

Articoli

LAW MEETS LINGUISTICS: DETECTING GENDER-BASED STEREOTYPES THROUGH CORPUS-BASED ANALYSIS IN THE GENDJUS PROJECT

*IL DIRITTO INCONTRA LA LINGUISTICA:
SCOPRIRE GLI STEREOTIPI DI GENERE ATTRAVERSO ANALISI BASATE
SUI CORPORA NEL PROGETTO GENDJUS*

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Abstract

The gendered implications of judicial narratives have been investigated in different fields. The GenDJus project aims at discovering and examining gender-based prejudices, stereotypes and biases in judicial discourses. As a joint effort between lawyers and linguists, the project has relied on corpus linguistics as a method to complement feminist queer legal approaches to human rights. Rather than focussing on the substantial outcomes of the project, this paper presents one of the virtuous effects of GenDJus as an interdisciplinary endeavour. This is the lawyers' curiosity of learning linguistics-specific tools, such as the online platform NoSketch Engine. This system interrogates the corpus, a pre-established collection of legal texts, through different functions that help the researcher identify non-obvious gender-related meanings and assumptions in the judges' voices. Although training in (corpus) linguistics optimizes the potential of NoSketch Engine, this can be used by lawyers as an additional instrument to the critical and/or doctrinal analysis to (i) make their informed choices as to the texts most suitable for subsequent close reading; (ii) identify prejudices,

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This paper has been subjected to double-blind peer review



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stereotypes and biases, including judicial silences; and eventually (iii) articulate significant conclusions as to the way in which courts name and contest such prejudices, stereotypes and biases.

Keywords: gender-based stereotypes; queer feminist approaches; human rights; corpus linguistics

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1. INTRODUCTION¹

The field of gender and law is growing in scope. As an area of knowledge, it offers alternative perspectives to investigate the law to mainstream, patriarchal constructs that permeate sociolegal approaches and sociocultural realities. But ‘gender and law’ is something more than an area of knowledge: it is a mode of analysis, as well as a way of asking questions and of challenging the nature and operation of the law. And even more: an interest, a focus of attention, a critical stance.² Shortly, using gender constitutes a method of practicing, talking about and learning the law. Adopting a gender approach transcends finding conclusions because it focuses on processes and underlying assumptions – eventually, it is a way of approaching life. This paper illustrates one possible way of living a life with this sensitivity³ by exploring innovative research trajectories that use digital techniques to support the legal and linguistic investigation into judicially driven gender-based prejudices, stereotypes and biases.⁴

¹ GenDJus has been a passionate project, full of scientific rigour, kindness and respect. I wish to thank Carmelo Danisi, Gianluca Pontrandolfo, Erika Miyamoto and Chiara Sarni for that and for their comments on an earlier draft of this paper. This paper 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 ricerca” – 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>.

² H. Charlesworth, C. Chinkin and S. Wright, *Feminist Approaches to International Law* in *American Journal of International Law*, 1991, vol. 85, p. 613.

³ I adopt the term ‘sensitivity’ because it represents a refusal of the rigidification of gender theory as a – only one specific – theory of law. Cf B. Cossman, *Queering Queer Legal Studies: An Unreconstructed Ode to Eve Sedgwick (and Others)*, in *Critical Analysis of Law*, 2019, vol. 6, p. 37.

⁴ For the purposes of GenDJus inquiry, a ‘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 ‘stereotype’ is a simplified cognitive representation of a certain social group, being the result of generalization of a number of characteristics considered to be indispensable to the essence of the group. A ‘bias’ refers to a cognitive shortcut, i.e. a quick process through which we interpret reality. The bias is the cognitive activity using the stereotype as a tool to make judgements about ourselves and others: G. Gilleri, E. Miyamoto and C. Sarni, *Methodology and Theoretical Framework*, in C. Danisi and P. Pontrandolfo (eds.), *Prejudice, Stereotypes and Bias in Sexual, Reproductive and Parental Rights: Linguistic and Legal Implications of Gendered Discourses in International Judicial Spaces*, Palgrave Macmillan,

Doing ‘gender and law’ does not mean only juxtaposing gender studies with legal doctrine or focussing the positivistic study of the law especially on women and LG-BTIAQ+ people. Like any other interdisciplinary effort, ‘gender and law’ requires the gender legal expert to be familiar with both the substance and the tools that are to be used in the field of ‘gender’ and ‘law’. But gender is a rather vague term when it is used to define the field. First, there are as many ways to do gender as there are disciplines that explore gender that could be applied to the study of the law, indeed. Second, scholars working in the same discipline can conceptualise gender in different, sometimes opposite ways. For example, postcolonial feminists have accused early feminist studies from the Global North of homogenizing and systematizing discursively the oppression of women by universalizing western values and applying them cross-culturally.⁵

In this paper, law is an object of study of a jurilinguistic effort with a feminist queer ethos. The enquiry proposes an account of the meanings and functions that two disciplines – linguistics and legal studies – attribute to gender as a sociocultural expression embedded in legal visions and practices.

Equally, ‘law’ might refer to a panoply of sources, practices and actors playing a variety of roles within diverse regimes. This paper presents an example of how the feminist queer lens can be used in researching international human rights law through machine-driven analysis. The article takes its cue from the project ‘Rights and Prejudice: Linguistic and Legal Implications of Gendered Discourses in Judicial Spaces (GenDJus)’,⁶ an interdisciplinary endeavour between the University of Trieste and the University of Bologna, in which I was involved.

GenDJus aims at detecting gender-based prejudices, stereotypes and biases on sexual, reproductive and parental rights in the case law of selected international and national courts in three languages – English, French and Spanish.

What makes the project peculiar is the synergy between lawyers and linguists.⁷

London [forthcoming].

⁵ C. Mohanty, *Under Western Eyes: Feminist Scholarship and Colonial Discourses*, in *Feminist Review*, 1988, vol. 30, p. 80. For others, gender is a Western invention: O. Oyèwùmí, *The Invention of Women: Making an African Sense of Western Gender Discourses*, University of Minnesota Press, Minneapolis, 1997. Colonization gave rise to new social (gender) and geocultural (racial) identities: M. Lugones, *The Coloniality of Gender*, in W. Harcourt (ed.), *The Palgrave Handbook of Gender and Development: Critical Engagements in Feminist Theory and Practice*, Springer, New York, 2016.

