



Beyond Legal Recognition: Comparative Analysis of Gender-Diverse Labor Market Exclusion in Hungary and Bangladesh

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Abstract

Introduction Despite increasing legal recognition of gender-diverse identities, substantial gaps remain between formal rights and labor market inclusion. This study investigates how gender-diverse individuals in Hungary and Bangladesh experience labor exclusion, despite symbolic recognition or legal rollback.

Methods A comparative qualitative design was employed, comprising 46 in-depth interviews with gender-diverse individuals and key stakeholders between 2023 and 2024. Additionally, qualitative document analysis of legal frameworks, employment policies, and media discourses contextualized the institutional and cultural landscape in both countries.

Results The study reveals novel insights into non-binary labor market exclusion by showing how legal recognition or erasure fails to secure substantive inclusion (legal visibility and structural blindness), and how administrative systems actively reproduce exclusion (bureaucratic exclusion). It also highlights adaptive strategies of gender-diverse individuals, including engagement with informal labor and community networks (strategic withdrawal and survival), and demonstrates the previously underexplored role of socio-cultural norms and media in shaping employability (cultural narratives and everyday negotiations). These findings underscore exclusion as a multidimensional phenomenon, integrating legal, institutional, and cultural mechanisms.

Conclusion Legal reforms alone are insufficient for labor inclusion. Gender-diverse individuals face persistent structural, administrative, and cultural barriers. This study links legal frameworks, bureaucratic practices, and cultural narratives to systemic exclusion and provides a comparative lens across Bangladesh and Hungary.

Policy Implications Beyond legal recognition, effective interventions require inclusive administrative procedures, workplace policies, targeted employment programs, and public awareness initiatives to address structural and cultural barriers, ensuring equitable labor access for gender-diverse populations.

Keywords Non-binary gender · Discrimination · Employment · Hungary · Bangladesh

Introduction

Across the globe, legal recognition of gender diversity has expanded, yet the everyday realities of gender-diverse people in the labor market remain precarious. Laws and policies increasingly acknowledge identities outside the male–female binary (Akter & Saha, 2024), but recognition

on paper often fails to translate into material security, workplace access, or long-term inclusion. This disjuncture—between symbolic legal visibility and persistent labor exclusion—has emerged as a defining paradox of contemporary struggles for gender equality (Ciprikis et al., 2020). Employment is a particularly critical domain in which these tensions become visible. Work not only provides income but also constitutes a central marker of citizenship, belonging, and dignity (Aksoy et al., 2024; Darwin, 2020). Research has documented how transgender and gender-diverse people encounter systematic barriers to employment, ranging from overt discrimination to institutionalized forms of misrecognition (Darwin, 2020; David, 2014; Shircliff et al., 2025). Yet, while the labor exclusions faced by these populations in

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the Global North have received growing scholarly attention, comparative studies outside this context remain rare.

Moreover, a central challenge in this scholarship is terminological. Categories such as non-binary, transgender, third gender, and LGBTQ+ identities carry different meanings across cultural and political contexts (Thorne et al., 2020). In this article, the author adopts “non-binary” as an analytic umbrella term for those whose identities and lived experiences do not fit within the rigid male/female binary (q.c., Humbert et al. (2025); Isom et al. (2024)). This includes transgender people of West (Ciprikis et al., 2020), Hijra communities of South Asia (Aziz & Azhar, 2019), and others who resist or are excluded from binary gender classification. The author does so not to erase local categories but to recognize that, while gender labels vary, the common thread across contexts is exclusion from binary-based labor systems.

This definitional choice is particularly relevant for the two cases examined here. In Bangladesh, the government formally recognized a “third gender” category in 2013 (Aksoy et al., 2024; Rahman et al., 2025), but without offering a clear legal definition. In practice, recognition has been largely restricted to Hijra communities—historically understood as people who embody both male and female characteristics, whether biological or psychological (Rahman et al., 2025). Other transgender or gender-diverse individuals remain socially marginalized (Amanullah et al., 2022), and the term “non-binary” has little local resonance in everyday discourse. By contrast, in Hungary, the state recognizes only male and female categories in law and policy (Primecz & Pelyhe, 2023). Legal gender recognition, once available, was revoked in 2020, leaving transgender and gender-diverse individuals without any institutional recognition (Barát, 2022; Sony, 2023b). In this context, “non-binary” operates less as a social identity and more as an administrative impossibility—people exist socially, but they are legally illegible.

