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Do *sex* and *gender* go hand in hand?

A study of their collocational profiles in EU documents regarding equal treatment of men and women

Abstract. The study of collocations has a long history that goes back to Firth (1957/1968). However, scholarly attention has focused mostly on collocations in general language, with research on this phenomenon within Language for Specialised Purposes (LSP) being a newer and not thoroughly explored line of research². The present article attempts to bridge this gap by looking at the way *sex* and *gender* are employed in the European Union legislation and documents regarding equal treatment of men and women. In particular, the study contrasts and analyses the combinatory potential of *sex* and *gender* as employed in the equal opportunities and non-discrimination regulations and other documents issued by the European Union and its bodies. It also offers a diachronic perspective on how *sex* and *gender* are used in the EU's primary and secondary legislation as well as in guidelines and recommendations. The findings suggest that the two terms in question show completely different collocational profiles and their combinatory potential also varies, with *sex* appearing in a limited number of well-established collocations and *gender* being far more productive and frequent, especially in more recent documents.

Keywords: corpus studies, equal opportunities, legal English, gender, sex, EU regulations

1. Introduction

As this article deals with the corpus of EU legal regulations and official documents regarding equal opportunities, it might be advisable to establish the context and to present the background against which the European non-discrimination law has developed. Prohibition of discrimination on any grounds and equal treatment of men and women are the main principles on which the

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² Some insights into legal phraseology, which is the main interest of this study, may be found among others in Gózdź-Roszkowski (2011), Gózdź-Roszkowski and Pontrandolfo (2017), Biel (2012, 2014), Kjaer (1990a, 1990b), Więclawska (2023a, 2023b), and Michta and Mroczyńska (2022).

European Union, originally the European Economic Community, was founded. However, it is worth noting that the body of legal regulations in this area has grown considerably over time and the primary legislation did not always cover the issue in an explicit manner³.

Protection against discrimination in Europe is provided by both the EU law and the Council of Europe law, with the latter focusing on the European Convention on Human Rights (ECHR). The body of the EU law is largely consistent with the ECHR, the first of the modern human rights treaties that draws from the United Nations Universal Declaration of Human Rights. It sets a legally binding obligation on its members to guarantee a list of human rights to everyone within their jurisdiction, not just citizens. Technically separate and having different origins, structures and objectives, the two systems, i.e. the EU law and ECHR, are to a considerable degree complementary and mutually reinforcing. This is the case despite the fact that the EU itself is not yet a signatory to the ECHR although all 27 member states have ratified the convention. Interestingly, the original treaties of the European Communities did not contain any reference to human rights or their protection. In that time it was believed that the creation of an area of free trade in Europe would not have any impact regarding human rights (Wouters, 2020). Although it turned out quite quickly that the situation was more complex as cases related to alleged breaches of human rights caused by the Community law started to appear in front of the European Court of Justice (ECJ). Consequently, the ECJ developed a set of judge-made laws, the so-called “general principles” of Community Law. Having recognised that its policies could have an impact on human rights, in 2000 the EU and its Member States proclaimed the EU Charter of Fundamental Rights, which included a list of human rights, inspired by the rights contained in the constitutions of the Member States, the ECHR and universal human rights treaties such as the UN Convention on the Rights of the Child. Although in 2000 the Charter was merely a “declaration”, it became legally binding in 2009, when the Treaty of Lisbon entered into force. Since then, the EU institutions, like EU Member States, have become legally bound to observe the Charter of Fundamental Rights of the European Union, including its provisions on non-discrimination, but only when they are implementing EU law (Council of Europe: European Court of Human Rights, 2018, pp. 16–22).

All in all, subsequent revisions of the treaties emphasising human dignity, freedom, democracy, equality, the rule of law and respect for human rights led to the Union recognising them as founding values, ones that are not only embedded in the treaties but also mainstreamed into all EU policies and programmes. This shift in perspective is also reflected in the fact that new bodies have been established within the EU such as the European Union Agency for Fundamental Rights (FRA) or the European Institute for Gender Equality (EIGE), their aim being promotion of fundamental rights and equality (Council of Europe: European Court of Human Rights, 2018, pp. 21–23).

³ <https://www.europarl.europa.eu/factsheets/en/sheet/59/equality-between-men-and-women>

Given the considerable development in the area of equal opportunities, we may expect that the terminology used by the EU legislator to define *sex/gender* and equal treatment of women and men in legal regulations has evolved over the years along with the context in which this terminology occurs. We expect these changes to be reflected in the word combinations (collocations⁴) occurring in the corpus of the EU equal opportunities regulations and documents over the years.

At this point, it may also be worth mentioning that the concept of collocation does not only refer to textual statistics, but it reflects a mental representation of the lexicon, as collocations are formed through the cognitive process of priming. As Hoey argues, there are three elementary types of priming: collocation, colligation and semantic preference/association, with the priming of lexical items with collocations in this psychological sense being the foundation of language structure in general (Hoey, 2005, pp. 8–9). In light of these findings, we may assume that knowing how words collocate shows the non-random nature of language (Kilgariff, 2005) and forms an integral part of knowing a language or a genre.

