

Not Gay Enough:
Sexuality, Gender and Homonationalism in the Dutch Asylum Procedure

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Summary

The Netherlands represents itself as a safe and accepting country for members of the LGBT community (Wekker 2016, 108). One way in which the Netherlands does this is through allowing people to seek refuge in the Netherlands on the basis of sexual orientation or gender identity. The IND (Immigration and Naturalisation Service) has created a document that the IND employees can use as a direction for interviewing a person about the credibility of their sexuality or gender identity. While the IND claims to be an 'open organisation' (IND, n.d.) because it has published these work instructions online, the work instructions actually conceal certain hierarchical power dynamics between the IND and the person seeking asylum. In this thesis, I analyse how the IND work instructions as part of the LGBT asylum procedure enact a homonationalist discourse. By conducting a discourse analysis of the IND work instructions I show that there is an ideology of objectivity at the basis of this document. This ideology of objectivity constructs the IND's position as innocent and the person seeking asylum as biased and subjective. The construction of a position of innocence through an ideology of objectivity form the conditions for the creation of a Subaltern position. In addition to this, the desire for innocence and objectivity enforce a homonationalist dynamic, in which the Self (the Netherlands) is represented as tolerant and progressive, while the Other (the countries that the people seeking asylum come from) is constructed as backwards and oppressive. This is a process of othering in which the Netherlands differentiates itself from the (often Islamic, Eastern European and/or black) Other through the temporary acceptance of certain homosexual bodies into the nationalist imaginary. This process is what Jasbir Puar calls homonationalism. I argue that the desire for objectivity and innocence that cause me to interpret the LGBT asylum procedure as a homonationalist structure, is a significant part of the reason why the IND reject many of the people seeking asylum on the basis of sexual orientation or gender identity.

Introduction

Throughout history, the Netherlands has been able to construct its image as a tolerant and accepting country. This image of tolerance is not only based on an idea of acceptance of racial and ethnic Others, as Wekker argues (2016, 1), but is also largely based on sexual emancipation in the Netherlands. This Self-representation is partly based on the fact that the Netherlands was the first country in the world to legalise same-sex marriage in 2001. This Self-representation that is explained by Wekker as being a “small but ethically just nation that has something special to offer to the world” (2016, 5) also becomes visible in Dutch legislation on asylum cases based on sexuality or gender identity. It is possible to seek asylum in the Netherlands if a person’s safety is threatened based on their sexuality or gender identity in their own country (Jansen 2019, 15). The fact that one can seek refuge in the Netherlands helps present the Netherlands (and Western Europe as a whole, as many Western European countries have somewhat similar legislation on LGBT asylum) as a tolerant, accepting, progressive, safe and LGBT friendly place. However, many of the cases that deal with a person seeking asylum on the basis of sexual orientation or gender identity (cases that I will call LGBT asylum cases) are rejected. According to the organisation LGBT Asylum Support, there are many things going wrong in the LGBT asylum procedure that lead to these rejections. In 2017, LGBT Asylum Support set up the petition with the hashtag #NietGayGenoeg (#NotGayEnough) to effect a change in the way the IND (the Immigration and Naturalisation Service) treated LGBT cases¹. This petition is called “Not Gay Enough” because a significant reason behind LGBT asylum cases being rejected, is

¹ The petition was revived in May 2019 as #NietGayGenoeg2.0, since the changes that were brought about by the initial initiative were inadequate and were not implemented in a proper way (LGBT Asylum Support 2019). According to LGBT Asylum Support, the IND still uses terms like “bewustwordingsproces” (process of realisation) and “zelfacceptatie” (self-acceptance), to test LGBT asylum seekers, while these terms were banned in the new work instructions that should have been implemented since July 2018. Another issue that the organisation highlights is that the IND rarely accepts statements from third parties such as partners or interest groups. The IND regards the 2018 work instructions as an improvement, rather than ‘new’ work instructions. This results in situations in which repeat asylum applications are not judged based on the new work instructions. Lastly, they claim that IND even ignores positive verdicts by judges (LGBT Asylum Support 2019).

that the people seeking asylum cannot prove to the IND that they are part of the LGBT community.

IND stands for Immigration and Naturalisation Service ('Immigratie- en NaturalisatieDienst' in Dutch) and is part of the Ministry of Justice and Security. It is a governmental organisation that manages all migration to the Netherlands, including all people seeking asylum based on sexual orientation and gender identity. It conducts an initial interview that takes place shortly after the person has arrived in the Netherlands. If the person mentions their sexuality or gender identity as a reason for leaving their country, then they will have to go through a thorough interview by the IND, in which the person is questioned about this topic (IND 2018, 1). Based on this interview, the IND decides if the person's sexual orientation or gender identity is credible and if they will receive a residence permit (IND 2018, 1). The IND has created a document with work instructions for these interviews and published these online to give a representation of these interviews. The IND work instructions are an important document for this interview process, as it is the document that the IND employees are supposed to use as a direction for the interviews (IND 2018, 1).

The importance of the work instructions to the fate of the people seeking asylum as emphasized by LGBT Asylum Support has made me want to research this document and the significance it has in influencing the LGBT asylum procedure. The question I will ask in this thesis will be: how do the IND work instructions as part of the Dutch LGBT asylum procedure enact a homonationalist discourse?