By situating “non-binary” as a comparative analytic category rather than a fixed identity, this study aims to bridge these divergent contexts. It asks how people who do not conform to binary gender systems—whether labeled non-binary, transgender, Hijra, or otherwise—experience labor exclusion in settings where recognition is either symbolically granted or actively denied. To analyze these dynamics, the article develops a conceptual distinction between classical exclusion and contextual exclusion. Classical exclusion refers to direct, event-based acts of discrimination, such as denial of a job or workplace harassment (e.g., Aksoy et al. (2024); Al-Mamun et al. (2022); Amanullah et al. (2022); Fasoli et al., (2024)). Contextual exclusion captures more subtle, ambient mechanisms embedded in bureaucratic systems, administrative practices, and cultural

norms that render gender-diverse workers illegible or unaccommodated (Bhattacharya et al., 2022; Drabish & Theeke, (2022; Shircliff et al., (2025; Sony, 2023a); Zindel & de Vries, (2024)). These terms build on earlier frameworks—for example, Jones (2025) account of categorical versus outright exclusion—while extending them to highlight how labor discrimination persists not only through interpersonal prejudice but also through institutional inertia and administrative design.

Nevertheless, these include application forms that offer only binary options, HR systems that flag mismatches between documents and presentation, or organizational cultures that silently withdraw opportunities from those who defy normative expectations (Collins et al., 2015; Fedorchenko, 2024). While not entirely invisible, such forms of exclusion are diffuse, ambient, and institutionalized (Shircliff et al., 2025), shaping labor participation in ways that are less spectacular but no less consequential (D. Dutta & Srinivasan, 2024). By distinguishing between classical and contextual exclusion, this study does not propose entirely new categories but refines existing frameworks to foreground how recognition without institutional adaptation sustains exclusion. The comparative lens further highlights how these mechanisms operate across distinct trajectories: Hungary’s rollback of legal recognition and Bangladesh’s symbolic extension of recognition to Hijras. Despite their differences, both contexts reveal the limits of rights-based reforms in achieving meaningful labor inclusion, underscoring the need for theoretical and empirical analyses that situate exclusion simultaneously in law, bureaucracy, and embodiment.

To meet above objectives, drawing a comparative study between Hungary and Bangladesh through in-depth interview, alongside analysis of legal frameworks and employment policies, this study investigates how gender-diverse individuals navigate these overlapping forms of exclusion. By centering voices from two underexplored contexts, the article makes three contributions. First, it offers an empirically grounded comparative analysis that disrupts the Western-centric bias in existing scholarship. Second, it elaborates the layered mechanisms through which recognition without institutional adaptation produces new forms of marginalization. Third, it reframes labor exclusion not only as a matter of individual bias but as a systemic outcome of bureaucratic and cultural logics that remain stubbornly binary.

In what follows, the article first situates the study within existing scholarship on gender recognition, labor discrimination, and institutional misrecognition. It then outlines the comparative methodology, presents findings organized along three axes of exclusion—symbolic recognition, administrative misrecognition, and embodied precarity—and concludes with implications for labor policy and future sociological research.

Literature Review

The labor market exclusion of gender-diverse individuals has been a recurrent theme in gender studies research. Empirical work, particularly in North America and Western Europe, has documented consistent patterns of discrimination, including wage penalties, limited career advancement, and occupational segregation (Ciprikis et al., 2020; Koch et al., 2020; Sundus et al., 2021; Trotter & Yates, 2024; Ünsal et al., 2025; Verbeek et al., 2020). Angela Jones' (2025) influential conceptualization of *categorical* and *outright* exclusion has been particularly important for understanding how transgender and gender-diverse individuals are either barred from participation altogether or excluded through event-based acts of denial. At the same time, scholars such as Darwin (2020) have emphasized how non-binary identities destabilize the very boundaries of the cisgender/transgender divide, challenging conventional sociological framings of gendered exclusion.

Despite these advances, research remains geographically uneven. In South Asia, the majority of studies focus on *Hijra* communities, examining how their state recognition in Bangladesh in 2013 created symbolic visibility without generating meaningful economic opportunities (Al-Mamun et al., 2022; Dutta, 2023; Rahman et al., 2025; Sarah & Chellaswamy, 2025; Verma et al., 2023). While Hijras are acknowledged in law and often celebrated in political spectacle (Mount, 2020), their labor market participation remains limited to ritualized or informal sectors. In Central Europe, and in Hungary in particular, research has highlighted how the 2020 revocation of legal gender recognition compounded already precarious conditions for transgender and gender-diverse individuals (Barát, 2022; Sony, 2025), producing both legal invisibility and heightened workplace hostility (Primecz & Pelyhe, 2023; Roots, 2022). These two regional literatures, however, have rarely been brought into dialogue, leaving unanswered questions about how divergent legal regimes—progressive recognition in the Global South and illiberal rollback in Central Europe—converge in sustaining labor exclusion.

