Sexual Orientation and Gender Identity*, 14 July 2011, UN doc. A/HRC/RES/17/19. See also Gilleri 2024.

[5] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the UN General Assembly on 18 December 1979 and entered into force on 3 September 1981, doc. 1249 UNTS 13. In 2024, it counts 189 States Parties.

[6] See CEDAW Committee, General Comment No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 16 December 2010, UN doc. CEDAW/C/GC/28, para. 5.

[7] See, for instance, the evolution of case law leading to the obligation to recognize same-sex couples under the right to respect for private and family life (Article 8 ECHR): ECtHR, judgment of 21 July 2015, *Oliari and Others v. Italy*, App. Nos. 18766/11 and 36030/11.

[8] For instance, in ECtHR, Grand Chamber, judgment of 17 January 2023, *Fedotova and Others v. Russia*, App. Nos. 40792/10, 30538/14 and 43439/14, para. 111, the defendant State – the Russian Federation – based its main argument on this exact point: 'at the time of signing the Convention, the Contracting Parties had not intended to grant two persons of the same sex the right to marry (…). A new agreement would have to be drawn up – for example, in the form of a new Protocol to the Convention – providing specifically for the right to same-sex marriage [and] an obligation for the signatory States to make provision in their domestic legal system for other forms of recognition of same-sex relationships'.

Rights and Fundamental Freedoms (ECHR)[9], has played a leading role in this respect. The very essence of this approach was summarized by the Grand Chamber in the 2023 key case *Fedotova and Others v. Russia* as follows: "the Convention is a living instrument which must be interpreted in the light of present-day conditions and of the ideas prevailing in democratic States today (…). Since the Convention is first and foremost a system for the protection of human rights, the Court must have regard to the changing conditions in Contracting States and respond, for example, to any evolving convergence as to the standards to be achieved (…). [A] failure by the Court to maintain a dynamic and evolutive approach would risk rendering it a bar to reform or improvement"[10]. To name a few examples, thanks to such an approach the ECtHR was able to: a) extend the protection granted by the Convention to children born out of wedlock, by recognizing that "*l'institution de la famille n'est pas figée, que ce soit sur le plan historique, sociologique ou encore juridique*"[11] in order to put to an end discrimination against them in line with Article 14 ECHR (non-discrimination prohibition); b) find legislation criminalizing "homosexual" acts in private between consenting adult males contrary to Article 8 ECHR (right to respect for private and family life)[12]; and c) require States parties to recognize the new gender identity of post-operative transgender persons, which includes the right to amend their civil status, under Article 8 ECHR[13]. The ultimate aim to protect human dignity regardless of traditional social and cultural views about how a family or an individual should look like certainly played a key role in these developments. As the ECtHR itself puts it, "what may have been regarded as 'permissible and normal' at the time when the Convention was drafted may subsequently prove to be incompatible with it"[14].

It is nonetheless true that the application of such an interpretative approach has its limits. First, in a nutshell, the ECtHR combines the "living instrument" doctrine with the discretion left to States Parties in dealing with "new" human rights issues or matters that have not been addressed yet at the ECHR level. The scope of the so-called "margin of appreciation" (meant overall as the extent of discretion left to the Parties to implement the ECHR in light of the subsidiarity role played by the ECtHR: see, among others, Letsas 2006, Arnardóttir 2016) depends on a number of factors, such as the existence or the lack of consensus within the member States of the Council of Europe on the human rights issue at play, the moral or ethical nature of the question to be addressed, or the coming into play of a fundamental aspect of an individual's existence or identity. In the latter case, for example, the ECtHR is used to narrow the discretion of States Parties to the benefit of a common European standard of protection to be defined in light of the "living instrument" doctrine. This is indeed the case of human rights issues related to sex, gender, sexual orientation and gender identity which the GenDJus project chose to explore. Second, the evolution in the interpretation of the ECHR signals that, when women or LGBTIQ+ people are involved, higher standards of human rights protection are achieved through an approach that combines the re-definition of the terms included in the substantive provisions of the Convention (e.g. torture, private or family life, marriage) and the application of the prohibition of discrimination (Article 14). In other words, irrespective of the specific features of Article 14 ECHR in comparison to other human rights treaties (see Arnadottir 2003, Danisi 2011), relying on the prohibition of discrimination alone is not sufficient (for the implications of such an approach on the enjoyment of human rights from a sexual orientation perspective see, Danisi 2015a). The difficulty in defining equality as a theoretical and legal concept leads to exploring other approaches, something that the GenDJus project aims to do.

[9] European Convention on Human Rights, signed in Rome on 4 November 1950 and entered into force on 3 September 1953. In 2024, after the "forced" withdrawal or expulsion of the Russian Federation, it counts 46 member States of the Council of Europe. All judgments and decisions of the European Court of Human Rights (ECtHR) are available at in the HUDOC database at https://hudoc.echr.coe.int/.

[10] ECtHR, Grand Chamber, *Fedotova and Others v. Russia*, *supra*, para. 167.

[11] ECtHR, judgment of 1 January 2000, *Mazurek v. France*, App. No. 34406/97, para. 52.

[12] ECtHR, judgment of 22 October 1981, *Dudgeon v. the United Kingdom*, App. No. 7525/76, para. 60.

[13] ECtHR, Grand Chamber, judgment of 11 July 2002, *Christine Goodwin v. the United Kingdom*, App. No. 28957/95, para. 90.

[14] ECtHR, Grand Chamber, *Fedotova and Others v. Russia*, *supra*, para. 170.