I will research this by conducting a discourse analysis, as this method will allow me to critically analyse the power dynamics that the discourse in and around the IND work instructions creates. To answer this main research question, I will first look at the way the IND introduces the work instructions on their website, while asking the question; how does the presentation of the IND work instructions and the allocation of responsibility construct a position of innocence? Then I will take a look at objectivity and white innocence in the work instructions, and ask the question; how is a Western ideology of disinterested objectivity present in the work instructions, and what power dynamic does this create? Lastly, I research the relation between the work instructions, homonationalism and Subalternity, and ask the question: how do the construction of objectivity and innocence in the work instructions support a homonationalist power dynamic?

In this thesis I will use the term LGBT, which stands for 'lesbian, gay, bisexual and transgender'. I will use this term as an inclusive term that does not only include the previously mentioned sexualities and gender identities, but any sexuality other than straight, and any

gender identity other than cisgender. I will refer to people that are going through the LGBT asylum procedure as ‘people seeking asylum’ rather than ‘aliens’ or ‘asylum seekers’, as I want to emphasize their humanness.

Theoretical Framework

The five main theoretical concepts that I will be using in this thesis are ‘white innocence’, ‘the concept of disinterested objectivity versus situated knowledge’, ‘the notion of Othering’, ‘the Subaltern’ and ‘homonationalism’. In the next section I will outline what these concepts mean, how they relate to each other and how they are relevant to my research. I will begin by describing the concept of ‘white innocence’, after which I will look at ‘disinterested objectivity and situated knowledge’ and ‘Othering’. I will explain these three concepts in relation to the concept of ‘white innocence’, as I argue that these concepts are part of constructing this innocence. Then, I will discuss the concept of ‘Subalternity’ and explain how a Subaltern position can be created through the construction of innocence. Lastly, I will examine the concept of ‘homonationalism’ and explain how a homonationalist power dynamic is facilitated by the construction of this innocence. I will therefore use the idea of ‘white innocence’ as a central concept throughout the whole theoretical framework, as well as throughout my research analysis.

White innocence

The primary concept that I will use to analyse the power dynamics of the IND work instructions and the LGBT asylum procedure as a whole is ‘white innocence’. White innocence is what Gloria Wekker argues to be at the basis of the white, Dutch self-image (2016, 17). This concept of white innocence “encapsulates a dominant way in which the Dutch think of themselves, as being a small, but just, ethical nation; color-blind, thus free of racism; as being inherently on the moral and ethical high ground, thus a guiding light to other folks and nations” (Wekker 2016, 2). She argues that this innocence as a layered ignorance and denial of race and racism is not innocent at all, but “is strongly connected to privilege, entitlement, and violence that are deeply disavowed” (Wekker 2016, 18). This innocence is based on simultaneously not-knowing and ‘not wanting to know’ about the structures of racialisation that form Dutch society (Wekker 2016, 17). Maintaining this deliberate ignorance about racial structures makes it possible for white, Dutch people to maintain their position as objective, neutral, natural and superior, and profit from this racial structure (Wekker 2016, 17). Wekker argues that meaning in the Netherlands is and has been created through sentiment and knowledge based on its colonial history, while this is not acknowledged or questioned (Wekker 2016, 3). Entangled with this period of Dutch colonial rule and the processes of meaning-making that have been based on it is the development of the Western academic knowledge production.

Objectivity versus Situated Knowledge

In her text “Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective”, Donna Haraway explains that Western knowledge production is based on an ideology of objectivity (1988, 576). This means that the knowledge created by a scientist or scholar is presented as an unbiased Truth in which the researcher’s bias and position that influence the research, are removed (Haraway 1988, 576). This knowledge production that is based on essentialism and disembodied, disinterested objectivity helps strengthen this dominant, neutral and innocent position of the white, Dutch Self that Wekker recognises. I argue this, because striving for objectivity allows one to ignore the researcher’s position and the power structures within which the knowledge is created. This makes it possible for dominant notions about race, gender and sexuality to go unquestioned. In this sense, Western knowledge production and the ideology of objectivity reproduce the innocence and neutrality of the white, Dutch Self-image.

Haraway is critical of this way of knowledge production, as she argues that knowledge is not neutral and obtaining disembodied objectivity through removing the researcher from the research is not possible (1988, 577). Instead of using an ideology of disinterested and disembodied objectivity, Haraway argues that feminists and researchers should create situated knowledge (Haraway 1988, 579). This means that the researcher acknowledges their own relation to and influence on the knowledge that they create. In this way, they acknowledge their position and create accountable, situated knowledge. Although this concept of situated knowledge has been very influential in feminism and gender studies, many academic disciplines still strive for disinterested objectivity. This ideology of objectivity is not only present in institutional (academic) contexts, but in the whole of society, as this ideology is at the basis of Western thinking and meaning making (Haraway 1988, 591). An example of this ideology still being present in non-academic life, can be found in the LGBT asylum procedure. Throughout the interview process, the IND looks for a story that remains fixed and that does not contradict itself (Hertoghs & Schinkel 2018, 692). The IND states that it can take into account statements from third parties about the person’s sexuality or gender identity, but it regards many of these statements as ‘interested’ and biased, and thus not valid (IND 2018, 6). In this process, the IND invalidates the case of the person seeking asylum as subjective, while it does not account for its own interest as a governmental organisation. This can be seen as a process of othering, where the person seeking asylum and their supporters are deemed subjective, while the government (representing the Netherlands) implicitly claims objectivity and neutrality.

