Rethinking gender diversity: Transgender and gender nonconforming people and gender as constellation

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Abstract

In this article, we challenge the mainstream view of gender rooted in binary cisnormativity and suggest that the gender frameworks used to inform organizational research and practice are inadequate with respect to the range of transgender and gender nonconforming (TGNC) identities. We employ Hacking's "dynamic nominalism" to illustrate how evolving classifications of TGNC people operate as a discriminating factor that threatens their lived experiences. As an alternative to the binary cisnormative metaphor of gender as a spectrum, we adopt a more inclusive metaphor of a *gender constellation* and sketch out its potential conceptualisation that promotes multidimensional, non-hierarchical, dynamic approaches to gender diversity.

Key words

Diversity, dynamic nominalism, gender constellation, gender nonconforming, non-binary, transgender

Introduction

In the new millennium, research on gender equality and inclusion in organizations has progressed from focusing solely on the discrimination of women to broader conceptualizations of gender identity (Clair et al. 2019), with increasing attention to transgender issues (Robinson, Van Esch, and Bilimoria 2017). Yet, transgender experiences continue to be neglected or shoehorned into a model of "transition" from one pole of the gender binary to the other; while non-binary identities remain ignored or belittled as transient liminal points along an aspirational continuum (O'Shea 2021, 2020). It is time to move beyond the linear understandings of gender and acknowledge its variety, nuances and multifaceted nature.

In this article, we consider how transgender and gender nonconforming (TGNC) lives illuminate the complexity of describing, researching and "managing" diversity in organizations. We also explore how the interplay of socio-cultural discourses and organizational praxis can construct arguments and practices that support or hinder an inclusive understanding of gender. To do so, we begin with a brief critique of research on gender diversity. Next, using the framework of "dynamic nominalism" (e.g., Hacking 2002), we investigate the effects of evolving gender classifications on TGNC people. Finally, we adopt a metaphor of gender as constellation and outline a new conceptualisation of gender that transcends the dominant binary model.

In writing this article we have been mindful of our own genders. One of us is non-binary and two are cisgender women. We wrote this paper as a group where we collectively thought about what gender means to us and how it might be different if we accept difference.

Critique of gender diversity research in organization studies

The increasing visibility of transgender individuals, the rising political advocacy for transgender rights, and the mounting evidence on anti-transgender discrimination and violence (e.g., Grant et al. 2011; James et al. 2016; Whittle, Turner, and Al-Alami 2007) have sensitised many societies to the existence of sexes and genders beyond the binary of male/man/masculine and female/woman/feminine (see Boncori, Sicca and Bizjak, 2019). Yet, the "binary fundamentalism" is so epistemologically and ontologically deep-seated that attempts to "shatter" the binaries in theory and practice have largely been unsuccessful. It continues to be reproduced as "'the mental habit of linearity and objectivity persists in the hegemonic hold over our thinking' (Braidotti, 2011: 341)" (Knights 2015, 201). Consequently, the introduction of a transgender perspective into cisnormative frameworks, rather than destabilising gender as a category, has often resulted in the reinforcement of gender binary and the stigmatising and discriminatory practices associated with it (Ahmed 2017).

A decade ago, a systematic review on the careers and workplace experiences of the trans* population (McFadden and Crowley-Henry 2016) identified just 30 relevant studies, of which only 20 actually focused on trans folk and most did not distinguish between different genders under the transgender umbrella. Since then, the field has grown but the research limitations identified in the review - a narrow range of issues, countries, and research methods and the lack of differentiation between genders within the TGNC population - persist. Here, we focus our critique on the representations of gender diversity, whilst briefly acknowledging other gaps and weaknesses.

The first representational problem is "homogenization" of diverse TGNC populations into one group (Van de Cauter et al. 2021, 36). Although the field has largely moved away

from treating sexual and gender minorities as an LGBTQ+ monolith, many scholars continue to neglect gender diversity even when they specifically focus on TGNC issues, effectively perpetuating the erasure of some genders, while waving the banner of gender pluralism. Thus, of the three empirical papers in the *Gender in Management* Special Issue on "challenging cisnormativity and gender binarism in management research" (Köllen and Rumens 2022), one -- on the workplace experiences of transgender employees -- did not differentiate between the experiences of binary and non-binary respondents (Goryunova, Schwartz, and Turesky 2022); while another (García Johnson and Otto 2022) -- on the assignment of illegitimate tasks to employees -- dichotomised the respondents' gender identity into cisgender and TGNC, despite having sufficient data for a nuanced analysis (as 16% of the 345 participants were gender nonconforming; 13% "transgender"; 7% agender; 6% gender fluid; and 3% non-binary, bigender, or neutrois). Similarly, a study subtitled "moving toward a transgender, gender diverse, and non-binary friendly workplace" (Huffman et al. 2021) did not analyse the differences between trans men, trans women, and non-binary respondents.

The second representational problem is exclusion by design. For instance, a systematic review on transgender equity in the workplace limited search terms to "transgender OR (gender nonconforming)" (N.B. Davis and Yeung 2022), thus ignoring both the broader categories of non-binary and gender-expansive, and the narrower groups such as agender and gender-fluid. A study of gender stereotypes (Schiralli et al. 2022) included non-binary/genderqueer respondents, but only covered stereotypes of men and women, making no attempt to consider how TGNC individuals were stereotyped. Instead of examining these experiences, "one of the first empirical studies comparing the experiences of non-binary and

transgender individuals in workplace" (Dray et al. 2020, 1187) asked cisgender respondents to rate the likeability and expected job performance of a hypothetical TGNC employee.