The analysis of the broad legal and institutional dynamics summarized so far cannot overlook the role of judges composing the international court at stake. They bring into the decision-making process their personal knowledge and experience of the social and cultural constructs on which relevant terms/concepts for human rights enjoyment are built, like family, equality/non-discrimination, gender, motherhood, and sexual violence. For example, some decisions of the ECtHR, or the separate – either dissenting or concurring – opinions (see also Nikitina in this volume) attached to them, demonstrate the different understanding that judges have of personal characteristics, such as gender or gender identity, as well of protected rights and freedoms (e.g. Staiano 2013). When similar personal characteristics, to be defined as innate or so fundamental that an individual cannot be asked to renounce to them to fully enjoy human rights[15], are at play, the difficulty in applying the Convention to the benefit of the relevant individual or group simply relying on the above interpretative tools emerges in a strong manner[16]. These decisions or opinions signal the potential reiteration of views based on some forms of PSB through a legal reasoning that is functional to the maintenance of the (legal) *status quo*. These – conscious or unconscious – processes seem to be reflected also in the linguistic construction and in the terminology used in the relevant texts. As such, they deserve to be explored through additional or new theoretical – anti-stereotyping – lenses.

From a legal perspective, the limits of the above interpretative tools can be minimized through the adoption of a "disruptive" theoretical framework – one that aims to uncover structural obstacles to the full enjoyment of human rights by all people without any difference based on their personal characteristics. Being of particular relevance for the GenDJus project, feminist approaches to international law (Charlesworth et al. (1991), Charlesworth (1998)) or queer theories (Otto 2019) have had a key role in advancing human rights standards when the legal prohibition of discrimination alone was not effective enough to grasp the complex social power relations behind women's or other groups' quests for equal treatment. As Diane Otto puts it, the feminist and queer critique of the discipline "signals a curiosity about the conceptual and analytical underpinnings of international law's adjudication of the normal" (2019: 1) for crafting new solutions that are more inclusive of human diversity. Crucially, what is "normal" is often defined and reiterated through the use of cognitive categories such as PSB (see Arcuri & Cadinu 2011: 16). In this respect, previous studies have already highlighted the specific role of stereotypes in international human rights law in connection to gender equality, supporting the view that an anti-stereotyping approach is key to unmask stereotypes as "cause and manifestation of the structural disadvantage and discrimination of certain groups of people" (Timmer 2011: 708). To this end, according to the same studies, stereotypes should be "named" and "contested" (*Ibid.*, pp. 718-726). Taken all together, these theoretical approaches, alongside the usual international rules on interpretation of human rights treaties, can therefore be adopted as a magnifying lens to drive the legal analysis of judgments of international/regional/domestic courts involving issues related to human rights and sex, gender, sexual orientation or gender identity. In fact, by highlighting the social, cultural and cognitive factors that reiterate structural obstacles for reaching higher standards of human rights protection, these approaches can shed light on whether and how PSB play a role in judicial decision-making.

From a linguistic perspective, the theoretical roots of the project rely on two main study fields: *discourse analysis* (or discourse studies) and *legal linguistics*.

As far as discourse analysis is concerned, it can be defined as "the study of language in use. It is the study of the meanings we give language and the actions we carry out when we use language in specific contexts" (Gee & Handford 2012: 1). More specifically, the GenDJus project adopts the theoretical insights of critical discourse analysis (CDA), which considers language as a form of social practice.

[15] This terminology is consciously borrowed from international refugee law, taking into account the position of the UNHCR and the findings of the Court of Justice of the EU in the interpretation of the so-called 'Qualification Directive', one of the core elements of the Common European Asylum System. For all details and a critical discussion, see C. Danisi et al. 2021 (chapters 4 and 7), Danisi & Ferreira (2024).

[16] The evolution of the abortion "saga" well exemplifies this difficulty: see ECtHR, judgment of 16 December 2010, *A, B and C v. Ireland*, App. No. 25579/05; ECtHR, judgment of 14 December 2023, *M.L. v. Poland*, App. No. 40119/21.

Indeed, CDA embraces postulates of social constructionism (Burr 2015) according to which our reality is actually shaped and filtered by its observers (see Berger & Luckmann 1966). Discourse plays a key role in shaping social imaginaries, and the intimate relationship that discursive modalities have with these ideologies are defined as "constructions". A social or cultural artefact is discursively constructed by means of a set of linguistic acts. From the perspective of discourse analysis based on the sociology of knowledge, the concept of "discursive construction" refers to certain attitudes and cultural practices conveyed through language that explicitly or implicitly construct certain identity groups, often negatively. The human world is made up of "social facts" (Durkheim 1982 [1895]), elements that share the power and reality of objective facts, but emerge in reality from features of social interaction. Discursive constructions are therefore the processes by which these social facts come into the world (see also Foucault 1972). CDA "brings the critical tradition of social analysis into language studies and contributes to critical social analysis a particular focus on discourse and on relations between discourse and other social elements (power relations, ideologies, institutions, social identities, and so forth" (Fairclough 2012: 9). These postulates are highly relevant for GenDJus project which is investigating social phenomena such as PSB.

As far as legal linguistics is concerned, it is an interdiscipline or trans-discipline (Vogel et al. 2018) – also labelled as jurilinguistics or legilinguistics (see Goźdź-Roszkowski 2023) – which deals with how law is constructed through linguistic means (Galdia 2009) or, more broadly, with the study of the language of the law and the legal process (Coultard et al. 2017: 5). One of its assumptions is that language is the most important medium to share and negotiate legal and other social norms (Vogel 2019: 11; see also Cortelazzo 1997: 39: "Law is made of language"; Vogel et al. 2018: "Law exists solely in and through language"). Trying to isolate and describe all the topics or research areas that can be dealt with by legal linguists is a hard task (for a comprehensive overview see Tiersma & Solan 2012). Vogel et al. (2018) mention just a few topics: "history of and variation in the lexicon, text and genre of law, law as a structure of multimodal signs and a network of texts, legal interpretation methods, implicit speech theories in legal practice, discourse in the courts, improving the comprehensibility of legal texts, methods and language of conflict resolution (e.g., mediation or arbitration), and linguistic human rights". The GenDJus project is clearly interested in specific areas which are pivotal to answer the research questions: judicial discourse, judicial argumentation (how judges construct their assessments and interpret/evaluate their cases discursively; which linguistic resources they use in their decision-making process), judicial terminology and legal translation, also interpreted as plain/gender and LGBTIQ+-sensitive language (see Peruzzo in this volume).