Bearing in mind that collocations reflect a language's conceptual structure, and that a speaker's ability to adhere to collocational conventions demonstrates his/her mastering of the language within a given specific genre, we believe that an analysis of a combinatory potential of words may contribute significantly to the improvement of knowledge of the language and also of the workings of the law as such.

2. Aims and methodology

The purpose of this study was two-fold, namely

1. to analyse the combinatory potential of *sex* and *gender* as employed in the equal opportunities and non-discrimination regulations, as well as in other documents issued by the European Union and its bodies;
2. to analyse how *sex* and *gender* are used diachronically in primary and secondary legislation of the EU as well as in the guidelines and recommendations.

The two aims listed above require the application of a mixed methodology, i.e. corpus linguistics quantitative methods for (1) and mixed quantitative/qualitative methodology of corpus linguistics and discourse studies for (2). We selected a set of legal documents of various genres ranging from the EU primary and secondary legislation (such as the Treaty on European Union,

4 The term *collocation* is credited to Firth (1968), who was the first to spur interest in the habitual company that words keep and draw attention of numerous scholars to this phenomenon. Nowadays, a vast body of literature on this subject is available offering diverse definitions of the term *collocation* as researchers adopt various approaches. An in-depth discussion of research frameworks has already been offered in linguistic literature on numerous occasions and consequently, it is beyond the scope of this study. See among others Sinclair (2004), Kjellmer (1994) or Lehecka (2015) for details of a frequency-based approach, Cowie (1994), Mel'čuk (1998), Hausmann (1997) or Gonzalez-Ray (2002) for a semantic-oriented view, and Siepmann (2005, 2006) for a relatively new, pragmatically-driven approach. An overview of various approaches can be found in Michta and Mroczyńska (2022).

the Treaty on Functioning of EU, the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union, and EU Directives), ancillary documents (e.g. proposals for directives, strategies, recommendations, action plans, a handbook on European non-discrimination law or other guidelines regarding equal opportunities in the EU) to judgments of the Court of Justice referring to equal treatment of men and women. We hope that such an approach will ensure that the language material for the study will be reliable and up-to-date⁵. We acknowledge that the corpus compiled in such a manner is relatively small. Yet, the topic it refers to, i.e. equal opportunities, is also a narrow, specialized area. Thus the number of available relevant texts is somewhat limited⁶. After all, any corpus is a kind of compromise between what is planned and desired by the designer and what is possible, for example in terms of available language input or time restrictions (Hunston, 2008, pp. 156–157). Thus, it is worth noting that the corpus we compiled does not lay a claim to being exhaustive and the fact that a collocation does not occur in our corpus does not mean it is definitely invalid in a legal or paralegal text covering equal opportunities. Eventually, our corpus contains 75 documents, 467,472 words, and 594,449 tokens.

The next step was to upload these documents to Sketch Engine, a leading corpus linguistic tool, to allow its investigation. Sketch Engine offers a range of sophisticated functionalities that are useful for retrieving collocations based on selected criteria, including the word sketch, i.e. a condensed description of a word's grammatical and collocational behaviour (Kilgariff et al., 2014, p. 9). The minimum frequency threshold for retrieving word combinations and potentially identify them as collocations was set at 5 occurrences, meaning that a collocation needs to occur minimum five times to be included in the study. This was done to eliminate potentially invalid word combinations⁷. In the subsequent step, the results produced by Sketch Engine were subject to manual verification. Candidate collocates that upon closer inspection did not act as modifiers were removed from further analysis. The results were then sorted according to a grammatical pattern they appear in. Additionally, sketch difference functionality, which compares the behaviour of two selected words or lemmas, again sorted according to their grammatical patterns, proved extremely helpful in this study. The results obtained with the use of this software functionality were the starting point for the analysis presented in sections 3 and 4 below.

The texts included in the corpus deal with a wide area of equal opportunities as presented in the EU legal and paralegal texts. The frequency list generated for nouns shows that *equality* ranks 6th, *woman* 13th, *man* 37th, whereas *gender* and *sex* were placed in the 31st and 54th position respectively. Our intention was to focus on an analysis of *sex* and *gender* acting as nodes

5 The decision which texts to include in the corpus was based on the summaries of EU legislation in the area of equal opportunities found at <https://eur-lex.europa.eu/EN/legal-content/glossary/equal-opportunities.html>.

6 For a more detailed discussion of building and using small specialised corpora see Koester (2010).

7 That assumption goes in line with Evert (2008, p. 1244), who recommends that a frequency threshold of ≥ 5 be applied so as to “weed out potentially spurious collocations”.

in our corpus collocations using Sketch Engine. The tool allows for extraction and presentation of search results by different collocational patterns (behaviour) such as (1) premodifier + noun, (2) noun + noun, (3) verb + noun, (4) noun + verb, (5) preposition + noun, (6) noun + preposition (cf. Hausmann, 1989).