Othering

Othering is a process in which the (mostly white, Western) Self defines 'the Other' through a process of representation (Ponzanesi 2009, 89). According to Stuart Hall, difference is marked through binary oppositions that are hierarchically valued (Hall (2013, 225). In this process of representation the Other is usually represented as being inferior in some way. Through defining the Other as inferior, the Self is implicitly defined as superior (Ponzanesi 2009, 89). This hierarchically classified binary is made to seem natural through the repetition of this representation (Hall 2013, 234). Hall argues that racialised discourse is also structured this way; through binary oppositions (2013, 232). One specifically prevalent racialised binary opposition he mentions is that of the association between white people and civilisation, and black people (or other people of colour) and backwardness (Hall 2013, 232). As Hall shows in his book *Representation* (2013), this power dynamic of othering that is "used to mark racial difference and signify the racialized 'Other' in western popular culture" (Hall 2013, 228) has developed from a history of imperialism and colonialism. According to Edward Said² the imperial domination that took place during European colonialism continues in popular discourse and academic writing on the Other, through which imperial doctrines are reproduced (Said 1978, 10).

In the context of the LGBT asylum procedure this process of othering works on multiple levels. One big process of othering in the context of the LGBT asylum procedure is that the Other, the person seeking asylum, is straight until proven otherwise. The country that the person seeking asylum came from needs to be unsafe or oppressive towards members of the LGBT community in order for the person to be able to seek refuge in the Netherlands. Through this dynamic and discourse around the LGBT asylum procedure, the Netherlands (the Self) is depicted as accepting, tolerant, ethically just and innocent, while the Other is seen as straight and oppressive towards members of the LGBT community. As such, othering is a dynamic through which this position of innocence is constructed.

² Edward Said is a prominent academic in the field of postcolonial studies, who has written the book *Orientalism* (1978). In this book, Said analyses the process of othering between the Occident (West) and the Orient (East). Through this process, the Orient is constructed as an inferior Other, through which the Occident is constructed as superior (Said 1978, 9). Said argues that the Orient that is constructed through this process is a projection of Western desires and anxieties rather than an actual subject (Said 1978, 11).

The Subaltern

The next concept I will be using is the concept of the Subaltern. In “Can the Subaltern Speak?” (1994), Gayatri Spivak analyses Western academic knowledge production on the Subaltern. Spivak does not necessarily theorise on who exactly this Subaltern subject is, but rather explains how the position of the Subaltern is constructed. In this text, she questions if it is possible to hear and understand people (specifically women) that have been marginalised by colonialist power structures. She criticises the tradition of Western intellectuals writing about the Third World Woman as a static, homogeneous subject that is knowable. This representation of the Subaltern renders the position of the intellectual transparent, as it conceals the way researchers create this representation of the researched subject, without this representation being grounded in reality by lived experience (Spivak 1994, 74). Instead, they theorise on presupposed ideas about these imagined ‘subjects’ (Spivak 1994, 74). Spivak ends her text by concluding that the Subaltern can, in fact, not speak (Spivak 1994, 104). She argues that searching for an authentic voice or narrative will continue to silence Subaltern subjects, as they are always interpreted through dominant frames of reference (Spivak 1994, 104). Instead of searching for the authentic voice of the Subaltern, Spivak argues for a critique of this notion of uncovering authentic voices and an analysis of intellectuals’ complicity in silencing the Subaltern (McLeod 2010, 221). So in an extreme form, the process of othering can construct a Subaltern position. This is because the process of othering creates an inferior Other that cannot belong to or be understood by a superior Self.

This concept of the Subaltern will be specifically relevant to the way in which the IND wants to uncover an ‘authentic’ story (IND 2018, 2), while making use of an ideology of objectivity in Western knowledge creation. This concept is relevant to the topic of LGBT asylum, as many of the people seeking asylum on the basis of sexuality or gender identity are people of colour that come from previously colonised countries. Using the concept of the Subaltern I will argue that the uncovering of an authentic story through the ideology of objectivity and the lens of a white, Western governmental institution is impossible. I argue this because as I have stated previously using Haraway’s notions of situated knowledge, the IND’s position is not an innocent one. Its presence, its procedure, its criteria and the questions its employees ask influence the process and the story being told. This is why the IND work instructions create a position of Subalternity, in which the person seeking asylum cannot speak

and cannot be heard.³ I argue that this construction of the subaltern position in the LGBT asylum procedure is a result of the binary of the innocent, objective, accepting West versus the backwards, oppressive, subjective and racialised Other and centuries of colonialism.

Homonationalism

One significant way in which a ‘Dutch’ (or Western) Self is defined and separated from the Other, is through the topic of sexuality (Puar 2017, 4). Queer theorist Jasbir Puar recognises this as homonationalism, a dynamic in which Western society is represented as being open, progressive and tolerant, while the Islamic Other is represented as being homophobic and oppressive (Puar 2017, 4). In her text *Terrorist Assemblages* ([2007] 2017), Puar analyses how sexuality is entangled with the war on terror in the context of the United States. She argues that the United States has created a discourse of sexual exceptionalism, believing in the superiority of its own sexual norms (Puar 2017, 5). According to Puar, this sexual exceptionalism accepts certain normative hetero- and homosexualities into its imaginary, while excluding others (Puar 2017, 2). This “national recognition and inclusion” Puar argues, “is contingent upon the segregation and disqualification of racial and sexual others from the national imaginary” (2017, 2). This shows that even though some homosexual bodies are temporarily included into this imaginary, many homosexual bodies are still excluded based on their race and/or having non-normative sexualities. Puar interprets the inclusion of a normative homosexuality into the national imaginary as national homonormativity, for which she creates the term ‘homonationalism’ (Puar 2017, 2). The homosexual bodies that are being included into this imaginary comply with and reproduce heteronormative structures, rather than challenge them (Mepschen & Duyvendak 2012, 73). In this dynamic Western (mostly North-American and Western European) countries can claim to be accepting and modern, while the racialised Other