⁶ GenDJus, ‘Rights and Prejudice: Linguistic and Legal Implications of Gendered Discourses in Judicial Spaces (GenDJus)’.

⁷ Other studies have explored this synergy: J. Phillips and J. Egbert, *Advancing Law and Corpus*

GenDJus has produced one database containing the above-mentioned case-law, and one corpus. The combination of both has allowed the jurilinguistic team to capture how different courts name, interpret and challenge gender-based prejudices, stereotypes and biases. While the GenDJus database⁸ is a collection of legal documents (decisions, advisory opinions and separate opinions), linguists have created the GenDJus corpus to gather machine-readable texts⁹ through an digital system, Sketch Engine, widely used in the field.¹⁰ The free online version, NoSketch Engine,¹¹ is accessible via the GenDJus website. This system has allowed the linguistic team to query the corpus to conduct sophisticated computational searches.¹² The output varies depending on the court at stake, but is homogeneous in its approach for each of them.

The final volume of GenDJus offers an example of this joint work between the two souls – linguists and lawyers – collaborating to draw conclusions on legal reasoning, linguistic patterns and discursive strategies in judicial texts.¹³ Equally, scholars involved in the GenDJus project have discussed its theoretical and methodological challenges.¹⁴ Against this backdrop, this enquiry contains *another* (unexpected) result of GenDJus relating to the process of reciprocal learning between members of interdisciplinary projects. This process is told from the perspective of a lawyer – the author – who has learnt during the project how to use an instrument typically

Linguistics: Importing Principles and Practices from Survey and Content-Analysis Methodologies to Improve Corpus Design and Analysis, 2018, vol. 2017, p. 1589-1620.

⁸ GenDJus, 'Case Law'.

⁹ T. McEnery and A. Wilson, *Corpus Linguistics. An Introduction*, Edinburgh University Press, Edinburgh, 2001, p. 197.

¹⁰ Sketch Engine, 'What is Sketch Engine?'; A. Kilgarriff, V. Baisa, J. Bušta, M. Jakubíček, V. Kořář, J. Michelfeit, P. Rychlý, and V. Suchomel, *The Sketch Engine: Ten Years On*, in *Lexicography*, 2014, vol. 1, p. 7-36.

¹¹ Sketch Engine, 'NoSketch Engine and Sketch Engine: What Is the Difference?'; P. Rychlý, *Matee/ Bonito - A Modular Corpus Manager*, in P. Sojka and A. Horák (eds.), *Proceedings of Recent Advances in Slavonic Natural Language Processing*, 2007, p. 65-70.

¹² G. Gilleri, E. Miyamoto and C. Sarni, *Methodology and Theoretical Framework*, in C. Danisi and P. Pontrandolfo (eds.), *Prejudice, Stereotypes and Bias in Sexual, Reproductive and Parental Rights: Linguistic and Legal Implications of Gendered Discourses in International Judicial Spaces*, Palgrave Macmillan, London [forthcoming].

¹³ C. Danisi and G. Pontrandolfo (eds.), *Prejudice, Stereotypes and Bias in Sexual, Reproductive and Parental Rights: Linguistic and Legal Implications of Gendered Discourses in International Judicial Spaces*, Palgrave Macmillan, London [forthcoming].

¹⁴ G. Pontrandolfo and C. Danisi, *Theoretical and Methodological Challenges of Interdisciplinary Legal-Linguistic Research: Reflections from the GenDJus Project*, in S. Goźdz-Roszkowski and G. Pontrandolfo (eds.), *In the Minds of Judges. Argumentative Discourse at the Intersection of Law and Language*, De Gruyter Mouton, Berlin, 2025, p. 257-279.

deployed by linguists, Sketch Engine, to detect the human rights implications of gender-based prejudices, stereotypes and biases in legal reasoning.

After this introduction, I will describe the gender perspective embraced in the paper (Section 2). The objectives and structure of the GenDJus project will be then presented (Section 3). The use of Sketch Engine has allowed GenDJus linguists to both conduct quantitative research and go in-depth with the qualitative study of discursive strategies the legal texts incorporate (Section 4.1). Yet Sketch Engine and particularly its free version NoSketch Engine may be also deployed, with the due methodological adjustments, by lawyers to unveil gender-based prejudices, stereotypes and biases in judicial narratives (Section 4.2). Beyond GenDJus-specific corpus linguistics the paper will encourage lawyers to embrace interdisciplinarity as a research choice (Section 5). Conclusions will follow.

2. A PLURALIZING GAZE

Gender approaches abound. The one embraced here is ‘feminist queer’. The feminist queer method is indebted to an epistemic tradition concerned with the legal subject being at the centre of multidirectional gender-driven power relations. Since its outset, the feminist method has criticised the exclusionary effect of the male gaze as reproduced in legal norms – that of silencing feminine identities by nullifying or limiting women’s entitlements and rights.¹⁵ Beyond the synonymous of gender-as-women, the feminist queer method conceives gender as a combination of subjective and relational roles, attitudes and societal expectations about gender, as well as gender identity, sexual orientation and sex characteristics.

The GenDJus project recognizes that gender acts at the same time as an organizational category and as a by-product of a discursive exercise of power.¹⁶ Such a configuration of gender pluralizes masculinities and femininities, and any other ways

¹⁵ S. Cusack and R. Cook, *Gender Stereotyping: Transnational Legal Perspectives*, University of Pennsylvania Press, Philadelphia, 2011; D. Buss and A.S. Manji (eds.), *International Law: Modern Feminist Approaches*, Hart, Oxford, 2005; C. Smart, *The Woman of Legal Discourse*, in *Social and Legal Studies*, 1992, vol. 1, p. 29-44; G. Heathcote, *Feminist Dialogues on International Law: Successes, Tensions, Futures*, Oxford University Press, Oxford, 2019; K. Bartlett, *Feminist Legal Methods*, in *Harvard Law Review*, 1990, vol. 103, p. 829-888; N. Naffine and R. Owens, *Sexing the Subject of Law*, LBC Information Services, North Ryde, NSW, 1997.