The third representational problems is the misgendering of TGNC respondents and scholars. Thus, Suárez et al. (2022) arbitrarily 'binarised' 88% of the 2015 US Transgender Survey respondents, assigning all registered at birth as men to "transgender women", and all registered as women to "transgender men", even though 48% of respondents identified as more than one gender or no gender (James et al. 2016). Further, Jeanes and Janes (2021, 1238) referenced the personal accounts of a non-binary researcher (O'Shea 2018, 2019, 2020) as examples of "trans men's lives".

To briefly touch upon other problems: in the choice of topics, researchers continue to privilege the process of (medical) transition and the problematics of "coming out" (Phoenix and Ghul 2016), reinforcing the binary bracketing of TGNC experience, as well as neglecting the majority of TGNC employees who are forced to remain "in the closet" at work (an exception is an illuminating study of trans employees in Pakistan and Bangladesh (Yasser, Agrawal, and Ahmed 2021). For example, in the UK, 61% of transgender women, 53% of transgender men, and 72% of non-binary respondents avoided being open about their gender in their workplace ((Government Equalities Office 2018, 53). Also, research on pay inequality remains centred on a "patriarchal dividend", i.e. a decrease in trans women's earnings and increase in trans men's earnings post-transition (e.g., Schilt and Wiswall 2008; Geijtenbeek and Plug 2018), reducing transgender problematics to those of the "acquired" gender. While the unemployment rates of TGNC populations are two-three times higher than of the general population in the US (James et al. 2016, 141), in the UK (McNeil et al. 2012, 70; Office for National Statistics 2012), and the European Union (Eurostat 2018, 7; FRA – European Union

Agency for Fundamental Rights 2014, 121), so far only two studies (Carpenter, Eppink, and Gonzales 2020; Ciprikis, Cassells, and Berrill 2020) examined the impact of transgender identity on unemployment. Both, however, omitted non-binary folk, even though the original data set contained a number of non-binary adults sufficient for analysis (Cicero et al. 2020).

We argue that positioning transgender as "somewhere in-between" male and female on a linear gender diversity spectrum replicates the binary in the categories of "trans men" and "trans women", leaving out as the unclassifiable "others" who do not conform to male/female and cis/trans binaries, thus neglecting the lived experiences of TGNC people. In the following section we employ the framework of "dynamic nominalism" (Hacking 2007) to examine how the ways in which gender diversity is categorised and constructed materially impacts TGNC lives. We include personal vignettes (in italics) penned by the non-binary co-author to illustrate how evolving classifications of gender variance can affect TGNC people.

Gender diversity through the lens of dynamic nominalism

Dynamic nominalism is a framework that describes the process of interaction between the classifications of people and behaviours developed in the human sciences (social sciences, psychology, psychiatry, and clinical medicine), and the individuals thereby classified (Hacking, 2007). The process entails two steps. Firstly, a scientific investigation that classifies people into particular categories also shapes their individual awareness, identities, experiences, and behaviours. The investigation thereby "makes up people", i.e. "creates kinds of people that in a certain sense did not exist before". Secondly, since such investigation interacts with, and changes, the people they target, it creates the "looping effect": the targets are no longer "quite the same kind of people as before", but are "moving targets" (Hacking 2007, 293) that "defy

expert expectations" and transgress and reshape the classifications (Navon and Eyal 2016, 1420).

Dynamic nominalism has been applied to the studies of fugue (Hacking 1998a), multiple personality disorder (Hacking 1998b), child abuse (Hacking 1991) and autistic spectrum disorder (Eyal 2013; Navon and Eyal 2016). We employ it to enhance our understanding of gender diversity by highlighting how organizational processes that rely on classifications will into – or out of – existence particular aspects of an individual's being, entire individuals or groups.

> *I was born in the early 1960s and grew up in a society where there was very little discussion of gender – I was a boy and that was that. Except that it wasn't. I was sent to a child psychologist at the age of ten because I didn't conform to the behaviour expected of boys. After several sessions I was convinced that I was hurting my family but could make them proud of me if I could be a 'normal' boy.*
>
> *And so I went through my early teenage years identifying as male trying but failing to do the things expected of males.*
>
> *When I was 12 my sister and I used to wait for our mum to go to work before we would move furniture out of the way so that we could practice dancing to songs on the radio. At the local disco I danced with the girls whilst boys stood and watched. A few days later I was cornered by two boys and beaten up. I never went to the ballroom of romance again.*
>
> *A few years later I would borrow my mum's fashion magazines to read by torch light whilst listening to John Peel on the radio. And Punk gave me the opportunity to dress alternatively, not in bondage but in ripped dresses worn over the top of jeans. If I had the*

language and knowledge, I might have considered myself to be gender neutral – I wore the clothes I liked rather than ones of a specific binary gender but at this time in my life the only language I had to express my gender was binary.

I had boyfriends and girlfriends and my sexuality seemed to change according to whom I was in a sexual relationship with. For some I was a (confused) effeminate gay, for others a heterosexual male who sometimes went on the down low. A few thought I was bi. My sexuality was fluid in a way that depended on the gender of my cisgender partner/s at the time. I didn't know anyone who was trans or gender nonconforming and still considered myself to be male but a fucked up, damaged one.

But I never cared what my partner's gender or sexuality was, all the mattered was what they were like as a person and how they responded to me. If I had known the word then I would have said that I was, and still am, pansexual. So whilst my sexuality was fluid from one perspective it has actually been consistent from another, what has changed is my knowledge of the classification.

Many years later I happened on a TV programme that included interviews with transgender people and many of their experiences resonated with me. This was the first time I had heard the term 'transgender'. I requested a referral to a NHS Gender clinic and was eventually seen, assessed, diagnosed and received treatment as a typical trans woman. But during the course of my treatment I came to realise that I am non-binary (yet another classificatory term that I had not been aware of before). I am neither male or female - but my NHS official classification codes me as a trans woman.