The patterns above may be analysed in pairs due to their structural similarity. For example, in pattern (1) above a modifier may be an adjective, a noun or a participle whereas pattern (2) allows for modifications using a noun only (Michta & Mroczyńska, 2022, p. 40). The results obtained in the Sketch Engine search showed that the largest number of collocates may be found with *sex* and *gender* acting as modifiers for nouns, i.e. as in (1) and (2) above. The remaining patterns were only scarcely identified, with software often yielding just a couple of possible word combinations. That is why pattern (2) was the first candidate for more in-depth research.

For the purpose of this comparative analysis, we used Sketch Engine word sketch difference function, which makes it possible to juxtapose collocations of two selected lemmas/words. The list of possible collocates returned by the software shows that the collocability of both words does not overlap, i.e. *sex* will modify a different set of nouns than *gender* will.

3. Combinatory potential of *sex* and *gender* in the EU texts on equal opportunities

The online *Merriam-Webster Dictionary* states that both *sex* and *gender* are well-established words in the English language and their history dates back to the 14th century. *Gender*, deriving from the Latin word *genus* and the Old French *gendre* (Corbett, 1991, p. 1), was used in English to refer primarily to grammatical gender (Hockett, 1958, p. 231). In the 15th century, the meaning of *gender* expanded to include what *sex* had referred to since 14th century, i.e. either of the two primary biological forms of species. Though the online *Merriam-Webster Dictionary* claims that initially *sex* and *gender* were used interchangeably to refer to one of the two primary biological forms of species – male or female, Gries, Slocum and Solan (Brief for *Amici Curiae*, 2019, p. 23) found that in American English *gender* was almost exclusively used to refer to a grammatical category and it was extremely uncommon to use it outside this meaning until the 1960s. Though intertwined, the usage of *sex* and *gender* has evolved and the words have gained new meanings. In the 20th century, *sex* acquired the ‘sexual intercourse’ meaning, which become the most frequently used, whereas *gender* “gained a meaning referring to the behavioural, cultural, or psychological traits typically associated with one sex, as in *gender roles*”.

In this study, we will analyse the combinatory potential of *sex* and *gender*, focusing only on their meanings referring to being male, female or neutral. As we can infer from the definitions provided above, the terms deal with the issue from different angles – the biological or psychological and socio-cultural ones respectively – and consequently they refer to different concepts. The analysis of other meanings of *sex* and *gender* is beyond the scope of our study.

Let us start with a brief overview of definitions of the two terms that may be found in reference books such as dictionaries and glossaries. We consulted selected general and legal dictionaries

as well as glossaries, both British and American ones. The next step was to analyse definitions of the two words in question provided in the reference sources. It appears that they tend to present *sex* as being a biological feature, whereas *gender* rather as a socio-cultural concept and/or a collection of psychological traits. We may notice that despite being different the terms are connected. To shed some light on this quite complex issue, below we offer a compilation of definitions culled from selected sources. We start by providing definitions that may be found in English dictionaries and next move on to those included in glossaries and articles devised by international institutions such as the EU Council, WHO or the UN agendas

Table 1. Selected definitions of the terms *sex* and *gender*

Source	Sex	Gender
Cambridge Dictionary (online)	1a the physical state of being either male, female, or intersex 1b all males considered as a group, or all females considered as a group	1a a group of people in society who share particular qualities or ways of behaving which that society associates with being male, female, or another identity 1b the condition of being a member of a group of people in a society who share particular qualities or ways of behaving which that society associates with being male, female, or another identity 1c used to refer to the condition of being physically male, female, or intersex (= having a body that has both male and female characteristics)
Collins English Dictionary (online)	1 The two sexes are the two groups, male and female, into which people and animals are divided according to the function they have in producing young 2 The sex of a person or animal is their characteristic of being either male or female.	1 Gender is the state of being male or female in relation to the social and cultural roles that are considered appropriate for men and women 2 You can use gender to refer to one of a range of identities that includes female, male, a combination of both, and neither 3 Some people refer to the fact that a person is male or female as his or her gender
Merriam Webster	1a either of the two major forms of individuals that occur in many species and that are distinguished respectively as female or male especially on the basis of their reproductive organs and structures 1b the sum of the structural, functional, and sometimes behavioral characteristics of organisms that distinguish males and females 1c the state of being male or female 1d males or females considered as a group	2a sex as 1a 2b the behavioral, cultural, or psychological traits typically associated with one sex
The Law Dictionary	The distinction between male and female; or the property or character by which an animal is male or female.	Defined difference between men and women based on culturally and socially constructed mores, politics, and affairs. Time and location give rise to a variety of local definitions. Contrasts to what is defined as the biological sex of a living creature.

