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To cite this article: Sertac Sehlikoglu & Mustafa F Özbilgin (03 Apr 2026): “Cis Hell”, Journal of Gender Studies, DOI: [10.1080/09589236.2026.2647417](https://doi.org/10.1080/09589236.2026.2647417)

To link to this article: <https://doi.org/10.1080/09589236.2026.2647417>



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Published online: 03 Apr 2026.



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## “Cis Hell”

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### ABSTRACT

This paper develops the concept of cis hell to describe the regulatory normativity over all bodies based on gender biopolitics as a global political pandemic. Centring the recent UK Supreme Court’s 2025 Equality Act ruling and connecting it to similar examples across the world, we demonstrate how biopower operates through social movements inspired by the new authoritarianisms to establish transnational regimes of bodily control. Drawing connections between trans exclusion in the UK, USA and pronatalist policies in Turkey, Hungary, and Russia, we argue these seemingly disparate developments represent coordinated manifestations of biopolitical logic reducing human worth to reproductive capacity. Authoritarian innovation threatens and destroys modest progress towards human rights for vulnerable groups. ‘Gender-critical’ activism, despite protection claims, functions within a broader masculinist restoration project threatening collective prosperity by constraining human potential and re-centring white, male, and cis supremacy. The purported ‘safety’ of cisgender categorization creates a hell of rigid taxonomies undermining human flourishing across the gender spectrum, necessitating a radical reimagining of gender justice as essential to global prosperity through participative co-design processes inherent in new social movements theory focusing on social identity, human potential, and affect.

### ARTICLE HISTORY

Received 1 May 2025  
Accepted 10 March 2026

### KEYWORDS

Transgender studies;  
normativity; biopower;  
legality; cis

## Introduction

In April 2025, the UK Supreme Court delivered a unanimous judgement that reverberated far beyond British shores. Five judges ruled that the terms ‘woman’ and ‘sex’ in the Equality Act refer exclusively to biological women and biological sex, rejecting the inclusion of transgender women even when they hold gender recognition certificates. This landmark ruling, celebrated by self-described ‘gender-critical’ activists and organizations such as For Women Scotland (Batty 2025a, 2025b), represents more than a technical legal determination about statutory interpretation. It exemplifies a coordinated transnational turn towards biological determinism that constrains possibilities for gender justice across multiple national contexts. It stands as a powerful manifestation of what Michel Foucault termed ‘biopower’, i.e. the regulatory control of populations through the

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governance of bodies, inscribed into law with far-reaching implications for how we understand gender, embodiment, and ultimately human flourishing.

While similar developments have emerged globally, from US executive orders redefining federal gender policy to pronatalist pressures in Hungary and Turkey, the UK ruling demands particular attention as a crystallizing moment in contemporary gender politics. This article builds on feminist scholarship within gender studies that examines how regulatory regimes of sex and gender perpetuate hierarchies under the guise of protection and administrative clarity (Butler, 2024; Stryker, 2008; Stryker and Chaudhry, 2022). We align our analysis with scholars who have demonstrated that institutional definitions of gender are never neutral but embedded in racial, colonial, and heteronormative logics of governance. Rather than treating the UK decision as an isolated legal incident, we frame it as a contemporary manifestation of biopolitical violence that demands urgent feminist analysis and resistance.

Drawing on Dante's poem, *Inferno* (1320/2002), we offer the term 'Cis Hell' as an analytical framework is offered as an analytical framework rather than a mere metaphor; we map the descending circles of regulatory control that transform administrative categories into instruments of social death for those rendered unintelligible by biological determinism. While transgender individuals bear the most immediate and devastating consequences of this legal codification, we argue that Cis Hell ultimately constrains possibilities for self-determination across the gender spectrum. To understand how resistance emerges within and against these constraints, we apply New Social Movements theory, which illuminates how identity-based organizing challenges not merely exclusionary policies but the ontological foundations of state-sanctioned gender intelligibility itself. Through this lens, contemporary trans and gender justice movements represent prefigurative politics that contest the biopolitical logic underlying decisions like the UK ruling.

Cis Hell is not simply another term for cisnormativity, although cisnormativity is one of its central operations. Cis Hell names the biopolitical system that emerges when cisnormativity, transphobia and pronatalism work together to define which bodies are intelligible, valuable and protected. Cisnormativity establishes binary sex as the natural point of reference. Transphobia enforces this binary by punishing or excluding those whose embodiment unsettles it. Pronatalism assigns worth according to reproductive capacity and attaches moral and social value to the fulfilment of gendered reproductive expectations. Taken together, these mechanisms constitute a single regulatory regime that shapes the lives of both trans and cis people. Trans people experience the most acute forms of regulatory punishment through administrative erasure, juridical exclusion and heightened vulnerability. Cis people are also regulated by its demands, since the system imposes restrictive gender norms and reproductive pressures on all those who live within it. In this sense, Cis Hell is a shared, although unevenly distributed, condition.

Building on feminist scholarship that insists on the inseparability of gender justice and broader struggles for human flourishing, we situate our intervention within trans-inclusive feminist debates. We engage directly with Judith Butler's *Who's Afraid of Gender?* (2024), which demonstrates how 'gender ideology' panics mobilize the state and institutional power to constrain bodily autonomy across populations. Our argument aligns with this strand of scholarship by refusing the false opposition between women's

rights and trans liberation, and situates the UK ruling as emblematic of a transnational biopolitical turn that narrows the possibilities of life.

Our central thesis is that the UK Supreme Court ruling exemplifies biopower operating through legal mechanisms to instantiate what we call Cis Hell: a regulatory regime that disciplines all bodies through rigid gender taxonomies. Cis Hell is not merely a metaphor but a conceptual apparatus to capture how state institutions invoke 'safety', 'clarity', and 'nature' to justify expanded control over embodiment. While trans and non-binary people face the most immediate harms, this regime also constrains cis individuals who fail or refuse to conform. In tracing this descent, we employ New Social Movements (NSM) theory to illuminate how resistance operates not only against exclusionary policies but also against the ontological foundations of cisnormativity itself.

This article proceeds through several interconnected analytical moves to substantiate our thesis about Cis Hell as a regulatory apparatus. We begin by situating the UK ruling within contemporary biopower theory, demonstrating how legal mechanisms produce 'impossible subjects' who exist in states of partial recognition. We then develop our concept of Cis Hell through systematic engagement with Dante's *Inferno*, not as a rhetorical flourish but as an analytical framework that maps the descending circles of regulatory control, from administrative limbo through legal violence to institutional betrayal. Our analysis traces how gender-critical activism operates within broader masculinist restoration projects while examining the human costs of exclusive prosperity that protects only state-sanctioned bodies. Finally, we explore how New Social Movements theory illuminates emerging forms of resistance that contest not merely specific policies but the ontological foundations of cisnormative intelligibility itself. Through this progression, we demonstrate that the UK Supreme Court ruling represents far more than a legal setback; it exemplifies a coordinated biopolitical assault on gender justice that demands urgent feminist analysis and collective resistance.

While our analysis centres on the UK ruling as a paradigmatic case, this determination operates within a broader transnational context of biopolitical control over gendered bodies. Within the same 48-hour window as the UK decision, Turkey witnessed heated debates about determining 'normal birth' and pressuring women towards vaginal deliveries over C-sections (T.C. Sağlık Bakanlığı, 2025), while contemporary developments across multiple jurisdictions, from US executive orders redefining federal gender policy to Hungary's aggressive pronatalist policies, reveal how states deploy biological determinism to constrain bodily autonomy (Aguinis et al, 2025). The UK Supreme Court's juridical codification of biological womanhood thus represents not an isolated legal incident but a crystallizing moment within coordinated transnational efforts to reassert state authority over gender and reproduction. These comparative cases illuminate how the biopolitical logic underlying the UK ruling, illustrating the state's assertion of power to define, restrict, and control bodies based on reproductive capacity, operates across diverse political contexts while adapting to local legal and cultural frameworks.

The celebration surrounding the UK ruling reveals how biological determinism has become a potent rallying point for otherwise ideologically diverse groups, populist conservatives, certain feminist factions, and religious organizations, demanding trans exclusion (Özbilgin and Erbil, 2024a). This coalition demonstrates what Sehlkoglu and Saglam (2026) observed in their research on populist movements: the deployment of gender norms as political currency that can mobilize

heterogeneous groups towards specific political objectives. The rhetorical framing of such determinations as ‘protection’ rather than restriction echoes the masculinist restoration evident in other political contexts, where the strong position themselves as defenders of the vulnerable while simultaneously constraining autonomy. Vassilopoulou et al. (2022) and Ng et al. (2025) have also explained that populism warps legitimate public fears about general safety, security and prosperity to attack vulnerable groups, criminalizing or responsabilising them using emotive language and false information (Bastian et al., 2025).