That classification impacts my life and how I am treated by official institutions. As a (trans) woman I receive invitations for cervical cancer screening but need to request a

> *prostate screening. As (a) trans (woman) my hormones are monitored by an annual blood test – I know what my oestrogen and testosterone levels are because I am trans. For many years I have refused to visit the US as a full body scan would reveal that my anatomy did not match the gender flag in my passport. Post-surgery the two align but the gender flag is wrong as it identifies me as female rather than non-binary. Some people who see me as (a) trans woman believe that I should not be able to access female wards in hospitals or women's toilets or be housed in a female prison as they are 'single sex spaces'. I apparently pose a sexual risk to women even though I do not have a penis and my anatomy aligns with my passport. The idea that I might be at risk as a (trans) woman is moot. And all of this is beggared as I am non-binary rather than (binary) trans.*

Hacking (2007) identified ten engines that aim to produce "knowledge, understanding, and the potential for improving or controlling deviant human beings": classifying, counting, quantifying, creating norms, correlating, medicalising, biologising, geneticising, normalising, and bureaucratising. He also noted that the people "made up" by these engines often try to take back control from the experts and the institutions, creating the eleventh engine - reclaiming identity (Hacking 2007, 305-307, 310-311). In what follows we consider some of these engines in turn.

Classifying gender nonconformity

While a proper history of gender nonconformity should begin with its first recorded manifestations in antiquity (Campanile, Carlà-Uhink, and Facella 2017) and include indigenous genders (e.g., Samoan fa'afafine, Indian hijra, Thai kahthoey, Brazilian travesti), here, for

brevity's sake, we limit our historical excursus to the Global North, starting with the concerted efforts to classify gender nonconformity in the nineteenth century.

The first attempts to classify gender nonconformity date back to the municipal ordnances outlawing cross-dressing in the US in 1850s (Stryker 2008) and the emergence of the science of sexology in Europe in the 1880s (Ekins and King 2006). Whereas the legal regulation aimed to combat "gender fraud" (supposedly perpetrated by women to achieve economic advantage), sexology tried to separate the newly discovered mental condition of "transvestism" (the term coined by Magnus Hirschfeld in 1910) from homosexuality, deemed at the time sinful, deviant, and criminal. This classification was deeply consequential: homosexuality was punishable by a prison sentence, and transvestism by a fine.

The second classification, created in 1940s-1950s by psychiatrist David Cauldwell and endocrinologist Harry Benjamin, separated transvestites (who desired only cross-dressing) from transsexuals (who wanted to change their physical sexual attributes) (Meyerowitz 2002). It relegated cross-dressers to the margins of gender diversity: thenceforth, only transsexuals could challenge gendered laws (e.g., anti-cross-dressing ordinances in the US, (Robson 2013, 60-62) and receive legal protections (e.g., under the Gender Recognition Act 2004 and the case law in the UK (Tirohl 2007, 278).

The third classification, in the 1950s, separated the category of "intersex" from transsexualism (Meyerowitz 2002, 7). Thereafter, "sex change" surgeries performed on the adults not born intersex were no longer classed as "corrective", making surgeons potentially liable to criminal prosecution for castration under the laws of maim and stalling medical treatment for those who sought it (Lewis 2018).

The fourth classification, dating to the 1970s, saw the emergence of "transgender", as a term with multiple interpretations, designating, inter alia, non-transsexual, non-transvestite individuals who live full time in a gender different from birth-assigned sex (e.g., Ekins and King 2005), all transvestites and transsexuals (e.g., Williams 2014), or everyone who resisted sex/gender normativity (Stryker and Currah 2014, 5).

The fifth classification, originating in 1990s, separated transgender from other gender nonconforming designations, identified collectively as "genderqueer" or "non-binary" (interpreted to denote radical and pragmatic political standpoints, respectively; (Barker, Vincent, and Twist 2018, 297).

The new millennium ushered in novel terms, such as agender (for those who do not identify with a particular gender) and gender fluid (for those who do not identify with a single fixed gender), and umbrella phrases, such as "transgender and gender nonconforming" (recommended as most inclusive by the American Psychological Association (2015) and "transgender and gender diverse" (advocated by the World Professional Association for Transgender Health (WPATH) to avoid negative connotations of "nonconforming" (Coleman et al. 2022, s11). These designations move beyond a common association of transgender with a binary system.

Making transgender and gender nonconforming people count

A national census is a particularly forceful engine of "making up" people: it not only provides data for research and policy making, but it also signifies the public recognition of identities, enumerating and setting standards for diversity monitoring that other organizations are expected to follow. In 2011, India and Nepal were the first countries to go beyond the binary in their Census but, due to numerous data collection issues, the data on "third genders" in

Nepal were never produced, and those released on "other" sex in India were unreliable. Next, Australia twice tried and failed to count its TGNC population: the 2016 Census (Australian Bureau of Statistics 2018) invited respondents to write-in their sex but made this available only by contacting the Census Inquiry Service, practically ensuring that as few as possible replied (only 1,260 people did). The 2021 Census question "Is the person: male, female, or non-binary sex?" unsurprisingly "did not yield meaningful data" either (Australian Bureau of Statistics 2022).