³ While I argue that the IND’s LGBT asylum procedure produces the conditions for a position of Subalternity, I do not wish to represent the people seeking asylum on the basis of sexuality or gender identity as essentially and naturally Subaltern. Rather, I want to show how the present IND work instructions and the LGBT asylum procedure in the Netherlands in general, construct the conditions that are necessary for the creation of a position of Subalternity, and how this causes a situation in which the people seeking asylum cannot speak and be heard properly. This means that I will use the notion of the Subaltern not as an actual identity category but as an analytical tool that can help uncover biases within the discourse that the IND (re)produces.

is seen as backwards and oppressive (Puar 2017, 51). So, homonationalism can be seen as a process of othering based on sexuality and gender identity.

As I have explained, the Netherlands represent themselves as an innocent country. This innocence is partly constructed by an ideology of objectivity. Because innocence is the desirable state of being in Western culture (Wekker 2016, 16), the Dutch Self-representation as innocent strengthens the notion of Western (moral) superiority. This Western superiority is also created through a project of homonationalism. Homonationalism comprises the construction of the binary opposition of the backwards Other and the innocent, superior Self through a process of othering. This process of othering shows that that the construction of innocence plays a significant role in enforcing a homonationalist dynamic. Now that I have discussed the five main concepts that I will use in this thesis, I will move on to discussing the methodology that I will be using.

Methodology

In this thesis I will look at how the ideology and power dynamics that are present in the IND work instructions influence the reality of many people seeking asylum on the basis of sexuality or gender identity. This means that I will be analysing the IND work instructions and the discourse around them (how these work instructions are presented by the IND and the critique they have gotten from several organisations like LGBT Asylum Support and COC Netherlands) on a deeper ideological level, as well as a more ‘literal’ surface level. To do this, I will be using the method of discourse analysis as I argue that the IND work instructions institute a particular discourse that I will be able to deconstruct using this method.

Hall explains discourse as “a group of statements which provide a language for talking about - i.e. a way of representing – a particular kind of knowledge about a topic” (Hall 1992, 201). In line with this definition of discourse, Rosalind Gill explains discourse analysis as a name that encompasses a lot of approaches that share the notion that language is not “simply a neutral means of reflecting or describing the world” (2000, 172). The notion that all of these approaches share is that discourse shapes and constructs social life (Gill 2000, 172). A scholar that has made an important contribution to the development of discourse analysis as a methodology is Michel Foucault. Foucault argues for the importance of analysing discourse rather than language, as meaning and knowledge are created through many discourses, stories and signs (Hall 2013, 27). Foucault analyses the production of knowledge and how this production of knowledge is informed by discourse (Hall 2013, 28) and considers discourse to be inextricably linked to power and knowledge (Hall 2013, 32). According to Hall, Foucault argues this because knowledge is “always being applied to the regulation of social conduct in practice (i.e. to particular ‘bodies’)” (Hall 2013, 32). So, Foucault claims that discourse influences social reality, as discourse shapes and is shaped by meaning, which in turn shapes practice (Hall 2013, 28)⁴. Through arguing that a certain discourse informs certain knowledges

⁴ To give an example of how discourse works, Hall discusses the way that the West (mainly Europe) treated the Rest (non-Western countries) in the period of imperialism and colonialism, in the chapter “The West and the Rest: Discourse and Power” (Hall 1992). He states that this practice (the treatment of the Rest by the West) has influenced the kind of discourse that the West produces about the Rest (Hall 1992, 201). This discourse that is created through a specific historical context of imperialism in turn influences the knowledge

at a certain time, he historicises what is regarded as knowledge and truth (Hall 2013, 31). Foucault steps away from truth as a universal, timeless concept, but rather sees knowledge and truth as constructed through a process of power. This process of power determines if a certain knowledge or truth is accepted (Hall 2013, 33). Power, according to Foucault, circulates through the whole of society and is both oppressive and productive (Foucault 1980, 98). With this move from language towards discourse and emphasising its relation to knowledge and power Foucault helped create the constructivist approach (Hall 2013, 32).

The notion that discourse mediates power and constructs social life is at the core of the analysis that I will be performing. As Gill argues that discourse analysis is a methodological approach that does not have a set list of rules and steps to follow (2000, 177), I have created a list of questions that I will be asking throughout my thesis. I have tailored these questions to understand the power relations that are present in the IND work instructions better. They allow me to look at the text itself, but also allow me to explore how the text is constructed and is constructed by reality (Gill 2000, 174). The questions that I will use to perform a discourse analysis of the IND work instructions are;

- What ideologies are at the base of the IND work instructions?
- What kind of power relations do the IND work instructions and their underlying ideologies mediate?
- How is a position of an innocent Self constructed?
- Who is constructed as an Other or a Subaltern?
- How is this position of the Other and even the Subaltern created?
- How is a homonationalist dynamic expressed?

Analysing the power dynamics using discourse analysis will allow me to look at the power structure behind the LGBT asylum procedure. It will enable me to analyse how certain knowledges produce certain social realities pertaining LGBT asylum in the Netherlands.