Alongside this empirical scholarship, critical theory has illuminated the limits of recognition-based reforms. Distinguishes between recognition and redistribution, underscoring the danger of symbolic inclusion without structural transformation (as cited in Lazzeri (2009). Spade (2015), writing on administrative violence, extends this argument by showing how bureaucratic systems enforce conformity to binary norms, thereby undermining the very reforms that purport to enable diversity. In Bangladesh, Hossain (2017) describes this paradox in

detail: recognition of a third gender produced visibility in official discourse while leaving economic marginalization intact. In Hungary, similar dynamics unfold, as diversity is invoked rhetorically even as legal and institutional practices remain tethered to binary frameworks (Barát, 2022). However, recent organizational studies have further examined the micro-level mechanisms through which exclusion is enacted. Research on administrative misrecognition demonstrates how identity documents, online forms, and HR systems render gender-diverse people unintelligible within bureaucratic categories (Cosker-Rowland, 2024; Jenness & Rowland, 2024). Far from being trivial inconveniences, these practices reflect what Bourdieu (1985) terms symbolic power: the embedding of dominant norms into routine institutional procedures (as cited in Karatas-Ozkan et al. (2023). This dynamic has been documented across both Western and non-Western settings, yet it is rarely theorized as a central mechanism of labor exclusion in its own right.

A final strand of scholarship emphasizes the embodied and psychosocial consequences of labor exclusion. Building on theorizations of the precariat (Shin et al., 2023) studies highlight the ways in which discrimination is internalized, producing identity strain, anticipatory marginalization, and eventual withdrawal from formal labor markets (Isom et al., 2024; McCann et al., 2021). In Bangladesh, this often manifests in incorporation into Hijra communities and reliance on informal or ritualized labor (Akter & Saha, 2024; Rahman et al., 2025; Shah et al., 2024). In Hungary, it is visible in recourse to gig work, sex work, or freelance economies under conditions of administrative invisibility (Primecz & Pelyhe, 2023). Yet in both contexts, withdrawal tends to be framed as an outcome of failure rather than a strategic adaptation to systemic hostility.

Taken together, the existing literature provides a robust foundation for understanding gendered labor exclusion, but it also reveals notable gaps. First, most research remains regionally siloed, with little comparative analysis bridging contexts of symbolic recognition in the Global South and legal regression in Central Europe. Second, while theoretical critiques of recognition and administrative violence are well developed, empirical research has been slower to integrate these insights into analyses of labor market participation. Third, withdrawal and self-exclusion are under-theorized, often depicted as resignation rather than as active strategies shaped by structural conditions. Addressing these gaps requires a conceptual approach that links symbolic recognition, institutional misrecognition, and embodied precarity across diverse cultural and legal regimes.

Methodology

Case Selection and Sampling Strategy

This study is part of the author's doctoral dissertation research, which examines the paradox of gender recognition and labor exclusion across diverse contexts. Within this broader project, Hungary and Bangladesh were selected because they represent two distinct trajectories of legal and social recognition. Bangladesh formally introduced a “third gender” category in 2013, but this recognition has largely been confined to Hijra communities and has not translated into substantive labor inclusion (Hossain, 2017). Hungary, by contrast, revoked the possibility of legal gender change in 2020, reasserting a binary-only system that renders transgender and non-binary individuals administratively invisible (Barát, 2022). By comparing these contrasting cases—one of symbolic inclusion without redistribution and one of active legal rollback—the study investigates how different legal regimes nonetheless converge in producing persistent labor exclusion.

The study population consists of minority groups within the study areas, many of whom are largely invisible or reluctant to participate in research due to the prevailing transphobic environment. The study draws on 46 in-depth interviews, with 23 participants in Bangladesh and 23 in Hungary, conducted between 2023 and 2024. Participants were recruited through snowball sampling, starting with contacts in non-binary and gender-diverse community networks and expanding via referrals. This method was chosen because gender-diverse individuals in both contexts are socially marginalized, stigmatized, and difficult to reach through conventional sampling strategies. Although snowball sampling does not allow for statistical generalization, it is widely recognized as an appropriate approach for qualitative research with hidden or vulnerable populations (Sony, 2025).

Participants ranged in age from 20 to 45 years, reflecting the study's focus on individuals with at least some labor market experience. Individuals under 20 were excluded to avoid interviewing minors without additional ethical safeguards. Older participants were not deliberately excluded but were less represented within the recruitment networks accessed. The sample size was not predetermined; recruitment continued until thematic saturation was achieved—that is, when additional interviews no longer produced new analytic categories.

The choice of 23 respondents per country was sufficient for several reasons. First, qualitative research prioritizes depth over breadth, and in-depth interviews allow for rich, detailed accounts from participants. Second, the concept of saturation indicates that once no new themes emerge,

further interviews contribute minimally to analytic insight. Finally, existing qualitative studies with hidden populations have demonstrated that 20–30 interviews are generally adequate to capture the range of experiences and perspectives relevant to the research questions, particularly when participants share key characteristics such as marginalized gender identities.

Data Collection

Data were generated through semi-structured interviews, each lasting between 60 and 120 min. Although flexible in practice, the interviews were guided by a set of thematic prompts, including experiences of seeking or maintaining employment, interactions with bureaucratic systems, and strategies for coping with exclusion. This approach balanced consistency across interviews with openness to participants' own narratives. Interviews were conducted in Bangla, Hungarian, or English, depending on participant preference. In Bangladesh, two pilot interviews were carried out to refine the wording of questions. While no major restructuring was necessary, questions were adjusted to minimize ambiguity. In Hungary, interview prompts were developed in consultation with local activists to ensure contextual relevance. Reflexive notes were taken after each interview to document the interviewer's assumptions, emotional responses, and potential biases.