Four more nations followed, but with unsatisfactory results. The Canadian 2021 Census asked "What is this person's gender?", progressively offering female, male, and free-text write-in options. Yet, as the questionnaire was completed by one person only for the entire household, it potentially outed or undercounted trans people (Bielski, Weeks, and Moore 2022). The census also created new kinds of people: Statistics Canada (2022, 5-6) announced that in some publications "to prevent disclosure of identifiable data … individuals in the 'non-binary persons' category" will be distributed to the categories of "men+" and "women+" (though just how they would be added to these categories was not explained). The Scottish 2022 Census, instead of asking about gender identity, questioned "Do you consider yourself to be trans, or have a trans history" (with "No", and "Yes, please describe your trans status (for example, non-binary, trans man, trans woman)"). The phrasing both excluded the gender nonconforming individuals who do not associate with the term "trans" and implied that being trans is a matter of one's opinion rather than an uncontested fact (Guyan 2022, 185). In England and Wales, several years of research, testing and consultation by the Office for National Statistics (2021) resulted in two Census 2021 questions: a mandatory "What is your sex?" (with only Female and Male options), and a voluntary "Is the gender you identify with

the same as your sex registered at birth?" (with options "Yes" and "No, write in gender identity"). Yet, the meanings of sex and gender were undefined, creating a quandary: if gender is the same as sex, then many TGNC people cannot answer the sex question given only two options; but if gender is not the same as sex, then everyone should answer the gender question in the negative, because whatever one's sex registered at birth is, it is not the same as one's gender. The census also denied gender to cis people, as only those whose gender was different from sex registered at birth could answer the gender question (Gilleri 2021). In contrast to other UK nations, Northern Ireland opted not to count TGNC people at all, as its consultation showed "limited user need for a question on gender identity" (Northern Ireland Statistics and Research Agency 2021, 2).

Creating transgender norms

The biopolitcal process of establishing the norm from different normal curves (Foucault 1977-1978, 63) works differently for gender. Unlike smallpox (Foucault's example), genders are less amenable to marshalling into a frequency distribution, and a gender "norm" is more akin to Hacking's (1998b) "prototype" (exemplified by a prototypical patient with multiple personality disorder: a middle-class white woman in her thirties).

A key role in articulating transgender norms was played by the medical profession. Once "sex reassignment" surgeries became available in 1950s, clinicians developed guidelines "to identify candidates who could benefit the most from such interventions" (Prunas, 2019: 56). The ideal candidate was a person most likely to "pass" in the new gender, i.e. had "a clear binary identity" and "an exclusively heterosexual orientation". The guidelines systematically excluded "non-binary and genderqueer individuals and people with non-straight orientations".

The practice had a looping effect: to access treatment, since the clients were forced to present themselves in the way that matched the clinician's expectations, the clinicians were "reinforced in their assumptions that such profile was typical of the 'true transsexual'" (Prunas 2019, 56-57). The variability of gender identities and experiences remained in the shadows. .

The media significantly contributed to articulating trans prototypes. In the 1960s, the US mainstream press created an ideal image of transsexual woman as embodying "the norms of white womanhood" and ridiculed non-white trans women as "inauthentic" (Skidmore 2011, 271). Fifty years later, the media were less racially biased, yet three quarters of people featured in articles on transgender issues were trans women. The majority of articles were in the sports, arts, or style sections, presenting transgender people as sources of entertainment, and the storylines highlighted how transgender people "strived to blend into society" (Capuzza 2015).

The prototypes have been also shaped by transnormativity, an "ideology that structures transgender experience and identification into a hierarchy of legitimacy" (Johnson 2016, 466). Transgender and non-binary people are thus compelled to prove that they are "trans enough" and adhere to the normative narratives of "born in a wrong body" and "medical transition", as these are deemed more authentic and more easily accepted. Non-binary individuals are particularly affected. Mass media tends to avoid them, and even in social media non-binary people struggle to put across their "counter-narratives to transnormativity" (Miller 2018). Consequently, non-binary individuals are likely to be misrecognized by others, questioned as to the "realness" of their gender (Garrison 2018), and treated as "dangerously deluded" (Salamon 2018).

I am a non-binary person and do not identify as either male or female. For a brief period, I, like many others at work, included my 'personal pronouns' – they/them, kat/kitten - in

> *my email signature. Then several academics formed a 'gender critical research network' and instigated a 'vigorous' 'debate' about gender, with my university's continued support. I have consequently deleted both my pronouns and photograph as I no longer feel 'safe to be me' ('Safe to be me' was the title of the Global LGBT Equity conference scheduled to be hosted by the UK Government in 2022. It was cancelled when over 100 LGBT organizations pulled out, following the Government's announcement - on Trans Visibility Day, no less - that trans people would be excluded from a Bill to ban conversion therapy (Talbot and Finlay 2022).) Given this, how can my employer hope to include me and make me feel welcome when I worry for my personal security on campus? And how can they motivate me when my additional work is now surviving an environment where it is no longer 'safe to be me'?*

Forcing cisgender norms onto trans and gender nonconforming people

Normation is the disciplinary process of bringing subjects into conformity with the norm (Foucault 1977-1978, 63). Transgender and gender nonconforming people have been pressured to abide by cisgender norms through gender policing, i.e. various "attempt[s] to regulate 'appropriate' expressions of gender" (Drescher 2015, 69). In the workplace, cisgender employees often shape the gender expressions of transgender colleagues in ways that reinforce a gender binary; and, in turn, transgender employees are forced to "craft" their gender to minimise "gender trouble" (Butler 1990). Schilt and Connell (2008) and Thanem and Wallenberg (2016) provide a nuanced discussion of how workplace gender may be undone and underdone in quite subtle ways. Gender policing is particularly rampant in gender-segregated spaces: preventing access to toilets, locker/changing and fitting rooms, and

counselling groups and refuges for victims of gender-related abuse (Dunne 2017; Davies, Vipond, and King 2017). At its extreme, normation manifests in anti-transgender violence (the lifetime prevalence of transgender people experiencing physical and sexual violence motivated by perceptions of gender across fifty countries ranges between 11.8% and 68.2% and between 7.0% and 49.1%, respectively, (Blondeel et al. 2018, 32-33).