What remains tellingly absent from these celebrations of anti-trans legal developments is an acknowledgement of the human cost. Transgender youth face dramatically elevated rates of suicide and self-harm when their identities are legally erased or rendered unintelligible (Jadva et al., 2023). In this paper, we adopt an inclusive definition of prosperity, i.e. a state of holistic well-being in which individuals, communities, and societies can thrive across multiple dimensions of economic, social, environmental, and cultural endowments. Inclusive prosperity recognizes that true flourishing extends beyond material wealth to include equitable access to opportunities, dignity, health, education, safety, meaningful work, environmental sustainability, and the capacity for individuals and groups to pursue their aspirations without discrimination or systemic barriers (Rodrik & Stantcheva, 2021). The exclusive prosperity championed by gender-critical activists refers to prosperity that protects only those bodies deemed legitimate by the state. Exclusive prosperity is no prosperity at all when it drives vulnerable people to despair. When biopower determines which lives are acknowledged and which are relegated to legal limbo, it creates conditions where some cannot imagine a future for themselves.

In this article, we argue that the legal codification of biological determinism creates systems of control that ultimately restrict human flourishing for everyone, not just transgender individuals. By examining the UK Supreme Court ruling and connecting it to global manifestations of biopower, we demonstrate how these developments represent coordinated expressions of the same biopolitical logic. We explore how rigid taxonomies constrain all bodies subjected to them, creating hierarchies within cisgender populations and impossible standards of ‘proper’ gendered embodiment. Finally, we propose strategies for resistance and reimagination that might lead us towards more inclusive understandings of gender and collective prosperity (Moore, 2015; Moore & Woodcraft, 2022; Sehlíkoglu, 2025).

The purported clarity offered by biological determinism comes at a devastating cost: the creation of domains of unintelligibility where certain bodies cannot be recognized as legitimate. When trans women with gender recognition certificates cannot be legally acknowledged as women in specific contexts despite being recognized as such in others, the law creates impossible subjects, recognized in some spaces but not in others, legal in some contexts but not all. This legal incoherence reflects not administrative necessity but the fundamental incoherence of attempts to reduce gender to biology. In this sense, the hell of rigid gender categorization is not merely a transgender issue but a collective condition that undermines prosperity for all. These emergent regulatory structures cannot be fully understood through legal analysis alone. They demand engagement with broader social logics, especially those exposed by new social movements theory, which foregrounds the politics of identity, affect, and co-created meaning-making. Our theorization

of Cis Hell builds on this lens, showing how seemingly a shared refusal of state-imposed taxonomies binds disparate struggles against gender exclusion.

### ***Cis Hell: the descent into regulatory biopower through Dante's Inferno***

We define Cis Hell as the biopolitical regime produced by the mutually reinforcing operations of cisnormativity, transphobia and pronatalism. Cisnormativity presents binary sex as natural and compulsory. Transphobia polices and punishes anyone whose embodiment unsettles that binary. Pronatalism assigns value to bodies, especially the bodies of women, according to their perceived reproductive capacity. These mechanisms do not simply coexist but operate together as a single system that regulates all bodies, although the severity of regulation is uneven. Transgender and nonbinary people experience the most direct forms of administrative and juridical violence. Cis people who do not conform to normative gender or reproductive expectations are also subjected to pressure and constraint. Naming this system Cis Hell signals that it is not confined to the suffering of trans people. It describes a structured condition of biopolitical control that limits the possibilities for flourishing across the entire gender spectrum.

In this article, we are intentional in showing that Cis Hell is not only experienced by trans people. It also shapes the lives of cis people, although in different and less severe ways. Cis people who do not conform to dominant expectations of masculinity or femininity face forms of social correction, institutional pressure and moral scrutiny. Even those who appear to conform visually experience the constraints of gendered expectations that govern behaviour, emotional expression and relational roles. A central mechanism in this system is pronatalism, which evaluates bodies through their assumed reproductive capacity and ties social value and moral worth to the fulfilment of reproductive norms. Pronatalism works together with cisnormativity and transphobia. Cisnormativity establishes binary sex categories as the natural point of reference. Transphobia enforces these categories by disciplining those who fall outside them. Pronatalism stabilizes the entire system by attaching legitimacy and value to bodies that reproduce the binary through biological reproduction. Taken together, these mechanisms shape Cis Hell as a condition that produces intensified vulnerability for trans people and significant constraints for cis people, making it a system that affects everyone who lives within it.

We place Cis Hell at the centre of this article because it provides the conceptual frame through which the subsequent theoretical and empirical discussions gain coherence. To illustrate the layered and intensifying nature of this regime, we draw on Dante's *Inferno*. The descent through the circles of hell provides a conceptual structure for understanding how contemporary forms of gender regulation deepen from administrative limbo to institutional betrayal while still presenting themselves as neutral and protective.

For theorizing 'Cis', we follow Emma Heaney's *Feminism Against Cisness* in treating 'Cis' not as a neutral descriptor of non-trans identity, but as a normative system that disciplines all bodies. Cisness functions as an apparatus of regulation: it naturalizes binary sex, elevates reproductive capacity as the measure of worth, and produces hierarchies within cis populations themselves. As Butler (2024) and Zengin (2024) both illustrate, such regimes do not merely exclude trans people but also impose impossible standards of

embodiment on those deemed cis. Understanding 'Cis' as a structure of constraint rather than a demographic category clarifies why the UK ruling produces regulatory violence against everyone, even those it purports to protect.

Why 'Hell'? We deploy Dante's *Inferno* not for rhetorical flourish but as an analytic to map the intensifying layers of regulatory control. Each circle of hell captures a deeper mode of biopolitical entrenchment: from administrative limbo to juridical exclusion, from pathologisation to institutional betrayal. The descent illustrates how biopower cloaks itself in neutrality and protection while producing impossible subjects condemned to live in states of partial recognition. The metaphor thus provides a systematic framework to diagnose how cisnormativity corrodes human flourishing across contexts. While Foucault's concept of biopower shows how modern institutions manage populations through the production of norms and truths about bodies, the metaphor of Cis Hell captures the escalating cruelty and precision with which these norms are enforced against trans and gender-nonconforming people. Drawing on both Foucauldian biopower and the affective-symbolic terrain emphasized by new social movements theory, Cis Hell becomes not just a metaphor for descent, but a diagnostic of how institutions choreograph layered exclusions under the guise of administrative neutrality.

Dante's *Inferno* follows a guided journey through nine circles of hell. Each circle contains a different category of punishment that becomes more intense and more finely organized as the descent continues. The poem does not present hell as chaos. Instead, it depicts a system that is internally coherent and morally justified according to its own logic. Actions are classified, bodies are sorted, and punishments are calibrated in ways that reflect an ordered regulatory regime. This structure is useful for our analysis because it illustrates how systems of control can become more severe while still appearing rational, necessary and protective. The organization of the circles enables us to think about how contemporary forms of biopolitical regulation operate through gradual intensification. It also helps us to show how Cis Hell is produced through layers of classification, surveillance and correction that become progressively more entrenched. This expanded account of *Inferno* provides readers with the context needed to understand how the descent model underpins the conceptual architecture of this article.

The outermost circle is limbo, a space of passive exclusion where trans lives are administratively suspended. In this layer, documents cannot be changed, identities are neither fully denied nor affirmed, and recognition is perpetually deferred. This is the soft edge of biopower, where omission, silence, and delay maintain illegibility without overt hostility. This first circle demonstrates how legal categories create what Butler terms 'impossible subjects', those who exist in permanent states of administrative suspension, neither fully recognized nor completely erased. The seeming neutrality of bureaucratic delay masks its function as a technology of control, forcing transgender individuals into indefinite legal limbo while maintaining the fiction of eventual resolution. As one descends, the next circle brings legal and social torment, where misrecognition becomes routine and institutionalized. Trans people are denied access to gendered spaces, subjected to public scrutiny, and rendered suspect in everyday interactions. The state enforces a compulsory alignment between sex assigned at birth and social participation, thereby deepening the reach of biopower into the minutiae of life. Kuskü et al. (2021) refer to this stage as the toxic triangle, where laws, policies, and discourses fail to offer recognition or

support to historically disadvantaged and socially vulnerable groups. Each circle intensifies the production of impossible subjects through increasingly refined taxonomic violence. Where limbo creates suspension, this second circle enforces compulsory intelligibility, demanding alignment between assigned sex and social participation while rendering any deviation punishable through exclusion from gendered spaces and services.

Below this lies the circle of heresy, in which gender nonconformity is reframed as dangerous ideology. Transness becomes a site of moral panic and national threat, something to be corrected, discredited, or banned under the guise of protecting women, children, and social order. This is masculinist restoration in action (Kandiyoti, 2013), where state and cultural actors perform and claim protection by restoring patriarchal and binary norms. The subsequent descent reveals the circle of violence, where the regulation of trans bodies shifts from symbolic to material. Here we find the denial of gender-affirming care, the criminalization of supportive parenting, and punitive restrictions in schools, prisons, and healthcare systems. Biopower here flirts with necropolitics, deciding which lives are rendered unliveable or disposable. This systematic descent reveals how legal categories function not as neutral administrative tools but as instruments of biopower that transform embodied difference into administrative impossibility. The deeper one descends, the more sophisticated become the techniques for rendering certain bodies unintelligible while maintaining the appearance of rational bureaucratic order.