¹⁶ M. Foucault, *Histoire de la sexualité: La volonté de savoir*, Paris, Gallimard, 1976, p. 121, 207; J. Butler, *Gender Trouble: Feminism and the Subversion of Identity*, New York, Routledge, 1990, p. 10.

of experiencing one's gendered self-identifications. Generative forces of pleasure are deeply entrenched in genders and sexualities since, for queer theorists, both do not only attract abuses and violations but also celebrate desire, fantasy, and subversion.¹⁷

The feminist queer method remains feminist because complicating the 'woman question' à la Beauvoir¹⁸ does not involve neglecting the feminist project but rather expanding it. For example, queer theory invites to reframe sex/gender as multiple, instable, shifting throughout one's life. This stance reinforces the feminist agenda as it provides additional instruments to eradicate the privilege of hegemonic masculinity and the protective representations of women.¹⁹

Beyond men-centric narratives, the gender-sensitive lens opens new possibilities to reconsider the place for men, women, and *any* gendered subject. Law, in fact, is gendered. This paper concentrates on queer feminist approaches to international law, particularly human rights. In the human rights discourse, the gendered nature of law has translated into the prevalence of definitions and interpretations that reproduce gender dynamics, disfavours the disadvantaged and favours the advantaged.²⁰ The lack of recognition and of protections of specific gendered subjects has led to their marginalization.²¹ The GenDJus project that the next section will present starts from the assumption that gender operates as a power device that defines the frontiers of normativity within and through the law. Legal rules incorporate gender normativity which, in turn, determines the scope of the former, as well as the connected interpretive possibilities. GenDJus builds on legal interpretations and linguistic analyses to uncover gender-based stereotypes in judicial discourse. Let us see how.

¹⁷ D. Otto, *Between Pleasure and Danger: Lesbian Human Rights*, in *European Human Rights Law Review*, 2014, vol. 6, p. 618-628; B. Cossman, *Gender Performance, Sexual Subjects and International Law*, in *Canadian Journal of Law & Jurisprudence*, 2002, vol. 15, p. 293.

¹⁸ S. de Beauvoir, *Le Deuxième Sexe - Vol. I*, Paris, Gallimard, 1949. Pluralizing gendered possibilities means opening up to other, 'queer' questions: R. Rao, *Queer Questions*, in *International Feminist Journal of Politics*, vol. 16, 2014, p. 199.

¹⁹ D. Otto, *International Human Rights Law: Towards Rethinking Sex/Gender Dualism and Asymmetry*, in M. Davies and V. Munro (eds.), *The Ashgate Research Companion to Feminist Legal Theory*, Ashgate, Farnham, 2013, p. 198.

²⁰ G. Gilleri, *Sex, Gender, and International Human Rights Law: Contesting Binaries*, Routledge, London and New York, 2024, p. 73-90.

²¹ C. O'Hara and T.P. Paige (eds.), *Queer Encounters with International Law: Lives, Communities, Subjectivities*, Routledge, Abingdon and New York, 2024; J. E. Halley, *Split Decisions: How and Why to Take a Break from Feminism*, Princeton University Press, Princeton, 2008; V. Hamzić, *The Case of 'Queer Muslims': Sexual Orientation and Gender Identity in International Human Rights Law and Muslim Legal and Social Ethos*, in *Human Rights Law Review*, 2011, vol. 11, p. 237.

3. THE GENDJUS PROJECT

The GenDJus project is good example of how lawyers and linguists could adopt a feminist queer approach in working together to examine gender-related decisions by national and international courts. It does so by using digital tools to collect, store and examine legal entries, namely judgments, separate opinions and advisory opinions by the Court of Justice of the European Union, the European Court of Human Rights, the Inter-American Court of Human Rights, the African Court of Human and Peoples' Rights, the Italian Court of Cassation (*Corte di Cassazione*) and the Italian Constitutional Court (*Corte costituzionale*).

These documents cover three clusters of rights, namely sexual, reproductive and parental rights, three of the areas for which a feminist queer lens has identified the need for anti-stereotyping approaches. Precisely, the examination conducted by the GenDJus team deals with gender-based prejudices, stereotypes and biases to assess whether these are conducive to discrimination,²² by limiting or nullifying the enjoyment of human rights by the gendered subject.²³ A broad approach to gender, described above as the all-encompassing device of power acting upon any individual, makes consider different social groups, not only women and LGBTIAQ+ people, but also men who do not conform with the normativity of hegemonic masculinity²⁴ – i.e. who do not appear or behave as ‘real men.’ Against this backdrop, the research embraces masculinities and femininities in both their traditional or ideal models and their alternative possibilities that are instead subject to the former’s normative power.

As anticipated in the introduction, the preliminary steps of the project have involved the creation of two separate collections of materials, the GenDJus database and the GenDJus corpus. To facilitate the search for cases, the database gathers all the above-mentioned legal documents, made available on GenDJus website.²⁵

²² Among others, G. Gilleri and E. Miyamoto, *Broadening Protections? The European Court of Human Rights’ Discourse on Gender-Based Violence against Trans and Intersex Persons*, in *The Italian Review of International and Comparative Law*, 2025, vol. 2, p. 331-362. For a list of GenDJus research outputs, see GenDJus can be found at GenDJus, ‘Research Outputs’.

²³ For a definition of discrimination, see Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

²⁴ R. Connell, *Which Way Is Up? Essays on Sex, Class, and Culture*, Allen & Unwin, Sydney, 1983; R. Collier, *Masculinities, Law, and Personal Life: Towards a New Framework for Understanding Men, Law, and Gender*, in *Harvard Journal of Law and Gender*, 2010, vol. 33, p. 439.

²⁵ GenDJus, ‘Case Law’.

The corpus forms the basis to systematise and extracting information from large amounts of data with the use of Sketch Engine, a corpus building and query system.²⁶ In order to allow the community to access the corpus, the latter was uploaded to GenDJus website through NoSketch Engine, the free limited version of Sketch Engine.²⁷ The GenDJus corpus organizes the same legal documents of the database under different subgroups ('subcorpora') on the basis of the court and the language of the texts.

The way in which the corpus and the database appears mirrors the structural choices of the GenDJus' team. Nuanced queries across topics are made possible through 'tagging', i.e. assigning a certain tag or label to the legal document depending on the issue this deals with. Tagging supports categorization and retrieval of texts which, in turn, sustain intersectional analysis. As an example, to narrow the search to the sexual nature of gender-based violence committed against LGBTIQ+ people from the perspective of the violation of the right to be free from torture, it is possible to combine tags such as 'sexual violence', 'discrimination against LGBTIQ+ people' and 'torture'. Notably, the tagging system works both for the GenDJus corpus and the GenDJus database.²⁸ The remainder of this paper will deal mainly with the digital tools to interrogate the corpus.