> *I have used public and work women's washrooms for over a decade and only once has there been controversy. A young person with shaved hair was accused of being a man by another woman in the washroom of a department store. Security was called with the accuser threatening to get her male partner to 'sort out' the younger person whilst repeatedly saying, 'I can spot your sort a mile off'. Security arrived and the young person provided ID that established that they were indeed a woman.*
>
> *But what would happen to me at work in a similar situation? People know that I am non-binary but which bathroom should I use as 'other'? Some think that I should use the disabled bathroom if it has been repurposed to be 'gender neutral'. That however would reduce the amount of facilities and access for another minority group. Is the best solution for me one where I just don't use the bathroom at work and accept that I will have urinary and kidney infections instead? Or should I brave a bathroom where some clearly do not want me and risk their potential abuse and violence?*

Normation also pushes transgender people into "a dangerous double bind": to disclose their gender and be perceived as a "pretender", or refuse to disclose and risk exposure as a "liar" (Bettcher 2007, 50-51). In the UK, under the Sexual Offences Act 2003, transgender individuals can be prosecuted for "active deception" of cisgender partners punishable by imprisonment

(Sharpe 2016), while in the US the "transgender panic" defence, "which hinges on the notion that a defendant lost control of their emotions upon learning the victim's transgender identity, was still legal in 33 states as of 2021" (Totton, Rios, and Shogren 2023, 3). In the workplace, experimental studies (Adams and Webster 2017) show that followers rate the leaders who disclose that they are transgender as less likable and effective, but also rate those who were "involuntarily found out" lower than those who came out voluntarily.

Bureaucratising trans and non-binary genders

Transgender matters are being gradually integrated into the world of organizations. There are now Gender Identity Development Services for over 18s in the UK, transgender archives, a medical *Journal of Trangenderism* and a multidisciplinary *TSQ Transgender Studies Quarterly*, transgender studies programmes in US universities, and even a Museum of Transology (in Brighton, UK). Organizations, however, still find it challenging to deal with TGNC people. For example, the UK FTSE 100 companies struggle with articulating their position on transgender individuals in their diversity and inclusion policies and practices (Beauregard et al. 2016). US women's colleges grapple to combine "biology-based", "identity-based" and "legal-based" criteria for student admission (Nanney and Brunsma 2017). Many organizations seem unable to devise gender-neutral toilets, and at airports, transgender passengers presenting "atypically gendered bodies" on a scanner are subjected to higher scrutiny (from interrogation to denial of travel). Any mismatch between the gender marker on identity documents and a security agent's perception of the passenger's gender triggers a security alert (Currah and Mulqueen 2011). In international travel, the same body may be deemed safe at one checkpoint, and risky at another. Trans people may have to avoid certain countries not just as final destinations, but

as transit locations for international travel, making arrangements potentially more time consuming and more expensive.

> *I have worked for UK universities affiliated with HE institutions in countries where I as a non-binary person would be at risk. I can't visit those institutions because of the risk to me but that doesn't help the LGBT students and staff who are at those universities and who live in those countries. It leaves me wondering how we can build communities when even crossing borders is so fraught with issues.*

The main arena of wrestling with TGNC identifications is legal institutions. Historical, cultural and political contingencies produce a variety of legal interpretations of what constitutes gender, how many genders are permissible, and what gender expressions and gender-related changes are allowed (if any). For example, as of 2019, of 143 surveyed states, 13 criminalised transgender people using specific (mostly anti-cross-dressing) laws, and 37 prosecuted them *de facto* under other legal provisions (e.g., as misrepresentation, fraud, or indecency offences) (ILGA World et al. 2020). Of 54 countries in Europe and Central Asia, as of 2022, 39 made legal gender recognition available to trans people; but many had additional requirements (28 a mental health diagnosis, 19 divorce, and 9 sterility), while and just 9 based recognition on the person's self-determination (TGEU 2022). Such variety of interpretations is unsurpassed among other diversity dimensions, as each country effectively makes up its own trans citizen, with the knock-on effect on rights, privileges, employment, taxes, insurance, etc.

The legal panorama is even more difficult for non-binary people. In Europe, at the time of writing, only Iceland and Malta fully recognised non-binary people, although Austria and Germany permitted intersex people to register as "diverse"; and in the Netherlands it was

possible to obtain "X" marker by suing the municipality in which one was born (Council of Europe 2022, 34-35). In the UK, the Gender Recognition Act (2004) enabled individuals to change the sex recorded on their birth certificate from male to female or vice versa, but made no provisions for other genders; while the Equality Act (2010) classed as a protected characteristic "gender reassignment" (*s. 7*), not "gender identity", and recognised only two "sexes" (*s. 11*), affording no legal protection for non-binary people (Nirta 2018). In 2020, an Employment Tribunal held that gender fluid or non-binary employees can have the protected characteristic of gender reassignment, but Employment Tribunals do not set a binding legal precedent (Fairbairn, Barton, and Pyper 2022, 15).

> *I changed my name by deed poll in the UK back in 2016. This was witnessed and attested by a UK solicitor. In early 2021 my ex-partner asked me to agree the sale of their house in Spain. I did so using my legal name on my deed poll and provided a copy of this along with copies of my current and previous passport as proof of identity. A Spanish authority, however, refused to recognise my UK deed poll, which precipitated a long and expensive legal process to establish my legal name and identity. If I use my deed poll name in Spain I am accused of identity fraud but if I use my previous name then I may commit both identity and gender fraud in the UK.*

Reclaiming genders

On a societal level, reclaiming TGNC genders has been propelled by transgender activism, which emerged in the 1960s with the formation of support groups and evolved into a fully-fledged movement in the 1990s. In the US, achievements of the transgender movement are deemed "astonishing for such a small and historically marginalized political group" (Taylor,

Lewis, and Haider-Marker 2018, 295). In the UK, Press for Change -- one of the most successful transgender activist groups in the world -- used strategic litigation in the European Court of Human Rights and political campaigning to push through the Gender Recognition Act (2004) and the inclusion of gender reassignment into the characteristics protected by the 2010 Equality Act (Whittle 2019).