Finally, in the lowest circles of fraud and betrayal, we encounter institutions that publicly claim to support inclusion while perpetuating exclusion. Liberal democracies, academic institutions, and NGOs enact superficial gestures of diversity while sustaining the very systems that produce unintelligibility. This is where Butler's (1993) impossible subjects reside: those who are simultaneously recognized and erased, acknowledged yet refused the full rights of legibility. These betrayals are not incidental but structural features of a system that relies on ambivalence and ambiguity to maintain control. Özbilgin and Erbil (2024c) refer to the oscillation between rainbow washing and rainbow burning that state and institutional-level regulatory regimes choose to instrumentalize and undermine demands for LGBTQI+ inclusion.

At the deepest layer of Cis Hell lies the circle of institutional betrayal and weaponization of other civil liberty and human rights discourses for exclusion and hate, exemplified by the Office for Students' (OfS) unprecedented £585,000 fine levied against the University of Sussex in March 2025. The OfS concluded that Sussex's 2018 trans and non-binary equality policy, mandating positive representation of trans individuals and prohibiting transphobic propaganda, had a chilling effect on lawful expression, particularly impacting Professor Kathleen Stock, who resigned in 2021 amid protests over her gender-critical views. Critics argue that this punitive measure enforces a form of libertarian free-speech absolutism, compelling universities to prioritize unregulated expression over protecting marginalized groups. Sussex's Vice-Chancellor, Professor Sasha Roseneil, condemned the ruling as wholly disproportionate and indicative of serious regulatory overreach, asserting that it undermines efforts to foster inclusive academic environments. This case highlights the perilous descent into a regulatory regime where institutions, under the guise of safeguarding free speech, may inadvertently erode protections for vulnerable communities, thereby perpetuating the very exclusions that Cis Hell seeks to expose.

This analytical framework reveals how each circle represents not merely escalating cruelty but increasingly sophisticated techniques for transforming political exclusion into administrative necessity. The Inferno structure illuminates how biopower operates through layered systems of categorization that create impossible subjects at every level, from bureaucratic suspension to institutional betrayal. Cis Hell is not an imaginative exaggeration, but a conceptual apparatus for understanding the descent into increasingly violent forms of regulatory biopower. It reveals how the logics of exclusion are not uniform but layered, each level producing deeper and more intimate forms of control. In this hell, it is not fire but policy that burns, not mythic monsters but clerks, judges, and lawmakers who enforce the torment. The descent is made palatable through appeals to neutrality, nature, clarity, fairness, and safety. Yet its outcome is the systematic foreclosure of dignity, autonomy, and human flourishing for all who fail to comply with its binary mandates.

### *Theoretical framework*

Having established Cis Hell as the organizing framework, we now theoretically interrogate the broader political and regulatory conditions that sustain it. The arguments that follow build on this claim that Cis Hell regulates both trans and cis lives, although with uneven intensity, through the combined operations of cisnormativity, transphobia and pronatalism.

#### *Section A: contemporary gender backlash*

The UK Supreme Court ruling does not emerge in isolation but is symptomatic of a broader contemporary gender backlash. Judith Butler's *Who's Afraid of Gender?* (2024) offers a critical starting point, showing how the discourse of 'gender ideology' functions as a rallying cry across disparate political contexts. This panic, Butler argues, allows authoritarian and conservative actors to portray gender pluralism as a threat to the nation, family, and social order. The UK case exemplifies this strategy, codifying biological determinism under the guise of protecting women, thereby reinscribing exclusionary logics into law. Elizabeth Corredor (2019) further clarifies that 'gender ideology' operates as a flexible discursive tool within the global right's counter-movement. Building on this, Corrêa (2017) documents how 'gender ideology' rhetoric emerged in Latin America as a strategic banner for conservative coalitions, demonstrating that the discourse is not only European but part of a wider hemispheric pattern of mobilizing moral panic to constrain feminist and queer gains. Rather than pointing to a fixed set of beliefs, the term functions as a symbolically charged placeholder through which diverse actors, such as religious authorities, populist politicians, and certain feminist factions, can coalesce around a common enemy. The UK ruling reflects this same dynamic, where the claim of safeguarding women obscures its role in strengthening cisnormative state power.

Eszter Kováts and Maari Põim (2015) describe this dynamic as 'gender as symbolic glue', highlighting how anti-gender mobilization unites otherwise antagonistic groups across Europe. The resonance of biological determinism in the UK demonstrates precisely how this symbolic glue functions: binding together gender-critical feminists, conservative politicians, and religious actors through shared appeals to clarity, nature, and protection. Positioning the UK ruling in this transnational context clarifies that it is neither an isolated

legal quirk nor a uniquely British phenomenon. Instead, it is a crystallization of global currents where authoritarian governance uses gender as a site for consolidating political legitimacy (Sehlikoglu, 2021). As comparative examples from Hungary, Poland, and Turkey demonstrate, pronatalist policies and trans-exclusionary measures are not accidental convergences but coordinated strategies within a broader backlash against feminist and queer gains. By situating the UK case within this literature, we highlight its role in a transnational infrastructure of anti-gender politics rather than treating it as an anomalous national ruling.

### *Section B: biopower and legal intelligibility*

To understand how rulings such as the UK Supreme Court decision function, we turn to Michel Foucault's (1978) theorization of biopower: the regulation of life through norms, categories, and the management of populations. Biopower does not repress difference outright but produces categories of intelligibility that govern who can be recognized as fully human. The legal system becomes a particularly potent site for this operation, translating contested social norms into authoritative truths. The UK ruling exemplifies this process. By declaring that the 'ordinary meaning' of 'woman' corresponds to biological sex, the court performs what Butler (2024) identifies as the foreclosure of gender complexity. This move does not merely describe social reality but actively produces it: creating a domain where transgender women are intelligible in some contexts but erased in others. Butler's earlier notion of 'impossible subjects' remains relevant but must be updated with her recent analysis, which underscores how contemporary gender ideology panics amplify the legal production of unintelligibility. For instance, Fox's (2022) analysis of 'the traffic in children' illustrates how panic about child safety is mobilized to naturalize anti-trans policy moves.

Ethnographic work by Zengin (2024) demonstrates how the state weaponizes medical, juridical, and bureaucratic institutions to create 'death worlds' for trans individuals in Turkey. These insights resonate with the UK ruling's effects: not outright denial of existence, but the construction of liminal spaces where trans lives are administratively suspended, simultaneously acknowledged and erased. Such forms of what Dean Spade (2015) terms 'administrative violence' illustrate biopower's most insidious effects. What makes biopower particularly effective in the juridical sphere is its circular logic: legal categories claim to reflect biological fact while simultaneously producing the very norms they appear to discover. This process echoes colonial bureaucratic practices where classification systems created the racial and ethnic groups they purported to merely record. In the case of the UK ruling, appeals to clarity and administrative convenience mask the violent production of rigid gender categories that reduce human worth to reproductive capacity. Legal intelligibility thus becomes both the mechanism and the terrain of struggle, determining which lives are possible within the law and which remain perpetually at its margins.

### *Section C: new social movements theory*

To understand resistance to these biopolitical constraints, we draw on New Social Movements (NSM) theory, particularly Melucci's (1989) analysis of identity-based organizing that challenges dominant cultural codes rather than solely pursuing material redistribution. Unlike traditional class-based movements, NSMs contest

the symbolic foundations of social order, making them particularly relevant for understanding how trans and gender justice movements challenge cisnormative intelligibility. These movements engage in what Melucci terms ‘prefigurative politics’ of creating alternative ways of being and relating that embody the futures they seek. This theoretical lens illuminates how contemporary resistance to decisions like the UK ruling operates not merely through legal challenges but through the cultivation of alternative ontologies that refuse state-imposed gender taxonomies.

If biopower explains how exclusionary regimes are entrenched, New Social Movements (NSM) theory illuminates how resistance emerges. Alberto Melucci (1989) argues that NSMs differ from traditional class-based movements by focusing not on material redistribution but on cultural codes, identity, and meaning. These movements mobilize around lived experiences of misrecognition, contesting not only specific policies but the ontological foundations of exclusion. Applying NSM theory to contemporary trans and queer activism clarifies that resistance to the UK ruling extends beyond legal challenges. Campaigns led by trans advocacy groups foreground dignity, recognition, and relational accountability rather than narrowly defined legal victories. This reflects what Melucci describes as ‘prefigurative politics’: practices of living alternative futures in the present. Mutual aid networks, creative protest, and community-based organizing are not supplementary to legal activism but integral forms of resistance that embody different social imaginaries.