Just to provide a snapshot, the GenDJus corpus is a trilingual corpus – English, Spanish and Italian – covering the time span between 1960-2024. It contains 1184 judicial texts totalling 15,284,879 million 'tokens.' Technically speaking, 'token' refers to the smallest unit of a corpus, which can comprise a word form, punctuation, abbreviations and anything else between spaces.²⁹ The large quantity and variety of data fits studies that can be both quantitative and qualitative in nature.

The GenDJus endeavour constitutes an example of a jurilinguistic perspective applied to human rights. Lawyers collaborate with linguists to create a method which

²⁶ Lexical Computing, 'Sketch Engine'.

²⁷ GenDJus, 'Corpus'. The corpus is also registered on Zenodo: G. Pontrandolfo, C. Danisi, G. Gilleri, E. Miyamoto and C. Sarni, 'The GenDJus Corpus [Data Set]', The GenDJus Project - PRIN 2022 PNRR, 2024, DOI: 10.5281/zenodo.14761912

²⁸ G. Gilleri, E. Miyamoto and C. Sarni, *Methodology and Theoretical Framework*, in C. Danisi and P. Pontrandolfo (eds.), *Prejudice, Stereotypes and Bias in Sexual, Reproductive and Parental Rights: Linguistic and Legal Implications of Gendered Discourses in International Judicial Spaces*, Palgrave Macmillan, London [forthcoming].

²⁹ G. Gilleri, E. Miyamoto and C. Sarni, *Methodology and Theoretical Framework*, in C. Danisi and P. Pontrandolfo (eds.), *Prejudice, Stereotypes and Bias in Sexual, Reproductive and Parental Rights: Linguistic and Legal Implications of Gendered Discourses in International Judicial Spaces*, Palgrave Macmillan, London [forthcoming].

is strictly legal nor linguistic, but jurilinguistic. This double soul is mirrored in the double methodological choice of the database and the corpus which complement one another. The analysis of the legal implications of the courts' reasoning on gender-based stereotypes are backed by linguistic findings drawn from corpus-assisted queries. Equally, the linguistic enquiry into discursive strategies enacted by courts provide evidence for the legal argumentation.

Sketch Engine as a tool specialised in the creation and interrogation of corpora has played a central role in GenDJus. Methodologically speaking, the project relies on corpus-assisted discourse studies,³⁰ which originate from the combination of corpus linguistics and critical discourse studies (CADS). CADS fits GenDJus' objectives in that it aims to reveal non-obvious meanings which would be otherwise difficult to capture with traditional methods of linguistic analysis.³¹

Like feminist queer approaches, critical discourse studies, the theoretical framework of CADS, challenges power relations with a special focus on dynamics hidden behind discursive constructions.³² Both theories problematise the naturalization, legitimization and reproduction of social injustices and inequalities in the dominant discourses.³³ With these tools, GenDJus uncovers asymmetries of domination and subordination that the judicial discourse mirrors and reinforces in relation to gender constructions. The next section offers an overview of a number of functions that Sketch Engine and its free version NoSketch Engine offer to detect how the legal discourse shapes gendered realities.

4. USING (NO)SKETCH ENGINE

Focusing on discursive constructs, the GenDJus uncovers the impact of judicially-driven gendered assumptions on the enjoyment of human rights. In GenDJus, critical discourse analysis serves as a thread that unites the legal and linguistic

³⁰ P. Baker, *Using Corpora in Discourse Analysis*, Continuum, London, 2006.

³¹ A. Partington, A. Duguid and C. Taylor, *Patterns and Meanings in Discourse. Theory and Practice in Corpus-Assisted Discourse Studies (CADS)*, John Benjamins, Amsterdam and Philadelphia, 2013.

³² T. van Dijk, *Discourse and Power*, Palgrave Macmillan, Basingstoke, 2008; T. van Dijk, *Critical Discourse Analysis*, in D. Schiffrin, D. Tannen and H.E. Hamilton (eds.), *The Handbook of Discourse Analysis*, Blackwell, Oxford, 2001, pp. 352-337; T. van Dijk, *Principles of critical discourse analysis*, in *Discourse & Society*, 1993, vol. 4, p. 249-282.

³³ However, the peculiarity and complexity of the legal language have long discouraged the application of critical discourse studies to law: L. Cheng and D. Machin, *The Law and Critical Discourse Studies*, in *Critical Discourse Studies*, 2022, vol. 20, p. 244-245.

dimensions infusing them with feminist queer approaches. As said, Sketch Engine is an online platform to manage and examine large text collections called corpora.

4.1. *The Linguists' 'Advantage'*

Sketch Engine allows users to study, among others, word usage, grammar patterns, collocations and frequency in the texts constituting the corpus. The use of Sketch Engine, however, is highly technical. Depending on the uses one wishes to make of it, the tool may be more or less accessible to users who are not expert in linguistics. The best use of Sketch Engine implies extensive knowledge of linguistics – concepts, applications and jargon. An array of queries can be addressed on the corpus if one wishes to take full advantage of the instrument and satisfy their linguistic questions. A person truly trained in linguistics can know how to make the most out of a set of queries with an eye to conducting a powerful discourse analysis – at least from my perspective, one of a human rights lawyer at ease with interdisciplinary approaches to law and gender. It is insufficient to *know* how to use Sketch Engine. One should situate their corpus-based research within a certain epistemology and a certain frame to interpret results derived from Sketch Engine on the basis of linguistic theories.

Linguistic strategies used in GenDJus guiding linguistic analysis via Sketch Engine include, for example, the discourse-historical approach, the sociocognitive approach and the social actors approach.³⁴ For the discourse-historical approach, discursive constructs can be examined from different perspectives among which the qualification of social actors, phenomena and events. Linguistic strategies deconstruct legal documents to study, for example, argumentative devices that judges use, and the connected effects. Through nomination and predication, GenDJus linguists have detected allusions, tropes, implicatures and rhetorical figures.³⁵ Through argumentation and perspectivization, they have identified the judges' positioning. Is legal reasoning based on arguments or assumptions? What does this tell about the judges' biases towards a certain issue? How does this posture impact the outcome of the decision and ultimately the applicant's rights? Given their focus on diminu-

³⁴ R. Wodak and M. Meyer, *Methods of Discourse Studies*, 3rd edition, London, Sage, 2016.