Reclaiming non-binary genders, however, is still in the making, and non-binary activism is more recent. In the UK, it emerged in 2000s, jolted into action by the exclusion of non-binary gender(s) from the Equality Act (2010). While the movement achieved some wins, such as persuading the deed poll service to include the title Mx on the change of name form, legal and political recognition are yet to be attained. In 2021, the petition to legally acknowledge non-binary gender garnered 140,782 signatures and was debated in the UK Parliament (2022), but no decision was made.

Political gains also do not straightforwardly translate into a more positive environment on interpersonal level, at work, at home and in public. Thus, while the majority of US population favours transgender discrimination protection, it morally or personally opposes "the very concept of transgender" (Taylor, Lewis, and Haider-Marker 2018, 297), which makes disclosing TGNC gender risky. We therefore question the research (e.g., Martinez et al. 2017) that advocates disclosing transgender status at work, but measures only co-workers recognition of, but not attitudes towards, trans colleagues.

Towards a new conceptualisation of gender diversity

Classifications materially matter to TGNC people. The ways of conceptualising gender diversity are also consequential. In management practice and scholarship, gender diversity is usually

discussed through the metaphor of spectrum, visually represented as LGBT+ rainbow. We argue that this metaphor oversimplifies the complexity of gender and relationships among genders.

The term "spectrum" refers to, literally, the (part of or entire) range of wavelengths of electromagnetic radiation, and, figuratively, the extent of something, arranged by degree, quality, or some other characteristic. In both usages, spectrum is conceived as a unidimensional continuum that describes only one kind of difference in the underlying phenomenon. As a metaphor for gender diversity, spectrum reduces the ontological distinctions between genders to quantifiable differences in, say, masculinity/femininity or position on a "transition pathway", ignoring agender, gender-fluid, non-binary, and indigenous identities, and negating the experiences of those for whom "transition" is not a sequence of changes to become a "new" gender but the recovery of the person they have always been.

We propose replacing the metaphor of spectrum with that of *constellation*, which refers, literally, to several stars grouped together and, figuratively, to an assemblage of things or abstract qualities. An astral constellation may be described by multiple aspects of stars comprising it, such as age, size, and relative position in a four-dimensional spacetime; and stars in a constellation may affect each other in various ways. Constellation is a more apt and productive metaphor for gender than spectrum, as it allows for ontological differences on multiple dimensions and permits fluidity and change in both the individual elements and their interrelationships. The metaphor was previously employed, inter alia, to describe "the contiguous grouping of indexes" of gender (e.g., "facial hair, vocal pitch, gait, occupation") (Steinbock 2009, 136); depict various combinations of "sex characteristics" in intersex people

(Köllen 2016, 8); help children articulate gender by drawing a collection of stars representing various gender-related characteristics (Steele and Nicholson 2020); or suggest that, if we take gender as "a paradigm of thinking about social relationships", "a complex constellation of gender may well confront us with forms of interrelationships that move beyond the binary" (Butler 2016, 223).

Our proposal, however, has stronger affinity with the recent (re)theorising of gender and sex as multidimensional constructs in health research and psychology, and proposals to use the combined terms "sex/gender" or "gender/sex", to signify that sex and gender are "interdependent, entangled, multifaceted constructs that cannot be fully separated" (Schellenberg 2019, 284). Thus, in biomedicine, Ritz and Greaves (2022, 2-3) suggested that, since none of sex-related characteristics and processes can be accurately described as either male or female, it would be more correct to consider "constellations of sex-related traits", where "no single trait is a definitive marker of sex" or "the exclusive domain of one sex". In psychology, Tate, Youssef, and Bettergarcia (2014, 303-304) conceptualised gender as "bundle" of five facets: birth-assigned gender, self-categorisation, recognition of and adherence to gendered stereotypes and expectations, gender expression/performativity, and gender evaluation of in-group and out-groups. However, Beischel, Schudson, and van Anders (2021) modelled gender, sex and gender/sex along five dimensions: association with binary and non-binary continua, fluidity (including status at a particular time/in a particular context and a general orientation), strength of identification with various aspects of gender, sex, or gender/sex, and challenging the norms. In health sciences, two multidisciplinary teams independently produced similar instruments to assess gender in clinical and population research: Nielsen et al. (2021) -- with three meta-categories (intrapersonal [gender-related

traits], interpersonal [gender norms], and institutional [gender relations]) operationalised into seven variables (caregiver strain, work strain, independence, risk-taking, emotional intelligence, social support, and discrimination); and Bolte et al. (2021) -- with three levels (individual self-concept, social structure, and symbolic order), operationalised into 40 covariates (Dandolo et al. 2022).

Although a comprehensive model for organization studies is beyond the remit of this article, we outline fourteen aspects that expand the conceptualisation of gender in organizational context. We draw, in part, on the above proposals and, to add nuance, supplement our description with personal vignettes by the non-binary co-author.

Aspects of a gender constellation

Our conceptualisation encompasses intrapersonal, interpersonal, and institutional properties of gender, treating it as both an individual attribute and a social structure/system of difference (Ridgeway and Correll 2004; Risman 2004). We try to balance categorical and anti-categorical approaches to gender, recognising that categorisation is "a necessary compromise" to reap potential benefits of quantitative analysis, but by itself insufficient to capture the complexity of gendered experiences and relations and the mechanisms of inclusion and exclusion (Lederer, Messing, and Sultan-Taieb 2022, 14). We also try to avoid using gender as a proxy for sex- or gender-related traits, attitudes, behaviours, and needs, and encourage to assess these directly.

In the following subsections we will explore how the abstract notion of gender constellation can be operationalised by using the intrapersonal, interpersonal, and institutional properties of gender.

Intrapersonal properties

Under intrapersonal properties we consider the internalised dynamics of subject formation, such as self-name, self-categorisation, genderdness, fluidity, embodiment, and consistency.