In sum, given the potential impact of structural obstacles reiterated via PSB in setting higher standards of human rights protection for people sharing a specific gender, sexual orientation or gender identity or sex characteristics, the GenDJus project aims to verify whether PSB play a role in human rights law and discourse and how they operate in practice. In light of the theoretical challenges and approaches explored so far, the following section explains the combined and interdisciplinary – legal *and* linguistic – methodology which GenDJus adopts for identifying and exploring the relevant case law.

3. Methodological challenges and approaches in legal-linguistic analyses

A truly interdisciplinary analysis is difficult to achieve (see Ancarno 2018). When disciplines tend to be considerably different, like law and linguistics, carrying out such an analysis can be a challenging endeavor. Yet, the harder the task, the more beneficial the result may be. Despite the different approaches that these disciplines entail, the inputs that law – with a particular focus on international law – and discourse studies can provide in the study of human rights law and discourse seem to complement each other well. This is particularly true with regard to methodology because the combination of these different inputs allows a better understanding of the topic under examination in a joint effort to "name" and "contest" PSB in law and discourse. Taking into account the analysis

which GenDJus wishes to carry out, the benefits of a combined methodology can be described here with the inclusion of appropriate examples involving the case law of regional human rights courts.

3.1 The legal side

The legal experts of the project, scholars researching on and teaching International Human Rights Law, had a primary role in the selection of the relevant case law, which was then systematized in a corpus by the linguists of the project (see 3.2). In order to identify a significant sample of judicial decisions connected with people sharing a specific gender, sexual orientation or gender expression, the knowledge of the functioning of international courts – including their jurisdiction and the legal value of their judgments or decisions – and of the international treaties under which these courts operate, is fundamental. To mention some basic examples related to the ECHR, the absence of references to a "right to adopt" as such in the ECtHR's case law cannot come as a surprise if it is clear that such a right is not protected by the ECHR. Thus, adoption as such does not fall within the scope of the Convention, unless domestic adoption procedures interfere with the enjoyment of the right to respect for private life, alone or in combination with the prohibition of discrimination[17]. Similarly, when the focus is placed on gender violence, references either to "sex", "gender" or "women" may reveal specific views on these groups by the international human rights bodies at stake (see Yahyaoui Krivenko 2024). Equally, a preliminary knowledge of the evolution of the case law on gender violence provides the necessary elements to understand why, within the ECHR system, gender-based or gendered violence has become a matter of discrimination (Article 14) only recently, *in addition to* being a matter of degrading treatment (Article 3) and private life (Article 8), with clear consequences for the study of the judicial language used. Finally, in light of the fact that many "new" human rights issues may initially give rise to inadmissible "decisions", a meaningful selection of case law cannot be limited to those cases ending with – what is technically defined as – a "judgment". It should also take "decisions" into account, something that once again has implications for the analysis of the substantive legal issues as well as of the language used in the different legal reasonings adopted by the ECtHR.

Contextualizing the selected judgments and decisions in the respective court's wider case-law is key also for the subsequent substantive legal and linguistic analysis. Taking stock of the number as well as the variety of commentaries and studies on specific human rights provisions available in the specialized legal literature, the first step consists of verifying whether international courts themselves have identified PSB as an obstacle to human rights protection. If so, the next step is to explore what kind of PSB are at stake and what role they have played in the legal reasoning (e.g. primary or side argument, positive or negative role in reaching the final outcome of the case, etc.). As a way of example, in *Konstantin Markin v. Russia*, the ECtHR dealt with a discrimination complaint raised by a Russian military serviceman who was denied a parental leave allowance for reasons connected to the traditional distribution of social roles in society, a justification that was accepted – at domestic level – even by the Russian Constitutional Court. The ECtHR explicitly found that "gender stereotypes, such as the perception of women as primary child-carers and men as primary breadwinners, cannot, by themselves, be considered to amount to sufficient justification for a difference in treatment" between men and women[18]. Thus, in order to find that the applicant was a victim of discrimination, the ECtHR named and contested gender stereotyping as being "disadvantageous both to women's careers and to men's family life" in light of the evolution of society[19]. Such a process may materialize in subtler ways. For example, in *Opuz v. Turkey*, the ECtHR accepted that gender-based violence is a form of discrimination against women covered by Article 14 ECHR on the basis of domestic authorities' "attitudes". In fact, it found that the discrimination suffered by the applicant – whose mother was killed by her husband – was not based on the legislation

[17] For instance, ECtHR, Grand Chamber, judgment of 19 February 2013, *X and Others v. Austria*, App. No. 19010/07.
[18] ECtHR, Grand Chamber, 22 March 2012, *Konstantin Markin v. Russia*, App. No. 30078/06, para. 143.
[19] *Ibid.*, para. 139-142.

per se but rather resulted from the "general attitude of the local authorities" leading to "the overall unresponsiveness of the judicial system and impunity enjoyed by the aggressors"[20]. Crucially, such a development was possible because the ECtHR decided to follow the CEDAW Committee's recommendations on the contrast of gender-based violence. It indeed called upon States Parties to eradicate the "traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles" and which are often presented as "a form of protection or control of women"[21].