³⁵ M. Reisigl and R. Wodak, *The Discourse-Historical Approach (DHA)*, in *Methods of Discourse Studies*, in R. Wodak and M. Meyer, *Methods of Discourse Studies*, 3rd edition, London, Sage, 2016, p. 31-33.

tives, augmentatives and litotes, intensification and mitigation can help recognise gender-stereotypes which typically imply a system of oppression and domination discrediting certain subjects and valuing others.

The sociocognitive approach aims at capturing those discourse structures that reflect power differentials. It therefore perfectly fits the purpose of identifying gendered asymmetries in legal discourses. Some of these strategies comprise polarization and pronominal expressions in relation to out-groups and in-groups.³⁶ This approach assumes that syntactic and lexical choices embedded in legal texts can influence those who read them – typically, the courts’ view of certain legal issues, institutions or social phenomena has a weight on how people think about them.

The third theoretical frame, the social actors approach, concentrates on the agents or beneficiaries of discourses. The subject of law acquires different shapes depending on how the rules, decisions and interpretations draw their contours. Discursive constructions and representations are the clues that reveal these portrays. For example, for a long time women have been depicted as vulnerable subjects in need of protection. Protective representations in international law have defined women only in relation to their roles of wives and mothers in times of peace and war.³⁷

Needless to say, along with the above approaches, the feminist queer perspective already described in the introduction pervades GenDJus’ critical discourse analysis to understand the power of language in sustaining and reiterating gender-based hierarchies in legal narratives. With these linguistic strategies in mind, the next subsection presents a number of interrogation tools that can be used in Sketch Engine.

4.2. *Some Interrogation Tools*

Linguists can make the most out of Sketch Engine because of its design and functions. However, the added value of interdisciplinary projects such as GenDJus resides not only in the final results, but also in the human processes that scientific exchanges trigger. If law is made of words and linguists work on words, therefore linguists have a lot to share with lawyers to help them (or us) better understand legal

³⁶ T. van Dijk, *Critical Discourse Studies: A Sociocognitive Approach*, in R. Wodak and M. Meyer (eds.), *Methods of Discourse Studies*, 3rd edn, Sage, London, 2016, p. 62-85.

³⁷ D. Otto, *Disconcerting ‘Masculinities’: Reinventing the Gendered Subject(s) of International Human Rights Law*, in A. Manji and D. Buss (eds.), *International Law: Modern Feminist Approaches*, Hart, Oxford, 2005, p. 118.

meanings. This is even more true in the field of ‘crits’ – queer, feminist and critical discourse studies – where linguistic structures conceal societal patterns of injustice and systemic (dis)orders.

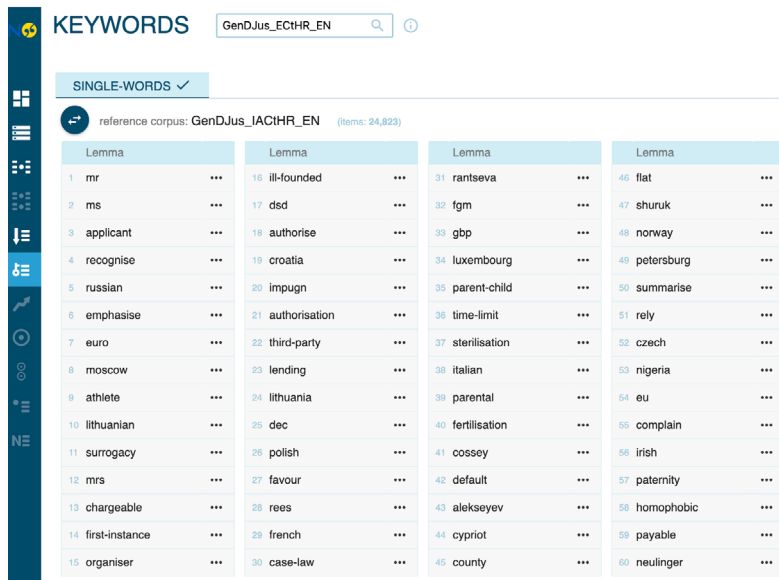
In this sense, interdisciplinarity means also contamination. Lawyers can learn from linguists and try to become familiar with Sketch Engine for *their* purposes. Perhaps some functions can be managed with more difficulty by lawyers. But some of them can be learnt and deployed to conduct qualitative analysis including unveiling how courts address gender-based stereotypes.³⁸ Hence, the results of a Sketch Engine-driven research for the purposes of, in our case, human rights law are to be understood against the human rights frame – its concepts, vocabulary and legal implications. In the same way, the specialised field of linguistics provides tailored meanings to specific Sketch Engine queries. Shortly: same tool, different disciplines, different objectives. The remainder of this section outlines some typical steps with Sketch Engine and NoSketch Engine.

The choice as to which subcorpus analyse is the starting point – which court and in which language. Having chosen the preferred corpus, many functions follow. While linguists of the GenDJus team used Sketch Engine to conduct their research on gender-based stereotypes, I will refer to the computational procedures also available for the GenDJus corpus on NoSketch Engine that can be freely accessed via the GenDJus website.³⁹

Through *keywords*, the system extracts the list of words which occur statistically more frequently in the corpus if compared against a reference corpus. This query reveals the lexical saliency of certain words which reflects the main issues treated in the collected legal texts. Therefore, in the case of the GenDJus corpus, there are nouns falling within the sphere of sexual, reproductive and parental rights – e.g., ‘transgender’, ‘same-sex’, ‘ill-treatment’, ‘child’, ‘violence’.

³⁸ Quantitative research is also possible but the qualitative dimension of gender-stereotyping in judicial reasoning is more relevant to the purposes of this inquiry.

³⁹ GenDJus, ‘Corpus’.