I have chosen to use the IND work instructions as prominent data for my analysis because while researching the relation between the LGBT asylum procedure and homonationalism, this document kept coming up as a crucial part of this LGBT asylum procedure. The IND employees are supposed to use these work instructions for the interview

that the West produces about the Rest. Because people act based on this discourse and the knowledge it produces, social reality is shaped by this discourse (Hall 1992, 203).

and judgment process, which makes it a significant document in the LGBT asylum procedure. Next to the fact that the IND employees use these work instructions, the IND has published them online for anyone to read. This leads me to treat the work instructions as the IND's own representation of their LGBT interview process, which gives me some insight into their perspective and practices. Another reason that I treat these work instructions as a key element in the LGBT asylum procedure is that they influence lived reality for all people seeking asylum on the basis of sexuality or gender identity. The discourse used in the work instructions influence lived reality by constructing norms that result in certain in- and exclusions based on which the IND makes a decision about the residence status. Analysing the ideology and power structures behind the IND work instructions will allow me to say something about the relation between homonationalism and the LGBT asylum procedure in the Netherlands as a whole.

I will use the report *Krassen op je Ziel* (LGBT Asylum Support 2018) and the report *Pride or Shame* (Jansen 2019) to get a better idea of the discourse around the LGBT asylum procedure and the issues that occur in this process. These reports contain accounts from lawyers and people going through the asylum procedure, as well as analyses and recommendations based on these accounts. These reports will direct me to aspects of the work instructions that negatively influence people seeking asylum and give me an insight into their perspective and interest. Some of the issues that these reports address will be the starting point of my analysis, as they will direct me to analyse a specific part of the IND work instructions. This will allow me to see how the power relations in these IND work instructions (co)construct the issues that are brought up in these reports⁵. Let us now move on to the research analysis, in which I will use the IND work instructions together with the reports of LGBT people's experience of this asylum process to understand how institutional processes mediate lived experience and how the LGBT asylum procedure can be interpreted as being homonationalist.

⁵ For example, in the research analysis I will discuss how the organisation LGBT Asylum Support states that third party statements are not (sufficiently) taken into account in the final judgment (LGBT Asylum Support 2018, 36). This statement leads me to analyse the section in which the IND work instructions discuss third party statements, and look at the ideology behind it. This will help me understand what power relations cause the IND to regularly disregard third party statements.

Research Analysis

The Construction of Innocence & Diverting Responsibility

In the previous parts I have explained the theories that form my theoretical framework and the way I will perform this research. Now I will use these theories to analyse my case study: the IND work instructions. As I have explained in the introduction, the IND is an organisation that is part of the Dutch government. This means that the IND is part of (arguably) the most influential institution of the Netherlands, which is something that makes the IND an organisation that can be difficult to reach and seem untouchable. Their position as part of the Dutch government comes with a lot of power and prestige. Let us now take a specific look at the power relations present in the work instructions, by analysing the way in which the IND has presented these work instructions.

On the webpage where the IND has linked all of their work instructions, the IND states that:

The IND is an open organisation, that gladly gives insight into the work instructions that the employees use. (...) These instructions are emphatically not policies, but procedural instructions, thus are not meant as a replacement of the legislation in Aliens Circular 2000. Moreover, there can be good reason to deliver custom work in an individual case and diverge from an instruction.⁶ (IND, n.d.)

In this brief introduction that the IND provides for their work instructions, the IND represents itself as an “open organisation”. This phrasing connotes notions of transparency, honesty and innocence, as ‘open’ would suggest that one can see everything. However, as is stated on this webpage, the IND argues that there can be “good reason” for employees to diverge from these work instructions and treat a case individually (IND, n.d.). The IND does not elaborate on what this “good reason” could be, which makes this statement rather vague and non-transparent. So while they claim to be open, transparent and innocent, it is actually quite difficult to get a proper

⁶ Unless otherwise noted, all translations are my own. Translated from; “De IND is een open organisatie, die graag inzicht geeft in de werkinstructies die de medewerkers hanteren. (...) Deze instructies zijn nadrukkelijk géén beleidsregels, maar procedurele instructies en zijn dan ook niet bedoeld als vervanging van de bepalingen in de Vreemdelingencirculaire 2000. Er kunnen overigens goede redenen bestaan om in een individueel geval maatwerk te leveren en van een instructie af te wijken” (IND, n.d.).

insight into the actual workings of the interview and judgment process. I argue that claiming openness and transparency while keeping the possibility to diverge from these instructions, is a good indicator of the power that the IND as an institution holds. These statements show how the IND can exercise power over the interviewees, while being able to distance themselves from the responsibility for the implications of not following the work instructions.

While the IND implements a lot of power through the presentation of their work instructions, as well as solely through their position as a Western governmental institution, the IND puts a lot of the responsibility for being able to give a sufficient account onto the person seeking asylum (a sufficient account being an account in which the person has been able to effectively communicate their account of their sexuality or gender identity). The IND states that “when an alien states that he is lgbt, it is up to him to further substantiate the stated sexual orientation that is, as per usual, the starting-point in the hearing” (IND 2018, 1)⁷. Through this statement, the person seeking asylum is made responsible for proving their sexuality or gender identity. However, by allocating this responsibility to the person seeking asylum, the IND eludes the responsibility for how their employees’ actions influence this account. This can be problematic, as the IND does in fact influence the account that the interviewee gives and how this account is judged in a significant way. An example of their influence on the process is that after the interview is held by one IND employee, a different IND employee decides if they deem the claim to a certain sexuality or gender identity credible. As the IND explains the themes that it uses in the interviews and credibility judgments, the IND states:

An individual consideration of what is relevant has to take place in every single case. (...) This means that not all themes will necessarily be addressed during a hearing (and thus in the resolution or final decision). The interviewer can therefore conclude that, considering the individual account, it is not relevant to ask (further) questions about a certain theme. In this situation, the employee that makes the judgment will establish that the alien has not been able to explain themselves on this aspect, and judge if this does or does not influence the final judgment. (IND 2018, 2)⁸

⁷ Translated from: “Wanneer een vreemdeling stelt dat hij lhbt is, is het aan hem om de gestelde seksuele gerichtheid die zoals gebruikelijk in het gehoor als uitgangspunt geldt, nader te onderbouwen” (IND 2018, 1).