Data Analysis

The study employed reflexive thematic analysis (Braun et al., 2022), supported by NVivo software. Analysis proceeded in three stages. First, interview transcripts were coded inductively to capture participants' expressions in their own terms. Second, these initial codes were reviewed and grouped into broader patterns, such as “workplace hostility,” “administrative barriers,” and “strategic withdrawal.” Third, these patterns were refined into the three central analytic themes presented in the findings: legal visibility and structural Blindness, bureaucratic exclusion, and strategic withdrawal and survival. Coding was carried out by the author, with sections of transcripts revisited iteratively to ensure consistency of interpretation. NVivo was used as a tool for data organization, but analytic rigor derived from the systematic and reflexive process of theme development rather than the software itself.

Ethical Considerations

This study adhered to strict ethical protocols given the vulnerability of the population under study. Ethical approval was obtained from the Research Cell of the University of

Barishal, Bangladesh [ref. no. FSB-EC 39/2024]. All participants provided oral informed consent, in recognition of the risks that written consent may pose in stigmatized contexts. Participants were assured of confidentiality, anonymity, and the right to withdraw at any time. Sensitive materials, including audio recordings and transcripts, were securely stored and accessible only to the researcher.

Reflexivity and Positionality

As part of the author's doctoral dissertation, this study reflects sustained engagement with both the field sites and the communities under study. The author's prior involvement with advocacy facilitated access and rapport, yet also risked shaping expectations and interpretations (q.v., Sony (2025)). Reflexive journaling and regular peer discussions were employed throughout the research process to critically examine how positionality influenced both data collection and analysis. Rather than seeking neutrality, the study acknowledges the situated nature of knowledge and treats reflexivity as a methodological strength.

Findings: Living the Gap Between Recognition and Realization

The thematic analysis revealed three interrelated dimensions through which labor exclusion is reproduced across the two research contexts: legal visibility and structural blindness, bureaucratic exclusion, and strategic withdrawal and survival. Although Bangladesh and Hungary represent divergent legal trajectories—one extending symbolic recognition through the “third gender” category and the other retracting it through legislative erasure—participants' narratives expose a convergent paradox. Legal visibility, when decoupled from institutional transformation, generates new modalities of exclusion that are embedded within bureaucratic routines, social expectations, and cultural narratives and everyday negotiations. Together, these dimensions illuminate how both classical and contextual mechanisms of exclusion operate simultaneously: direct denial and everyday misrecognition combine to sustain a binary labor order that systematically marginalizes gender-diverse individuals despite shifting legal discourses of inclusion.

Legal Visibility and Structural Blindness

Participants' accounts across Bangladesh and Hungary reveal that the tension between legal visibility and social or institutional exclusion is not merely contradictory—it is constitutive of how gender diversity is managed within contemporary governance. Legal frameworks in both contexts

shaped recognition as an administrative spectacle, rendering participants simultaneously visible and excluded.

In Bangladesh, respondents repeatedly described the 2013 state recognition of a “third gender” as a moment that generated hope but quickly revealed the limits of symbolic politics. Hijra participants recalled public celebrations, media appearances, and official statements proclaiming equality. However, these moments of visibility were rarely accompanied by structural inclusion in employment or social welfare. One participant expressed this frustration succinctly: “They called us to dance at government events, but they never called us for government jobs. Recognition was a show, not a change.”

Recognition here functioned as a mechanism of structural blindness. The legal act acknowledged a marginalized category but failed to interrogate the systems that produce marginality. Many participants emphasized that the “third gender” certificate became a document of differentiation rather than empowerment. Employers used it as justification for exclusion—claiming uncertainty about how to classify or accommodate such identities within formal job structures. The paradox resonates with as cited in Lazzeri (2009), distinction between recognition and redistribution: Bangladesh's recognition policy produced symbolic inclusion while leaving the underlying economic hierarchies intact. As one respondent described, “The ID gives us a name, not a life.” For most participants, recognition increased scrutiny and exposure, transforming visibility into vulnerability.

In Hungary, the pattern unfolded in the reverse direction. The 2020 legislative amendment (Article 33 of the Fundamental Law) that prohibited changes to gender markers effectively erased prior forms of recognition (Sony, 2025). Yet, this erasure did not restore invisibility; instead, it intensified social exposure. Participants who had previously changed their gender markers suddenly found their documents invalid, forcing daily negotiations of identity at workplaces and administrative offices. A respondent in Budapest explained: “I used to feel safe showing my papers. Now, every form reminds me I don't exist legally. They see me, but the system doesn't.” For Hungarian participants, legal invisibility became a condition of hypervisibility in everyday life—one's body marked as incongruent with institutional categories. This mirrors Spade's (2015) notion of administrative violence, where bureaucratic systems enforce compliance to binary norms through the denial of procedural legibility.