The emphasis on affect and identity explains why NSM theory is particularly suited to our analysis. The descent into Cis Hell is not merely a legal development but a cultural and psychosocial condition that restricts human flourishing. Trans and queer movements resist this descent by refusing the taxonomic logics that underpin cisnormativity. They expose the contradictions of legal intelligibility by performing embodiments and solidarities that state discourse renders unintelligible.

NSM theory also distinguishes these movements from both gender-critical and masculinist coalitions. Where the latter mobilize fear and protection to reassert binary order, trans and queer NSMs mobilize recognition and multiplicity to open space for new forms of collective prosperity. In this sense, the contribution of NSM theory is twofold: it explains the symbolic terrain on which the UK ruling operates, and it highlights the alternative grammars of politics being enacted against it. The struggle over gender intelligibility thus becomes not only a matter of legal reform but also of reimagining prosperity through solidarity, plurality, and interdependence.

### *Methodological approach*

This study employs a mixed theoretical-empirical approach that combines Critical Discourse Analysis (CDA) of legal and policy documents with theoretical synthesis methodology. Our research design integrates empirical analysis of how biopower operates through juridical mechanisms with theoretical development of the ‘Cis Hell’ concept. This approach allows us to ground abstract theoretical claims in concrete textual analysis while using empirical findings to refine our conceptual framework.

Our primary empirical materials include the UK Supreme Court’s 88-page judgement on the Equality Act definition of ‘woman’ (April 2025), parliamentary debates surrounding

the Gender Recognition Act and its amendments, media coverage from major UK outlets including The Guardian, BBC, and The Times, and policy statements from key advocacy organizations including For Women Scotland, Stonewall, and trans rights groups. Secondary materials include comparative legal documents from jurisdictions mentioned in our transnational analysis, particularly US executive orders on gender policy and policy statements from Turkey and Hungary regarding reproductive governance.

We apply Fairclough's (2023) three-dimensional model of Critical Discourse Analysis, examining textual features (linguistic choices, metaphors, lexical selections), discursive practices (how texts are produced, distributed, and consumed), and social practices (broader power relations and ideological frameworks). Our analysis focuses particularly on how legal language constructs 'protection' discourse to justify exclusion, how biological determinism becomes naturalized through juridical reasoning, and how administrative categories function as technologies of biopower. We trace how seemingly neutral legal terminology masks power relations that determine whose bodies count as legitimate. Our approach resonates with recent feminist discourse analyses, such as Holvikivi et al. (2024), who illustrate how transnational anti-gender strategies travel through policy language and institutional documents, shaping local implementations while appearing as neutral administrative practice.

Our empirical discourse analysis directly informs theoretical development by revealing specific mechanisms through which biopower operates in contemporary legal contexts. We justify combining Foucauldian biopower theory with New Social Movements analysis because CDA reveals how legal exclusions provoke identity-based resistance that challenges not only policies but also the ontological foundations of gender intelligibility. As feminist and queer scholars positioned within gender studies, we acknowledge our investment in trans-inclusive feminism while maintaining analytical rigour through systematic textual analysis. This reflexive positioning allows us to trace connections between legal discourse and lived experiences of exclusion without conflating advocacy with scholarship.

### *Biopower, gender, and prosperity*

To understand the full implications of the UK Supreme Court ruling and similar developments globally, we must situate them within a theoretical framework that illuminates how power operates through bodies, gender, and institutional mechanisms. Biopower, as developed by Foucault (1978), functions differently from sovereign power, which exercises control through the right to take life. Instead, it operates through the regulation of life itself, establishing norms, collecting data, monitoring populations, and deploying techniques that optimize certain forms of life while marginalizing others. Crucially for our analysis, biopower operates not primarily through repression but through the production of subjects, categories, and truths about bodies.

Gender regulation represents a quintessential domain of biopower. The state's authority to determine what constitutes a 'woman' or 'man' exemplifies how administrative power classifies, orders, and renders bodies intelligible within bureaucratic systems. When the UK Supreme Court rules that 'woman' in the Equality Act refers exclusively to biological women, it is not merely interpreting statutory language but exercising biopower through juridical means, establishing the terms through which bodies become

legally recognizable. This manifestation of biopower is particularly insidious because it operates under the guise of protection and clarity while fundamentally constraining who counts as human in the eyes of the law. The naturalization of administrative categories represents biopower's most insidious circular logic: legal classifications create the very 'biological realities' they claim merely to recognize. When the court asserts that 'ordinary meaning' corresponds to biological characteristics, it performs what colonial administrators historically termed 'administrative truth', the transformation of bureaucratic convenience into natural fact. This process exemplifies what we term the 'violence of bureaucratic efficiency' — drawing on Stoler's (2009) analysis of colonial governance to illuminate how administrative categories transform political exclusion into naturalized fact (see Stoler 2009). As Vaggione (2020) shows, Catholic legal activism reframes equality claims as threats to public order, a template now echoed in UK discourse. The Vatican's deployment of 'gender ideology' operates as a portable legal-theological script that travels across jurisdictions, instructing allied actors to recode equality claims as threats to doctrine and public order (Case, 2019). Similar variations in practice exist regarding what an ethnic group is, and ethnic groups are recognized, counted, or disallowed from being counted, or even barred, across national legal systems (Karakas and Özbilgin, 2019). The coupling of anti-intellectualism of bureaucratic efficiency with transmisogyny has deep genealogies: Cohen (2018) traces how Nazi attacks on 'Talmudic abstractions' fused antisemitic and anti-trans tropes to police knowledge, bodies, and belonging.

This taxonomic violence operates through the same colonial logic that historically justified imperial control through claims of administrative necessity. Just as colonial authorities naturalized racial hierarchies through bureaucratic classification systems, contemporary gender regulation transforms political exclusion into administrative efficiency. The court's emphasis on 'practical difficulties' and 'clarity' echoes colonial administrators who justified violent categorization as necessary for effective governance. This connection reveals how biopower's circular logic, where administrative categories create the realities they claim to discover, extends historical patterns of imperial control into contemporary legal frameworks governing gender and embodiment.

The regulatory force of gender extends beyond formal legal mechanisms to permeate social institutions and everyday interactions. As we have argued in our previous work on heteronormativity, gender norms gain public intelligibility through languages, vocabularies, and institutions of intimacy (Sehlikoglu & Zengin, 2015) and in design of organizations and institutions (Özbilgin and Erbil, 2024b). These normative accounts achieve coherence through reiterations that retroactively instantiate heterogeneous constellations as natural, consistent, and coherent, rendering institutional design impervious to outsiders within. The Supreme Court ruling exemplifies this process, establishing biological determination as the 'natural' foundation for gender recognition despite the complex, multifaceted reality of gendered embodiment, future crafting institutional spaces as legitimate for an exclusive group, while making them unsafe or places of ambivalence for trans, non-binary and non-conforming individuals.

Heaney's (2024) analysis in *Feminism Against Cisness* becomes significantly crucial at this point. Joining Heaney, we understand 'cis' not merely as a descriptive term for non-transgender people but as a normative system that constrains all bodies within rigid taxonomies of gender intelligibility. Her feminist critique of cisnormativity demonstrates how the presumption of gender stability creates impossible standards that discipline

cisgender individuals while rendering transgender lives unintelligible. Additionally, several theoretical approaches, including Judith Butler's (2004) 'domains of unintelligibility', or Berlant and Warner's (1998) 'institutions of intimacy' provide us with a radical lens on the all-encompassing nature of normativity and its operations -and what happens to those excluded from such normative frameworks (Sehlikoglu and Karioris 2020). Butler argues that regulatory norms not only govern what is recognizable but also create 'a domain of deconstituted subjectivity, one which constitutes the defining limit of the domain of intelligible subjectivity' (Butler, 1993). The UK ruling creates precisely such a domain by rendering transgender women unintelligible as women in specific contexts while simultaneously acknowledging them as women in others. This legal incoherence reflects not administrative necessity but the fundamental impossibility of reducing gender to biology. The result is what Butler terms 'impossible subjects', those who cannot be fully recognized within existing regulatory frameworks.

The consequences of this unintelligibility are not merely theoretical but manifest in lived experiences of exclusion, discrimination, and psychological distress. When transgender individuals cannot be recognized as legitimate subjects within legal frameworks, they experience what Butler describes as "social death, the condition of being neither fully alive in social terms nor altogether dead. This condition undermines the very possibility of flourishing for those rendered unintelligible, with devastating consequences for mental health, social participation, and life possibilities. Erbil et al. (2024) refer to ignorant design as a process through which the unintelligibility of strategic ignorance, deployed by individuals with privileged control over institutions based on personal interests and dogma, turns organizational spaces into hostile and exclusive places.

These regulatory mechanisms connect directly to what Deniz Kandiyoti (2013) has termed 'masculinist restoration', a concept we have applied in our research on gender politics in populist movements. This concept refers to the process through which masculinist ideologies reassert themselves through appeals to protection, security, and natural order, usurping the language of progressive movements, vacating their meaning for control and domination purposes. The 'gender-critical' movement's framing of biological determinism as necessary for women's protection exemplifies this restoration project. By positioning themselves as protectors of vulnerable women against a perceived transgender threat, these movements deploy the same logic evident in other masculinist projects, with the strong protecting the vulnerable through restrictive control. This rhetorical strategy obscures how such 'protection' ultimately reinforces the authoritative and hierarchical power structures that constrain all bodies, including those of cisgender women.