Source	Sex	Gender
Gender Equality Glossary	Sex refers to the biological characteristics that define humans as female or male. While these sets of biological characteristics are not mutually exclusive, as there are individuals who possess both, they tend to differentiate humans as males and females.	Article 3C of the Istanbul Convention: “Gender shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men” Other definitions of “gender”: – Gender refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/ time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age (UN Women). – Gender is a concept that refers to the social differences between women and men that have been learned are changeable over time and have wide variations both within and between cultures (European Commission).
Gender Equality Glossary: terms and concepts	Refers to the biological and physiological reality of being males or females.	A social and cultural construct, which distinguishes differences in the attributes of men and women, girls and boys, and accordingly refers to the roles and responsibilities of men and women. Gender-based roles and other attributes, therefore, change over time and vary with different cultural contexts. The concept of gender includes the expectations held about the characteristics, aptitudes and likely behaviours of both women and men (femininity and masculinity). This concept is useful in analyzing how commonly shared practices legitimize discrepancies between sexes.
WHO (2024)	refers to the different biological and physiological characteristics of females, males and intersex persons, such as chromosomes, hormones and reproductive organs	refers to the characteristics of women, men, girls and boys that are socially constructed

As we can see in Table 1, most references offer a more concise definition of *sex*, whereas the concept of *gender* frequently requires a more extensive and elaborate explanation. The point may be that the meaning of the former seems to be well-established while the latter is a relatively new concept in the public discourse, thus requiring more in-depth explanation⁸.

Interestingly, specialised dictionaries of law, at least those we consulted, i.e. British dictionaries including Jowitt's *Dictionary of English Law* (2010), Osborn's *Concise Law Dictionary* (Woodley, 2013) or *Oxford Dictionary of Law* (Law, 2015), as well as American ones such as *Black's Dictionary of Law* (Garner, 2019), *Wex, The People's Law Dictionary* (Hill & Thompson Hill, 2002), do not provide definitions of *sex* and *gender*. However, they do include terms containing *sex* or *gender* as modifiers, e.g. *sex discrimination*, *sex change*, *gender reassignment*, *gender pay gap* or *gender bias*⁹. That would imply that *sex* and *gender* are not treated as terminological units in legal English as they are not presented in separate entries.

Having reviewed what reference books offer, we may move on to the comparative analysis of the corpus of texts regarding equal opportunities in the EU. As mentioned in the Aims and methodology section, the preliminary findings generated with the Word Sketch functionality revealed that the combinatory potential of the two words in question concentrated in the noun + noun or premodifier + noun category. In the other categories, the identified word combinations were either infrequent or invalid at times, e.g. *race* was listed as a collocate of *sex* but after a closer investigation it appeared that the only word combination it featured was lists such as [...] *sex, race, colour, language, religion* [...]. Therefore, the decision was made to focus on collocations where *sex* and *gender* appear as modifiers of other nouns. To facilitate the study, we used the Sketch Engine Word Sketch Difference function, which makes it possible to juxtapose collocations with two selected lemmas/words, in this case *sex* and *gender* respectively. The list of possible collocates that the software returned shows that the collocability of both words does not overlap, i.e. *sex* will modify a different set of nouns than *gender* will. What is more, the results prove that *gender* has a much greater combinatory potential appearing in a wide range of collocations whereas *sex* appears only in two collocations, namely *sex characteristics* and *sex discrimination*, the latter actually being a well-established term featuring in most dictionaries¹⁰.

When it comes to collocates of *gender*, the most frequently appearing one was *equality* (*gender equality* with a frequency of 210), followed by *gap* (52), *identity* (45) and *balance* (43) each one of them occurring in the corpus not nearly as frequently as *gender equality*. The list generated by

8 Developing from and alongside the Women's Studies and feminist movements of 1960s and 1970s, Gender Studies gained popularity in Western universities in 1990s (see among others Wiegman, 2002; Halberstam, 2014).

9 An interesting comparative study in the use of selected collocations in general and specialised legal corpora may be found in Michta (2022).

10 That is in line with what some researchers point out, namely the fact that modifier + noun combinations may cover not only collocations but also terms. See among others Bergenholtz and Tarp (1994), Michta et al. (2009), L'Homme and Azoulay (2020). Distinguishing between collocations and terms may constitute an interesting line of research though it is not the main focus of this study.

Sketch Engine functionality also includes *gender stereotype* (24), *gender inequality* (21), *gender mainstreaming* (11), *gender perspective* (11), *gender bias* (7), *gender role* (7), *gender expression* (6), *gender dimension* (6), and *gender impact* (6). There are also two collocations referring to legal and medical procedures, namely *gender reassignment* (25) and *gender reassignment surgery* (16). The word *gender* also appears as a modifier in the titles of documents as in *Gender Directive* (with *gender directive* appearing as an alternative spelling variant – total frequency of 45), or *Gender Goods and Services Directive* (21), and *gender strategy* (with *Gender Strategy* appearing as an alternative spelling variant with a total frequency of 19).

