



Non-Binary Gender Inclusion: Key Concepts and Terms

Created by the NALP Task Force on Supporting Gender Non-Binary
Individuals in the Legal Profession

Gender Binary:

- The “gender binary” is the classification of sex and gender into two distinct, “opposite” and disconnected forms of “masculine” and “feminine.”

Gender Identity:

- One’s inner sense of one’s own gender, as male, female, another gender, a combination of genders, no gender, etc.
- Everyone has a gender identity. It may or may not match their sex assigned at birth.
- Gender identity is different from sexual orientation (which is about attraction).

Gender Expression:

- External manifestations of gender, potentially including appearance (clothing, haircut, etc.), mannerisms, and behaviors.

Sex/Gender Stereotypes:

- Social and professional expectations that people are either male or female, and about “appropriate” appearance, mannerisms and behavior based on gender. For example, the expectation that a female attorney should wear a skirt suit, that a male attorney should not wear colored nail polish, or that an attorney should not wear both makeup and a tie.

Non-Binary, Genderqueer, and More:

- Some people identify not as 100% male or female, but as genderqueer, non-binary or another identity.
- Cultural/generational dynamics may play a role in whether a person finds the term “queer” to be inclusive or offensive.
- Some people who identify as non-binary also identify as transgender. Some do not.

Cisgender:

- A term identifying people whose gender identity matches their assigned sex at birth.



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Transgender or Trans:

- A broad term that encompasses many people who identify and/or express their gender differently from their society's expectations or stereotypes.
- Many, but not all, transgender people live with a gender different than the one they were assigned at birth.
- The term "transgender woman" generally refers to a person who identifies as a woman and uses the pronouns "she" and "her," but was assigned male at birth and may have been raised as a boy. The term "transgender man" generally refers to a person who identifies as a man and uses the pronouns "he" and "him," but was assigned female at birth and may have been raised as a girl.

Gender Non-Conforming:

- Describes a person whose behavior or appearance does not conform to prevailing cultural and social expectations about what is appropriate to their gender.
- Some people who do not conform to gender stereotypes also identify as non-binary, but many do not; some people who identify as non-binary are gender non-conforming, and some express their gender in ways that may be perceived to conform to a gender stereotype.

Pronouns and Honorifics:

- People may use neutral pronouns like "they" and "them," or "ze" and "hir."
- The singular "they" is grammatically correct and has been explicitly approved by *The Chicago Manual of Style*, *The AP Stylebook*, and more.
- People may be happy with "he" and "him" or "she" and "her."
- People may prefer no use of pronouns at all (e.g. use of their name only), or may use another set of pronouns.
- The honorific "Mx." (pronounced "mix") has been introduced to create a non-gendered alternative to "Mr." and "Ms."



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Respectful Interactions with Non-Binary and Transgender Law Students and Attorneys

Respect is the key to interacting with everyone, including non-binary, genderqueer, gender non-conforming and transgender people.

- Use a person's correct name and pronouns in every circumstance.
- If you are unsure of the pronoun someone uses, ask them nicely.
- If you make a mistake, acknowledge your error without making it about you, fix it if you can, and move on.
- Inquire about identity and gender transition only when relevant to work (almost never).
- If others are not respecting a person's gender identity, do something!
 - Example: "Actually, Jo uses "they/them/their" pronouns, so we all need to use them when talking to and about them."

Non-Offensive Terms

- Transgender or Trans [Person/Lawyer/Student]
- Non-binary [Person/Lawyer/Student]
- Gender Transition
- Whatever the person says they prefer

Offensive Questions and Comments

- "I just can't get comfortable using plural pronouns for one person."
- "I'm probably not going to remember to call you that."
- "The singular 'they' is grammatically incorrect."
- "You look like/dress like a woman/man, why do you use they/them pronouns?"



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- “Can’t you just decide?”
- “You’d look better/more professional if you....”
- “Does this mean you are gay/straight?”
- “Are you using hormones?” / “What surgeries have you had?”
- “What was your old name?”
- “I would never be able to tell you’re trans. You are doing a really good job.”

Resources

- National Center for Transgender Equality - Understanding Non-Binary People: How to be Respectful and Supportive - <https://transequality.org/issues/resources/understanding-non-binary-people-how-to-be-respectful-and-supportive>
- Gender Spectrum: Understanding Gender - <https://www.genderspectrum.org/quick-links/understanding-gender/>
- Gender Spectrum: Legal professionals and policy advocates - <https://www.genderspectrum.org/articles/online-programs-legal-and-policy>
- iheartsingularthey.com - <http://iheartsingularthey.com/>
- *A Quick & Easy Guide to They/Them Pronouns*, by Archie Bongiovanni & Tristan Jimerson (comic book) - <https://bookshop.org/books/a-quick-easy-guide-to-they-them-pronouns/9781620104996?aid=1682>
- Gender Reveal (podcast) - <https://www.genderpodcast.com/>
- National LGBT Bar Association - <https://lgbtbar.org/programs/lavender-law-365/>
- The Radical Copyeditor’s Style Guide for Writing About Transgender People - <https://radicalcopyeditor.com/2017/08/31/transgender-style-guide/>