To fully grasp what is at stake in these developments, we must reconceptualize prosperity beyond narrow economic metrics. True prosperity encompasses not merely material well-being but also social, psychological, and cultural flourishing, with the capacity to live a life of dignity, self-determination, and meaningful connection. When legal frameworks render certain bodies unintelligible or subordinate them to reproductive function, they fundamentally constrain this broader understanding of prosperity, adopting an exclusive view of prosperity for a select group rather than for all. Reducing human worth to biological capacity limits the possibility of prosperity for all subjects, not only those explicitly targeted by exclusionary policies.

Despite decades of sophisticated scholarship by gender, queer, and trans studies (Altınay, 2008; Altınay, 2025; Halberstam, 2005; Halberstam, 2018; Posocco & Gonzalez-

Polledo, 2021; Gonzalez-Polledo, 2017; Posocco, 2014; Posocco et al. 2025; Zengin 2024) we're witnessing a maddening regression towards biological determinism. This is a dangerous gateway to expanded state control over all bodies. The bitter irony is that this rich literature definitively proves transgender regulation isn't exceptional but exposes gender's fundamental regulatory mechanisms, making trans experiences central, not peripheral, to understanding how biopower subjugates us all. Yet here we are, watching courts enshrine the very determinism scholars have dismantled for years.

Gender justice (Divan et al., 2016) is therefore essential to collective prosperity. The connection between these concepts is neither tangential nor idealistic but foundational to human flourishing. A society that measures bodily worth through reproductive capacity or rigid binary classifications inevitably creates hierarchies that undermine prosperity across populations. The consequences extend beyond transgender individuals to affect cisgender women whose bodies do not conform to reproductive expectations, intersex individuals whose bodies challenge binary classifications, and ultimately all subjects whose bodies are scrutinized for proper gendered embodiment.

The legal codification of biological determinism threatens prosperity by narrowing human potential to biological functions. When bodies are regulated based on reproductive capacity, whether excluding transgender women from women's spaces or pressuring cisgender women to reproduce, we witness the same logic of control at work. This logic inevitably constrains the possibilities for self-determination, prosperity and flourishing for non-conforming women, including trans-women and non-traditional women. The UK Supreme Court ruling thus represents not merely a setback for transgender rights but a threat to collective prosperity through its reinforcement of biopower's regulatory grip on women's bodies.

While biopower operates through state classification and institutional control, resistance often emerges not through conventional political means but through identity-based social movements. These movements, as New Social Movements theorists such as Melucci (1989) have described them, are carriers of symbolic challenge. They disrupt the epistemic foundations of cisnormative logic by making visible what state discourse renders unintelligible. Their political grammar is not limited to economic grievances but extends to the recognition of plurality in embodiment and affect. Social movements are fundamental to social change as they foreground and craft changes in the moral landscape (Özbilgin and Erbil, 2021).

Understanding these connections allows us to see seemingly disparate developments, from the UK ruling to the Presidential Executive Orders in the USA and Turkish debates on 'normal birth' to Hungarian pronatalist policies, as coordinated manifestations of the same biopolitical logic. Each deploys state power to regulate bodies according to reproductive capacity rather than recognizing the full humanity of individuals. Each sacrifices human potential on the altar of biological determinism. And each ultimately undermines prosperity, not just for targeted minorities but for all bodies subjected to these regulatory regimes.

This protective framing operates through what we might call 'affective governance', the mobilization of fear and anxiety to justify increased regulation of bodies. As Sehlkoglu has argued in her work on heteronormativity (Sehlkoglu, 2013a, 2014, 2016) is fed from cosmological references around human bodies and sexuality. The same system of operation, and its institution of intimacy (Berlant & Warner, 1998) as

manifested in the form of culture of *mahremiyet*, then gains control over women's bodies in the form of 'vaginal obsessions' (2013b) towards feeding pronatalist politics. It is in those interconnected reiterations over both norm-confirming and non-confirming bodies that the normative accounts achieve coherency – that retroactively present heterogeneous constellations as natural and consistent (2015). By positioning transgender women as potential threats to cisgender women's safety, the court engages in precisely this reiterative process, naturalizing biological determinism while deploying a form of paternalistic biopower that infantilises women while simultaneously claiming to empower them. The rhetorical structure mirrors colonial and imperial logics of 'protection' that have historically justified violent interventions on marginalized bodies.

### *The UK Supreme Court ruling: anatomy of biopower*

The UK Supreme Court's unanimous ruling in the Equality Act case offers a striking case study of how biopower operates through juridical mechanisms. In its 88-page judgement, the court determined that while the word 'biological' does not appear in the Act's definition of woman, 'the ordinary meaning of those plain and unambiguous words corresponds with the biological characteristics that make an individual a man or a woman'. This seemingly straightforward interpretation reveals the court's deployment of what Foucault termed the power-knowledge nexus, i.e. the ability to establish authoritative truths about bodies through institutional discourse. This juridical episode not only illustrates the operations of biopower but simultaneously galvanizes counter-movements that contest its epistemic and material foundations, most notably, those emerging from the terrain mapped by new social movements theory.

The court's central legal manoeuvre hinged on what it termed the 'ordinary meaning' of the words 'woman' and 'sex' in the Equality Act. This interpretive strategy represents a classic textualist approach that claims to discover natural, pre-existing meanings rather than acknowledging the court's active role in constructing legal categories. By asserting that biological characteristics constitute the 'plain and unambiguous' meaning of womanhood, the court performs 'ontological violence, the judicial creation of categorical boundaries disguised as neutral discovery of fact. In doing so, the Court effectively dismissed purposive arguments grounded in the Equality Act's broader anti-discrimination objectives. Counsel had emphasized that Parliament intended the Act to protect against exclusionary practices, yet the Court insisted that 'context cannot override clear textual meaning'. This move demonstrates how textualism forecloses consideration of equality purposes, narrowing statutory interpretation in ways that privilege biological determinism over lived experience.

The technical legal reasoning reveals three key moves that establish biological determinism as legally natural. First, the court dismissed arguments about the Act's broader equality purposes, claiming that 'context cannot override clear textual meaning'. This move separates legal interpretation from social reality, allowing the court to ignore evidence about transgender experiences while appearing methodologically rigorous. Second, the judges invoked administrative efficiency, arguing that recognizing transgender women would create 'practical difficulties' for service providers. This frames exclusion as a technical necessity rather than a political choice. Third, the court strategically

deployed the language of 'clarity' and 'certainty', positioning biological determinism as the solution to legal confusion rather than its cause. This reliance on administrative convenience illustrates the circular logic of biopower: exclusion is framed not as a normative choice but as a technical necessity. In effect, bureaucratic manageability becomes a justification for restricting rights.

The case was brought by For Women Scotland, a gender-critical campaign group financially backed by JK Rowling, after two Scottish courts rejected their arguments. This coalition merits scrutiny for how it mobilizes diverse interests, framed around populist arguments brought under the banner of biological determinism (Özbilgin & Erbil, 2024a, 2024b, 2024c). The involvement of high-profile figures like Rowling amplifies these campaigns through cultural capital while obscuring the complex power dynamics at play. The alliance between certain feminist factions, conservative groups, and religious organizations demonstrates how biopower coalesces across ideological lines when regulating bodies are at stake.

Particularly telling is Lord Hodge's assertion that allowing trans women the same legal status as biological women could affect spaces designed specifically for lesbians (Batty 2025a, 2025b). This reasoning instrumentalizes lesbian concerns to restrict transgender rights, a classic divide-and-conquer strategy that positions and pits marginalized groups against each other while reinforcing the regulatory power of the state. By framing the exclusion of trans women as necessary for lesbian protection, the court obscures how both groups are subjected to the same heteronormative regime.

Lord Hodge's concern about 'two sub-groups' creating administrative confusion exemplifies biopower's bureaucratic logic. The court argued that since gender recognition certificates are private, organizations would face 'practical difficulties' in implementing inclusive policies. This prioritization of administrative convenience over lived experience reveals how biopower operates most efficiently when reducing complex human realities to manageable categories. The repeated invocation of 'clarity' in the judgement is not ideologically neutral. By asserting that biological sex provides legal certainty, the Court constructed determinism itself as the only stable foundation for law. Yet this stability is illusory, as it generates incoherence for transgender people who are legally recognized in some domains but erased in others. Butler (2024) identifies such paradoxes as producing 'domains of unintelligibility' where individuals are rendered impossible subjects of law.