In both Bangladesh and Hungary, legal recognition—whether extended or revoked—did not dismantle exclusion but rather reconfigured it. Recognition and erasure functioned as twin strategies of governance: one producing subjects through conditional inclusion, the other through

enforced invisibility. Both failed to transform the structural foundations of labor markets organized around binary gender assumptions. As participants reflected, visibility without structural adaptation translated into new forms of risk. The legal system's selective acknowledgment rendered individuals accountable to state categories but not entitled to their protections. Legal recognition thus became a condition of being seen without being safeguarded—a status of structural blindness that legitimized symbolic inclusion while preserving material exclusion.

Bureaucratic Exclusion

Beyond formal law, participants' narratives pointed to the bureaucratic machinery of exclusion—the ways everyday administrative practices sustain structural inequality. Bureaucracy appeared in both contexts as an invisible but decisive force that determined who could participate in formal employment. In Bangladesh, the persistence of binary data systems made recognition practically meaningless. Many government and private recruitment portals lacked a third gender option, forcing applicants to misidentify themselves or abandon applications. A participant who held a third gender certificate recounted, “Every form wants to make me choose between male and female. When I write ‘third gender,’ they call it an error. The computer rejects me before the people do.”

This mechanical exclusion demonstrates how discrimination operates not merely through interpersonal prejudice but through design. Bureaucratic systems, built on binary code, materialize social norms into technical requirements. Participants emphasized that even sympathetic administrators could not override the limitations of existing software or forms. As one government clerk reportedly told a participant, “The computer does not understand your gender.” Such experiences capture what Spade (2015) terms administrative violence: the enforcement of social hierarchies through seemingly neutral processes of documentation. Far from being accidental, this technical rigidity institutionalizes non-binary erasure by embedding it in the infrastructure of the state.

In Hungary, bureaucratic exclusion was even more entrenched. The revocation of legal gender change forced participants into continuous misalignment between their gender presentation and official documents. Everyday tasks—opening a bank account, renting an apartment, signing an employment contract—became sites of forced disclosure. One participant described: “Every application is a coming out. My ID says one thing, my body another, and they look at me like a mistake in the system.”

Even employers who were personally supportive expressed concern about compliance and audit risks.

Participants were often told they could not be hired because “the paperwork wouldn't match.” A trans man working in IT recounted how HR staff dismissed his application, explaining that “the system doesn't allow inconsistency.” This pattern reflects Bourdieu's (1985) concept of symbolic power: the power of institutions to define what counts as legitimate reality. Bureaucratic categories do not merely record gender—they produce it. By limiting options to male or female, administrative systems police the boundaries of intelligibility.

Both contexts illustrate how bureaucratic exclusion operates as a form of *contextual exclusion*—less visible than direct discrimination but equally consequential. In Bangladesh, the paradox of recognition is sustained by systems that cannot operationalize inclusion; in Hungary, formal erasure transforms bureaucratic documentation into a tool of expulsion. In both, the language of procedure legitimizes exclusion as technical necessity.

Participants developed a range of adaptive strategies to navigate these constraints. Some in Bangladesh selectively used male or female markers to bypass technical blocks, while others relied on NGO-mediated hiring programs that accepted informal verification. In Hungary, respondents described using dual sets of documents or online aliases to avoid exposure. Yet these tactics required constant vigilance and emotional labor. A Hungarian participant summarized this exhaustion: “I am always editing myself to fit their boxes. It's like doing unpaid work just to exist.” Through these accounts, bureaucracy emerges not as a passive reflection of policy but as an active site where exclusion is produced and legitimized. Administrative systems perpetuate inequality not by denying rights explicitly but by constructing the conditions under which certain people cannot be legibly recognized as workers.

Strategic Withdrawal and Survival

The cumulative effects of symbolic recognition and bureaucratic exclusion manifested in participants' lived experiences as what can be described as *embodied withdrawal*—a form of agency shaped by structural constraint. Participants in both contexts reported disengaging from formal employment not out of failure or lack of aspiration but as a deliberate response to enduring misrecognition.

In Bangladesh, several Hijra and gender-diverse participants described withdrawing from formal job markets after repeated encounters with tokenism. NGOs and state projects often employed Hijras for visibility rather than for skill, reinforcing their symbolic rather than professional value. One participant recalled: “They invited me to work because they needed a Hijra face for their equality project. Once the

funding ended, I was out. It wasn't work; it was display." Disillusioned by these experiences, participants turned to informal sectors—beauty services, tailoring, performing arts, or online sales—that offered autonomy, community, and dignity. These occupations were precarious but meaningful, enabling participants to “work without explanation.” Informal work, they emphasized, was not only economic necessity but emotional preservation.

In Hungary, participants recounted similar trajectories. Legal invisibility and administrative contradictions generated chronic stress that made sustained participation in formal labor nearly impossible. A respondent who had left a corporate job described: “Every day was about proving that I was not a fraud because my papers said otherwise. I left not because I couldn't do the job, but because I couldn't keep explaining my existence.” Withdrawal, in this context, becomes an act of strategic refusal—a choice to preserve selfhood in the face of institutional erasure. Rather than passive exclusion, it represents a conscious disengagement from systems that demand self-contradiction as a condition of participation.