Yet, even when human rights judges identify and condemn attitudes falling into PSB by relying on other more specialized treaties or in light of the "living instrument" doctrine, a sound, theoretically-based analysis requires us to verify what kind of legal reasoning and arguments led to such a finding. For example, despite their positive outcome, the above cases reveal that the ECtHR may, in the same decision or judgment, name or contest only some PSB, while overlooking or reiterating other forms of PSB. In *Konstantin Markin*, the ECtHR was unable to contextualize the case by taking into account the role of women within the Russian army, something that led to a conclusion that certainly ameliorates the life of servicemen but overlooks other gender stereotypes at play (Timmer 2011: 727-728). Similarly, in *Opuz*, the recognition of "attitudes" jeopardizing the enjoyment of human rights by women in Turkey was based on the reiteration of women as a "vulnerable" category of people, i.e. a concept highly contested in feminist studies because it reiterates in international law other forms of PSB against women (for a full analysis of this case law, among many others see Danisi 2015b). The same is true for judgments involving other groups, like same-sex couples or LGBTIQ+ people[22]. Still in 2023, in the case *Fedotova and Others v. Russia* mentioned above, the ECtHR seems to reiterate a sort of PSB on same-sex couples in stating that "the support and encouragement of the traditional family is in itself legitimate or *even praiseworthy*"[23].

In a nutshell, the legal analysis of the case law may provide important insights for the examination of other judicial decisions involving groups sharing a specific gender, sexual orientation, gender identity or sex characteristics where PSB have not appeared explicitly as an argument. Through a comparison against the interpretative and theoretical approaches mentioned above, it may identify elements raising a reasonable suspicion that the ECtHR itself might rely on harmful PSB in its own reasoning. For example, when the above groups allege violations of human rights before the ECtHR, a judgment or decision that does not rely a) on the prohibition of discrimination, b) the "living instrument" doctrine, or c) on more specialized standards (where available), in combination with d) the recognition of a wide "margin of appreciation" to States Parties on the basis of unspecified ethical considerations or e) a failure to conduct a context-assessment of the case, should ring a bell in the researcher's mind. In such a scenario, an in-depth analysis aimed at verifying whether the legal reasoning itself perpetuates structural inequalities highlighted by feminist, queer or human rights studies is particularly appropriate. On this very same basis, a similar suspicion worth being examined further may be raised by the use of a specific terminology. For example, taking into account queer theories that, overall, contest the idea of rigid and immutable identities (see, for example, Gilleri 2024), the approach of human rights judges towards the binary vision of sex/gender may abscond specific attitudes towards these groups. An approach that refuses the application of human rights treaties protecting women to trans women – as claimed in the partially dissenting opinions attached to the case *Vicky Hernández and Others v. Honduras* at the Inter-American Court of Human Rights (IACtHR)[24] – calls for a specific investigation through an anti-PSB lens. This is even more necessary

[20] ECtHR, 9 June 2009, *Opuz v. Turkey*, App. No. 33401/02, para. 192-200.
[21] CEDAW Committee, *General Recommendation No. 19*, 1992, UN doc. A/47/38, para. 11.
[22] See the mixed approach adopted by the ECtHR in adoption or family life/marriage cases: respectively, ECtHR, *E.B. v. France*; judgment of 2010, *Schalk and Kopf v. Austria*, App. No. 30141/04, para. 94-99.
[23] ECtHR, Grand Chamber, *Fedotova and Others v. Russia*, *supra*, para. 207 (emphasis added).
[24] IACtHR, judgment of 26 March 2021, *Vicky Hernández and Others v. Honduras*, which related to the case of a trans woman who was killed during a curfew, following a *coup d'état* in Honduras. See the partially dissenting opinions of Judges Elizabeth Odio Benito and Eduardo Vio Grossi, attached to the judgment.

when other human rights bodies have rather adopted a more inclusive approach, like in the ECtHR's case *Y v. France*[25].
To sum up, following the steps described so far, in the first part of the project the legal experts of GenDJus's team have been able to provide material for a contextualized, informed and in-depth analysis to experts in linguistics, who may in turn explore and find discursive patterns that might equally reveal PSB through specific methodologies.

3.2 The linguistic side

The methodological prism adopted by the linguistic experts of the team is the one which combines "the two pillars of language research" (Sinclair 2004: 11), i.e. discourse analysis and corpus linguistics, which can be summarized with the label *corpus-assisted (critical) discourse studies* (CADS, Partington et al. 2013)[26]. If corpus linguistics is the empirical study of language based on examples of "real life" language use (McEnery & Wilson 2001: 2) by means of computerized corpora[27], CADS can be defined as a subset of corpus linguistics which focuses on the form and/or function of language as communicative discourse through computerized analyses (Partington et al. 2013: 10). "The aim of the CADS approach is the uncovering, in the discourse under study, of […] *non-obvious meaning*, that is, meaning which might not be readily available to naked-eye perusal" (Partington et al. 2013: 11). The idea of non-obvious meaning is highly relevant for the GenDJus project which aims at naming and contesting PSB in law and discourse. As previously mentioned, courts might name and contest only some PSB while overlooking or reiterating others, so the CADS approach might play a pivotal role in detecting these subtle forms of discrimination which are not explicitly mentioned in the decisions/judgments of the courts and might have a non-obvious meaning.
As far as the material of the empirical analysis is concerned, the GenDJus team has compiled a trilingual (Italian, Spanish and English) comparable corpus (https://gendjus.it/corpus) including judgments and other judicial documents (e.g. decisions, orders, advisory opinions) - from their inception to these days - by the courts under investigation, concerning sexual, reproductive and parental rights of groups sharing a specific gender, sexual orientation or gender expression (see also https://gendjus.it/case-law). The corpus contains judicial texts delivered by different courts on similar issues:

- in English by the *European Court of Human Rights*
- in English and Spanish by the *Inter-American Court of Human Rights*
- in English by the *African Court on Human and People's Rights*
- in Italian, English and Spanish by the *Court of Justice of the European Union*
- in Italian by Italian courts (especially the *Italian Supreme Court* and *Constitutional Court*)

Each court has its own subcorpus and a translation collection, in the form of a parallel subcorpus, when available, to explore the role of legal translation in perpetuating or mitigating PSB. Texts can be filtered and tagged both manually and automatically to meet the objectives of the analysis. For example, each case/text of the corpus has been labelled according to internal criteria such as: court, year, language, topic (see https://gendjus.it/case-law). Topics are parts of the three clusters of rights underpinning the GenDJus research:

[25] ECtHR, judgment of 31January 2023, *Y v. France*, App. No. 76888/17.
[26] We share Ancarno's view: "Although [corpus linguistics or corpus-assisted discourse studies] are sometimes referred to as disciplines by some, I consider them to be a set of methods and a specific methodological approach in corpus linguistics respectively" (2018: 131).
[27] "Collection(s) of pieces of language text in electronic form, selected according to external criteria to represent, as far as possible, a language or language variety as a source of data for linguistic research" (Sinclair 2004).

- *reproductive rights* (e.g. right to access reproductive healthcare, right to attain the highest standard of reproductive health, right to access legal and safe abortion, right to be free from coercion or discrimination, right to consensual marriage, right to decide with whom to have children, etc.)
- *sexual rights* (e.g. right to pursue a satisfying, safe and pleasurable sexual life, right to consensual sexual relations, rights to life, liberty, security of the person and bodily integrity, right to privacy, right to personal autonomy, etc.)
- *parental rights* (e.g. right to physical custody, right to legal custody, right to visitation, right to inheritance, right to parental leave, right to access information, right to protect the child from harm, right to decide on education, etc.).

As for the size of each subcorpus, representativeness criteria have been considered based on the actual material available.

These large collections of texts are analyzed by means of software packages named concordancers – in the case of GenDJus, Sketch Engine (Kilgariff et al. 2014) and NoSketch Engine – which allow to carry out semi-automatic analyses of texts. Traditional measures are lists of words in frequency order (*Wordlists*), salient words obtained by comparing the corpus under investigation with different corpora (*Keywords*), instances of specific terms in context (*Concordances*), co-occurring lexical items (*Collocates*), and sequences of recurrent multi-word forms (*N-grams/clusters/congrams*) (see also Goźdź-Roszkowski 2023).

The idea behind these types of empirical/quantitative corpus-based queries and the methodological advantages perceived by scholars resorting to these tools is to investigate and compare frequent/recurrent patterns, thus avoiding partiality. As a matter of fact, one of the main criticisms leveled against critical discourse analysis (CDA) is that "it supposedly cherry-picks small and unrepresentative data samples in order to suit researchers' pre-conceived notions about hidden ideological meanings" (Baker 2018: 282).

By a way of example, the gender stereotype mentioned in *Konstantin Markin v. Russia* might reflect the view of a single judge or the focus of a single judgment. In order to be generalized as a judicial or societal stereotype, from a quantitative perspective, the idea that women are primarily child-carers and men breadwinners should also be found (or "named and contested") in other texts/judgments. Recurrent patterns, which can be obtained through scientific/empirical methods, are used by corpus linguists to avoid a selective use of evidence or the fallacy of anecdotal evidence in favour of a more objective and impartial approach. This means that to demonstrate that ECtHR judges or domestic judges often consider women as vulnerable, researchers might only pick the *Opuz v. Turkey* case or other cases which they know in advance that contain this type of stereotype to confirm their pre-conceived ideological stance in favour of a more objective and impartial approach (to demonstrate that women are often stereotyped as vulnerable persons they look at a large amount of data to find many instances in at least X different judgments delivered by X different judges in X different contexts). Specialized corpora might play a crucial role in this sense, helping researchers mitigating these types of methodological biases.

This type of quantitative corpus-based research is highly relevant when dealing with specific objectives of the project. For example, quantitative approaches can effectively be used to analyze the linguistic (lexical/terminological) representation of the parties in our case law regarding key issues such as gender equality, sexual orientation and gender identity. Corpus-assisted analyses can effectively tackle, for instance, linguistic phenomena like misgendering, the use or absence of gender-fair and gender-inclusive language, the strategic use of pronouns referred to gender identities (e.g. "they" or "she/he") or terms for identifying same-sex parents (e.g. "father/mother" or "parent 1 and parent 2"), the diachronic development of gender terminology, etc. (see Peruzzo in this volume). In these specific instances, large amounts of data (many judgments delivered by the same court) can be analyzed all together, with no need to focus on single decisions. Corpus-based methods can also be adopted to study the translation of gender discursive traits in judicial discourse (where translations