The court's reasoning exemplifies what Foucault identified as the power-knowledge nexus in action. By claiming to interpret 'ordinary meaning', the judges position themselves as neutral arbiters of linguistic truth while actively constructing the very categories they claim to discover. The judgement's repeated emphasis on 'biological reality' performs a rhetorical sleight of hand, presenting socially constructed legal categories as natural facts. This judicial naturalization of biological determinism extends biopower's reach by encoding state authority to define legitimate embodiment directly into statutory interpretation, making exclusion appear as a legal necessity rather than a political choice.

The government's statement welcoming the 'clarity and confidence' provided to women and service providers demonstrates how restriction is framed as protection. This rhetorical strategy, with its masculinist underpinnings, positions the state as protector while simultaneously constraining bodily autonomy. The invocation of 'safety' and 'protection' echoes the masculinist restoration that Kandiyoti identified – the reassertion of control through appeals to security and natural order. This

protective framing operates through what we term ‘paternalistic biopower’, a key mechanism within masculinist restoration projects that justifies exclusion through claims of safeguarding vulnerable populations. As Kandiyoti (2013) demonstrates, masculinist restoration deploys protective rhetoric to reassert patriarchal control while appearing progressive. The court’s reasoning exemplifies this logic: positioning cisgender women as inherently vulnerable subjects requiring state protection from transgender ‘threats’, while simultaneously constraining women’s capacity for autonomous decision-making about their own safety and spaces. This double movement, which supposedly protects women by restricting their agency, reveals how ‘gender-critical’ discourse functions as a vehicle for broader masculinist restoration. The rhetoric of protection obscures how these legal determinations actually expand state authority over all women’s bodies, determining not only who counts as a ‘real woman’ but also prescribing what constitutes legitimate feminine vulnerability. By framing transgender inclusion as a danger requiring judicial intervention, the court reproduces the same paternalistic logic that masculinist restoration projects have historically deployed: justifying expanded control through appeals to protection, security, and natural order. The ramifications of this judgement extend beyond gender recognition to other domains where sex is legally operative, including reproductive rights, parental leave, and healthcare access. If biological determinism is treated as the ‘ordinary meaning’ of sex, similar arguments may be advanced to restrict protections in these areas. The ruling, therefore, not only reshapes equality jurisprudence but also risks cascading effects across multiple areas of social policy.

Internationally, the judgement contributes to a growing legal repertoire for anti-gender movements. As Corredor (2019) and Kováts and Pöim (2015) observe, legal strategies and discursive frames circulate transnationally, providing templates for conservative actors. Across Europe, anti-gender mobilization functions as a ‘symbolic glue’ aligning conservative and far-right actors with otherwise divergent agendas, enabling coordinated legislative and media campaigns (Kováts & Pöim, 2015). The UK ruling’s reliance on ‘ordinary meaning’, ‘clarity’, and ‘protection’ will likely be invoked in other jurisdictions, cementing biological determinism as a shared legal vocabulary of exclusion. Compared with purposive approaches in other jurisdictions, such as Canada’s expansive interpretation of equality rights or Malta’s Gender Identity Act, the UK ruling stands out for its restrictiveness. Rather than extending protection, it narrows the statutory meaning in line with conservative legal movements globally. This positions the UK as an exporter of restrictive precedent within the transnational anti-gender backlash.

### *Distinguishing gender-critical and masculinist movements*

Although often analysed together, gender-critical activism and masculinist restoration emerge from distinct ideological lineages and operate with different political grammars. Conflating them risks obscuring how their strategic alliances strengthen contemporary anti-gender politics. Gender-critical activism positions itself within feminist traditions, drawing legitimacy from the language of women’s safety, privacy, and single-sex spaces. Groups such as For Women Scotland mobilize rights-based arguments, claiming to defend cisgender women from perceived threats posed by transgender inclusion. Their rhetoric foregrounds safeguarding and equality, yet in practice, it narrows the definition

of womanhood to reproductive biology. While gender-critical activists often resist alignment with conservative or religious actors, their focus on exclusion as protection makes them attractive allies to broader anti-gender movements.

Masculinist restoration, by contrast, is not grounded in feminist discourse but in a patriarchal project that reasserts authority through appeals to tradition, family, and national strength (Kandiyoti, 2013). Here, 'protection' rhetoric is directed less towards safeguarding women than towards re-establishing male guardianship over familial and social order. This project frequently overlaps with authoritarian populism, promoting pronatalist policies and restricting reproductive rights as part of a wider effort to discipline populations (Özbilgin et al. 2026).

The coalition between these movements is strategic rather than organic. Gender-critical feminists provide juridical and cultural legitimacy, especially in liberal democracies, where overtly patriarchal arguments may lack traction. Masculinist restoration projects, meanwhile, amplify gender-critical claims within nationalist and religious frameworks, offering political and financial support. What unites them is the symbolic glue of biological determinism (Kováts & Pöim, 2015): the insistence that sex is immutable, natural, and the only legitimate basis for legal recognition. Work collected by Bassi and LaFleur (2022) situates TERF formations within the broader New Right, clarifying the coalition logic we track here.

Recognizing these distinctions is essential for feminist critique. Gender-critical discourse narrows the category of woman from within feminist genealogies, while masculinist restoration mobilizes that narrowed definition to buttress patriarchal and nationalist control. Their convergence, exemplified in the UK Supreme Court ruling, demonstrates how ostensibly feminist arguments can be weaponized to legitimize broader projects of authoritarian governance. Distinguishing the two makes visible the uneasy alliances that sustain the anti-gender backlash and clarifies the layered threats it poses to feminist solidarities and collective prosperity.

### *Global manifestations: the transnational assault on gender*

The UK Supreme Court ruling exists within a broader transnational context of biopolitical control over bodies. Within 48 hours of the UK decision, Turkey witnessed heated debates about what constitutes 'normal birth', with policymakers advocating for 'encouraging' women towards vaginal deliveries over caesarean sections when players of Sivasspor Football team entered the field carrying the Ministry of Health's banner saying 'Natural One is the Normal Birth' (T.C. Sağlık Bakanlığı, 2025) (see Figure 1). This discourse, framed through medical necessity, exemplifies biopower's operation through the pathologisation of certain reproductive choices while presenting others as natural and desirable. The state's investment in defining 'normal birth' reveals how deeply biopower penetrates intimate bodily decisions under the guise of public health concerns.

Similarly, countries like Hungary, Russia, and Brazil have implemented aggressive pronatalist policies that incentivize reproduction while restricting reproductive freedoms. Hungary's 'Family Protection Action Plan' offers loans to married couples that are partially forgiven with each child born. Wilkinson (2014) documents how 'traditional values' laws were operationalized in Russia, prefiguring today's exportable anti-gender repertoire. As Edenborg (2023) shows in the Russian context, anti-gender discourse is closely



**Figure 1.** Sivasspor players entering the field with a banner sponsored by the ministry of health, saying : natural one is the normal birth: unless medically required, caesarean is not natural. Date: 15 April 2025. Photo credit: X.

intertwined with authoritarian statecraft, where appeals to ‘traditional values’ are used to legitimize both domestic repression and international positioning against liberal democracies. At the same time, Russia’s demographic policies include both financial incentives for childbearing and restrictions on abortion access. Brazil has witnessed renewed attempts to limit reproductive rights through appeals to traditional family values (Delacroix, 2025). These policies, though couched in different cultural contexts, share a common biopolitical logic: the state’s assertion of authority over reproductive capacities to serve nationalist objectives. In the United States, the ongoing assault on abortion rights demonstrates how biomedical power becomes codified in law through the regulation of reproductive autonomy. The framing of these restrictions as ‘protection of life’ obscures their function in controlling women’s bodies and reinforcing gender norms that prioritize reproductive capacity over bodily autonomy.

What connects these seemingly disparate developments is a common biopolitical logic that reduces human worth to reproductive function, which presents a setback for the longstanding feminist battle against masculine domination over women’s bodies and reproductive health (Joseph and Pandey, 2025). Whether excluding trans women from womanhood or pressuring cisgender women to reproduce, these policies deploy state power to regulate bodies according to their alignment with reproductive expectations. These movements reinforce each other across borders through shared rhetoric, funding networks, and political alliances, creating a transnational infrastructure of gender regulation that transcends national boundaries while adapting to local contexts.

### ***Human costs: the deadly consequences of exclusive prosperity in Cis Hells***

While proponents of biological determinism celebrate legal victories like the UK Supreme Court ruling as advancements for ‘women’s rights’ and ‘clarity’, the human costs of such determinations remain conspicuously absent from their discourse. Building on abstraction critiques, we treat ‘gender ideology’ as a knowledge device that secures authority by erasing situated experience and re-inscribing securitized logics (Stoffel & Birkvad, 2023).

These costs are not theoretical abstractions but measurable realities, as evidenced by alarming statistics and lived experiences. Studies consistently demonstrate significantly elevated rates of suicide attempts, self-harm, and psychological distress among transgender individuals, with rates dramatically increasing when they face legal erasure, family rejection, and institutional discrimination (Turban et al., 2020, Bauer et al., 2015). A comprehensive meta-analysis found that transgender youth experience suicide attempt rates between 30% and 51% when faced with non-recognition of their gender, rates exponentially higher than their cisgender peers (Johns et al., 2019).