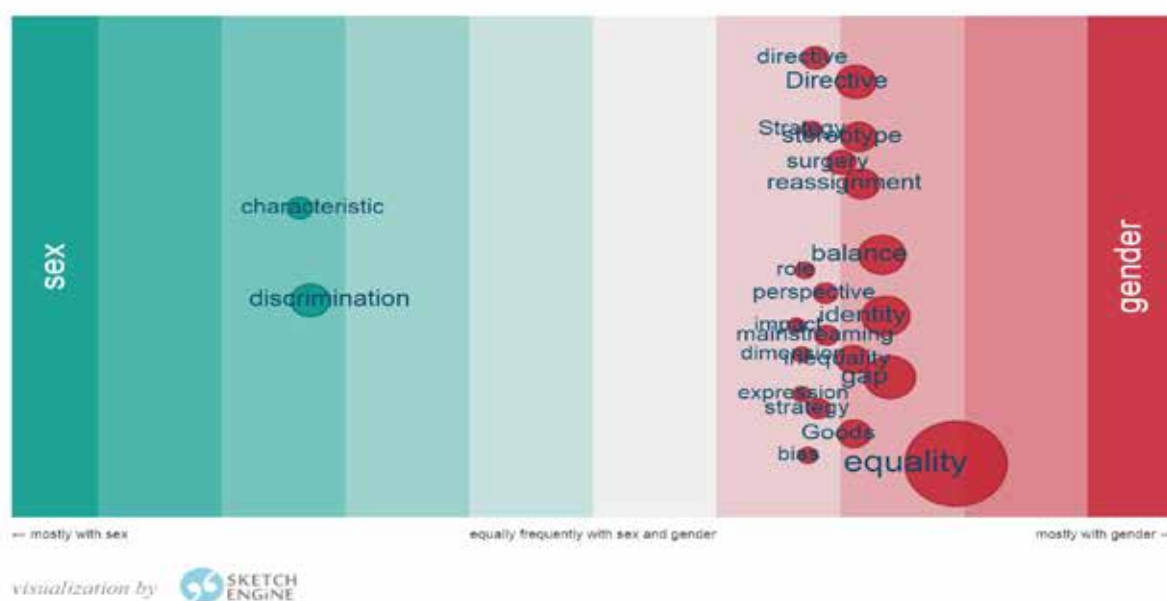


Figure 1. Sketch Engine visualisation of word combinations with *sex* and *gender* acting as modifiers

As we can see from the above analysis, the retrieved collocations vary greatly in their frequency, with *gender equality* being by far the most common word combination. Interestingly, *gender equality* appears in the corpus ten-times more frequently than its antonym, i.e. *gender inequality*, which shows the frequency of only 21. This may be connected with the EU institutional approach, reflected in the language used in the documents, of enforcing positive behaviour rather than punishing or stigmatising the wrong one.

At this point it may be worth mentioning that the analysis of collocations is a useful tool allowing discrimination between near-synonyms, with collocations being a mark of meaning difference (Sinclair, 1991, p. 170), and the findings of this study seem to prove it. The fact that the *sex* and *gender* appear as modifiers in completely different word combinations, as we can see in Figure 1 above, may imply that the words should not be seen as synonyms, at least in

the area of specialist legal language¹¹. Generally, in the legal language and legal texts authors should follow the “principles of semantic accuracy and language consistency”, which are key to avoiding ambiguity and misunderstandings (Jopek-Bosiacka, 2011, p. 16). Having said that, it may be worth noting that using synonymy in legal contexts is rather unwelcome though not absent from legal texts (cf. Góźdz-Roszkowski, 2013; Matulewska, 2016; Rzepkowska, 2023).

Approaches to recognising and classifying synonyms across linguistic literature are numerous, though the researchers’ views may vary they do share one feature, namely interchangeability/substitution which seems to be one of the persistent criteria in identifying potential synonyms (Crystal, 2003, p. 450; Lewandowska-Tomaszczyk, 1990)¹². The analysis of our corpus reveals that the two words in question are not interchangeable. That is why it may be argued that *sex* and *gender* are not cognitive synonyms, though may constitute plesionyms. Cruse (1986, p. 285) introduces plesionyms as a separate category, different from cognitive synonyms, and describes them as words that cannot mutually entail; that is to say, there seems to be some overlap in their meaning but they cannot be used interchangeably. That is exactly the case of *sex* and *gender* as analysed in the EU legal context regarding equal treatment of men and women.

4. A diachronic terminological shift in the EU legislation and proposals

The documents included in the corpus were published over the period of about 70 years. The earliest is primary legislation which dates back to 1950s (e.g. the European Convention on Human Rights came into force on 3rd September 1953, the Treaty on the EU of 2009 is based on the Treaty of Rome establishing the EEC in 1957, the Treaty on the Functioning of the EU became effective in 2016, and the Charter of Fundamental Rights of the EU was proclaimed in 2000 and given legal effect in 2009). The secondary legislation, i.e. directives, cover the time span from 1979 to 2022, whereas the date of publication of documents covering recommendations and guidelines in the area of equal opportunities ranges from 2014 to 2023.