Participants across both countries described this withdrawal as both painful and liberating. It allowed psychological relief but introduced new vulnerabilities. Informal work, while self-directed, lacked legal protection, social security, or consistent income. Yet participants often preferred precarity on their own terms to conditional inclusion under binary regimes. A Bangladeshi participant expressed: “I'd rather sell clothes online as myself than work in an office pretending every day.”

Withdrawal was also collective. Participants formed mutual support networks—community savings groups, shared housing, or cooperative ventures—to navigate exclusion. In Bangladesh, Hijra communities acted as both protective and productive spaces; in Hungary, digital networks provided solidarity across isolation. These alternative economies and social arrangements created micro-worlds of belonging within systems that denied legitimacy.

Drawing from Jones' (2025) framework of adaptive resistance, these narratives show that withdrawal is not mere escape but a reconfiguration of participation. By exiting formal structures, participants reassert control over how they are recognized and valued. Yet, as many acknowledged, this autonomy comes at the cost of economic stability and social legitimacy. Thus, strategic withdrawal and survival encapsulate the dual reality of gender-diverse labor: the capacity for agency within constraint, and the persistence of vulnerability even in resistance. It demonstrates how exclusion operates not only through denial but through the exhaustion of navigating systems designed to misrecognize.

Cultural Narratives and Everyday Negotiations

Between the domains of law and bureaucracy operates a pervasive layer of cultural discourse that shapes how gender diversity is recognized, contested, and lived in everyday life. Across both Bangladesh and Hungary, participants' narratives revealed that beyond the state and its institutions, social perceptions and moral discourses played a decisive role in sustaining exclusion. These cultural narratives, produced through media, religion, family, and workplace interactions, not only mirrored the formal structures of inequality but actively legitimized them.

In Bangladesh, the introduction of a “third gender” category in 2013 was widely heralded in national and international media as a sign of progressive inclusion. Participants recalled how newspapers, television programs, and political speeches repeatedly celebrated Hijras as symbols of diversity, positioning their recognition as evidence of the state's modernity. However, these moments of public celebration were often accompanied by ridicule or paternalism. A participant who had been invited to appear in a government awareness campaign explained: “They called me to speak about ‘third gender pride,’ but off-camera they laughed and said, ‘You people are special, but not normal.’ Recognition came with mockery.”

This paradox of celebratory marginalization—being both visible and devalued—illustrates what Bourdieu (1991) terms symbolic violence: the imposition of meaning systems that naturalize social hierarchy while appearing benign or progressive. Participants described the persistence of derogatory jokes, sensational media portrayals, and religious rhetoric framing Hijras as “failed men” or “social burdens.” Such narratives, they emphasized, made it easier for employers and officials to justify exclusion as cultural propriety rather than discrimination.

Furthermore, participants noted that public discourse often conflated the state-recognized “third gender” with the culturally specific identity of Hijra, excluding those who identified as transgender, gender-fluid, or otherwise gender-diverse. This conflation narrowed the spectrum of recognition while claiming inclusivity. A younger participant who identified as transgender but not Hijra commented: “They say we are all Hijras. But I am not. There is no word for me here, so they make me fit theirs.” Such cultural essentialization reveals how recognition operates through translation into existing hierarchies. It renders gender diversity intelligible only by assimilating it into familiar cultural categories, thereby reaffirming rather than challenging the binary moral order.

In Hungary, cultural exclusion took on a different form. Rather than overt moralization, participants described a pervasive silence around gender diversity, reinforced by

nationalist and religious narratives emphasizing the sanctity of “traditional families.” The state’s 2020 legal rollback was accompanied by political rhetoric that cast gender diversity as a threat to national identity and moral stability. Participants observed that this discourse filtered into everyday life, where “normality” became synonymous with conformity. A non-binary participant in Budapest reflected: “People don’t talk about gender here. It’s not polite. They act like we don’t exist. But silence can be as violent as insult.”

This form of cultural exclusion—quiet, moralizing, and bureaucratically justified—created conditions of social illegibility. Even when explicit hostility was absent, the absence of language or acknowledgment served as a form of erasure. Media narratives often framed transgender rights as “Western interference,” further isolating local gender-diverse communities. The lack of public dialogue thus reinforced bureaucratic exclusion by depriving individuals of the social legitimacy necessary to contest it.

Both contexts demonstrate how cultural narratives mediate between law and lived experience. In Bangladesh, visibility came at the cost of stereotyping; in Hungary, invisibility was produced through silence and national moral discourse. In both, participants were compelled to engage in everyday negotiations—acts of self-editing, code-switching, and performative conformity—to navigate social spaces. These negotiations were not only survival strategies but also forms of emotional labor. As one Bangladeshi participant summarized: “You have to know when to smile, when to hide, when to explain. Every moment is a calculation—how much of yourself can be safe today?”