are available, as in the case of the CJEU). In fact, translation and interlinguistic comparison is also being used in our project as tools to propose alternative wordings of gendered texts.
When it comes to the identification of PSB, the need to combine more qualitative approaches is deemed essential. The isolation of gendered and discriminatory narratives hindering full access to sexual, reproductive and parental rights by specific groups of people requires more complex methods. The objection made by Baker (2018: 281-283), backing Egbert & Schnur (2018)'s view on the importance of having full texts when dealing with discourse-oriented research, is highly relevant and easily applicable to the methodological challenges of our GenDJus project. We will paraphrase his insightful remarks below adapting them to our project. When carrying out discourse analysis, concordance lines showing the frequency of (supposedly PSB-based) words/patterns in our corpus might provide narrow or misleading interpretation. For example, a series of concordance lines containing a collocational pair of social actors (e.g. a same-sex couple) plus negative evaluative adjective or noun revealing PSB[28] in one of GenDJus's subcorpora may superficially reveal that a particular social group is repeatedly stereotyped in a disparaging way in a corpus of judicial decisions. While this is clearly true, the story may be more complicated if we move beyond the single pattern/few words in context that a typical concordance line gives in order to consider expanded concordance lines. We may find that these negative representations occur within quotes, and most of them are means through which the authors of the text(s) – in our case, international/regional/domestic judges – distance themselves from the original author(s)/source. This is very common in case law of human rights Courts when international or regional judges name and contest the use of stereotyped expressions in domestic rulings. The overall discourse-effect of some of the representations might be oppositional to our original interpretation if we do not turn to the whole text(s). If we engage in more qualitative research of the text(s) in question, we may be able to make a few qualified interpretations about what the intended stance in regard to those quotes might be.
An additional challenge for the identification of PSB is a certain degree of discretion. Subjective perceptions may play a role in reading our texts so that the same sentence or word might be considered an example of discriminatory discourse for someone and not for others. GenDJus does not claim to reach universal results; on the contrary, it aims at recognizing and underlining diversities.
Moreover, as it has already been pointed out, the analysis of GenDJus case law cannot overlook the role of judges composing the international court at stake, since each of them has their own personal beliefs/knowledge/experience on key topics such as gender identity, motherhood, sexual violence, etc. This is the reason why the analysis also takes into consideration if the PSB pattern is found in majority or dissenting opinions (see also Nikitina and Peruzzo in this volume).
This is another methodological challenge of the linguistic analysis of our project. Detecting gender PSB through corpus linguistics might be a really hard endeavor due to the highly polyphonic nature of judicial texts. As a matter of fact, PSB are generally found in two ways in our corpus: a) in the words of the national/domestic judges (lower-instance judgments appealed by the applicants before the international bodies) as explicit intertextual references (in this case, they can be spotted by searching for all the instances in which international judges refer to domestic rulings); b) in the same words of the international judges, which may be more difficult to be revealed due to their subtle nature (in this case, corpus-driven analyses of key terms referring to social actors or other elements under investigation might be the first step towards a more qualitative analysis). The GenDJus project aims at detecting these latter and subtler forms of PSB hidden in the international judges' discourse, which makes the research particularly ambitious and challenging.
Corpus-based research typically uses corpus data to explore a theory or hypothesis, aiming to validate, refute or refine it by means of an inferential approach to the analysis of data (we know what we are looking for) whereas corpus-driven research is based on the idea that the corpus itself should be the sole source of our hypothesis about language (we let the corpus speak on its own with no pre-

[28] By a way of example, Peruzzo in this volume analyzes the nouns "lifestyle" and "rights", which are neither offensive nor denigratory per se, but may be perceived as such because of the implications they may acquire once combined with gender identity labels.

conceived ideas/expected results) (on the corpus-based vs. corpus-driven dichotomy see Tognini Bonelli 2001: 61, 84-85, Pontrandolfo 2019: 16, Goźdź-Roszkowski 2023). The following case will exemplify the two approaches. If we want to carry out a corpus-assisted research on the case law in Spanish delivered by the IACtHR on a specific topic (e.g. abortion), we can query the subcorpus either by looking for key terms such as *estereotipo* (stereotype), *discriminación* (discrimination), *género* (gender) and checking the source of each concordance, i.e. *Corte* (court) for the international body vs. *Tribunal* (lower-instance court) – thus adopting a corpus-based method – or by using "entry points", i.e. lexical units such as *mujer* (woman), *madre* (mother), *derecho* (right), *niño* (child), *hijo* (son), *aborto* (abortion), etc. to explore the discursive constructions of the judicial reasoning - thus adopting a corpus-driven method.

From what has been outlined so far, it is clear that different and complementary corpus methods will be used in the analysis of GenDJus case law. This is the reason why CADS methodology has been considered the most effective one, as it combines the quantitative rigor of corpus linguistics and the social perspective of qualitative approaches to discourse analysis, also in line with the methodological approach outlined and adopted by the legal experts of the team. As Partington et al. put it: "By combining the quantitative approach, that is, statistical overviews of large amounts of the discourse in question […] with more qualitative approach typical of discourse analysis, that is, the close, detailed analysis of particular stretches of discourse […] it may be possible to better understand the processes at play in the discourse type, thus accessing such non-obvious meanings" (2013: 11). GenDJus is exploring and triangulating different methodologies (see Baker 2018: 287-288, Ancarno 2018, see also Goźdź-Roszkowski 2023) as a way of reducing partiality and maximizing the data analysis. The combination of corpus methods with non-corpus methods (e.g. more qualitative case-study approach) has turned out to be the best way to deal with highly complex nature of judicial texts. More qualitative analyses are also being carried out to overcome another intrinsic limit of dealing with international/regional courts' subcorpora which gather texts stemming from very different legal traditions/States Parties with very different views on human rights. Corpus methods can also be adopted to quantify patterns in single texts/judgments and this can be a compromise solution to overcome the limits of having large collections of texts stored together in a tool like Sketch Engine.

In summary, only by integrating insights gained from corpus output with those gained from law experts' knowledge of GenDJus' research areas, it seems possible to uncover the complexity of the topics under investigation.

4. Conclusions

The investigation of complex topics like prejudices, stereotypes and bias in human rights law and discourse entails many challenges for a full-blown interdisciplinary legal-linguistic analysis. As Stember (1991: 5) put it, "[a] genuinely interdisciplinary enterprise is one that requires more or less integration and even modification of the disciplinary contributions […]. In interdisciplinary efforts, participants must have an eye toward the holistic complex of interrelationships and take into account contributions of others in making their own contributions."