While conducting this analysis, we noticed that the extracted collocations tend to fall into one or more of the three categories, i.e. those appearing in primary legislation, in secondary legislation, or in proposals and recommendations. This breakdown might indicate that the wording the EU bodies apply to refer to equal opportunities evolves and that in turn may be a reflection of the legislator’s or the societies’ changing needs and/or perspective in this area of regulation¹³.

11 Studies discussing synonymy in general language include Lyons (1981), and Cruse (1986, 2000); the legal context is presented in Matilla (2006), Góźdz-Roszkowski (2013), Matulewska (2016), Klabal (2019), and Rzepkowska (2023).

12 See Landau (2001, p. 137) for the treatment of synonymy in dictionaries.

13 An overview of the use of words *sex* and *gender* in the EU primary and secondary legislation from a legal system perspective may be found in Siekera (2022).

Working with the corpus data, we notice a shift in the wording the EU uses when dealing with the issue, i.e. from a non-discrimination approach (which may be found mostly in older, primary legislation) to promoting equal opportunities (in more recent, secondary legislation and recommendations). This change may be due to the fact that either basic non-discrimination issues have been regulated sufficiently and the EU bodies may move on to devising more refined regulations regarding promotion of equal opportunities and not just combating inequalities. The shift may also reflect the ambition of the anti-discrimination laws which is not just to change behaviour but to change cognitions about and emotions towards stereotyped groups (cf. Allport, 1979). Legal regulations can accomplish their goals directly, through fear of sanctions or desire for rewards. But they can also do so indirectly, by changing attitudes about the regulated behaviours. To this end, the law may implicitly or explicitly incorporate findings from psychological science which help understand how individuals think, feel, and make decisions (Nadler & Mueller, 2017, pp. 124–125; see also Bilz & Nadler, 2014). That leads us to the role that the language used in regulations may play in this process.

The language we use may have an effect on the way we perceive the world around us (cf. Wharf, 1956; Zlatev & Blomberg, 2015). Therefore, the collocation analysis carried out based on the authentic corpus material may offer an insight into how words and phrases are used and shed some light on associations that particular words or phrases may carry for language users (Taylor, 2021, p. 572). Baker (2006, p. 13) points out at an interesting application of a collocation analysis in discourse studies, i.e. “collocates may be helpful at revealing how meaning is acquired through repeated uses of language, as certain concepts become inextricably linked over time”. What is more, as Bogetić argues this kind of analysis may also be employed as a means to understand ideology as lexical co-occurrence of words helps uncover “a complex web of identities discourses and social representations in communities” (Bogetić, 2013, p. 334).

The kind of analysis we are going to present in this section combines the two areas of language research, i.e. corpus linguistics (with its quantitative approach) and critical discourse analysis (relying on qualitative methods), crossing the traditional clear-cut dividing line between research methodologies.

When it comes to the first category of documents, i.e. EU primary legislation, the terms *sex* and *equality between men and women* are used. We did not find any collocations having *sex* or *gender* as a premodifier, i.e. in the collocational pattern that was the focus of this study. The Treaty on European Union as well as the Treaty on the Functioning of the European Union point out that the activities of the EU shall aim at eliminating inequalities, combating discrimination and promoting equality between men and women. The non-discrimination on the grounds of sex is also included in the Charter of Fundamental Rights, which also advocates applying measures providing for a specific advantage of the *under-represented sex*. The legislator uses the term *sex* and collocates of this word when referring to the area of equal opportunities. The term *gender* does not appear in these documents. This may be due to the fact that primary legislation was drafted at a time when the notion of *gender* as opposed to *sex* was non-existent

in legal regulations¹⁴. However, the analysis of Directives, i.e. the secondary legislation, shows a much more varied collocational landscape.

The seven directives which create the legal framework for the implementation of the EU funding principle of non-discrimination show an evolution in the terms they employ when dealing with equal treatment of men and women. We will analyse selected documents in chronological order. First, we put under scrutiny the earliest directive regulating this area, i.e. the Council Directive 79/7/EEC on the progressive implementation of the principle of equal treatment of men and women in matters of social security. It defines equal treatment as non-discrimination, direct or indirect, based on sex. In Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, the term *sex* does not appear at all whereas *gender* is used once in Article 17 (2) which states that the principle of *gender mainstreaming* should be applied when preparing an assessment of the impact of the measures taken on women and men. In EU documents, gender mainstreaming is understood as means to an end of realising gender equality, involving “the integration of a gender perspective into the preparation, design, implementation, monitoring and evaluation of policies, regulatory measures and spending programmes, with a view to promoting equality between women and men, and combating discrimination that involves” (European Institute for Gender Equality). Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation goes along similar lines as the above-mentioned Directive 79/7/EEC referring to discrimination on the grounds of sex when addressing the issue of fixing for occupational social security schemes of ages for admission or entitlement to retirement or invalidity benefits. The very Directive also mentions the principle of *gender mainstreaming*. Another document from the legal framework of equal opportunities for men and women worth mentioning here is Gender Goods and Services Directive (2004/113/EC) which uses the concept of *gender equality* when discussing equal treatment of men and women in their access to and supply of goods and services. The document also contains references to the strategy on *gender equality* and recommends promotion of *gender equality*. Rather predictably, the term *sex* is used when addressing the issue of *discrimination based on sex* or combating *sex discrimination*. It also makes a reference to *members of one sex* or *a person of one sex or the other*, which implies a binary notion of sex as used in this document. Interestingly, both *sex* and *gender* may be found in Gender Equality Directive 2006/54/EC. Again, the term *sex* appears in the contexts involving both direct and indirect discrimination, whereas when it comes to the term *gender* it appears when referring to the concept of *gender mainstreaming*, discrimination arising from *gender reassignment*, *gender-based wage differentials*, *gender segregation on the labour market* or the