Trans youth have reported that legal rulings of this kind make them feel as though their very existence is being denied, with schools and institutions questioning whether their names and pronouns can still be recognized. Adult trans women similarly emphasize that even when they hold Gender Recognition Certificates, recognition often collapses depending on the context: in some domains they are acknowledged as women, while in others they are erased. This produces profound insecurity and uncertainty. A 25-year-old trans woman working in trans healthcare described life after the ruling as 'a living hell', explaining, 'I'm walking out of the house scared every single day. I worry about who's looking. I worry if someone's going to say something to me. ... Fear of transphobia is impacting our community's wellbeing, mental health, how we're viewing society and how society views us' (BBC News [BBC], 2025). At the same time, cis women who challenge traditionally feminine norms are also feeling the administrative pressure. For example, gender non-conforming cis women, such as those with short hair or post-mastectomy bodies, have reported increased confrontations in gendered spaces. One woman recounted being spat on and shouted at in a women's restroom: 'If you're masculine-presenting or butch lesbian, women's toilets are not a safe space. I've been spat on, screamed at' (Russell, 2025). These accounts vividly illustrate what Dean Spade terms 'administrative violence', ie, the harm inflicted through rigid bureaucratic categories that police bodies and identities and leave people perpetually vulnerable.

The concept of 'exclusive prosperity' helps us understand the underlying logic of these harms. This prosperity, celebrated by gender-critical activists, protects only those bodies deemed legitimate by the state while rendering others unintelligible. When Lord Hodge expresses concern about 'administrative difficulties', he reveals how bureaucratic convenience takes precedence over certain lives. This exclusive prosperity represents no prosperity at all when it drives vulnerable people to despair and, in too many cases, death. A society measuring success by the flourishing of only some of its members while systematically erasing others has fundamentally misunderstood what prosperity means.

Butler's concept of 'impossible subjects' takes on visceral meaning in this context. When transgender individuals cannot fully exist within legal frameworks, recognized in some contexts but not others, they experience what philosopher María Lugones calls 'ontological fracturing'. This fracturing manifests in constant vigilance about which spaces are safe, which documents to present in which contexts, and how to navigate the mismatch between lived reality and legal status. As one trans woman described it: 'I'm always calculating, will they ask for ID? Which bathroom can I use here? Will this medical form recognize me? It's exhausting to constantly justify your existence'.

Zengin's (2024) recent book 'Violent Intimacies' provides a powerful ethnographic insight on how norm-centred state power creates an all-encompassing violence through medicalization, policing, and juridical practices on trans bodies. Her work

demonstrates how the Turkish state operates by weaponizing medical and legal institutions and creates what she terms ‘death worlds’ for transgender individuals, spaces where certain bodies are rendered unliveable while technically remaining within the juridical order. Zengin’s theoretical framework fits well with how the UK Supreme Court ruling creates similar zones of intimate violence, by using normative language and intelligibility, where transgender individuals are simultaneously acknowledged and erased by the state.

The psychological impact of existing in legally unintelligible spaces extends beyond acute distress to what psychologists term ‘minority stress’, the chronic strain resulting from navigating hostile environments, anticipating rejection, and internalizing negative societal attitudes. Bell et al. (2011) revealed that the Don’t Ask, Don’t Tell policy of the US Armed Forces has been detrimental for the well-being of not only the targeted group but also all others who ran the risk of false allegations and threats. Research demonstrates that legal recognition significantly reduces psychological distress among transgender individuals, while its absence correlates with increased depression, anxiety, and suicidality (Bauer et al., 2015). These findings underscore how legal intelligibility functions not as an abstract concept but as a material condition for mental well-being.

Crucially, these impacts extend beyond individual suffering to create collective trauma within transgender communities. When one’s fundamental sense of self is repeatedly delegitimised by legal authorities, the resulting distress reverberates through families, support networks, and communities. Parents of transgender youth report profound anxiety about their children’s futures in increasingly hostile legal landscapes. Healthcare providers describe the ethical distress of navigating contradictory legal frameworks while providing evidence-based care. These ripple effects demonstrate how exclusive prosperity undermines well-being across social networks.

What makes these consequences particularly tragic is that they are preventable. Research consistently shows that gender affirmation, including legal recognition, significantly reduces psychological distress and suicidality among transgender individuals (Turban et al., 2020). A longitudinal study found that transgender youth who were able to use their chosen names and pronouns in multiple contexts experienced a 71% reduction in symptoms of severe depression and a 65% decrease in suicidal thoughts (Russell et al., 2018). Legal recognition represents not merely a symbolic gesture but a tangible intervention with life-saving implications.

The deadly consequences of exclusive prosperity reveal its fundamental contradiction: prosperity that excludes others cannot be true prosperity. Genuine collective flourishing requires recognizing all bodies in their complexity, rather than reducing them to reproductive function or chromosomal configuration. The human costs of biological determinism demand we recognize legal intelligibility not as an abstract ideal but as an essential condition for survival and flourishing.

### ***The hell of rigid taxonomies: how cisnormativity constrains all bodies***

The regulatory hell of biological determinism extends far beyond transgender individuals to discipline all bodies, including those presumed to benefit from cisnormativity. When the law defines womanhood through reproductive capacity, it inevitably creates hierarchies within cisgender populations. Postmenopausal women, those who have undergone

hysterectomies, or those facing infertility, suddenly occupy precarious positions within a framework that reduces female worth to reproductive function. The intersections with class, race, and ability become particularly pronounced; working-class women, women of colour, and disabled women have historically faced greater scrutiny, pathologisation, and intervention in their reproductive capacities (Snorton, 2017).

Consider how eugenic programs targeted racialized and disabled women for forced sterilization, or how fertility treatments remain accessible primarily to economically privileged women. These examples reveal how the state's power to define 'real womanhood' operates along interlocking axes of oppression. The celebration of certain female bodies, typically white, able-bodied, and reproductively 'normal', simultaneously establishes impossible standards of 'proper' gendered embodiment for all.

This creates a panoptic effect where all individuals, regardless of gender identity, internalize surveillance of their gendered performance. Cisgender women police their femininity to avoid accusations of masculinity; cisgender men discipline themselves against any hint of feminine expression. This hypervigilance around gender boundaries generates collective anxiety while restricting human potential. The same biopower that excludes transgender individuals also constrains cisgender people from exploring the full range of human expression and embodiment.

The apparent beneficiaries of this system, those whose bodies align with normative expectations, ultimately find themselves imprisoned by the very taxonomies designed to privilege them. Biological determinism creates not just unintelligible subjects but impossible standards for everyone.

### *New social movements and the struggle for gender justice*

We include New Social Movements in this analysis not simply to identify forms of resistance but to clarify how Cis Hell is constituted through cultural, affective and symbolic practices. NSM theory shows that regulatory regimes acquire force through meaning-making and identity formation, which are central to the operations of cisnormativity, transphobia and pronatalism. By attending to the work of contemporary trans, intersex and gender non-conforming movements, we gain insight into how Cis Hell is reproduced through narratives of protection, moral crisis and reproductive obligation. These movements reveal the cultural logics that sustain the system and make visible the points where it is contested and destabilized. In the United Kingdom, *Gendered Intelligence* offers a clear example of how cultural, educational and policy-based interventions reveal the contours of Cis Hell, as the organization engages in youth work, public education and national advocacy that unsettle the assumption that binary sex categories are natural, stable or compulsory. Through its programmes, it exposes how gender legitimacy is regulated through expectations of visual conformity and how these expectations affect both trans and cis people. Legal activism also plays a central role in illuminating the regulatory structure of Cis Hell, and *the Good Law Project* has supported challenges to restrictive interpretations of gender recognition, access to healthcare and institutional practices that undermine the autonomy of trans people. These cases show how Cis Hell is upheld not only through cultural norms but also through administrative and legal regimes that classify, authorize, and restrict gendered embodiment. The interventions of *the Good Law Project*, therefore, provide a direct window into the juridical mechanisms that

stabilize cisnormativity. *Stonewall* and *Mermaids* contribute further insight into the cultural and institutional dimensions of Cis Hell. *Stonewall's* work with workplaces, schools and government bodies demonstrates how cisnormative assumptions are embedded in organizational structures, and *Mermaids* highlights how young people encounter surveillance, moral scrutiny and institutional barriers when their gender identity challenges reproductive and developmental norms. Together, these organizations show how age, generation and institutional culture shape the reach of Cis Hell. In the United States, *Black Trans Femmes in the Arts* offers an example of an identity-based movement that challenges the racialized and gendered aesthetics of legitimacy, and their artistic and community-based work exposes how bodily value is constructed through normative ideals of purity, visibility and desirability, revealing the affective and cultural registers through which Cis Hell operates. Intersex advocacy in Malta provides a further illustration of how social movements reshape the regulatory landscape. Malta is internationally recognized for introducing legal protections for bodily autonomy that restrict non-consensual medical interventions, and these reforms emerged from sustained advocacy by intersex networks and civil society organizations. The Maltese context illustrates how pronatalism and cisnormativity intersect in medical and legal practices that govern sex characteristics from birth, and intersex movements therefore highlight the link between reproductive expectations and the classification systems that stabilize Cis Hell.