⁸ Translated from; “In iedere zaak moet een individuele afweging plaatsvinden van wat relevant is. (...) Dit maakt tevens dat niet alle thema’s tijdens een gehoor (en daarmee in het

So, while the interviewer can decide that a certain topic is irrelevant for a particular case and thus does not need to be asked about as extensively, the IND employee making the final decision can judge that an account is not credible because the person seeking asylum has not talked about that certain topic sufficiently. As such, the interviewer, the judge and even a possible interpreter have a strong impact on the course of the interview, while the responsibility is placed on the person seeking asylum.

As I have just shown the IND has a lot of power in this dynamic, while it seems to allocate a large part of this responsibility to the person seeking asylum. This is a good way to not acknowledge the power that the IND has and makes it possible for the organisation to (either implicitly or explicitly) continue claiming a position of innocence. According to Wekker, this innocence “describes part of a dominant Dutch way of being in the world” (Wekker 2016, 17), that is based on the Self (the IND in this case) not-knowing and ‘not wanting to know’ about racial structures in the Netherlands (Wekker 2016, 17). According to Wekker, this innocence is what makes it possible for white people to maintain and benefit from their superiority within Dutch racial structures (Wekker 2016, 17). This innocence is what I recognise in the dynamic of the unaccountable authoritative IND and the responsible defendant. By stating that the person seeking asylum is responsible for successfully communicating their account, the IND creates a situation where it does not have to acknowledge its own influence on this process. So, the IND work instructions create a situation in which power is partly unacknowledged and even concealed. In this way, the IND can continue to benefit from this power while having a bigger claim to innocence.

Ideology of Objectivity & Innocence

I have just given an example of how the IND as a very authoritative, Western institution mediates power and creates a position of innocence through its work instructions. I will now take a look at what ideologies are at the core of these work instructions and how these ideologies influence reality for people going through the LGBT asylum procedure in the Netherlands.

voornemen dan wel in de beschikking) noodzakelijkerwijze aan de orde zullen komen. De hoornmedewerker kan dus tijdens een gehoor concluderen dat het, gezien het individuele relaas, niet relevant is om (verder) door te vragen op een bepaald thema. In die situatie zal de beslismedewerker constateren dat de vreemdeling op dit punt niet heeft kunnen verklaren, en wegen of dat wel of niet van invloed is op de beoordeling” (IND 2018, 2).

As I explained in the theoretical framework, Western knowledge production and meaning making is based on an ideology of disinterested objectivity (Haraway 1988, 576). The most influential institution in the Netherlands - the Dutch government (including the IND) - is also founded on these notions of Western thinking. This ideology of objectivity as part of this tradition of Western knowledge production is also present in the IND work instructions.

In the work instructions, the IND states that “as a starting-point one should have an unprejudiced attitude and prevent (unconsciously) reasoning from a personal, often Western, frame of reference as much as possible” (IND 2018, 2) ⁹. Let us deconstruct this sentence. Because the IND states that one can reason from a personal perspective, the IND does seem to acknowledge a certain degree of subjectivity here. They also seem to acknowledge that one can have a Western frame of reference that one is not conscious of. However, what is interesting here is that the IND state that one should prevent reasoning from these personal and Western frames of reference, and act ‘unprejudiced’. In doing so, they try to aim for the LGBT asylum procedure to be as objective as possible. As being ‘unprejudiced’ means not being prejudiced or biased and the IND seems to indicate that one can be unbiased, this wording strongly connotes the notion of objectivity. However, with the help of Donna Haraway’s work, I argue that leaving behind one’s frame of reference, being ‘unprejudiced’ and being objective is impossible and that trying to achieve this can be problematic. According to Haraway, many of one’s notions are very deeply rooted and influence one’s perception of the world greatly (1988, 583). These Western notions cannot easily be left behind, which one can see in the continuous aiming for objectivity in the LGBT asylum process. Because shedding one’s frame of reference and the biases that come with it is impossible, being unprejudiced is also impossible. According to Haraway, one should rather acknowledge one’s possible biases and blind spots and be accountable (Haraway 1988, 583).

Another aspect of this quote that I find particularly interesting is that the IND equate (or at least relate) a ‘personal’ frame of reference with a ‘Western’ frame of reference. With this, the IND argues that this Western frame of reference is to be found in their employees personal thoughts, and (most importantly) outside of the organisation itself. Through placing this possible subjectivity or bias in the personal sphere, the IND constructs a position of impartiality, objectivity and innocence. This wording implies that the organisation is not responsible for the

⁹ Translated from: “Als uitgangspunt geldt dat je je tijdens het gehoor onbevangen opstelt en zo veel mogelijk voorkomt dat je (onbewust) redeneert vanuit een persoonlijk, vaak westers, referentiekader” (IND 2018, 2).

biases that these frames of reference might bring along. The IND sees the Western frame of reference as personal rather than institutional, while the Dutch government is shaped by and has shaped Western thinking and meaning making in a significant way. So, Western notions and norms are actually the core foundations of the Dutch government and are not at all only present in their employees' personal thinking, but also in the IND as an institution.