14 The origin of the concept of *gender* and the term *gender identity* goes back to American psychiatric research of the 1950s and 1960s, John William Money (1955), a sexologist, and Robert Stoller (1964, 1968), a psychiatrist, respectively. For details of the history of defining *sex* and *gender*, the reader is referred to Schiappa (2022, p. 15-32).

EU body dealing with equal opportunities, namely “the future European Institute for Gender Equality”. Finally, Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employment capacity also uses *sex* and *gender* in quite a similar way as Gender Equality Directive, i.e. *sex* for discrimination-related provisions and *gender* to refer to *gender equality* and *gender mainstreaming*. There is one more directive addressing equal opportunities issues worth including in this overview, namely Directive 2022/2381/EC on improving the gender balance among directors of listed companies and related measures. Although the regulation covers a relatively narrow scope, that is gender balance on boards of directors of listed companies, it deals with the topic in a very meticulous manner. Apart from employing well-established collocations such as *sex discrimination* and *discrimination based on sex*, the document refers to *a person of the other sex* and on numerous occasions makes provisions regarding *the under-represented sex*. When it comes to *gender*, apart from a frequently occurring collocation *gender equality*, the corpus analysis yields such phrases as *to foster gender-balanced decision making*, *to close the gender (pay) gap* and *to achieve a gender-balanced representation* among top management positions. The fact that a directive covering this issue was adopted quite recently may suggest that sex discrimination is still an issue – even at top managerial levels in large organisations – and that the glass ceiling still exists.

Table 2. Collocations with *sex* and *gender* as a premodifier retrieved from the EU directives

Premodifier	Collocation	Frequency
<i>sex</i>	sex discrimination	6
<i>gender</i>	gender balance	27
	gender equality	24
	gender gap	8
	gender mainstreaming	2
	gender reassignment	1
	gender segregation	1

All in all, in the analysis of secondary legislation a pattern emerges where the use of *sex* is limited to the context of discrimination and the fact of being male or female, whereas *gender* is used in the context of promoting equal opportunities for men and women (*gender equality*, *gender mainstreaming*) or pointing out existing inequalities (*gender-based wage differentials*, *gender segregation on the labour market*). We can also see that the number of collocations with *sex* and *gender* is higher than in the first category of documents analysed. This may be explained by the fact that the progressive EU policies in this area have been gaining their momentum, which is also reflected in the expansion of the lexicon.

Last but not least, the third category of texts, which includes documents outlining the directions or making recommendations for future actions such as strategies, strategic framework, Commission recommendations, proposals for directives when addressing equal opportunities issues, make reference to *gender* rather than *sex*. These documents often offer detailed descriptions of more recently established contexts and concepts in the area of non-discrimination, which have not been reflected in the legislation yet, or the recommendations may be paving a way to some new approaches.

Rather unsurprisingly, and in line with our previous findings, the majority of collocations culled from this group of documents are based on *gender* and not *sex*. Thus, we retrieve word combinations such as *gender equality*, *gender identity* (as in *(non-) discrimination on the ground of gender identity*), *gender gap* also *pay gap*, *gender employment gap* or *gender care gap* (in phrases such as *to close/tackle a gender pay gap*), *gender stereotype* (often in verb phrases such as *to challenge/ combat/ debunk/ address or recognise gender stereotypes*), *gender balance* (e.g. *to improve/achieve/ensure gender balance*), *gender inequality* (e.g. *to eliminate/identify/reduce gender inequality*), *gender reassignment* or *gender reassignment surgery* (e.g. *to undergo a gender reassignment surgery, discrimination based on/arising from gender reassignment*), *gender perspective* (e.g. *to adopt/mainstream/integrate/ the gender perspective, from a gender perspective*), *gender strategy* and *gender equality strategy*, *gender mainstreaming* (e.g. *to strengthen/enhance/ improve gender mainstreaming, the principle of gender mainstreaming*), *gender bias* (e.g. *to address/reveal/challenge a gender bias*), *gender role* (e.g. *to strengthen/reinforce (traditional) gender roles, a traditional distribution of gender roles*), *gender expression* (e.g. *discrimination based on gender expression*), *gender dimension* (e.g. *to have/address/integrate a gender dimension*), and *gender impact* (e.g. *to consider/focus on/ look at (the) gender impact of sth*)¹⁵.