In this contribution, we have presented some reflections drawn from the GenDJus experience. We have explored some theoretical and methodological challenges for setting up a truly "co-created" approach (Ancarno, 2018: 131-135), one that tries to integrate rather than simply combine.

The approach presented in this chapter offers – in the short term and at least to the eyes of the research group – a solid methodology to investigate the role of PSB in human rights law and discourse. Possibly, it may also provide a clearer classification of PSB themselves, including the different effects that they have and the language markers that may imply their existence in judicial decisions in order to name and, where necessary, contest them. In the long term, depending on the results which GenDJus will eventually achieve, we hope that our integrated approach may even become a useful contribution to the effective development of interdisciplinary studies in the area of law and linguistics.

References

Ancarno, Clyde. 2018. Interdisciplinary Approaches in Corpus Linguistics and CADS. In Charlotte Taylor & Anna Marchi (eds.), *Corpus Approaches to Discourse. A Critical Review*, 130–156. London/New York: Routledge.

Arcuri, Luciano & Mara Cadinu. 2011. *Gli stereotipi*. Bologna: Il Mulino.

Arnardóttir, Oddný Mjöll. 2003. *Equality and Non Discrimination under the European Convention on Human Rights*. The Hague: Martinus Nijhoff Publishers.

Arnardóttir, Oddný Mjöll. 2016. Rethinking the Two Margins of Appreciation. *European Constitutional Law Review* 1. 27–53.

Baker, Paul. 2008. *Sexed Texts. Language, Gender and Sexuality*. London: Equinox.

Baker, Paul. 2014. *Using Corpora to Analyze Gender*. London: Bloomsbury.

Baker, Paul. 2018. Conclusion. Reflection on reflective research. In Charlotte Taylor & Anna Marchi (eds.), *Corpus Approaches to Discourse. A Critical Review*, 281–292. London/New York: Routledge.

Balboni, Marco (ed.). 2017. *The ECHR and the Principle of Non-discrimination*. Napoli: Editoriale Scientifica.

Berger, Peter Ludwig & Thomas Luckmann. 1996. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. London: Penguin.

Brems, Eva & Alexandra Timmer. 2017. *Stereotypes and Human Rights Law*. Cambridge: Intersentia.

Burr, Vivien. 2015. *Social Constructionism*, 3rd edn. London/New York: Routledge.

Cavagnoli, Stefania & Laura Mori. 2019. *Gender in Legislative Languages. From EU to national law in English, French, German, Italian and Spanish*. Berlin: Frank & Timme.

Charlesworth, Hilary, Christine Chinkin & Shelley Wright. 1991. Feminist Approaches to International Law. *American Journal of International Law*. 613–645.

Charlesworth, Hilary. 1998. The Mid-Life Crisis of the Universal Declaration of Human Rights. *Washington & Lee Law Review*. 780–796.

Cortelazzo, Michele. 1997. Lingua e diritto in Italia: il punto di vista dei linguisti. In Leo Schena (ed*), La lingua del diritto*, 35–50. Milano: CISU.

Coulthard, Malcolm, Alison Johnson & David Wright. 2017. *An introduction to forensic linguistics: Language in evidence*, 2nd edn. London: Routledge.

Cook, Rebecca J. & Cusack, Simone. 2011. *Gender Stereotyping: Transnational Legal Perspectives*. Philadelphia: University of Pennsylvania Press.

Cusack, Simone & Alexandra Timmer. 2011. Gender Stereotyping in Rape Cases: The CEDAW Committee's Decision in Vertido v The Philippines. *Human Rights Law Review*. 329–342.

Danisi, Carmelo. 2015a. *Tutela dei diritti umani, non discriminazione e orientamento sessuale*. Napoli: Editoriale Scientifica.

Danisi, Carmelo. 2015b. La condizione femminile nel diritto internazionale e dell'Unione europea: verso il superamento del ruolo tradizionalmente attributo o verso la sua riaffermazione? In Arianna Pitino (ed.), *Interventi di contrasto alla discriminazione e alla violenza sulle donne. Un'analisi multidisciplinare*, 117–144. Torino: Giappichelli.

Danisi, Carmelo, Moira Dustin, Nuno Ferreira & Nina Held. 2021. *Queering Asylum in Europe. Legal and Social Experiences of Seeking International Protection on grounds of Sexual Orientation and Gender Identity*. Cham: Springer

Danisi, Carmelo & Nuno Ferreira. 2024. Asylum at the Court of Justice of the European Union: The Good, the Bad and the Ugly of X, Y and Z. In Nuno Ferreira, Maria Moscati & Senthorun Raj (eds.), *Queer(ing) Judgments,* 480–497. London: Counterpress.

Davis, Aisha Nicole. 2015. Intersectionality and International Law: Recognizing Complex Identities on the Global Stage. *Harvard Human Rights Journal*. 205–242.

Di Donato, Flora. 2020. *The Analysis of Legal Cases. A Narrative Approach*. London/New York: Routledge.

Durkheim, Émile .1982 [1895]. *The Rules of the Sociological Method*, edited by Steven Lukes, translated by W.D. Halls. New York: Free Press.

Egbert, Jesse & Erin Schnur. 2018. The Role of the Text in Corpus and Discourse Analysis. Missing the Trees for the Forest. In Charlotte Taylor & Anna Marchi (eds.), *Corpus Approaches to Discourse. A Critical Review*, 159–173. London/New York: Routledge.

Fairclough, Norman. 2012. Critical Discourse Analysis. In James Paul Gee & Michael Handford (eds.), *The Routledge Handbook of Discourse Analysis*, 9–20. London/New York: Routledge.