Similarly, a Hungarian respondent reflected: “I am always careful. Not because I am ashamed, but because I know the rules of this country. Being silent is how I stay employed.” These accounts illustrate that exclusion is not confined to formal structures; it is reproduced through micro-level interactions that continuously enforce normative boundaries. Gender-diverse individuals learn to read social cues and modify behavior to avoid stigma, creating a mode of everyday governance where the state’s absence is replaced by society’s discipline.

The entanglement of legal, bureaucratic, and cultural exclusion points to a larger architecture of control—what could be termed a moral-bureaucratic order. Recognition policies and bureaucratic procedures derive their authority from cultural legitimacy; moral narratives, in turn, gain durability through institutional reinforcement. This interdependence ensures that even progressive reforms risk reproducing exclusion when they draw on the same moral frameworks that sustain hierarchy. Through this lens, cultural narratives are not peripheral background noise but central mechanisms of exclusion. They define what forms of difference can be tolerated, celebrated, or erased, determining the

social boundaries within which law and bureaucracy operate. By tracing these narratives, participants revealed how exclusion is performed and maintained in everyday life—through speech, silence, humor, and moral judgment.

Discussion

The aim of this study was to examine how legal recognition—or its withdrawal—intersects with bureaucratic practices and cultural norms to shape labor market participation among gender-diverse individuals in Bangladesh and Hungary. By analyzing narratives from 46 participants across these two contexts, this research sought to uncover the mechanisms through which exclusion persists despite seemingly progressive legal frameworks or formal administrative erasure. The findings reveal that labor exclusion operates not solely through overt discrimination but through a combination of procedural, structural, and social mechanisms that produce marginalization in nuanced ways, extending current debates on transgender and non-binary labor inequality.

In Bangladesh, formal recognition of a “third gender” generated public visibility but did not translate into equitable access to employment. This finding supports argument that symbolic recognition alone cannot redress economic inequities, while also adding empirical specificity by showing how digital recruitment systems, employer perceptions, and social hierarchies systematically constrained participation (Lazzeri, 2009). Prior research has noted the limited economic impact of legal recognition for Hijra communities (Al-Mamun et al., 2022; Hossain, 2017; Rahman et al., 2025), but this study extends that scholarship by highlighting how recognition selectively privileges visibility while embedding new forms of vulnerability within labor markets. Participants’ accounts demonstrate that administrative structures—such as binary-coded application systems—function as active instruments of exclusion, confirming Spade (2015)’s notion of procedural marginalization but contextualizing it in non-Western institutional settings.

In Hungary, participants’ experiences demonstrate that the withdrawal of legal recognition produces hypervisibility rather than invisibility. While previous literature emphasizes administrative compliance as a barrier for transgender workers in Western contexts (Darwin, 2020; Ciprikis et al., 2020), this study shows that legal erasure intensifies everyday negotiations of identity, producing chronic stress and necessitating adaptive strategies. The findings refine Bourdieu (1985)’s theory of symbolic power by illustrating how bureaucratic misalignment enforces normative labor participation in subtle yet pervasive ways, making exclusion both systematic and normalized without requiring overt prejudice.

Comparatively, the study reveals a convergence in exclusionary outcomes despite divergent legal pathways. In both contexts, participants navigate an intricate interplay of legal, administrative, and social pressures, suggesting that the effectiveness of legal recognition depends on its integration with institutional capacities and cultural legitimacy. This cross-national perspective contributes to the literature by moving beyond single-case studies of transgender labor market exclusion and demonstrating the structural conditions under which legal frameworks can either reinforce or mitigate marginalization.

Moreover, the study introduces the concept of contextual exclusion as a complement to traditional understandings of outright denial. Unlike classical exclusion, which is identifiable through direct barriers to employment, contextual exclusion manifests in the interaction between institutional procedures, cultural narratives, and individual strategies of self-management. This analytical distinction extends the work of Jones (2025) and provides a conceptual tool for understanding how labor markets reproduce inequities even under ostensibly inclusive legal regimes. Additionally, the observation that participants engage in strategic withdrawal highlights labor agency in constrained environments, offering a more nuanced interpretation of labor market disengagement than prior studies have provided.

The study further engages with and extends existing scholarship on legal recognition and labor exclusion by empirically illustrating the limits of rights-based reforms. Prior research has emphasized that formal recognition, whether in the form of legal gender markers or anti-discrimination legislation, often fails to translate into substantive inclusion (Al-Mamun et al., 2022; Ciprikis et al., 2020; Darwin, 2020; Sarah & Chellaswamy, 2025). Consistent with distinction between recognition and redistribution, the findings show that Bangladesh's third-gender policy created visibility without altering structural labor inequalities, while Hungary's rollback exposed the fragility of prior legal gains. This comparative evidence enriches the literature by highlighting that both progressive and regressive legal frameworks can sustain labor exclusion, depending on how bureaucratic and cultural systems mediate their implementation, thus bridging empirical gaps in both Global South (Amanullah et al., 2022; Aziz & Azhar, 2019; Mount, 2020) and Central European contexts (Barát, 2022; Primecz & Pelyhe, 2023).