KEYWORDS GenDJus_ECtHR_EN

SINGLE-WORDS ✓

reference corpus: GenDJus_IACtHR_EN (Items: 24,823)

Lemma	Lemma	Lemma	Lemma
1 mr	16 ill-founded	31 rantseva	46 flat
2 ms	17 dsd	32 fgm	47 shuruk
3 applicant	18 authorise	33 gbp	48 norway
4 recognise	19 croatia	34 luxembourg	49 petersburg
5 russian	20 impugn	35 parent-child	50 summarise
6 emphasise	21 authorisation	36 time-limit	51 rely
7 euro	22 third-party	37 sterilisation	52 czech
8 moscow	23 lending	38 italian	53 nigeria
9 athlete	24 lithuania	39 parental	54 eu
10 lithuanian	25 dec	40 fertilisation	55 complain
11 surrogacy	26 polish	41 cossey	56 irish
12 mrs	27 favour	42 default	57 paternity
13 chargeable	28 rees	43 alekseyev	58 homophobic
14 first-instance	29 french	44 cypriot	59 payable
15 organiser	30 case-law	45 county	60 neulinger

Figure 1. Keywords

For example, the screenshot above shows the list of the sixty words that occur statistically more frequently in the subcorpus containing the decisions and separate opinions in English by the European Court of Human Rights (‘GenDJUs_ECtHR_EN’).

Beyond that, the user can query the system to conduct a quantitative analysis of the most recurrent words through the tool *wordlist*. Having set the preference for the type of word, such as adverbs, nouns, adjectives, pronouns, the system generates a *frequency list*. Figure 2 below provides an example of the frequency list for the English subcorpus of the Court of Justice of the European Union’s case law (‘GenDJus_CJEU_EN’). An advanced mode gives the possibility to refine the research by limiting it to words ‘starting with’, ‘ending with’ or ‘containing’ certain letters. For example, one can interrogate the system to produce a list of the frequency of the nouns starting with ‘fem-’.

Word	Frequency ? ↓
1 female	366 ***
2 females	5 ***
3 femalecandidates	2 ***
4 femur	1 ***
5 femmes	1 ***
6 femaleworker	1 ***
7 femme	1 ***
8 femalecandidate	1 ***
9 female-to-male	1 ***

Figure 2. Frequency

In this example, the list therefore includes ‘female’, ‘female candidate’ and ‘female worker’. Of course, results need to be refined, as the researcher might not be interested, in this context, in words such as ‘femur’. Given the breadth of the corpus, this type of work would otherwise require a large amount of time if performed manually. NoSketch Engine nevertheless requires the human intervention to fix this type of inaccuracies.

The tool named *concordance* is a particularly interesting one for the purposes of qualitative legal research. This function interrogates the corpus in order to uncover whether a certain word is used and in which context. The immediate visualization includes a short linguistic context before and after the concerned word, that is the words that precede and follow the concerned word. The context can be expanded depending on the reading needs of the software user. The following screenshot offers an illustration of it. The prompt in this case is the contextual use of the word ‘mother’ in the English subcorpus of the Inter-American Court of Human Rights (‘GenDJus_IACtHR_EN’).



Figure 3. Concordance ('mother')

Unlike the wordlist, which provides the quantitative data of the most recurring words, concordance allows the researcher to understand the meaning of the searched words in relation to the sentences where they appear in the text. In this way, terms are given contextual meaning and the judges' assumptions on gendered issues are more likely to surface. In the above example, the short context that NoSketch Engine provides allows the researcher to select the sentences, and therefore the decisions, where, for instance, 'mother' is coupled with 'womb' and 'instinct'. A closer reading may then help refine the research focused on, e.g., judicial narratives on motherhood, where the latter is associated – always to continue the example – on natural attitudes ('instinct') based on specific biological attributes ('womb').

Entry points such as 'prejudice', 'stereotype', 'bias', 'stigma' and 'stigmatization' serves to interrogate the system to find where the concerned court use them. Let us take 'stereotype' in the subcorpus GenDJus_IACHR_EN for example.

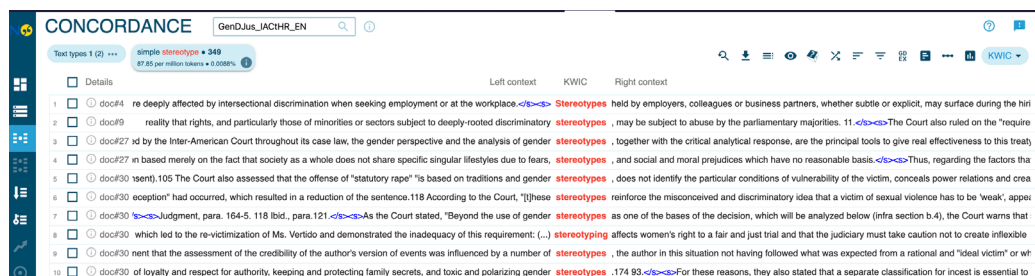


Figure 3. Concordance ('stereotypes')

This type of analysis targets linguistic behaviours. The contextualised search of a certain word can be accompanied by that of its modifiers, that is optional elements, such as evaluative adjectives, that clarify, describe or add details to the entry word. For example, close to ‘stereotype’ there can be words such as ‘detrimental’, ‘gender’, ‘deeply-rooted’, ‘negative’ or ‘discriminatory’.⁴⁰ The following screenshot is the result of the entry expression ‘discriminatory stereotype’ in the context of the subcorpus GenDJus_IACtHR_EN.

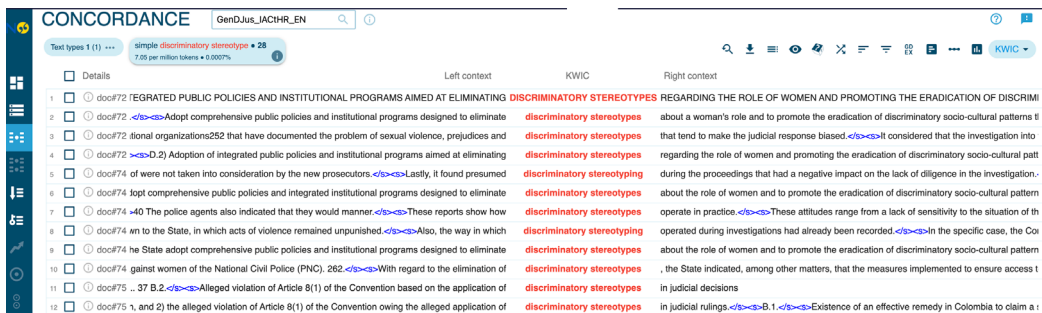


Figure 4. Concordance ('discriminatory stereotype')

This is the key mode to uncover stereotypes, prejudices and biases in the subcorpora.⁴¹ Concordance acts as a key tool in unpacking prejudices, stereotypes and biases by, for instance, detecting the words that are typically associated to certain individuals and their possible connected derogatory or delegitimizing meanings.⁴² This function helps also recognise judicial assumptions⁴³ as to how an individual is expected behave depending on their gender or the intersectional axes of identities.