Another way in which the IND constructs its own position as objective is through the way they handle third party statements about the person's sexuality or gender identity. In the report 'Krassen op Je Ziel' ('Scratches on Your Soul', 2018), LGBT Asylum Support states that statements from third parties (like partners, interest organisations or friends) are not taken into account and often even rejected by the IND (LGBT Asylum Support 2018, 36)¹⁰. In the work instructions, the IND explicitly mentions that they look at the objectivity of the third party statement. It states that:

The IND looks at the objectivity of the third party statement. For example, a statement from a third party that does not have any interest in a (positive) outcome of the asylum application can be weighed more heavily than a statement from a third party that does have an interest in this. (IND 2018, 6)¹¹

Having a position of disinterested objectivity seems to be the way of relating and knowledge production that is desirable in this process. Having an interest or a bias is seen as a negative thing and even invalidates the statement¹². However, in relation to these third party statements, they do not acknowledge that every actor, even every IND employee, is biased and in some

¹⁰ LGBT Asylum Support argues that it is important that they are taken into account in the final judgment, as they can contribute important information that has a different format and vision than the IND interview (2018, 36).

¹¹ Translated from: "De IND kijkt ook naar de objectiviteit van de derdenverklaring. Er kan bijvoorbeeld meer gewicht toekomen aan de verklaring van een derde die zelf geen belang heeft bij een (positieve) uitkomst van de asielaanvraag, dan aan een verklaring van een derde die daar wel een belang bij heeft" (IND 2018, 6).

¹² It is interesting that the IND seems to only dislike the interestedness when it is in favour of the person seeking asylum. These work instructions seem to imply that the IND would not mind (as much) if a third party has an interest in a negative outcome.

way interested in a certain outcome. This shows how the IND assumes its own objectivity while viewing the third party statements as biased and subjective.

In *White Innocence*, Wekker explains Edward Said's concept of 'the cultural archive' which foregrounds "the centrality of imperialism to Western culture. The cultural archive has influenced historical cultural configurations and current dominant and cherished self-representations and culture" (Wekker 2016, 2). It resides as memories

in the heads and hearts of people in the metropole, but its content is also silently cemented in policies, in organizational rules, in popular and sexual cultures, and in commonsense everyday knowledge, and all of this is based on four hundred years of imperial rule. (Wekker 2016, 19)

Thinking in line with Wekker, these racial grammars in the cultural archive that have been constructed by centuries of colonialism also permeate policies and laws, and thus the governmental organisation. Knowing that most people that seek LGBT asylum are black and Muslim people, and that the IND is an organisation based on the legacy of several centuries of imperialism (Wekker 2016, 19), dominant notions about race and the Other almost inevitably influence the IND employees' perception and judgment of the person seeking asylum.

Through the ideology of objectivity that is present in these work instructions, a dichotomy is created between the subjective, biased LGBT asylum seeker and the disinterested, objective IND. Because of the value placed on objectivity in dominant Western knowledge production, the IND will be interpreted as more legitimate and rational, while the person seeking asylum is seen as subjective and thus inferior. This is a process of othering, in which the position of the person seeking asylum (the Other) is questioned and deemed biased and subjective, while the IND's position (the Self) remains unquestioned in practice, and thus implicitly receives an air of neutrality, 'normality', objectivity and – because of the ideology of objectivity as the foundation of Western thought and meaning making – superiority. Because the IND allocates the responsibility to the person seeking asylum and because the IND does not have to acknowledge their own situated, non-objective position in this racial structure that influences the perception and judgment of the people going through the LGBT asylum process, it creates position of innocence for itself. I have now shown how the IND mediates power through the ideology of objectivity that is present in their work instructions through which the IND creates a position of innocence. In the next section I will continue to explain how a process of othering, creates a position of innocence, which in turn facilitates a homonationalist dynamic.

Subalternity & Homonationalism

As I have shown, the IND constructs a position of innocence for themselves while they have a significant amount of power. This power is largely unacknowledged and even concealed by not actually being transparent about the interview and judgment process, and by putting a lot of the responsibility for being able to give a proper account onto the person that is seeking asylum. The ideology of objectivity that is at the core of the work instructions is partly responsible for constructing this innocent position. I will now move on and show how this ideology of objectivity and position of innocence lead me to interpret the IND work instructions and the LGBT asylum process in general as part of a Dutch homonationalist power dynamic. While doing this, I will discuss the ways in which this innocence and homonationalism cause the position of the person seeking asylum to become a Subaltern position.

As I have explained previously, being able to seek asylum in the Netherlands based on sexuality or gender identity fits nicely into the Dutch Self-representation of tolerance, acceptance and safety for LGBT people. In this Self-representation, the Netherlands constructs itself as modern and progressive, while this whole asylum structure is based on an Other that is constructed as unsafe for LGBT people, thus as being backwards. In this process, I identify two Others. One Other is comprised by the countries where the people seeking asylum are from. These countries, as well as the people living in them and their values, are seen as backwards based on their treatment of LGBT people. Given that the people seeking asylum often come from Islamic (as well as Eastern European) backgrounds and/or are people of colour and have this notion of inherent backwardness connected to them, the Other that is comprised by these countries is racialised and Orientalised. In this situation, the acceptance of LGBT people has become intertwined with islamophobia and racism (Wekker 2016, 159). Wekker argues that Dutch homonationalism “forcefully foregrounds the acceptance of homosexuality as the litmus test for modernity, while rejecting Islam” (Wekker 2016, 28). So, LGBT acceptance is equated with modernity, morality and innocence, which makes it possible for the West to construct this Manichean division between the morally superior Western Self and the backwards Islamic or Black Other. As I discussed in the theoretical framework, this is what happens in a homonationalist dynamic (Puar 2017, 4).