In addition, the study contributes to theoretical debates on non-binary and transgender labor experiences by situating contextual exclusion alongside classical forms of discrimination, thereby refining existing frameworks such as Jones (2025)'s categorical versus outright exclusion. Whereas prior studies have documented overt acts of bias, this research foregrounds subtle, institutionalized mechanisms

embedded in administrative procedures, HR systems, and everyday workplace expectations (Bhattacharya et al., 2022; Shircliff et al., 2025; Spade, 2015). By connecting these structural and procedural barriers to lived strategies of strategic withdrawal, the study demonstrates that gender-diverse workers actively navigate exclusionary systems, exercising agency even in constrained circumstances. This linkage empirically supports theoretical claims about labor precarity and identity management (Isom et al., 2024; Shin et al., 2023) while providing a novel comparative perspective that emphasizes the interaction of law, bureaucracy, and cultural norms in sustaining systemic marginalization.

Overall, the findings underscore the importance of integrating cultural analysis into labor studies. In Bangladesh, moralized portrayals of the Hijra community shaped perceptions of employability, while in Hungary, silence and normative assumptions about gender conformity operated as mechanisms of exclusion. This demonstrates that labor market barriers are not purely structural or procedural but are embedded in everyday social interactions, extending existing frameworks in gender and labor studies by empirically linking cultural narratives to systemic exclusion.

Policy Contributions

Findings indicate that legal recognition alone is insufficient to secure labor market inclusion for gender-diverse individuals. Effective policy interventions must integrate structural, administrative, and cultural dimensions:

1. **Legal and Administrative Reform:** In Bangladesh, labor market inclusion policies should operationalize the “third gender” recognition in formal employment systems, including updating digital recruitment platforms and HR procedures to accommodate diverse identities. In Hungary, administrative practices should align identity documentation with lived gender to reduce bureaucratic exclusion.
2. **Cultural and Institutional Training:** Workplace training and public awareness campaigns are needed to address cultural biases, reduce moralistic policing of gender norms, and promote recognition beyond symbolic gestures.
3. **Support for Alternative Labor Participation:** Recognizing the role of strategic withdrawal, policies should facilitate safe and dignified informal or self-employed labor options, provide social protections for precarious work, and support community-based initiatives for gender-diverse individuals.
4. **Context-Sensitive Approaches:** Policy design must consider local histories, social norms, and labor

market structures. Interventions effective in one context may not translate directly to another without adaptation to institutional and cultural conditions.

By addressing these dimensions, policymakers can move beyond symbolic recognition to create labor markets that are genuinely inclusive, reducing both classical and contextual exclusion and promoting social and economic equity for gender-diverse populations.

Limitations

This study has several limitations that should be considered. The use of snowball sampling to access a hidden and marginalized population may limit generalizability, as participants may share characteristics not representative of the broader gender-diverse workforce. The age range of participants excludes younger and older individuals, potentially overlooking generational differences in navigating labor markets, while the focus on non-binary identities intersects with broader transgender categories, meaning analytic categorizations may not fully capture individual self-identifications. Although reflexive thematic analysis and iterative coding were employed, reliance on a single researcher introduces potential interpretive bias. Furthermore, the comparative insights are context-specific to Bangladesh and Hungary, limiting extrapolation to other global labor markets. Future research could address these limitations by including larger and more diverse samples, broader age ranges, and multiple sites across different legal and cultural contexts, while longitudinal designs could capture how legal and institutional changes shape labor market participation over time. Incorporating multi-researcher coding or participatory analysis and examining intersectional dimensions such as class, ethnicity, and geographic location would further strengthen interpretive rigor and provide deeper insight into the complex experiences of gender-diverse workers.

Conclusion

This study demonstrates that legal recognition alone does not guarantee meaningful labor market inclusion for gender-diverse individuals, as both symbolic recognition in Bangladesh and legal erasure in Hungary reproduce exclusion through bureaucratic rigidity, social norms, and cultural narratives. In Bangladesh, the formal acknowledgment of a “third gender” increased visibility without transforming institutional practices, while in Hungary, revocation of legal recognition intensified everyday pressures, forcing individuals to navigate persistent structural and social constraints.

The findings advance scholarship on gendered labor exclusion by introducing the concept of contextual exclusion, which captures how procedural, institutional, and cultural mechanisms marginalize gender-diverse workers beyond overt denial, and by framing strategic withdrawal as a form of agency rather than a failure. By bridging underexplored Global South and Central European contexts, the study highlights how legal frameworks, bureaucratic systems, and cultural norms intersect to shape labor participation, emphasizing that genuine inclusion requires coordinated legal, institutional, and social transformation rather than isolated symbolic recognition or formal policy changes.

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Declarations

Competing interests The authors declare no competing interests.

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