¹⁵ The collocations are listed by their frequency in the corpus, from the most to the least frequent ones.

Table 3. Collocations with *sex* and *gender* as a premodifier retrieved from the EU guidelines and recommendations

Premodifier	Collocation	Frequency
<i>sex</i>	sex discrimination	21
	sex characteristics	13
<i>gender</i>	gender equality	185
	gender identity	45
	gender gap	44
	gender stereotype	24
	gender inequality	20
	gender reassignment surgery	14
	gender balance	12
	gender reassignment	12
	gender perspective	11
	gender strategy	11
	gender mainstreaming	9
	gender bias	7
	gender role	7
	gender expression	6
	gender dimension	6
	gender impact	6

As already mentioned, in this group of documents, and in the whole corpus, collocations with *gender* acting as a modifier outweigh those modified by *sex*. Still, *sex characteristics* appears frequently alongside *sexual orientation*, *gender identity*, *gender expression* as potential grounds of discrimination. The fact that recommendations and strategies introduce a number of new word combinations (concepts) absent from primary and secondary legislation may reflect the EU strive to ensure equal treatment for all its citizens in various aspects of their lives and extend non-discrimination protection, which in turn is linked to the changing needs and lifestyles.

The type and frequency of word combinations retrieved from the EU primary and secondary legislation as well from guidelines and recommendations analysed against their timeline may suggest that the language used in the documents has evolved. It seems that the focus has shifted from biological sex as potential grounds for discrimination to *gender* as a wider category embracing a number of social and cultural issues the EU member states and the EU bodies may

need to address in order to ensure equal treatment of men and women. The EU seems to be a place where women enjoy a relatively strong position compared to many other parts of the world, where their rights are often challenged. However, even within the EU there have been some setbacks and persistent difficulties. Therefore, progress is still required in the political, economic and social fields to achieve true gender equality in all of these areas (Buzmaniuk, 2023, p. 1).

5. Findings and conclusions

The analysis reported in the previous two sections explored the frequency and combinatory potential of words *sex* and *gender* as used in the EU documents dealing with equal treatment of men and women. The main findings can be summarised as follows:

1. the fact that collocates that feature *sex* and *gender* do not overlap, not only in the modifier +term category, but in all the other categories retrieved by Sketch Engine, suggests that the words are not synonyms but occupy a different place in the semantic space, and consequently their collocational profiles vary. Clearly not being synonyms, they may be considered plesionyms though as there is some overlap in their meaning but they cannot be used interchangeably. Collocations a term may enter are a mark of the meaning difference, and the findings of this study seem to prove it. This observation may have implications for discriminating between near-synonyms and for teaching legal English genre (see Yevchuk (2021) for her study of Estonian learners).
2. our computational analysis of the corpus shows that the frequency of the noun *gender* surpasses that of *sex*, the former occurring 806 times and the latter 500 times, with *gender* constituting 61.7% of analysed corpus occurrences of the two terms and *sex* accounting for 38.3%. Thus, we can see that the frequency of *gender* in the analysed documents is 61.2% higher than that of *sex*. This difference is also reflected in their respective collocates. However, we can see that the relationship is not linear. The number of word combinations with *gender* as a modifier shows much greater prevalence since *sex* is retrieved only in two collocations, namely *sex discrimination* and *sex characteristic* while *gender* features in dozens of word combinations as listed in sections 3 and 4 of this paper.
3. the frequency of the two words has evolved over time, and so has their combinatory potential. Whereas the combinatory potential of the word *sex* remained rather stable, the word *gender* has entered the lexicon with great force and the number of new phrases that it features seems to be constantly growing with new collocations appearing in the corpus. The arrival of relatively new phrases may be observed in particular in such documents as strategies, recommendations or directive proposals. That may be due to regulatory needs and changes in societies in the member states, e.g. changing values/beliefs and attitudes regarding equal treatment of men and women. The more recent legislation has introduced new concepts that refer rather to social psychological sphere rather than purely biological one. That may explain why *gender* and its word combinations have proliferated and why

they clearly outnumber combinations featuring sex as a modifier. The change in regulatory approach may be reflected in the language used in the area of equal treatment since legislation is a tool used to modify some behaviours.

All in all, we are aware of the fact that the study was limited to specialised legal English as used in the EU texts in the area of equal opportunities for men and women and focused solely on the modifier + noun type of collocations. The collocations retrieved from a legal corpus and a general one may differ. Thus, this issue may necessitate conducting further research and the findings provided may also have implications for the development of collocation-centred language teaching resources. The context, a general or specialised one, may call specifically for language material compiled from a general or specialised corpora, respectively (cf. Michta, 2022, p. 90).

Still, a tentative observation can be made that the collocations occurring in the small specialized corpus we analysed reflect the changing values and beliefs in societies which are reflected in the nature of the language used. It would be in line with the view that the legal language and consequently permitted word combinations are inextricably intertwined with a particular legal system (Kjær, 2007, p. 508), in this case with the European Union legal regulation system.

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