The second Other that is constructed in the LGBT asylum process, is that of the person seeking asylum on the basis of sexuality or gender identity. As Puar argues in *Terrorist Assemblages* (2017), the (temporary) inclusion of certain hetero- and homosexual people into a nationalist imaginary goes hand in hand with the exclusion of racialised, non-normative sexual

Others (Puar 2017, 2). I argue that this exclusion of racialised, non-normative sexual Others is also present in the LGBT asylum procedure as a result of the homonationalist dynamic. In the work instructions, the IND states that ‘it is important to get the authentic, individual story out in the open’ (IND 2018, 4)¹³. Through expecting an account based on dominant Western ideologies of consistency, authenticity and objectivity (IND 2018, 2), the IND excludes accounts that do not fit this Western framework. Because of these Western norms of knowledge production and thinking through which this process functions, there is a specific account or narrative that fits this frame of reference. Since the person seeking asylum must present their lived experience through certain themes chosen by the IND, through what the person thinks is relevant according to the IND, through the (unwritten) rules that Western thinking imposes and are desired by the IND and are interpreted by an IND employee, a situation is created where the person seeking asylum cannot speak (or be heard) properly. So, the power structure and ideologies present in the IND work instructions construct the position of the person seeking asylum on the basis of sexuality or gender identity as a Subaltern position. This is not to say that the person seeking asylum has no power at all; they can still negotiate this interview in different ways¹⁴. Rather, my goal has been to show how the IND work instructions and the LGBT asylum procedure in general construct the conditions of Subalternity¹⁵. The creation of a Subaltern position from which the person seeking asylum cannot properly be heard (by either the people in their home country that do not accept them as they are, or the IND that has expectations and ideologies that their account must meet) - or rather cannot speak as Spivak calls it (Spivak 1994) - shows us the ways in which homonationalism excludes certain racialised and non-normative sexualities in their national imaginary.

¹³ Translated from: “Het is belangrijk om het authentieke, individuele verhaal in het gehoor boven tafel te krijgen” (IND 2018, 4).

¹⁴ For example, the person can do this by giving the IND employees exactly what they think the IND wants, etc.

¹⁵ I recognise that my work could also possibly contribute to the creation of a Subaltern position, as I interpret the people seeking asylum their position through my own perspective and position as a white, Dutch woman.

Conclusion

Throughout this thesis I have analysed how the IND work instructions (as a part of the LGBT asylum structure) enact a homonationalist power dynamic. I have analysed this through conducting a discourse analysis of the IND work instructions. This methodology has allowed me to recognise the ideology of objectivity that is present in the way that the IND deals with third party statements and implies that it is possible for the IND employees to leave behind their “personal, often Western frame of reference” (IND 2018, 2). I have shown that this ideology of objectivity strengthens the Self-representation of the West as innocent. The process of othering that works through the ideology of objectivity and the construction of a position of white innocence creates the conditions for the creation of a position of Subalternity. This means that in the current state of the LGBT asylum procedure the person seeking asylum (the Subaltern) cannot speak or be heard, as their account must comply with this ideology of objectivity. As such, the desire for innocence and objectivity in the work instructions create certain exclusions for accounts that do not fit into this idea of an authentic, coherent and personal account that the IND searches for (IND 2018, 2 & 4). Next to creating a Subaltern position, the desire for objectivity and innocence are also part of a process of othering in which a binary opposition is constructed between the objective, innocent, progressive and accepting Self (West) and the subjective, backwards, oppressive Other. This can be seen as a homonationalist dynamic, as certain normative homosexual or transgender bodies (that fit into this idea of authenticity and objectivity) are temporarily accepted into the nationalist imaginary to emphasize the superiority of the white, Western Self. As such, the IND work instructions that enforce a homonationalist discourse are harmful, not only in that they exclude a significant amount of people from obtaining a Dutch residence permit, but also in that they support and create a discourse of white, Western supremacy.

I greatly encourage other scholars to enrich the body knowledge that has already been created about the topic of LGBT asylum in the Netherlands. I propose that they do this by interviewing the people that have gone or are going through the LGBT asylum procedure about their experience of this process. In light of my research it would be especially interesting to research if they have a notion of what the IND might expect or want to hear from them in the interview, and how they might negotiate power dynamics by constructing their account to fit the IND’s expectations. Next to this, I encourage researchers to interview people going through the LGBT asylum procedure about how they experience the representation of the Netherlands as an accepting and safe country for LGBT people. This type of research could complicate the

binary opposition between the accepting Self and the oppressive Other that is formed by homonationalism.

Throughout this thesis I have tried to show that even though the IND constructs a position of innocence in the work instructions, the structure of the LGBT asylum procedure as part of a Dutch homonationalist dynamic is not innocent at all. It does give many people relatively more safety to be themselves. However, with this thesis I want to show that even though this structure of LGBT asylum helps many people, it is a structure that is complicit in the exclusion of certain queer bodies that do not fit this white, Western way of knowledge production. As Hall argues, discourse is not innocent, but creates knowledge and informs practice (Hall 1992, 202). This means that the discourse that supports the hierarchical, binary opposition between the acceptance of LGBT people by the West and the Other, will allow the West continue to inferiorise and racialise the Other.

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