⁴⁰ G. Gilleri, E. Miyamoto and C. Sarni, *Methodology and Theoretical Framework*, in C. Danisi and P. Pontrandolfo (eds.), *Prejudice, Stereotypes and Bias in Sexual, Reproductive and Parental Rights: Linguistic and Legal Implications of Gendered Discourses in International Judicial Spaces*, Palgrave Macmillan, London [forthcoming].

⁴¹ In other cases, prejudices, stereotypes and biases are not named by the Court, but can be reproduced by the Court itself. Searching for these requires a close reading of the texts, especially when silences conceal prejudices, stereotypes or biases. Most frequently, the GenDJus project has been concerned with the prejudices, stereotypes and biases that the EU and international courts have identified in the domestic case-law.

⁴² Some of these researches can be performed through *word sketch*, a tool that is not available in the free version NoSketch Engine.

⁴³ P. Baker, *Sociolinguistics and Corpus Linguistics*, Edinburgh University Press, Edinburgh, 2010, p. 127-133.

This is the case of the word ‘lifestyle’, which, combined with the specific ‘gay’ sexual orientation acquires a derogatory meaning.⁴⁴ The following screenshot contains some uses of it.

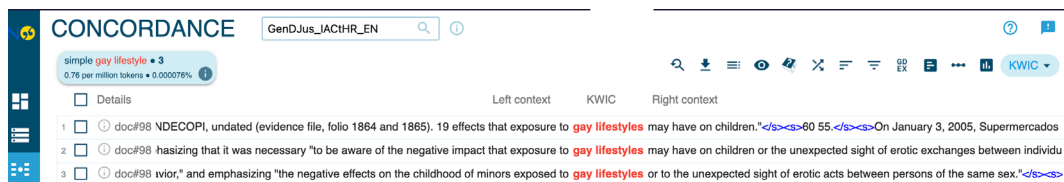


Figure 5. Concordance ('gay lifestyle')

To better understand the meaning of the expression ‘gay lifestyles’, the researcher can open the respective document, and find out how the Inter-American Court of Human Rights names and contests such stereotyped representation:

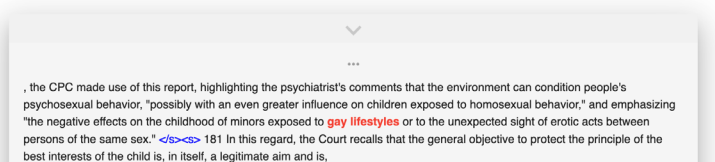


Figure 6. Context of concordance ('gay lifestyle')

Finally, under concordance other two quantitative functions complement the qualitative contextual identification. The first one shows the distribution of the word, i.e. the parts of the corpus where the entry point was found. The second one generates

⁴⁴ K. Peruzzo, *International Judicial Discourse and Non-Derogatory Language Use: A Case Study on ECtHR Judgments* in S. Goźdz-Roszkowski and G. Pontrandolfo (eds.), *In the Minds of Judges. Argumentative Discourse at the Intersection of Law and Language*, De Gruyter Mouton, Berlin, 2025, p. 227-256.

the raw frequency and the relative frequency of the occurring words. While the former counts the numbers of hits, i.e. how many times the word appears, the latter represents the frequency per million tokens by dividing the number of occurrences by the total number of words contained in the corpus. This provides a more fine-grained picture and allows the user to compare corpora which are different in size.

All the above constitutes a meaningful first step to (1) decide which document (or case) is more suitable for the research and then (2) continue with the close reading of the text. Such an exercise would take a long time if conducted without the help of NoSketch Engine. The concordance tool indicates possible paths to be further deepened with the close reading of the documents in the more traditional legal way of performing qualitative explorations. At the same time, it offers an additional lens to the traditional legal analysis to draw conclusions as to anti-stereotyping judicial approaches – how judges identify and address them. The empirical approach underlying corpus-based tools provides evidence that allows the lawyer to avoid cherry-picking⁴⁵ of unrepresentative data.

Finally, to obtain a snapshot of the corpus, specific filters (also known as *text types*) facilitating the refinement of the queries make it possible to easily navigate the corpus. They can be divided by text genre (e.g., judgment, advisory opinion) or by specific topic (e.g., abortion, adoption, obstetric violence). Filtering helps investigate judicial discourses by, for example, restricting the scope of the examination to the way in which the separate opinions in the Inter-American Court of Human Rights' case law shape gendered discourses on sterilization.⁴⁶ The system generates graphs to visually illustrate statistics of the whole corpus.

Having explained the potential of Sketch Engine, the next section contains a reflection on the theoretical premises and methodological challenges for lawyers to embrace corpus-based linguistics.

⁴⁵ For a comparison between qualitative research and corpus-based analysis as to the risk of cherry-picking, see P. Baker and E. Levon, *Picking The Right Cherries? A Comparison Of Corpus-Based and Qualitative Analyses of News Articles about Masculinity*, in *Discourse & Communication*, 2015, vol. 9, p. 221-236. See also G. Pontrandolfo and C. Danisi, *Theoretical and Methodological Challenges of Interdisciplinary Legal-Linguistic Research: Reflections from the GenDjus Project*, in S. Goźdz-Roszkowski and G. Pontrandolfo (eds.), *In the Minds of Judges. Argumentative Discourse at the Intersection of Law and Language*, De Gruyter Mouton, Berlin, 2025, p. 257-279.

⁴⁶ G. Pontrandolfo and G. Gilleri, *The Inter-American Court of Human Rights*, in C. Danisi and G. Pontrandolfo (eds.), *Prejudice, Stereotypes and Bias in Sexual, Reproductive and Parental Rights: Linguistic and Legal Implications of Gendered Discourses in International Judicial Spaces*, Palgrave Macmillan, London [forthcoming].