Self-name is the individual's own label for their gender (similar to ethnonym, the name an ethnic group uses for itself) and is operationalised as an open-ended question. Self-naming is the preferred option for many TGNC people (Puckett et al. 2020; Suen et al. 2020) and helps to avoid misgendering, track the emerging identities, and ameliorate epistemic exclusion (Hyde et al. 2019).

Self-categorisation allows individuals to assign themselves to aggregate gender categories. This may be considered a standard (research and administrative) practice for recording of gender using categorical lists (e.g., male, female, trans male, trans female, non-binary, and "not listed - please state") (Fraser 2018), except that such lists are seldom comprehensive. We suggest to operationalise this property by using the Gender/Sex 3×3 categorical framework (and associated instrument), comprising of two intersecting dimensions: "'gender trajectory' (cisgender/transgender/allogender [i.e., neither cisgender nor transgender]) and 'binary relation' (binary/nonbinary/allobinary [i.e., neither binary nor nonbinary]" (Beischel et al. 2022, 1).

Genderedness, or gender centrality, is the level of importance of one's gender to their self-concept and identity; it can be measured by a multi-item scale (cf. Tillewein, Brashear, and Harvey 2022). It is critically reflected in agender people who feel that gender is "irrelevant to them on the most intimately subjective level" (Cuthbert 2019, 850).

Fluidity refers both to the individual's perception of their gender as "fluctuating according to context or time" and to "the social experience of being and feeling gendered in

ways that vary in intensity, form, and meaning, with different effects at different moments" (Renz and Cooper 2022, 20). In a narrower sense of "the frequency of shifting back and forth in gender expression, identity, and experience", fluidity has been operationalised as a six-item scale (with items such as "In the future, I think my gender will be fluid or change over time" (McGuire et al. 2019, 291, 301).

> *The notion of permanence/fluidity is more complicated than a simple binary notion of having, or not having, a body part. Was I ever a boy simply because I had a penis? Wasn't I and haven't I always been non-binary but in ways where my lived experience has been affected by having a penis? Wouldn't I still be non-binary even if I didn't know of the classification? By being and asserting myself as non-binary I do not 'undo' (binary) gender, I simply ask for recognition and respect of my gender*

Embodiment refers to (per feminist accounts) a person's entire holistic "biological (somatic), intellectual, emotional, bodily, artistic and spiritual experience" within their social, cultural, and geographical location (Barbour 2018, 220) and (per ecosocial theory) a process of "the temporal transformation of bodily characteristics" as human beings literally biologically incorporate their "material and social world" (Krieger 2005, 352). It encompasses (a) intersex and endosex (Monro 2019) birth presentations, (b) transitions (e.g., menopause, gender affirmation); (c) current and historic body parts; (d) dress, including body modifications (temporary [e.g., make-up, breast binder], lasting [e.g., HRT, breast implants], or near-irreversible [e.g., tracheal shave]); and (e) self-evaluation of body image. Some of these may be relevant in specific contexts and operationalised accordingly (e.g., anatomic inventories in healthcare; physiological characteristics in occupational health (Lederer, Messing, and Sultan-Taieb 2022). Importantly, none of these phenomena should be treated as exclusive to

particular genders. Thus, dissatisfaction with body image is not limited to trans individuals; and a recently developed 'Utrecht Gender Dysphoria Scale - Gender Spectrum' acknowledges that cisgender individuals may have elements of dysphoria (McGuire et al. 2020, 205).

Consistency is the degree to which one consciously constructs a coherently readable picture of oneself. The manifestations may range from closely aligning various gendered expressions (e.g., combining feminine dress with feminine interests and mannerisms) to "mixing and matching" with the intention to baffle an observer. The concept is similar to those of "challenging the binary" (operationalised as a five-item subscale of Genderqueer Identity Scale, (McGuire et al. 2019, 300), and "gender challenge" (operationalised as a position on the gender/sex configuration diagram) (Beischel, Schudson, and van Anders 2021).

> *For those who are gender neutral or gender-fluid 'mixing and matching' may be entirely consistent. For agender people any 'typical' gender presentation may be inconsistent. I nearly always wear clothes designed and sold for women. I don't do so to be consistent but because the clothes that are designed and made for men are usually far too big for me*

Interpersonal properties

Interpersonal properties concern the relational aspects of gender and include (though may not be limited to) communality, disclosure, sexuality, and gender/sex-oriented beliefs.

Communality is the extent to which a person associates with a particular gendered community. It echoes the concept of "connectedness" to TGNC communities (encompassing both emotional sense of belonging and behavioural participation (Barr, Budge, and Adelson 2016; Sherman et al. 2020), but, again, is not limited to TGNC populations. Communality can

be operationalised by asking individuals to identify communities with which they feel affinity and with which they actively engage, including formal/informal organizations (e.g., feminist groups), performative assemblies (e.g., ballroom goers, (Valentine 2007)), work groups (e.g., khwajasira, (Ashraf, Pianezzi, and Awan 2021), and fora (e.g., LGBTQIA+).

> *Groups and group membership may of course change and the trans community is no exception. The trans community, or perhaps more accurately communities, covers a wide range of people with differing interests, needs and wants. At any particular time I may agree with and align with some of these to varying degrees. At other times I feel dissociated from it and where the only thing that connects me to the community is gender.*

Disclosure refers to the extent to which one communicates one's gender and gendered history to others. Disclosure has been operationalised as the degree of openness about one's gender, in different contexts (e.g., work, family, friends) (Yasser, Agrawal, and Ahmed 2021). It is important to note, however, that disclosure entails not only verbally stating the identity "but also managing and protecting how one's gender is perceived and organizes social interaction" (Kade 2021, 11).