To resist the descent into what we have theorized as Cis Hell, it is crucial to engage with the frameworks provided by New Social Movements (NSM) theory (Pichardo, 1997), which emphasizes identity, affect, and the symbolic politics of everyday life rather than solely material interests or class struggle. Unlike traditional movements based on economic redistribution, NSMs articulate demands for recognition, autonomy, and the redefinition of social norms. These movements are driven by those who have been rendered unintelligible by dominant institutions, and who mobilize around shared experiences of exclusion and misrecognition. NSM reimagines prosperity beyond economic terms and locates identity, emotion, community and belonging as fundamental properties of new definitions and imagination of prosperity. The regulatory violence of biopower we chart, as administered through courts, policies, and state bureaucracies, has provoked emergent transnational alliances of trans, queer, feminist, and anti-authoritarian actors. These alliances exemplify the affective and identity-based logics central to NSM theory (Melucci, 1989). Such movements contest not only legal recognition but the very ontologies of gender and embodiment, challenging the hegemonic frames that underpin cisnormativity and biological determinism.

In this light, we argue that Cis Hell is not merely a metaphorical descent into normative entrapment; it is also a call to action for collective refusal. NSM theory allows us to see how resistance is already emerging through non-hierarchical, participatory practices, such as mutual aid networks, counter-legal advocacy, creative protest, and embodied defiance that constitute what we might call prefigurative politics: ways of living the future in the present (Erbil et al., 2024). These social movements reject the punitive logics of gender-critical activism (Özbilgin and Erbil, 2024c) and instead centre recognition-based accountability, grounded in relational ethics and the co-design of inclusive institutions (Özbilgin, 2024). From this perspective, the reimagining of gender justice is not an abstract ideal but a concrete, evolving practice embedded in the lived experiences and organizing strategies of those most affected.

Crucially, the NSM framework reveals that what is at stake in the resistance to Cis Hell is not merely inclusion into existing structures, but the transformation of those very structures. These movements expose the incoherence of state-sanctioned gender regimes and cultivate alternative imaginaries rooted in care, pluralism, and radical interdependence. They assert that collective prosperity cannot emerge through the protection of dominant identities alone, but through the flourishing of all bodies, identities, and lives.

### *Resistance and reimagination: toward gender justice and collective prosperity*

As the preceding analysis demonstrates, the descent into Cis Hell is not uncontested. Rather, it provokes counter-hegemonic responses that centre dignity, recognition, and affective community. These responses, aligned with the theoretical insights of new social movements, underscore the centrality of lived experience and collective meaning-making in dismantling the ontological violence of rigid gender taxonomies. In the face of intensifying biopolitical control over gendered bodies, strategies of resistance and reimagination become essential for achieving collective prosperity. These strategies must operate at multiple levels of legal, academic, community, and conceptual to effectively challenge the rigid taxonomies that constrain human flourishing.

Legal resistance has already demonstrated promising possibilities. Argentina's Gender Identity Law (2012) established a precedent for gender self-determination without medical or judicial gatekeeping, recognizing gender identity as 'the internal and individual experience of gender as each person feels it'. Similarly, Malta's Gender Identity, Gender Expression and Sex Characteristics Act (2015) prohibited medical interventions on intersex infants and established robust protections for gender diversity. These frameworks offer viable alternatives to biological determinism in law, creating what legal scholar Paisley Currah terms 'domains of intelligibility' in which gender complexity is addressed rather than erased.

Reimagining prosperity through gender justice requires conceptualizing human flourishing beyond narrow metrics of economic production or reproductive capacity. True prosperity emerges when all bodies are recognized in their complexity and afforded the conditions for self-determination. This reimagination demands what philosopher Alexis Shotwell (2012) calls 'open normativities', frameworks that remain responsive to emerging forms of embodiment rather than rigidly policing categorical boundaries.

The potential of creating 'domains of intelligibility' that encapsulate gender complexity offers a powerful counter to the biopolitical production of unintelligible subjects. These domains, whether in law, healthcare, education, or community, enable recognition beyond binary frameworks without requiring assimilation to normative standards. When legal and social structures accommodate gender diversity rather than enforcing conformity, they create conditions for collective flourishing that benefit all bodies, not merely those currently deemed legitimate by the state.

## **Conclusion**

We have invoked the metaphor of Cis Hell not as rhetorical provocation, but as diagnostic, a way to trace the intensifying bureaucratic, juridical, and social exclusions enacted

against trans and non-binary lives under the guise of protection. Following Lugones (2003), we understand these exclusions as acts of ontological violence that erode the possibility of plural, relational being. Moreover, the current political moment demands that feminist scholarship confront its complicities, particularly where trans-exclusionary feminism aligns itself with authoritarian governance, racial capitalism, and carceral logics.

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The juridical codification of biological determinism is not a technical act of statutory interpretation but a deliberate re-entrenchment of cisnormative and patriarchal authority. As we have shown, such legal shifts in the UK, US, and beyond are part of a transnational infrastructure of gender regulation, one that disciplines through claims to clarity, safety, and 'biological truth'. These appeals conceal a devastating cost: the production of impossible subjects (Butler, 1993), institutional betrayal (Zengin, 2024, Özbilgin and Erbil, 2025) and the erosion of the very feminist solidarities that once made gender justice imaginable.

The biopolitical logic that reduces human worth to reproductive capacity creates a regulatory inferno, a Cis Hell that disciplines not only transgender individuals but all bodies caught within the rigid binaries of gendered normativity. As we have demonstrated through our analysis of the UK Supreme Court ruling and its global parallels, the juridical codification of biological determinism represents more than a legal setback; it constitutes a transnational assault on gender-expansive understandings of humanity. This assault cloaks itself in the language of protection, clarity, and safety, but functions as a disciplinary apparatus that constrains self-determination and undermines the collective conditions for flourishing.

Yet, as we have also shown, this descent is not uncontested. The metaphor of Cis Hell helps us trace the layers of exclusion and institutional betrayal enacted under the guise of neutrality, but it also demands an account of resistance. Emerging at the boundaries of unintelligibility are counter-movements shaped by the politics of identity, affect, and relationality. These are not traditional mass mobilizations rooted in economic redistribution, but what new social movements theorists have termed symbolic and prefigurative struggles, efforts that challenge not only policy but ontology.

Through the lens of new social movements theory, we understand that the resistance to Cis Hell does not merely seek inclusion within existing structures but envisions their transformation. These movements generate alternative imaginaries of care, dignity, multiplicity, and co-existence that resist the masculinist restoration and biopolitical categorization at the heart of contemporary exclusionary governance. They remind us that true prosperity is not found in the stability of taxonomic borders, but in the ongoing, participatory reimagining of social life itself.

The stakes could not be higher. Whether in the UK, the US, or elsewhere, the legal erasure of gender diversity is not an isolated phenomenon but part of a broader ideological project that narrows the horizon of what it means to be human. Against this, new social movements offer not just critique, but also hope: a politics of becoming, solidarity, and radical possibility.

In contrast, we argue for a feminist politics of recognition-based accountability, one that centres lived experience, challenges normative intelligibility, and redefines prosperity through interdependence, dignity, and co-existence. This requires resisting not only specific rulings or policies but the foundational logics of gender regulation itself. It

demands what Melucci (1989) and Spade (2015) call prefigurative politics: the practice of living the future we desire through transformative relationships, institutions, and movements.

Ultimately, this article calls on feminist scholarship to expand the contours of gender justice by bringing the severity of *hell* into its conceptual thinking and formulation. We must refuse the masculinist restoration cloaked in ‘women’s safety’ and instead insist that the flourishing of all bodies is inseparable from the flourishing of feminist thought. True prosperity cannot be exclusive. It must be radical, collective, and co-created in resistance to the fires of Cis Hell.

### Author contributions

CRedit: **Sertac Sehlirkoglu**: Conceptualization, Formal analysis, Funding acquisition, Writing – original draft, Writing – review & editing; **Mustafa F Özbilgin**: Conceptualization, Writing – original draft, Writing – review & editing.

### Disclosure statement

No potential conflict of interest was reported by the author(s).

### Funding

This work was supported by the European Research Council, StG (2019) [Acronym: TAKHAYYUL, Grant Number: 853230], PI: Sertaç Sehlirkoglu, and “ABJECT-ARCHIVES”—CUP G43C22003910001, which has received funding from NRRP Mission 4, Component 2, Investment 1.2, “Funding projects presented by young researchers” winners of European Research Council-ERC Starting Grant, supported by the MUR N. 247 19/08/2022 of the Directorate-General for Internationalization and Communication, funded by the European Union-NextGenerationEU, PI: Rustem Ertug Altinay.

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