Fiske, Susan & Shelley Taylor. 1984. *Social cognition*. New York: Random House.

Fiske, Susan. 1998. Stereotyping, prejudice, and discrimination. In Daniel T. Gilbert, Susan Fiske & Gardner Lindzey (eds.), *The Handbook of Social Psychology*, 4th edn., 357–411. New York: McGraw-Hill.

Foucault, Michel. 1972. *The Archeology of Knowledge*. London: Tavistock Publications.

Galdia, Marcus. 2009. *Legal Linguistics*. Bern: Peter Lang.

Gee, James Paul & Michale Handford. 2012. Introduction. In James P. Gee & Michael Handford (eds.), *The Routledge Handbook of Discourse Analysis*, 1–6. London/New York: Routledge.

Gilleri, Giovanna. 2024. *Sex, Gender, and International Human Rights Law: Contesting Binaries*. London/New York: Routledge.

Goźdź-Roszkowski, Stanislaw & Gianluca Pontrandolfo (eds.). 2022. *Law, Language and the Courtroom. Legal Linguistics and the Discourse of Judges*. London/New York: Routledge.

Goźdź-Roszkowski, Stanislaw. 2023. Corpus linguistics, methodology of jurilinguistics. In Anne Wagner & Aleksandra Matulewska (eds.), *Research Handbook on Jurilinguistics*, 103–115. Cheltenham: Edward Elgar Publishing.

Greenman, Kathryn, Anne Orford, Anna Saunders & Ntina Tzouvala (eds.). 2021. *Revolutions and International Law*. Cambridge: Cambridge University Press.

Kilgarriff, Adam, Vít Baisa, Jan Bušta, Miloš Jakubíček, Vojtěch Kovář, Jan Michelfeit, Pavel Rychlý & Vít Suchomel. 2014. The Sketch Engine: ten years on. *Lexicography* 1. 7–36.

Koskenniemi, Martii. 2001. *The Gentle Civilizer of Nations*. Cambridge: Cambridge University Press.

Letsas, George. 2006. Two Concepts of the Margin of Appreciation. *Oxford Journal of Legal Studies*. 705–732.

McEnery, Tony & Andrew Wilson. 2001. *Corpus Linguistics: An Introduction*. Edimburgh: Edimburgh University Press.

Otto, Dianne (ed.). 2019. *Queering International Law: Possibilities, Alliances, Complicities, Risks*. London/New York: Routledge.

Partington, Alan, Alison Duguid & Charlotte Taylor. 2013. *Patterns and Meanings in Discourse. Theory and Practice in Corpus-Assisted Discourse Studies* (CADS). Amsterdam/Philadelphia: John Benjamins.

Pontrandolfo, Gianluca. 2019. Corpus Methods in Legal Translation Studies. In Łucja Biel, Jan Engberg, Rosario Martín Ruano & Vilelmini Sosoni (eds.), *Research Methods in Legal Translation and Interpreting Crossing Methodological Boundaries*, 13–28. London/New York: Routledge.

Rudolf, Beate, Martha A. Freeman & Christine Chinkin (eds). 2012. *The UN Convention on the Elimination of All Forms of Discrimination against Women: A Commentary*. Oxford: Oxford University Press.

Saccà, Flaminia. 2021. *Stereotipo e pregiudizio. La rappresentazione giuridica e mediatica della violenza di genere*. Milano: FrancoAngeli.

Sinclair, John. 2004. Developing Linguistic Corpora: a Guide to Good Practice. Corpus and Text – Basic Principles. https://users.ox.ac.uk/~martinw/dlc/chapter1.htm

Smyth, Rebecca. 2024. Abortion in International Human Rights Law: Missed Opportunities in Manuela v El Salvador. *Feminist Legal Studies* 32. 123–134.

Staiano, Fulvia. 2013. Good Mothers, Bad Mothers: Transnational Mothering in the European Court of Human Rights' Case Law. *European Journal of Migration and Law*. 155–182.

Stember, Marylin. 1991. Advancing the social sciences through the interdisciplinary enterprise. *The Social Science Journal* 28(1). 1–14.

Taranilla, Raquel. 2012. *La justicia narrante. Un estudio sobre el discurso de los hechos en el proceso penal*. Cizur Menor: Aranzadi.

Tiersma, Peter & Lawrence Solan (eds.). 2012. *The Oxford Handbook of Language and Law*. Oxford: Oxford University Press.

Timmer, Alexandra. 2011. Toward an Anti-Stereotyping Approach for the European Court of Human Rights. *Human Rights Law Review*, Volume 11, Issue 4. 707–738.

Tognini Bonelli, Elena. 2001. *Corpus Linguistics at Work*. Amsterdam and Philadelphia: John Benjamins.

Tonolo, Sara & Giuseppe Pascale (eds.). 2020. *La Dichiarazione Universale dei Diritti Umani nel diritto internazionale contemporaneo*. Torino: Giappichelli.

Vogel, Friedemann. 2019. Introduction. In Friedemann Vogel (ed.), *Legal Linguistcs Beyond Borders: Language and Law in a World of Media, Globalisation and Social Conflicts*, 11–16. Berlin: Duncker & Humblot.

Vogel, Friedemann, Hanjo Hamann & Isabelle Gauer. 2018. Computer-assisted legal linguistics: Corpus analysis as a new tool for legal studies. *Law & Social Inquiry* 43 (4). 1340–1363.

Yahyaoui Krivenko, Ekaterina. 2024. Sex and Gender in International Human Rights Law through the Prism of the 'Women' Category in Recent Case Law. *Human Rights Law Review*, Volume 24, Issue 2, June 2024. https://doi.org/10.1093/hrlr/ngae012