> *Just when should I disclose my gender? Should I tell a prospective sexual partner as soon as we meet for the first time, or on the way to my place, or just before we have sex, or just after? What should I tell them? The basic physical bit or should I talk to them about dysphoria? Would that be a passion killer? Or an actual killer - as attested by the numerous examples of trans people beaten to death by an intimate partner? When should I run and hide, so that I do not become yet another name read out at the next Transgender Day of Remembrance?*

Sexuality could be included and examined through the framework of sexual configurations theory (van Anders 2015).

Gender/sex oriented beliefs should be assessed directly and could be measured using available instruments, such as gender essentialism scale (Skewes, Fine, and Haslam 2018), openness towards non-binary gender scale (Molin et al. 2020), and gender ideology scales (S.N. Davis and Greenstein 2009). New more TGNC-sensitive instruments would also need to be developed, as some existing instruments perpetuate negative stereotypes of trans people (illustrated by study of trans prejudice that presented the respondents with "stereotypical beliefs" about trans people as "sexual predators, HIV-positive, [or] having a mental illness", (Locantore and Wasarhaley 2020).

Institutional properties

The final group of properties considers the institutional embeddedness of gender and engages with political, legal, and socio-economic issues, including politicity, gender bias, gendered discrimination and harassment, individual needs for specific organisational policies and provisions, and freedoms.

Politicity is the extent to which individuals politicise their gender. For instance, some, though not all, TGNC people (and observers/researchers) view transition not just as "transition from one gendered expression to another but as a transition from one level of political consciousness to another" (Roen 2002, 504). Politicity may be operationalised using a 6-item scale measuring political and theoretical awareness of gender (with items such as: "I try to convince others that society should not insist on a gender binary" (McGuire et al. 2019, 300).

Perceived *gender bias* and *gendered discrimination and harassment* should be assessed directly, by creating new instruments or using the modified versions of existing ones (e..g., Gender Bias Scale, developed to assess 27 barriers to women leadership (Diehl et al. 2020) could be expanded to all genders). This would follow the emerging practice in health research that operationalises gender as a sociocultural variable using, inter alia, a six-item discrimination scale (Nielsen et al. 2021).

Needs for specific (traditionally perceived as sexed/gendered) national and organisational policies and provisions should also be assessed directly, through relevant questionnaires, without gendering them a priori, to consider, inter alia, facilities (e.g., lactation rooms, toilets), time off (e.g., parental or menstrual leave, see (Levitt and Barnack-Tavlaris 2020), health insurance, and support for life transitions (e.g., a recent UK initiative aims to support employees through separation/divorce). Policies, in turn, should acknowledge various societal changes. Thus, parenting-related policies should account for non-(hetero/cis)normative families (Lampe, Carter, and Sumerau 2019) and the fragmentation of reproductive roles created by IVF technologies (Ziemińska 2022, 414).

Finally, *freedom* is the extent to which one is legally empowered and socially and economically enabled to inhabit a particular gender in the way they choose

> *I wish this was so but I live in England, a country that has repeatedly refused to recognise non-binary people like me.*

Conclusions

In this article we have offered a brief critique of the current research on gender diversity. We have explored, through the lens of dynamic nominalism, how different classifications of gender

affect the people who go against binary cisgender norms and hinder the reclaiming of their genders. We have also suggested that, to represent gender diversity in the way that does justice to TGNC people, we should replace the spectrum metaphor, which recognises only linear differences of degree, with the metaphor of *constellation*, which directs the attention to the multifaceted and multidimensional nature of gender. The reconceptualisation of gender as a constellation can inform various fields and practices: from the TGNC-friendly human resources policies to a more nuanced portrayal of human experience in the media.

Our metaphor and its conceptualisation are intended to unsettle the cognitive schemas pertaining to gender and encourage a discussion of diverse gender-related experiences, expressions, and needs. Our proposal responds to the recent call by Clair et al. (2019, 594) to "loosen categorical thinking" on demographic identities in organizational context, in order to combat categorisation threats that organizational members with "non-normative identities" experience when "the way they understand their identities is misaligned with organizational categorization systems". We concur with Clair et al. (2019, 606) that, to fulfil needs for identity autonomy and identity legitimacy, organizations should approach their categorisation systems not as a top-down *structure* that reinforces stability but as a *process*, where categorisations emerge in a bottom-up manner, are a work in progress, and reflect "shifts and changes in members' own understandings of their demographic identities". Our proposal, however, goes beyond trying to accommodate "non-normative identities" and opens up a conversation on all gendered and agender experiences, and on gendered needs beside identity recognition.

Our constellation and its multiple aspects are a starting point. It is less important to us whether our suggested aspects are appropriate and exhaustive, but more important that we consider how we may understand gender diversity in a manner that relates the exercise of

power and politics from self-identification, through inter-subjectivity, to societal in a looping manner as one either refuses or owns how one is interpellated in relation to the norms of society.

Future scholarship may consider expanding upon or reinterpreting the fourteen properties we have suggested, as well as further operationalise and, perhaps more importantly, test possible applications of the properties in research on gender in organisations. People management practitioners may employ the constellation to revitalise their understanding of organisational members not just as employees but in their full, dynamic, and embodied complexity as human beings.

To end on a provocative note: we do not do justice to TGNC individuals if we continue to represent them only in terms dictated by a cisnormative society. We contend that TGNC individuals should be allowed to self-identify and we should attempt to understand them on their own terms and in their own right. Our failure to do so adds to, rather than addresses, the societal causes of that vulnerability. Society is not so fragile that it needs to impose a binary gender on all and punish those who are different. If the reification of cisgender normativity continues, then the very brittle stability of a social system closed to change, rather than the existence of TGNC people, will bring about its own demise. It is society, and the way we exercise power to define and police the vulnerable, that needs to change. We need to acknowledge, accept and value those in the margins rather than expect them to conform to, and be assimilated by, the majority.

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