5. EMBRACING INTERDISCIPLINARITY

The previous sections have illustrated the main features of NoSketch Engine. The potential of the instrument is inherently connected to the user's ability to connect the search results to theoretical frames that provide meanings to the contextual analysis. The GenDJus experience has showed that linguists are better skilled at carrying out this kind of work. But lawyers can equally make interesting uses of the tool.

In this section, I wish to encourage lawyers to gain the knowledge to master alternative means to conduct their research. While I have previously deployed NoSketch Engine as a member of the GenDJus team in concert with linguists, the online platform also lends itself to solo exercises by lawyers. The above section has explained some practical uses and, at the same time, reasons for which lawyers could benefit from NoSketch Engine.

The point is not sponsoring one system over another; I brought the case of (No) Sketch Engine because this is the one the GenDJus methodology has adopted, but other tools exist.⁴⁷ Rather, the complexity of social phenomena calls – today more than ever – for methods that could cross the boundaries of separate disciplines. Like all new adventures, an unedited interdisciplinary effort such the present one between corpus-based linguistics and critical legal approaches to human rights carries with it sceptics, cautious and enthusiasts. Enthusiasm prevails in this paper, while caution – but not scepticism – assists these reflections.

It is likely that interdisciplinarity, today, involves the use of instruments that are digital. Accepting that machines can be of help allows the researcher to save time on certain tasks that can be devoted to deepening other research phases. Technology can be a powerful device but does not live its own life alone. Human agency remains the alpha and omega of any digital process, and inaccuracies and fallacies are always around the corner. Interpretation is key to first organise the material – in our case, the corpus. The way in which this is organised will determine the trajectory of the subsequent research. Many other choices follow relating to the types of queries, the filters and advanced criteria. NoSketch Engine, like any other digital tool, is a means, not an end. It does not produce ready-to-use results. Any of the latter should be read, understood and interpreted – and there comes the difference between people

⁴⁷ Among others: AntConc, WordSmith and #LancsBox X.

trained in linguistics and people trained in law. More generally, the use one wishes to make of the results ends up shaping the meanings attached to such results. All this should be taken into account.

Besides the practical advantages, a more theoretical question arises: why should a lawyer embark in a methodological adventure like the one promoted in this paper?

Law and linguistics are not far one from each other,⁴⁸ for at least two reasons. First, law *is* language, law *cannot exist* without language – and so do all of us.⁴⁹ Linguistics helps understand what legal actors say as well as what the linguistic strategies they (unconsciously) choose assume, as the GenDJus' focus on prejudices, stereotypes and biases has shown. Language is therefore essential to create, negotiate, and convey meanings in the realm of gender and law.

Second, the study of both law and linguistics cannot transcend the normativity. It is true that we understand and shape reality through language in the same way that language shapes and penetrates us.⁵⁰ However, these dynamics does not happen in a vacuum but rather follow the rules that regulate language and law. The rules of law are those set by legal regimes as well as those that sustain them. The rules of language provide that the word exists only within the pre-established articulation of language. This is the condition for the word to exist.⁵¹ The individual occupies an unstable terrain between the subjective function of the word (what we say) depending upon the universal rules in the field of language (how it should be said). The gendered nature of the sociocultural norms embedded in the legal and, in the case of GenDJus, judicial discourse further strengthens the normativity that any rule carries. Corpus linguistics can optimize the legal examination of idealised assumptions on such norms that constrain gender roles, behaviours, attributes and relations.

Overall, using a method at the intersection of law and linguistics allows the cu-

⁴⁸ For some questions as to the possible common ground between the two, see W.D. Popkin, *Law and Linguistics: Is There Common Ground?*, in *Washington University Law Review*, 1995, vol. 73, 1043-1045. For an overview of some applications of language-related processes in international law, see B. Pirker and J. Smolka, *International Law and Linguistics: Pieces of an Interdisciplinary Puzzle*, in *Journal of International Dispute Settlement*, 2020, Vol. 11, p. 501-521.

⁴⁹ For Jacques Lacan, this is what makes the human being differ from other beings: we are *parlêtre*, that is, speaking (*parler*) beings (*être*): J. Lacan, *Joyce e Il Sintomo*, in A. Di Ciaccia (ed.), *Altri scritti*, Einaudi, Milan, 2013, p. 558.

⁵⁰ G. Gilleri, *Sex, Gender, and International Human Rights Law: Contesting Binaries*, Routledge, London and New York, 2024, p. 5.

⁵¹ The dependency is bidirectional: the existence of the linguistic code depends upon the individual act of the word: J. Lacan, *Il Seminario. Libro II: L'io nella teoria di Freud e nella tecnica della psicoanalisi (1954–1955)*, Einaudi, Milan, 2006, p. 349-363.

rious lawyer to add further analytical layers to the investigation of legal sources and practices. It can also inform strategies to improve the ways legal experts and judges frame and reason on gendered and sexual groups. Eventually, cross-pollination has the potential to lead to fine grained solutions ensuring a fuller enjoyment of human rights.

Upholding interdisciplinarity means something more than encouraging collaboration. It is about opening to unknown instruments, getting their hands dirty, listening to those who are really experts, and, ultimately, learning heterodox approaches to penetrate unexplored lands.

6. CONCLUSION

The reflections contained in this paper derive from the experience of the interdisciplinary GenDJus project. GenDJus aims at discovering and examining gender-based prejudices, stereotypes and biases in judicial discourses. As a joint effort between lawyers and linguists, the project has relied on corpus linguistics as a method to complement feminist queer legal approaches to human rights. Rather than focussing on the substantial outcomes of the project, the present investigation has presented one of GenDJus-related virtuous effects. This is the lawyers' curiosity of learning linguistics-specific instruments, such as the online platform NoSketch Engine.

This paper has emphasised that linguistic training can optimise NoSketch Engine-informed research outcomes as an extensive knowledge in linguistics provides the theoretical frame(s) to make the most out of the system. Nevertheless, lawyers can also use NoSketch Engine interrogation tools, such as *keywords*, *concordance* and *frequency*, as an additional instrument to the critical and/or doctrinal analysis to (i) make their informed choices as to the texts most suitable for subsequent close reading; (ii) identify prejudices, stereotypes and biases, including judicial silences; and (iii) articulate significant conclusions as to the way in which courts name and contest them. Overall, this paradigmatic example has materialised in a cautious enthusiastic ode to interdisciplinarity.

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